

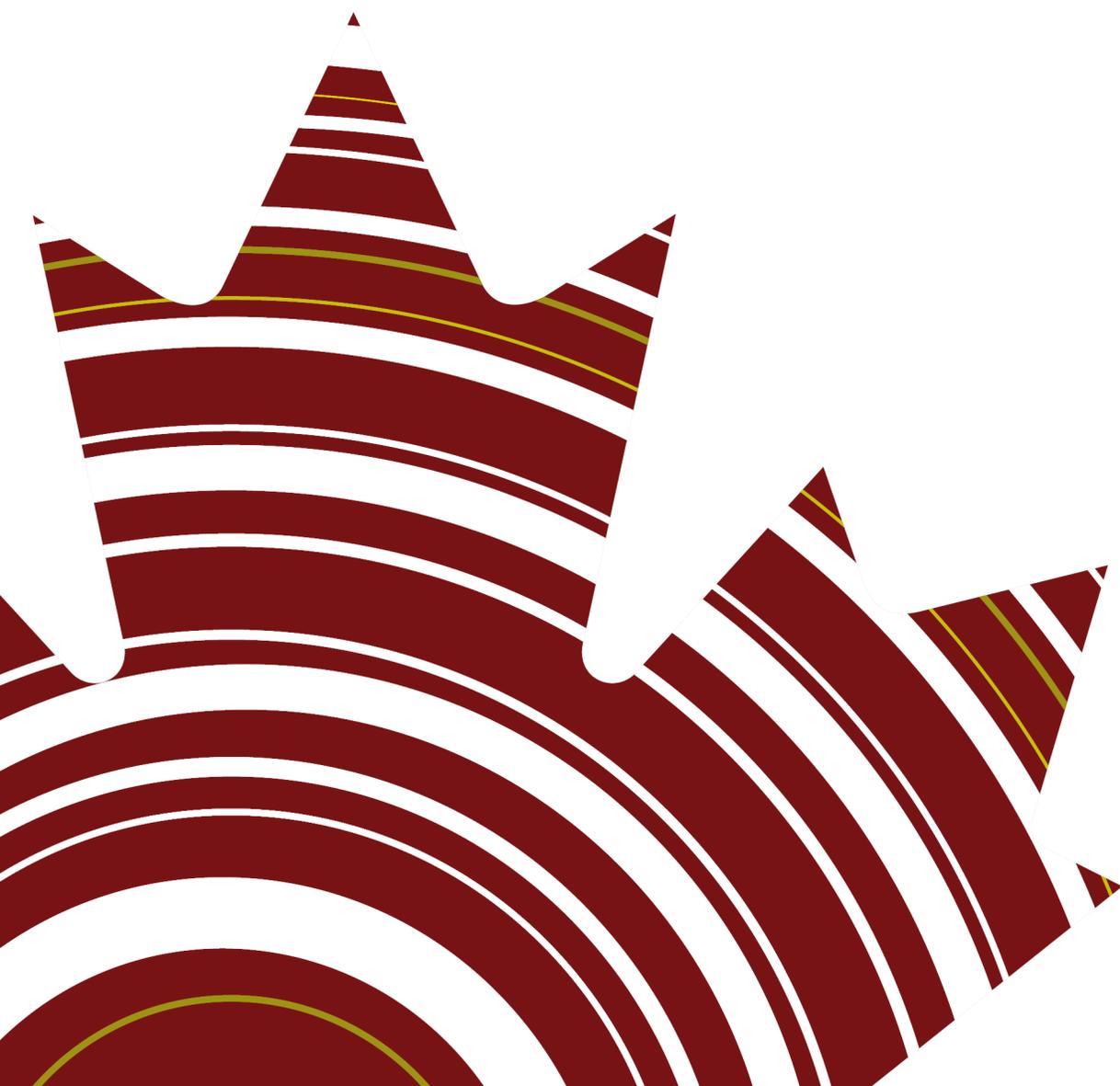


Canadian
Transportation
Agency

Office
des transports
du Canada

Accessible Transportation — Severe Allergies: A Guide

Canadian Transportation Agency



Canada 

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1. Purpose

This guide explains what assistance the *Accessible Transportation for Persons with Disabilities Regulations* (ATPDR) require carriers to provide to persons who have a disability as a result of a severe allergy. In particular, this guide explains:

- Who is considered to be a person with a disability due to a severe allergy;
- What kind of assistance carriers must provide to a person with a disability due to a severe allergy; and
- Travel tips for persons with disabilities due to severe allergies.

Transportation service providers not covered by the ATPDR may still have obligations regarding assistance for persons with disabilities due to severe allergies. For more information consult [Accessible Transportation Guides — Introduction](#).

This is not a legal document. The explanations and definitions it provides are for general guidance purposes only. The obligations for providing assistance to passengers with disabilities due to severe allergies are established in the [Accessible Transportation for Persons with Disabilities Regulations](#) (ATPDR) and reflected in Annex A of this guide.

In case of differences between this guide and legislation or regulations, the legislation or regulations prevail.

Nothing in the Regulations or this Guide is to be construed as;

- (a) limiting the duty to accommodate under the Canadian Human Rights Act or any other Act of Parliament; or
- (b) requiring any person to do anything that jeopardizes security, public health or public safety.

2. Who is considered to be a person with a disability due to a severe allergy

The ATPDR require carriers to provide assistance to persons who have a disability due to a severe allergy to help them avoid the risk of having an allergic reaction during travel.

The ATPDR define **severe allergy** as:

an allergy to an allergen that may cause a person to experience significant physical distress if they are directly exposed to the allergen

Allergic reactions range in severity from sneezing and hives to life-threatening anaphylaxis or asthma attacks. The ATPDR recognize that a carrier may need information or documents, such as a medical certificate, from a passenger who requests assistance relating to their allergy, to permit the carrier to understand the severity of the allergy and address the passenger's request for assistance.

The ATPDR also recognize that a carrier needs time to assess requests for assistance. Generally speaking, a passenger will have to make a request for assistance relating to their allergy at least 48 hours before their departure.

If the carrier requires documents or information from the passenger, however, it may need up to 96-hour notice before departure. In this situation, the passenger will have 48 hours to provide the information or documents, after which the carrier may take up to 48 additional hours to assess the request for assistance. If the information or documents provided are insufficient for the carrier to assess the request or the carrier is unable to complete its assessment within 48 hours because it includes a day that is not a business day, the carrier may not be able to provide the service.

If the passenger does not provide the necessary advance notice, documents or information, the carrier must still make a reasonable effort to provide assistance. What count as reasonable efforts will depend on the particular situation.

3. Assistance provided by carriers

Air, rail and bus carriers have an obligation to provide the following services upon request from a person with a disability due to a severe allergy. The obligations of ferry operators that do not offer assigned passenger seats on a ferry are limited to priority boarding.

Priority boarding

Upon request, a carrier must permit a person with a disability due to a severe allergy to board in advance of other passengers if the person has requested to clean their passenger seat to remove any potential allergens.

Buffer zone

Upon request from a passenger with a disability due to a severe allergy, the carrier must establish a buffer zone around the passenger's seat by:

- Seating the passenger in a bank of seats where the allergen is not located and that does not face the bank of seats where the allergen is located; and
- Notifying the other passengers who are sitting in the same bank of seats that there is a passenger with a severe allergy (without identifying the passenger) and letting those other passengers know what the allergen is so that they refrain from consuming or using products that could trigger an allergic reaction.

Note: The ATPDR do not require carriers to guarantee an allergy-free environment or that no allergic reactions will occur. Instead, the ATPDR require carriers to take measures to mitigate the risk of an allergic reaction by limiting exposure to an allergen.

Carriers are only expected to notify other passengers and are not expected to control the behaviour of other passengers. However, carriers are expected to take the necessary measures to ensure a buffer zone is created.

The ATPDR define **bank of seats** as meaning:

passenger seats that are immediately adjacent to each other. Passenger seats that are across the aisle do not form part of a bank of seats.

Note: The requirement to establish a buffer zone does not apply to "pod" seats.

In the case of seats that face each other, a person with a severe allergy who requests a buffer zone must not be seated facing a seat where a source of allergen is present.

Retention of medical and other documentation

If a carrier requests information or documents from a person with a severe allergy to support their request for assistance, the carrier must offer to retain an electronic copy for at least three years. In this way, the carrier can use the information or documents to assess future requests by the passenger for the same assistance.

4. Travel tips for persons with disabilities due to severe allergies

There are things that persons with disabilities due to severe allergies can do to help ensure that they receive the assistance they need to lessen the risk of an allergic reaction during travel.

Providing advance notice

Persons with severe allergies should get in touch with their carrier as soon as possible. Providing advance notice of the need for assistance helps:

- ensure that a passenger has enough time to obtain information or documents requested by their carrier, such as a medical certificate from their physician;
- avoid delays in travel by giving the carrier enough time to complete its assessment, which could include a dialogue with the passenger's physician, and to advise personnel of the need to establish a buffer zone; and
- facilitate the accommodation of persons who have conflicting disability-related needs; for example, a passenger with a service dog travelling on the same flight as a passenger with a severe allergy to dogs. Advance notice allows the carrier both to provide appropriate seating for the passenger travelling with a service dog, and to provide a buffer zone for the passenger with the severe allergy.

Note: If a traveller with a disability gives advance notice but the notice period includes weekend or holiday days, the carrier may not be able to complete its assessment of the request and, for that reason, may not be required to provide the service. It's therefore important that travellers make every effort to ensure that the advance notice includes two full business days.

A carrier is required to make a reasonable effort to provide a disability-related service requested by a person with a disability even if the person does not provide advance notice, or the information or documents, that are requested by the carrier.

Removing allergens from a seating area

Passengers with severe allergies may want to pre-board and clean their passenger seat to remove potential allergens. Passengers should be aware that:

- there may be restrictions imposed by the Canadian Air Transport Security Authority on the types of cleaning supplies that can be brought onboard in carry-on baggage; and
- their carrier may have a policy of providing the cleaning supplies themselves in order to control the risk of allergic reactions experienced by other passengers to cleaning agents and potential damage to carrier property.

Bringing allergy medications onboard

Persons with severe allergies should bring their allergy medications, including epinephrine auto-injectors, inhalers, and face coverings and gloves where these are used as precautions, in their carry-on baggage and make sure that they can quickly access them.

The ATPDR do not require carriers to have epinephrine available for passengers, although some carriers may be required under other, safety-related regulations to have epinephrine in onboard emergency medical kits, and some carriers may choose to do so. However, passengers should not assume that a carrier will have epinephrine onboard during their travel nor should they rely on it as a substitute for their own allergy medications.

Bringing food and beverages onboard

Passengers with severe allergies may wish to bring onboard their own food and beverages. The ATPDR do not require carriers to provide food or beverages requested by a passenger to address their allergies, although some carriers may choose to do so.

5. We're here to help

For more information and guidance about accessible travel and the CTA's dispute resolution services, please contact us at info@otc-cta.gc.ca.

Annex A: Carriers subject to obligations in the *Accessible Transportation for Persons with Disabilities Regulations* relating to Severe Allergies

The requirement to provide the assistance to a person with a disability due to a severe allergy explained in this guide apply to the carriers in this list.

- Large Canadian and foreign air carriers that provide passenger services:
 - Between points in Canada
 - From a point of origin in Canada to a point of destination in a foreign country, or
 - From a point of origin in a foreign country to a point of destination in Canada
- Domestic rail carriers operating between three or more provinces/territories, including those that also offer service from Canada to another country (for example, VIA Rail).
- Foreign rail carriers operating from another country to three or more provinces/territories (for example, Amtrak).
- Domestic ferry operators that offer pre-assigned seating and on-board services on vessels that weigh at least 1,000 gross tonnes operating between two or more provinces/territories or between Canada and another country.

- Foreign ferry operators that offer pre-assigned seating and on-board services on vessels that weigh at least 1,000 gross tonnes operating between a foreign country and Canada
- Domestic bus carriers operating between two or more provinces/territories and also from Canada to another country (for example, Greyhound and Megabus) on a bus with at least 40 seats.

Note: "Canadian" has the meaning in subsection 55(1) of the *Canada Transportation Act* and "large air carrier" means an air carrier that transported at least 1 million passengers each year for the past two calendar years, while operating within Canada or between Canada and another country.

Annex B: Regulatory References

Part 2: Service Requirements in the Accessible Transportation for Persons with Disabilities Regulations applicable to severe allergies

24 severe allergy means an allergy to an allergen that may cause a person to experience significant physical distress if they are directly exposed to the allergen.

Conditions for priority boarding

34 (1) A carrier must permit a person with a disability, on request, to board in advance of other passengers if

...

- (a) in the case where the person is disabled due to a severe allergy, the person has requested to clean their passenger seat to remove any potential allergens.

Duty to establish buffer zone

53 (1) On the request of a person who has a disability due to a severe allergy, a carrier must ensure that a buffer zone is established around the passenger seat of the person to assist them in avoiding the risk of exposure to the allergen by taking the following measures:

- (a) providing the person with a passenger seat that is in a bank of seats other than the bank of seats in which the source of the allergen is located and other than the bank of seats facing that bank of seats; and
- (b) notifying the passengers who are sitting in the same bank of seats as the person that a passenger with a severe allergy is present and informing them of the allergen.

Definition of bank of seats

(2) In this section, **bank of seats** means passenger seats that are immediately adjacent to each other and does not include passenger seats that are across the aisle.