

**Ontario
Human Rights
Commission**

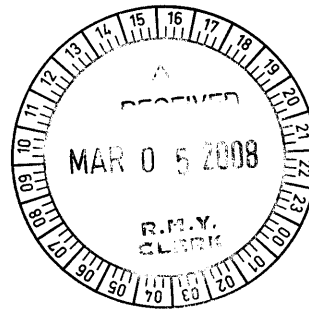
180 Dundas Street West
7th Floor
Toronto, Ontario
M7A 2R9

**Policy & Education
Branch**
(416) 314-4507

**Commission
ontarienne des
droits de la personne**

180, rue Dundas ouest
7^{ème} étage
Toronto (Ontario)
M7A 2R9

**Direction des politiques
et de l'éducation**
(416) 314-4507



REGION OF YORK
CLERK'S OFFICE

FILE No. -

February 29, 2008

Mr. Donald Gordon
Manager of Transit
York Region Transit
50 High Tech Road, 5th Floor
Richmond Hill Ontario L4B 4N7

Dear Mr. Gordon

RE: Transit Stop Announcements

I am writing to follow up on your response to the Commission's request for information regarding your organization's current stop announcement practices, and its plans to commence announcement of all stops in order to comply with human rights principles and the precedent set in the Human Rights Tribunal of Ontario decision in *Lepofsky v. Toronto Transit Commission*.

At the January meeting of the Ontario Human Rights Commission, the Commissioners were presented with a summary of the feedback received from transit providers in response to our inquiries. They were pleased that a number of organizations are taking immediate and positive steps and have committed to fully implement universal stop announcement plans within short time frames. For example, several transit providers indicated that, while working toward long-term implementation of electronic systems for audio and visual announcements, they have already instructed their drivers to begin manual call-out of all stops. A number of organizations indicated that they would be fully compliant by February of this year, and several others by June 2008.

The Commissioners were concerned that number of organizations, such as yours, while taking important steps to improve accessibility, describe plans that appear to fall short of full compliance with Ontario's *Human Rights Code* (the "Code"), as interpreted in the *Lepofsky* decision. The Commission indicated that it will take all necessary steps to ensure that transit providers are meeting their obligations under the *Code*, including initiating complaints.

Given the broad commitment to accessibility within the transit sector, and in the hope that complaints will not be needed, the Commissioners have asked me to provide you with an opportunity to amend your commitments before they report publicly or make decisions about further actions.

To this end, please contact Jacquelin Pegg, Policy Analyst, at (416) 314-4522, in the immediate future with the answers to the following questions:

1. Does your organization currently announce all transit stops? [Yes or No]
2. If not, by what date will your organization ensure that all stops are being announced? [Day, Month, Year]
3. If your stop announcement plan is to install electronic announcement systems, and this will not be completed until after June 30, 2008, by what date will you ensure that your organization is providing interim accessibility in the form of manual call-out of all transit stops by operators? [Day, Month, Year]
4. What steps will you take to ensure your stop announcement program is successful? (e.g. developing policy, training, monitoring)

Please also send in written confirmation of your responses, to the attention of Jacquelin Pegg, Policy and Education Branch, at the above address, or via e-mail at Jacquelin.Pegg@ohrc.on.ca. If we do not hear from you by **Wednesday, March 19, 2008**, your information may not be considered.

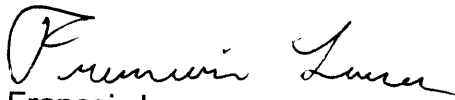
Before responding, please consider the following:

- The Ontario *Human Rights Code* applies to all municipalities and organizations that fall under Ontario law, and has primacy over all other provincial legislation, unless there is a specific exemption in that legislation. There is no such exemption in the *Accessibility for Ontarians with Disabilities Act, 2005* (the "AODA").
- The Commission has clearly indicated that the *Initial Proposed Transportation Accessibility Standard*, developed under the AODA, falls far short of human rights standards.
- As set out in the Commission's *Policy and Guidelines on Disability and the Duty to Accommodate*, unions, employers and service providers should actively identify and remove barriers to inclusion, and, like all organizations, have a duty to accommodate to the point of undue hardship. They must foster an environment that is positive relating to accommodation, and address any issues of morale and misconception that that may arise relating to accommodation.
- While electronic options that provide both audible and visual announcement may provide greater accessibility in the longer term, there remains a duty to provide timely interim solutions, such as manual call-out of stops.

- Allegations of health and safety concerns raised by some transit providers and operators around manual call-out of stops were not found to amount to undue hardship in *Lepofsky*.
- The Commission has received feedback indicating that stop call-outs are standard practice in many parts of the world.
- Stop announcements provide improved service for many community members, such as: persons with disabilities, tourists and others visiting unfamiliar areas, immigrants who may have difficulty reading street signs, and passengers who are distracted or unable to see outside due to inclement weather or full vehicles.

As Chief Commissioner Hall indicated, the Commission will publicize transit providers' responses in the coming months. We look forward to hearing from you in the next several days, and hope that we will be able to report positively on your organization's commitments to timely and complete implementation of stop announcements.

Yours truly,



François Larsen

Director, Policy and Education Branch

C.C.: Bill Fisch, Chairman and CEO, The Regional Municipality of York
 Accessibility Advisory Committee for the York Region
 Beatrice Schmied, Chief Executive Officer, Ontario Public Transit Association
 Michael Roschleu, President and CEO, Canadian Urban Transit Association
 Ellen Waxman, Associate Deputy Minister, Accessibility Directorate of Ontario