

Minister of
Diversity, Inclusion and
Persons with Disabilities



Ministre de la
Diversité, de l'inclusion et
des Personnes en situation de handicap

Ottawa Canada K1A 0J9

September 16, 2024

Robert J. Morrissey
Chair of the Standing Committee on Human Resources, Skills and Social Development and the
Status of Persons with Disabilities
House of Commons
Ottawa, ON
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Dear Mr. Morrissey,

Pursuant to Standing Order 109 of the House of Commons, I am pleased to respond, on behalf of the Government of Canada, to the eighteenth report of the House of Commons Standing Committee on Human Resources, Skills and Social Development and the Status of Persons With Disabilities (HUMA) entitled: "*Briefing with Air Canada on Services Offered to Travellers with Disabilities,*" which was tabled in the House of Commons on April 18, 2024 and its recommendation to review the *Accessible Canada Act (ACA)* and the *Accessible Canada Regulations (ACR)* to ensure regulatory requirements are enforced to support the needs of persons with disabilities and prevent serious negative experiences.

I would like to express gratitude to the members of the Committee for their diligent efforts in drawing attention to the continuing challenges that persons with disabilities face when travelling by air. The Government remains committed to addressing the issues raised in the Report and agrees in principle with the spirit of the recommendation.

The ACA includes a mechanism for a comprehensive parliamentary review, that could be initiated as early as June 24, 2026. While nothing precludes the Government from launching a review of the ACA before 2026, it would be premature given that the ACR (December 2021), were phased in over several years and time is needed to build a sufficient body of evidence in order to inform and support a meaningful review.

It is important to note that the Canadian Transportation Agency (CTA) has regulatory and enforcement authority for accessibility of passenger aspects of the federal transportation network, and the applicable regulations are the *Accessible Transportation for Persons with Disabilities Regulations (2019) (ATPDR)*, made under the *Canada Transportation Act*. In addition, the *Accessible Transportation Planning and Reporting Regulations (2021) (ATPRR)* operationalize the requirements for planning, reporting and the establishment of feedback mechanisms for transportation service providers set out in the ACA.

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The ATPDR apply to all federally regulated transportation service providers that carry passengers (air, and interprovincial passenger rail, bus and ferry, and the associated terminals) and those that do not (passenger security and border screening operators). The regulations are designed to prevent incidents from occurring by regulating many aspects of the travel experience, including services, equipment, facilities, communications and personnel training, and screening and border clearance processes.

The CTA actively verifies compliance by transportation service providers with their obligations under the ATPDR. It also investigates instances of potential non-compliance and takes enforcement action, such as imposing significant monetary penalties for violations and publishing a list of these penalties. The CTA also plays a critical role in resolving disputes between travelers and transportation service providers, issuing orders for corrective measures and/or compensation, as necessary. Verifying compliance with the existing regulations is critical to preventing future serious incidents during air travel for persons with disabilities.

In its 2023 audit of accessible transportation, the Office of the Auditor General (OAG) found that the ATPDR were designed to reduce barriers for persons with disabilities but that more effort by the CTA was required to help ensure compliance. The OAG recommended that the CTA commit to and report on additional oversight approaches, such as direct observations of available services to capture the experience of travelers with disabilities, and reviewing and adjusting its enforcement staffing level. On November 9, 2023, the Standing Committee on Public Accounts (PACP) tabled a report titled "Accessible Transportation for Persons with Disabilities," with nine recommendations to ensure the OAG report's suggestions are followed. The CTA will submit final reports to PACP by May 31, 2025.

In spring 2024, the Standing Committee on Transport, Infrastructure and Communities (TRAN) studied the *Accessible Transportation for Persons with Disabilities Regulations* in the Canadian aviation sector. The committee dedicated four meetings to this study, during which 28 witnesses testified. These witnesses represented a diverse range of stakeholders, disability rights groups, the disability community, the air industry (including Air Canada's President and Chief Executive Officer), and various government departments and agencies, including the Chief Accessibility Officer, the Chair and Chief Executive Officer of the Canadian Transportation Agency, and the Auditor General of Canada. The TRAN committee is expected to release a report on the findings of the study, with recommendations, in fall 2024.

Given the recent OAG audit and the TRAN committee study and its impending report, another review of the ATPDR is not being contemplated at this time.

Rather, the Government is advancing several initiatives and is continuing to strengthen the implementation and enforcement of the ATPDR to address the spirit of the Committee's recommendation to improve travel experiences for persons with disabilities and prevent serious incidents from occurring.

In particular, the CTA is taking substantive steps to make air travel more accessible, including contributing to the development of a new national standard on the accessible travel journey, and working with Transport Canada and the National Research Council on the development of new job aids for baggage handlers and airline staff such as new mobility tags. These tags would provide intake information for the safe handling, containment, and transport of mobility aids. The CTA has also allocated more resources to compliance monitoring and enforcement. This has led to increased monitoring of compliance trends, tracking of complaints reported in the media and more site visits to help address any issues identified through monitoring.

To address shortcomings in accessible transportation, including in data collection, the Government introduced Bill C-52, known as the Enhancing Transparency and Accountability in the Transportation System Act on June 20, 2023. This bill would amend the *Canada Transportation Act* to require transportation service providers to collect and submit data, including accessibility complaints, to the Minister of Transport and the CTA. Improved and more comprehensive data collection will allow the Government to better understand and address gaps and persistent accessibility barriers and help ensure accountability of transportation service providers. Better data will help the Government address the Committee's recommendation, which is to help ensure regulatory requirements are met to support the needs of persons with disabilities and prevent any serious negative experiences.

To further advance the accessibility of air travel the Government hosted a National Air Accessibility Summit on May 9, 2024, convening representatives from the aviation industry, the disability community, and government to address the barriers faced by passengers with disabilities in air travel. The Summit focused on the importance of joint initiatives to ensure consistency and harmonization of services, improved hands-on accessibility training, and increased access to data to address gaps in the federal transportation system. The Government will continue to take actions to identify, remove, and prevent barriers in transportation in pursuit of realizing a Canada that is accessible to all Canadians.

As per its Summit commitment, Canada continues to lead internationally. On June 3, 2024, Prime Minister Trudeau, Minister of Foreign Affairs Joly, and Minister of Transport Rodriguez met with senior executives from the International Civil Aviation Organization (ICAO) to discuss aviation priorities, including accessibility.

Canada is also leading the ICAO Working Group on Accessibility to enhance accessibility for passengers with disabilities by updating Annex 9 – Facilitation (of the Convention on International Civil Aviation), thereby showcasing the Government’s leadership and dedication to accessibility on a global scale.

In closing, I would like to again thank the Committee for its efforts in drawing attention to the continuing challenges that travelers with disabilities may face when travelling by air. The Government remains fully committed to the objective of the ACA, which is to realize a Canada without barriers by January 1, 2040, and is actively working to improve accessibility of air travel in Canada.



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