

Know Your Rights

Transportation



A project of the Legal Information Society of Nova Scotia (LISNS) in partnership with the Canadian National Institute for the Blind (CNIB) Foundation

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Transportation

My legal rights

Under Nova Scotia laws, people with disabilities have important legal rights when it comes to transportation. Whether travel is for work, medical appointments or to enjoy activities with friends and family, everyone in Nova Scotia has the following rights:

- The right to have an equal level of access as anyone else to public transportation services, without discrimination because of a disability.
- The right to receive accommodations for a 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

Physical disabilities, including blindness, are protected under the Nova Scotia **Human Rights Act**. Consequently, transportation providers have a legal duty to accommodate individuals with needs related to their disability. In other words, transportation providers must provide you with the support you need to receive an equal level of access to the transportation service as anyone else. Accommodations come in many forms and may include changes to rules, policies, or practices to accommodate people with disabilities so that they can access the service.

The duty to accommodate, however, has a limit. This limit is called undue hardship. This means that if a certain type of accommodation proves to be extremely difficult for the transportation provider to provide, they may not have to provide it.

There is no set formula for determining what constitutes undue hardship, and it is assessed on a case-by-case basis. Factors that are considered when determining whether the accommodation would result in an undue hardship include:

- Employee and customer safety;
- Financial cost;
- Disruption of services to the public; and
- Size of the employer's operation.

In many cases, a person with sight loss may be accommodated easily, for example, by announcing upcoming stops or assisting an individual with locating a seat.

Where do my legal rights come from?

Your legal rights relating to transportation in Nova Scotia come from a variety of different laws, including:

- The Nova Scotia **Human Rights Act** prohibits discrimination in most areas of public life, including transportation services.
- The **Canadian Human Rights Act** 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**, governs federally regulated transportation providers and outline some accommodations that people are entitled to when accessing a federally regulated form of transportation.
The **Accessibility Act** requires the prevention and removal of barriers that people with disabilities may experience while using public transportation and transportation infrastructure, among other factors.
- The **Blind Persons' Rights Act** authorizes police to lay charges in circumstances where people are denied access to services or facilities because they are accompanied by a guide dog. The **Service Dog Act** also protects against discrimination based on the use of a service dog

Who must comply with Nova Scotia's transportation laws?

People, businesses, other organizations and government officials are required to comply with Nova Scotia transportation laws. This includes:

- All public and private transportation service providers and their staff
- Businesses and organizations that provide transportation services in Nova Scotia
- Provincially and municipally operated transportation services in Nova Scotia, and federally operated transportation services operating within Nova Scotia borders.

What can I do to enforce my legal rights?

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, it is often best to start by reaching out to the transportation service provider directly involved in collaboratively, to resolve your concerns.

Getting accommodation: where to start?

The following strategies provide a good general starting point for addressing concerns related to the need for accommodation from a transportation service provider:

1. Explain that you will require an accommodation to access the service;
2. Provide specific information that is directly relevant to your needs, restrictions or limitations;
3. Participate in discussions about possible accommodation solutions; and
4. Keep in mind that you may not get exactly what you want, but be open to reasonable accommodations.

If your concerns cannot be addressed through collaborative discussions, consider contacting a human rights lawyer to discuss your legal options.

Summary of transportation services regulated by each level of government

It's important to keep in mind that your legal options may depend upon which level of government has authority over the type of transportation service you are concerned about.

The regulation of transport services in Canada is divided among the federal, provincial, and municipal levels of government. Generally, the federal government is responsible for international and inter-provincial transportation, including air, rail, marine, and inter-provincial highways, whereas the provincial and municipal governments are responsible for intra-provincial transportation, including provincial highways, buses, taxis, Transportation Network Companies (e.g., Uber and Lyft), and subway systems.

Options that may be available to you

- A complaint to the [Nova Scotia Human Rights Commission](#). You can [contact](#) the Nova Scotia Human Rights Commission or visit its [Complaint Self-Assessment](#) page to get a sense of whether or not your experience falls within the purview of the [Human Rights Act](#). If your issue falls within the purview of the Human Rights Act, commission staff can help you file a complaint. Generally, you must make a complaint within twelve months of the incident. See the Human Rights Guide for more information.
- A complaint to the [Canadian Human Rights Commission](#) or the [Canadian Transportation Agency](#) (for federally regulated transportation service providers)
- A complaint to municipal by-law enforcement (if a municipality licences the transportation service provider, e.g. taxi vehicles).
- If you are refused service or access to a public place because you are accompanied by a guide dog, you can call your local non-emergency police line. Police have the authority to investigate and lay charges under the [Blind Persons' Rights Act](#).

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 suggest practical next steps. Keep in mind that, in most situations, you should first try to resolve your concerns by speaking with the people directly involved collaboratively.

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 transportation service providers have a designated person responsible for accessibility who can assist you. For example, in the Halifax Regional Municipality, you may call 311 or 1-800-835-6428 to make an inquiry or complaint related to Halifax Transit.

If this does not help, you can gradually escalate your complaint to higher levels of management or to an official complaint process. For example, when travelling with VIA Rail, you may use their online [Accessibility Complaint form](#) to voice your concerns.

If your concerns remain unresolved, consider consulting with a human rights lawyer about your options. To learn more about the options that may be available to you, visit the section of this handbook, titled [What can I do to enforce my legal rights?](#)

Q: A bus 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: To get immediate assistance when onboard, approach the driver, or any staff person, 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 can help you by:

- Guiding you to a seat;
- Loading or unloading bags;
- Announcing stops; or,
- Advising you of any hazards or safety issues when exiting the vehicle.

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

If this does not help, you can gradually escalate your complaint – for example, to the municipality that is responsible for operating the bus.

If your concerns remain unresolved, consider consulting with a human rights lawyer about your options. To learn more about the options that may be available to you, visit the section of this handbook, titled [What can I do to enforce my legal rights?](#)

A note about Halifax Transit

Halifax Transit vehicles are required to make audio and visual stop announcements at each stop. This is done to assist transit users who have hearing loss or sight loss. If you find that you have difficulty relying on these signals due to technological inconsistencies, low volume, or any other reason, you can share your concerns by calling 311. You can also call 311 to express concerns about the behaviour of a Halifax Transit employee.

A note about accessible transportation in Nova Scotia

In Nova Scotia, there are a few alternative options to regular transportation services, which provide more accessible means of public transportation. These services vary by municipality and include:

Halifax Regional Municipality

- **Access-a-Bus** – provides door-to-door, shared ride services for people who are unable to use the conventional transit system due to physical or cognitive disabilities. If you are experiencing sight loss, you may be eligible to register for this service.
- **Accessible Taxis** – there are several accessible taxis available in the Halifax Regional Municipality, which can drive further distances to pick up passengers and are trained to spend more time providing assistance to passengers, where needed.

Communities outside the Halifax Regional Municipality

- The **Rural Transportation Association** is a province-wide body that provides information and a network of community-based door-to-door accessible ride providers.
- **Cape Breton Regional Municipality Handi-Trans Service** is a specialized transit service for registered clients, who are unable to use the conventional transit system.
- Other independent services – for example, transportation services through the **Community Transportation Network**.

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 are legally required to transport guide dog handlers and their guide dogs. If you are 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.

Second, consider reporting the matter to the police, who have the authority to investigate and lay charges under the [Blind Persons' Rights Act](#).

Third, consider consulting with a human rights lawyer about your options. To learn more about the options that may be available to you, visit the section of this handbook, titled [What can I do to enforce my legal rights?](#)

Finally, you can also reach out to [CNIB's Guide Dog Program](#), which can assist guide dog handlers with advocating for themselves and understanding their rights when using transportation services.

When *can* I be denied access to a taxi, Uber or Lyft because I have a guide dog?

A driver 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 that 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. In many cases, drivers will have notes on file which confirm their serious medical condition or genuinely held religious beliefs.

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.

A note about complaints and policies when it comes to taxi companies and ride share options

Ride share options are a popular alternative to Taxi companies outside of Nova Scotia. At the time of publishing, Uber is currently the only option in Nova Scotia and is only found in the Halifax Regional Municipality.

Taxi companies

When it comes to 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.

If the taxi company is licenced by your city (e.g., the Halifax Regional Municipality), you can contact Licensing Enforcement and file a complaint with a by-law officer. [Halifax Regional Municipality By-law number T-1000](#) states: "A driver must not refuse to transport a disabled person or a service animal unless the refusal is justified by physical limitations or disabilities of the driver, and the driver has provided a medical report to the Licensing Authority that supports his or her claim of physical limitations or disabilities".

Uber

Uber publishes its [Non-Discrimination Policy](#) and [Service Animal Policy](#) online. If you experience any issues related to your guide dog (including a driver denying you access), you can report the issue to Uber directly through their [online reporting process](#).

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

Certain technological wayfinding tools may be useful in helping you navigate through public spaces, including transit stations and terminals. These include:

- [Blind Square](#) – 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 regarding 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 reading instructions or navigating new surroundings.

You may also find it useful to check if the transportation provider has any online resources or guides for using their services. For example, in Halifax, the **How to Ride Transit Guide** provides a collection of guides and videos in multiple languages with information about how to access schedules, plan a trip on buses or ferries, and use Halifax Transit safely.

If none of these resources 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 rarely, 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. To learn more about the options that may be available to you, visit the section of this handbook, titled **What can I do to enforce my legal rights?**

Information for transportation service providers

Under Nova Scotia's [Human Rights Act](#), people with sight loss have important legal rights when it comes to accessing transportation services. This includes the right to have an equal level of access to transportation services as anyone else. This also includes the right to receive reasonable accommodations from transportation service providers, up to the point of undue hardship.

Short-term solutions

Short-term solutions to accessibility issues can often be achieved through actions taken by employees, such as drivers, security personnel, or ticket collectors to provide accommodation. Employees must be aware of and recognize their duty to accommodate to the point of undue hardship, and, where necessary, take steps to provide instant accommodation for people with disabilities, even if it means performing a task outside of their regular duties.

This may be as easy as having staff on hand to help someone navigate through a terminal or ensuring a bus driver is able and willing to identify stops and provide other information to passengers who require this assistance to comfortably use your service. If all staff are made keenly aware of the importance of this obligation and go out of their way to provide accommodation daily where needed, this can go a long way for persons experiencing sight loss when using public transportation services.

Long-term accommodation strategies

If there is an accessibility issue with your service that cannot be easily remedied, your company may likely be required to adopt a more long-term strategy to meet your duty to accommodate and reliably assist passengers who are experiencing sight loss.

There are many resources that can help to develop such an approach.

- [Access Forward](#) provides free, online training modules covering the requirements for public transportation providers in Ontario to increase accessibility. While the legal obligations may differ slightly in Nova Scotia, the planning and design strategies can be applied to communities across the country as a basic starting point.

- The **Accessible Transportation Planning and Reporting Regulations** (which is a Regulation under the **Accessible Canada Act**) sets out important details regarding the preparation of accessibility plans and feedback processes for transportation providers. These regulations apply to transportation service providers in the federal transportation network, but they also provide a useful model for provincial, municipal, and community service providers to draw upon when considering accommodation and accessibility. You might consider reflecting on these regulations, especially if your company or organization does not have a well-developed accessibility plan or feedback process.
- In terms of tech accessibility, many people who use your transportation services may rely on your website to access important information about fares, schedules, and booking processes. It is important to design a website or any technological resources you provide to the public, in a way that is accessible for people experiencing sight loss. The following resources may prove useful for this:
 - The Ontario Government's webpage, titled **Making government services accessible**; and
 - **W3C Accessibility**
- If you rely on a mobile application to provide your transportation service, it is useful to ensure it is designed with accessibility features in mind that will allow persons experiencing sight loss to use your app comfortably.