

Submitted to the Canadian Transportation Agency (Form submission)

Subject: Consultation on proposed changes to strengthen the Air Passenger Protection Regulations

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Organization: Advocate

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Feedback is provided in the attached Microsoft Word document.

Attachment:

CNIB Submission to Canadian Transportation Agency (CTA) Consultation regarding the Air Passenger Protection Regulations (APPR)

August 10, 2023

Introduction

- Celebrating 100 years in 2018, the CNIB Foundation (CNIB) is a non-profit organization driven to change what it is to be blind today. We deliver innovative programs and powerful advocacy that empowers people impacted by blindness to live their dreams and tear down barriers to inclusion. Now, as CNIB enters our second century of operation, we're going to be even bolder in tackling the issues before us.

CNIB is pleased to respond to the Canadian Transportation Agency's (CTA) consultation on proposed changes to the Air Passenger Protection Regulations (APPR). In recent years, CNIB has participated in several CTA consultations, including the original APPR consultation in 2019. We look forward to continuing to engage with the CTA as we work to ensure all Canadians who are blind, partially sighted, or Deafblind can access barrier-free transportation from coast to coast to coast.

CNIB's feedback on the proposed changes to the APPR will focus on the requirements for standards of treatment ("assistance") and communications.

Potential Gaps in the Proposed Regulatory Framework

Flight disruptions can be stressful for all passengers, but are often particularly worrying to those who are blind or low vision who often face additional barriers while trying to continue on their journey. Overall, CNIB believes the proposed changes to the APPR will help to clarify, simplify, and strengthen passenger protection, including for persons who are blind, low vision, or Deafblind. In particular, CNIB commends proposals to require that airlines:

- Confirm passenger's preferred method of communication;
- Ensure the timely and proactive sharing of information about flight disruptions, the passengers' rights, and how to access those rights; and
- Provide information about flight disruptions through multiple formats, including audible on-sight announcements, on websites and digital platforms, and passengers' preferred means of communication.

However, there are key omissions that could result in regulatory gaps with respect to the application of requirements for passengers with disabilities in situations of flight disruptions. Specifically, the proposed changes do not reference the *Accessible Transportation for Persons with Disabilities Regulations (ATPDR)*, which could create confusion around the application of service standards for passengers with disabilities in cases of flight disruptions, especially when they occur unexpectedly, without advanced notice. CNIB recommends that the APPR make specific mention of the ATPDR where passenger protection for persons with disabilities may create gaps between competing regulatory frameworks. In instances of potential conflict, the ATPDR should take precedent for the rights of travellers with a disability.

Application of the *Accessible Transportation for Persons with Disabilities Regulations (ATPDR)*

The ATPDR outline service standards and requirements that transportation carriers, including airlines, must provide for passengers with disabilities like sight loss. Part 1 of the ATPDR establishes requirements for the accessible communication of information, and Part 2 establishes requirements respecting the provision of services. These regulations are critical to ensure passengers who are blind or low vision have equitable opportunities to travel safely and independently, without the added stress of navigating accessibility barriers.

However, the ATPDR does not clarify how the requirements are to be interpreted in situations of flight disruptions. **Section 32(1)** requires passengers to specifically request the services they will need at least 48 hours in advance of their scheduled departure, which does not account for unexpected flight disruptions that occur closer to the departure time, or during a layover for a connecting flight. **Section 32(4)** does add that in cases where passengers do not disclose their disability and service needs with advanced notice, carriers must "make every reasonable effort" to provide services; however, there are no clear expectations or guidelines around the application of these requirements in situations of flight disruptions.

CNIB Recommendations

CNIB recognizes that requirements for the treatment of passengers with disabilities do not need to be duplicated within the APPR. However, clarification is needed to ensure the ATPDR and APPR are understood to form a holistic regulatory framework where ATPDR requirements continue to apply throughout flight disruptions, whether or not those disruptions are within the control of the airline.

CNIB recommends a provision be included in the proposed changes to the APPR stating that ATPDR standards and requirements apply throughout situations of flight disruptions, in addition to the requirements set out within the APPR,

particularly with respect to the provision of assistance and communication of information. Where potential conflicts may exist, the ATPDR must take precedence.

This addition would strengthen protections for passengers with disabilities, including those who are blind, partially sighted, or Deafblind, and provide assurance that when they encounter unexpected and often very stressful flight disruptions, they will have access to the necessary resources and supports to resolve issues and continue on their journey as efficiently as any other passenger.