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Resources, Skills Development, Social
Development and the Status of Persons with
Disabilities**

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Wednesday, May 4, 2005

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Chair

Mr. Ken Boshcoff

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• (1535)

[English]

The Chair (Mr. Ken Boshcoff (Thunder Bay—Rainy River, Lib.)): I apologize for being late.

Welcome, Helena, to the committee.

We call this meeting to order and welcome our witnesses here from the Department of Transport.

So if you'd like, please begin your presentation.

Ms. Arlene Turner (Director General, International and Intergovernmental Relations, Department of Transport): Good afternoon.

My name is Arlene Turner and I'm the director general of international and intergovernmental relations at Transport Canada. One of my responsibilities is policy analysis and advice on accessible transportation in the federal system. In this regard, the passenger modes of transport under federal jurisdiction include air, marine, rail, and intercity busing.

[Translation]

My associates who are here with me today will be able to answer any questions you may have about emergency evacuation procedures for persons with disabilities who are passengers on various modes of transportation, including VIA Rail Renaissance rail cars.

I think it would be useful to start with a brief description of the different components of accessible transportation which come under the responsibility of Transport Canada and of the Canadian Transportation Agency.

[English]

Transport Canada is responsible for policy leadership to improve accessibility and contribute to the removal of undue obstacles from the federal transportation system. This policy leadership takes many forms. For example, we conduct facilitation and liaison between the travelling public, government, and the transportation industry. Recent examples of this include a partnership with the Canadian Air Transport Security Authority to develop disability awareness training for airport security screeners and a workshop to identify issues faced by people travelling with service animals.

We are active in policy research and conduct scientific research through our Transportation Development Centre in Montreal.

Collaboration and cooperation with other federal departments, provinces, and other countries are also fundamental to our efforts in advancing accessibility.

Our horizontal collaboration with other federal departments includes participation in the Interdepartmental Disability Forum just chaired by Social Development Canada; the Disability Knowledge Development Working Group of that forum; Persons with Disabilities Online, which is chaired by Human Resources and Skills Development Canada, with which we developed our Access to Travel website; the Federal Interdepartmental Social Development Issues Cluster Group for the 2010 Vancouver Olympics and Paralympic Winter Games; and the Advisory Committee on Assistive Devices, chaired by Industry Canada.

We also undertake regular consultation with seniors and persons with disabilities and the transportation industry through our Advisory Committee on Accessible Transportation.

I should mention also that in June 2007 Transport Canada will host the 11th International Conference on Mobility and Transport for Elderly and Disabled People, which will be held in Montreal. This is referred to as TRANSED, so it'll be TRANSED 2007 in Montreal. International experts will exchange ideas and innovative technological solutions for the transportation needs of an aging population and persons with disabilities.

While Transport Canada is responsible for policy leadership, the Canadian Transportation Agency is responsible for removing undue obstacles to the mobility of persons with disabilities from the federal transportation system. The agency removes undue obstacles on a case-by-case basis by resolving individual complaints and on a systemic basis by developing regulations, codes of practice, and standards concerning accessibility.

My colleagues from the agency will follow at 4:30 this afternoon, we understand, and I'm sure they will provide a more fulsome description of their activities at that time.

This concludes my opening remarks, and we would now be pleased to address any questions you may have.

Thank you. Merci.

The Chair: The traditional method here is that the Conservative member has first dibs.

Ms. Helena Guergis (Simcoe—Grey, CPC): Yes, and usually that is the case on the committees I sit on as well, but unfortunately I don't believe I really have enough information to be able to start asking questions right off the top and be really fair about this.

The Chair: No problem.

[Translation]

Go ahead, Mr. Vincent.

Mr. Robert Vincent (Shefford, BQ): I see here in the Library of Parliament briefing notes that the Advisory Committee on Accessible Transportation meets twice a year to advise the Minister of Transport on ways of improving the accessibility of the federal transportation system. Is the Advisory Committee in fact still meeting?

[English]

Ms. Arlene Turner: The last meeting of the Advisory Committee on Accessible Transportation was held in November 2004, and what you say is true, the group meets twice a year. We're right now looking at modernizing the accessibility committee, and those decisions will be taken shortly.

What we're looking at for modernization is to improve the functioning of the committee by employing some of the standards that have been adopted by the voluntary sector and the federal government under the voluntary sector accord, which was signed several years ago.

[Translation]

Mr. Robert Vincent: Can you tell me why the Council of Canadians with Disabilities withdrew from this committee?

[English]

Ms. Arlene Turner: It's my understanding that the CCD has decided to withdraw but not to resign from the committee. We have a letter to that effect. What they are doing is saying they would like to see more regulation of the federal transportation system, and in the absence of that will remain withdrawn from the committee. This was brought up with Minister Lapierre at the last meeting of the committee, which took place in November 2004. He's received several letters since, and we are taking all of this into account in looking at what we're doing as we go forward.

[Translation]

Mr. Robert Vincent: Following passage of the Canadian Transportation Act in 1996, Transport Canada began to favour a cooperative approach rather than a regulatory approach. Do you feel that a voluntary code of practice is a more effective approach than regulations, if progress is to be achieved in this area?

• (1540)

[English]

Ms. Arlene Turner: At the present time we are looking at models in various countries, including the United States, where it's a more regulated environment. We would defer to the representatives from the Canadian Transportation Agency to explain in more detail how they feel voluntary codes are functioning.

We are undertaking research by looking at different models, including the United States and a number of European countries, which have differing models. What we want to do is have a look at

how other countries are proceeding with respect to accessible transport, with a view to making recommendations in the future once we feel we have a good information base. We're also going to try to assess the relative effectiveness of the initiatives that are being undertaken by other countries or the regulatory regimes other countries have in place.

I should mention that we are an active participant in a group called the European Conference of Ministers of Transport, which is an organization that's affiliated with the Organisation for Economic Co-operation and Development in Paris. While it has "European" in the title, in fact it has associate members from other parts of the world, including Canada, the United States, Australia, Korea, and Mexico.

We do have a very good dialogue through that organization in terms of meeting with experts, developing contacts, and talking to them about their experiences and about how the evaluation of the regimes they have in their country is playing out. In the United States context, for example, we understand there are enforcement issues, and we're finding out how they are being dealt with.

So yes, there may be a regulatory regime, but there are also issues with respect to enforcement. We understand a number of changes have had to be made over the last few years.

We want to learn from others.

[Translation]

Mr. Robert Vincent: I don't believe I can ask a more relevant question than that. It's a fact that voluntary codes of practice are applied. If your organization decided to implement measures for persons with disabilities, but compliance was voluntary, not mandatory, do you believe people would voluntarily do what you're asking of them?

[English]

Ms. Arlene Turner: Are you speaking about the industry, about the various modes of transport?

[Translation]

Mr. Robert Vincent: I'm talking about the transportation industry in general.

[English]

Ms. Arlene Turner: Through the Advisory Committee on Accessible Transportation we have industry participation; they are there to hear the concerns of the consumer groups.

We also in the past have set up specific committees to deal with specific issues, which have had to be put aside because of complaints that have been made to the Canadian Transportation Agency. There are some issues we've tried to advance and will take up again when we can, but as long as an issue is in front of the Canadian Transportation Agency, it's very hard for us to talk to the industry about advancing those files.

[Translation]

Mr. Robert Vincent: Allow me to make a comparison and then I think you'll understand my point.

If paying taxes was optional, would you pay? The same question applies to the issue at hand. If people are given the option of doing something, will they feel obligated to do it? If regulations or legislation dictate that people must pay their taxes, then they will do so. If they are under no obligation to pay, then not many Canadians will. I'm not so sure the transportation industry will implement your recommendations if compliance is not made mandatory.

If we want to advance the cause of persons with disabilities, we need regulations, not a voluntary code of practice.

[English]

Ms. Arlene Turner: As I mentioned, we're looking at the various models that various countries have adopted, and we're looking at their assessments of how well they're doing with their respective regimes. I think it's fair to say that industry is responsive; they operate in a competitive environment, but they do try to be responsive.

I think going forward we have to make sure we have the facts we need to ensure that whatever system we would adopt in Canada, if it were to differ, would in fact achieve the desired results. One of the things we're not sure of is how well the results are being delivered in the other countries that have the other types of regimes. That's part of our research.

•(1545)

[Translation]

The Chair: Thank you, Mr. Vincent.

Go ahead, Ms. Dhalla.

[English]

Ms. Ruby Dhalla (Brampton—Springdale, Lib.): Thank you very much to everyone for coming today.

There are a number of constituents who have approached me in regard to accessibility, and some of the concerns they have in particular with some of the air carriers. Could you perhaps respond as to where the air carriers are in terms of providing accessibility for people in wheelchairs?

Ms. Arlene Turner: Do you mean the configuration of the planes?

Ms. Ruby Dhalla: Yes.

Ms. Arlene Turner: We understand there are some issues with respect to regional jets. We also understand there's a complaint before the Canadian Transportation Agency with respect to the transportation of a motorized wheelchair. This is an issue that is difficult to discuss because it is before the agency.

Ms. Ruby Dhalla: Could you provide any commentary at all, in your particular capacity, as to where the level of discussions have reached in the department? Are they doing anything to act upon some of those concerns in the interim?

Ms. Arlene Turner: We do know this is an issue. In fact, there was something in The New York Times in the United States this morning about how many routes are using smaller jets because they cannot fill larger jets. So it's a more general issue I think with respect to what's commercially viable, and then within what's commercially viable, how do you accommodate the special needs? I think it's a fair point to say that the smaller jets do pose more challenges, and we are

planning a possible workshop, later this year, to bring in the airlines and equipment providers to discuss what can be done.

Ms. Ruby Dhalla: Is there anything within the Department of Transport right now, in terms of focus groups or consultations? I know that individuals do have a case before the committee right now. Are there any other initiatives that have taken place within the Department of Transport on their own?

Ms. Arlene Turner: Are you talking with respect to safety concerns?

Ms. Ruby Dhalla: Yes.

Ms. Arlene Turner: I'm not aware.

Ms. Ruby Dhalla: Could you perhaps highlight for committee members some of the achievements that have been made in regard to accessible transportation by the policy group under Transport Canada?

Ms. Arlene Turner: We have a number of initiatives, a very long list, in fact. I'm wondering whether you would like me to give you an overview of that or whether you would like me to provide you with a document that would provide a paragraph on each of the things.

Ms. Ruby Dhalla: Could you do both? That would be great.

Ms. Arlene Turner: Okay. It's a long list, but I'm happy to share it.

I'll give you a sampling. We've jointly developed with the Canadian Air Transport Security Authority, commonly known as CATSA—those are the screeners at the airport—a disability awareness training for the screeners.

We have developed and maintained an Access to Travel website, which I mentioned in my opening remarks. I believe we have given the clerk some copies we have of a printing of the screens so that you can get a sense of what the Access to Travel website looks like.

I was just handed some stats when I came into the room today. In the fourth quarter of 2004 we had 3,133 hits a day on our website. In the first quarter of 2005 it's gone up to 5,811. We're not quite double, but that's pretty good.

We hosted a workshop on travel with a service animal in the federal system, which was a very well-received conference.

We developed an intercity bus code of practice and complaint guide. That was back in 1998. I've been in this job two years and I asked whether we had had any complaints since this was initiated. Apparently we haven't had formal complaints. If there have been any issues that have been raised, we've managed to have the complainant and the carrier talk to each other, and there has never been a formal complaint after that. We feel it's working very well.

We developed a program called Way To Go as a training video and trainer-participant materials for small air carriers. That was done in 1995, and we're looking this year at updating it, because a lot of those carriers don't have the resources to do their own training programs.

We've done a study of regional aircraft boarding equipment and practices.

I already mentioned that we've undertaken some preliminary examination of the policy framework for accessible transportation in European countries, and there's a preliminary overview of the Americans With Disabilities Act and its impact on accessible transportation in the United States.

We've looked at in-house development of discussion papers on the accommodation of motorized scooters on intercity buses.

We're looking at the economics of accessible transportation. I guess this gets back to points that have been previously made. We're looking at whether we can make an economic case for accessibility, such that we would be able to say to carriers, this is in your best interest, because if you were to be perhaps more accommodating, for lack of a better term, you might have more ridership.

We did a study on automated dispensing machines and kiosks in the transportation system and on the audibility of public address systems in airports.

This one's a technical one: assessment of g forces for rear-facing wheelchair securement systems in transit buses.

We've looked at in-vehicle intelligent transportation system aids to improve intersection performance.

We've looked at standards for accessible pedestrian crossings.

Then we have a program of proposed work for this year, which as I mentioned would include updating the Way To Go program, which is for small air carriers. We'll continue to develop the Access to Travel website. We will look at doing the airline workshops I mentioned earlier, with the equipment manufacturers, airlines, and disability experts, to talk about the accommodation needs of persons with disabilities in the new aircraft.

We will also be looking at and evaluating the effectiveness of the current policy framework for accessible transportation in Canada.

•(1550)

Ms. Ruby Dhalla: In conjunction with these achievements, do you deal with organizations like the Council of Canadians with Disabilities on a very regular basis?

Ms. Arlene Turner: They're part of the supervisory committee, or had been prior to their withdrawal. They've been members of the minister's advisory committee on accessible transportation.

In addition, we have other mechanisms by which we can consult, such as through the interdepartmental community. One of the things we're looking at doing this year is to implement an e-consultation, using not just face-to-face meetings, because they're expensive to have. We don't want to eliminate face-to-face meetings, of course, but to supplement them so that we can actually have more dialogue. So we're looking at e-consultation tools.

Ms. Ruby Dhalla: Thank you.

The Chair: Thank you very much.

I'll ask you about four different modes of transportation, and we'll go through them one by one with approximately two minutes and 23 seconds each.

Let's go, first of all, to the court decision on VIA, essentially the Renaissance cars. That seems to be a decision that has left both sides undecided; VIA doesn't know whether they have actually met their requirements and the disabled community still contends it falls short of addressing their needs. What is the department's perspective on that decision? How can this be avoided in the future, and what can we do with the existing rail stock?

Ms. Arlene Turner: I have with me today Helena Borges, who is the executive director of rail policy at Transport Canada. She's here to address the Renaissance question.

Ms. Helena Borges (Executive Director, Rail Policy, Department of Transport): First of all, I don't know if you're aware of it, but since the court decision back at the beginning of March, there has been an appeal period for the agency or any other party to file an appeal against the court decision. An appeal was filed earlier this week by the Council of Canadians with Disabilities. They have asked for leave to appeal the court's decision, so we're limited, really, in what we can say about the outcomes of the decision and the going forward until that matter is dealt with by the courts.

•(1555)

The Chair: Well, that makes for a rather short discussion.

Yesterday all across Canada—and I'm not sure, really, of the number of airports, but Ms. Dhalla alluded to it...in terms of the change from the 319-320-321 series of aircraft to the regional jets and other forms of carriers. We're talking about Charlottetown, Quebec City, Thunder Bay, Regina, Saskatoon, and places of that size. All were affected, which means that in a nation such as ours, huge populations and connectivity between what might be determined as the larger centres have now been affected in a very dramatic way. Many thousands of people who may not have been frequent users are now going to be affected somehow. I do not believe most people really understand the impact of that.

Some of the air carriers—we're talking about Air Canada in particular—have indicated the newer forms of the regional jets are accessible. We all know they can essentially be made accessible, but not for all forms of wheelchairs, especially some of the larger types.

We, as people who do not need these, may say the instances are rare, so consequently the vast majority should not have to compensate financially for this. But the goal of this nation, I believe, is that people of disability should not have to suffer the indignity of this. How are we and how is Transport Canada going to deal with a decision, essentially by our national carrier, that's going to affect so many people?

Ms. Arlene Turner: As I mentioned earlier, there is a complaint before the Canadian Transportation Agency now with respect to the carriage of motorized wheelchairs. I also mentioned that later this year we're planning an airline workshop with the equipment manufacturers, the airlines, and disability experts to discuss these issues. That would be our plan at this point. We'll take stock once we have the workshop and once we see what the Canadian Transportation Agency decision is.

The Chair: As a professional, esteemed, and respected public servant, do you think that is going to be strong enough a measure to deal with an airline of such size as Air Canada?

Ms. Arlene Turner: Again, I guess there's a balance of interests. There's the commercial side and there's the need to accommodate. What I'm saying is that the increased use of regional jets is a relatively new phenomenon. It's been on certain routes—Dash 8s, etc.—but it is a relatively new phenomenon.

We feel a dialogue is important, but we're somewhat limited by that because of the complaint. We understand, though, what the concerns are of the travelling public and people with disabilities.

The Chair: Let's use this as an example. When the airports were transferred to airport authorities, one of the things that was required by Transport Canada was that if taxi companies were going to be awarded contracts, the taxi or limousine service would have to have accessible vehicles available. Otherwise, they weren't eligible for the contract. What I'm saying is that if someone wants to provide national-level air service, do you think they should be subject to that type of consideration? I'm wondering why we cannot mandate a greater degree of consideration for people with disabilities.

I will just say that when you see some of the situations where people's special circumstances have to be recognized, where some kind of hoist has to come to move some of these people into aircraft or whatever... To me, the role of this committee is to ensure that those kinds of indignities are not part of the Canadian fabric of life any more. I really need your department to tell me your approach is going to be something vigorous.

• (1600)

Ms. Arlene Turner: As I said, we're aware of the issue. We will certainly bring together the people who are necessary to have in the same room to discuss this issue, and I expect that would happen later, probably by the fall. When the CTA decision is issued, we'll have to look at the circumstances at that time and see what can be done within the existing regime. One would have to carefully weigh and balance all of the interests, recognizing that disabled people and seniors need to be able to move around the country.

The Chair: Let's move to buses. In terms of public transit systems—we'll go to private ones shortly after—when we talk about either federal assistance through some of the new programs that are proposed or current federal assistance for public transportation, do you have any requirement that buses, streetcars, or light rail systems be low-floor and fully accessible?

Ms. Arlene Turner: What we regulate at Transport Canada is intercity bus travel. We don't regulate local transit.

You're asking whether, with the new federal money, there will be some of those stipulations, and I don't know the answer to that question.

The Chair: Then let's talk about people who travel interprovincially or from city to city. I don't know if it has been done or if that's a preferred mode, but nonetheless, in terms of kneeling or low-floor buses or accessibility in general, can you maybe just talk about that for a bit in terms of what we can do, what kind of compliance there is in the industry, and what kind of willingness there is on their part? I understand it is extremely difficult to retrofit them.

Ms. Arlene Turner: If I may, I'll ask Barbara Nelson to respond to this question.

Ms. Barbara Nelson (Chief, Accessible Transportation, Intergovernmental Affairs and Accessibility, Department of Transport): As Arlene Turner mentioned before, we have the intercity bus code of practice and the complaint guide, which Transport Canada monitors, and we work quite actively with the Canadian Bus Association as well.

We do feel there is very good compliance with the code of practice. We have done one monitoring and evaluation project against the code so far; we found good compliance. We also have a very low rate of complaints, which we find to be a very good signal.

We conducted an awareness campaign, an advertising campaign, this year as well to try to raise awareness among the travelling public of the complaint resolution process we have. We did not receive any further complaints, even following that awareness campaign.

We do have one issue on our plate right now with interprovincial busing, and that's the carriage of motorized scooters, which people would like to take with their luggage. What's happening is that some of these scooters are becoming larger and larger, and we're finding the buses are not equipped, with their mechanized lifts, to handle them. Later this year we will be convening a working group of industry and people with disabilities to try to come up with some parameters around the carriage of scooters.

The Chair: Thank you.

My time is done. Ms. Guergis, would you care for a second round?

Ms. Helena Guergis: I'll give it a shot.

I apologize for not being that well briefed. I sit on the citizenship and immigration committee and the new status of women committee, but I am also the Conservative Party's seniors' critic, so I would like a little bit more information on what your responsibilities are for our elderly.

I come from a riding in Simcoe—Grey where we don't have any buses and things like that, so we do often get the seniors in the community looking for something to help them and their transportation needs. If you have any authority in that area at all, please feel free to let me know.

You mentioned that there is a conference coming up at some point. I wouldn't mind, again, some more information where you're concerned there.

Ms. Dhalla made some comments about wheelchair access. I'll note that our health critic, of course, is in an electric wheelchair, and I know he travels by rail across the country. I'm wondering, are there any other court cases—prior to the one we have spoken about here briefly—that came up before this one, and when was this one introduced or started?

• (1605)

Ms. Arlene Turner: I can take your questions in order.

With respect to the work we do on issues related to seniors, when we look at accessibility issues we have firmly in mind people with disabilities and the aging population. I don't believe we do anything specific for seniors, but we certainly consider them when we're looking at issues with respect to accessibility, and especially as the population is aging, we understand it's going to become a larger issue over time.

Ms. Helena Guergis: I think the minister has the Advisory Committee on Accessible Transportation. Do you have any seniors' representatives on it?

Ms. Arlene Turner: Yes.

Ms. Helena Guergis: What are some of the concerns and issues they raise with you?

Ms. Arlene Turner: I'll ask Barbara Nelson to answer that. She's been to a number of the ACAT meetings.

Ms. Barbara Nelson: We have two groups representative of seniors on this particular committee. The kinds of issues they raise really are around sensory issues—loss of hearing, vision impairment—and in general around the fact that they would like to see the pace of things slow down.

Seniors are complaining about how quickly they're being pushed through the security screening process, and it's a very intimidating thing to have someone hurry you through this and try to search you at the same time. And we've had a lot of feedback from seniors' groups about security screening.

Ms. Helena Guergis: I would think that even those who are disabled would find that to be a difficult process too at times.

Ms. Barbara Nelson: And that's the reason we did go ahead and partner with CATSA to train their screeners for sensitivity awareness training for that.

We also hear from seniors that they don't like using the automated kiosks for ticket dispensing that we're seeing more and more in the terminals, and that's one of the reasons we did a study this year on the automated kiosks, to get a good idea of how prevalent they are in the system and what kinds of challenges people face in using them.

Ms. Helena Guergis: Is the study completed?

Ms. Barbara Nelson: Yes, the study is completed.

Ms. Helena Guergis: And the results?

Ms. Barbara Nelson: I don't have it on my desk right now, but our technical people who do our science and tech research have it in Montreal. I should get it in the next few weeks.

Ms. Helena Guergis: I see.

Ms. Barbara Nelson: But generally it's around automation, the fact that your senses do slow down and decline with age, and the fact that people do not like to be rushed through lineups, whether it's getting your ticket, whether it's going through your security screening process, or whatever. They would like to see more consideration being given to individuals.

Ms. Helena Guergis: All right.

Ms. Arlene Turner: With respect to the air conference that I mentioned, we are just beginning the planning of that. We're looking at inviting the airlines, equipment manufacturers, and people from the disabled and seniors' communities to come and talk about the

issues they face and to try to raise the awareness with the airlines and equipment manufacturers as to what they would like to see happen, especially with the change in the types of planes, in particular, that are being flown on certain routes.

And your last question was with respect to wheelchair access. Would you mind reminding me what it was?

Ms. Helena Guergis: My comments were, as one of my colleagues here said, that our health critic has an electric wheelchair—and I'm not sure whether he'd even appreciate my raising these concerns—and I know he often takes rail to go from point A to point B. There may be certain flights that are available to him, but not everywhere across the country. I was asking, more along the lines of court cases prior to the one that has been mentioned here, have there been other court cases, and what were the results of those? I'm sure most of us around the table here are even shocked to hear we're only dealing with this now.

Ms. Arlene Turner: The cases relate to complaints that are made to the Canadian Transportation Agency. I think they probably would be able to tell you what the statistics are.

You also asked when one of the complaints was launched, and I don't know that.

Do you know?

Ms. Barbara Nelson: I think the agency will be able to answer that.

Ms. Arlene Turner: Yes, the Canadian Transportation Agency, which is appearing at 4:30, would probably be better placed to answer the question with respect to statistics—when, how many, etc.

• (1610)

Ms. Helena Guergis: Would you be able to answer questions along the lines of how many of the airplanes are wheelchair accessible?

Ms. Arlene Turner: No. At this point they're commercial decisions of the airlines. Transport Canada regulates for safety purposes, but we don't define how the airplane has to be configured for other than safety issues.

Ms. Helena Guergis: That's interesting.

Thank you.

[Translation]

The Chair: Mr. Vincent.

Mr. Robert Vincent: Therein lies the real problem. Persons with disabilities expect you to make decisions that will allow them to travel safely. As far as they are concerned, you are not doing enough. The department has implemented voluntary codes of practice, rather than regulations. You say that a meeting is planned with the carriers sometime before the fall. I can understand that small carriers are concerned about profitability and have not given much thought to persons with disabilities. However, I fail to understand why you have not given this matter some thought. Transport Canada either brings in regulations or requests voluntary codes of practice. Persons with disabilities are no longer able to travel. In my opinion, you're conducting needless studies. All you have to do is ask yourselves some basic questions. For example, is there adequate room for a wheelchair or a scooter on an airplane or bus? Persons with disabilities are confined to their homes. Why aren't you doing something to help them?

[English]

Ms. Arlene Turner: In fact what we are doing is gathering the information we need to be able to look at this. We regulate at Transport Canada for safety. We know there is a complaint about the motorized wheelchair at the Canadian Transportation Agency, and that limits our ability to discuss the issue.

Within the framework we have at the moment, we are working very hard to make sure the needs of people with disabilities and their interests are advanced. We provide regular dialogue through the minister's Advisory Committee on Accessible Transportation. We will provide another, a specific opportunity in the fall, as I mentioned, with this conference. As I said, the use of these smaller jets on more routes, for example, is a relatively recent phenomenon, and that is raising the profile, as it should.

[Translation]

Mr. Robert Vincent: That's nothing new. My father had one of these scooters 12 or 14 years ago. I just can't understand why you're just getting around to addressing this issue today, in 2005. I'm amazed. What has the department been doing all of these years? The problem is not new and I don't understand why you haven't looked into this sooner. In fact, you won't get around to it until the fall and then, it will take years before you make any recommendations and we actually see some results. Why do things drag on for this length of time when the problem has already been identified? Why can't we just solve it?

[English]

Ms. Arlene Turner: Just to be clear about the scooters, what we have been looking at recently is the fact that the scooters are becoming much larger and much heavier. We understand that people want to travel with their motorized scooter or wheelchair, but they are becoming.... I'm sure the one your dad had was probably quite different from what you might see today. As these grow, as they're becoming heavier, there are new issues that have to be addressed, because the bus size is generally going to be about the same. What that means is that we have to have some means of being able to carry these larger machines and carry them safely.

•(1615)

[Translation]

Mr. Robert Vincent: Thank you.

The Chair: Welcome, Mr. Julian.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Thank you, Mr. Chairman. My apologies for being late.

The Chair: Do you have any questions?

Mr. Peter Julian: I have several. You may already have touched on these areas.

Regarding the accessibility of the transportation system, as you know, in the air and rail transport sectors, accessibility is becoming increasingly problematic. We're regressing, while other countries are moving forward on accessibility issues.

If I understood you correctly, you told Mr. Vincent that you had set some goals for the fall. Persons with disabilities who are finding transportation increasingly less accessible cannot wait. What action plan have you formulated to address the situation? There's no question that we're facing a serious accessibility crisis. Many Canadians are disabled and have problems getting around. What do you intend to do to address this situation?

[English]

Ms. Arlene Turner: I guess I should point out that complaints can be made to the Canadian Transportation Agency. If people are having difficulties with a federally regulated transportation agency, there is a mechanism through which they can complain.

With respect to what you mentioned about targets for the fall, essentially we were discussing earlier the fact that Transport Canada will be hosting a workshop with the airline industry, with persons with disabilities and seniors, and with equipment manufacturers to discuss the issue of the smaller jets that are being used and what can be done to accommodate people with disabilities.

So we have an ongoing work plan, we have an advisory committee on accessible transportation, we have other means of getting in contact with groups, but they also have the right to complain through the Canadian Transportation Agency.

[Translation]

Mr. Peter Julian: Groups and individuals have complained about accessibility. Currently, voluntary standards are applied. Clearly, this doesn't resolve the problem faced by persons with disabilities. You are negotiating or discussing with the industry, whereas in other countries, mandatory codes of practices are in place and accessibility is greater. That's not the case in this country. Doesn't this prove that voluntary codes of practices the application of which can be negotiated by industry simply don't work? In other countries, mandatory codes of practice ensure that persons with disabilities have access to the transportation system.

[English]

Ms. Arlene Turner: We are reviewing the situation of other countries and their regulatory regimes or policy frameworks to determine what the best practices are. I mentioned earlier that in the United States, which has a regulatory environment, there are a number of enforcement issues—expensive lawsuits, etc. I'm not talking about expensive lawsuits only for the industry, but also for individuals undertaking these complaints.

We are looking at various regimes in other countries, we're working internationally, and we're working horizontally here in Ottawa as well with other ministries and departments, to ensure that we raise the profile of accessibility and that we are key players going forward.

• (1620)

[Translation]

Mr. Peter Julian: If you're comparing our situation with that in other countries, are you saying then that you're thinking about bringing in regulations to force carriers to guarantee accessibility?

[English]

Ms. Arlene Turner: What we're saying is that we are gathering information so that we can assess the relative effectiveness. We don't have a good enough information base. We're working on that. When people talk about a regulatory regime and point to the United States, we need to know if that would be the right regime.

[Translation]

Mr. Peter Julian: The United States are not alone in having made some progress in this area. England and Australia, among others, are moving forward. That is true of most industrialized countries. Canada, however, is backtracking.

[English]

Ms. Arlene Turner: We're very cognizant of the fact that different countries have different ways of going about this. Some of those ways have been more or less studied indeed in the countries where they exist. We need to look at what the evaluations have been of those regimes. We're doing that. We're looking at a cross-section of countries. We're looking at a number in Europe, for example, of countries with different regimes, as well as the United States so that we can look at whether we have the right mix here now, at whether there's a need for change. But this is very preliminary in terms of, no, we're not looking at this point at regulating. What we're looking at is getting the information to know what the best models are and what the best practices are.

[Translation]

Mr. Peter Julian: What is your deadline for completing this study?

[English]

Ms. Arlene Turner: We're not doing all of the countries at the same time. We don't have enough resources for that.

Could you provide an overview of what our timetable is?

Ms. Barbara Nelson: I think what we have accomplished in the past year is identifying the different policy frameworks that are currently being used in Finland, Sweden, U.K., France, Germany, and the United States. We're now talking with our colleagues about

putting together an international methodology for all of us being able to evaluate the effectiveness of our individual regimes. Everyone's in the same boat that we're in. They just don't know how well it's working. We're hoping to have that methodology some time this year, which will allow us to evaluate with a high degree of success how well these different regimes are used.

So we don't have exact dates right now. We have a work plan unfolding, and this year we expect to look in a lot more detail at the enforcement question in the United States around the regulatory framework there, and to develop an evaluation methodology in framework to be able to assess on a fair basis all the different policy regimes.

[Translation]

Mr. Peter Julian: Do I have any time remaining?

[English]

The Chair: I'm sorry, and I know you understand.

Mr. Peter Julian: All right.

Ms. Ruby Dhalla: Thank you, Chair.

I wanted to go back to something my colleague Helena brought up in regard to the conference you're going to be having with the airlines and equipment manufacturers. Is this the first of its kind that's being done, or have you had them in the past as well?

Ms. Arlene Turner: I believe this will be the first one.

Ms. Ruby Dhalla: I think one of the things I'm hearing, in doing some research in the area, and from what I hear at the grassroots level, is that there is perhaps a need to have dialogue on a much more frequent basis. You can have the conference, and it will probably be a success in terms of bringing together all the stakeholders, but it's about ensuring sustainability and ensuring that the recommendations that are brought forward, and the suggestions, are actually implemented. You mentioned before that there is a challenge in terms of financial cost to bringing together the stakeholders face to face, but ensuring that perhaps the idea you suggested of an e-commerce type of set-up.... I think something like that would really push forward some of the concerns that a number of individuals have.

We have a Conservative health critic. I've spoken to him personally, being on the health committee. I think it's really unfortunate, some of the challenges he has to face. We've become cognizant as parliamentarians of those challenges, because he's a colleague, and we've had to make substantive changes even to the House of Commons here. But there are so many other Canadians whose voices are silent on this particular issue.

It's unfortunate I think in one respect that individuals have had to go to the CTA and file complaints in regard to the airlines, but I think those issues need to be brought front and centre. I think it's important for the department not to take a reactive approach to what's happening within the CTA and those complaints that have been filed, but to take a step back and perhaps be more proactive, because there are so many Canadians out there who do have disabilities and who don't necessarily speak up.

I know personally friends and constituents who don't even fly because of the indignity they might face. That I think is an absolute tragedy. I think all of us around this table are advocates for those people. So whatever you can do on a department basis I think is tremendously important.

I know Barbara was mentioning the evaluation of the different regimes in the regulatory frameworks that are in place. I think there needs to be a very substantive timeline to ensure that Canada, instead of taking steps backwards, does become an international leader, in comparison with some of the other nations that are involved. Perhaps once you've had a chance to discuss those in your department, if you could forward them to our committee...I think that would be really beneficial.

Once again I want to stress that having a conference and bringing together stakeholders is excellent, but I think the sustainability of that after that conference, to meet on a much more regular basis, is imperative to so many Canadians who do suffer these disabilities.

•(1625)

Ms. Arlene Turner: Yes.

The Chair: A 30-minute bell began a couple of minutes ago.

Ms. Ruby Dhalla: We have another vote now.

The Chair: It's a 30-minute one.

So I would like to wrap up this session with you to ask, if in the eventuality of a national disabilities act, would a national policy on accessible transportation be something that would give a department such as yours more tools to implement some of these things that we have discussed earlier today? I think you got a general feeling as to what our issues are.

Ms. Arlene Turner: I think it's very important to keep in mind that there is a balance of interests. We need to very seriously consider and promote the needs of people who have accessibility issues. I think I would just indicate, though, that we also have to look at commercial impacts. There needs to be a balance. It has to be the right balance. People are saying it isn't the right balance now. I think going forward that has to be a primary consideration.

The Chair: I appreciate that very much.

Thank you all. Hopefully, the next time you come you'll have a chance to answer questions, which makes me wonder, what did we miss? There are three of you here who look quite intelligent, so we're worrying now that we forgot to ask some questions.

Mr. Peter Julian: We all look intelligent.

The Chair: I stand corrected.

Ms. Helena Borges: Do you want an answer to that?

The Chair: Yes. Are there some components of this that we might have overlooked today?

Ms. Helena Borges: I think one thing that didn't come out in the discussion is everybody's just assuming the transportation system is becoming less accessible, but I think we have to recognize that our transportation system is fairly accessible. I'm only dealing with rail and VIA Rail, and other than the recent issue of the Renaissance cars, the rail passenger mode is quite accessible, both from an intercity perspective and also from a commuter perspective.

My colleagues here are from the rail safety side. They were here more to talk about specific issues—questions about response to emergencies and things like that, and the safety side of accessibility. I think it's also important to look at what we are doing right, in addition to what the challenges are that we are facing.

The Chair: I guess we kind of got derailed—no pun intended—when we thought we couldn't pursue the VIA thing because of the court case. All right, we will keep that in mind perhaps for another session.

Thank you very much.

Members of the committee, while the witnesses are leaving and the next group is appearing, because the vote will take place in approximately 23 or 24 minutes, what is your wish?

•(1630)

Ms. Ruby Dhalla: The other thing to consider is we also have votes again at 5:40 p.m.

The Chair: Yes. So the question is, do we allow the next witnesses to record their presentation to us while they're here and then adjourn at approximately 12 minutes to 5 so we are comfortable in getting to the House?

I'm open to suggestions.

Mr. Peter Julian: I'm not sure we're going to have a period of questions, unfortunately, but at least we could get their presentation, explaining the circumstances to them, and we could ask them back to a subsequent meeting in order to ask any questions we may have of them.

The Chair: Is there a concurrence of the committee? Does that seem fair?

Ms. Ruby Dhalla: What if we just asked them questions?

The Chair: We could do that, but then we would have to allot maybe 93 seconds per member.

[Translation]

Mr. Robert Vincent: There are five of us and 15 minutes remaining. That's three minutes per person. That's not enough time.

The Chair: No.

Mr. Robert Vincent: Putting a question takes two or three minutes.

[English]

The Chair: Okay. Democracy.

Welcome, Canadian Transport Agency. Please begin when you're ready and hooked up.

Ms. Marian Robson (Chairperson and CEO, Canadian Transportation Agency): The hooking up is the tricky part.

Good afternoon, ladies and gentlemen.

Could I ask at the beginning, do you want me to go through my presentation?

The Chair: We have decided that today—you must have gone to confession or something—because we won't have time for questions, we will be pleased to hear your presentation.

We will adjourn here at approximately 12 minutes to 5 o'clock.

Ms. Marian Robson: Good afternoon. My name is Marian Robson. I am chairman and chief executive officer of the Canadian Transportation Agency. With me are Gavin Currie, our director general, air and accessible transportation, and Mary-Jane Gravelle, our acting director of accessible transportation.

We really appreciate this opportunity to appear before you this afternoon. I have a short statement explaining the agency's role, highlighting some of our initiatives aimed at persons with disabilities.

As I'm sure you know, we are the federal economic regulator of the transportation industry in this country. We are a quasi-judicial tribunal, which licences, regulates, and settles disputes in Canada's transportation system.

We also have an equally important social mandate that gives us responsibility to remove undue obstacles to persons with disabilities.

Our act gives the agency the power to remove undue obstacles to persons with disabilities from Canada's transportation network, including services provided by air carriers and airports, passenger rail and rail terminals, and interprovincial ferry services and their terminals.

Through the accessible transportation directorate, the agency's program of accessible transportation includes complaint resolution, communications outreach, regulations and guidelines, and monitoring and liaison. If a person with a disability encounters an obstacle while travelling, that person may choose to file a complaint with the agency. The agency considers evidence brought forward by the person and by the service provider and makes a decision. If the agency determines the problem is an "undue obstacle", it may order corrective action. For example, it may order the removal of the obstacle or the payment of compensation.

Like the term "obstacle", the term "undue" is not defined in our act, in order to allow the agency to exercise its discretion to eliminate undue obstacles in the network. As something may be found disproportionate or excessive in one case and not in another, the agency must take into account the context in which the allegation that an obstacle is undue is made. Our overriding concern, of course, is always to balance and be fair in dealing with both the users and the providers of the federally regulated transportation network.

In 2004 we received 52 accessibility complaints. All complaints, whether big or small, are equally important to those affected. Most complaints deal with issues such as boarding and deboarding assistance, delays in delivering mobility aids, seat assignment problems, and, as you discussed today, of course, the size of aircraft and the ability to handle equipment.

Last year, we also facilitated the resolution of several concerns prior to travel. Another important point is that several complaints were successfully resolved through mediation. This is the third year we have offered mediation as an option for settling disputes in areas such as the use of boarding equipment, availability of pre-arranged wheelchair service, advance boarding, and availability of pre-assigned seating.

Interest in agency mediation as a method of solving disputes continues to grow amongst users and transportation service

providers, and most who have been involved with our process are very positive about it. They like the cooperative and collaborative approach, and they certainly like the speed and the reduction of costs in settling disputes. We encourage this very strongly with all complainants.

We also develop guidelines or regulations to eliminate barriers to the transportation of persons with disabilities. These can cover fares, conditions of travel, the training of staff, signage and the way information is provided, as well as the design, construction, or modification of aircraft, rail cars, ferries, and terminals.

We have two sets of regulations. The first set out the terms and conditions of carriage of persons with disabilities aboard aircraft of more than 30 seats in Canada. In 1995, the personnel training for the assistance of persons with disabilities regulations came into force. They set a minimum level of training for carrier and terminal personnel who deal with the public and who offer services to people with disabilities. We believe this type of training goes a long way in changing people's attitudes and helps them be much more sensitive to the needs of those with disabilities.

But regulations are not the only way to bring about change, and in keeping with the trends in the Government of Canada's policy away from regulating, we have adopted a different approach to allow us to accelerate the implementation of minimum accessibility standards. That is why we now have four codes of practice.

- (1635)

The first, the air code, establishes the required accessibility features of aircraft, such as the number of movable armrests.

The rail code offers a two-pronged approach. First, it sets out the service rail carriers are required to offer to persons with disabilities, and second, it establishes accessibility features of the cars themselves. This includes things such as on-board storage of wheelchairs and availability of tie-downs.

The third code deals with extraprovincial ferry services—for example, Marine Atlantic—and sets out accessibility criteria for such things as signage, communication of information, passageways, cabins, and washrooms.

Finally, our most recent code is called "Removing Communication Barriers for Travellers with Disabilities". This applies to all modes: air, rail, and ferry. It sets out criteria for improving communications and access to information for travellers with disabilities.

A very important companion piece was also released. That was a guide to help carriers implement the new communication code. It's a very extensive and very impressive document.

These codes set the minimum accessibility criteria the industry has publicly committed itself to follow. And that's a very important point; the industry has very much been involved with the community of persons with disabilities in the development of all these codes, and they have publicly given their support to their implementation.

Although, as you know, we count on voluntary compliance, we do conduct a formal monitoring process. We have a built-in, rigorous method to evaluate the success of each code. As an example, last year we developed a questionnaire for monitoring compliance with the new communication code and distributed it to carriers and terminal operators. The staff also visited these terminals and held conference calls with carriers and terminal operators to assist them in filling out their monitoring questionnaire.

We will be continuing this work this year with a view to releasing the report on the results of that monitoring activity. And of course we make that very public. We believe in sharing information and obtaining views from a wide variety of people. These are important activities to raise awareness of the problems persons with disabilities encounter. We regularly consult with groups and associations, carriers, and other government departments.

One of our main and very important sources of advice is our own accessibility advisory committee—not to be confused with the minister's accessibility advisory committee, ACAT; they are two different groups. The agency's committee is made up of representatives from, of course, the community of persons with disabilities, the transportation industry, and other interested parties. Transport Canada also sits on that committee.

We consult this committee very actively. On regulatory projects we seek their opinions and advice. They are very much hands-on. We ask them to be part of working groups. We use this group to help us with all of the codes and all the other activities we're involved with.

We meet roughly once a year with the advisory committee as a whole committee. It's a two-day session. For the first morning, I and the other members of the agency attend, and we have a round table session so that people can talk about their issues directly with us. We have found it's an extremely valuable tool for us who are the decision-makers, who deal mainly with written files. It's very helpful for us to hear first-hand the views of the community and the carriers.

We've really received a lot of positive feedback about the accessibility features of our meetings. Our staff go to huge lengths to get the appropriate location and make sure everybody's specific requirements are met, ranging from signage for those who are deaf to ensuring water bowls in the meeting rooms for those accompanied by guide dogs.

As we marked our 100th anniversary last year, we awarded a centennial certificate of appreciation to all of the members of the committee in recognition of their excellent work.

While we're on the topic of awards, I would like to point out that we also introduced an accessible transportation award in 2003, recognizing outstanding achievement in enhancing transportation experience for persons with disabilities. I had the honour of presenting the inaugural award to Marine Atlantic that year, for its leadership and efforts in operating a truly accessible passenger ferry service.

We try to take the pulse of the community by getting out of the office and actually participating in conferences and trade shows. We take a very proactive role in that activity.

•(1640)

Just to give you a couple of examples, we had a presentation called "The Art of Travel Facilitation" to the Travel Law Day Symposium. One of the handouts we had that's in your package and that is quite useful is a reservation checklist for travel agents so they can make sure they're covering all the needs of their disabled passengers prior to flying.

We made 20 presentations last year at seminars for travellers with disabilities. I could go on and on. We really are very active, both nationally and internationally.

In 2004, for the first time the theme of National Transportation Week focused on accessible transportation. The agency kicked off the event in Ottawa by organizing a panel discussion on the future of the transportation business in an accessible world. I had the pleasure of moderating it, and we had an excellent cross-section of transportation service providers and the disabled at the panel.

Another thing I'd like to comment on is the communications policy...

Are you having to leave?

The Chair: We have to, just to make sure we can all get into the House and no one is disqualified.

[*Translation*]

Mr. Robert Vincent: I notice the translator is reading the document. Could we possibly have a copy of Ms. Robson's speech?

[*English*]

Ms. Marian Robson: We'll provide copies of the speaking notes to all members.

The Chair: Okay.

[*Translation*]

Mr. Robert Vincent: Could we possibly have a translation of the text?

[*English*]

The Chair: This is quite normal for us, actually, and should be part of the normal proceedings here.

We have another hour on May 18 from 4:30 to 5:30 p.m., which was your scheduled time today. Perhaps if you can leave a copy of your presentation with the clerk, and the translation, then we will have the document. Also, I think we would like the four guidelines or—

•(1645)

Ms. Marian Robson: The four codes?

The Chair: Yes, the four codes, so that we have a chance to have them physically in our hands. That will give us a bit of time to look them over. Then you'll entertain questions there.

How much longer would your presentation have been?

Ms. Marian Robson: I was about half-way through.

The Chair: You're half-way through? So we'll start with part two, to be continued.

Ms. Marian Robson: Could I also suggest, since I know you're very interested in the issue of smaller aircraft and the problems...? We have issued two decisions on that matter, which would probably be helpful, if you'd like to see those. We, of course, have one case before us at the moment.

The Chair: Yes.

Mr. Peter Julian: And we have some knowledge of the number of routes that are inaccessible.

The Chair: Thank you very much.

Sorry about this. There's nothing we can do; it's out of our hands.

The meeting is adjourned.

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