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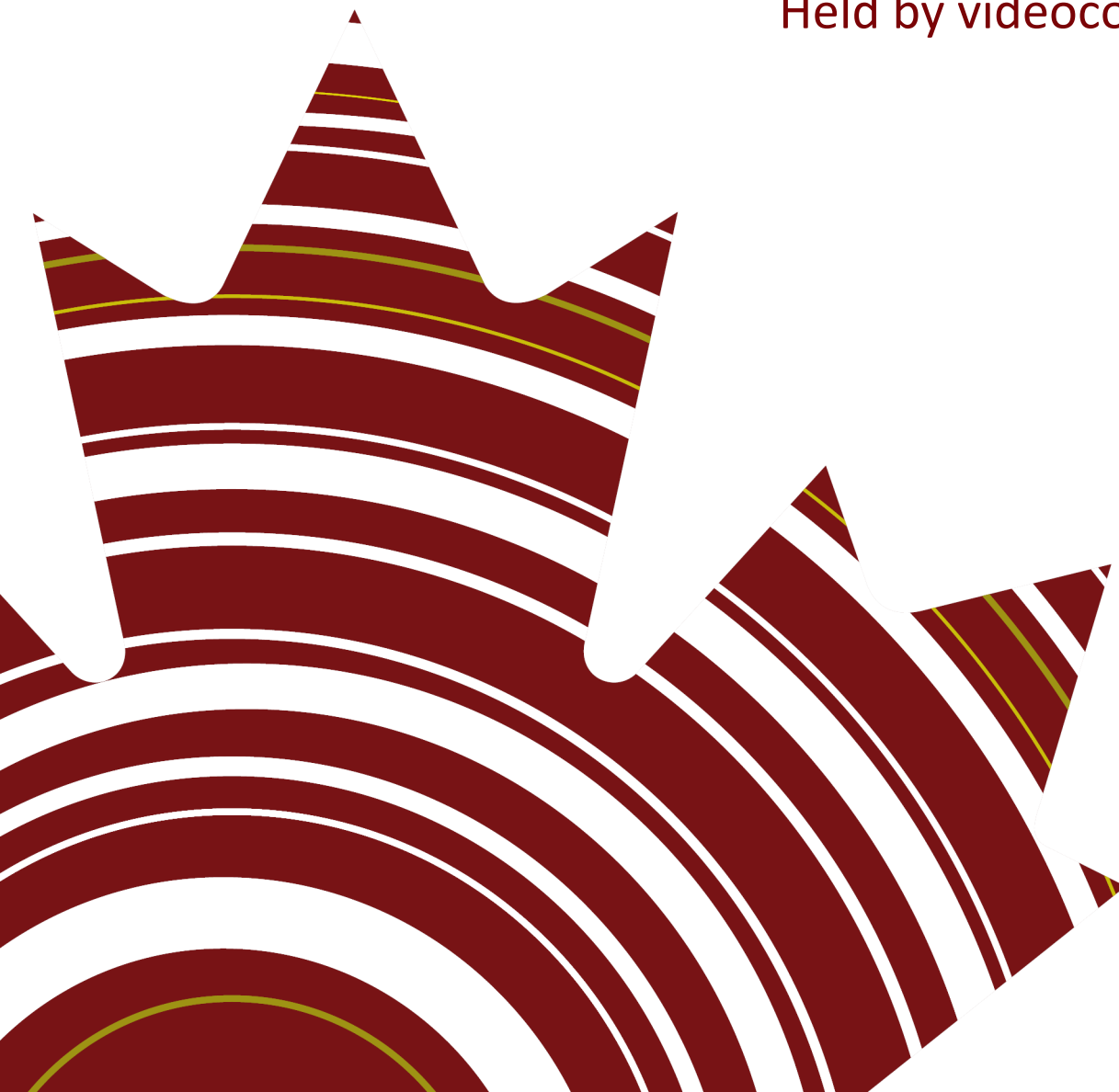
Office
des transports
du Canada

Working Group on ATPDR Temporary Exemption Requests

Canadian Transportation Agency

March 9, 2021

Held by videoconference



Canada 

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Disclaimer

Personal statements

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Accuracy disclaimer

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Naming Convention

All references to speakers have been changed to first and last names for clarity and in accordance with our Inclusivity statement.

Attendees/Participants

Meeting host

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Agency staff

Jordan Doyle

Rachael Donovan

Marcia Jones

Sonia Gangopadhyay

Susan Clarke

Glenda Nicol

Shafi Askari

Anthony Sealey

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Wayne Harvey, CAC

Joanna Zyma, Hamilton Airport

Jackie McIver, Thunder Bay Airport

Merilee Adamson, Calgary Airport Authority

Robert R. Manlig, Whitehorse Int'l Airport

Jennifer Lutzko, Saskatoon Airport

Kurush Minocher, GTAA

Sophie Lambert, Quebec City Airport

Air carriers

Len Corrado, Sunwing

Kelly Knutson, Air Transat

David Atkins, Air North

Kerianne Wilson, Air Canada

Linda Ristagno, IATA

Attila Ulku, IATA
Jared Mikoch-Gerke, WestJet
Sheila Duhaime, WestJet
Olga young, Jazz Aviation
Wayne Gouveia, ATAC
Graham Keithley, Airlines for America

Marine sector

Natalie Musseau, Marine Atlantic

Bus sector

Stevie, Motor Coach Canada
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Disability rights organizations

Trish McAuliffe, President National Pensioners Federation
Jérôme Plante, COPHAN
Donna Jodhan, Barrier-Free Canada
Lui Greco, CNIB
Heather Walkus, CCD
Janet Hunt, National Coalition
Bill Adair, Spinal Cord Injury Canada
Corry Stuve, Alliance for the Equality of Blind Canadians
Louise Gillis, CCB

Other government observers

Steven Winters, TC

Court reporter

Mathieu Bastien-Marcil, Court Report

Technical support and simultaneous translation

LMB Interpretation Systems Inc.

Opening remarks by Marcia Jones

Marcia Jones: So good afternoon, and welcome, everybody. My name is Marcia Jones; I'm the Chief Strategy Officer at the Canadian Transportation Agency, and thank you very much for coming to the first Working Group meeting on the Temporary Exemption Requests from the Accessible Transportation for Persons with Disabilities Regulations.

To start with, I'm going to hand things over to LMB, our technical support to go over some technical details and information.

LMB: Bonjour à tout le monde et bienvenue. Avant de débiter, nous avons quelques instructions pour tous les participants pour assurer le succès de votre réunion.

S'il vous plaît, assurez que vos micros sont éteints en tout temps quand vous ne parlez pas. Vous trouverez les codes microphone en bas à gauche de votre écran. Vous allez avoir une ligne rouge par-dessus le microphone quand il est éteint.

Pour ceux qui participent par téléphone, vous pouvez peser sur *6 (étoile six) pour éteindre et ouvrir votre microphone. Pour lever la main quand vous voulez parler, pesez sur *9 (étoile neuf).

Les participants sur Zoom peuvent lever la main en cliquant sur l'icône en bas de l'écran. Pour avoir accès au service LSQ, simplement cliquer sur « Afficher » et « Vue Galerie » en haut à droite de votre écran. Faites passer votre souris sous la vidéo LSQ 1 et/ou LSQ 2 et ajoutez l'épingle en cliquant les trois petits points (...) en haut à droite de « Vidéo ».

Nous offrons aussi les services d'interprétation simultanée pour les participants sur Zoom. Pour accéder à l'interprétation, simplement cliquer sur l'icône Globe, en bas de votre écran et sélectionnez la langue que vous préférez écouter. Malheureusement, l'interprétation simultanée n'est pas disponible aux participants qui nous rejoignent par téléphone.

Good afternoon, everyone, and welcome.

Before we get started, we have a few instructions we would like to mention to help with the success of your meeting.

Please be sure that your microphones are muted at all time when you're not speaking. You will find the mute button at the bottom left of your screen. The icon is a small microphone. You will see a red line across the microphone when you are muted.

For those participating by telephone, you can press "star 6" to mute and unmute your microphone.

To raise your hand when you would like to speak, you can press "star 9".

Participants on zoom can raise their hand by clicking on the icon at the bottom of your screen.

To access the ASL services provided for this meeting, simply click on "View" at the top right of your screen and select "Gallery view". You can then hover your mouse over the video feed of ASL 1 and/or ASL 2 and select "Pin" by clicking on the three dots at the top right of the video.

We are also offering live simultaneous interpretation for this meeting. To access interpretation, simply click on the small globe icon at the bottom of your screen marked "Interpretation" and select the language you would prefer to listen to. Unfortunately, interpretation is not available for participants joining us by telephone.

Lastly, in order to enable closed captioning for this meeting, simply click on "Closed Caption" at the bottom of your screen and then, "Show Subtitles".

Merci pour votre participation et on passe la parole à Marcia Jones.

We thank you for your participation and I will now give the floor to Marcia Jones.

Marcia Jones: Thank you very much for that.

And in addition to these logistical details, let me also clarify; I'll be speaking in English only given that we do have simultaneous translation today.

Rather than do a roll call or a roundtable, just given some of the logistical issues of having these kinds of meetings by Zoom, I'm just going to read out the, list of organizations that are here today, for everyone's benefit.

So from the Air Terminals, we've got CAC, or the Canadian Airports Council; Hamilton Airport; Thunder Bay Airport; Calgary Airport Authority; Whitehorse International Airport; Saskatoon Airport; GTAA; and Quebec City Airport.

From Air Carriers we have Sunwing; Air Transat; Air North; Air Canada; IATA; WestJet; Jazz Aviation; ATAC; and Airlines for America.

From the Marine Sector, we have Marine Atlantic. The Bus Sector, Motor Coach Canada.

And turning to Disability Rights organizations, we have here today the National Pensioners Federation; COPHAN; Barrier-Free Canada; CNIB; CCD; the National Coalition; Spinal Cord Injury Canada; Alliance for the Equality of Blind Canadians; and CCB.

Finally, there are a number of agency staff here today. We have officials from our Compliance Modernization Directorate, Jordan Doyle and Rachael Donovan. From the Center of Expertise for Accessible Transportation, Sonia Gangopadhyay, Susan Clarke, Glenda Nichol, Shafi Askari, Anthony Sealey and George Ross. Elysia Van Zeyl from our legal department and Valérie Sicard from our Dispute Resolution Group. As well, we have an official here with us from Transport Canada, Steven Winters.

So I will start by giving some opening remarks for today's discussion and just say a few words on how the meeting will unfold.

So to recap, transportation service providers are seeking temporary exemptions from certain provisions of the Accessible Transportation for Persons with Disabilities Regulations, ATPDR, due to the disruptions caused by the COVID-19 pandemic.

So we've decided to hold working groups on this matter, which, as you know, are being held on three different days, so today, March 16th and 23rd. And the purpose of these working group meetings is to—I'd say there's four main purposes. So first, facilitate a better understanding of the regulatory requirements, so just make it clear what's expected of the industry with regards to these requirements; discuss potential strategies for implementation of and appearance to these requirements, given the current challenges posed by COVID-19; and explore measures that could potentially be equivalent to those required by the regulations.

In addition, we hope that the working group could help identify acceptable conditions under which some flexibility could be given to transportation service providers in implementing their obligations under the ATPDR.

So by way of background, the ATPDR are critical in helping achieve the fundamental human rights of persons with disabilities to an accessible transportation system. And these discussions must begin with that basic understanding, how important these regulations are to accessibility in Canada's federal transportation network. These regulations, as most of you know, were put in place in summer of 2019, and have been gradually phased in to provide time to comply, which included a 6-month extension to some provisions from June 25th, 2020 to December 31st, 2020 due to COVID-19.

So, with that background in mind, I want to say, like, the CTA recognizes that the COVID-19 pandemic continues to have significant impacts on both persons with disabilities and transportation service providers, so we are very much still living with COVID-19. And while vaccination and other measures do, I think, give all of us hope that the worst of the pandemic may be behind us at some point in the near future, the timeline for a full return to normalcy is uncertain, and we also appreciate that full economic recovery, including in the transportation sector, may take some time.

So here we have a complicated situation in front of us. And so with that context in mind, we're encouraging participants to share your views on meaningful and realistic ways of taking steps towards achieving the ATPDR requirements. And we really hope to have a frank, collaborative and productive discussion.

So to give you examples of some questions that could be discussed today, are there simple ways to achieve the objectives of the regulations without relying on technology-driven automatic solutions? Or would it be acceptable to implement some obligations of the regulations progressively? So, focussing on higher priority areas and then phasing them in over time. Could an industry association be leveraged to implement some of these requirements? And these are the kinds of discussions we're hoping to have today and over the next two meetings.

And I guess to recap what we've sent you, we have prepared agendas and group provisions, so staff as my team has, to help focus the discussion. So this is staff's assessment to the provisions. It's not the Panel that's looking at this exemption request. It's our assessment. And so we've done this to facilitate these kinds of discussions.

So we've grouped provisions into different kind of tranches. So Group A provisions are those for which we think compliance should be readily achievable. So we'd like to have a discussion just to make it clear what's expected of these provisions and, you know, perhaps there's some misunderstanding of what's required. And, you know, we appreciate ATPDR is a complex and lengthy regulation, so sometimes it's not always clear what's required, so we'd like to have that discussion.

Group B provisions are those through which alternatives may be feasible. These would seem to be ones where practical workarounds or a phased approach could be an option, in our estimation.

And then finally, those for which alternatives appear to be more challenging, having regard to the spirit and intent of the ATPDR requirements, so those are Group C provisions.

So today we're going to start with Group A and some Group B, and then move gradually towards Group C provisions.

So our triage isn't binding on the Panel that's examining the exemption request; however, the transcript of the discussions will be transmitted to the Panel for their consideration.

So today I'll provide an overview of a group of provisions for background information and then open the floor to comments. And the intent here is to allow us all to cover groups of provisions in an orderly manner and in a way that's respectful of everyone's time.

So as well, I should recap, and it bears repeating that all participants here should understand that any views expressed during the working group will not bind the Panel in its determinations on whether and to what extent exemptions should be issued in response to these requests.

And I think it might also be worth giving just a few points of clarity on the processes that we're following here. So the—there's a Panel of the Agency that's been appointed to consider these exemption requests, and these exemptions, if they should be granted, would also have to undergo a cabinet approval process. So, there's a two-step process. It's fairly complicated. So our working group discussions would feed into the first part, the Panel process, and then potentially a cabinet decision down the road, were there to be any type of exemption issued, which could be a conditional exemption.

So I'm happy to answer any questions about that process since it's a bit unusual.

And finally, I note there's some commentary around making sure that people identify who they are and what organization they're representing when they provide comments, and that's quite important. So, when we do open the floor to comments, please give your name and indicate what organization you're speaking on behalf of.

So let me pause here before we go into the discussions on the provisions and see if there are any questions.

Okay. I see some hands raised.

Glenda, have you been keeping track of who's been raising their hands first?

Glenda Nicol: I just pulled up the window and I saw three hands at the same time. My apologies. There's Graham Keithley, Heather Walkus, and Donna Jodhan.

Marcia Jones: Okay. Heather Walkus, why don't you start?

Discussion regarding group A provision

Heather Walkus: Okay. Thank you.

I want to ask, first of all, that not just verbally but please put under your name re name, so we know who you're from. That's an accessibility issue for those of us with low vision and blind community, so we can hear it on our screen reader.

And the second thing is, we have several areas that we would like—from the disability community we would also like to add on to the agenda at some point because I think for us this process is important that we all get our voices heard. And because this is all about us, I think it's important that we also get to have some introduction around where we're—many of us are coming from from the disability community, so thank you.

Marcia Jones: Thanks for that.

Why don't I just take all the comments and then just respond to them as a group?

So Graham Keithley, you appear next on my list here.

Graham Keithley: Good afternoon. And this is Graham Keithley with Airlines for America.

First of all, thank you to the CTA for putting this together and the work of your staff for putting this together, this agenda together. We look forward to collaborating with CTA and the disability community to come up with solutions for these exemptions for the ATPDR.

A few points of order. Would it be possible for the CTA to share the names and organizations and the contact information for all the representatives that are participating in the working group?

The second point of order, I would suggest that we have—that the working group has an opportunity at future meetings to have follow-up conversations on the groups of regulations that the CTA has properly grouped together, I think, to make this process efficient, but there will be issues where particularly the trade associations need to go back and get member input.

We also need to talk to operational or technical folks from our members to get additional input and information for the working group to consider, and we'd like to have the opportunity to do that and bring that back to the working group at a future meeting.

So for example, if issues and recommendations are made during the group A discussion today, we would like to take those back to our members and get input from that so we could share that with the working group at a future meeting.

And I also would like to stress the need for patience with our industry as we are working with limited resources during the COVID epidemic and the strains that our personnel are having right now given the low capacity and the obvious known situation that the industry is in.

Thank you again. Looking forward to participating in the next three meetings and maybe even fourth, and thank you very much to everyone today.

Marcia Jones: Thank you.

As I said, I'll address all of these questions shortly.

And Donna Jodhan, you were the next one on my list. Thank you.

Donna Jodhan: Thank you very much, and good afternoon. Thank you to the CTA for organizing these working group meetings.

I'd just like to know, are you in a position to identify the members of the panel of which you're referring, and what was the criteria that was used to choose the members of this panel?

Thank you very much.

Marcia Jones: Okay. Thanks, everybody, for those questions. I think I should be able to answer all of them fairly easily.

So first, I'll just say I agree with Heather Walkus. It would be appreciated if everyone could add on their Zoom box which organization they represent. You should be able to do that in the renaming function on Zoom.

You could send a note to Glenda or Ellen B. if you're not quite sure how to do that.

In terms of the names and organizations attending here today, we can certainly provide that. Before doing so, my team will send out a quick email just to be sure nobody has any issues with sharing their contact information. That's our usual practice. But certainly no issues from our perspective in advising who's at the meeting. It seems important in the context of a working group.

In terms of the members of the panel, so the panel that's been appointed, it's just a normal Agency process, so there—in this case it's the Chair and Vice-Chair of the Agency that are hearing this matter. So for every determination or decision before the Agency, there'll be a Governor-in-Council appointed decision maker that hears it.

And that's done at the Agency using whoever has been appointed by the Governor-in-Council in general to hear proceedings before the Agency.

So the Chair and Vice-Chair are Scott Streiner and Liz Barker.

Heather, you also mentioned an opportunity to contribute to the agenda and have a bit of a roundtable piece for the disability community to, you know, add to the agenda since this affects you. I don't see any issue with that. It's sensible to me.

I think for today, I'd like to try and get through some of these A Provisions and some of the B Provisions that we've assessed, but my staff can take that request back and see if

we can't adjust the agenda to build in some time for that at our next meeting or even the third meeting, a decent chunk of time so that you can raise your general perspectives.

Heather Walkus: I guess I humbly disagree. The ACA is very clear we need to be at the table. This is not an—we are not an after-thought in the third meeting. We need to establish that there are more loose on this process than we should where both of them are at the beginning now and then, as we go through the process, keep those two views in mind, one, the government of how you're processing this and from the disability community as well.

Marcia Jones: Yeah, I do understand that perspective and my comment about putting you on another meeting—and I said the third meeting noting that you may not be available for the second one—is not meant in any way to suggest that the disability community is an afterthought. This 100 percent is about you and involves you.

We—

Heather Walkus: We have a short thing to present and I think if we were able to present it in less than three minutes, that would really engage people of a viewpoint that needs to be thought about through all of today.

Marcia Jones: Well, I'm open to doing a very short comment or presentation as long as it is short because I want to make sure that the working group has a chance to see how we're envisioning this could be unfolded, how we could discuss the specific provisions. But certainly, you know, I think a very brief presentation would be helpful.

And I'm not trying to compress you or cut you off. I just want to be sure that sufficient time is dedicated to what you have to say because we do have a busy agenda of many provisions to get through.

So I leave it to you if you would prefer to do a short—a short presentation or introduction now or if you'd prefer to set aside some dedicated time at a subsequent meeting.

Heather Walkus: No, I'd like to do it now.

Marcia Jones: Okay. That's fine.

Go ahead.

Heather Walkus: Okay. Thank you.

I'm Heather Walkus. I'm the rep from the Council of Canadians with Disabilities, and I would like to say several points.

One, we've had a discussion in this way. It's based on government. We would like our discussion, and I appreciate very much, Marcia, that you brought up that how can we save the regulations.

We want to look at all of this through a disability-centred discussion and use section 5(2) of the ACA to prove that any delay creates new barriers, that we do not agree with the exemptions, extensions, work-arounds or accommodations regarding the implementation of the accessible transportation for people with disability regulations.

That in all our discussions centre on looking at the actual cost to fully implement the regulations and not allow ourselves to be pulled into discussions of ways to sideline it.

We in the—many of us in the disability community do not want to be administrators of our own exclusion.

When we read all of the submissions, and we appreciate how devastating COVID has been on the—on the industry and to individuals and families and how it's torn everybody apart. When we read all of the submissions very carefully, several times, it's clear that money is probably 95 percent of what is stopping full implementation by the industry. And so we hold strong to the purpose of this legislation and state that government, through its negotiations with transportation entities for loans and funding that they make a stipulation and earmark that needed funds to complete the full implementation of the regulation is given to the industry without delay. We want to support the industry. We're not going after the industry. We believe that government has a very important part to play, and that's why we have to centre this around how do we save the ATPDR.

So thank you for your time. I know I kind of jumped in here, but we are looking at how we can do this and support the industry as well. Thank you.

Marcia Jones: Thanks for that, and we're certainly taking note of these comments. And let me be clear, you know, I think the purpose of today's discussion really isn't to

sort of negotiate down the ATPDR. It's to find realistic strategies so that we can move ahead on its implementation. So if that hasn't been clear, let me, you know, underscore that, and thank you for your comments. We, you know, we certainly make note of how critical this piece of regulation is to your group and to many people at the table, and we appreciate your awareness as well as some of the broader challenges.

I think also I didn't get back to Graham Keithley on the comment about returning to associations. That's not a problem. I think what generally I'm hearing is that there may be a need for some additional time for the discussions, and we're certainly open to that. I think, you know, we set three meetings and we didn't want to take up too much of everyone's time because we know how busy it is, but if we need to recalibrate and add another meeting, that's certainly not a problem.

So with that, I'm going to move to the first group of provisions. And, again, let me say, this is staff's assessment. We fully appreciate that the discussion today may take us in a different direction.

And so the first provisions are the Group A provisions. And we've provided you with the list that you should have received, and we'll start with section 75, tactile road markers.

So this requirement is for aircraft to be equipped with tactile road markers in raised characters and braille that are installed either permanently or temporarily on the sides of passenger seats, and above the armrests or adjacent to the mechanisms for opening overhead bins.

A second requirement which relates to aircraft is wheelchair accessible washrooms. Wheelchair accessible washroom on an aircraft must meet requirements set out in section 77, standard washroom, and must have various technical requirements, including sufficient privacy such as the use of a retractable curtain or a wall, sufficient space to allow a person with assistance to transfer to and from an onboard wheelchair to the toilet, and have a door, other opening to the washroom that has sufficient space in front of it. So, clearly, these are pretty important technical provisions.

We'd like to emphasize, however, that these requirements do not apply to pre-existing aircraft. So these requirements are applicable to aircraft that have been purchased or leased from June 25th, 2020 onward. So it does not include aircraft purchased or leased from June 25th, 2020 onward if the call for tenures were submitted prior to that date.

So this request was submitted by Air Transat, and I'm wondering if an official from Air Transat is able to comment further on this requirement. I believe in this submission indicated that Air Transat will be compliant by March 31st, 2021. So, a little bit more clarity on this, given that it applies to, like, forward-facing would be helpful.

Kelly Knutson: Hello. Thank you for having these working groups, first of all. I'm glad that we have this opportunity to get together and discuss these items. My name is Kelly Knutson, representing Air Transat.

In regards to our request for a delay on this item, things have changed since our submission in December. As you mentioned, we did indicate in December that we were requesting a delay until March 31st. Of course, that was with the expectation that operations and travel would have remained as it was or better than it was at the time. Since then, the additional restrictions that were put in place with the enhanced measures because of COVID and leading to a second suspension of our operations because of restrictions to travel to Mexico and the Caribbean, we have, once again, suspended our operations, which limits our capacity once again to be able to put this in place by March 31st. Essentially, as Heather mentioned, as Graham mentioned, it is an economics issue in terms of spending the resources really, more than anything, because we just don't have the staff at the moment to have been able to put this in place.

What we are committed to do and what we are able to do is once our operations resume and we have our staff in place, it is something that we're prepared to do within two weeks of a resumption of our operations to be able to start the process. The problem is, we don't have access to all of our aircraft at the moment because they're parked a little bit everywhere. So as soon as our operations resume, we would be able to put in place both this section 75 with the tactile road markers and it would take approximately 60 days from the resumption of our operations to be able to complete our entire fleet.

And the same is in the—with subsection 78. We are partially compliant. There's just a few aircraft that we still need to go through in terms of the privacy curtains and certain aspects of the section. Most of it has already been taken care of. But it's really just a question of resources that we don't have at the moment and access to the aircrafts in order to be able to complete the work that needs to be done.

Marcia Jones: Okay. Thanks for that update. And, certainly, appreciate your commitment to seeing through upgrades.

Again, I want to emphasize from a regulatory perspective, this only applies to new aircraft or aircraft that are already undergoing, like, a major retrofit. So, in that context, I think it would be useful to know whether, you know, Air Transat is looking at upgrading its whole fleet, which is laudable, but not necessarily required, like, or not required by the regulations unless you have all new aircraft or that being—or that are—ones that are being retrofitted.

Kelly Knutson: That is actually a point that I noted down when you mentioned it, and I'll be returning to our operations team to get more details, because, no, certainly we don't have all new aircrafts, but I will follow up on that point and come back in terms of—

Marcia Jones: Perfect. Thank you.

Are there any other comments at the table on this item?

Glenda, I'm going to rely on you because I can't quite see—I can't see—

Glenda Nicol: No problem.

Marcia Jones:—all the participants. Is there anyone?

Glenda Nicol: Lui Greco and Heather Walkus have raised their hands.

Marcia Jones: Okay. Lui Greco, please go ahead.

Lui Greco: Hi. Hopefully I've unmuted myself properly. Thank you for the opportunity. I'll be concise.

I think since the regulations—since the proposed regulations only apply to new aircraft, I don't see any justification to delay them. Industry is sitting on an inventory of equipment, which is probably very close to being mothballed at this stage. We're a year into the pandemic. And when they start to acquire or lease new equipment is probably some time off, given the realities of the recovery. So I think to delay these provisions further with respect to retrofitting the aircraft, et cetera, we're probably looking at a

window that's going to run maybe three to five years, and I don't—I can't justify that. I can't perceive that there would be any justification to hold off, given that any future investments in new equipment are imminent and therefore—thereby requiring outlays of money within the coming months.

Marcia Jones: Okay, noted. Thank you.

Heather Walkus?

Heather Walkus: Well, I just want to say to everyone that wherever—these are a baseline. The Regulations are the floor, they're not the ceiling. So, please, anytime when you're looking at economies of scale, that it's much easier to do some of that work that you can do on all your aircraft even, if they're not sanctioned within the Regulations, to please do that. Look at that, even though many of your aircraft at Air Transat are not new, if you can, please feel free to upgrade them as well where it can be cost-effective to do so.

Thank you.

Marcia Jones: Thank you for that.

So if there are no more comments on those two, I'll move to the next item.

So this is section 43, which is onboard storage for walkers or manual folding wheelchairs. So the requirement here is for an air carrier to make every reasonable effort to permit a person with a disability who uses a walker or a manual folding wheelchair to store it on board the aircraft or bus.

So we—like, the staff here would like to clarify that this requirement is for carriers to make a reasonable effort to permit a person to store a walker or manual folding wheelchair on board an aircraft. It's not a requirement to do it where it's—like, it's not possible due to, like, space constraints, for example.

And so this one—and Air Transat, I don't mean to put you on the spot. This is another request from Air Transat. So I just would like to better understand, given that it's a reasonable effort requirement, what your thoughts are on that one.

Kelly Knutson: Thank you, Marcia.

Well, in fact it was the same point that I was planning on making because I think there was a lack of understanding when it was added to the list of delays because we are compliant in the sense that we do make a reasonable effort, whenever possible, to stow equipment on board safely. We will absolutely do that. And, otherwise, we'll ensure that the items are checked at the date and delivered at the gate, whenever possible.

So I think it was just a misunderstanding when it was added to the list. And we've recently updated the information on our website to make it clear as well that we will make a reasonable effort.

Marcia Jones: Great. Thank you for that. That's very helpful.

I think, again—you know, I said earlier, this is a lengthy Regulation and so we're here to help, like, clarify what's expected. It's understandable there'd be some questions or misunderstandings, so thank you for clarifying that. And to reiterate Heather Walkus's point it's always great to go above and beyond the baseline set out in the ATPDR as well.

Thank you.

Are there any other comments from anyone at the table on section 43?

Glenda Nicol: I don't have any hands.

Marcia Jones: Okay, thank you.

Okay, the next one is subsection 10.1, public announcements inside terminals.

So this applies to air carriers. It requires a carrier to ensure that any public announcement relating to a departure or a gate or track assignment made for passengers waiting at a boarding area inside a terminal is made in an audio format and in a visual format.

So this obligation requires carriers to ensure to recap public announcements relating to departure gate or track assignments that are made for passengers waiting in a boarding area are made in an audio and visual format.

So we do have a request from some airports to—for an exemption from this requirement. They are Montreal Airport, Victoria Airport, Quebec City Airport, and Thunder Bay Airport.

So I just want to be clear that this requirement does not apply to airports; it applies to air carriers.

And then the second point I want to make for the carriers that made a request for an exemption is that there's not a requirement to have automated visual announcements to meet the spirit of this requirement. For example, measures such as handwritten signs could be used on a temporary basis. If you'd prefer to use an automated solution, that's understandable but it could be done manually. The Regulation does not dictate the form that the visual announcement must take.

And so we have requests for exemptions to this from NAC and Air Transat. And so I'm wondering if, first, any of the airports—I think we have some background noise. Could everyone make sure they're on mute.

Thank you.

If any of the airports, Montreal, Victoria, Quebec City, or Thunder Bay have any comments, now that I've clarified that this applies to air carriers. I'll start with that.

(Short pause)

Marcia Jones: Okay. NAC or Transat, do you have any comments on this provision, in light of my comment that this could be done through, like, a manual solution for the time being to meet this requirement?

Glenda Nicol: Hamilton Airport has raised their hand.

Marcia Jones: Okay. Thank you.

Joanna Zyma: Hi, good afternoon. This is Joanna with the Hamilton Airport.

A couple of our airline partners have asked a question with regard to this requirement. In light of COVID, their passenger numbers have considerably decreased, and although they met the requirement in 2019 for the number of passengers—I believe, is it one million or two million—they did not meet it in 2020, and potentially may not in 2021. So their question was their next steps and under the obligation when they would need to comply to that.

Marcia Jones: Okay. So this question is from your—the air carriers that operate at your airport, if I understand correctly?

Joanna Zyma: Correct.

Marcia Jones: Okay. So I think your question is about carriers whose annual volumes have dropped to the point that they're no longer subject to the ATPDR; is that correct?

Joanna Zyma: [inaudible]

Marcia Jones: Yeah, okay.

So that is a reality that, you know, we understand that there are some airlines that have lost so much passenger traffic that they're no longer major carriers as defined by the ATPDR, so they've fallen out of scope. So the short answer to that is that they're not subject to the ATPDR requirements.

However, they are subject to Part 5 of the Canada Transportation Act, which requires them to meet the human rights obligations that they have towards passengers. And on complaint, they can be ordered to take corrective action or pay compensation if they don't meet those requirements.

We are in the process of developing guidelines for carriers that aren't subject to the ATPDR currently. We'll be releasing those guidelines in the coming months and getting input on them. And the goal is to use them eventually to develop binding regulations on the smaller carriers with low traffic.

But for now, you know, they should be aware that they're not subject to the specific requirements; they're subject to Part 5 of the Canada Transportation Act; they're subject to the Air Transportation Regulations as well, which has some human rights provisions in them and guidelines are coming as well.

I don't know if that answers your question.

Joanna Zyma: That helps, thank you.

I'll speak to them—I'll communicate that to them, but I think we'll probably want some additional information on that, so I'll just hold it as a comment for the end.

Marcia Jones: Okay.

Glenda Nicol: Marcia, I have Len Corrado with Sunwing and Kelly Knutson with Air Transat.

Marcia Jones: Okay, perfect.

Len Corrado, do you want to go ahead?

Len Corrado: Sorry, just a little technical problem there.

Good afternoon. Thank you for taking questions.

With reference to 10(1), just some points of clarity. On the audio announcements themselves, we are seeing a prevalence of airports in the Caribbean and in Europe going with a silent airport where even audio announcements are being prohibited, so what would be the process there? What's the thought process there from the Agency on how we act in that capacity?

The second part of the question is, with reference to 10(1), is it that—is the requirement for us to provide a visual format only if a passenger or passengers have been identified to have that requirement on that flight or is that subject to all flights?

Thank you.

Marcia Jones: Okay. Thank you for your questions.

So it's a general obligation. So if you as a carrier are making public announcements, then—that relate to either departures, gates or track assignments, then—well, track assignments, I think that's kind of silly. That obviously refers to a rail carrier. Sorry about including that. It's in my speaking notes.

So departure or gate assignments. Then you have an obligation to make sure that they're made available both in audio and a visual format.

So again, like it doesn't need to be, you know, something with all the bells and whistles. It could be simple as relaying the information verbally or writing it down.

In terms of the silent airport, like I don't know if that means that there's no announcements at all or just visual announcements, but I would wonder if you couldn't also make the announcement verbally, for example, to the passengers waiting at the gate.

But here's—you know, here's where input is useful because like the silent airport phenomena is not something we know a lot about, so we're certainly open to hearing about that.

Len Corrado: So I think the easiest way to do that, maybe we'll put a written submission with the airports who actually come and made those requests of us, and the one that jumps out right now is Punta Cana, where they basically said, yeah, no Pas, no announcements whatever. We talked about using a megaphone and they've been resistant to that.

So we'll submit under maybe separate title to you what those airports have submitted to us and so you have some awareness and some—maybe get some guidance going down the road.

Marcia Jones: Okay. Thank you.

Len Corrado: And thank you for the point of clarity on all announcements. Thank you.

Marcia Jones: Okay. Thanks for that.

Kelly Knutson, you want to go ahead?

Kelly Knutson: Thank you as well for the clarity in terms of how the provision should be applied and who it's applicable to.

We are working with the airports in order to improve the electronic displays and have access to them. And in terms of gate assignments, there is always an audio announcement and it's also displayed electronically. Our issue is more in terms of the security announcements.

I think it's interesting that you said that we can use even handwritten signage if it was necessary because that is something that we're looking at in terms of static security

announcements if we're talking about cabin baggage and that sort of thing to be able to provide it in a written sort of permanent signage format. And we are looking into those things, and I'll take the option of handwritten signage and what we could do in that sense back to our ground service team to see—to get their feedback because right now our focus was really working with the airports, ongoing discussions in order to enable us to have access to electronic displays.

Marcia Jones: Okay, thank you.

Now, security announcements can be a bit more complex, I think, and so we have that on the agenda for, I believe, next week's meeting. This 10(1) really refers more just to the carriers'—the carriers' announcements on gate changes and so forth, whatever's made by the carrier. So it's relatively narrow and staff think probably manageable.

Glenda Nicol: Marcia, Suzanne Acton-Gervais with NACC would like to say something, please.

Marcia Jones: Okay, perfect. Thank you.

Please go ahead.

Suzanne Acton-Gervais: Good afternoon, Marcia. Thank you for this, and for the clarification.

I know that you called on NACC because this was definitely some of our submissions, so thank you for that and for the opportunity to respond.

The one thing I just want to remind that, you know, our submission is definitely a compilation of comments from our member airlines and we do this with the intent to assist, to give a voice of the industry.

Our member airlines, Air Canada, Air Transat, WestJet and Jazz Aviation, are all at various levels of implementation of the ATPDRs. And just as mentioned earlier as well, in some of the previous discussions as well by Graham, some of these if we're looking for inputs, we—as raised by Graham of A4A, we may actually have to take back and go consult with our members unless they want to respond and participate directly themselves to inform this group during these meetings.

So just again to remind, they are at various levels of operation as well as—especially even since our submission. Unfortunately, some enhanced measures have pretty much grounded aviation further. We thought it was quite drastic previously, but further workforce reductions.

And yes, there is, you know, resource funding, cost issues with this, but there are also some IT and other SME FTE that is required in order to implement these, and some of them are SOP-specific as well.

So I just want to make sure to just say we're here, we're happy to attend. We will absolutely continue to work with our members. They're very engaged on this, very much leaning in.

I know when we were submitting that there were various levels very, very near to full completion of implementation of a lot of these provisions, and unfortunately, this is beyond our control.

The other thing that was mentioned, and I do thank the speaker that mentioned the—you know, the—any support for industry, you know, having some towards implementing this, and that was not lost. That was very much heard.

I also have to flag, please, that, you know, right now we are waiting for a Government of Canada aviation recovery plan. We do know there are internal discussions. We do not have, you know, line of sight on what that is or when it is coming. But as you can imagine, if we did, this certainly would help us with these discussions as well as to be able to better inform us of how, when and what is priority.

And I understand that they're all a priority, but the reality is the reality.

So I just wanted to respond with that, and thank you for the opportunity.

Marcia Jones: Thank you, Suzanne Acton-Gervais, for your comments.

And certainly, you know, we understand this is a—this is a very difficult situation for the air industry. That's why we're having these discussions.

What we really want to do is just sort of drill down on each requirement to see if we can't come up with just a better understanding of what—of what the requirements are or ways to practically implement them in the current context just given the concerns of

the disability community, which are, you know, quite valid, about progress and accessibility being left behind or put to the side.

So I appreciate your willingness to go back to your members with some of the additional clarity we hope we're providing today and come back with input.

We recognize that you're—like everyone's a bit low on personnel and some—you know, some time may be needed to do that, so let me acknowledge that as well.

Thank you.

Glenda Nicol: I don't see any other raised hands at this time.

Marcia Jones: Okay. So the next question is—sorry. Next provision is section 57, Onboard Announcements.

So this provision requires a carrier on the request of a person with a disability to ensure that any public announcements that is made on board is made in an audio format or a visual format. So, again, this is something that could be dealt with by fairly simple means. So, if there's an announcement on board, if a person with a disability comes forward and says, you know, I missed that, could you, you know—and needs it in a visual format, for example, like, written down, or if it's some sort of visual announcement on the screen for it to be relayed to them verbally, that's the extent of what this requirement is. And the intent is to make sure that passengers with disabilities have the same information that other passengers do that's being made on board.

So Air Transat submitted a request for an exemption from this provision, indicating you'll be compliant by March 31st. Can you advise whether you're still on track for March 31st or if you have any additional comments?

Kelly Knutson: In regards to the delay that's requested is really in terms of implementing an automated solution via our IFE, and work has been underway. There—the agreements have been made with our supplier of the IFE services and our intention is to have the announcements made via our IFE, through pictograms and other means. Once again, it does rely on a resumption of our operations and within 90 days of resuming operations in terms of an automated solution.

In terms of our cabin crew, in terms of being able to write messages to passengers who need them, or repeat messages, or whatever it may be, they're definitely happy to assist in that sense. But our exemption was really in regards to the implementation of the automated solution via our IFE, which we would like to have in place within 90 days of our resumption of our operations.

Marcia Jones: Okay. Thank you. That's a very helpful clarification.

Are there any other comments on this item?

Glenda Nicol: Heather Walkus with CCD has a hand raised.

Marcia Jones: Okay. Perfect. Please go ahead.

Heather Walkus: I just want to make sure that as you are looking at, you know, handwriting things and doing that, that verbal is very important to remember that we have people who are low vision and blind. So whenever you look at sensory or any way of getting information out, consider who you are getting it to, and consider using clear language, because many people that may not have clarity in some of the word uses that is used in airports. So, just be cognizant of informing yourselves around—across disability ways to address these things. Thank you.

Marcia Jones: Thank you.

Okay. Are there any other comments on this one?

Glenda Nicol: I don't see any other raised hands at this time.

Marcia Jones: Okay. Thank you.

The next one is subsection 35(c)(2), and I think Air Transat, this is the last one where I put you on the spot for today. So this one is the requirement to permit a non-travelling person or escort to accompany a person through the security screening process.

So here a carrier must, on the request of a person with a disability, provide services to a person without delay and they're listed. Subsection 2 includes providing members a personnel to assist a person to proceed through the security screening process, or

collaborating with the relevant security authority or security personnel at the terminal to permit a person who's not travelling with the person with the disability to have access to the security screening checkpoint, so that they may assist the person with the disability to proceed through the security screening process.

So both of those are intended to discharge the obligation to assist the person in proceeding through security screening if the person requests it. So, there's two options of meeting that obligation.

So those are just examples of how the carrier can assist the person in proceeding through security. So, there may be other ways to assist a person. Does not require the carrier to permit the passenger to choose their preferred option. So long as the carrier provides assistance through security screening, whether using its own personnel, a non-travelling companion, or some other means, the carrier would be in compliance with 35(c).

So let me pause here and see if perhaps this clarification might address the concerns about this provision.

Kelly Knutson: Actually, that was our question for you because we were looking at how to interpret the clause, whether it was an option for the passenger to choose, or whether it was as long as we provide the service we're compliant, because definitely we already to provide a member of our personnel to escort a passenger and a system.

In terms of allowing an escort that's not an employee go through security, it's something that we were looking into and discussing with our airport partners in terms of how we could implement that process and have a preapproval process to allow it. There's of course risks after is once that person is across security is how we deal with them and how we ensure that they are—they exit and that they're able to exit, if it's an international flight and so forth. But if—thank you for the clarification because in terms of our escort service, there's no issue. We're definitely compliant in that sense.

Marcia Jones: Thank you.

Glenda Nicol: Len Corrado with Sunwing has raised his hand.

Len Corrado: Thank you, Marcia. Just we have raised that question with the agency as well for clarity prior to this. Is there a value in the agency providing some clarity on

this point? It's online information, et cetera, so that there's no confusion and we're not having a debate at the airport, because obviously it's a security concern for us all.

Marcia Jones: Yeah, that definitely could be something that we could clarify in our guidance, so we'll take that back. And I think a related question I think I saw pop up in the chat was from Lui Greco on whether the—why doesn't this apply to CATSA. So CATSA has specific requirements that they have to follow as well, but this is, like, additional guidance or assistance navigating through security. The idea is that, you know, everyone has a bit of a role to play to make this a smooth process, but certainly they have their own obligations also.

Glenda Nicol: Donna Jodhan has raised her hand.

Marcia Jones: Thank you. Please go ahead.

Donna Jodhan: Thank you very much. I guess I'm seeking a bit of clarification here because I live in Toronto and—previously, and I don't know if this would apply to the future, it was never ever clear as to who would provide these services. Was it going to be an airline or was it going to be the Airport Authority, because in Toronto it used to be the Airport Authority through their ground service handlers. Now I'm hearing it's the airline. So I'm just looking for some sort of clarification.

And also, I think it's really, really important that when a blind person is going through any sort of security check or anything like that, from the—even from the service desk to the aircraft, there must be some sort of physical escort provided to them, and I'm not referring to a wheelchair or to be put in a wheelchair necessarily, but, you know, a physical person what would be there. And if so, how do we ensure that our requirements are a request from that. Thank you very much.

Marcia Jones: Thank you, Donna Jodhan. So I think these comments are all kind of getting at the same thing, that it's a bit confusing what requirements apply to who and how can we all make sure that the experience for the passenger is, like, smooth and not disturbing, or frightening, or stressful.

So, like, I guess I'll say again, like, there are provisions that, you know, clearly spell out responsibilities for different parties. So, there's, you know, curbside assistance or airport

assistance provisions where, you know, an airport might have responsibilities in navigation from curbside to check-in. And then the carrier might from check-in to the gate. CATSA has responsibilities around security screening, but the carrier also has some responsibility as well to assist the person in proceeding through security on their request.

So I think, like, to be clear, this particular provision we're talking about applies to airlines, but it sounds like at the CTA we could do a bit of a better job in clarifying, you know, who's responsible for what. So we can take a look at that and see if we can't provide a little more clarity.

Glenda Nicol: Heather Walkus with CCD has raised her hand.

Marcia Jones: Thank you. Heather Walkus, please go ahead.

Heather Walkus: Yeah, just in terms of this provision. The reason we have regulations, and I want to be clear, this is not a blame statement, it is a—it's just our experience in the disability community, that this particular provision has always been chunky. I have let—been left at areas and not been moved through and missed my flight. I've been plunked at the wrong gates, or when gates move, there has been no announcement. So it's always been problematic to get escorts, to get people that don't force you to go in a wheelchair in order to get support if you are blind. So I think you need to really look at this, to do as much as possible to make it seamless, and this is one area that for us in the disability community, we have been adamant must be in place in these regulations.

So if it's a matter of personnel, if it's a matter of coordination, all of those things, if it costs money, list it at what it's going to cost to put this in place, not just what—because you need time. Don't do this all on your own. You have the disability community support you, and we have the government looking at a package. So let's work together on this. Thanks.

Glenda Nicol: I have no other raised hands at this time.

Marcia Jones: Okay. Thanks.

Thanks, Heather Walkus. Those are comments about navigating that I think we've heard at the agency many times, so thank you for reminding us all of some of the challenges in that area.

And I think for our part, like I said, we could do better of giving more clarity on what our rules say in terms of who's responsible for what.

Okay. So the next provision is our—it's just the last one before we take a short break. So this is section 8, providing alternate means to access information and publication of how to access relay services.

So this provision requires that if a transportation service provider makes a website available to the public that may be used to access a client account, travel itinerary, travel schedule, or trip status, to obtain contact information for the transportation service provider, or to make or modify a reservation or to check in, then it must first offer to persons with disabilities the option of doing those things by means of a communication system that does not require the use of a website, such as by means of a telephone and email or a third party's telephone relay or video relay service. And second, publish in every instance that publishes the address of the website that may be used to do those things, a description of how a person may access the services, such as the transportation service provider's phone number, email address, and their telephone number for relay or video relay services.

So just to distill this, this provision requires that transportation service providers have alternative means to access information other than just a website such as a phone number, to call for information and a telephone and/or video relay services. So, again, the idea is to make sure that information that's provided to the public in general is accessible to persons with a variety of different disabilities.

Relay services will allow a traveller who has a hearing or communication disability to have a phone conversation using a third-party operator. And both of these services are available at no charge in Canada, and additional information can be found on the Canada video/relay services website.

And then when transportation service providers are advertising, not only the website address must be used but also a contact number.

So this is a relatively, I think, straightforward provision in that if you have information on a website, there just must be another way for the person to get the information, so, like, a phone number to call, video relay service, that kind of thing.

So there was a requirement as well to have a TTY as part of this, a TTY option. That isn't part of this requirement, just to clarify if there's any confusion there.

So we had one request for exemption here. It was Victoria Airport Authority. I don't believe Victoria Airport Authority is here, but if the Canadian Airports Council would be able to speak to this one?

Wayne Harvey: Hello, can you hear me?

Marcia Jones: Yeah, it's good.

Wayne Harvey: Yeah, Wayne Harvey here from the Canadian Airports Council.

Yeah, what we did, I should point out, is for the provisions that we've identified in our submission, we polled our members and, in the case where we had one or two offs with our airport members, we contacted them to try and have these addressed, so that the list obviously would be shorter and there would be fewer, you know, items to address. So that's the way we handled some of these.

The ones that we put in our submission were because quite a few of the airports had raised this issue as a concern, for a variety of reasons. It could have been budgetary. It could have been resources. It could have been safety issues related to staff, airport staff or consultants, so a number of issues. And I just say that because I know there are some in the B and C category that we did submit.

This particular one, when we reached out to airports, we also—our airport members, we also extended an invitation for them to put in their own submissions pertinent to their particular airport.

So this particular one, I'm not that familiar with. This was one raised just by Victoria, and I think we—I'm happy to reach out to them to get their opinion on this or get their—to get their input, or the CTA can contact Victoria directly, whichever they prefer.

Marcia Jones: Okay. Thank you very much for that, Wayne Harvey. If you could reach out to them just with a clarification provided today on the nature of this requirement, I think—and get back to us with any input, that would be very much appreciated.

Wayne Harvey: Okay. I'm happy to do that.

Marcia Jones: Thank you.

Are there any other comments on this item?

Glenda Nicol: I see no raised hands at this time.

Marcia Jones: Okay. Well, we're running a bit ahead of schedule. So I think though it's—might as well have a break. We're only very slightly ahead of schedule, four minutes. So I'll have everyone take a 10-minute break.

Thank you, Heather Walkus, for your kind words.

And I'll have everyone take a 10-minute break and return then at 2:26 to continue the discussion. We'll be continuing with Group A provisions and then moving to a couple of Group B provisions.

Thanks everybody, and we'll see you at 2:26.

Heather Walkus: Just to ask during this break, please, people like Peter and other people, please identify where you're from, who you represent. As a blind person, it's very hard if you don't. Thank you.

Marcia Jones: Thank you.

Upon recessing at 2:17 a.m./La réunion est suspendue à 14h17

Upon resuming at 2:27 p.m./La réunion est reprise à 14h27

Marcia Jones: Okay. Hello again, everybody. So I'm just turning to the next item following our break.

Okay. So the next item that we have is section 4, which is General Information Provided in Alternative Formats and Timing.

So subsection 4(1) provides that 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 if the information is made available in

an electronic format, the format must be compatible with adaptive technology that is intended to assist persons with disabilities. If the information is made available only in a paper format, it is made available on request in large print, Braille or an electronic format. If the information is made available in an audio format, it's made available on request in a visual format. And if the information is made available in a visual format, it's made available on request in an audio format.

And furthermore, if a person with a disability makes a request, the transportation service provider must provide that information referred to in the requested format without delay.

So to recap, this section requires that transportation service providers ensure that persons with disabilities can receive publicly available information about the provider's services or facilities, including equipment, in ways that are accessible to those travellers.

This means offering that information in alternative formats in addition to conventional print and video formats such as accessible electronic text, large print, audio and Braille.

As well, information on web sites or in other electronic formats must be compatible with adaptive technology, including software that converts text to voice, screen readers for persons who are blind or have low vision.

And as I've mentioned previously, they must also provide the following information about transportation-related services in alternative formats upon request by a person with a disability. So for example, information available in an audio format must be made available on request in a visual format, and vice versa.

So meeting this requirement can be as simple as telling someone what is conveyed visually such as on an arrivals/departures monitor or writing down information from an announcement or other audio format.

So I mean, the intent here is really to make sure that information provided in one particular format which might not meet somebody's needs is simply communicated in another format that is. And so transportation service providers should make all reasonable preparations so that when a request is made they can provide information in the alternative format requested without delay.

So “without delay” is contextual. Like a regulation can’t enumerate every specific scenario that could ever happen, but you know, it’s not always interpreted as “immediately”. It may be that, you know, for example, if something’s requested in Braille, a bit of lead time if it’s not standard format would be needed to prepare it.

The intent is really to advise the—you know—sorry, provide information that’s available to the general public about your services is available in a variety of formats. That’s really the intent of this.

So this is a pretty cornerstone provision and it’s in line with previous codes of practice, you know, general expectations about making information—you know, standard information available in different formats.

And so with these clarifications, I’d like to see if NACC, which asked for this extension, might have some commentary about this particular provision.

Glenda Nicol: NACC has regretfully had to step away for just a few minutes. I guess there was a scheduling conflict. Suzanne will be back around 2:45 p.m.

Sorry, Marcia.

Marcia Jones: Okay. That’s fine.

Sorry. I didn’t notice that earlier.

So maybe we could pause that until NACC returns. I may have to recap some of the points, but I think it would be more productive to wait until Suzanne Acton-Gervais is back.

So I’ll just move to the next provision, then, which is section 32, “48 Hours’ Advance Notice”.

So this provision requires that if a person with a disability makes a request for a service that’s set out in that part of the regulations makes it at least 48 hours before the scheduled time of departure, the carrier must provide the service.

And there are, you know, some exceptions to that where there’s a 96-hour notice requirement, notably where information or documents are required to assess the request.

So this request was made by Motor Coach Canada. And before turning to you, Motor Coach Canada, I just wanted to give a couple of clarifications on this.

So first of all, this package—this regulatory package, the ATPDR, does not cover charter bus operations, and I believe some concerns were raised about how this requirement would work with small charter bus operations, so I just want to be clear it doesn't apply to charter bus operations.

For scheduled bus operations, however, persons with disabilities should be able to request services without having to provide significant advance notice in every case. And so this provision as well, this 48-hour notice provision, is pretty standard and, again, in line with previous codes of practice and kind of general expectations.

So there's also the flexibility of the 96 hours in the event that there's a particular situation that requires documentation to assess.

So I'd like to turn it to Motor Coach Canada just to further elaborate on this particular request.

Is Motor Coach Canada here today?

Glenda Nicol: I believe so, although the attendees for today were stepping in on behalf of our usual representative.

Marcia Jones: Okay. If there's—okay. Stevie McKeeman, are you here from Motor Coach Canada?

If you're speaking, you may need to unmute yourself.

Glenda Nicol: We also have one raised hand from Heather Walkus.

Marcia Jones: Okay, Heather Walkus. Please go ahead.

Heather Walkus: Just to clarify, any time these—and I believe I'm correct, but correct me if I am wrong, Marcia. Whenever there's a duty to inform from the disability community, whether it be 96 hours or it is 48 hours, even when it's less than that, the carrier is still expected to do whatever they can to provide those services. They can't say, "Okay, you didn't give us 96 hours, so we can't do it".

It's a courtesy because of the things that carriers have to do when, say, we bring on a guide or service dog or anything else for allergy, but it doesn't stop five hours ahead to say, "Look, I have to get on this plane. Can you—can you accommodate me?"

So let's make that clear.

Am I clear on that?

Marcia Jones: Yes. That's an excellent point, and I should have mentioned that. Thank you for that reminder.

So there is, you know, this general provision around 48 hours or 96 hours, but if the notice isn't given, a carrier is still expected to make all reasonable efforts to provide the service.

So you know, I think it's in your interests if you're a person with a disability to provide advance notice just to, you know, have a more smooth experience, but that doesn't relieve the carrier of the obligation to make all reasonable efforts to provide the service.

Are there any other comments on this provision?

Glenda Nicol: Kerianne Wilson with Air Canada, and Lui Greco with CNIB have both raised their hands.

Marcia Jones: Okay, perfect. Kerianne Wilson, please go ahead.

Kerianne Wilson: Thank you, Marcia. Thank you, everyone, for a really smooth process so far. I appreciate everyone's contributions and time.

The one thing I wanted to say is that the notice requirement is not there for an arbitrary reason, and of course carriers will make best efforts to accommodate. But certainly some provisions or some services are just more difficult to plan for without advance notice, so I just wanted to reassure the disability community it's not there for some arbitrary reason; it's there to ensure that carriers can provide the services properly, especially when there's equipment involved or, let's say, many people requiring assistance on a given flight.

So I really would encourage and ask everyone to give as much advance notice as they can, while also, obviously, being confident that carriers will do their best.

Marcia Jones: Thank you.

Lui Greco.

Lui Greco: Hello. I just want to seek some clarification. And if this is being requested by—sorry. If the delayed exemption or the delayed requirement is being requested by certain service providers, what are they requesting it be extended to? Are they saying hold off for another few months? Are they saying give us a bigger window?

My concern is that in a vacuum of information, which I think is what we're dealing with here, as far as what's being requested, what will the default that Cabinet will go with? Is it simply going to say, "Well, here's a request, there was no comments so we'll grant the request to extend that"? What are they doing to extend it to?

Marcia Jones: So to be clear, so a request to, I guess, modify this provision has been made by one transportation service provider, or association, really, Motorcoach Canada. Their request is that a 96-hour timeframe generally apply, rather than 48 hours. And so, you know, I don't want to, I guess, paraphrase Motorcoach Canada's submission, and I believe they're here at the table. But I think the concern was kind of twofold; one was on the charter, that some practical concerns around charter buses and, you know, their particular operations. And then the second was just, like, limited fleet available to accommodate passengers. They don't have so much flexibility to switch out fleet in order to accommodate individuals who might require a larger mobility aid or so forth.

So in terms of Cabinet, just to be clear, right now we're talking all input in. This Panel, the CTA will look at it, and after that it would then move to Cabinet. So Cabinet would have a look at all kind of the inputs that are being discussed, if there was ever any exemption being considered by Cabinet.

So I think, Lui, in answer to your question, like, I don't think sort of indefinite delays or anything are on the table. And, clearly, any kind of modification of provisions would have some, like, parameters around them, in terms of timelines and things, so...

But we're here today to discuss this and better understand what the concern is.

Lui Greco: So with respect to air travel and rail travel, the 48-hour window has worked, I would say, well, for quite some time. And, granted, it's harder to move a bus across the country than it is to fly a plane. You can get a plane there a lot quicker than you can a bus, but what we're seeing, and especially in Western Canada and some of the rural communities, is they're diminished or virtually non-existent bus travel. So the service area that's being looked after currently is decreasing, and they're asking for an extension to move equipment or to be able to accommodate requests in a more timely manner.

I think if this is granted, the barrier is going to fall on people who don't have a choice about how they get around for intercity or interprovincial travel. And I think granting a 96-hour or four-day window that they have to make plans within, I think that's going to be an undue hardship on those people, and that would be really unfortunate, especially given that in the areas that I talked about, you're not looking at daily service, you're probably—in some cases you're probably only looking at weekly service. So that's—that needs to be factored in, the availability, the scheduling, it's going to be problematic for people that don't have choices that are living in those remote areas.

Marcia Jones: Okay, thank you for that.

Stevie McKeeman: Hi, sorry; this is Stevie from Motorcoach Canada. Can you hear me?

Marcia Jones: Yes, Stevie, thank you. And I know you're here today replacing someone else on short notice, so—

Stevie McKeeman: Yeah, sorry. I am trying to sort of juggle a few things, so I was away from my computer for a minute; I'm just trying to catch up.

So, sorry; right now, we're discussing the request for extension from the 48-hours' notice to 96-hours' notice?

Marcia Jones: That's correct. So I was providing a bit of clarification on this requirement. And, you know, noting that this is pretty standard provision, in terms of our accessibility framework, you know, and clarifying further that the requirement does not apply to charter buses, in case there was any confusion about that. I believe that was some of Motorcoach Canada's concerns. And, secondly, you know, the point that

persons with disabilities should be able to request services without having to provide significant advance notice in every case.

So we wanted to hear from you just to kind of better understand the concern with those points in mind. Again, I recognize that you're, you know, you're here on short notice from your association, so if you need to take that back, that's fine. I'll leave it up to you.

Stevie McKeeman: Okay. I'll speak to the best that I can. I was just briefed on all of this this morning so I'm catching up.

But as I understand it, the request to extend that timeframe has to do with the fact that a lot of buses are parked right now. Like, there really aren't any—there's no charter service going and there is very little scheduled service operating right now, just because the demand has gone to practically zero.

So the fact that it doesn't apply to charters, I do think that that might make a difference. I can't say for sure, so I will take that back to my colleague in the membership to see if that does sort of eliminate the concern on this regard. Because I think that that's—I think you're correct, I think that probably was referring mostly to the charter services. I think if it's a scheduled service, the 48-hours notice is plenty.

Does that answer your question?

Marcia Jones: Yes, thank you.

Stevie McKeeman: Okay.

Glenda Nicol: Louise Gillis with Canadian Council of the Blind has raised her hand.

Louise Gillis: Yes, I was just going to make a comment.

Living in a province that's long and has very little transportation with buses and whatnot, but somebody who is travelling in a wheelchair, that they need the wheelchair for their transportation, was not able to be accommodated because of only one bus is available within the province with a wheelchair accessibility feature in it. And then that's why I think many cases they would want to extend it to the 96-hours for that type of service whereas the other 48 hours was kind of okay for other people with disabilities that didn't

need the special bus. So it's to wonder about that particular item because with one bus in Yarmouth and somebody in Sydney wanted to get it, they would have to give lots of notice ahead of time in order for that bus to be transported up to this end of the province. So, just wanted to make that comment, and don't know if that's what the issue was or not. Thank you.

Marcia Jones: Thank you for that, and I think that kind of goes back to the point earlier about some limited seat. It may be in a case such as that that 96 hours would be applicable anyway, the way that the regulation is drafted. I think for many services, 48 hours would be pretty standard, pretty typical, but, you know, we—you know, we recognize that there's different modes of transportation we're talking about here that operate differently in different parts of Canada. So, that's one of the reasons that we're having these discussions to kind of drill down on what the specific issues are.

Glenda Nicol: I don't have any other raised hands at this time.

Marcia Jones: Okay. Thank you.

Is Suzanne Acton-Gervais back?

Glenda Nicol: I was just looking. One second.

I'm not certain if she has returned yet or not.

Marcia Jones: Okay. So we can move to the next provision then. Okay. So we've got a couple of provisions today that are in category B, so these are provisions where we think some additional clarity and some possible, you know, practical workarounds might be feasible. And, again, this is staff's assessment of the provisions.

So the first is a set of provisions relating to personal electronic devices and onboard entertainment for pre-existing aircraft and buses. So these are sections 39, 81 and 205. So these require a carrier to provide on the request of a person with a disability the—a personal electronic device for their use. And there's also a similar requirement for personal electronic devices for ferries in the marine sector.

So, basically, you know, the upshot is that if there is an onboard entertainment system that exists already on an aircraft, a bus or a ferry that does not offer closed captioning

or audio description, then the air carrier, or bus carrier, or ferry must provide personal electronic devices, so basically, like, an iPad, with preloaded content that's equivalent or similar to what is being provided on board to a person with a disability on their request. So, it's basically comparable entertainment content, and the entertainment content must offer closed captioning and audio description, and it must be offered through wireless streaming.

So, again, this only applies to cases where there's pre-existing onboard entertainment system that doesn't have closed captioning, it doesn't have audio description, and it only is a requirement to provide, like, basically, like, an iPad with preloaded content to a person who requests it.

So these—an exemption was requested for this requirement from in the air sector Air Transat, in the marine sector Marine Atlantic, and in the bus sector Motorcoach Canada.

So I guess just a few points. The passenger traffic is pretty low right now. So, like, we would estimate—like, staff would estimate that the number of iPads that would be required would be relatively low as well. The second point is that this isn't, like, a significant capital expenditure by any means, because it's—you know, it's simply providing an iPad.

Another, you know, comment that we heard was around kind of sterilization and shared use during a pandemic. To us, this doesn't seem too dissimilar from any other kind of shared use equipment right now.

So I'd like to turn to, I guess, each of the entities that made a request for exemption to see if that additional clarification is helpful, and if, you know, it's possible to implement this requirement simply with a small number of iPads in relation to, you know, your aircraft, ferries or buses that have pre-existing entertainment and make them available in small numbers to begin with and increase them as passenger traffic ramps up.

So let me start with perhaps with Marine Atlantic.

Natalie Musseau: Thanks, Marcia. It's Natalie Musseau from Marine Atlantic.

Thanks for the clarification.

We have actually proceeded to pursue the iPad route and have such devices on order. However, it's not the device that is giving us the most difficulty with this. It is the provision

of the content. Given the regulations in terms of copyright distribution, that type of regulation, we're—it's not—we're not allowed to do certain things like just download content and give it out on a ferry. So there are regulations that we're—we must adhere to in terms of those things, which limit the amount of content that we can access. So, we're trying to work through those issues and see what type of content providers we can locate to get appropriate content that is in—adheres to all those other requirements.

It is complicated further for the ferry industry, or for us in particular, because we don't have access at sea to streaming. We—you are far enough away from shore that you cannot get, you know, WiFi connectivity, so we rely on, you know, cellular and satellite connectivity, which is not sufficient to support streaming services. So that is a complicating factor for us.

We'd love to be able to provide an iPad and sort of be able to do this. It is finding a technically possible way to do it that has been problematic for us. We continue to work through it, but that's kind of the crux of what has been difficult for us for that.

Marcia Jones: Okay. Thanks very much. That's a very helpful clarification.

I guess just to be clear on the—you know, it doesn't have—in terms of your second point about streaming, it doesn't have to be streamed content. It can be preloaded content that's comparable. It doesn't have to also be the same content that's being offered on board. But I—you know, I've heard some of the difficulties around copyright and preloading the device, so that's useful information to have.

I don't know if—we'll also open up the floor generally to people to comment on this, but I'd like to get through everyone who's made the request for an exemption.

Motorcoach Canada, I don't know if that—you have any comments in response to the clarifications that I've given?

Stevie McKeeman: Not that's—not that come to the top of my mind. It seems reasonable. I think the main concern would be—I mean, it just comes down to the affordability. I think the main issue that my colleague has put forward with these requests for exemptions is just how decimated the industry is.

Now I don't—I agree with the earlier comments that financial—like, finances shouldn't be a barrier towards accessibility. So if there is—if that is the main concern, perhaps we could look at other options such as funding loans or stuff to get this stuff in place as soon as possible.

I can confer with my colleague again to see if that was the main issue, or if it's similar to what the boat industry just mentioned.

Marcia Jones: Okay.

Stevie McKeeman: So I can get actually on that as well.

Marcia Jones: Okay. Thank you. And I think in every case it would be good to know, like, how often is this even triggered? Like, how many buses offer—have already, you know, pre-existing entertainment systems, like, with closed captioning and all those things. Like, this may not even be triggered in practice all that much. Same with the ferry sector.

And I will now turn it to Air Transat.

Kelly Knutson: Thank you, Marcia.

In terms of our solution, we are already moving forward with the iPad solution. Our request for a delay was really just to—there were delays in negotiating with our service provider and getting the content ready. We've continued with those negotiations and we're at the final stages now, so we would be prepared once our operations resume in order to put them in place.

The other question is again logistics in terms of getting them to the stations and having the logistics in place for charging and recuperating them and that sort of thing, so it would just take again a certain amount of time once our operations resume to have everything activated, but we're working on that solution.

Marcia Jones: Okay. Thank you.

Are there any comments from the floor generally about this particular set of requirements?

Glenda Nicol: I currently do not see any raised hands. Oh, Lui Greco with CNIB.

Marcia Jones: Okay. Please go ahead.

Lui Greco: Hi, sorry. Just I'm not sure if I'm—I'm muted?

Glenda Nicol: No, not at all, Lui Greco.

Lui Greco: Okay. Perfect. So the idea of preloading content on devices I think makes a lot of sense. In essence, that's what onboard entertainment systems on airplanes do. I don't believe they're streaming content mid-Atlantic or halfway across the company (sic). They have a server on the plane that is preloaded. Now if I'm wrong, I'm sure that folks from the air industry will step in.

The other provision that isn't clear is whether or not those devices—whether or not those devices are made accessible. Fortunately, both the Apple and the Android platforms come with prebuilt—native accessibility features at no cost to anyone buying them. So how to manage that, how many devices each carrier would carry, I guess their forecasting models as to demand would have to dictate that.

But again, not only are the devices accessible, but unless you're providing content from the, you know, the '70s or the '80s, which some of which is still pretty relevant and entertaining, anything coming out of mainstream production studios probably 70, 80 percent of it already has some kind of described video and closed captioning. So, that's something that needs to be borne in mind when arrangements are being made with content providers to make sure that the content that they're providing mainstream is accessible. And if that's done, then the need to provide these other devices would disappear.

Marcia Jones: Yeah, I think—

Glenda Nicol: Oh—

Marcia Jones: Oh, sorry, go—sorry, go ahead, Glenda.

Glenda Nicol: My apologies, Marcia. Just to let you know that both Heather Walkus and Kerianne Wilson have their hands up.

Marcia Jones: Okay, great. Thanks, Glenda.

Just in response to that comment, Lui Greco, like, I think it's a good one, and this provision's really intended to address the situation of where, you know, the aircraft, or ferry, or bus has a pre-existing system. But, I mean, I would agree, like, over time, you know, this may become a non-issue, and this may be many years down the road, but, you know, I think, you know, the technology's getting better and better and hopefully we'll have more built-in accessibility. It's really intended to address the situation where right now there isn't that option. So it's helpful to hear all these points.

I'll turn to Kerianne Wilson.

Kerianne Wilson: Thanks, Marcia. I just wanted to maybe share a bit of information that isn't known to everybody. Obviously, major releases such as Hollywood blockbusters and stuff like that do come with closed caption and audio description. I was personally surprised to learn how little content international or television content comes with that kind of accessibility feature built in. So just a bit of education here. Hopefully that too will start to change as we go forward, and I absolutely agree with Lui Greco and Marcia's points that this is obviously a temporary phenomenon that as technology evolves and content producers see the value truthfully in including accessibility this will change. But certainly, the transportation service providers unfortunately do not control the content. We are at the mercy of the content that's out there.

Marcia Jones: Yes, understood. And that is interesting about the lack of, you know, built in accessibility for entertainment content. That's a bit of a surprise as well on my end. That is unfortunate.

I guess, Heather Walkus, you were next.

Heather Walkus: Hi. I'm glad that you caught up to us. It's not been a surprise for people in the disability community, which brings me to my point for all of you. We sit at this table three—representing three sort of groups, if you will. But the reality is, this impacts all of us when accessibility is not there. Impacts you trying to provide it, impacts us because it isn't existing. These are things we can rally together maybe and support.

But one thing you've missed, and I think it's critical, critical, critical over the years, utilize us in the disability community because we understand the technology. For instance, the Canadian Council of the Blind has an incredibly vibrant and important program called Get Together with Technology with experts in accessibility that work together around these kinds of issues. And we're here, and we have that knowledge, and you're there, and you didn't have that knowledge. So please utilize the reps from the consumer-based organizations because we're the ones that have that on-the-ground expertise that we can give you and support you and be partners with you to do good works. And we know where everyone is situated around the world as well through our network.

So, we are a resource you're not using, and I encourage you all to utilize us. Come to myself, come to Corry, come to Louise. I mean, we know who's out there and what they're doing, so we can certainly assist you in any of these things.

Marcia Jones: I think that's a really excellent suggestion and thank you for putting that on the table in terms of, you know, getting preloaded content that would actually be relevant and interesting.

Is there any—is that Donna Jodhan that's—with her hand up?

Glenda Nicol: Yes, Donna Jodhan has raised her hand.

Marcia Jones: Okay. Thank you. Please go ahead.

Donna Jodhan: Thank you very much. I just wanted to echo Heather's comments there. It is us who can help you. Barrier-Free Canada works very closely with Louise at CCB, and we know what technology is best for us. We know what works. We know what doesn't work. So please, please, reach out to us and let us work together to try and solve this problem. Thank you.

Marcia Jones: Thank you very much.

Are there any other comments on this provision?

Glenda Nicol: I see no other raised hands at this time.

Marcia Jones: Okay. Thank you. So from what I'm hearing, I think maybe the main challenge is around the content, and there could be some solutions on the table from those who actually, you know, use that content and have that expertise, and I've also noted that there are maybe some, you know, copyright concerns around pre-loaded content. But the iPads themselves may not be the particular issue, so that's helpful.

I will turn now to the next provision, which is section 225, "Requirements for Wheelchairs".

And I just want to take a moment and say everyone's doing a great job with this discussion, really sort of whipping through the provisions, so I really appreciate everyone's targeted comments and insights into everything. There's only this provision and the previous one I mentioned for National Airlines Counsel of Canada.

So turning to this provision, so again, requirements for wheelchairs. This comes into force on June 25th, so it's not yet in force.

So there's a few aspects to this requirement. It provides that a terminal must have wheelchairs available for use by passengers in a number that is sufficient to accommodate the number of persons with disabilities who are likely to use them at any one time and a wheelchair that is available for use by passengers at a terminal must have footrests and wheel locks, and specifically in the case of a wheelchair used for boarding, movable armrests and an occupant restraint device and the backrest of a height that permits the person using the wheelchair to be safely and easily transferred to and from a seat.

So I guess a couple of comments about this.

So this is a requirement simply to have wheelchairs in sufficient number for people who are likely to use them at any one time. So again, this may be an area where the requirement could be gradually implemented just given the decline in passenger traffic.

So I guess we've got a few exemption requests, Montreal Airport, Quebec City Airport and Prince George Airport Authority, and then some specific exemptions around boarding wheelchairs in particular from Canadian Airports Council, Greater Toronto Airport Authority and the Prince George Airport Authority.

So I think I'd like to, I guess, better understand particularly what's sort of problematic about this in light of the passenger volumes now and I guess better understand some of

the comments made around replacing chairs or providing—procuring new chairs as part of an asset replacement cycle.

So perhaps could I start with the Canadian Airports Council, with Wayne Harvey?

Wayne Harvey: Yes, thank you, Marcia. Can you hear me okay?

Marcia Jones: Yes, I can. Thank you.

Wayne Harvey: Very good.

I think on this particular one, and I know there's a couple of airports that have submitted—or made submissions on this one, and I think the best way to go about responding would be to reiterate the submission that the GTAA made because they, of course, operate the most wheelchairs at their airport. But it is an issue, I guess, or a topic that has come up with a few airports, as you've mentioned.

I think you've also mentioned that the gradual replacement of these wheelchairs would be a good solution in terms of if that was acceptable because—and I'll just reiterate what Toronto has said, GTAA has said, because I think they covered the issue quite well.

What they're saying is they own approximately 1,600 common use wheelchairs which are utilized by the air carriers at Toronto Pearson. While many of these wheelchairs located within the terminals meet the requirement of the ATPDR, aisle chairs utilized to board the aircraft are required under the ATPDR to have removable armrests. The modifications required to make them compliant would render the current chairs unusable while being modified and, therefore, modification is not an option.

Instead, the aisle chairs will need to be replaced to be compliant with the ATPDR as of June 25th, 2021, so what they're adding is the GTAA anticipates approximately 50 to 100 chairs—aisle chairs will need to be replaced. As the cost is borne by the air carrier community, replacement of the chairs will further impact their financial situation as they strive to recover from the impacts of COVID-19.

So their recommendation is that the aisle chairs be replaced as part of their normal asset replacement cycle, and I think that's what you're also referring to, that if this could be implemented that that would be acceptable.

Marcia Jones: So for—just to clarify, and thank you for your comments, I—you know, my comments are more that, you know, the—say, for example—and I’ll let GTAA kind of speak to this. Like the estimation of, you know, 50 to 100 aisle chairs that need to be replaced, is that currently what would be required or in the next, you know, year or two in terms of what’s foreseen for passenger traffic? Could a more modest, you know, investment be made to provide some boarding chairs now in light of decreased passenger volumes to meet the requirements of the provision?

But I will—I’ll let GTAA speak to this.

Peter Humele: Yeah, hello. Good afternoon. It’s Peter Humele. Thanks, Marcia. From the GTAA.

Yeah, my colleague, Kurush Minocher, I don’t think he’s on the phone—or on the call at the moment, but he’s the one who’s more familiar with this. But—and we could look at those numbers again, but yeah. You know, 50 to 100, replacing them—they’re in good working order and we didn’t want to just really throw those out to—because they would need to have this armrest replaced.

And the idea would be to just delay that, as Wayne mentioned, for—as we replace these units as part of an asset—normal asset recycle as they wear—get wear and tear and then we would just update them at that point in time, which may take—which would be longer than June 25th of this year.

So I—that would make it into this gradual replacement process. I can go back and find out in terms of what numbers could be upgraded by June of this year. I don’t have that information, actually, at this time.

Marcia Jones: Yeah, that—I think that would be—would be helpful, to take a look at it in the context of the current volumes and maybe, you know, what’s projected for next year, and appreciating that it’s very difficult right now to predict. Like I think all of us understand there’s a lot of unknowns right now.

If you could look into that, I think that would be—that would be helpful.

And are you able to comment on kind of asset replacement cycles, just elaborate a bit on that, how that works?

Peter Humele: Well, just generally, I think we—at the GTAA, we have a program where assets are used to their full extent while they're still in good working condition and good working order and we would replace them once their working lives, basically, comes to an end or is nearing an end so we get the most effective use out of it because everything we purchase—all the equipment we purchase as a not-for-profit authority, it gets paid for by the airlines through fees somehow. Typically the largest way we recover all of our costs is through airline fees, airline landing fees, terminal charges and so on.

So our—we have asset recycle—or asset cycle programs for many of our assets, and I think in this case we were looking to have them—all of these things replaced by, say, something like a 2025 timeframe.

But I will go back and find out what we could—what's possible now given the lower passenger volumes, the fewer number of flights. Obviously we're—the numbers of flights have plunged dramatically at Pearson, and I will get an estimate of what we would think might be feasible for replacing these armchairs by June of this year given that current passenger volume, aircraft traffic situation.

Marcia Jones: Perfect. Thank you.

And it would be informative as well to know kind of the cost of this type of an upgrade.

Peter Humele: Sure.

Marcia Jones: So I think we—thank you.

I think we have another hand up.

Glenda Nicol: From Joanna Zyma with Hamilton Airport.

Marcia Jones: Okay, perfect. Thank you.

Please go ahead.

Joanna Zyma: Just a clarification. As a smaller regional airport here in Ontario, we don't own wheelchairs. They're provided by our ground handler.

We just want to confirm that that—that it can continue that way. So under this obligation, it would be on the ground handler or the airline.

Marcia Jones: Okay, thank you for that question.

The requirement applies to a terminal. So it's up to the terminal to make sure that the obligation is fulfilled. Whether you do that through procuring your own wheelchairs or through an arrangement with the ground handler or airline, that's, you know, entirely up to you, but your requirement is under this provision; it applies to a terminal.

Joanna Zyma: Okay, thank you.

Glenda Nicol: I see no other raised hands at this time.

Marcia Jones: Thank you.

I don't know if—there's three other airports involved in this request; Montreal, Quebec City, and Prince George; if any of these airports would like to speak to the issue?

Glenda Nicol: Both Heather Walkus with CCD and Sophie Lambert with Quebec City Airport have raised their hands.

Marcia Jones: Okay.

Heather Walkus, please go ahead.

Heather Walkus: I would like the airport to speak before me. I think it's correct.

Marcia Jones: Thank you.

Sophie Lambert?

Sophie Lambert: Hi, thank you.

We are in the same situation then Hamilton Airport. So if I understand correctly, we can sign an agreement with our partners to make sure that they continue providing the wheelchairs, right?

Marcia Jones: Exactly.

Sophie Lambert: Okay. Because we have some but, really, a small amount of wheelchairs. Mainly, they are airlines or partners. And, also, also the wheelchairs for boarding are mainly from the airline so—okay. So I think it's an easy solution if we can make an arrangement with our partners to make sure that they continue providing the wheelchair. It's easier to comply.

Marcia Jones: Yeah. Like, there are different ways of fulfilling obligations. I mean, some of this gets into commercial relationships. And, like, as long as the obligation is met. If it's not met, then there's an issue that, you know, there could be an—action with the airport. But, certainly, this is one way of meeting the requirements.

Heather Walkus, please go ahead.

Heather Walkus: Hi, thank you.

We've done a lot of work with the disability community around this issue about the removable arm wheelchairs, and we appreciate, Toronto, you're looking at replacing so many so fast for an industry that has low volume, and I appreciate you willing to go back.

We are not—once you're up to full speed, we are not thinking of 2025 at all, and we would encourage you to look at the cost of replacement up to a certain level that can be part of funds that come through the government in a negotiation.

And as far as—I'm sorry; what was the other airline that just spoke, or airport that just spoke?

Marcia Jones: There was Quebec City and Hamilton.

Heather Walkus: Right. As far as small airports, which I work with a lot in BC, around implementation, the idea is that the arms are removable so that people can be safely transferred into seats on the plane.

Now, if the airline has those kinds of seats, then the airport has met its obligation. If not, it's not just a regular wheelchair; you must ensure they have those type of wheelchairs. So that's important to look at that.

But we would really encourage you, again, to look at your cost and where you can, do it; where you cannot, identify them. Because that's an important part of how you're going to be judged in terms of looking at any extensions or workarounds.

But if we can get the funding to put those in place, that would be the best solution. Always try to see how we can save the Regulations. And since you cannot afford it, look at how we can, together, work on making it affordable through another pot of money with the government.

Thank you.

Marcia Jones: Thank you very much.

I think I see another hand raised?

Glenda Nicol: You do. Joanna Zyma with Hamilton Airport has raised her hand.

Marcia Jones: Thank you.

Please go ahead.

Joanna Zyma: Thank you.

I just wanted to thank Heather for those comments. Really appreciate that, on being a smaller regional airport, and to assure everyone that our airline partners do comply with that and they have the proper wheelchairs to assist for—in the aircraft and with the removable arms.

Thank you.

Marcia Jones: Okay, thank you.

Are there any further comments on this item?

Glenda Nicol: I see no further raised hands at this time.

Marcia Jones: Okay, thank you.

Is National Airlines Council of Canada back?

Suzanne Acton-Gervais: Yes, I am. Good afternoon.

Marcia Jones: Thank you.

Suzanne Acton-Gervais: Apologies for that.

Marcia Jones: No, that's okay. I know these are busy times.

Suzanne Acton-Gervais: Yeah.

Marcia Jones: We understand.

Okay. So the section—the last section that we have for discussion today is section 4, so I'm going back to the Group A provisions. We've already covered the two Group B provisions for today.

So NACC, National Airlines Council of Canada, requested an exemption to this provision. So I'm just going to recap what it requires, and others, my apologies for being repetitive.

If a transportation service provider makes available to the public, information about any transportation-related service or facility, the transportation provider must ensure that if information is made available in electronic format, it is compatible with adaptive technology that is intended to assist persons with disabilities. If it's made available only in paper format, it's made available, on request, in large print, braille, or in electronic format. If it is made available in audio format, it's made available, on request, in a visual format. And if it's made available in a visual format, it is made available, on request, in an audio format.

If a person with a disability makes a request referred to above, the transportation service provider must provide the information in the requested format without delay.

So to recap; section 4 requires that transportation service providers ensure that persons with disabilities can receive publicly available information about that service provider's services or facilities, including equipment, in ways that are accessible to those travellers. This means offering that information in alternative formats.

As well, information on websites or other electronic formats must be compatible with adaptive technology, including software that converts text to voice screen readers for persons that are blind or have low vision. And as mentioned, information available in an audio format must be made available visually, and vice versa. Meeting this requirement can be as simple as telling somebody what's conveyed visually, such as on an arrivals/departure monitor at an airport, or writing down information from an announcement or other audio format.

So there's also a requirement to make all reasonable preparation so that when a request is made, this information can be provided in the alternative format requested without delay.

So just to be clear, "without delay" is contextual. So it would depend on the particular circumstance. And I mentioned before, a regulation can't out every possible scenario. But, you know, perhaps, you know, getting information about a particular service in braille, and maybe for some carriers in a specific circumstance, that might take a little extra time.

But the general idea—and this is sort of a cornerstone provision—is that information made available to the public about services or facilities is made available in a way that's accessible to a variety of persons with disabilities.

So this particular kind of suite of requirements, I guess, has been around for a long time. You know, it can be traced to the Code; Voluntary Codes of Practice has been updated to reflect more modern technologies.

I guess, with those kind of contextual points in mind, I'd like to hear a little bit more about, I guess, if you have any sort of further points to offer at any CCM on the need for an exemption from this particular requirement.

Suzanne Acton-Gervais: So, Marcia, thank you for this, and apologies to all for that repeat, for me stepping out and stepping back in, and being cause of that.

With that briefing it does sound that and it is a little bit more general and flexible provision than what perhaps we were seeking it from our side. And I will have to take it under advisement and talk to my members a little bit more on it.

One of the components of this is that we need to have a little bit more understanding of the applicability and how far it reaches, for example. Is it, for example, only at the airport, et cetera? We do have some challenges. For example, the carriers sometimes have, you know, mass amounts of email submitted to passengers by vendors, for example, and we do struggle to audit and ensure that they are issued in an accessible format, for example, as you can imagine.

So same with respect with any information supplied over the phone, for example, by a call centre. So, you know, is that required to be issued in an alternative format, et cetera, like, that. So, I think we might need a little bit more clarification and a little bit of going back on our side to ensure that we're understanding just how far the applicability reaches and that our ability to meet that please.

Marcia Jones: Okay. Thanks for that. And just to clarify, it's—you know, it's a general obligation to make sure that information given to the public on services or facilities is made available in an accessible format, or on request in a visual or audio format. So, in terms of the scale of how that obligation would apply, I mean, it would, to some extent, depend on your operations.

And, again, you know, without delay, what does that mean? I mean, it depends on the particular information and particular circumstances. But, like, standard information about, like, booking and things like that, like, that should be—the expectation is that would always be, you know, accessible immediately. Other things, perhaps, like, a meal voucher that's issued unexpectedly, I don't know, in a very remote location, perhaps making that in Braille might be more challenging, just given the particular circumstances, without wanting to kind of pre-judge any circumstances. But the general principle is to make all information available.

Sue Clarke, I don't know if you want to add anything to what I've said? Sue Clarke on my team?

We can't hear you, Sue.

Susan Clarke: How about now?

Marcia Jones: Sorry, Sue, we still can't hear you.

No. Glenda, perhaps you'd like to elaborate on anything?

Glenda Nicol: Not off hand. I think where information would expect to be readily available, like, a menu on an aircraft, that is sort of standard information that's provided to everybody. The expectation, without speaking for members should a complaint be filed, the expectation would be that that should be available to anybody in a format that is accessible to them, understanding that there will be circumstances that you may not see coming where information may not be immediately providable.

Susan Clarke: Can you hear me now?

Marcia Jones: Thank you.

Sorry, Sue, we can't. I think we're having technology issues.

I don't know if anyone else has their hand up here?

Glenda Nicol: Kerianne with Air Canada has raised her hand, and Suzanne Acton-Gervais has raised her hand.

Marcia Jones: Okay. Perfect. Well, Suzanne, you go ahead. It was your item so.

Suzanne Acton-Gervais: Thank you for that.

Yeah, so again, I think it's just for us to note that the information that goes out from the different vendors, as I mentioned earlier, is quite, quite significant and very, very challenging. So some of the carriers send out, you know, emails from over 200 vendors for different purposes. So let me give you an idea of those promotional emails, you know, could be, you know, credit card offers, you know, trip case, et cetera, so I just—I guess we're really curious on to what extent, and if it's specific to their service or facility that, you know—so just, again, the applicability and how far this goes when it's being sent out from a carrier.

Marcia Jones: Okay. Thank you. We can provide some additional clarity. I'll just ask others to jump in.

So, Kerianne Wilson, you want to go ahead?

Kerianne Wilson: Yes, please, and I do—

Marcia Jones: You were on mute.

Kerianne Wilson: Oh, thank you. I could have sworn I unmuted. Anyway, thanks, Marcia.

Not to be pedantic, but I did want to just bring up the fact that that specific example given of a menu on board, there is an option to comply alternatively by providing a full briefing on the content. So I just wanted that to be clear.

Marcia Jones: Yeah, thank you.

And, Glenda, you said there was another hand up? I'm sorry, I'm having trouble seeing it on my screen.

Glenda Nicol: Not a problem. Natalie Musseau with Marine Atlantic has raised her hand.

Marcia Jones: Okay. Perfect. Thank you.

Please go ahead.

Natalie Musseau: Thanks, Marcia. Just a point of clarification, we—it would be good for us to understand the full ask here as well. So, our understanding is that as well as we're providing some type of alternative, you know, voice other than print, print other than voice in some format, that that would cover us off. And if a—an additional alternative format was required, Braille, or something more specific, that that would be something we'd have a little bit more time to respond to.

And I go back to the menu kind of example. So, if we have an audio and a, you know, electronic large-print form available, and we can tell people about it, if somebody specifically requests Braille, we might not have that on hand. Is that the expectation? Just looking for a bit of clarity.

Marcia Jones: Okay. Thank you. So, like, one of the things about regulations is that, like, with—especially these regulations, like, with travel, there's any number of, like, different scenarios can occur. So I guess, like, just to recap, so there's—the requirements apply to information on transportation related services or facilities. And

then things—there's specific requirements on electronic format. So, if you're doing an electronic format, it needs to be compatible with adaptive technology. So, if a carrier chooses to provide information in an electronic format on transportation related services or facilities, it must be compatible with adaptive technology.

If the carrier chooses only to provide the information in paper format, which I don't know many carriers would today, it must be available on request in large print, Braille, or in an electronic format, so there's—it would depend on what the person requested.

If it's available in audio, must be made visually. If it's available visually, it must be made available in an audio format. And the requirement without delay, it really would be contextual. Like, you know, there's cases could come to our members who might interpret it a certain way, but, like, generally, if you had a, you know, a request for, like, as I said, Braille—not to just isolate Braille all the time, but, you know, in a more remote area for something that's not kind of standard, like, that would probably take more time than something that's routinely offered to the public, information that's, like, routinely offered.

So, the principle and spirit of it is to make sure that the information that you're offering to the public is available to everybody, that everybody can access it. And, you know, that it's not a blanket requirement to offer, say, large print for everything, but that if you're only making things available on paper, that someone requests a large print, that you do make the large print available.

And I would guess that, you know, most, if not all, carriers at the table, if someone made that request, would do it. So I don't, like, I don't think this—like, from our assessment of this personally—or personally, that this is a very onerous kind of obligation or very unusual in terms of what you're already doing.

So that's really the spirit of this requirement. I hope that that clarifies.

Suzanne Acton-Gervais: Yeah, and just kind of from the lack of perspective, it's from our perspective, the massive scope is the basis that—where members were asking for the extension. As you said, you know, a lot of the practices are there. It's the scope that that was really the concern and being able to attain that.

Marcia Jones: Okay. Thank you for that clarification.

Does anyone else have their hand up?

Glenda Nicol: Kerianne Wilson with Air Canada has her hand up.

Marcia Jones: Thank you.

Please go ahead.

Kerianne Wilson: I have successfully unmuted myself this time, so that's a good start.

I wanted to just touch a little bit on what you said, Marcia, about it being perhaps contextual, you know, it'll depend on the numbers interpretation. If I can just isolate that from a transportation service provider perspective, that's just a very uncomfortable position to be in from a compliance perspective.

And of course we understand that it's flexible and there's a need for that and, of course, I'm sure I speak for every transportation service provider on this call that we will do everything possible to accommodate, and surely we are accommodating already. But that lack of certainty is—it's just an unknown risk and it makes it impossible to feel entirely comfortable because it is written in such a broad fashion with, frankly, very little helpful practical guidance.

So perhaps that's something that could be looked at again from the CTA's perspective if there's a little more clarity that can be provided in the guidance materials.

Marcia Jones: Okay, noted. Thank you.

And we recognize that carriers at the table are looking to comply with these provisions.

Lui Greco, I think you have your hand up.

Lui Greco: Yes, I do. I do.

So I think the examples that we've talked about so far are right on. I mean, there's no—there's no doubt that if you have a paper menu that having somebody read it to you, it's not the ideal solution but it's a solution and for most people, nine out of 10 times it would suffice quite nicely.

Where I think a little bit of pushback, if you will—I can't think of a better word—but I think where this becomes problematic is with some of the documents for trips, so email confirmations, getting those—receiving those in accessible formats.

It's been an ongoing—it's been an ongoing issue with every carrier. No exclusions, no exceptions. And I think that's why the community has lobbied, if you will, going as far back as, I think, as the late nineties when the code of practice around communications was first born, that this has been—you know, that this remains—remains an issue.

The viewpoint that CNIB takes us on this is that making documents accessible isn't rocket science. It's harder to fly a plane than it is to make stuff accessible. But if it's not—if it's not built in from the requirements or the design phase, then yeah, you're going to encounter problems.

PDF files, which are ubiquitous not only in the transportation sector, but everywhere, if they're not done well with accessibility in mind, they can be a nightmare.

So if—that then provides someone with a document in a format that's completely unusable and the information that they need to glean from that, be it terms and conditions or pricing or logistics around what it is that they're buying, AKA when does it leave, when does it arrive, that type of information, that's available to people without perceptual or print disabilities, so therefore, it should—it should also be available to people who aren't able to read conventional print.

So if there's any—if there's any exemption given for this by Cabinet, we would like to—as we said in our written comments a while back, we would like to see that service providers that are requesting an exemption put forward a strategy or a plan as to when and how they're going to comply with the regulations.

Sure, it's not a pressing issue today and probably won't be for the next three months, but if we're having this conversation two years from now about the lack of documents and critical information in formats that are accessible—if we're still having that conversation, then, quite honestly, we've—the legislation has failed and those of us at the table have also not succeeded in raising the bar and realizing the goal of Canada having a truly barrier-free travel sector.

That's it. Thank you.

Marcia Jones: Thank you for those comments.

I think this is a very important provision to the disability community based on what we've heard in our consultations, and I appreciate all the thoughtful feedback on this issue.

Are there any other comments on this one?

Glenda Nicol: There's another hand up from Corry with the Alliance for Equality of Blind Canadians, and Donna Jodhan as well.

Marcia Jones: Okay, perfect.

Please go ahead, Corry.

Corry Stuive: You are 1,000 percent correct, Marcia, this is near and dear to our hearts, indeed.

And following up on what Lui has just mentioned, I think alternate format production has never been easier, has never been more cost efficient than it is today. I think a number of people are spooked by the Braille component thereof, and that's fair.

But you know, I mean, it might really surprise you the limited number of people that are requesting documentation in Braille and, therefore, I ask you again, as industry, you know, your best resource is those of us that are in the business, those of us that come from the groups and organizations of and for the blind.

And I also think, you know, there's a provision there for us to think outside of the box.

Going back to our menu on the plane scenario, maybe emailing that menu to a prospective traveller before they embark on their journey might be a solution. So you know, I think we can do this, and we can do this quite easily and quite cost effectively moving forward.

And you know, I don't think it's as difficult as, perhaps—or as daunting, perhaps, as it seems to be on paper.

Thank you.

Marcia Jones: Thanks very much, Corry.

Are there any other comments?

Donna Jodhan: I wanted to just say something. It's Donna Jodhan.

Marcia Jones: Yes.

Donna Jodhan: Can you hear me?

Marcia Jones: Yes.

Donna Jodhan: Thank you.

I can only echo what Lui and Corry have said, but it is vitally important that documentation be made available to us in accessible formats. If we can't do this, our ACA would have failed for the travel agency and it would hurt me dearly to see that happen.

I don't think it will happen. I think we have the ability to use improving technology to make sure that the turnaround time is reduced and I think that everyone here at this table has the commitment and has the wherewithal to try and work together to ensure that alternate formats are available. It is really important.

And you know, talking about the menu on the plane, yeah, one solution would be send an email out just beforehand if that is available, but I do think there is a solution there and I do think it is important that we try and come up with a plausible solution.

Marcia Jones: Okay. Thank you for that.

Any other comments on this one?

Glenda Nicol: Heather Walkus has raised her hand.

Marcia Jones: Okay. Thank you.

Heather Walkus: Yeah, just—thank you.

Just to echo what everyone else has said, but also say again; look at—come to us. We know who is producing these materials. We know who can do it for you in a much easier way than maybe you're going about it.

Sometimes you take the long road home and we're sitting there on your doorstep. So I really believe that solution-based working together will save time, money, and a lot of angst on your part.

Thanks.

Marcia Jones: Okay thanks, everybody.

Are there any other last comments on this provision?

Glenda Nicol: I have no other raised hands at this time.

Marcia Jones: Okay, thank you.

So I think we've covered all the provisions for today.

This has been, I think, a very productive discussion, and I appreciate the willingness of everyone today to come to the table and speak to their organization's positions on these issues, and to industry's being so candid and willing to look at possible options to implement provisions in the circumstances that we have, and the disability community sharing their experiences in travel and proposing options and solutions that involve them.

So I think for the next meeting that we have, or the following meeting, my team will be in touch with everyone at the table here, just to see if we need to set aside a bit more time for the disability community, for example, to provide some submissions, or perhaps any other items to add to the agenda. Then we'll modify the agenda as needed.

Of course, our goal is to get through all of the provisions for which exemptions have been requested in a way that's relatively efficient and respectful of everyone's limited time right now.

And I guess our next set of discussions will cover what we consider to be Group B provisions, and then getting into some Group C provisions.

And I guess I'll just pause here and ask if there are any questions before we sign off.

Glenda Nicol: There is one raised hand by Graham Keithley.

Marcia Jones: Okay, thank you.

Please go ahead, Graham Keithley.

Graham Keithley: Thank you.

Graham Keithley with Airlines for America.

For sake of efficiency, it sounds like a lot of the clarity that CTA provided today helped carriers understand the Regulations and put their exemption requests into scope.

In advance of discussing the next set of Regulations, is there a chance that CTA could provide that clarity, so that we could talk with our members or the airlines could internalize that in advance of the next discussion so that we can come back to CTA and this Working Group with an update and so forth?

I just want to be able to—I confess that Airlines for America requested sections 58, 59 exemptions, which will probably come up next week. And any clarity that will come out from CTA in advance of that, I can take that to my members, get their input, and provide more of an in-depth and informed discussion next week. I think that would be helpful.

Marcia Jones: Okay, thanks for that. We can definitely look at the possibility of doing that. We appreciate you're speaking on behalf of members, and would like to come prepared.

Glenda Nicol: Linda with IATA and Heather Walkus have raised their hands.

Marcia Jones: Okay.

Linda, please go ahead.

Linda Ristagno: Yeah, thank you. Thank you so much.

First of all, thanks for having this meeting. It's—and for inviting us. It was really interesting to see how the coordination—how coordination is possible, and as well interesting to see, also, the perspectives from our passengers.

I wanted to actually support the comment from Graham. It would be really important for us to understand how we can—because article 58 and 59 would be—we have submitted specific comments on that two articles because, I mean, we also see this from an international perspective, not only from the Canadian perspective.

So if you could share more about what is expected, we really would go back to our members and probably provide more of also operational perspectives to make sure that we can support on—well, that there are different applications of these two articles.

Thank you.

Marcia Jones: Okay, noted. Thank you.

Heather Walkus?

Heather Walkus: Yeah, I'd just like to thank everybody for your—I guess your drive to try to get these Regulations in place as soon as they can be, and for your commitment to accessibility in Canada, and throughout the world, hopefully.

And I'd also like to ask you, when you come back to this table, consider looking at what the costs are for you replacing wheelchairs. Get some data going, even if it's best ballpark, so that we can look at objective and quantifiable evidence, which is what the standard is that we look at when we're looking at anything around changing Regulation or giving extensions. So that would be most helpful.

And to reiterate that the disability community is a partner with you, not a partner against you. And wherever we can find common ground and support each other, we want to, and we sincerely believe that all of the costs of accessibility should not, especially in this time in COVID and what has happened to the industry, has to be borne by the industry. We really ask you to work with us, with government, and push forward that, inclusive of all the other areas that the industry needs supports for, it is—also needs supports to ensure accessibility and equality within the transportation system.

So thank you so much.

Marcia Jones: Thank you for that.

Are there any last comments?

Glenda Nicol: I see no other raised hands at this time.

Marcia Jones: Okay. So thanks again to everybody. It was a great discussion. This is a bit of an innovative type of approach, so we appreciate your willingness to come to the table and talk about some solutions and share information. And it seems like our team has a couple of deliverables, so we'll be following up with you. And we look forward to continuing the discussion with all of you next week.

Thanks, everybody, have a great evening.

Suzanne Acton-Gervais: Okay, Marcia.

Thank you, everybody.

The meeting concluded at 3:55 p.m./La réunion s'est terminée à 15h55

Certification

I, Mathieu Bastien-Marcil, a certified court reporter, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.



Mathieu Bastien-Marcil

March 9, 2020