



March 25, 2019

## Feedback on Canada Gazette, Part I, Volume 153, Number 10: Accessible Transportation for Persons with Disabilities Regulations

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Communication Disabilities Access Canada (CDAC) is a national, non-profit organization with charitable status. CDAC promotes accessibility, inclusion and social justice for people of all ages who have speech, language and communication disabilities and who may or may not use ways other than speech to communicate. CDAC is currently providing input to the federal government on Bill C 81 and was instrumental in having the bill amended to include communication as priority area of accessibility. For information about CDAC, please go our website at <http://www.cdacanada.com/>

Over 450,000 Canadians have disabilities that affect communication, that are not caused by Deafness or significant hearing loss. People who have speech, language and communication needs may have life-long disabilities, such as cerebral palsy, autism spectrum disorder, Down syndrome, learning disability, or cognitive disability. Other people may have acquired disabilities, such as traumatic brain injury, aphasia after a stroke, dementia, Amyotrophic Lateral Sclerosis (or ALS), Parkinson's disease, and Multiple Sclerosis. Having a communication disability can affect one or more areas of a person's ability to speak, understand what others are saying, read and / or write.

For the purpose of this review, we define communication access as ***as a two-way process of expression and comprehension between two or more people either in person, over the telephone or via written communication.*** With this lens on communication, it is our opinion that the draft regulations fail to adequately address the accessibility requirements of people who have speech, language and communication disabilities.

The draft focuses almost exclusively on making information accessible **to** people with disabilities (comprehension) and does not adequately address what transportation service providers need to do when receiving information **from** people with disabilities that affect their communication (expression).

Communication access is essential in all service contexts. It is as important as physical access and the provision of information to people.

Our recommendations about communication access are pertinent to all sections of the document.

### 1. Definition of communication

The document currently focuses on accessible websites, automated self-service kiosks for processes such as check-in and border clearance; alternate formats, signage and plain language. While these

are important, we recommend using the broader and more inclusive description of communication *as a two-way process of expression and comprehension between two or more people either in person, over the telephone or via written communication*. By including “expressive communication”, this definition highlights the need to consider accessibility accommodations and supports for people who have little or no speech and who use augmentative and alternative communication methods such as picture, symbol and letter boards, speech generating devices as well as ASL/LSQ interpreting, captioning, informal and formal communication assistance.

2. Use appropriate terminology. Please use the term people who have speech, language and communication disabilities or people who have disabilities that affect communication. Avoid using the medical term “impairment”
3. Use the list of disabilities in Bill C -81 throughout the draft regulations. In some places it is included and it is missing in other sections.

4. # 7 Communication (suggested change in wording in bold)

The proposed Regulations would require all Canadian transportation service providers to ensure the following are accessible to all persons with **physical and mobility disabilities, persons who are deaf, deafened and hard of hearing, and persons who are blind or have reduced vision and people who have speech, language and communication disabilities** (suggest using the inclusive list in Bill C 81)

- Announcements and **two-way interactions with the public**

5. Communication (suggested change in wording in bold)

If a member of personnel communicates directly with passengers in the course of carrying out their functions, a transportation service provider must ensure that **there is effective two-way communication**. This means:

- communicating with a person in a manner that takes into the nature of their disability
- **providing verbal and written information in ways the person can access and understand**
- using strategies that facilitate a person’s communication if they have unclear speech or if they communicate using **writing, picture, symbol and letter boards, speech-generating devices and human services such as ASL/LSQ interpreting, CART, informal and formal communication assistance**.

Note: Most people equate augmentative and alternative communication with technology, yet many people use other ways to communicate. Include a statement that acknowledges that **people have a right to communicate using their preferred communication method(s) which includes speech, writing, picture, symbol and letter boards, speech-generating devices and human services such as ASL/LSQ interpreting, CART, informal and formal communication assistance**.

Plain language is an example of a way to provide accessible spoken and written communication.

6. Communication of Information **to** Persons with Disabilities

If a transportation service provider makes available to the public information about any transportation-related service or facility, the transportation service provider must ensure that

- **(a)** if the information is in an electronic format, the format is compatible with adaptive technology that is intended to assist persons with disabilities;
- **(b)** if the information is in a paper format, it is made available, on request, in large print, Braille or electronic format and **plain language**
- **(c)** if the information is in an audio format, it is made available, on request, in a visual format; and
- **(d)** if the information is in a visual format, it is made available, on request, in an audio format.
- **If the information is verbal, the service provider will check for comprehension and use strategies to ensure the person understands**

## 7. Training

Throughout the regulations, training for front line staff is required in the following areas:

- **Face-to-face and telephone services.** Training is required for all service providers who interact with the public in direct and telephone services, so that they have the knowledge and skills to interact with people who have disabilities that affect their communication and who communicate in ways other than speech. Transportation service providers do NOT need to know about the devices people use to communicate or how to use them. People who use these devices know how to operate them. Transportation service providers must know how to interact with a person who has unclear speech, or who uses a picture, letter board, a speech generating device or a communication assistant. They need to know how to provide simple communication tools if a person does not have a way to communicate. They need to know what to do if the person does not understand what they are saying or what to do if they do not understand what the person is communicating.
- **Reading and writing.** Transportation service providers need information and resources to provide documents in plain language and alternate formats. They need to know how to make websites and social media accessible. They also need to know how to make forms accessible and how to negotiate alternative signatures.
- **Environmental accommodations.** Transportation service providers need guidelines on creating accessible signage, counter spaces, and elevators.
- **Safety policies.** Transportation service providers need to know how to stow away and set up communication devices on a person's wheelchair and how to address communication in emergency evacuation situations.

## Guidelines

Hopefully there will be good guidelines to support all of the regulations. We have a generic webinar on communication access at <https://courses.cdacanada.com/>. We would be pleased to discuss ways it can be used by CTA. Our written guidelines on communication access, are available at <http://www.communication-access.org/wp-content/uploads/2018/12/Guidelines-for-Communication-Access-1.pdf>

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## Best Practices on CTA's website

The current best practices on the CTA website includes some good suggestions for communication with customers who have communication disabilities. However, bullet # 7 is not appropriate: *Consider writing, using a computer, tablet, or cell phone as an alternative means of communicating if you are having difficulty understanding the customer, but first ask the customer if this is acceptable.* We recommend using the tips on our website at <http://www.communication-access.org/make-your-service-accessible/communication-tips/>

We recommend that CTA include CDAC on its advisory committee in order to ensure the accessibility needs of people with communication disabilities are accurately represented.

We believe that our recommendations will make Canadian Accessible Transportation regulations more inclusive not only for people with speech, language and communication disabilities, but also for seniors and people who have vulnerable communication due to the ageing process, reduced literacy and those who speak English and French as a second language.

We hope our feedback is helpful.

Yours sincerely,



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