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Marcia Jones  
Dirigeante principale, Stratégies / Chief Strategy Officer  
Office des transports du Canada / Canadian Transportation Agency  
819-953-0327

Email: [otc.ceta-ceat.otc@otc-cta.gc.ca](mailto:otc.ceta-ceat.otc@otc-cta.gc.ca)

Dear Marcia,

On December 3, 2019, the Agency launched consultations on Phase II of the ATPDR. This phase has four objectives:

1. Apply ATPDR provisions to small transportation providers as much as possible – with adjustments, as necessary, to reflect their unique operating realities;
2. Determine whether or not to apply the One Person, One Fare (1p1f) requirement to international travel and to small transportation providers;
3. Determine what, if anything, to require of transportation providers with respect to Emotional Support Animals and service animals other than dogs; and
4. Establish planning and reporting obligations for transportation providers, pursuant to the Accessible Canada Act (ACA), which came into force on July 11, 2019.

Understanding the Cabinet Directive on Regulation requires that Government of Canada departments and agencies conduct a Regulatory Impact Analysis on all regulatory proposals including an examination of the benefits and costs to Canadians, business, governments and the environment, please find the following WestJet response to the Cost-Benefit Analysis survey.

By way of opening remarks WestJet welcomes the opportunity to provide input into these matters of importance to both consumers and industry alike. WestJet prides itself on its caring reputation and the compassion and duty of care to provide a pleasant and safe travel experience for all of its passengers. We believe this forms a solid foundation from which we can build a world class experience for all our passengers and in particular for our passengers with disabilities.

That said we must operate in a sustainable operating environment that does not impose undue hardships on the carrier in order to fulfil this mandate. As described further below, the discussion around the expansion of the One Passenger One Fare program to points outside of Canada is important in order to capture the many complexities and disparities that would drive into the operating and commercial environment. WestJet maintains allowing the carriers to provide accommodations for persons with disabilities through innovative products and services is a more mutually beneficial approach providing minimum standards of care are maintained.

Similarly, the discussion around emotional support animals requires clarity to ensure those with legitimate service animals which are properly trained to perform their tasks in a public environment are adequately assessed and accepted prior to travel to minimize the risk of threatening the safety and welfare of all passengers and employees. Limiting species types to dogs and ensuring the availability of valid documentation are effective elements in terms of meeting this objective.

WestJet supports the development and publication of a strategic accessibility plan including the formal engagement of persons with disabilities in developing that plan. WestJet believes progress is best achieved through effective collaboration with all stakeholders as partners to ensure programs and services provided meet the needs of the users and the entity providing the service in a safe, efficient and passenger-friendly manner.

WestJet welcomes the CTA's consideration to delay the implementation of Phase II on the grounds Phase I implementation and its impact on carriers remains unclear. Deferring an implementation date until Phase I has been fully deployed and understood by both industry and consumers alike will provide better compliance, less consumer confusion, and the ability for all stakeholders to ensure there are adequate resources in place to manage and maintain the implementation. As we have experienced with recent regulatory deployments, rushing regulations into effect leads to material amounts of confusion, potential misinterpretation, and an overwhelming need for additional guidance and clarification documentation which significantly taxes resources for all stakeholders.

What follows is WestJet's response for the Phase II consultation and Cost-Benefit analysis survey.

## Introduction

WestJet is pleased to submit its comments with respect to phase two of Accessible Transportation for Persons with Disabilities Regulations (ATPDR).

We are proud to be a global leader in caring for our guests and our culture of ownership has resulted in being ranked as Canada's Best Airline by TripAdvisor for three consecutive years. Over 14,000 WestJetters are aligned in a shared commitment to serve all communities as effectively and compassionately as possible.

As the Agency develops these regulations, we encourage the CTA to carefully consider the counsel and experience that our company brings to these deliberations. As noted above, we are committed to supporting passengers with disabilities and we have decades of first-hand experience in dealing with these issues. Accordingly, we have a shared objective in that these regulations must be set properly for successful implementation.

We also believe the Agency should accept the international nature of aviation. While seemingly noble to go it alone, it is critical that the government use international bodies in order to effect global changes in disability policy. The nature of our business is global and respect for international treaties and obligations must be paramount. Introducing stand-alone regulations increases operational challenges for all carriers, which will result in inconsistent service delivery to passengers with disabilities.

We understand the Agency is seeking comments with respect to four main areas for consideration. WestJet's perspectives are captured below as they relate to the consultation document dated December 19<sup>th</sup>.

WestJet recognizes the unique nature of these regulations and the importance of improving the standard of treatment for those with disabilities. It is why we have actively participated by serving as Chair for the National Airlines Council of Canada's Accessibility Sub-committee, participated in the International Air Transportation Association's (IATA) Passenger Accessibility Process Task Force and current Chair of the IATA Accessibility Working Group as well as being an active participant on the CTA's Accessibility Advisory Committee since its inception.

## 1. Small Transportation Providers

### Questions

1. In extending the ATPDR to small transportation providers, what modifications to regulatory requirements, if any, are needed?

Regulations should be developed to ensure no retrofitting is required in all cases where the size of the equipment operated by a small transportation provider (whether on behalf of another carrier or solely as a small transportation provider) does not safely allow acceptance of a device / provision of a service, and continues to allow the carrier to decline acceptance / provision of service and make best efforts to assist with alternate arrangements.

Recognition for the use of smaller gauge aircraft must be considered when drafting requirements for small transportation providers. The constraints on weight and balance, reduced cargo space and weight thresholds and in many cases smaller aircraft doors for passenger and mobility device loading materially limits the size of mobility devices able to be carried on or in the aircraft. Furthermore, limitations on resources such as the absence of flight attendants, well established medical desks, loading equipment (as many smaller airports do not have access to loading equipment available at larger airports), present significant challenges to smaller transportation service providers.

Consideration must also be given to smaller operators operating on behalf of larger carriers which by nature of the services provided may be captured under large carrier obligations. In these cases, best efforts to accommodate are reasonable and where constraints imposed by the smaller aircraft or limited resources results in an inability to safely accommodate a person with a disability or their supporting equipment, the obligation should be limited to assisting with making alternate arrangements based on products and services available.

2. What would be the appropriate time frame for small transportation providers to come into compliance with requirements (e.g., 1, 2, or 3 years)? Do any requirements in particular require more time?

The same timelines as those for large carriers could apply to small transportation providers, and like large transportation service providers, any accessible features on newly purchased aircraft, information technology enhancements obligations, (such as websites, mobile applications, accessible content, etc.), required after the effective date of the regulations must be commercially available through normal course options and not reflect customization on a case by case basis. Customization should remain optional for carriers to pursue at their discretion but not required by regulation.

Implementation of any new regulation should reflect carrier input as a matter of course, given that we share the same objective of providing the best possible service to persons with disabilities, and we offer our knowledge and experience to ensure that the regulation is achievable and mutually acceptable by all stakeholders.

3. Are there any special accessibility-related challenges with small operators in any mode of travel in the federal network (airlines, tourist railway companies, bus operators, ferry operators) and the terminals that serve them, particularly in remote or northern areas of Canada? What solutions would help address these challenges?

Many of the unique challenges experienced by small operations were captured in the Mobility Aids and Air Travel Final Report (WestJet was an active participant in its development). Some examples that were identified in the Report include but are not limited to:

- The need for passengers with large mobility devices being required to take more than one flight when a direct route is only serviced by a single aisle aircraft with smaller cargo doors;
- passengers needing to fly from a different, less convenient airport; or
- passengers being unable to travel at all with their mobility aid, requiring them to make arrangements for the use of another mobility aid at their destination, which may not be feasible depending on how highly customized their mobility aid is.

WestJet fully supports the areas of agreement in that document including the:

- development of a Mobility Aid Passport;
- the creation of Standard Handling Checklists;
- improved communications, internally and for passengers, and;
- the development of training materials for ramp handlers and airport front line staff.

It is important to note that air carriers do not own or control airports, which are operated by local government or independent airport authorities. Accordingly, it is incumbent on the Agency to thoroughly examine feasibility of these accessibility-related challenges within the terminal environment with airport operators and service providers employed by these operators.

## 2. One Person, One Fare for International Travel and Small Transportation Providers

### Questions

1. Should the 1p1f requirement apply to transportation to and from Canada? If so, should it apply to both Canadian and international transportation providers?

1P1F should not apply to points outside of Canada as it would represent a violation of international treaties that prohibit government interference with pricing and other matters dictated by market forces. WestJet believes that discretion must remain with the carrier in terms of the price flexibility it will offer passengers with disabilities who require additional seating be it for themselves, their large service animal or for their attendant.

WestJet believes that Canada's signature on international treaties on these issues necessitates that the Agency/government work with international bodies should they believe a policy change is needed.

WestJet believes that carrier flexibility is a critical principle to be maintained in the development of these regulations and that the Agency should avoid regulating policies that mandate how an airline prices its services. We are committed to providing accommodations and ensuring that persons with disabilities have the same access to services as all other passengers.

Canada's Air Transportation Agreement, as an international treaty, provides the definition of price as well as clarity around the standard that both participating governments must agree to with respect to commercial considerations associated with the market and reasonable profit considerations. The underlying principle is that carriers must not be subject to undue governmental and / or regulatory interference. Imposing obligations to waive fares for services to points outside of Canada would, we believe, be a violation of these international treaties.

Global standards and related regulatory regimes such as US DOT Part 382 and Europe's EC 1107/2006 make no reference to waiving fares as an obligation for the provision of accommodations for persons with disabilities. Disparities such as these generate confusion for passengers and operational challenges for operators given the highly global nature of air transportation.

The commercial disadvantage that such a policy consideration would impose on Canadian operators (vis a vis foreign carriers who are not subject to such requirements by their respective regulatory regimes) must be taken into consideration.

2. Achieving consistent approaches to accessibility for international air travel requires discussions and cooperation among many jurisdictions. Given these requirements, it may not be possible to achieve the goal of completely barrier-free international travel through the CTA's regulations. What strategies -- as a complement or an alternative to changes to CTA regulations -- could be pursued to help remove barriers to Canadians with disabilities when they fly to or from other countries?

WestJet is committed to continuing to use creative and innovative approaches to customer service to remove barriers for persons with disabilities. This could include, but not be limited to discounts offered on additional seating as required, access to seating with additional leg room with the carrier's discretion to waive additional fares/fees to provide access to these features, priority boarding to allow additional time to settle into their seat onboard the aircraft, provide agents to assist passengers with disabilities as needed and/or on request.

3. Should 1p1f apply to small transportation providers?

Operational realities for small aircraft operators make the application of 1p1f impractical for a variety of reasons including but not limited to the smaller seat size, narrower aisles, and in some cases, fixed armrests that make occupying more than one seat impractical or impossible, weight and balance considerations which are much more volatile for smaller aircraft, and limited qualified resources and supporting systems to assess and adjudicate complex medical scenarios and customized accommodations on a case by case basis.

Many small carriers operate on razor thin margins with limited resources available to develop, implement and maintain the complex infrastructure required to support a program such as 1p1f thereby creating an undue hardship for these carriers if required to provide such a program.

### 3. Emotional Support Animals and Service Animals Other than Dogs

#### Questions

1. What do you think about a potential requirement for transportation providers to accept emotional support animals (ESAs)? What conditions, if any, should apply?

WestJet believes that there should be no requirement to accept emotional support animals consistent with the requirements to accept service animals. If the Agency deems it necessary to require carriers to accept emotional support animals, acceptance must be limited to dogs only. This policy would align with international norms and standards. The recently issued U.S. DOT NPRM regarding emotional support animals allows for carriers to manage ESAs as pets because they are not individually trained to do work or perform tasks for the benefit of an individual with a disability. IATA has recently recommended to the UK CAA and EU Commission that only dogs should be considered.

These recommendations were made in light of many incidents where untrained emotional support animals are relieving themselves inappropriately or attacking other trained service animals, passengers or crew members. It is important to note also within the US DOT NPRM that the volume of service and support animals transported increased by about 50 percent from 2016 to 2017 and that ESAs led this growth with an increase of approximately 63 percent, while other service animal transport grew by only approximately 30 percent.

In addition, should a requirement be made that transportation providers must carry emotional support animals, carriers must be permitted to satisfy themselves that the claim for an emotional support animal (ESA) is valid. Validity must be assessed with at a minimum documented evidence that the animal mitigates a condition for a person with a disability and is trained to perform this task(s) in public. Failure to meet these requirements would result in the animal not being accepted as an ESA and the animal could be considered as a pet in cabin if it meets all applicable policy requirements for pets in the cabin.

ESA eligibility requirements would include, but not be limited to the following:

- Medical/mental health professional form – stating the passenger's need to travel with an emotional support dog and signed by their licensed mental health

professional (for example, a psychiatrist, psychologist, licensed clinical social worker, general practitioner); and,

- Veterinary health form – signed by the dog's veterinarian confirming vaccinations are up-to-date; and,
- Confirmation of dog training – signed by the owner and/or trainer of the dog confirming the animal will behave appropriately in a public space.

Animals that do not meet these requirements would be considered for carriage as a pet in cabin providing its carriage meets all applicable pet in cabin policy requirements including, but not limited to, ensuring the animal always remains in its under-seat kennel during flight.

2. Should transportation providers be required only to accept certain species/animal types as ESAs (e.g., dogs, cats and rabbits)? Or should transportation providers be required to accept all species excluding a few (e.g., insects and snakes)?

Carriers should only be required to carry dogs. It would then be at the carrier's discretion to consider other animals on a case-by-case basis. Transportation providers are required to ensure a safe environment for all passengers. Permitting species other than dogs increases the risks of adversely affecting other passengers, including individuals with allergies, those with anxiety-based disabilities, and risks to trained service animals (as voiced by members of the disability community). The carrier's policies around accepted species would need to be clearly published on its website and supporting documentation.

Furthermore, requiring carriers to accept animals other than dogs has the potential to add potentially insurmountable operational burdens due to the provisions in the Regulations that come into force on June 25, 2020, requiring carriers to establish buffer zones around passengers with severe allergies.

3. As an alternative to a species-based approach, would it be preferable to have a criteria-based approach for the acceptance of ESAs? The criteria for carriers to accept or refuse to transport an animal could include habits of the species, age, size or the potential allergy trigger to that the animal may create. For example, they could refuse to accept animals that gnaw, whose young age is likely to result in unacceptable behaviour, that pose a high allergen risk, or do not fit in a travel carrier or on the floor at a traveller's feet.

The carrier must retain full discretion as to what species of animal and how will be accepted for travel given the past record of ESAs on planes and the threat some have

posed to airline employees and passengers. The proposal to change acceptance criteria to the habits of the animal or age introduces complexity that would be beyond the ability of the carrier to manage at the time of boarding and may result in service delays or denials for the passenger and animal. Providing clear guidance based on a single accepted species creates less uncertainty for industry and passengers alike.

4. Should all transportation providers be required to accept the same types of ESAs or should there be differences based on the mode of transportation (air, rail, marine, or bus)? If you think there should be differences based on mode, what differences?

The unique constraints and conditions for each mode needs to be considered and a 'one size fits all' approach is neither practical nor feasible. Things such as space and weight limitations in aircraft along with unique safety requirements applicable to a commercial aircraft in flight negates the ability to apply a similar standard across all modes. For every air carrier, safety during flight is paramount and every decision must be made with this in mind. Each mode of transportation must be considered separately to ensure any standard implemented is appropriate and feasible.

WestJet believes that the international nature of aviation requires a more concerted effort by the Canadian Transportation Agency to align with international agencies to provide clear guidance that can be utilized by a passenger from the start to the end of their journey regardless of where their travel takes them. The regulatory burden and complexity introduced through multiple service providers and international protocols must be respected and necessitates alignment to internationally accepted norms. To do otherwise and implement requirements for Canada that do not align with the direction that the rest of the world is moving in regarding emotional support animals is to knowingly and unnecessarily complicate air travel for passengers.

5. Should the same requirements for ESAs apply to large and small transportation providers? Should consideration be given to the size or seating capacity of aircraft, rail car, bus, or ferry?

Per above, the same applies for the distinction between large and small carriers. The physical constraints of small carrier operated aircraft and large carrier operated aircraft requires different minimum standards for each size of carrier. For example, imposing a large carrier standard on a small carrier will impose an undue hardship that will be

impossible to accommodate resulting in a poor experience for both the operator and persons with disabilities.

6. In the United States, enforcement action is not taken if an airline refuses to transport more than three service animals for one traveller, including ESAs. In Canada, should there be a limit on the number of service dogs and/or ESAs that persons with disabilities can travel with on-board? If so, what limit?

The recent US DOT NPRM clearly suggests a limit that is both reasonable and acceptable. WestJet would support a limitation of one animal per person with a disability and requests for more than one service animal to be considered on a case by case basis and adjudicated based on the particular needs of the person with a disability and any and all safety considerations. Emotional support animals should have a clear limitation of only one per passenger, as these animals are generally untrained and having more than one untrained animal onboard may pose a safety risk to the traveller or other passengers onboard if the traveller is unable to control more than one animal at a time.

7. Under the ATPDR, transportation providers can require a person with a disability travelling with a service dog to provide documentation issued by an organization or person specializing in service dog training. The documentation must identify the person with the disability. It must also attest that the service dog has been individually trained by a specialized organization or person to perform a task to assist that traveller with a need related to their disability. To the extent possible WestJet supports the creation of a certifying body with a common standard providing universally recognized identifying documentation.
- What documentation, if any, should transportation providers be able to request with respect to travel with ESAs with the aim of mitigating health, safety, or fraud concerns? For instance:
    - that the traveller requires the animal to travel, for medical reasons, as indicated by a health care practitioner who is treating the traveller and confirms that the traveller has a disability and needs the animal to travel for disability-related reasons;
    - that the animal will not need to relieve itself during transportation, and will not bark, growl, or act aggressively.

Should the CTA require that emotional support animals be carried by transportation providers, WestJet would prefer that at minimum the current documents are retained as this prevents fraudulent use and provides some security of the animal's health. These documents include:

- Medical/mental health professional form – stating the passenger's need to travel with an emotional support dog and signed by their licensed mental health professional (for example, a psychiatrist, psychologist, licensed clinical social worker, general practitioner); and,
- Veterinary health form – signed by the dog's veterinarian confirming vaccinations are up-to-date; and,
- Confirmation of dog training – signed by the owner and/or trainer of the dog confirming the animal will behave appropriately in a public setting.

For ESAs that fail to meet the requirements as described above, the carrier reserves the right to deny eligibility as an emotional support animal. If the animal meets all requirements of the pet policy, it may travel as a pet in cabin at the carrier's discretion.

8. The ATPDR allow transportation providers to require that persons with disabilities provide 48 hours' advance notice prior to departure for most services, including travelling with service dogs. In some situations, they may request up to 96 hours' notice to verify that documentation is in order and authorize an animal for travel. However, they must still make reasonable efforts to provide the service, even if notice is not given.
  - How much notice would be appropriate with regard to ESAs?

WestJet supports 96 hours' advance notice for ESAs and best effort to accommodate when less notice is provided. This provides adequate time to make seating arrangements, and to confirm the contents of the document should fraud be suspected.

9. Should transportation providers be permitted to require that ESAs be tethered, leashed, harnessed, and/or enclosed within a travel carrier? Would any of these requirements prevent travellers from using ESAs therapeutically?

WestJet supports a requirement that all assistance animals to be under the control of the person with a disability at all times. Professionally trained animals generally do not require a physical restraint at all times, however WestJet strongly recommends one be available at all times should one be necessary.

WestJet requests that the owners of all animals without evidence of professional training be required to use physical restraints for the animal at all times.

10. Apart from the issue of ESAs, should transportation providers be obligated to accept service animals other than service dogs? If so, should any restrictions apply?

WestJet supports acceptance of dogs. Introduction of other animals increases the complexity of service provision, may introduce allergens to the cabin environment, cause distress to passengers with anxiety-related disabilities, and create challenges between contradictory species that may result in injury to the animals, other passengers or crew that try to intervene.

Numerous non-dog species related incidents have been documented as threatening the safety or comfort of passengers and employees. Accordingly, our views are consistent with many jurisdictions, including the US and EU which require foreign carriers to accept only dogs.

## 4. Planning and Reporting Obligations under the Accessible Canada Act

### Questions a) Accessibility plans

1. How much time should transportation providers be given to prepare their initial plans once the regulations are finalized (e.g., 12, 18, or 24 months)?

WestJet believes that 24 months is the most appropriate time to prepare the plan as this provides adequate time to review community suggestions and ensure that any required program development can be completed appropriately.

2. Should the timing of publication be consistent with that required under any other federal laws, such the *Employment Equity Act*?

No, as this is a net new requirement for the transportation industry and resources and infrastructure do not already exist as they may to varying degrees for entities subject to other Federal laws such as the *Employment Equity Act*.

## Questions b) Feedback process

1. What steps should a feedback process include to help ensure that members of the disability community have an opportunity to provide transportation providers with meaningful feedback on their accessibility plans and on the barriers they have encountered?

Service providers could be required to provide an assurance that they will formally engage persons with disabilities, individually or through their associations, to provide input and engage in meaningful dialogue. WestJet believes that the feedback process should outline the obligation and require a commitment from individual transportation providers to meet the obligation at reasonable carrier defined intervals, and using carrier defined processes.

2. Should the publication date of the feedback process be the same as for the initial accessibility plan?

Yes.

## Questions c) Progress reports

1. When should first progress reports related to the Accessibility Plan be due?

Three months after effective date for the first progress report. Quarterly thereafter during the development of the Plan to ensure that transportation providers have sufficient time to solicit and respond to feedback.

2. How frequently should progress reports be required thereafter (e.g., every year or every two years)?

Annually on the anniversary date of publication.

## Questions d) Publishing and providing documents

1. What should the publication requirements be?
  - Should the initial and updated accessibility plans – as well as their feedback processes and progress reports – be published in a prominent location, such as a website, mobile website, or mobile application?

Reports and plans should be published on the service provider's website with links to the website provided in all applicable service provider mobile applications.

- Should specific accessibility standards be met when posting the content, as provided in the [ATPDR](#)?

Yes. As a minimum any content published should meet the minimum WCAG 2.0 AA standard.

- Should a telephone number, email address, and a third party's telephone number for telephone relay or video relay service be provided – which is also consistent with requirements in the [ATPDR](#) – to enable persons with disabilities to contact transportation providers regarding these publications?

Yes, to the extent practicable and commercially available without imposing an undue hardship on the service provider.

2. When should transportation providers be required to notify the CTA? Should it be on the same day they are published, by providing the URL and link?

Yes, same day the content is published on the service provider's website.

3. Some small transportation providers may not have a website. Given this, what would be an acceptable alternative to publishing a document?

In any means possible that the service provider can offer that meets the intent of providing persons with disabilities access to the on-line content or alternate formats upon request in a manner that does not impose an undue hardship on the service provider.

4. What, if any, rules should apply to how a person with a disability can request that a document be provided in an alternate format? How much time should a transportation provider be allowed to provide it?

Requests for alternate formats must be responded to in a timely manner. If the format is not one the service provider uses regularly, the alternate format can be considered on a case by case basis to determine feasibility to provide including an obligation to suggest alternate formats if the originally requested format is deemed not feasible.

5. The communications provisions of the ATPDR include requirements for transportation providers to make information available on request in audio and visual formats; in large print, Braille or an electronic format; and in a format that is compatible with adaptive technology that is intended to assist persons with disabilities. Which alternative formats, regarding the accessibility plans and the progress reports, should transportation providers make available to persons with disabilities?

Given the variety of alternative formats available, this needs to be assessed on a case-by-case basis.

## **Questions e) Variations in regulatory application**

1. What modifications, if any, would be appropriate for small transportation providers? For example, additional time for preparing required documents may be appropriate.

Per comments above, small transportation providers have limited resources available and any requirements need to include meaningful dialogue with small operators to ensure the requirements are reasonable and do not place an undue burden on the operator.

## **Questions f) Minimizing duplication**

1. There might be a few differences between what is required under ESDC's regulations and the CTA's regulations, given the nature of what is regulated (for example, employment versus transportation). With this in mind, Annexes [C](#) and [D](#) provide templates for the accessibility plans and progress reports related to transportation. These show what sections the CTA could require plans and reports to have, by regulation. [Annex E](#) on the feedback process also includes elements that could be required by regulation, as well as ideas for future guidance (discussed below). Please provide comments on the sample templates and feedback elements.

No comments at this time.

2. Would the same publishing deadlines facilitate reporting with CTA and ESDC?

To the extent content requirements for the various reports align this is a prudent approach. Where there is a material administrative burden placed on service providers due to misalignment of reporting requirements, timelines should be adjusted accordingly to ensure all report requirements are provided complete and on time.

As the ACA has introduced new requirements, the CTA is considering what guidance material, if any, would help to ensure that requirements are clear for transportation providers and that planning and reporting documents are meaningful to persons with disabilities. These may include best practices on consulting with persons with disabilities in the preparation of an accessibility plan or progress report; the use of milestones and performance indicators to measure progress; or strategies for identifying barriers.

To provide a clearer idea of the kinds of guides that would be possible, [Annex E](#) sets out ideas for possible guidance on the feedback process.

### **Questions g) Guidance material**

1. Is the draft guidance material on the feedback process useful?

**Yes. Additional guidance material will be required to provide clarity on an ongoing basis.**

2. What CTA guidance material, if any, would be helpful in implementing planning and reporting obligations and ensuring documents are relevant for persons with disabilities?

**Acceptance, review, and written feedback on draft submissions from service providers would be welcome guidance and useful in ensuring the final product is compliant and mutually acceptable to all parties.**

## Cost-Benefit Analysis Questions to Industry

### General Definitions

**Accommodation** means a service or measure taken by the carrier that removes a barrier that would have prevented a person from accessing the transportation network.

**Disability** means any impairment, including a physical, mental, intellectual, cognitive, learning, communication or sensory impairment – or a functional limitation – whether permanent, temporary, or episodic in nature, or evident or not, that, in interaction with a barrier, hinders a person's full and equal participation in society.

**Service dog** means a dog that has been individually trained by an organization or individual specializing in service dog training to perform a task to assist a person with a disability with a need that is related to their disability.

### Air Carriers

#### *General Operations*

1. How many passengers did the carrier transport in 2018 on flights wholly operated within Canada?

Available through Statistics Canada.

How many total passengers did the carrier transport in 2018 (including international flights, if applicable)?

Available through Statistics Canada.

2. What proportion of passengers are Canadian on the carrier's domestic flights?

Available through Statistics Canada.

If applicable, what proportion of passengers are Canadian on the carrier's international flights?

Available through Statistics Canada.

3. What were the carrier's average domestic basic fare excluding taxes and security charges, in 2018?

WestJet is of the view that the response to this question would comprise confidential information and has therefore abstained from providing a response.

and international basic fare excluding taxes and security charges in 2018?

WestJet is of the view that the response to this question would comprise confidential information and has therefore abstained from providing a response.

4. What percentage of the carrier's domestic flights were sold out in 2018?

WestJet is of the view that the response to this question would comprise confidential information and has therefore abstained from providing a response.

What percentage of the carrier's international flights were sold out in 2018?

WestJet is of the view that the response to this question would comprise confidential information and has therefore abstained from providing a response.

5. In the past five years, how many requests for accommodation, by type of accommodation (mobility aid transportation, service dog, boarding, etc.), has the carrier received? Of these requests, how many were refused or were unable to be accommodated? If possible, please provide a breakdown of the number of requests received each year, by type.

It is not possible to provide an accurate assessment of a total number of refusals or case where the passenger was otherwise unable to be accommodated given a percentage of these requests are made at time of check-in or at time of departure.

There is currently no tracking mechanism for the totality of requests made but not accommodated. That said, in all cases best efforts to provide assistance with alternate arrangements would be offered.

For the number of passengers requesting accommodations booked on WestJet marketed flights please see below:

SSRCode	2015Domestic	2016Domestic	2017Domestic	2018Domestic	2019Domestic
BLND	3350	4403	5207	5445	8850
DEAF	3211	5693	7845	8140	12128
ESAN	557	1188	2306	3212	3622
SVAN	870	1007	1579	1928	1845
WCHC	3167	3614	3593	4373	3930
WCHR	53244	63007	73488	82122	77278
WCHS	30628	30906	28866	22655	20695
SSRCode	2015International	2016International	2017International	2018International	2019International
BLND	1766	2052	2733	3266	5186
DEAF	1370	2619	3544	4278	7087
ESAN	828	1651	3027	3939	4410
SVAN	715	914	1087	1431	1330
WCHC	2993	3198	3802	4501	4584
WCHR	48385	56441	64968	76456	80269
WCHS	20906	23363	22301	19197	18893

#### Special Service Remark (SSR) Code Legend:

BLND: Passenger who is blind

DEAF: Passenger who is deaf

ESAN: Passenger with Emotional Support/Psychiatric Assistance Animal in Cabin

SVAN: Passenger with a service animal in cabin

WCHC: Wheelchair - C for Cabin (Passenger totally immobile)

WCHR: Wheelchair - R for Ramp (Passenger can ascend/descend steps and make own way to/from cabin seat but requires wheelchair for distance to/from aircraft)

WCHS: Wheelchair - S for Stairs (Passenger cannot ascend/descend steps, but is able to make own way to/from cabin seat)

## Services

6. Does the carrier currently accept service dogs for carriage?

Yes.

How many service dogs did the carrier transport in 2018? If possible, please provide a domestic and international breakdown of carriage.

See above.

Does the carrier currently provide domestic or international passengers with a second seat free of charge if it is needed to accommodate their service dog?

Yes, for domestic services only.

Lowest available fare at time of booking is collected for additional seating for this purpose for services outside of Canada.

If no, how much does the carrier charge to transport their service dog?

There is no charge to carry the service animal, only for additional seating for this purpose for large service dogs who require additional seating in order to ensure the safety and comfort of the animal, for services outside of Canada.

The fare paid will be the lowest available fare at time of booking.

7. Does the carrier currently accept emotional support animals for carriage?

Yes, upon approval and with advance notice of at least 48 hours before departure. If less than 48 hours notice is provided best efforts will be made and in cases where not deemed acceptable as an emotional support animal, the dog may be accepted as a pet in cabin providing all pet in cabin policy requirements are met.

Does the carrier impose any conditions for their carriage or place any restrictions on animal species?

Yes. WestJet only accepts service dogs and emotional support dogs. The following animals are restricted from carriage:

- Rodents
- Hedgehogs
- Ferrets
- Insects
- Snakes
- Spiders
- Sugar gliders
- Reptiles
- Goats
- Amphibians
- Non-household animals (farm animals)
- Non-household birds (birds of prey, farm poultry, game birds, waterfowl)
- Animals with tusks, horns, or hooves
- Improperly cleaned animals
- Animals with a foul odour

The animal must always be under the care and control of the passenger and we strongly recommend carriage of a leash or other restraint device. WestJet accepts one dog per passenger with exemptions considered on a case by case basis.

How many support animals (ESAN) did the carrier transport in 2018? If possible, please provide a domestic and international breakdown of carriage.

See above.

Does the carrier currently provide domestic or international passengers with a second seat free of charge if it is needed to accommodate their emotional support animal?

WestJet provides additional seating at no additional fare for large (as defined by CTA guidance) for service dogs requiring additional space to ensure the animal's safety and comfort for domestic services and itineraries wholly within Canada.

WestJet charges the applicable lowest fare at time of booking for any additional seating requirements for services outside of Canada.

If no, how much does the carrier charge to transport their emotional support animal?

Available lowest fare applies.

8. Does the carrier currently provide domestic or international passengers with a second seat free of charge if it is needed to accommodate their disability?

Yes, for domestic services only. Additional seating is provided following a formal adjudication when at least 48 hours' notice is provided though standard processing time for such applications is published as 5 days. These additional seats accommodate disabilities experienced while onboard the aircraft on domestic flights only.

Applicable lowest fares apply for any additional seating for itineraries including points outside of Canada.

WestJet does not provide additional seating for no fare for services outside of Canada. Additional seating may be purchased at the lowest available fare at time of booking.

If so, how many passengers required an additional seat to accommodate their disability in 2018? If possible, please provide a domestic and international breakdown of carriage.

We cannot easily or accurately identify this. Passengers may also purchase a second seat for comfort or convenience during travel, not for a disability, and the same Special Service Remark Code is used in both scenarios making accurate tracking challenging to quantify.

If no, how much does the carrier charge for a second seat to accommodate a passenger's disability?

On international flights, the passenger would be required to purchase the second seat at the lowest available fare at time of booking.

## Plans and Reporting

1. In the absence of a regulation specifying the form and manner of publication of an accessibility plan, made under subsection 60(1) and 60(2) of the Accessible Canada Act (ACA), how would the carrier publish its accessibility plan (i.e., paper, brochure, website, other)?

WestJet supports publishing in digital format via its website and other formats upon request through commercially available formats that are practical and feasible to deliver.

If carriers were required to publish accessibility plans in a specific manner, how many hours, by type of employee or consultant, would it take to publish such a plan using each of the following formats:

- a. On the carrier's website, meeting [Web Content Accessibility Guidelines \(WCAG\)](#) level AA requirements;

Digital development: If content only: \$20-\$25,000.00

Estimated timeframe 2 to 4 months from receipt to digital department depending on the complexity of the completed form and content structure.

- b. On paper, available upon request;

Timeframes and costs vary depending on nature of the request.

- c. Electronically in a format compatible with adaptive technology, available upon request;

Timeframes and costs vary depending on nature of the request.

- d. On paper in large print, available upon request; and

Timeframes and costs vary depending on nature of the request.

- e. In braille, available upon request.

Timeframes and costs vary depending on nature of the request.

2. In the absence of a regulation specifying the form and manner of a feedback mechanism available to passengers, as described in subsection 61(1) and 61(2) of the [ACA](#), in what form and manner would the carrier accept feedback on its accessibility plan (i.e., phone, email, web form, other)? How many hours, by type of employee or consultant, would it take to set up a feedback process through each of the following mechanisms:

- a. Phone, including third-party telephone relay or video relay service;
- b. Email; and
- c. Web form.

While many of these forms exist today in terms of providing feedback to the carrier, IT system development work would be required to tailor the feedback to specific ACA reporting requirements and ensure all required data elements are collected through an effective channel and consolidated into a database for the purpose of reporting.

3. In the absence of a regulation specifying the form and manner of publication of a progress report related to its accessibility plan (as described in subsection 62(1) of the [ACA](#)), how would the carrier publish progress reports (i.e., paper, brochure, website, other)? If carriers were required to publish progress reports in a specific manner, how many hours, by type of employee or consultant, would it take to publish such a report using each of the following formats:

- a. On the carrier's website, meeting WCAG level AA requirements;
- b. On paper, available upon request;
- c. Electronically in a format compatible with adaptive technology, available upon request;
- d. On paper in large print, available upon request; and
- e. In braille, available upon request,

The accessibility plan along with progress reports would be published on the carrier's website in a WCAG level AA format and the carrier would make the plan and progress reports available to persons on paper, electronically in a format with commercially available adaptive technologies readily available to the carrier, and on paper in large print upon request.

Cost and resources to procure the non-digital formats would be assessed on a case by case basis and delivered in a timely and practicable manner.

4. In the absence of a regulation specifying the alternative formats that need to be provided upon request for accessibility plans and progress reports, what forms would the carrier make available?

Requests for alternative formats would be considered on a case by case basis and would be provided based on the degree to which provision in said format does not present an undue hardship to the carrier to provide it in a timely and practicable manner.