

Investigation Report on **City of Winnipeg's Handi-Transit Service**

January 2019



Manitoba Ombudsman

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This report is available in alternate formats upon request.

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Executive Summary and Recommendations

This report sets out the findings and conclusions of an investigation by Manitoba Ombudsman into the City of Winnipeg's Handi-Transit Service. Handi-Transit provides transportation for approximately 7,500 clients who are unable to use the fixed-route transit system because they are legally blind or have a physical disability that significantly impairs their mobility.

The investigation was in response to a complaint from the Independent Living Resource Centre (ILRC), a Winnipeg-based organization that supports people with disabilities, many of whom use the city's Handi-Transit service.

ILRC believes Handi-Transit has not met its commitment to provide universal access to the public transportation system in a way that is reasonably equivalent to fixed-route services provided by Winnipeg Transit.

Our office determined the issues raised in the complaint would be investigated under three main themes:

- Eligibility and appeals
- Customer service and quality assurance
- Transparency and communication

With respect to eligibility, we found the process for determining eligibility was reasonable, as were notification letters sent to applicants. However, we found that mobility as a primary determination of Handi-Transit eligibility is somewhat restrictive, as it does not include other persons who may benefit from Handi-Transit services, for example, persons with certain cognitive disabilities.

The appeal hearing body, which hears an applicant's appeal of an eligibility decision, is comprised of a physician, Handi-Transit's manager of client services and a third person designated by Winnipeg Transit. While we did not find evidence the appeal body's decisions were biased, we concluded the perception of bias could exist because of the involvement of the manager of Handi-Transit's client services, who is also responsible for managing service delivery.

Customer service, training and quality assurance measures, such as the recording of phone calls and video recording in vehicles, which enable Handi-Transit to follow up on complaints, were reasonable. However, the complaint process could be strengthened by

providing information about all avenues of complaint and better informing complainants about the outcomes of complaint investigations.

Trip prioritization, where trips are assigned a priority based on the purpose, was an area we concluded would benefit from further review to ensure Handi-Transit service is reasonably equivalent to fixed-route transit. We understand the implementation of new scheduling software will result in positive changes to trip scheduling practices, such as those for pick up and drop off times and trip confirmation calls.

The “no show” process and resulting charges comprised a significant portion of the complaint. If a registrant needs to cancel a trip, Handi-Transit requires that they phone at least 30 minutes prior to their pick up time to avoid being deemed a “no show,” which triggers a graduated penalty system. We concluded that better communication about no show policies is needed and that the current system for collecting charges needs to be improved to allow registrants the opportunity to dispute no show charges before the charges are processed. We also questioned, given the inordinate amount of time and effort required by Handi-Transit employees, drivers and registrants to provide evidence to dispute a no show, whether the system was the best way to achieve registrant compliance with Handi-Transit policies.

With respect to driver training, we found that the expanded training course along with enhanced in-class components and materials on disability awareness are reasonable responses to the concerns identified in the complaint. Additions to driver resource material about service expectations and sexual harassment are positive.

Regarding concerns raised about general service operations, including issues about driver identification, use of securements, and various operational policies, we found the responses by Handi-Transit to be reasonable. Handi-Transit expressed a commitment to revisit certain aspects of these operational areas, such as policies around driver assistance with carry-on bags.

We noted several areas where a lack of publicly available information, or inconsistent communication of information, has affected the ability of clients to use the Handi-Transit system effectively. We are of the view that a proposed user guide will improve communication about all aspects of the service.

Overall, our office determined that in many instances, Handi-Transit provides a reasonably equivalent service to fixed-route transit, but in certain areas falls short. We believe that many of these shortcomings can be addressed through consideration of the recommendations and suggestions that we made as a result of our investigation. We are

of the view that our recommendations, if adopted, will help Handi-Transit meet its commitments.

We made the following recommendations:

1. We recommend that the City of Winnipeg establish revised Handi-Transit eligibility criteria that considers whether a person with a disability can use the fixed-route transit system.
2. We recommend that Handi-Transit ensure that the inactive account policy be included in any materials available to users of the service and the public in general, such as on the website or in printed information.
3. We recommend that Handi-Transit should, in its public materials, provide clear reasoning to help clients and organizations better understand why and how Handi-Transit re-assesses clients.
4. Handi-Transit should consider an alternative member instead of the manager on the appeal hearing panel. We suggest this individual be someone outside of Handi-Transit's internal eligibility decision-making process, and that Handi-Transit should consider an individual from the disability community.
5. We recommend Handi-Transit provide a dedicated email address or web portal to receive complaints.
6. We recommend that Handi-Transit evaluate whether to devise procedures to more effectively inform complainants directly affected by outcomes of complaint investigations, expanding on Handi-Transit's current approach to situations it deems critical.
7. We recommend that Handi-Transit ensure that information about its complaint process – including how to make a complaint using the phone, email, letter, elected representative – is clear and widely communicated. Public and internal materials, CSR and driver training manuals, should all set out the complaint process clearly.
8. As the new scheduling system is implemented, we recommend that Handi-Transit review its functionality and impact to ensure it reflects reasonably equivalent service to the fixed-route transit system.
9. The list of criteria for a no show charge that appears in all public materials should be updated and refined to better reflect Handi-Transit policy.
10. We recommend that Handi-Transit revise the wording of its no show notification letters so that it does not assume the registrant contravened ridership policies. The letter should instead advise the registrant that a situation triggered the notification letter, and that a related no show charge may stand in the absence of information to the contrary.
11. Before deducting a no show charge from a fare payment from account (FPA), Handi-Transit should notify the FPA registrant of the no show charge by letter so

that they have a reasonable time frame to appeal and, if necessary, add funds to their account before the charge is processed.

12. We recommend that Handi-Transit revisit its approach to no show charges to determine whether these charges are an efficient and effective way to achieve registrant compliance with ride protocols, especially in light of the new scheduling software.
13. Since the current driver manual does not contain detailed language prohibiting sexual harassment, we recommend the detailed language regarding Handi-Transit's sexual harassment policy from the 2012 manual be immediately restored to current and future versions of the driver manual.
14. We recommend that verifying the proper functioning of the GPS/AVL equipment should be added to the pre-trip inspection checklist.
15. We recommend that Handi-Transit enforce the contract requirement that operators wear safety vests.
16. Given the obvious safety concerns about cell phone use while driving and the law against it, we recommend that Handi-Transit enforce the rules about cell phone use in vehicles and while driving, and clarify the direction for drivers.
17. We recommend that Handi-Transit inform registrants about acceptable fare payment methods and procedures for non-payment disputes so that they are aware of applicable policy in the event of driver error.
18. We recommend Handi-Transit abolish the 500 metre rule and provide service either within established city limits or within 1000 metres of conventional bus stops.
19. We recommend that Handi-Transit produce a comprehensive user guide.

Responses to our recommendations from Handi-Transit and city council are included in this report. We are pleased with the positive responses and proposed actions. We acknowledge that some operational changes have already been put in place by Handi-Transit in response to our recommendations.

Introduction

Ombudsman Jurisdiction and Role

Under the Ombudsman Act, Manitoba Ombudsman may investigate administrative actions and decisions by municipalities.

Ombudsman investigations typically assess actions and decisions against a benchmark established by government. Sometimes that benchmark is legislation. On other occasions, it is written policy or established procedures that give effect to legislation. We also examine the fairness of the action or decision in cases concerning an impact on individual rights or benefits.

One of the goals of ombudsman investigations is to identify areas requiring administrative improvement.

The Complaint

In February 2016, our office received a 42-page complaint from the Independent Living Resource Centre (ILRC), a Winnipeg-based organization that supports people with disabilities. The Public Interest Law Centre, an independent office of Legal Aid Manitoba, represented the complainant. The complaint was submitted on behalf of users of the City of Winnipeg's Handi-Transit service. The complaint raised substantial questions, with wide-reaching impact, about a number of Handi-Transit issues.

The ILRC expressed concern that Handi-Transit has not met its commitment to provide universal access to the City of Winnipeg's public transportation system in a way that is reasonably equivalent to the fixed-route services provided by Winnipeg Transit. The complainant believes Handi-Transit is unaccountable and has not meaningfully engaged with consumers about service needs and appropriate service standards. The ILRC is of the view that Handi-Transit's structure and operations raise fairness concerns.

The ILRC grouped the complaint into four categories:

- The appeal process
- Service levels
- Quality of service
- The lack of a coherent framework for governance and accountability

Within these areas, the complaint raised concerns with issues such as allegedly unfair and biased conduct at appeal hearings, arbitrary determination of “no show” fines¹, and discriminatory eligibility criteria and trip prioritization practices. Concerns were also raised about inadequate written eligibility decisions, especially in circumstances where there are conflicting medical or professional opinions. Additionally, the complainant submitted concerns about the quality of customer service, drivers and vehicles, including the failure to uphold the commitment to provide safe, courteous and reliable transportation.

ILRC indicated that this complaint was driven by concerns expressed in one-on-one and community meetings it had with Handi-Transit users. We understand these concerns are ongoing. We were told that in total, the complainant had received at least 104 complaints from individuals regarding the matters addressed in this report, and that this number does not include informal inquiries they received from individuals about Handi-Transit.

The Investigation

Investigation Scope

After receiving the complaint, a team of investigators was assigned to carry out the investigation. We considered the issues presented and determined if they all could be investigated under the Ombudsman Act. We determined that the issues would be investigated under three main themes:

Eligibility and Appeals

We considered the following eligibility and appeal matters:

- whether Handi-Transit’s eligibility criteria are unfairly restrictive given the program goals
- whether Handi-Transit ensures fair consideration of external medical opinions regarding eligibility
- if the Handi-Transit appeal hearing body is sufficiently independent from Handi-Transit, including whether staff participation on the panel raises issues of bias

¹ A “no show” is discussed in detail later in this report. It is a term used by Handi-Transit when, for example, a passenger scheduled for a trip does not appear at the designated pickup point on time and does not cancel the trip at least 30 minutes in advance. The word “fine(s)” relating specifically to no shows has been used interchangeably with “charge(s).” Handi-Transit advised that it currently uses the word “charge” in relation to no shows. No show charges are also discussed in more detail later in this report.

- whether the re-registration process used is fair and consistent with program goals

Customer Service and Quality Assurance

We considered the following customer service and quality assurance matters:

- whether pick up time frames, pick up and drop off protocol, number of bags policy, operating hours, and trip scheduling are consistent with Handi Transit program policy
- whether Handi-Transit ensures its driver training and safety standards are being followed
- the application and responsiveness of the trip prioritization system
- the fairness of the no show determination process, including payment of charges
- whether Handi-Transit has a fair and consistent complaint handling process to deal with complaints such as no shows, driver conduct, and mistaken fares charged to accounts

Transparency and Communication

We considered whether Handi-Transit makes its policies and practices available to its workforce, users and the public in a fair and open manner.

Transparency and communication issues are also addressed throughout the report in relation to specific concerns. We made several suggestions for administrative improvement for enhancing Handi-Transit's communication with its ridership and the general public. These suggestions are linked to a general recommendation we made about the need for a comprehensive users' guide, which is discussed later in this report.

Investigation Process

In April 2016 we met separately with the complainant and Handi-Transit officials to discuss the scope of our investigation and our investigation process.

In summer 2016, at our request, the complainant developed a survey for its Handi-Transit users in order to provide additional information for the investigation. The complainant then provided our office with 57 completed surveys and a 14-page summary of Handi-Transit concerns raised by individuals. We then randomly selected and contacted 24 of the individuals who completed surveys and interviewed 20 of them by phone.

We also asked Handi-Transit to facilitate, on our behalf, an invitation to drivers to contact our office with comments about Handi-Transit or to participate in interviews about their experiences. We interviewed four of these drivers.

During the investigation, we reviewed significant amounts of documentation from Handi-Transit including policies and procedures, internal memoranda, training and instructional manuals, statistical information, and incident reports. We also interviewed the manager of Handi-Transit. We continued to have communication with her during the course of the investigation regarding follow-up questions about the documentation provided and clarification about information in this report.

Handi-Transit responded to our recommendations on May 11, May 30 and September 28, 2018. We have included information from Handi-Transit's responses in our report.

We provided our report to city council on October 24, 2018. A council seminar was held on December 7, 2018, where the report was reviewed. On December 14, 2018, we received council's response with two comments on recommendations 4 and 16, which we have incorporated into the city's responses in the report.

We acknowledge the thoroughness and effort the complainant demonstrated in their submissions to our office and their assistance throughout the course of the investigation with our requests for additional information. We also acknowledge the thorough information Handi-Transit provided in response to our inquiries and we appreciate Handi-Transit's cooperation in responding to our requests for information and clarification.

While the complaint was as a result of the ILRC's consultations with many users of Handi-Transit, we refer to the ILRC as the complainant (a singular entity) but deliberately use plural pronouns throughout this report for gender neutrality.

Other Research

We also consulted relevant legislation and resource materials from other jurisdictions in the course of our investigation, and our review of these resources was comprehensive.

We reviewed the Americans with Disabilities Act (ADA), a federal law in the United States, as a comparative guideline and found it valuable as an instructive reference to our investigation. The ADA states that a paratransit system should be comparable to the level of service provided to individuals without disabilities who use the fixed-route system. Enacted in 1990, the ADA's maturity allows us to compare operations to see how they have adapted, responded to, and operationalized some of the legislative requirements. While not binding in Manitoba, we refer to the ADA throughout our report because as established legislation in the U.S., it sets parameters for paratransit operations.

In the course of this investigation, we examined information about paratransit systems in Rhode Island and in Chicago.

We also reviewed publicly available information about the paratransit systems in twelve Canadian cities: Victoria, Vancouver, Edmonton, Calgary, Regina, Brandon, Toronto, Ottawa, Gatineau, Montreal, Fredericton and Halifax. We reviewed service policies in these jurisdictions on the following topics and compared them to Handi-Transit's:

- appeal process
- trip scheduling and confirmation
- ride times
- driver training
- complaint handling
- penalties
- carry-on bag policies
- service corridors

We had discussions with the Manitoba Disabilities Issues Office and we also reviewed reports on transportation issues by the Ontario Human Rights Commission and the Canadian Urban Transit Association (CUTA), a member-based trade association for the urban transit industry in Canada, whose stated purpose is to support public transit as the core of integrated mobility across Canada.² In particular, we considered the 2013 CUTA publications *Canadian Code of Practice for Determining Eligibility for Specialized Transit* and *Specialized Transit Eligibility Certification Programs*. Handi-Transit confirmed that Winnipeg Transit is a member of CUTA.

² <http://cutaactu.ca/>

Background

What is Handi-Transit?

Transit Services

Winnipeg has one transit system that provides a continuum of services using a variety of vehicles and resources. It is delivered by fixed-route transit and Handi-Transit.

For purposes of this report, Handi-Transit and the term paratransit refer to the same type of door-to-door transit system. We refer to the equivalent service in other jurisdictions as paratransit, but note they have different corporate names, such as Wheel Trans in Toronto.

Handi-Transit services have been available in Winnipeg since 1977, when operations began on a trial basis. In 1979, it became a permanent part of Winnipeg Transit. Handi-Transit provides transportation for people who are unable to use the fixed-route transit system because, for example, they are legally blind or have a physical disability that significantly impairs their mobility. Only those individuals who apply and meet established eligibility criteria are registered to book rides on Handi-Transit, which is a pre-booked, shared ride and door-to-door service. We discuss eligibility criteria for Handi-Transit service later in this report.

While we heard from individuals who stated they are happy to have such a service operating in Winnipeg, another individual commented that:

Nobody uses Handi-Transit because they want to, they use it because they have to.

There is a direct cost for rides, in the form of fares paid, according to the applicable Winnipeg Transit rates. Fares for Handi-Transit are equivalent to fares on the fixed-route bus system and include reduced fares for seniors, youth and post-secondary students. Handi-Transit accepts cash, tickets, tokens, monthly bus passes and the Fare Payment from Account (FPA) service, where clients can deposit money in their fare payment account and draw against it for trips. This electronic payment system is discussed later in this report.

Organizational Structure

Handi-Transit is a division of the Client Services Branch of Winnipeg Transit, a department of the City of Winnipeg. The manager of Handi-Transit is officially known as the manager of client services, Winnipeg Transit, who reports to the director of transit.

The director of transit reports to the chief transportation and utilities officer (CTUO), who reports to the chief administrative officer. They report to city council, through standing policy committees.

The Handi-Transit staff complement is as follows:

- Manager
- Supervisors (4)
 - Customer Service
 - Contact Centre
 - Operations
 - Registration and Assessment
- Occupational Therapists (4)
- Inspectors (2-3)
- Client Service Representatives (10 full-time and 13 part-time)
- Dispatchers (2 full-time and 2 part-time)

Handi-Transit also has a policy advisory committee (PAC) to review and provide input and advice to Winnipeg Transit on service policies and accessibility issues pertaining to public transportation for persons with disabilities. The PAC is chaired by Handi-Transit's manager of client services and has representation from a variety of community organizations working with people with disabilities and seniors.³

³ The current PAC membership structure was decided by City of Winnipeg council in June 2008. However, a form of this committee was established in 1994.

Operating Finances

Handi-Transit advised that its funding comes from provincial and municipal contributions with a further portion coming from passenger fares and a small amount from other sources. The actual operational expenditures for Handi-Transit for 2016 was as follows:

	2016 Actuals (\$)
Revenue	6,292,174
Expenses	
Contractor fees	8,360,532
Other	<u>4,917,147</u>
	<u>13,277,679</u>
Transfer to Capital	<u>132,232</u>
Net Deficit	-7,117,737

Handi-Transit advised that its revenue in 2016 included \$5,190,013 in the form of a provincial funding allocation and \$1,102,161 from fares and other sources.

Operating Statistics

Handi-Transit operating statistics for the 2016 fiscal year are as follows:

Total number of active clients (December 31, 2016)	7,512
Total trip requests	524,731
Total number of trips cancelled by registrant	108,388
Cancelled by registrant in advance of trip being scheduled	36,933
Cancelled by registrant after trip is scheduled	71,455
Total number of no shows	7,700
Total number of trip requests Handi-Transit was unable to accommodate	5,359

Contracted Services

When the Handi-Transit service began in 1977, Winnipeg Transit provided service using city bus operators and city-owned vehicles. By 1988, due to increased demand, the Transit department began to contract out service delivery. By 1996, private contractors delivered 70 per cent of the total service. In June 1997, the remaining 30 per cent of the service delivery was contracted out to private sector contractors.

Currently, the Handi-Transit service is entirely delivered through contracts with private transportation providers using a variety of vehicles including cars, mini-vans and mini-buses. All drivers providing Handi-Transit services are employed by contractors. No Handi-Transit drivers are employed by the City of Winnipeg and there are no individual drivers (owner-operators) or sole operators. All contractors are companies with their own employees.

As of December 2017 there were seven contractors providing services under a total of fifteen separate contracts. The vehicle complement in the fall of 2017 was 15 buses, 25 vans and 30 non-wheelchair accessible cars. As well, approximately 150 drivers, employed by the contracted companies, were active and registered to perform Handi-Transit work. The contracts for Handi-Transit services are awarded through the city's Request for Proposal (RFP) process.

The contract administrator is the Handi-Transit manager of client services. Materials Management, a division of the city's corporate finance department, handles all procurement matters for the City of Winnipeg, including Handi-Transit procurement. We considered all documents of the RFP to be part of the contracts we reviewed for this investigation. We note that Handi-Transit has an extensive bid evaluation and scoring matrix document it uses in assessing bids.

Information regarding the proposal process, and pending and awarded contracts, is publicly available on the City of Winnipeg website. While Handi-Transit advised that bid opportunities for its service are already publicly available on the city's website, the city indicated it is prepared to provide a direct link to this website on the Handi-Transit website.

Service Operations

Scheduling Software

Handi-Transit has been using a computerized system called “IRide,” which was built in-house in 2004. IRide is used for many functions, including trip scheduling, database management, and complaint and incident recording. Details about a new computerized scheduling software called “RouteMatch” were introduced publicly via two presentations in January 2017.

RouteMatch, which Handi-Transit anticipates being fully introduced by the end of 2018, is expected to better match available rides with requested pick up and drop off times. While the new software will not require a change in the trip booking guidelines, Handi-Transit expects that trip schedules will be more efficient and based on real-time travel times. Handi-Transit believes RouteMatch will use available resources better and re-use vehicle seats when trips have been cancelled, or when a no show occurs.

Handi-Transit said that some of the new software features will be for internal use and others will be for the public. Features in the new system include:

- real-time dispatching and real-time communication with all drivers
- the ability to update registrant information
- enhanced automated vehicle locator (AVL) and global positioning system (GPS) technologies
- an adjusted trip booking window

For the public, the system is expected to have:

- a call ahead feature to alert registrants when their ride is approaching using a method of their choice (land line, email, cell phone)
- a web portal to submit applications and make ride requests
- a web portal for fare payment

Handi-Transit believes the new software may eliminate many circumstances that currently generate complaints. We discuss the software throughout this report and find the planned software implementation to be a positive development.

Driver Manuals

Information about Handi-Transit driver expectations and duties is found in individual contracts with service providers, as well as in the driver manual. Driver duties and customer service expectations are established in training courses. As well, driver

responsibilities are set out in the information provided to Handi-Transit's customer service representatives (CSRs) so that they understand what is expected from drivers. Handi-Transit also discusses driver responsibilities at public presentations to community groups.

Handi-Transit advised us that it has always used some form of a driver manual as the policy manual for drivers. It is used in driver training and intended to be an ongoing reference for drivers.

The driver manual is the main source of policies governing Handi-Transit drivers. Handi-Transit advised that it does not proactively make the driver manual publicly available because, among other reasons, driver candidates pay for the training, which includes the manual.

We reviewed the driver manuals from 2012 and 2016 as being most relevant to the time frame of the complaints in question. The 2016 manual was initially provided to our office as a draft until it was finalized in November 2016. The 2012 manual was formally in use until that time and our report refers to it if information was removed or substantially revised in the 2016 version.

Handi-Transit confirmed that revisions to the 2016 manual are ongoing. Handi-Transit has incorporated some of our recommendations and suggestions for improvement into future revisions to the driver manual, and we note this in the relevant sections of this report.

Vehicle and Equipment Standards

Handi-Transit advised us that vehicle specifications outlined in contracts include vehicle type, make, and colour and the requirement that all vehicles comply with Canadian Safety Standard D409-02 (Motor Vehicles for the Transportation of Persons with Physical Disabilities). All vehicles must be brand new at the start of the contract and no Handi-Transit vehicle on the road can be more than five years old, with the exception of buses, which are awarded on seven-year contracts. All Handi-Transit vehicles must be non-smoking, whether in or out of service. This applies to all passengers and operators, and includes restrictions against cigarettes, vaporizers and all other forms of smoking or tobacco.

Additionally, there are legislated vehicle standards relating to the transport of passengers with disabilities. All Handi-Transit accessible vehicles must comply with the Highway Traffic Amendment Act (Enhancing Passenger Safety), which came into effect on December 1, 2015, and requires that every occupied wheelchair or other mobility aid in the vehicle be properly secured, and that every person occupying a wheelchair be properly restrained.

Each Handi-Transit vehicle must have installed a commercially supplied securement system called Q-Sstraint with retractable lap and shoulder belt wheelchair securements. Wheelchairs are secured on four points during transportation and all Handi-Transit vehicles are equipped with four “J-Hooks” for each of these four wheelchair securement locations.

Handi-Transit also advised us of the requirement for vehicles to have cameras on board, which is stipulated in the contract between Handi-Transit and its service providers. The contracted vehicles use the same cameras and follow the same policies as fixed-route transit. The cameras record both audio and video inside the vehicle. Contracts state that each vehicle must display posters supplied by Handi-Transit on the inside and outside of the vehicle, notifying clients of the audio-visual equipment. Handi-Transit states that contractors are responsible for any costs related to obtaining and maintaining the cameras, and Handi-Transit has approved external suppliers and distributors for the cameras, who also provide servicing for the camera equipment.

Handi-Transit noted that at the end of a contract, the equipment’s hard drives are pulled from all vehicles and all footage is deleted by Handi-Transit, before it releases the cameras back to the contractors.

Vehicle, Equipment and Driver Inspections

We asked Handi-Transit to provide information about how it assesses compliance with contract standards and policies. Handi-Transit advised that it has dedicated inspectors responsible for Handi-Transit vehicle and equipment inspections who provide direction and re-instruction as needed to drivers. As of summer 2016, Handi-Transit advised that it had temporarily assigned three inspectors, although the usual complement is two, solely to complete investigations of Handi-Transit drivers, vehicles, and equipment. Handi-Transit will send out inspectors to a particular vehicle if it becomes aware of a concern, regardless of whether the source of the information is a registrant, member of the public, or driver.

We reviewed inspection documentation, which Handi-Transit advised was collected from August 2015 to May 2016, and which was used by Handi-Transit in part to determine its need for the additional inspector.

The inspectors’ tasks include daily random “spot checks” to assess vehicle condition, ensure all securements and extension belts are in vehicles, and ensure vehicles meet cleanliness and maintenance requirements. Inspectors also assess driver conduct and skills, such as whether the driver avoids distracting behavior (such as cell phone use),

exercises road courtesy and avoids rough starts and stops. Handi-Transit advised that inspectors will, from a distance, monitor service vehicles and drivers for compliance with service standards and will also ride in service vehicles. We discuss inspections in more detail in later sections of this report.

Information about the inspection process is not provided in public materials. However, Handi-Transit advised that staff such as the occupational therapists or customer service representatives inform registrants about inspections at initial registration and when discussing incidents and general service inquiries.

Handi-Transit stated that the public would also be aware of inspections being completed, as they would see the inspectors during daily spot checks, or interacting with drivers in response to a particular complaint or reported incident with that driver or vehicle.

We confirmed that inspectors complete tracking reports for daily spot checks and in response to complaints and requests for inspection of mobility equipment and boarding locations. However, we noted some deficiencies with how the statistical information is recorded for inspections. Handi-Transit acknowledged that because many inspections occur because of an incident and Handi-Transit codes them as complaints, currently there is no way to retrieve all inspections by one search in its computer system.

While the electronic tracking sheets for inspections show whether the action was a spot check or in response to a complaint and the inspector's observations and outcomes, paper copies of the inspection reports would have to be accessed manually in order to review other information from the inspection. Handi-Transit advised that it expects this information retrieval issue will be addressed with the implementation of the new computer software.

Reasonable Equivalency

The importance of providing a reasonably equivalent transit service for citizens cannot be overstated. We note that the Ontario Human Rights Commission, in its March 27, 2002 report on paratransit systems and comparable service, identified the impact of not providing accessible public transport services, stating:

[...] it also has major consequences for those who need to get to health care and other essential government services. For many, it makes the difference between isolation and loneliness, and full participation in the life of their communities.

This concept of reasonable equivalency in the transit context informs our analysis throughout this report.

From our cross-jurisdictional review of reasonable equivalency considerations in a transit context, we have found that a paratransit system should be comparable to fixed-route transit services in terms of the type and level of services it provides. Such a system should be designed to not jeopardize the dignity, security and autonomy of its users. An accessible transit model includes the use of the fixed-route transit system, made as accessible as possible for the majority of users, and a paratransit system for users who cannot, by reason of disability, use the fixed-route system.

For Handi-Transit, the principles of reasonable equivalency were defined in the May 31, 1994 *Final Report of the Task Force Reviewing Handi-Transit Issues* (referred to as the Braid report), adopted by Winnipeg city council on September 21, 1994.

The principles are:

1. Transportation for persons with physical disabilities must be an integrated part of Winnipeg's transit service and must be reasonably equivalent to the service provided to non-disabled persons.
2. The definition of reasonably equivalent service must take into account the fact that persons with disabilities have the right to access opportunities, benefits, services and advantages available to other members of society.⁴
3. Protecting the privacy of a user is a very important consideration in implementing any system required to ration service.
4. Monetary considerations associated with the delivery of service are a valid consideration, but must not be the barrier to the provision of a reasonably equivalent transit service for eligible persons.
5. When service delivery is contracted out, contractors must meet standards established by the City of Winnipeg and compliance must be monitored.

Other City of Winnipeg and provincial guidelines also inform how we understand the concept of reasonable equivalency. The city's 2011 policy framework for a transportation master plan, *Our Winnipeg - Sustainable Transportation*, states, "ensuring equitable access to mobility and a high quality of life for all citizens, regardless of their personal ability level, requires universal access to the transportation system."

The Manitoba Human Rights code states, "no person shall discriminate with respect to any service, accommodation, facility, good, right, license, benefit, program or privilege available or accessible to the public, or to a section of the public, unless bona fide and reasonable cause exists for the discrimination."

⁴ Current language as of November 2016

Additionally, the Accessibility for Manitobans Act, which came into effect in December 2013, requires that all municipalities and government organizations develop, implement, apply and enforce an accessibility plan, with accessibility standards defined in five key areas:

- Customer service
- Employment
- Information and communication
- Transportation
- Built environment

Handi-Transit referred us to the *2016-2018 City of Winnipeg Accessibility Plan*, which was released publicly in draft form in early 2017 and is available on the city's website. It includes a number of barriers that were identified through community consultations and action steps related to Handi-Transit with a targeted implementation date for the action steps within two years.

The plan identifies four barriers specific to Handi-Transit:

Barrier	Action
The carry-on bag policy limits access to goods for those who rely on public transit to do their shopping	Review existing policy for potential modifications
Handi-Transit's "no show policy" requires proof of innocence by the rider	Review of "no show policy" to eliminate ambiguity of fault and consider introducing technology that can record the vehicle path
Handi-Transit drivers should manage distracted driver practices with the provision of tools to locate destinations	Review opportunity to require tools such as GPS, Bluetooth and Wi-Fi for each vehicle to assist drivers in locating destinations hands free
Some bariatric customers currently cannot be transported by Handi-Transit due to risk of injury to the drivers and the limited carrying capacity of vehicles	Continue to research on vehicles and boarding technologies able to accommodate needs of the bariatric population

Many municipalities, including the City of Winnipeg, improved their fixed-route transit in order to expand the usability of the system to more individuals. Handi-Transit advised that as of 2017, the City of Winnipeg has a fully accessible fleet for its fixed routes with a total of 630 low-floor buses. These buses have:

- electric ramps
- priority accessible seating
- next stop announcements

- “kneeling capacity,” which means that the driver can lower the bus to standard curb level to eliminate the large steps that were common on transit buses in the past

Handi-Transit advised that more persons with disabilities use the fixed-route service now that the entire fleet has low-floor buses with accessible features. Handi-Transit noted that its users who are eligible for unlimited year-round service receive specialized Handi-Transit identification to ride the fixed-route service without paying.

While expanding the accessibility of the fixed-route transit fleet is positive and provides additional options for many persons with disabilities, not everyone is able to use fixed-route transit services. As the Ontario Human Rights Commission found, a paratransit service cannot be considered a specialty service, but is part of the service delivery continuum that municipalities must, in their duty to accommodate, deliver to their citizens. Similarly, the Braid report states that persons with disabilities “have the right to access opportunities, benefits, services and advantages available to other members of society.”

We acknowledge that in delivering a “comparable transit system,” the city’s resources are limited. However, demand for service increases as the population ages, along with the expectation of the services a paratransit system should deliver. As a result, paratransit systems must become as effective and efficient as possible.

That means the city must ensure that clients who cannot use the currently available fixed-route service are offered a paratransit service and that there is an equitable and reasonable method of determining which clients should access the paratransit service. As fixed-route transit is able to improve services for persons with disabilities, this may mean eligibility for access to paratransit must continue to be reassessed.

Effective scheduling systems, ensuring full capacity use of resources, equitable and clear policies for users of the service, and realistic funding models are all components that the city must balance as it considers and improves its paratransit systems.

Investigation: Eligibility and Appeals

Eligibility and Appeals

The key issue under investigation is whether Handi-Transit's eligibility criteria are unfairly restrictive, given its goal of providing a public transit service that is reasonably equivalent to the fixed-route transit system.

The complainant cited a number of concerns with eligibility determination. They noted situations where individuals provided medical information at the time of applying for Handi-Transit were denied, and when they re-applied, Handi-Transit contacted their doctor and determined they were eligible. Other examples include long-time Handi-Transit clients who were re-assessed as no longer eligible or had their eligibility reduced to winter-only service, even though their medical condition had not changed. In the complainant's words about eligibility, "the outcomes can be capricious."

In this section of our report, we review how eligibility is assessed in other jurisdictions, the consideration of medical opinions in eligibility determination, and how individuals are notified of their eligibility. Issues such as re-registration, inactive accounts, and other eligibility-related issues such as visitor services and mandatory attendants are also discussed in this section.

Eligibility for Service

The complainant believes that the policy for determining eligibility for Handi-Transit services appears to have been developed in an ad hoc manner. Originally, the City of Winnipeg intended that Handi-Transit be only for persons with physical disabilities. It now also provides service to persons who have Alzheimer's disease or related dementia (ADRD) that impacts their ability to use the fixed-route transit system.

The complainant believes the expansion of Handi-Transit services to these individuals came as a result of advocacy efforts by one group and by the filing of a human rights complaint by another. They stated that this approach to establishing and changing eligibility criteria for Handi-Transit clients is reactive, inefficient and piecemeal rather than proactive, efficient and coherent. The complainant indicated that the current approach to determining eligibility for Handi-Transit services risks the exclusion of persons with other types of disabilities, who have just as much need for paratransit.

The complainant stated that eligibility needs to be considered in a different way, such as on a set of need-based criteria designed to ensure that every person who is unable to use the fixed-route transit system because of a disability is able to access Handi-Transit. The complainant believes Handi-Transit's current approach does not meet that standard. They indicated that eligibility criteria should be reviewed and amended on a more inclusive basis linked to need.

Development of the Eligibility Criteria

When Handi-Transit began in 1977 as a pilot project, anyone who was physically unable to use regular transit was eligible to use Handi-Transit. In January 1992, City of Winnipeg council approved a motion to make legally blind individuals eligible as well.

Handi-Transit advised that its current eligibility criteria and registration process were a result of a two-year review by the City of Winnipeg and numerous advocacy groups. The criteria were reconsidered after the city added low-floor buses (also known as kneeling buses) to over 50 per cent of the Winnipeg Transit fleet, making the fixed-route transit system more accessible for people with disabilities. The review was initiated in February 2004 under the direction of the standing policy committee on public works. A draft report was distributed to the stakeholders in July 2004 for their feedback and continued consultation.

The stakeholder groups included:

- Handi-Transit Advisory Committee
- Canadian Paraplegic Association
- Manitoba League for Persons with Disabilities Transportation Coalition Committee (this group was made up of representatives from Independent Living Resource Centre, Winnipeg Seniors Transportation Group, Multiple Sclerosis Society, Arthritis Self Help Group, SCE Lifeworks, Canadian Diabetes Association, Ten Ten Sinclair Housing, Resource Centre for Manitobans Who are Deaf-Blind, CNIB, and the City of Winnipeg Access Advisory Committee)
- City of Winnipeg Access Advisory Committee
- Winnipeg Seniors Transportation Working Group
- Age and Opportunity
- North End Community Renewal Corporation
- Point Douglas Seniors Coalition
- Multiple Sclerosis Society
- CNIB
- Alzheimer Society of Manitoba

Handi-Transit advised that City of Winnipeg council approved the recommendations of the review on April 26, 2006 and decided the following eligibility criteria for Handi-Transit:

- A. Requires the use of a wheelchair or scooter:
 - i. On an ongoing basis – unlimited eligibility, or
 - ii. Until a specific date – eligibility only until the expected date of recovery, or
 - iii. As a result of dialysis treatment – eligibility only for trips to and from dialysis treatment.
- B. Unable to walk 175 meters (575 feet) outside:
 - i. At all times – unlimited eligibility, or
 - ii. During winter months only – eligibility restricted to the period from October 15 to April 15, or
 - iii. Until a specific date – eligibility only until the expected date of recovery, or
 - iv. As a result of dialysis treatment – eligibility only for trips to and from dialysis treatment.
- C. Has 20/200 vision or less, or a visual field of less than 20 degrees in both eyes (legally blind) not corrected by lenses – unlimited eligibility.

Cognitive Disabilities

Following resolution of a complaint the Alzheimer Society filed with the Manitoba Human Rights Commission in October 2005, city council further amended the eligibility criteria on December 15, 2010 by adding a fourth category of eligibility:

- D. Has Alzheimer's Disease or Related Dementia (ADRD) which interferes with the ability to use the regular fixed-route transit system with an equivalent level of independence and safety (assessment of cognitive ability to use public transit required).

As of December 31, 2016, one per cent of Handi-Transit clients had ADRD (82 out of 7,493 individuals).

In 2014, a voluntary resolution of another Manitoba Human Rights Commission complaint resulted in changes to Handi-Transit's application process to recognize that chronic episodic disabilities, specifically pain and fatigue, impact mobility. While this resolution

did not affect the specific criteria used to determine eligibility for Handi-Transit service, it did expand the considerations for applicants during the assessment process.

Handi-Transit's policy is to not duplicate transportation services offered by other programs or agencies. This means that in some cases, persons with some disabilities may not qualify for Handi-Transit services for all of the trips they may take. For example, a person with ADRD may qualify for Handi-Transit, but if they already receive transportation through another agency, they would not qualify for Handi-Transit services for those particular trips.

The same reasoning applies to individuals with cognitive disabilities.⁵ Currently persons with cognitive disabilities alone are not eligible for Handi-Transit. Persons with a cognitive disability who also have a mobility disability may qualify for Handi-Transit. Handi-Transit advised us that persons with intellectual disabilities, for example, will often have access to a service funded by the provincial department of Manitoba Families that transports them to and from various day programs.

We note that a report provided to city council in April 2006 about the changes to Handi-Transit eligibility included the following statements:

The Handi-Transit Policy Advisory Committee (PAC) and the Manitoba League for Persons with Disabilities (MLDP) Transportation Coalition were consulted extensively over the past few months and fully support the recommended changes.

However, it should be noted that the PAC, MLDP, Alzheimer Society of Manitoba, and the City of Winnipeg Access Advisory Committee have concluded that **the Handi-Transit eligibility criteria should be expanded to include persons with cognitive disability (apart from mobility impairment) and that eligibility should be assessed based on need rather than any particular disability.** (emphasis added)

The primary determination of eligibility for Handi-Transit remains mobility, with the exception of individuals under the legally blind and dialysis categories. If the applicant's mobility is such that they are unable to use the fixed-route transit system, they would meet criteria for Handi-Transit. The mobility requirement was modified when individuals with ADRD became eligible. However, even for those applicants, Handi-Transit states that mobility is the primary test.

⁵ For purposes of this report, reference to cognitive disabilities includes but is not limited to intellectual disabilities, acquired brain injury and fetal alcohol spectrum disorder (FASD).

The complainant believes the following eligibility criteria for the Manitoba Mobility Disadvantaged Transportation Program⁶ appear to be more principled and inclusive:

Any individual who by reason of illness, injury, age, congenital malfunction or other permanent or temporary incapacity or disability is unable without special facility or special planning or design to utilize available transportation facilities.

We reviewed eligibility criteria for paratransit services in other Canadian municipalities and found many differences in the criteria being used. While Winnipeg defines eligibility categories using terminology such as “cannot climb or descend stairs,” “cannot walk 175 metres, and/or must use a mobility aid or other similar requirements,” other municipalities use broad statements such as “physically unable to ride fixed-route transit” or simply “unable to ride fixed-route transit.” Of the twelve municipalities reviewed, four specifically mention cognitive impairments as an eligible disability.

An Ontario Human Rights Commission report from March 2002 on paratransit systems and comparable services states, “Eligibility is therefore a functional determination of whether the person can use the regular transit system as it currently exists, and not simply a medical or physical diagnosis.” The report further states, “This approach appears to be more in keeping with the broad definition of disability in the Ontario Human Rights Code, as well as the requirement that persons with disabilities be considered, assessed and accommodated individually.”

Additionally, section 37.123(e) of the Americans with Disabilities Act (ADA) regulations states:

The following individuals are ADA paratransit eligible:

- (1) Any individual with a disability who is unable, as a result of a physical or mental impairment (including a vision impairment), and without the assistance of another individual (except the operator of a wheelchair lift or other boarding assistance device), to board, ride or disembark from a vehicle on the system which is readily accessible to and usable for individuals with disabilities. [...]

⁶ A provincial grant funding program for smaller municipalities that do not have conventional transit systems. By way of grant, these communities provide paratransit services, with the province imposing specific conditions about eligibility and service standards.

The ADA includes eligibility for those who could use accessible fixed-route vehicles, but such vehicles are not available on their route at the times the person wishes to travel or such vehicles cannot accommodate the person's wheelchair.

We find that mobility as a primary determination of Handi-Transit eligibility is somewhat restrictive as it does not account for persons with certain cognitive disabilities that may benefit from Handi-Transit services.

Criteria established in other jurisdictions seem to be more suitable in identifying eligible applicants, by assessing eligibility on whether the applicant has the functionality to use the fixed-route transit system, regardless of the type of disability. The second principle of the Braid report states that the definition of reasonably equivalent service must take into account the fact that persons with disabilities have the right to access opportunities, benefits, services and advantages available to other members of society. The principle does not focus on the disability but on the right to access opportunities as the primary factor in determining eligibility.

Allowing for the open eligibility statement does not mean that applicants should not be assessed on their ability to use the current (and future) accessible fixed-route system, nor does it prevent Handi-Transit from restricting access where alternate services are available. Assessment should not be limited to mobility only, but should consider whether the individual can safely use the fixed-route transit system. This does not preclude the city from having reasonable criteria in place to assess the ability of the individual to use fixed-route transit. This approach also does not mean the city should duplicate provision of transportation service for individuals already receiving transportation from another program.

Such an approach would allow a broader range of individuals with disabilities to be considered for service and it supports the concept of reasonable equivalency by providing more accessibility to opportunities, benefits, services and advantages available to other members of society. The City of Winnipeg should engage a broad range of service providers and consumers to help develop this approach.

1. Recommendation:

We recommend that the City of Winnipeg establish revised Handi-Transit eligibility criteria that considers whether a person with a disability can use the fixed-route transit system.

Response from the City of Winnipeg:

The city advised that a review of the eligibility criteria would be a long-term project that would require appropriate funding and approval from Council and

should not be pursued until the Transit Service Master Plan is released in August 2019. The Transit Service Master Plan will outline the expansion and improvement of the fixed-route and specialized transit service and provide a long-range plan of five-year intervals. The review for the master plan will include an evaluation of the Handi-Transit service model and will outline recommendations for needed improvements and changes at Winnipeg Transit. By waiting for the completion of the plan, the city will create a more cohesive plan and not duplicate work.

It is positive that the master plan review will include evaluating Handi-Transit. We acknowledge that a review of the eligibility criteria will require appropriate funding and approval from council. In our view, it is reasonable to allow this review to conclude before we comment further.

Process for Eligibility Determination and Use of Medical Information

The complainant told us that eligibility decisions seem arbitrary, and have been inconsistent with the use of medical information, such as doctors' notes.

An individual involved in the complaint who uses Handi-Transit shared with us that the decision to refuse their eligibility was based on a simple visual examination despite their doctor's note that confirmed they required Handi-Transit services. Other individuals indicated they were denied access to Handi-Transit services through the occupational therapist assessment process, and they believe that occupational therapist assessments for Handi-Transit should not override medical opinions and/or documentation in determining eligibility.

Assessment Process

In 1994, council agreed to adopt the Braid report recommendations regarding eligibility for Handi-Transit, including requiring registration for the service, which necessitated certification of a physical disability by a medical doctor.

On April 26, 2006 council amended the eligibility determination process:

- Applications under eligibility criteria 1a (wheelchairs and scooters, except for dialysis) and 1b (unable to walk 175 metres - except for dialysis), be authorized by a medical doctor, occupational therapist, physiotherapist, nurse or chiropractor, and
- Applications under criteria 1a(iii) (wheelchairs and scooters-dialysis) or 1b(iv) (unable to walk 175 metres - dialysis) be authorized by a medical practitioner from the dialysis unit, and

- Applicants under eligibility criteria 1c (legally blind) be authorized by way of a CNIB registration number, or by an optometrist or ophthalmologist, and
- That all applications for Handi-Transit be submitted directly to Handi-Transit's medical consultant for purposes of determining if the applicant meets the eligibility criteria, and recommending approval or rejection to the Handi-Transit administration.

These changes to eligibility requirements in 2006 resulted in a need to reassess those Handi-Transit riders who had previously qualified due to ambulatory disabilities. All clients were required to re-register with the program, with the exception of those who had been approved under unlimited eligibility because of their ongoing need for wheelchairs or scooters, or those who were legally blind. As a result of this re-registration requirement, along with other administrative changes, the number of active clients decreased from 10,650 in 2007 to 7,900 in 2011.

The 2006 report to council supporting these changes noted that there was a perception that some of the individuals being registered as a result of a medical practitioner recommendation did not fully meet the eligibility criteria for Handi-Transit, and that was affecting the service for others who did meet the criteria. The report suggested several factors that could result in an overextension of the eligibility for Handi-Transit users including:

- A variety of health-care professionals authorizing applications who may or may not fully understand the purpose of the Handi-Transit service.
- No objective tests to determine eligibility.
- Lack of health-care professionals screening applications on the Handi-Transit side to confirm compliance with the criteria.

The 2006 changes to eligibility determination (which Handi-Transit calls the registration or certification process) were an attempt to make the evaluation process fair and consistent. Despite changes made to the application form, Handi-Transit stated that there were still significant problems with the information provided by medical professionals. It indicated that the information provided often did not address physical mobility as it related to using a transit system. Adding to the challenge was the fact that the Winnipeg transit system had become more accessible, and that many persons with mobility issues could effectively use the fixed-route transit system.

Handi-Transit noted that some applicants believed that if a doctor recommended them for Handi-Transit, they were eligible. However, eligibility was determined based on Handi-Transit's assessment, not a medical recommendation. The medical consultant (an occupational therapist) on staff with Handi-Transit was to review applications, including the medical information provided by an applicant's medical professional, and then

determine eligibility. The medical consultant might interview the applicant, consult with their medical professional, or conduct a mobility assessment.

On December 15, 2010, council further amended the eligibility determination process by removing the requirement for a medical professional to approve an application in most instances. Handi-Transit advised that this change, which remains in place, was intended to clarify that the determination was based on information the applicant self-reported. Handi-Transit occupational therapists, with expertise in functional assessments and working knowledge of the transit system, review this information and discuss it with applicants in a functional transit skills assessment or by phone.

With only some exceptions, all applicants are required to attend an assessment at Handi-Transit to determine eligibility, home accessibility, review of equipment, and service delivery. Assessments are done by Handi-Transit in-house therapists, and an applicants' health-care provider are only contacted if the in-house therapists require clarification to help determine eligibility.

We note the current Handi-Transit application form does not have a section that requires external medical information be provided, with the exception of those applying under the legally blind eligibility category. The form does ask about the applicant's health-care providers, and applicants provide consent for the Handi-Transit occupational therapist to contact the health-care provider, if necessary.

The occupational therapist assesses each application based on the current eligibility criteria and considers:

- an applicant's functional abilities including any mobility impairment (when applicable)
- an applicant's needs for safe travel on Handi-Transit, which may include a mandatory attendant

Further, a similar process occurs for persons applying under the Alzheimer's disease or related dementia (ADRD) category, with a more extensive cognitive test conducted. When ADRD was added to the eligibility criteria in 2010, Handi-Transit worked with the Alzheimer Society of Manitoba to determine an appropriate assessment tool.

Occupational therapists use assessment forms to ensure consistency in their evaluations and ensure that the same mobility tests are applied to each applicant. The occupational therapist asks the applicant some general health questions, determines if the applicant uses any mobility aids and with what frequency, conducts a short cognitive test and then conducts a mobility test. The mobility test includes a range of motion test, a gait test, a walk test, and a balance test.

Handi-Transit advised that in all cases, the medical condition itself does not determine eligibility. Because someone is diagnosed with ADRD, for example, it does not necessarily mean that he or she will be eligible for Handi-Transit services. Also, as ADRD is a progressive disease, someone who is not initially eligible may become so at a later date.

The 2013 Canadian Urban Transit Association report *Specialized Transit Eligibility Certification Programs* studied how eligibility is determined in the United States. The study found that the trend in the U.S. is toward in-person assessments that allow a transit service to place conditions on a registrant's eligibility given the person's limitations and the services that are provided in the fixed-route system in their community. In a study of 12 U.S. cities, 11 required in-person assessments as part of the screening process for applicants. Of those same 12 cities, 11 also required medical verification/certification as part of the application process.

The study concludes with a number of "key lessons" from the U.S. experience. Those related to eligibility certification and the use of medical information are:

- In-person assessments are much more effective than paper-based applications even when the latter includes medical verification from health-care professionals.
- Medical information is useful, but should definitely not be determinative. Some systems require a medical waiver (which allows staff the option of calling medical practitioners as needed), while others require medical verification. There are advantages and disadvantages to each approach.

Our review of 12 Canadian cities offering paratransit services found that nine of the 12 use an assessment procedure to determine eligibility and three determine eligibility relying solely on the recommendation of a medical professional.

The nine cities that require an assessment to determine eligibility continue to have a section of the application form for input from the applicant's medical professional. In all nine of these cities, a personal assessment will be required unless the information provided by the medical professional clearly indicates the applicant has ongoing mobility issues (i.e. permanent disability requiring a wheelchair or scooter, legally blind, etc.)

The research and trend information outlined above suggests that Handi-Transit is applying the most current best practices for determining eligibility for use of a paratransit service using a criteria-driven personal assessment process. Handi-Transit, unlike the majority of other paratransit services in Canada, has reduced its requirement for medical profession information that is part of most application forms. It relies on the applicant providing medical information with the application or the in-house assessor contacting

the applicant's medical professional if the assessor determines that more medical information is required to determine eligibility.

Re-assessments

The complainant informed us that when Handi-Transit occasionally re-assesses the eligibility of currently registered applicants, this process has at times resulted in subsequent denial of eligibility when there has been no change to the person's circumstances. The complainant feels Handi-Transit should restrict reviewing the eligibility of clients who have a medical condition known to be chronic, unlikely to change, or deteriorating.

Handi-Transit advised that there are two processes involved in this issue, a re-registration process and a re-assessment process.

Re-registration

As noted earlier in our report, a re-registration process to ensure information on a registrant is current was approved by Winnipeg city council on April 26, 2006. Additionally, in December 2010, city council implemented a policy that required all Handi-Transit clients to re-register on their three-year anniversary date of acceptance to the service. The re-registration process helps determine if Handi-Transit has accurate information about the client's mobility. This process may occur over the phone to ensure information is current, with no need for the individual to attend the Handi-Transit office.

Clients do not have to re-register every three years if they were approved for "unlimited eligibility" due to:

- wheelchair/scooter use
- being legally blind with unlimited eligibility
- having a permanent, progressive and non-reversible disability

However, all registrants are required to respond to a letter sent by Handi-Transit every three years to ensure that there have not been any significant changes that would impact service delivery. This can be conducted through a paper review of the registrant's file, or a phone call, and on some occasions, an assessment may still be required.

Re-assessment

The re-assessment process involves a formal assessment review of the registrant. The re-assessment may be required to determine:

- if there is a change in their medical conditions that may affect mobility
- if there may be a change in cognitive ability that may affect their safety in using the Handi-Transit system
- if there is a change in the mobility equipment that the registrant uses that may affect the type of vehicle that Handi-Transit uses to transport them
- if there are other safety issues that must be addressed related to equipment

The Canadian Urban Transit Association (CUTA) report on determining eligibility recognizes that the re-assessment process can be controversial, especially if long-term paratransit users are deemed to be ineligible upon re-assessment. The report states that as a guideline, the optimal length of time before conducting a re-assessment is three years, one year being too frequent and five years being too lengthy for a paratransit system to maintain a current client database. As noted, Winnipeg Transit is a member of CUTA, and Handi-Transit advised that it has participated in CUTA research and reviews. It confirmed that it actively uses the CUTA guideline as a best practice. Having considered the noted guideline, we find that Handi-Transit manages its client base in a manner consistent with CUTA.

Handi-Transit advised it created a re-registration checklist for occupational therapists to use in determining whether a full re-assessment is required, or if a simple update of the client information is adequate. The occupational therapist will review the client file noting the client's current eligibility status, and will check Handi-Transit's IRide system for any relevant notes on the system.

The notes on the system may include driver comments indicating that there has been a change in mobility equipment, frequent incidents where the client is not present for pick up or indications that the client is having cognitive issues. Any or all of these may suggest a need for Handi-Transit to contact the client or ask them to attend the Handi-Transit office for a re-assessment. Handi-Transit noted these issues could also trigger a re-assessment earlier than once every three years.

Clients can also request an extension of service, if they are eligible for winter-only service, or are temporarily and/or dialysis-only eligible. Such a request may also trigger a full re-assessment if there are indications that there have been changes in the applicant's condition that may affect their mobility.

It is possible that, on re-assessment, a person will no longer qualify for Handi-Transit or will only qualify for conditional eligibility, such as winter-only eligibility. This change can be the result of a positive improvement in the mobility of the client and/or accessibility improvements made to the fixed-route transit system.

Handi-Transit's active client base as of December 31, 2016 was as follows:

Category	Number of clients	Percentage of total client base
Year Round Eligibility	6,454	86%
Winter Only	260	4%
Dialysis Only	265	3%
Temporary	432	6%
ADRD	82	1%
Total clients	7493	100%

Re-registration and re-assessment statistics for Handi-Transit are as follows:

	2015	2016
Total re-registrations	730	854
Approved without an assessment	383	672
Approved with an assessment	208	70
Not processed	139	112

The statistics show that the majority of clients are re-registered without completing an assessment. In 2015 and 2016, 19 per cent and 13 per cent of clients respectively chose not to complete the re-registration process. It is possible that some of the clients who did not re-register in one calendar year chose to re-register the next calendar year. Others may have chosen not to re-register because their health situation had changed and they knew they would no longer be eligible, or their health changed and they could no longer use the system, or they no longer needed the service. We note that in a two-year time frame, only one person was found to be no longer eligible for Handi-Transit services upon being re-assessed.

Inactive Accounts

Handi-Transit advised that, based on its policy, it will deactivate an individual's account if they have not requested service for 18 months, in order to provide Handi-Transit with a more accurate client database.

The complainant expressed concern about the deactivation of accounts without notification. Other individuals stated that because they had not used Handi-Transit for a long period, their account was closed, resulting in them having to go through what they felt was an unnecessary re-assessment process.

Another individual highlighted the importance of getting notice before account closure:

I think if you don't use it in the required time period, I think you should at least get a 30-day notice or sufficient notice.

We reviewed the following statistics about Handi-Transit inactive accounts:

	2015	2016
Active clients	7288	7512
Inactive files closed	961	913

Additionally, we were advised that in 2015, Handi-Transit reopened 117 inactive files after having closed them, with 63 similarly reopened in 2016.

We considered the reasonableness of Handi-Transit closing accounts after a period of 18 months with no activity. We note that after 18 months, one full season would pass so the person would have been through winter, when the demand for Handi-Transit services tends to increase. We also considered the position that Handi-Transit needs to know what its current client base is. By removing inactive accounts, we acknowledge that Handi-Transit gains a better understanding of what resources it requires to provide service. We accept that if inactive accounts were never removed from the database, the “on paper” client base would become overstated. We therefore find that Handi-Transit has a reasonable rationale for setting an 18-month period to deem an account as inactive, and refine their active client data.

Handi-Transit advised our office that if a client attempts to book a trip after Handi-Transit deems their account inactive, they may still be able to book one trip and will be verbally advised that if they wish to continue to use the service, they may need to reapply and possibly attend an assessment.

In our view, from a customer service perspective, a 30-day notice period prior to account closure is typical for any change in service. It is reasonable that some Handi-Transit clients may not remember the 18-month rule for inactive accounts that they first learn about when approved for the service, without any further notice or reference to this rule in public materials.

Handi-Transit advised that its process was previously to send letters to registrants prior to closing accounts, but found that it was not effective because:

- The ones that continued to require the service had to participate in some version of an assessment to update information (usually over the phone).
- It reactivated accounts unnecessarily as files would go another 18 months without activity.
- It created increased administrative work and generated more calls with registrants calling to advise that they did not want the service or asking why Handi-Transit sent the letter.
- It resulted in a lot of returned correspondence from registrants who had moved, transferred into a personal care facility, or had passed away. Handi-Transit noted that these are most common reasons for inactivity on accounts.

Given these comments, we accept Handi-Transit's explanation that to send notices to clients prior to deeming accounts inactive may not be the most effective manner to deal with this issue.

However, there is no information on the Handi-Transit website about the process for deactivating accounts. Clients are notified about the policy in their eligibility letter, but no notice or reminder is provided to the client prior to account closure. We find this lacks transparency and that enhanced communication about the inactive account policy is required.

2. Recommendation:

We recommend that Handi-Transit ensure that the inactive account policy be included in any materials available to users of the service and the public in general, such as on the website or in printed information.

Response from the City of Winnipeg:

To increase awareness, the city proposes to include the information about the 18 month inactive account policy in the initial acceptance letter, the Handi-Transit website, the proposed user guide, and have it as one of the primary recorded messages that play while registrants are on-hold.

Re-registration and Re-assessments after Account Deactivation

We also considered the reasonableness of Handi-Transit's process that clients with deactivated accounts who need to re-register may be subject to re-assessment. We heard individuals express concern that for some, it can be onerous to attend the Handi-Transit office in person for a re-assessment.

We reviewed an internal Handi-Transit document ("Process Memo #1," dated March 31, 2014) stating that if a client calls within the three-year eligibility period to request service

but their file has closed for inactivity, Handi-Transit may re-activate the file without an immediate assessment. We sought clarification from Handi-Transit about what happens if a person requests service after an automatic file closure (but within the three year window), and how Handi-Transit decides whether that person needs to attend an in-person assessment.

Handi-Transit advised that its documented internal process is that the file is activated with a re-assessment date set, and the file is then forwarded to the occupational therapists for review. The file is not re-opened without a review. However, we were advised that the review may include a paper review, phone call, in-person assessment or some combination of these options.

We find it reasonable that Handi-Transit requires a re-assessment process if a client has not used the service for 18 months and the file is closed for inactivity. It appears that Handi-Transit considers circumstances on a case-by-case basis of such required re-assessments.

3. Recommendation:

We recommend that Handi-Transit should, in its public materials, provide clear reasoning to help clients and organizations better understand why and how Handi-Transit re-assesses clients.

Response from the City of Winnipeg:

Handi-Transit agrees and currently provides information, in various methods, to individuals as to why they need to attend an assessment. Handi-Transit is committed to enhancing information to registrants and commits to upgrade information on the website and all written material including the proposed user guide.

Eligibility Notification

The complainant raised concern about instances where applicants' eligibility had been rejected or changed without the decision being explained or justified in writing. Further, they indicated that when notified that a person did not qualify, there was no explanation provided as to how medical information was considered in making that determination.

Handi-Transit indicated to us that applicants are notified of eligibility decisions by letter. If applicants do not qualify for service, or are found to be eligible for only temporary or conditional service, they are provided with a brief explanation about how Handi-Transit arrived at the determination.

Handi-Transit provided us with the wording it uses in the standard response sent to applicants where a decision was made approving a conditional eligibility, in this case, for winter-only service:

Based on the information gathered through the application and assessment process, you currently have the ability to walk 175 meters in the summer months. As a result, you meet the criteria for service during winter months, October 15 to April 15.

If the person does not meet criteria or is determined to meet winter-only or temporary service, the letter advises them of their right to appeal the decision, to reapply if their condition changes or to contact Handi-Transit if they have more information that may affect the eligibility decision. If the person is eligible, the letter provides information about the re-registration policy, the account closure policy and how to register changes in equipment.

Prior to receiving this complaint, we had received four unrelated complaints from individuals who believed that their eligibility for Handi-Transit was unfairly assessed. While the individual complaints were ultimately resolved, we investigated broader issues raised by these complaints regarding the Handi-Transit application and appeal process. On January 19, 2016 we issued a report⁷ with suggestions for administrative improvement. In response, Handi-Transit agreed to:

- provide written reasons in its decision letters to applicants deemed ineligible for Handi-Transit service
- advise unsuccessful applicants in writing that if an applicant wishes to provide new information related to eligibility, the department will accept the new information and then decide whether a re-assessment, additional information, or a new application is required
- proactively provide an appellant a copy of the in-house assessment report the Handi-Transit appeal hearing body considers at the hearing

Handi-Transit provided us copies of its updated correspondence demonstrating that the above steps have been implemented. Specifically, we confirmed that Handi-Transit includes reasons and re-consideration information in eligibility decisions, and provides the assessment report to the applicant.

Despite these changes, applicants may not have a full picture of Handi-Transit's consideration of their medical information, as the decision letter templates do not

⁷ Report available on our website (our file number 2012-0358)
<https://www.ombudsman.mb.ca/uploads/document/files/case-2012-0358-en.pdf>

specifically address what medical information Handi-Transit reviewed or how it was considered. As we noted previously, if a doctor recommends that a person receive Handi-Transit service, Handi-Transit's occupational therapists are not bound by such recommendations, and will make their own decision based on the results of the assessment tests and review of further medical information, if required.

We believe that registrants should better understand how Handi-Transit decides eligibility and the weight it gives to opinions from applicants' medical providers. While Handi-Transit now provides more information in writing to applicants about its reasoning for an eligibility decision, we raised with Handi-Transit the concern that reasons could be more complete when an application includes medical information or Handi-Transit considers medical information it requested from the applicant's medical professional.

Handi-Transit advised its existing practices address this issue. It stated it informs applicants when it requires additional medical information. In some cases, Handi-Transit provides an applicant a letter to bring their health care provider when they have an upcoming appointment. In other cases, the Handi-Transit assessor informs the applicant of Handi-Transit's need to contact their health-care providers during the assessment, by phone or letter. Information is also added to appeal letters stating the health-care provider was contacted and a brief outcome of the findings is included.

Handi-Transit explained once it receives the information, it contacts applicants and advises how the supplementary information (from a doctor or other health-care providers) affected their eligibility. Handi-Transit noted, however, there are occasions where it would not be appropriate to share all the information provided by the health-care provider in order to not jeopardize the health-care relationship. We accept that medical information Handi-Transit receives that is not relevant to its decision may not always be shared with applicants. We find that the overall process, as described, is reasonable.

Appeals of Eligibility

The Appeal Hearing Body

In 2006, city council approved the creation of a body to hear appeals from applicants who were determined to be ineligible for Handi-Transit services. The appeal hearing body is comprised of:

- a medical doctor retained by the City of Winnipeg
- the manager of client services Handi-Transit (or designate)
- a third person designated by the director of transit

The complainant is concerned that the Handi-Transit appeal hearing body is not independent because the chairperson of the appeal hearing body is the manager of client services for Handi-Transit. The complainant indicated that this is not appropriate or fair because it raises a perception of bias, if not actual bias, in the appeal process.

Bias in the context of decision-making is generally taken to mean, from common definitions, the sense that there is favouritism of, or against, one person or group compared with another, usually in a way considered to be unfair. A perception of bias often occurs when one believes that personal opinions have influenced judgment.

In reviewing the independence of the Handi-Transit appeal hearing body, we looked at established administrative principles of fairness, which guide decision-makers in determining whether there may be a perceived bias. A test for reasonable apprehension of bias is often framed as a question:

Would a reasonable person, reasonably well informed about the circumstances of the decision, believe there was bias on the part of the decision-maker?

Handi-Transit advised that neither the manager of client services nor the Winnipeg Transit representative is directly involved in any initial eligibility decisions, nor are they aware of the particular details of each case, until just before the appeal hearing. They are expected to recuse themselves from the hearing process if there is a potential conflict of interest, such as having personal knowledge of, or any kind of relationship with, the appellant or a family member of the appellant. In that case, if possible, an alternative hearing body member would be brought in.

The City of Winnipeg is of the opinion that there is sufficient distance between the initial eligibility decision-makers and the appeal body members that there is no bias in the composition of the appeal body.

As part of our assessment of whether there may be a perceived bias in the structure of the appeal hearing body, we examined the job description for the manager of client services. In the organizational chart for the client services program, the supervisor of registration and assessment services reports to the manager of client services. The registration and assessment services section is responsible for eligibility decisions and presents information at eligibility appeal hearings. In addition, the manager of client services is responsible for developing and managing the budget and Handi-Transit policies. The manager's job description describes tasks including preparing budget requirements and monitoring expenditures, and planning and administering Handi-Transit service delivery, along with recommending policy changes to city council (such as fare structure and eligibility criteria).

Our office also reviewed all 15 of the eligibility appeals in 2015, which were the most current at the time we conducted this part of our review. The appeal panel's file notes were generally made by the medical doctor on the panel. In some cases, the manager of client services did not sit on the appeal panel because of time conflicts and a substitute member sat in. There was no evidence in any of the appeal files that the manager of client services had information that was not provided at the appeal process or that they unduly influenced any of the appeal body decisions.

We note that in its report *Specialized Eligibility Certification Programs*, the Canadian Urban Transit Association (CUTA) discusses alternatives for creating an appeal process and suggests that, if a panel approach is adopted (such as Handi-Transit's), then participants on the panel should be included based on their knowledge of disabilities/abilities, and transit agency operations and policies. An alternative to the panel approach is to use a roster of contracted professionals who have expertise with various disabilities.

A U.S. publication by the ADA National Network – *What is the American Disabilities Act (ADA)* – states that an administrative appeal process should be designed to allow people to have their cases heard by someone other than the one who turned them down in the first place:

In order to have appropriate separation of functions – a key element of administrative due process – not only must the same person not decide the case on appeal, but that person, to the extent practicable, should not have been involved in the first decision, (e.g., as a member of the same office, or a supervisor or subordinate of the original decision maker).

Publicly available information on the appeal process and the structure of appeal boards for other paratransit services in Canada is limited. However, we note the following examples:

- The Calgary transit access eligibility appeal board has two members with disabilities using specialized transportation services, one citizen-at-large, and two health-care practitioners. A quorum is three.
- The Toronto Wheel-Trans appeal panel has an occupational therapist, a transit expert and a member of the community with a disability.
- The Regina appeal committee has citizens and groups representing the disability community.

There are legitimate reasons for the manager of client services to chair the appeal hearing body, as the manager has knowledge Handi-Transit services, policies and procedures. We

note that appeal body members recuse themselves should they be in a conflict situation on any particular hearing. As noted, a review of the 2015 appeals did not show any evidence of bias or undue influence in the appeal decisions on the part of the manager of client services.

However, given the previously referenced job description, we note that the manager of client services is responsible for managing Handi-Transit service delivery, including the development and implementation of a strategic framework concerning policy, cost effective service delivery, and the safe transport of vulnerable persons. Because of these responsibilities, and since a significant cost is the number of eligible clients, we find that the manager's involvement in appeal decisions about eligibility could reasonably create a perception of bias. It is not practical to reassign the manager's core duties to reduce the potential for bias. The most reasonable remedy is to consider an alternative to having the manager on the appeal hearing body.

4. Recommendation:

Handi-Transit should consider an alternative member instead of the manager on the appeal hearing panel. We suggest this individual be someone outside of Handi-Transit's internal eligibility decision-making process, and that Handi-Transit should consider an individual from the disability community.

City of Winnipeg Response:

The city commented that it is critical to have someone on the appeal panel that understands the policies and processes of the service and the manager is best suited to provide that internal knowledge to the panel. However, it is not necessary for the manager to be a decision maker on the appeal panel.

As such, the city proposes to have the manager of client services remain in a consultative capacity to the appeal hearing body but proposes to replace the manager. The city advised it is considering that a member of the Human Rights Committee of Council, who is a member of the disability community, sit as a voting member of the Handi-Transit appeal panel.

Council has recently consolidated three committees – the Access Advisory Committee, the Citizen Equity Committee and the Mayor's Age Friendly and Seniors Advisory Committee – into a new Human Rights Committee of Council.

We acknowledge that the city's approach regarding the implementation of this recommendation will have budget and other implications and requires approval from council.

Disclosure of Information Prior to Appeal

The complainant indicated that there is a lack of disclosure of relevant information by Handi-Transit prior to the appeal hearing and that without adequate disclosure, individuals do not know the case they have to meet and cannot adequately prepare for the hearing.

The Handi-Transit website provides the following information to the public regarding the appeal hearing:

Applicants who are denied service are able to appeal the decision to the Appeal Hearing Body.

The request to appeal must be made within 30 days of the date of the letter advising the application has been denied. Confirmation of the date and time of the appeal will be provided by letter.

Decisions of the Appeal Hearing Body are final.

Denial of service can mean either complete denial of eligibility or providing conditional eligibility.

Information regarding the appeal process is also provided to unsuccessful applicants in their eligibility denial letters as follows:

You have the right to appeal a decision regarding your eligibility for Handi-Transit. You can book an appeal to present the reasons you disagree with the decision. This information can be provided verbally and/or in writing to the appeal panel. You are welcome to have someone accompany you to the appeal.

If an applicant schedules an appeal hearing, a letter is sent to them confirming the hearing date, time, and location.

We noted the following in our review of the appeals heard in 2015:

- Of the 15 files we reviewed, six had very short timespans between the appeal notification date and the actual appeal date. This caused us concern about whether an applicant would have sufficient time to prepare for the hearing. Handi-Transit advised that these “short dates” occur when there is available time at an upcoming hearing and that time is offered to an appellant. The

appellant can choose to take the available hearing time or wait for a hearing at the next scheduled hearing date.

- Rarely did the appellant provide new medical information at the hearing. In the majority of the cases, the appellant presented information that was already noted in the assessment process, or if they did present medical information it was not relevant to the mobility test that Handi-Transit was assessing. In two instances, the appellant provided further information, medical or otherwise, that resulted in the original eligibility decision being overturned.

Handi-Transit indicated that it actively works with applicants to ensure that it makes the best possible assessment and eligibility determination. It advised that applicants do not always provide all the relevant information to the occupational therapist during the assessment process. If Handi-Transit receives a request for an appeal hearing, the occupational therapist will speak with the client prior to setting a hearing to determine if there is more relevant information that should have come forward, if there is a need for a further assessment, or if it needs to contact the applicant's doctor. Handi-Transit terms this a "reconsideration process." If additional information is provided at this stage it could result in a change in the original eligibility determination without the need to go to the appeal process. Handi-Transit advised that this occurs frequently. However, as the process is not tracked, it was unable to provide any statistics.

As noted previously, our January 2016 report into Handi-Transit addressed the information that Handi-Transit should provide appellants before an appeal. One of our suggestions to Handi-Transit was for it to provide appellants a copy of the assessment that the appeal hearing body considers at the appeal.

As a result, prior to the hearing, the appeal hearing body and the applicant are now provided the information compiled by the occupational therapist who completed their assessment and the eligibility determination. The information includes a summary of the assessment, any consideration of medical information provided by the appellant at the assessment and any medical information that the occupational therapist may have requested from the appellant's medical professional prior to making the eligibility determination. The appellant receives this information in the letter confirming their appeal hearing date.

As noted earlier, there are situations where an earlier appeal date is available and that date may be offered to the appellant. If the appellant accepts it, the appeal information can be faxed or emailed to them by Handi-Transit, or they are advised to either obtain their appeal information from the office prior to the date or arrive some time ahead of

the scheduled hearing in order to review the information that will be presented at the hearing.

We find that currently Handi-Transit provides sufficient and meaningful disclosure of relevant information to applicants prior to appeal and that the above-noted change to this process serves to address this concern.

Clarifying “Final” Decisions of the Appeal Hearing Body

The complainant also raised concerns about Handi-Transit’s communication to appellants that the decisions of the appeal hearing body are final. The complainant believes this is misleading.

We note that while Handi-Transit indicated that the appeal hearing body’s decision is final, and that this is provided as information to the public, generally decisions of an administrative tribunal are not final as further review is possible. Handi-Transit noted its appeal decision letter denying eligibility states that additional information can be submitted for review if the applicant’s condition changes and the applicant can reapply at any time. There is also a right to go to court to have the matter reviewed.

We were concerned that individuals may not be aware of options for review by court or other bodies. The appeal decision letter would be more accurate if it included a statement to such effect. We therefore sought comment from Handi-Transit on this issue.

The city concurred that as with all administrative decisions of all governmental bodies, aggrieved persons can seek judicial review of an administrative decision, and noted this process is different than an appeal. It acknowledged that depending on the nature of their concerns, members of the public who are aggrieved by decisions made by governmental bodies can approach the ombudsman and/or the Manitoba Human Rights Commission. The city advised that it does not in other contexts formally advise members of the public of these mechanisms for having its decisions reviewed. However, the city proposed that it clarify in the appeal decision that the appeal body is the last avenue of appeal within Winnipeg Transit. We find this approach reasonable.

Public Access to Appeal Decisions

The complainant expressed concern that Handi-Transit’s Appeal hearing body decisions are not made publicly available and there is no mechanism to incorporate the findings from successful appeals into policy or practice. The complainant noted that consumers and advocacy organizations believe this imposes an additional burden because there is no

ability to refer to precedent, to evaluate fairness or to monitor if systemic issues are emerging from the appeal process.

We reviewed the CUTA's 2013 *Canadian Code of Practice for Determining Eligibility for Specialized Transit*. Section 15.2 refers to a need for appeal panels to take into account their previous decisions. Such information can be a guide for the decisions the appeal entity may wish to make, and having access to such a body of work can be instructive to appellants.

As we noted in one of our guidelines on information practices, the online publication of decisions can be a useful means to accomplish the goals of openness, accountability and transparency. It can also increase the public's knowledge about a tribunal and how it decided prior cases. In many cases, a tribunal can accomplish the goals of openness, accountability and transparency and comply with provincial privacy legislation by publishing decisions that do not contain personally identifying information.⁸

We asked Handi-Transit to describe how the appeal hearing body takes into account previous decisions that may set a precedent, and we were advised that all appeal decisions and the corresponding reasons are recorded and available for reference by the appeal hearing body. Handi-Transit explained each appeal is unique to an individual's circumstances and has no bearing on the service's overall policies. It stated that appeal decisions are about assessing whether the individual meets the criteria already established based on their own personal and specific circumstances. Publicizing appeal decisions may include personal information and, in many cases, personal health information that could identify the appellant.

We raised with Handi-Transit the issue of making more information publicly available regarding appeals. In order to add transparency, Handi-Transit noted that it is prepared to provide summary information about appeals on its website on an annual basis, such as how many appeals were heard in a year and whether the appeals were upheld or overturned. It confirmed it will continue to share information on its website about any precedent-setting cases, such as those reviewed by the Manitoba Human Rights Commission and Manitoba Ombudsman that have changed Handi-Transit procedures or policies. Also, Handi-Transit will publish the results of appeals that lead to a significant change in the interpretation or application of existing policies.

⁸ Our office prepared the following 2015 document as a guideline, posted on our website: <https://www.ombudsman.mb.ca/uploads/document/files/admin-tribunal-guidelines-en.pdf>. Applicable legislation is [the Freedom of Information and Protection of Privacy Act](#) and [the Personal Health Information Act](#).

Mandatory Attendants

As part of their submission to our office, the complainant raised another aspect of eligibility determination, that being the need for a mandatory attendant. They voiced concern about why Handi-Transit would have the authority to determine whether a person should have a mandatory attendant, even when a primary medical care provider may not have made any such determination.

By way of background, a person travelling on Handi-Transit may, if they wish, have someone travel with them to assist with carrying items, to provide ambulatory assistance after the drop off, assist with other tasks as required, or simply for companionship on the trip.

The client must advise Handi-Transit at the time of booking that they will be travelling with someone, and this person will have to pay the transit fare. Handi-Transit defines such an individual as a companion.

Alternatively, Handi-Transit may require a client to have an attendant with them when using the service for the safety of the client and/or safety of other clients. Handi-Transit advised that a mandatory attendant is required when:

- an applicant/registrant requires assistance during transportation
- the care of an applicant/registrant is beyond what the driver can provide
- an applicant/registrant is unable to safely travel alone
- an applicant/registrant poses a risk to themselves or others

The client is able to choose their mandatory attendant, and it may be a different individual for each ride. Responsibility for arranging a mandatory attendant is solely that of the client.

Generally, at the time of assessing eligibility Handi-Transit will determine whether an applicant needs a mandatory attendant. Once the need for a mandatory attendant has been determined, the mandatory attendant must travel with the registrant at all times.

Handi-Transit is concerned about whether the person using the service can reasonably manage it. It advised us that the requirement, definition and criteria for an attendant with Manitoba Health, for example, may differ from its own criteria. We were advised that when deciding an attendant is mandatory, Handi-Transit makes an assessment based on the safety of the individual or others, not solely because of a medical condition. The need for a mandatory attendant is not limited to cognitive ability but may apply if there are concerns with respect to general mobility as well as such issues as high risk of falling, respiratory challenges or the need for complex mobility equipment.

Handi-Transit indicated that if an assessment for a mandatory attendant is required, it considers such factors as:

- whether the individual is oriented to time and place to safely and independently manage at pick up and drop off locations (for example, knowing where they need to go and not wandering or getting lost)
- whether they can safely be in the vehicle unattended (for example not be at risk of wandering off when the driver leaves the vehicle to assist another passenger)

Handi-Transit noted that the above factors are reviewed by its occupational therapists who administer standardized cognitive tests and review self-reported information, and determine if an attendant is mandatory using their professional training and knowledge of the transportation system including driver responsibilities.

The tests used by the occupational therapists are standardized tests that are used by most health-care providers. They use different standardized tests to assess for dementia and other cognitive impairments. Handi-Transit worked with the Alzheimer Society of Manitoba to develop additional resources specific to registrants with Alzheimer disease, when persons with Alzheimer disease or related dementia (ADRD) became eligible for Handi-Transit in 2010.

Having reviewed Handi-Transit's documentation regarding the determination process for mandatory attendants, including the standardized tests and scripts used by Handi-Transit in this process, we find that the criteria and assessment tools appear to provide sufficient data to make an informed decision on the need for a mandatory attendant. Our review of other jurisdictions indicates that some also require mandatory attendants to fulfill the same requirements as Handi-Transit.

With respect to the determination of an attendant for medical reasons, we were advised by Handi-Transit that medical need for an attendant can be quite different in terms of the level of care and supervision required. These situations may include having someone accompanying the rider who can ensure their health and well-being such as keeping airways clear, applying medication at a required time, or managing behavioural issues. We note that it is entirely likely that the need for a medical attendant and the need for a mandatory attendant will coincide. Handi-Transit acknowledged such situations currently exist, where limitations caused by registrants' medical conditions result in the safety criteria for mandatory attendants being met.

We find it reasonable for Handi-Transit to decide that in some cases an attendant is mandatory, as it considers the safety of the person travelling as well as the safety of others travelling at the same time.

As noted above, Handi-Transit has criteria for when an attendant is mandatory, and the criteria are considered during the initial assessment process. We find the process used by Handi-Transit to make such a decision is reasonable.

We find however, that explanations about why a mandatory attendant may be required and how Handi-Transit makes that determination would be useful additional information for Handi-Transit users, disability advocacy groups and the general public. While we note that Handi-Transit's website contains information about mandatory attendants, we suggest that further information about the rationale for, and determination of, the need for mandatory attendants should be included and shared in public materials.

Mandatory Attendants – Fares

If Handi-Transit determines that the client needs a mandatory attendant to assist them, the attendant is not required to pay a fare but must accompany the registrant for all trips.

We were advised by the complainant that while mandatory attendants can travel for free, this was not the case in other situations. The complainant states that if Manitoba Health determines that an individual requires an attendant for medical reasons, those attendants cannot travel for free on Handi-Transit. The complainant believes that this represents a lack of consistency with Handi-Transit policy.

We were concerned there appeared to be confusion about perceived inconsistency regarding fare payment for the individual accompanying the registrant. Regardless of whether the attendant is deemed mandatory by Handi-Transit or by a medical professional, in both cases it would appear the attendant is necessary to ensure the safety and well-being of the rider while using Handi-Transit. We therefore asked Handi-Transit to clarify its approach on this matter.

The city advised us that it was unable to find any instances where an attendant determined to be necessary for medical reasons was not approved as a "mandatory attendant" by Handi-Transit. In all the cases it reviewed, when a "medical attendant" was deemed necessary for the safety of the registrant or others while traveling he or she was also determined to be a "mandatory attendant." As such, the fare payment policy applied and they travelled for free.

There appears to be a lack of clarity for the ridership about whether mandatory and medical attendants are provided the same fare exemption. We find that the fare payment policy for medical attendants needs to be clearly stated and widely communicated to avoid inconsistency and we suggest that it be included and shared in Handi-Transit's public materials.

Visitor Access to Service

Individuals who use paratransit services in other communities, regardless of where they live, may visit Winnipeg and need to access Handi-Transit services while in the city. The complainant raised a concern that Handi-Transit does not provide services for visitors to Winnipeg.

Handi-Transit confirmed that visitors are eligible for service. We were advised that if the person is already using paratransit services in their home community, they can call Handi-Transit's contact centre and provide the name of their community's service, their registration number or other identifying information from that service, and, if applicable, the type and dimensions of mobility equipment that they use. A Handi-Transit customer service representative (CSR) creates a record of the call and sends the request to the administrative clerk. The clerk then calls the individual to gather all the pertinent information to open a Handi-Transit file for the individual. If the visitor has mobility equipment, the clerk will forward a completed information form to the occupational therapist to determine whether the equipment must be reviewed, or whether service can commence.

The visitor is then eligible for the service for two weeks. Handi-Transit advised that it prefers some lead-time, such as a week or two, to complete the above process. Visitors may apply to access Handi-Transit for more than two weeks if they complete a full Handi-Transit application.

In our review of 12 other paratransit services in Canada, we confirmed that 11 jurisdictions provide visitor services. Eligibility for the service varies, with the majority requiring proof that the visitor is already receiving service in another community. To qualify, most of the services in other jurisdictions require completion of a simplified application and presentation of the visitor's local paratransit card.

As visitors in Winnipeg need only provide Handi-Transit the name of their home paratransit service and the type of mobility equipment they may use, in our view Handi-Transit's eligibility criteria for visitor services are sufficient and comparable to other Canadian cities. We therefore find that Handi-Transit provides reasonable service for visitors to Winnipeg.

However, given that information about this service is not widely known, it is understandable that the public may have made assumptions that it is not available or not know how to access it.

We therefore suggest that information on the availability of services for visitors should be included as part of the public information materials produced by Handi-Transit, including the website. Information should include details about the process to obtain visitor services and associated timelines.

Investigation: Customer Service and Complaints

Customer Service and Complaints

The complainant submitted concerns about what they believed to be a failure to uphold the commitment to safe, courteous and reliable transportation for Handi-Transit users. We were advised about customer service concerns from the complainant's submissions, individual surveys, sample IRide incident reports from March and July 2016, and interviews with registrants and drivers.

Customer Interaction with Handi-Transit Staff

With regard to the commitment of Handi-Transit to "provide safe, courteous and reliable transportation" and "to provide assistance to clients at all times," the complainant advised us of their concerns with the quality of Handi-Transit frontline customer service.

The complainant noted that Handi-Transit serves many clients who belong to vulnerable populations, and that mental health issues and intellectual disabilities put people at heightened risk of financial exploitation, verbal abuse and mistreatment or neglect, among other concerns. The complainant felt that frontline service providers working with vulnerable populations need to possess specialized skills derived from appropriate orientation and training.

Specifically, the complainant expressed dissatisfaction with Handi-Transit customer service provided over the phone. They mentioned incidents where they feel staff were rude and situations where a client called to dispute an issue from an earlier call, but Handi-Transit told them there was no record of that conversation and no way to correct it.

Handi-Transit Customer Service

In considering the specific concerns about phone-based customer service, we reviewed Handi-Transit's approach to ensure the courtesy, knowledge and training of customer service representatives (CSRs) and accessibility of the trip booking process.

Handi-Transit employs CSRs to handle phone calls from registrants on all issues, including booking trips, requesting assistance and recording complaints. As we noted earlier, there are 10 full-time and 13 part-time CSRs. Employees of Handi-Transit's contact centre are staff of Handi-Transit itself (unlike Handi-Transit drivers) and therefore they are City of

Winnipeg employees. CSRs are available by phone during certain hours every day to take trip requests.⁹ On average, the contact centre receives 2,000 trip requests per day by phone, along with calls on other matters related to Handi-Transit service.

Handi-Transit provided us with CSR job descriptions and the 117-page CSR training manual that is provided to CSRs at the start of their employment. We were advised that new CSRs are provided two weeks of in-house training and provided access to specific city training courses related to aspects of their duties, such as handling challenging topics in phone calls. The draft *2016-2018 City of Winnipeg Accessibility Plan* indicates that disability awareness training and training related to the aging population is required for all new hires in the client services division, which includes Handi-Transit.

Handi-Transit advised us that as part of its quality assurance program, supervisors review IRide entries, randomly audit calls and provide CSRs feedback and further training if required. Further, Handi-Transit indicated that all CSR phone interactions are recorded and if it receives complaints or disputes about a CSR's conduct, or about errors in bookings, Handi-Transit listens to the recordings and addresses any errors or deficiencies with the appropriate CSR. CSRs are coached for minor infractions and if the error is found to be more serious, Handi-Transit may take disciplinary action.

Handi-Transit provided us statistics for January to August 2016 indicating that monthly call volumes to its contact centre ranged from a low of 25,091 calls in July to a high of 33,230 calls in January. Handi-Transit 2015 statistics show that CSRs answered a low of 25,452 calls in August and a high of 30,707 calls in January.

In 2015, for example, CSRs answered 339,815 calls in total. In the same year, Handi-Transit received a total of 4,514 complaints, which included complaints about various Handi-Transit policies, late pick ups and a range of other issues. We note that these complaints were not all received by phone, as Handi-Transit advised it also receives complaints through other sources (we discuss the complaint process in the next section). Of the 4,514 total complaints, 638 pertained to CSR areas, including 603 about trip booking errors, 18 about incorrect information provided to registrants, 13 about staff behaviour and four about busy phone lines. We note a relatively low number of complaints were about CSRs, given the overall call volume.

The job descriptions, initial and on-going training and materials, and the CSR manual indicate a sufficient training system for new customer service representatives. Further, the quality assurance practice of recording all telephone calls and auditing recordings

⁹ The contact centre trip booking hours are Monday to Friday, 6 a.m.-12 a.m.; Saturday 7 a.m.-12 a.m.; Sunday 8 a.m.-10 p.m. We discuss details about operating hours later in our report.

both randomly and in response to inquiries, and the logging, tracking and following up on complaints about CSRs suggests Handi-Transit is sufficiently monitoring the customer service provided by its CSRs. Further, we find that by reviewing recordings and IRide entries, Handi-Transit has measures in place to investigate complaints about CSR behaviour.

Handi-Transit's Complaint Process

The complainant expressed that it was burdensome having to pursue complaints and follow-up on outcomes. They noted that registrants “were often too busy and exhausted dealing with their own health problems to take on a new challenge, especially after numerous fruitless efforts to resolve issues on their own accord.”

We heard from the complainant that Handi-Transit only accepts verbal complaints through the contact centre, does not provide a specific email or mailing address to submit complaints and provides no anonymous avenues to complain. Individuals feel that when they complain by phone, their complaints are not tracked and investigated. One registrant said she received no tracking number or proof of investigation. Some individuals who contacted our office as part of this complaint advised us that they were never informed of the disposition or resolution of their concerns – they were simply told that Handi-Transit would put a note on their file.

An individual commented:

I don't feel that Handi-Transit has an appropriate complaint mechanism in place [...] It's very limited in the ways people can submit a formal complaint. Right now, Handi-Transit riders have to call in to make a complaint [instead of] submitting an email or writing a letter [...] There's no way to ensure that these complaints are being properly documented. Also as far as I know, in the past people don't receive anything in writing afterwards. Sometimes they might get a call back. But I think Handi-Transit should make the process more formal and have better written communication with Handi-Transit users when they make complaints.

Another individual said:

I wanted to send an email explaining [my complaint] to Handi-Transit but I couldn't send an email. I was told I was not allowed to. So I had to tell the customer service representative – the person on the phone [...] I could not speak [to a decision maker] directly and I could not send an email.

Others expressed the view that the burden of proof for a complaint lies on the complainant: “I feel that if I call Handi-Transit to complain about something, I’m automatically the one who’s blamed.” We also heard from individuals that “they make you feel horrible for complaining and imply that you should feel grateful for getting a ride.”

Some individuals raised concerns about the lack of Handi-Transit’s action to address complaints and about feeling dissuaded and discouraged from filing complaints in the first place. One individual stated that the complaint procedure is not effective as there are no results, with the same problems happening over and over again.

We heard from individuals that some are reluctant to complain to Handi-Transit about problems they encounter because they fear reprisal. One registrant said they “won’t complain because of fear of reprisal. Because it will get to the driver and the driver will know it’s me who called. Some of the drivers are not nice, so no I haven’t reported anything to Handi-Transit about the behaviour of the drivers.”

With regard to the complaint process, Handi-Transit advised that complaints received about a particular contractor are taken into account when bids are assessed in the contract renewal process. Since contracts for services govern the relationship between Handi-Transit and its contractors, we reviewed the contract documents and note that the request for proposal states that:

References will be evaluated on issues such as complaints, unsafe vehicle operation and poor vehicle condition. If an existing contractor with Handi-Transit, points will be deducted for issues such as complaints, unsafe vehicle operation and poor vehicle condition, etc.

Handi-Transit provided us statistics indicating that it received 4,514 complaints in 2015 and 4,927 complaints in 2016. Complaints are further broken down by subject matter such as policy, accident, contractor and driver (including cell phone use, conduct, safety, and schedule adherence).

Handi-Transit explained that all reports of incidents and complaints received by the contact centre should be recorded by customer service representatives in the IRide system, where each recorded incident, complaint or commendation is assigned a number and tracked. The IRide incident feature is used to track any information regarding these complaints, concerns, commendations or special requests. IRide incidents can be generated by any employee having access to IRide and can be created as a direct result of contact from a registrant, driver, contractor, or the general public. Therefore, any Handi-

Transit employees who work on the file can record evidence and actions in the computerized IRide incident log, with their name and a time and date for each entry.

Once information about a complaint is entered by a CSR into the IRide system, the incident is referred to staff for follow-up. All IRide entries are reviewed daily by the quality assurance coordinator who triages the incidents from the previous day and distributes them to the appropriate area or person to investigate or follow-up depending on the nature of the incident. The incidents can be assigned the following codes for action: "information," "requires follow-up" or "investigation." The incidents can be referred to occupational therapists, inspectors, the operations supervisor, the registration and assessment supervisor, customer relations clerks, and/or the Handi-Transit manager.

As well, all incidents that relate to the following must be sent to the manager as information and for possible action:

- registrant injury
- allegations of abuse
- driver injury
- any incidents where 911 (fire / ambulance / police) is called
- collision

Handi-Transit advised it has a process memo that outlines how the IRide system is used for incident management once an entry has been created and submitted to the quality assurance and training coordinator.

The incident record must address the following questions:

- a) What was the issue?
- b) What actions were taken to resolve or gather further information on the issue?
- c) What is the recommendation for a resolve if one is required?
- d) What are the next steps to resolution and who is responsible for same?
- e) What is the final outcome?

We also reviewed Handi-Transit's customer service representative training manual that outlines what CSR's should do when they receive a complaint:

Tips on Filling out a Report

- Do NOT abbreviate - ever
- Remember we do not need word for word what the client has relayed to you - use the most important info provided
- Include only the facts given, do not speculate
- Do Not offer an automatic reply to the client, only if they request one

- We will not tell them the outcome in regards to the employee, but will say that the driver/company has been dealt with in an appropriate manner. No specifics will be given to the public.

Handi-Transit advised us that:

- it provides verbal notification of outcome/resolution of complaints to registrants about their complaint when requested
- registrants do not get a report about the complaint sent to them and they need to phone back to follow-up. If it's a complaint about driver rudeness, for example, people can phone back with their incident number and follow-up. In a situation that is a serious complaint (for example, relating to safety concerns), Handi-Transit will follow-up with the client directly
- if a written / email response is requested, Handi-Transit will provide a response

Handi-Transit noted that if the city's 311 phone line receives calls regarding concerns about Handi-Transit, then 311 operators send the call to a specific contact designated at Handi-Transit.

Written Complaints

Handi-Transit advised that registrants, advocates and stakeholder groups also submit complaints or comments to Handi-Transit through mail and email. Registrants have also sent emails to Handi-Transit employees, city councillors, the mayor's office and other transit employees, which are forwarded to the manager for a response. Handi-Transit indicated that complaints are also heard and addressed during assessments, re-registrations, presentations, and community engagement events.

We were advised that individuals unhappy with the disposition of a complaint can contact the manager by phone, by email or in writing. We note that other avenues of recourse include city councillors, as well as our office.

In regard to the concern that its mailing address is not widely distributed, Handi-Transit noted that its mailing address is on the letterhead of all correspondence sent to registrants, and that registrants and the public can obtain the mailing address by asking contact centre staff, as well as consulting the website. However, we note that there is no specific direction provided in information for registrants and the public that complaints can be sent in writing to the address of the Handi-Transit office, which may contribute to individuals feeling that they cannot obtain responses to their complaints. As well, there is no widely distributed email address for receiving complaints.

Because the contact centre receives calls during specific hours, access to CSRs is restricted to those hours and these times may not be convenient for someone with a complaint. We find there should be more accessibility to, and visibility of, the various means by which to file a complaint. Having a dedicated email address or web portal for complaints may provide the public with an easier option to contact Handi-Transit with concerns.

5. Recommendation:

We recommend Handi-Transit provide a dedicated email address or web portal to receive complaints.

Response from the City of Winnipeg:

Handi-Transit agrees and is in the process of creating an email address that will allow registrants/public to email in their complaints directly to the contact centre. The email address would be established with the following parameters: a response will be provided within 72 hours and a template is to be completed by the complainant to ensure that all the necessary information to investigate is included (similar to those used by 311).

We appreciate that Handi-Transit may require some time to complete the steps needed to implement the recommendation.

Complaints about Drivers

Suggestions and tips are listed in the 2016 Handi-Transit driver manual in order to assist drivers with conversations about complaints they receive directly from riders. The manual reminds drivers that their job is to provide transportation, not to address complaints, and that Handi-Transit has trained staff who will deal with complaints. Drivers are advised to remain professional at all times, and to remind clients that all concerns reported to the contact centre are provided incident numbers and are investigated.

We asked Handi-Transit about situations when a client complains about a driver and expresses concern about retaliation. We asked whether there is an opportunity for Handi-Transit to refrain from sending that driver to transport the client until the incident is reviewed and resolved. Handi-Transit explained that depending on the nature of the incident, other than suspending the driver outright, there are a variety of ways to ensure that a driver does not transport the client, and such arrangements for alternate scheduling or drivers have been made in certain situations.

Handi-Transit advised that when it becomes aware of an incident involving a driver, either through a complaint or inspection report, the current IRide system assigns the incident to different categories and sub-categories. Based on the categories chosen, the incident is

documented and, if related to a particular trip, the relevant driver, contractor, vehicle, and time are noted. The incident is then logged on the driver's record with Handi-Transit.

Driver suspensions can be triggered by incidents reported to Handi-Transit or on the basis of Handi-Transit's own inspections. Upon reviewing an incident report, Handi-Transit advised that it first consults its driver's report log. The driver incident report log is a running record of complaints and commendations logged to each driver's identification tag number, and using this driver number, Handi-Transit can access respective work records. If there are a number of similar incidents, if warnings were given previously, or the nature and type of incident is egregious – such as endangering the safety of passengers or the public – Handi-Transit can suspend the driver immediately, and has done so. Terms of suspensions vary depending on the circumstance, but most suspensions are permanent, and all contractors are notified that the particular individual is prohibited from doing any Handi-Transit work.

As noted, incidents are assigned for follow-up investigation by Handi-Transit staff, and in situations where driver conduct is at issue, this includes ensuring staff obtain a written report from the driver. Information regarding a driver's disciplinary history, including suspension, is logged, tracked and can be accessed by staff.

We reviewed incident reports where Handi-Transit's vehicle video recording was used in the course of an investigation and noted that such recording helped determine what had transpired. We noted that Handi-Transit informed the complainant that steps had been taken to resolve the concerns raised, but did not inform them what disciplinary action was taken against the driver.

We reviewed IRide incident reports where actions were taken when driver conduct fell short of Handi-Transit's expectations, with graduated penalties imposed according to the infraction. We saw reporting of incidents in which the investigation process culminated in drivers being suspended or terminated. We also saw IRide reports and inspector notes where Handi-Transit corrected deficiencies for less egregious offences. An example is when drivers were reminded about the proper procedures for providing assistance at pick up and drop off, discussed in more detail later in this report. We saw evidence where violations of conduct standards resulted in consequences against drivers, and we find overall that the complaint investigation process results in action being taken in response to complaints, and appears effective at ensuring driver compliance.

Based on our review, we found that in general, Handi-Transit demonstrated an accurate and thorough recording of complaints. Additionally, we note that its documentation of the investigation of complaints and incidents that come to its attention was comprehensive, and that these are generally conducted in a timely fashion.

The complainant, however, also indicated that Handi-Transit provides no written follow-up regarding complaint outcomes. Rather, the onus is on the person complaining to contact Handi-Transit to find out the results of a complaint. In our review of IRide incident reports, we noted a number of incidents that appeared to require ongoing prompting from complainants.

Handi-Transit confirmed to us that it will provide information regarding the results of an investigation if a complainant requests them, but there are limitations under the Freedom of Information and Protection of Privacy Act about the information it can share with a complainant if the matter involves a third party.

From our review of the IRide incident reports mentioned previously, the information that is shared with complainants upon request appears thorough and provides detail about investigation outcomes that sufficiently respond to concerns without violating third party privacy.

In general, we find that while the existing complaint process is sufficient, it is not ideal because Handi-Transit does not proactively provide complainants the results of its investigation into their complaints. The onus for follow-up rests with complainants.

In responding to our concerns on this issue, the city confirmed that the current practice is to respond directly to a registrant if they request follow-up on their complaint, which is consistent with the practice followed by the fixed-route system and 311. If registrants do not request follow-up, the complaints are recorded, registrants are provided with an incident number (should they wish to ask for follow-up later), complaints are triaged and forwarded to the appropriate area for a review and resolution. Handi-Transit will initiate contact with a registrant in any situation which has been deemed critical.

Handi-Transit advised us that in 2017, it received 4,931 complaints. It noted that responding proactively to every complaint would require resources beyond current level and beyond financial resources.

We acknowledge that by providing incident numbers for tracking, complainants can follow-up on the outcome of matters they raised, and that Handi-Transit will proactively respond to complainants about critical matters they raised. We also acknowledge there will be complaints raised where outcomes do not directly affect individuals who raised the concern, and a response is likely not required, such a complaint from a concerned individual who is not a registrant.

Decisions must be perceived to be fair and transparent. When Handi-Transit determines that action is required in response to a complaint, some explanation about the basis for that decision should be relayed to the complainant. Similarly, if a complaint requires corrective action, those results, and the reasons for taking such actions, should be proactively provided to the complainant, to the extent possible without violating any privacy provisions in legislation.

We saw in evidence complainants who were directly affected by an incident, raising that concern, and then having to phone back to get information about the disposition of their complaint. We find that such a requirement to follow-up is onerous, especially where the client group may have vulnerabilities. Those who are directly impacted should be aware of outcomes, as this demonstrates to a complainant that action has been taken and is reported on. The onus should not be on the complainant to track down complaint outcomes.

6. Recommendation:

We recommend that Handi-Transit evaluate whether to devise procedures to more effectively inform complainants directly affected by outcomes of complaint investigations, expanding on Handi-Transit's current approach to situations it deems critical.

Response from the City of Winnipeg:

Handi-Transit agrees to evaluate its procedures for informing complainants who are directly affected by outcomes of complaint investigations.

7. Recommendation:

We recommend that Handi-Transit ensure that information about its complaint process – including how to make a complaint using phone, email, letter, elected representative – is clear and widely communicated. Public and internal materials, CSR and driver training manuals, should all set out the complaint process clearly.

Response from the City of Winnipeg:

Handi-Transit agrees and will outline the complaint process on all its written materials on a go-forward basis and will include information on all methods of filing a complaint.

Anonymous Complaints and Reprisal Concerns

Because Handi-Transit does not accept anonymous complaints via a confidential tip line or web portal, registrants who fear reprisals may not feel comfortable making complaints. This may mean that complaint volume is underestimated and Handi-Transit may not be

getting the information it needs to ensure the best service possible. We approached the city with these concerns. We also asked whether Handi-Transit has considered using complaint processes that allow for anonymous feedback. Handi-Transit advised us that it considers anonymous feedback avenues problematic as it can take up a lot of resources with few results. With regard to anonymous complaints, Handi-Transit advised that the city's 311 line has a policy/practice that they will not forward a service request for investigation to a department if the caller wishes to remain anonymous. Handi-Transit explained that anonymous information would have to be investigated, and at times there is insufficient information in the original communication, with no way to get back to the complainant to get further information or clarification.

Without confirmation or sufficient investigation of a complaint, Handi-Transit notes it would be careless to take action on information that is not verifiable.

Nevertheless, Handi-Transit stated that there is nothing to prevent someone from writing in with a complaint and not providing any contact information or identification. Given that we heard from individuals about concerns of reprisal for complaining, we suggest that Handi-Transit consider receiving anonymous complaints. In doing so, Handi-Transit can determine whether or not there is sufficient information to pursue investigation. It can also be clear in public information about the complaints process that it cannot guarantee investigations into anonymous complaints will occur and there is no way to respond to the individual. Such a means to receive complaints, regardless of whether they result in investigation, could be useful to track issues and trends.

As part of our review of this issue, we noted statements found in public guides from other Canadian jurisdictions regarding positive and pro-active messaging in relation to receiving complaints. From Gatineau, information for the public states that "the passenger who formulates a complaint contributes to the betterment of the service, will be treated with the outmost confidentiality and should by no means be concerned with fear of reprisal nor prejudice." In Halifax, the public is advised that registering feedback, compliments or complains "will assist in improving the quality of the Access-A-Bus Service. Any information is strictly confidential and it will have no adverse effect on the level of service you receive. Please give us your thoughts and ideas." We find such wording to be positive and useful as a guide for Handi-Transit as it further develops its public information materials.

We suggest that Handi-Transit provide the public with assurance that any complaints will not result in reprisals. In doing so, we also suggest Handi-Transit consider the style and approach used in the public information of other jurisdictions, so that registrants and the public do not feel dissuaded from filing a complaint. Further, we suggest that Handi-Transit advise registrants in all its public materials of the quality assurance process,

including the inspection process, penalties for conduct issues, and the importance of filing timely complaints.

Use of Vehicle Video, Audio and Locator Technology in Complaint Investigations

The complainant stated that the opportunity to use centralized security cameras in the vehicles and GPS to monitor and verify the correct execution of pick up and drop off protocols and to avert or record incidents of verbal abuse should be examined. They indicated that this technology would assist with the resolution of complaints.

We asked Handi-Transit to clarify its policies related to the use of audio and video recording equipment, and other technology, and how it relates to Handi-Transit's complaint process. As noted earlier, cameras in Handi-Transit service vehicles are required as part of the contract. All contracted vehicles must have video cameras turned on while performing Handi-Transit work.

The cameras operate while the vehicle is running, and Handi-Transit noted that the vehicles run while drivers exit to assist riders to get on and off the vehicles. While interactions between drivers and passengers are recorded inside the vehicles, we note that any issues around drivers not meeting standards of the pick up and drop off protocol outside the vehicle will likely not be captured by the existing video technology.

We were advised that contractors cannot access the camera hard drives, and only Handi-Transit inspectors or the Handi-Transit operations supervisor can access video as part of an investigation. Video is accessed only in connection to an investigation and is viewed by the individuals responsible for the investigation. This process is documented using a specified internal form called the video information request form/video log, and access and use of recordings are controlled and consistent with Winnipeg Transit policy and practices.

We note that the fixed-route transit system policy for audio and visual recording contains this statement:

Winnipeg Transit recognizes the need to balance an individual's right to privacy and the need to ensure safety for Operators and customers. Therefore this policy has been developed with the intent of following all guidelines as recommended by the Provincial Ombudsman in accordance with the Freedom of Information and Protection of Privacy Act (FIPPA).

Also consistent with Winnipeg Transit's policy, Handi-Transit advised that the cameras currently do not retain data indefinitely, but rather only retain data for approximately 10 days, after which the video is automatically recorded over. This current retention time for recording could be a limitation in complaint investigations, as recordings could be deleted before a complaint has been made and an investigation commenced, or completed. We therefore suggest Handi-Transit review its ability to access this evidence for investigation purposes, so it can determine if the retention time is sufficient for the investigation phase, while ensuring that recorded information is not retained longer than required.

We find that the use of video and audio recording equipment does have positive application in assisting with complaint investigations. We acknowledge its limitations in regard to recording only the interior of vehicles and current retention limits for recording.

Drivers we interviewed said they like having video cameras in the vehicles so disputes can be more easily resolved instead of additional conflict over which version of an incident Handi-Transit accepts. These drivers commented that they believe the cameras are there for everyone's protection.

Handi-Transit advised us that there are instances when a vehicle's camera will be in disrepair. If the contractor has a spare vehicle available, that vehicle is used until the camera is again in working order. Each contractor is required to provide an additional vehicle to the five required under the contract to be used in the event of problems with an existing vehicle. However, if there is no spare vehicle available, the vehicle will be allowed to operate and the contractor is expected to provide a date when the camera will be repaired.

Handi-Transit advised that it expects the contractor to provide information on the repair date within a week, but at times there are mitigating circumstances and the vehicle may be on the road without a camera for longer periods. Handi-Transit noted that given the demand on the service, it is more critical to be in a position to provide the requested trips, than to take vehicles off the road that lack operational video equipment.

In complaint and compliance investigations, Handi-Transit's inspection process, for example, assesses whether drivers are providing the appropriate level of door-to-door assistance. Handi-Transit advised that while its new scheduling software provides the ability to record all vehicle locations at any point in time, and can concretely determine if a driver was at a particular address, it will not provide information on whether a driver assisted to and from the door. In consideration of disputes of this nature, Handi-Transit clarified in correspondence to our office that it has considered whether external cameras will be installed on the vehicles.

While we make no recommendations in this regard, we note that the use of such technology must be done in accordance with policy and legislation with respect to protection of privacy.

Handi-Transit noted that the majority of contractors also have GPS monitoring equipment on their vehicles, which Handi-Transit can use in complaint investigations. Handi-Transit's new software will have enhanced GPS/AVL (automatic vehicle locator) capabilities, and Handi-Transit will require all vehicles to transition to that system, which we understand will refine the ability of Handi-Transit to determine specific vehicle locations.

We find these developments to be positive.

While the contract stipulates that each vehicle must display posters inside and outside each vehicle notifying clients of the audio/visual equipment onboard, consistent with the fixed-route policy and applicable legislation, we note that there does not appear to be any information about the use of video equipment posted on the Handi-Transit website. Winnipeg Transit has such information on their website for the fixed route system. We suggest that Handi-Transit also advise registrants and the public about the audio/visual recording that occurs in all Handi-Transit vehicles, via the website, as well as in other forms of information.

In the course of this investigation, we heard from individuals that some drivers have video-recorded themselves on their personal cell phones, walking beside clients at pick up and or drop off to have evidence in case they are accused of not providing this service. In response, Handi-Transit stated that there are no recorded complaints of this happening. However, Handi-Transit advised that it informs drivers during training that they are to never take videos or pictures of passengers or their equipment.

Trip Scheduling and Related Policies

A fixed-route transit system has specified routes and pre-determined schedules that are clear, mapped, timed and set. Paratransit scheduling, on the other hand, is more complicated for the providers of the service, and requires riders to follow many rules and procedures different from fixed-route transit.

For one, Handi-Transit registrants must first book a trip. This requires calling the contact centre.

Telephone Hold Times

With regard to access to the CSRs, the complainant expressed concerns about individuals being on hold for a long time, such as having to wait for 30 minutes to book a trip. We note that long telephone hold times may cause registrants to abandon their attempt to book a trip.

Handi-Transit noted that it tracks incoming calls to its contact centre and the length of time callers are put on hold. We were advised by Handi-Transit that the number of calls is not indicative of how many trip requests the CSRs received in a given year because, for example, an individual could make one call but book multiple trips during that call. Additionally, as we noted earlier, CSRs receive calls on a variety of service issues in addition to taking calls for trip requests.

By way of background, Handi-Transit also noted that it provides registrants with an automated phone line available 24-hours a day to confirm trips, and there is no wait time if registrants call the automated line. Handi-Transit explained that multiple phone lines are available so that every caller can reach a line. However, while Handi-Transit acknowledged that registrants always have the option of using the automated line to confirm trips, they must still speak to a CSR to first book the trip. We discuss trip confirmation later in our report.

After reviewing Handi-Transit statistics, we noted that in the first eight months of 2016, the average time to initially answer a phone call at the contact centre ranged from 2:39 minutes during the month of January 2016, to 38 seconds in July 2016.

Handi-Transit also provided more detailed statistics regarding call answer times and hold times during the month of February 2015 as an example of what occurs in a busy month. The time to answer a phone call at the contact centre ranged from 29 seconds to 3:34 minutes during that month. We noted that the February 2015 data also included some hold times as high as 24 minutes. We inquired about why that would be the case. Handi-Transit explained that registrants are put on hold when a CSR is looking for information to provide to the caller, such as locating a late vehicle and advising on approximate arrival time, or responding to inquiries about a no show allegation, the status of an application, and so on. Handi-Transit indicated that 24 minutes on hold, in other words, is not indicative of the length of time a registrant might have to wait on hold just to book a trip.

As noted, we reviewed practices of other paratransit services, and the Americans with Disabilities Act (ADA) for comparison. We understand that the ADA has been interpreted to mean that transit agencies are not permitted to constrain service through any manner, including excessively long wait times to book trips.

We did not find statistics on hold times in paratransit services in other jurisdictions from our review of the available information. However, we did note that, for example, Calgary's public information encourages customers to avoid phoning live agents during peak times such as 9 a.m.-11 a.m. but instead to use the automated line, suggesting there may be some hold time for registrants at peak times.

We looked at best practices as suggested by the Disability Rights Education & Defense Fund (DREDF), a U.S. civil rights law and policy centre directed by individuals with disabilities, and TranSystems Corporation (a private transportation consulting firm) in their 2010 publication *Topic Guides on ADA Transportation*.¹⁰ These topic guides may be helpful information for paratransit services despite being specific to U.S. legislation.

The guides suggest paratransit services establish a standard for the maximum allowable time registrants can be on hold when phoning a paratransit service, and then measure or track each caller's hold time to ensure all hold times remain under this standard. The DREDF suggests that "a good practice for hourly averaging is a standard that 95 per cent of the hourly periods should have an average hold time of no more than one minute, and 99 per cent of the hourly periods should have an average hold time of no more than two minutes." Information we reviewed regarding the ADA and DREDF about abandoned calls suggests that the DREDF considered a high range of abandoned calls to be from 13 to 33 per cent.

We noted that Handi-Transit does not track hourly averages for hold times, and as such, we were unable to accurately assess hold times. However, to determine if Handi-Transit's hold time is excessively long at certain times, we looked at its statistics regarding abandoned calls, which can help shed light on the effect of the hold times on registrants attempting to book trips. A high percentage of abandoned calls may suggest lengthy on hold waits. For example, the percentage of abandoned calls in January 2016 (a busy month) was 7.3 per cent when the average speed of answer was 2:39 minutes, whereas the percentage of abandoned calls in August was 1.4 per cent when average speed of answer was 42 seconds. The more detailed statistics we reviewed of calls in February 2015 showed an abandonment rate of 9.4 per cent on February 23 when the average on-hold wait was highest at 3:21 minutes. In comparing with the suggested rates in the DREDF materials we reviewed, it appears that these percentages of abandoned calls are not substantially high as they remain under 10 per cent. We do find that on average, call answer times are reasonable and that hold times are not excessive.

¹⁰ This series of topic guides on the ADA and transportation was funded by the U.S. Federal Transit Administration to provide technical assistance on ADA transportation. The topic guides bring together the requirements of the ADA and the U.S. Department of Transportation, ADA regulations, Federal Transit Administration determinations, and operational practices that comply with the ADA.

Trip Scheduling

The complainant submitted concerns about systemic issues with the quality of service regarding:

- a disconnect between the promise of universal access and the use of the prioritization system to schedule trips
- pick up times being inconsistent with the purpose of the trip, such as a pick ups scheduled before the end of the work day
- pick up times being scheduled unreasonably earlier than requested
- one way trips are booked, instead of a requested return trip
- two cars sent to transport two people from the same destination going to the same place
- unreasonably long travel times
- unrealistic schedules causing a lack of time to board passengers and equipment, and creating longer wait times and delays

Handi-Transit provides door-to-door transportation for its registrants. Because it is a “demand-response” service, there are no fixed schedules or routes. Demand Responsive Transport (DRT) generally refers to a service that is provided “on demand” at the request of its passenger’s pick up and drop off locations. A vehicle is dispatched or routed in response to a potential rider’s request. Its exact meaning can vary, but always has the overall “on demand” theme tied to it.

Handi-Transit service operates by:

- accepting ride requests from registrants by phone up to seven days in advance of travel
- inputting and collating all requests together electronically
- “batch” scheduling the trip requests through the use of the current IRide computer software system and manually refining the schedule one day prior to the requested trips
- generating run sheets which specify the trips the vehicle operators are to provide the following day

We acknowledge that, unlike fixed-route transit, there is a great deal of effort required daily to generate routes and schedules. We also recognize that the booking and scheduling of trips is largely dictated by the technology being used, the ability of customer service representatives to accurately and effectively record trip requests from registrants, and the resources or number of vehicles and rider spots available at any one time.

Before reviewing Handi-Transit's scheduling process, we will first consider Handi-Transit's process for prioritizing trips, since this process assesses whether a registrant's trip request is scheduled.

Trip Prioritization

The complainant expressed concern that by having a trip prioritization system, Handi-Transit is not reasonably equivalent to the fixed-route transportation system and does not uphold the city's commitment to universal access to the transportation system. Individuals who participated in the complaint also suggested that the prioritization system unfairly rations service and discriminates between trips. They noted, for example, that full-time employment is only a priority one trip if the registrant is paid minimum wage or higher, which limits potential unpaid employment training opportunities.

The current priority system is as follows:

Priority 1	Priority 2	Priority 3
<p>Work – paid full time employment</p> <p>Medical – dialysis, chiropractor, podiatrist, medical doctor or dentist appointment</p> <p>Education – post-secondary- certificate, diploma, degree</p> <p>Therapy – administered / as prescribed by a medical professional (medical doctor, occupational therapist, physiotherapist, nurse, chiropractor)</p> <p>Transportation terminal – airport / bus depot</p>	<p>Essential shopping – groceries, prescriptions</p> <p>Support groups</p> <p>Self-development courses</p> <p>Personal business – bank, legal services</p> <p>Advance ticket events</p> <p>Religious services</p> <p>Other prescribed therapy / Non-administered</p> <p>Volunteer</p>	<p>Recreational activity – swimming, bowling, park outing, bingo, movie, etc.</p> <p>Grooming – hair care, manicure/pedicure, etc.</p> <p>Dining out</p> <p>Shopping – non-essential</p> <p>All other</p>

Handi-Transit advised that it uses the trip prioritization system when there are more service requests than resources to accommodate them within the available fleet. Handi-Transit then schedules trips according to deemed importance or priority, through the use of the current scheduling software and manual additions to the schedule. The priority system has been in place since the implementation of the pilot project for the creation of a paratransit service in 1977, and has been reviewed, modified and made more specific based on recommendations resulting from several service reviews and from the policy advisory committee (PAC). Part of the priority system is that wheelchair users take priority over ambulatory users when service demand exceeds service availability.

Handi-Transit explained that when a registrant speaks with a CSR to book a trip, the CSR asks the purpose of the trip and enters the appropriate code for that purpose into the IRide scheduling system, which then assigns a priority based on the coding for the trip purpose. As noted, the automated system schedules in accordance with the priority system only when there are more requests than resources. The remaining trips, for which there are no drivers/vehicles available, are deemed by Handi-Transit to be “unabled,” meaning they are not included in the schedule for that day.

These unabled trips are manually reviewed by Handi-Transit who advised it tries to work them into the existing schedules. This manual check of schedules ensures priority one and wheelchair trips are not “unabled” if lesser priority trips are scheduled.

We noted that in 2016, the total trip breakdown was 69 per cent for ambulant registrants and 31 per cent for wheelchair users. These 2016 statistics also show there were 524,731 trip requests with 5,359 deemed to be unabled trips. Handi-Transit advised that during the winter months the service averages about 10 “unables” per day but that number can be as high as 70. During the summer, the unabled trips average from zero to 10 per day.

The priority system used by Handi-Transit seems to contradict the principle of universal access, and instead sets up a system in which wheelchair users are prioritized over ambulatory registrants, and where weighing the importance of trip purpose is based on a scale that is subjective.

The trip priority system also seems contrary to the city’s 2011 policy framework, *Our Winnipeg - Sustainable Transportation*, previously quoted in our report, which states that “ensuring equitable access to mobility and a high quality of life for all citizens, regardless of their personal ability level, requires universal access to the transportation system.” The prioritization system restricts access to the paratransit system based on purpose of the trip, and is not a criteria applied to citizens who use fixed-route transit.

Additionally, the current prioritization practice requires Handi-Transit CSRs to ask about the purpose of every trip from every registrant. We acknowledge that Handi-Transit considers knowing the trip purpose to be necessary for prioritization, given limited resources. This practice, however, is concerning to the complainant. The complainant indicated that Handi-Transit requiring information about the purpose of their trip is paternalistic and intrusive as to the personal business of the registrant and is not reasonably equivalent to fixed-route transit where no rider is ever asked about the purpose of their trip.

The current practice of trip prioritization requires information from registrants to guarantee certain trips and match demand with available resources. For example, in order to prioritize a trip a rider must indicate whether it is for employment or medical purposes. The fact that individuals have to reveal why they are going to a specific address is more personal than any user of the fixed-route transit system must provide to get to their destination. While we acknowledge that prioritizing trips helps manage available resources, the requirement appears to contradict the first principle of the Braid report that Handi-Transit must be “reasonably equivalent to the service provided to non-disabled persons.”

We note that for the paratransit context, the third Braid principle states “protecting the privacy of the user is a very important consideration in implementing any system required to ration service.” While Handi-Transit does collect personal information about trip purposes, we confirmed that Handi-Transit ensures it collects the minimum amount of information necessary.

As noted, we reviewed the ADA and its regulations which state that restrictions on complementary paratransit services are prohibited in the U.S., including rationing systems based on purpose of trip. While there is no legislation in Canada specifically setting out the definition and characteristics of a “reasonably equivalent” paratransit service, it appears that the majority of the 12 services we reviewed in Canada do not use a priority system but rather adopt a first-come, first-served approach.

The trip priority system currently in use by Handi-Transit prioritizes service to registrants based on trip purpose when resources fail to keep up with demand. We find this process is inconsistent with the city’s goal of providing a paratransit service reasonably equivalent to the fixed-route system because there is no comparable trip priority system used in fixed-route transit in Winnipeg – all fixed-route trips are first-come, first-served. As well, although the definition and characteristics of “reasonably equivalent” are ambiguous in many ways and often difficult to compare, it is clear that fixed-route riders are never asked nor required to explain the purpose of any of their trips, and none are deemed to be higher priority than others.

We acknowledge that the current system for trip prioritization and trip scheduling is in transition, given that Handi-Transit is in the process of implementing the new scheduling software system. We make findings about trip prioritization, as part of the discussion about the planned new scheduling software system, below.

Handi-Transit explained to us that it would ideally have a system where all trip requests can be accommodated regardless of priority based on trip purpose. With respect to the new scheduling system and considerations about trip prioritization, Handi-Transit advised

it is currently discussing the priority system with its policy advisory committee. Further, Handi-Transit advised it sought feedback at the public information sessions held in January 2017 about the prioritization system in light of the new scheduling software.

According to Handi-Transit, feedback received at these information sessions suggested that while some registrants find the priority system intrusive, others do not want the priority system to be abandoned. Those registrants who use Handi-Transit for work and high-priority trips benefit by being assured that those trips will likely be provided. However, the complainant expressed concern that registrants who wish to book trips deemed of lower priority risk being denied. Individuals who participated in the complaint noted that medical trip prioritization is contentious because rehabilitation at a doctor's office is a priority one trip, but rehabilitation therapies prescribed by medical professionals that occur at alternative facilities, such as swimming or massage, are only a priority three.

We acknowledge that Handi-Transit considers a distinction between trip purposes to be necessary, given limited resources. As part of the considerations around the implementation of its new scheduling system, Handi-Transit indicated to us that it is considering a hybrid system for trip determination where priority one trips continue and every other trip type is scheduled on a first-come, first-served basis.

This plan is reasonable, given that the intended goal to guarantee certain types of trips better achieves universality of access than the priority system in use today. We find that Handi-Transit's proposed hybrid approach would also better reflect the principle in the Braid Report of providing a reasonably equivalent service to the fixed route system.

Handi-Transit further commented that feedback from registrants at information sessions and the policy advisory committee indicated that they want to keep the priority system and do not want to move to a first-come first-served or hybrid system.

Handi-Transit stated that the implementation of its new scheduling system will provide greater functionality to improve the scheduling of available resources. Eventually registrants will be able to schedule trips online to their most frequent addresses. Given that the new scheduling system may improve the efficiency of Handi-Transit's resources and the outcomes are not yet known, we are unable to make a finding at this time about Handi-Transit's trip priority system.

If the hybrid model is adopted, Handi-Transit should limit collection of personal information for the purpose of prioritizing trips to a yes/no question such as: "Is the purpose of the requested trip medical, medical therapy, employment or education: yes or no," rather than asking about the specific purpose of each trip as is currently practiced.

8. Recommendation:

As the new scheduling system is implemented, we recommend that Handi-Transit review its functionality and impact to ensure it reflects reasonably equivalent service to the fixed-route transit system.

Response from the City of Winnipeg:

Handi-Transit concurs and will be evaluating its new scheduling system after implementation to determine its impact on the level of unscheduled trips and will evaluate the need to use a priority system.

Current Trip Scheduling

Handi-Transit explained that the IRide scheduling software currently in use to batch-schedule all trip requests on a daily basis was built in-house in 2004 and updated in 2009. The system is not internet-based and it produces schedules based on a number of rules that have been built into the system. The IRide software system creates the daily schedule after 11 a.m. on the day prior to the trips – all subsequent changes to cancel trips and possibly accommodate unabled trips are done manually.

With up to 2,000 trip requests per day, and between 300 to 400 trip cancellations, we acknowledge that finalizing individual vehicle run sheets is complex.

As noted, individual concerns with the scheduling of trip times include situations where a registrant misses an appointment if a pick up time is too late, or conversely a registrant arrives at their destination too early if there happens to be light traffic, few delays, and few other stops. Individuals expressed concern with their trips being behind schedule even at the pick up time, noting that drivers are often late for pick ups, and that these delays impact their daily routines.

Pick Ups and Zones

Handi-Transit advised that in regard to trip scheduling, currently the IRide scheduling software is programmed to assign trips a specified amount of time to complete. This format is based on zone scheduling for each trip, regardless of the day of the week or time of the day. A schedule may allot each pick up seven minutes. However, it is not expected that every trip be completed in seven minutes. Handi-Transit noted that it does account for variations in its trip scheduling for factors like time of year, current weather conditions and boarding times.

While we noted 361 complaints about drivers being more than fifteen minutes late for pickup in 2015 and 378 in 2016, Handi-Transit advised that drivers can be late for various reasons, some of which are unrelated to scheduling, such as accidents on the road or mechanical failure, and it notes such incidents also impact the schedule for the fixed-route buses.

The IRide scheduling software reflects many Handi-Transit policies. For example, Handi-Transit can adjust the requested pick up time window by up to 45 minutes. If the trip is specifically for a medical appointment, this window is reduced to 30 minutes. Handi-Transit explained that this flexibility allows it to maximize the number of people it can pick up and drop off in any vehicle on any given day.

Handi-Transit advised that registrants are offered two choices when making a trip request:

- (1) leave home after a specific time, stating when the registrant will be ready to go, or
- (2) arrive at the destination no later than a specific time

It explained that when booking a trip, if a registrant knows with certainty that they cannot be ready for pick up until 9 a.m., they can request a pick up no earlier than 9 a.m. Handi-Transit will then batch schedule all requests and may provide the registrant with a pick up of any time between 9:00 a.m. and 9:45 a.m.

On the other hand, a registrant may feel it more important to ensure that their arrival time at their destination is at or before a certain time, so they may make a trip request to arrive at their destination no later than 10 a.m. Handi-Transit will then batch schedule this request and may provide a pick up time up to 90 minutes earlier, at 8:30 a.m.

In addition to the various parameters and scheduling guidelines as outlined above, the IRide scheduling software is programmed to assign each trip a specified amount of time to complete based on zone scheduling with 267 zones identified within Winnipeg city limits. However, the current zone scheduling software only factors in travel time from zone to zone (for example, St. Boniface to St. James) but not time to get to a particular location within a zone.

One trip, for example, might be allocated seven minutes duration because that is the allocated time between two specific zones, but the destination may be at the farthest end of the zone, which requires more time than was allocated.

As well, Handi-Transit noted that the current software assigns a pre-determined amount of time for boarding and de-boarding of passengers, depending on the type of mobility

equipment they may use, and the time of year. We were informed that the system timeframes were developed with a combination of industry best practices and averages of data collected on actual times, and such parameters are also a feature of the new scheduling system.

One-way Trips and Joint Travel

Handi-Transit advised another current scheduling feature is that each leg of a trip can be considered separately, and although every attempt is made to schedule a trip to a destination and a return, there are times when resources will only allow for one leg of the trip to be scheduled.

We heard from individuals that this process can result in frustration if Handi-Transit provides only one of two requested trips, getting them to their destination, but not back home, for example. They said one-way trips impact the ability to plan for their daily routines, and the uncertainty of not knowing if they have a return ride from a destination can cause stress.

Handi-Transit advised that registrants would know whether a leg of a trip cannot be scheduled when they confirm their trip times, and if it only scheduled trips it could provide both to and from a destination, more registrants would not have any portion of their trip provided. Handi-Transit advised that it strives to provide any trip possible, based on available resources, even if it is only a one-way trip. It notes that the registrant can then choose if they still want the trip at time of confirmation.

A married couple participating in the complaint also reported situations of inefficient scheduling when two people wish to travel from the same destination to a meeting downtown and two different vehicles come to pick them up.

Both (spouses) are users, we both have Handi-Transit numbers. A lot of times we travel together to social functions, meetings together – and sometimes – this has happened twice, they've sent two different cars from our place to take us to the same place. I queried them on it: and they said their computer system isn't really able to accommodate. So I said: what do we do? And they said we could book under one number and the other travel as a companion, and I said that's fine, could you not link the two numbers together, and apparently they've been starting to be able to do that. But they still seem to have glitches and issues with it, the last time we did it. The last trip we took we were able to go in the same car under both numbers. But that's something that they certainly need to address. We should be able to book under our own numbers and get one car.

Handi-Transit acknowledged that the current system has limited capacity to schedule group trips. We comment on the general expectations of the new scheduling system later in this report.

Trip Length

Some individuals also emphasized that very long trips were common on the service. Handi-Transit confirmed that its policy is that no one is on board a vehicle for more than 90 minutes and noted that this is an industry best practice. However, Handi-Transit stated this does not mean that all trips are 90 minutes long. It advised that the maximum on-board time for each trip depends on distance for the trip. Based on pick up and drop off times and the parameters in the system, Handi-Transit noted that it is rare to have a passenger on board for 90 minutes unless it is due to conditions it cannot control such as a vehicle breakdown, accident, or traffic congestion.

Handi-Transit noted that if the travel time for a planned trip is close to 90 minutes, the system will either schedule it as a direct trip (if resources are available) or drop it from the schedule, requiring rescheduling. Handi-Transit noted that if registrants have confirmed trip times that go beyond their requested time requirements, they can call Handi-Transit to see if the trip can be altered to better accommodate their schedule.

Some paratransit systems we reviewed, such as Vancouver, use graduated travel times, with lengths of trips based on distance travelled. For example, trips of 1 to 5 kilometres could be set at maximum travel time of 30 minutes, 6 to 15 kilometres at 60 minutes, and so on.

Paratransit service is by nature a shared-ride service. The standard of service is not intended to reflect that of a taxi service, which typically transports passengers directly to their destination. The U.S. Department of Transportation indicates that a paratransit trip should be comparable in length to an identical trip on the fixed-route system, including the time necessary to travel to the bus stop, wait for the bus, actual riding time, transfers, and travel from the final stop to the person's ultimate destination.

In Winnipeg, we considered what occurs on the fixed-route system regarding travel times. Handi-Transit indicated to our office that on fixed-route, to get from downtown to the north or south end of Winnipeg can take upwards of an hour on busy days. The average weekday trip for commuters is 5.2 km and the fixed-route buses travel at 19.1 km per hour (taking approximately 16 minutes), however this would be in ideal conditions with less than a completely full bus. Further, Handi-Transit noted that passengers travelling on the fixed-route system have to account for transfers, and multiple bus schedules in their travel time. Different buses have different schedules and depending on the specific routes

an individual needs to travel, waiting at a bus stop for a specific bus can mean up to a 45-minute wait, depending on the day of the week, and the time of the day.

We also note that Winnipeg Transit has built a bus rapid transit corridor serving the downtown area and Southwest Winnipeg, which are high-speed roadways for buses that are separate from the regular street system.

Although there appear to be some inefficiencies with the current scheduling software, we find that the trip parameters – including maximum ride time of 90 minutes – are comparable to fixed-route transit and are generally common among other Canadian paratransit services. However, when improvements are made to Winnipeg Transit and travel time is reduced, it is important that Handi-Transit concurrently receives improvements and upgrades to remain reasonably equivalent to fixed-route travel time lengths. Some consideration, for example, should be given to Handi-Transit using the Bus Rapid Transit corridors where feasible.

Winnipeg Transit and Handi-Transit should also routinely monitor trip length times to ensure they are reasonably equivalent between fixed-route and paratransit service, including routes that have moved to rapid transit. As rapid transit routes grow, Winnipeg Transit and Handi-Transit may need to consider using features of the fixed-route system to ensure the paratransit system trip lengths are and remain reasonably equivalent.

Handi-Transit advised us that its new scheduling system will instead assign times to trips based on time of day, one-way streets, street closures, speed limit on a given street, and other details that provide more realistic travel times. The new software will schedule from address to address and not zone to zone, allowing for a more accurate travel time. As well, Handi-Transit indicated that the new system uses online maps and navigation will significantly improve. The new system will take into account addresses in the same area and registrants travelling in the same direction, as well as refining the individual specific requirements of each participant including their boarding times.

With the existing software, after the trips have been scheduled all changes must be made manually, and cancellations and add-ons are relayed to contractors and drivers through email, phone or text message. Handi-Transit noted that the new scheduling software will remain running even after the initial schedules are produced so that CSRs can change trip requests, cancel trips, and add new trips electronically. The new software will allow for greater flexibility in accommodating late trips, cancellations, and no shows because of its capability to allow changes to the schedule in “real time” versus the current schedule that remains mostly static once generated. Handi-Transit noted that staff will continue to work as dispatchers to assist with any required troubleshooting of schedules.

We were advised that Handi-Transit's new software will better respond to cancellations, so there is an increased probability that if a registrant was not provided a return trip home, then the system will be able to work the trip into the schedule as cancellations come in. The software is expected to more effectively provide clients a trip with an alternate vehicle in their area that has time to transport them, which allows a delayed vehicle to catch up.

Handi-Transit advised us that in other locations, such as Peterborough and York, where this software is in use, statistics show that up to 30 per cent more trip requests are accommodated with the same amount of resources due to its efficiency and accuracy.

We view these capabilities in the new system as an improvement. We expect that Handi-Transit will ensure that the new schedules are closely monitored, and the software updated as required to ensure scheduling is accurate for pick ups and for drop offs.

Trip Confirmation

After the current IRide computer system generates trip schedules for the next day, all registrants who requested trips need to call Handi-Transit back to find out if and when their requested trips were successfully scheduled. Therefore, Handi-Transit's current scheduling system requires registrants to make two separate phone calls.

While the first call is to a customer service representative to request a trip, the second call is to either a customer service representative or an automated line to find out if the trip was scheduled and, if so, to obtain their pick up time. Clients calling Handi-Transit to find out about their requested trip schedule is known as "confirming" a trip and can be done no earlier than 2 p.m. on the day prior to the trip. Handi-Transit advised that confirming after 2 p.m. is required operationally to allow time for the system to complete the trip schedule for the next day. While it is not a requirement to confirm a trip, if a registrant does not phone Handi-Transit, they will not know if the trip has been scheduled or at what time pick up will be.¹¹

Individuals participating in the complaint indicated they felt it was onerous to call to confirm trips. They said that having to remember to call back after 2 p.m. the day prior to

¹¹ Handi-Transit noted that confirmation is not required for individuals who are on subscriptions. Subscription service is defined by Handi-Transit as repetitive service provided by advance reservations for the same trip, at the same time or day at least three times per week, or travel over an extended period (often weeks or months). Handi-Transit allows clients to pre-book "priority 1" trips (such as work, medical, and post-secondary education trips) that meet this criteria as a subscription service so they do not need to request every trip separately.

a trip to make the confirmation can be difficult, especially as the initial booking call is made earlier. Trip requests can only be made seven days in advance. The options to complete this confirmation call are also challenging for some registrants with particular disabilities. Some individuals have expressed an issue with calling the automated line to confirm the trip. They have to go through the process of listening to all the instructions, entering necessary information at the prompts, and staying on the line for the entire phone call.

Handi-Transit noted that to confirm Handi-Transit trips, while an automated phone line is available 24-hours a day, clients may phone the contact centre during operating hours to speak with a customer service representative. There is no wait time, however, if registrants call the automated line, since multiple phone lines are available – every caller can reach a line. The automated line will play all the trips scheduled for a client including ones that get cancelled and rebooked, depending on how many trips a person has requested for an upcoming day.

We note that the information provided to registrants about the booking and confirming process is detailed, is provided directly to registrants and is publicly available.

In 2016, Handi-Transit received a total of 444,109 confirmation calls to its automated line, with the highest month being December at just over 40,000 calls. As discussed earlier in this report, the contact centre receives calls on a variety of issues, not just trip confirmation. Statistical information is not available regarding the number of confirmation-only calls received at the contact centre.

It is possible that the total number of calls received by Handi-Transit is increased by the need for a phone call to book the trip and another to confirm it. It is not clear how many of the approximately 20,000 to 40,000 calls per month to the contact centre could be eliminated with upgraded scheduling software and the elimination of the need to call back to confirm trips. Simplifying the booking process will likely be beneficial to both registrants and Handi-Transit.

We asked Handi-Transit how it expects the new scheduling software to impact the trip confirmation process. We were advised that the new scheduling software will allow Handi-Transit the option of abolishing the set time schedule and confirmation calls. The new scheduling system will have an automated feature that will call to tell registrants when their trips have been scheduled, although they will still be able to call CSRs or the automated line.

Pick Up Window

Handi-Transit provides clients with a pick up time, but asks that they be ready and waiting 10 minutes prior to that time. This is less time than many other paratransit systems in Canada, where riders are more commonly required to be ready and waiting for up to 30 minutes. We found that of twelve Canadian cities in which we compared paratransit systems, all required booking trips in advance, and all used a pick up window of between 20 and 30 minutes. Some services call ahead 5 and/or 10 minutes to notify clients of arrival.

However, in order for Handi-Transit to provide registrants with this smaller window of time to be ready and waiting, registrants must make the confirmation call. Other transit systems avoid this required second call (or “confirmation call”) by only providing a 30-minute window of time to be ready and not providing a set time of, for example, 10:15 a.m.

Handi-Transit instructs drivers that they may arrive up to 10 minutes early for a pick up, but must wait for the client five minutes after the set pick up time. In effect, then, riders are provided with a 15-minute “pick up window.” This information is included in the Handi-Transit website. Most other Canadian paratransit services also instruct drivers to wait five minutes from the time the vehicle arrived at the pick up location.

We also asked Handi-Transit about the impact of the new scheduling software on pick up windows. It advised that the software can adjust pickup windows, with an optional call notification from the vehicle when it is a set distance away from the pick up, much like many other Canadian paratransit services and taxi services now offer.

While a notification call to a mobile phone would be effective regardless of pick up location, people using landlines would only be able to receive notification phone calls at home locations. Handi-Transit has told us that this notification call option is being discussed with the policy advisory committee and in public ridership meetings to determine what will work best for its service users.

No Show Decisions and Related Charges

No Show Decisions

In order to manage situations when a registrant does not arrive at the pick up time to board a vehicle for a scheduled trip, many paratransit services have adopted “no show” policies, including charges, to try to discourage registrants from booking trips but not taking them.

If a registrant needs to cancel a trip, Handi-Transit requires that they phone its contact centre at least 30 minutes prior to their pick up time to avoid being deemed a no show, which triggers a graduated penalty system.

Handi-Transit will record a registrant as a no show if:

- they cancel less than 30 minutes prior to pick up
- they are not ready for their pick up
- the trip cannot be provided because their equipment cannot be secured or the registrant has too many packages or bags

Registrants may miss trips for reasons such as staff booking errors, driver errors, using mobility equipment that Handi-Transit has not approved, refusing to board, or inoperable elevators.

In cases where the client is a no show for the first part of a return trip, the return portion of the trip will be cancelled unless the customer has called Handi-Transit to confirm that the return portion remain scheduled.

Handi-Transit explained to our office that in 2016 the service had 7,700 no show passengers. During the same time period, Handi-Transit was unable to schedule 5,359 trip requests (deemed to be “unabled”). It explained that if it eliminated a no show by being advised in advance of a cancellation, it would have had the capacity to meet all booking requests. While Handi-Transit cannot prevent registrants from needing to cancel trips at the last minute after scheduling, it tries to work with registrants to reduce the number of no shows by encouraging them to cancel trips as soon as possible. Handi-Transit indicated this may allow it to reroute vehicles accordingly.

Handi-Transit explained that no show trips are rarely ever replaced with other trips, such as late requests or unables. The existing scheduling system can only run the schedule once further changes are done manually by a dispatcher, who is looking through approximately 1,700 trips daily. With the existing software, cancellations made close to the 30 minute window before pick up are rarely replaced by a new trip. Handi-Transit is considering the current cancellation window and the ability of the new system to accommodate more trip requests.

Handi-Transit anticipates that the introduction of the new scheduling system and accurate GPS locating will enable it to reschedule no show trips in “real time,” which may reduce unabled trips. However, Handi-Transit advises this would require a change to both the cancellation and no show policies, which would require council approval.

No Show Charges

Handi-Transit begins a no show charge process with written notice to a registrant using a template letter.

The template notices are produced daily and are customized with a registrant's trip information, including the date of the missed trip, the number of times a no show was recorded for the client in the previous six months and the amount of the charge if one is incurred. General no show policy information is on the reverse side of the letter and includes the graduated charge schedule and the reasons that trigger a no show. This is also shown on the Handi-Transit website and in the current one-page rider's brochure.

The letter also states that a no show inconveniences customers and wastes resources, and that charges must be paid by mail, or in person at front reception of the Handi-Transit office. Handi-Transit's computer system automatically generates these no show letters for those registrants having a no show recorded against them, at the end of each day.

The policy sets out that there will be no monetary penalty for the first no show in every six-month period, but each successive no show in the period will be assessed a charge, increasing by the value of a full cash fare for each no show. We were advised that if the total of a client's no show penalties exceed \$30, Handi-Transit will suspend them from service until they pay the outstanding charges.

Incident	Penalty
1 st No show	No charge
2 nd No show	The equivalent of one fare ¹²
3 rd No show	The equivalent of two fares
4 th No show	The equivalent of three fares
5 th and further No shows	\$15

The current no show policy was approved by city council in 2004. It states that after a no show is recorded on a customer's client file and they are advised of the no show by letter, they are invited to contact Handi-Transit to discuss any special circumstances that may have accounted for the "no show." If the customer contacts Handi-Transit, the no show may be excused if it is determined to be beyond the control of the customer. We were advised that a review of Handi-Transit's no show policy was last conducted in 2011-2012.

¹² The full cash fare in 2018 is \$2.95. <http://winnipegtransit.com/en/fares/transit-fares#faresummary>

Complaints about the No Show Process

We note that this subject is one of the largest areas of the complaint. The complainant is of the view that the no show fines process is arbitrary and unfair. They believe fines are given without due process or investigation. They are concerned that clients are fined for trips they missed through no fault of their own, such as when a Handi-Transit vehicle does not arrive for pick up. The complainant states that the imposition of a fine can have a material impact upon consumers, especially those who have their service suspended through an accumulation of fines or those living on low, modest or fixed incomes.

The complainant is of the view that the only recourse for registrants who have a no show and/or fines levied against them is to lodge an IRide complaint, but they claim this provides only limited success. The complainant alleges this is an informal complaint process and there is no dedicated appeal process to dispute a recorded no show and/or to challenge no show fines.

Handi-Transit advised our office of its process to challenge a no show:

First level: customer relations clerk

1. When Handi-Transit receives a call from a complainant contesting a no show, it creates an incident report.
2. The incident is forwarded to the customer relations clerk¹³ (CRC) who reviews the no show circumstances.
3. The review can include requesting a report from the contractor involved, a phone call to the registrant and/or caregiver, and any other relevant information.
4. The CRC then makes a primary determination of whether the no show is maintained or overturned and the registrant credited.

Second level: supervisor

5. If the registrant disagrees with the decision, or if the situation is more complex and additional information is required, the incident is referred to the supervisor of Handi-Transit.
6. The supervisor may contact the registrant, and review relevant information.
7. The supervisor issues a decision.

¹³ The customer relations clerk (CRC) has different responsibilities than the customer service representatives (CSRs). The CRC deals with complaints.

Third level: manager

8. If the registrant disagrees with the supervisor's decision, the manager of Handi-Transit will review all relevant information gathered by the CRC and supervisor, and may speak to the registrant to make a final determination.

We considered whether details of this process are fair and whether the process is communicated to the public in a transparent manner.

Handi-Transit reported that in 2016, it received 1,457 complaints regarding a no show, and 1,078 were reversed. Of all complaints received that year, the 1,457 complaints about a no show comprised approximately 20 per cent of the complaints. Handi-Transit reported that in 2015 it received a total of 1,332 no show complaints, 637 of which were reversed. This is by far the largest complaint category in the statistics we reviewed.

An excused no show requires the registrant to explain why they missed a pick up. Handi-Transit also explained that it reverses a no show if it identifies a problem outside the registrant's control, such as a booking error on the part of a CSR, or a vehicle problem.

Handi-Transit provided our office with the number of excused no show decisions and the value of no show charges it collected for 2014 and 2015:

Year	Total No Shows	Excused No Shows	\$ Value of Charges
2014	5,712	641	\$26,445.00
2015	5,693	637	\$28,220.95

We reviewed under what circumstances Handi-Transit may deem a no show and impose the related charge, and the reasons for which a no show may be reversed.

How No Show Criteria are Communicated

We note that the following Handi-Transit no show policy is communicated to the public on the Handi-Transit website and in brochures and no show charge template letters:

We record a Customer No Show on your file when:

- You cancel the trip less than 30 minutes before the scheduled pick-up time;
- You are not waiting just inside your door on the ground level of your building at the pick-up time;
- You are not waiting at the pick-up point for your return journey;

- You are not ready to leave at the pick-up time (even if the delay is caused by a caregiver);
- You refuse the ride when it arrives;
- You have more parcels than you can hold on your lap;
- You have not had the walk shoveled at your residence in winter.

These examples of unacceptable reasons to miss a trip without prior cancellation are useful to educate registrants and guide decision makers reviewing no show disputes. However, this information is unclear and may be misleading. The Handi-Transit website states that it records a no show on a client's file when "you have more parcels than you can hold on your lap." Similarly, the current rider's brochure indicates that Handi-Transit records a customer no show on the passenger's file when "Registrants' parcels exceed their lap space." In practice, however, Handi-Transit specifically limits registrants to two small bags per trip. Such language should be clarified so that registrants are not incurring a no show for reasons that are not based on current Handi-Transit policy.

9. Recommendation:

The list of criteria for a no show charge that appears in all public materials should be updated and refined to better reflect Handi-Transit policy.

Response from the City of Winnipeg:

Handi-Transit agrees and will outline the appeal policy related to no show assessed charges on all its written materials on a go-forward basis and will include the information in the new user guide and all the no show letters sent out to registrants.

Excused No Show Considerations

Handi-Transit's no show policy states that if "the customer contacts Handi-Transit, the no show may be excused if it is determined to be beyond the control of the customer." Handi-Transit explained that it assesses cases individually to determine whether it will excuse a no show and considers what is reasonable. Handi-Transit advised that it will consider, for example, whether a registrant booked sufficient time for an appointment, or could have called Handi-Transit if home care was running late, or had no forewarning of a medical emergency. Handi-Transit indicated that there is no comprehensive list of reasons to guide its decisions because there are too many possible scenarios.

Also, the policy considers situations where Handi-Transit or a contractor made an error. Handi-Transit advised this could include:

- the wrong type of vehicle was sent for the needs of the registrant

- the recording of the trip booking discussion confirms an error in the CSR noting the wrong trip time
- the driver went to the wrong address, picked up the wrong registrant, or left too early
- the vehicle broke down or was in an accident
- the driver was for some other reason running excessively behind schedule

To better understand situations where a no show was excused, we reviewed a number of them. These included situations where dialysis appointments were running late, the registrant had an unexpected trip to hospital, or other compassionate grounds. In the files we reviewed, we were satisfied that Handi-Transit fairly and reasonably exercised its discretion to reverse no show findings.

However, we find there is no publicly available information that provides examples of what no show Handi-Transit considers “beyond the control of the customer” and which is therefore excusable. Such information may help registrants decide whether to dispute a no show on their file. We therefore suggest that Handi-Transit also include information in its public materials about the kinds of situations that may result in an excused no show. We recognize this would not be an exhaustive list, but some examples could be provided.

Concerns with No Show Letters

Of the no show findings in the letters we reviewed, some appeared to clearly fall outside the definition of a no show. One registrant received a no show letter for an outbound trip and phoned Handi-Transit because she had taken the ride and not missed it. Handi-Transit investigated and confirmed she had taken the trip but the driver marked her a no show because she boarded with a different type of wheelchair than his run sheet specified. The driver had apparently marked her as a no show to alert Handi-Transit to inspect her mobility equipment.

Handi-Transit advised that in this situation, a no show was assigned because registrants are advised that they must register their equipment to ensure it can be properly secured and meets current legislative requirements. However, Handi-Transit reversed the no show because the incident log summarized the final outcome: “Due to more information becoming known, no show reversed as client was taken to her appointment by contractor, plus client has been getting rides with present unregistered equipment (now in process of being registered) [...] No further action required at this time.” Handi-Transit further indicated to us this situation is an example of where it prefers an opportunity to educate rather than penalize.

We are concerned that a no show is not the appropriate process to identify, potentially penalize, and follow-up on such situations. We note that the 2016 driver manual, for example, instructs drivers on how to deal with mobility equipment concerns: “If you come across a mobility aid or device that you are unfamiliar with, call your dispatcher and submit an incident report. Handi-Transit inspectors will follow-up and review the equipment.” The manual is not clear that such a situation would be deemed a no show.

We therefore find that the current policy and process lacks clarity. In our view, Handi-Transit should carefully inspect all no shows that are initially noted before recording them on registrants’ files and issuing no show charge letters. Handi-Transit advised that drivers call into its dispatch when they are at a location and cannot find the registrant, or when they cannot provide them a ride because of safety reasons, for example. Handi-Transit dispatch makes the determination on whether a no show is recorded. Accordingly, Handi-Transit should also ensure that all Handi-Transit employees and drivers understand the definition and criteria used to determine a no show. We acknowledge incident reports may be opened for any reason, including equipment inspection and approval, or a refusal of service due to more carry-on bags than allowed. However, such incident reports should not trigger an unnecessary and inappropriate no show letter with monetary charges and possible suspension of service.

As noted, a no show is recorded on a registrant’s ride history and a letter is automatically generated based on the no show. Handi-Transit explained that currently an investigation into a no show is only triggered if the registrant disputes the no show.

Handi-Transit noted that in 2017, there were 6,166 no shows and 1,453 complaints about no show charges. Handi-Transit excused/reversed 1,113 no show charges and credited the respective accounts. Handi-Transit noted there are many no show decisions that are legitimate and do not require investigation. However, given the high number of no show decisions overturned upon investigation, and the many complaints we heard from registrants during our investigation, the current approach appears to be inefficient for Handi-Transit and burdensome to registrants.

Given these concerns, and the fact that the use of no show charges is a penalty system, we asked Handi-Transit if it would consider a preliminary investigation into an alleged no show before marking it on the registrant’s file and generating a no show letter. Handi-Transit responded that it did this prior to 2004, but it became unmanageable with 25 to 40 no shows per day. Handi-Transit indicated that it does not have the resources to conduct a preliminary investigation into the reason for every no show and it would be inefficient to return to this process.

We find that this explanation is reasonable. However, we find the current no show notification letters for registrants lack clarity about the purpose of the letter. Handi-Transit should consider clarifying in the no show notification letter that it is automatically generated when a specific set of circumstances has been identified, and is not necessarily a final determination of a breach of ridership policy.

10. Recommendation:

We recommend that Handi-Transit revise the wording of its no show notification letters so that it does not assume the registrant contravened ridership policies. The letter should instead advise the registrant that a situation triggered the notification letter, and that a related no show charge may stand in the absence of information to the contrary.

City of Winnipeg Response:

Handi-Transit concurs and will add text to its no show letter to state the following: *A situation occurred with your ride which triggered this notification letter. Based on the current information, a no show charge may be applied. Please contact us to review what occurred and provide any additional information that may impact the no show charge decision.*

No Show Dispute Resolution

According to Handi-Transit, the no show letters it mails to registrants notifies them of the decision to record a no show and any related charges. We reviewed a copy of a no show letter that was mailed to a registrant. While it contained some required information and included contact information for Handi-Transit, it did not include information about how to dispute the no show decision.

Handi-Transit informed us that recipients of these letters may dispute the no show by phoning, writing, or emailing Handi-Transit. Handi-Transit will log the dispute in the IRide general complaints system and assign a log number to what the system calls an “incident.” The no show inquiry is reviewed by the appropriate staff as noted earlier, to follow-up with the complainant and investigate the allegations.

According to Handi-Transit, investigation of all manner of incidents and complaints, including a no show, may comprise:

- checking audio tapes of the trip booking and confirmation calls
- speaking with the registrant for details
- checking the general location of the vehicle using the current automatic vehicle locator (AVL) technology
- asking for a report from the contractor

Once the information and evidence is recorded, Handi-Transit decides to either leave the no show recorded on file or to excuse it, and records that decision in the IRide complaint log. As noted earlier, the initial decision makers include Handi-Transit supervisors and in straightforward cases, customer relations clerks are allowed to make a final decision. The decision is guided by the policy that “the no show may be excused, if it is determined to be beyond the control of the customer” as well as evidence of internal Handi-Transit error or driver error which is considered a “system no show.”

We asked Handi-Transit about the process for how it informs registrants of the results of a no show appeal. We were advised that when a registrant appeals a no show being recorded, they are instructed verbally when they initially contact Handi-Transit that the issue will be investigated. As noted earlier, the no show is then investigated by Handi-Transit staff and a determination is made concerning the legitimacy of the no show. This investigation generally involves a conversation with the registrant. Whether the no show charge is reversed or applied to an account, the registrant is contacted and advised. The information is provided in writing when requested or if the original appeal was made in writing.

While we have noted that Handi-Transit does not currently publicize an email address for complaints or no show disputes, they will accept a no show complaint sent by email. If a registrant disputed the no show via email, Handi-Transit advised it will typically send an email in response. The registrant may also ask Handi-Transit for a printed history of no shows recorded on his or her files, and/or the balance and activity of any fare payment account, and Handi-Transit will mail the information upon request.

During our investigation, Handi-Transit provided our office with a 2004 no show pamphlet that was previously in use, and provided registrants information about a two-step appeal process. Handi-Transit advised that this pamphlet was created to provide information on the no show policy after it was revised in 2004, and noted that in a 2011 survey of 800 registrants it conducted, 61% of registrants indicated they knew about the no show policy.

The no show appeal process as outlined in the pamphlet stated that a registrant could contact the supervisor of Handi-Transit by phone or in writing. If the registrant felt that the appeal request had not been resolved satisfactorily by the supervisor, the registrant could appeal to the manager of Handi-Transit in writing by providing the rationale for the appeal. The manager would respond in writing within two weeks.

Handi-Transit advised that this appeal process is still in effect and confirmed that if the registrant disagrees with the results of the initial investigation, the registrant is entitled to

a further appeal to a Handi-Transit supervisor. The same process takes place and again the registrant is contacted with the result. If the registrant still disagrees with the results, they are entitled to a third level of appeal — this time to the manager of customer service. Again, the registrant is contacted with the result. Handi-Transit noted however, that the majority of no show appeals are resolved at the initial level.

We find the current process is reasonable, as Handi-Transit informs registrants of investigation outcomes and responds in writing when requested or when a no show is appealed in writing. We note that not all situations warrant a written response from Handi-Transit and that an email or phone response to a complainant often suffices.

While Handi-Transit has an internal no show investigation and appeal process, it should provide registrants more information about no show charges (including the suspension of service for unpaid charges over \$30) and the avenues of appeal available. As noted in the city's response to Recommendation 9, we acknowledge that information about how to dispute a no show will be included in no show letters mailed to individual registrants and in all public materials about no show charges such as the website and printed material.

No Show Evidence

The draft *2016-2018 City of Winnipeg Accessibility Plan* (released publicly in January 2017) identifies evidence gathering for a disputed no show as a systemic barrier to accessibility. The report states:

Barrier Identified	Action
Systemic: Handi-Transit's "No Show Policy" requires proof of innocence by the rider	Review the "no show" policy to eliminate ambiguity of fault and consider introducing technology that can record the vehicle path

The complainant is concerned that the determination of a no show charge rests solely on the word of the driver and that it takes significant effort for registrants to challenge these charges. We note that registrants felt the need to go to great lengths to prove their innocence when charged with a no show that they believed to be inaccurate, such as procuring video footage or the testimony of a third party. They were pessimistic about the prospects for success, feeling it was simply their word against a driver's if they complained about a no show.

In some cases there is little need for a registrant to gather their own evidence, such as when the trip recording clearly shows an internal CSR booking error. In other cases,

disputes may be difficult to resolve. For example, one complainant spoke to our office about the humiliation she felt when she resorted to asking staff at a local grocery store to confirm to Handi-Transit that she had been ready and waiting for her ride at the front of the store on a specific date and time. Without the store's corroboration, she believed Handi-Transit would not reverse a no show recorded on her file. Another registrant explained that on more than one occasion she asked her post-secondary institution to confirm to Handi-Transit that its video surveillance tape indicated she was waiting at specific doors on a certain date and time, otherwise her trip would be recorded as a no show.

We raised the above situations with Handi-Transit. It responded that it does not expect a registrant to collect any information to refute a no show and it would never ask a third party (such as a store or educational institution) for evidence to refute a no show.

We appreciate the clarification provided by Handi-Transit that video or third party information is not required to challenge a no show. However, we remain concerned that registrants felt such steps were necessary. We suggest that Handi-Transit evaluate why this perception exists and clarify the issue of evidence when it updates its public information about no show disputes.

In another incident we reviewed, a client phoned Handi-Transit to verify the pick up times of his trips that evening and the customer service representative informed him that he was a no show for his trips that morning. The client stated that he had requested evening trips, not morning trips. With the client on hold, Handi-Transit dispatch then checked the recording of the trip booking phone call, and found that indeed the client had requested evening trips. However, the CSR who booked the trips did not clarify if the time requested was a.m. or p.m. and did not confirm the booking times with him.

The IRide incident log stated that dispatch found evening rides for the client and Handi-Transit reversed the no show recorded on his file. Handi-Transit advised that it routinely reviews audio logs to clarify booking requests as there can be errors made by both parties, and confirmed it will reverse a no show if there was a staff error.

Some drivers we interviewed noted that they obtained their own evidence in case of a complaint or a no show dispute. They explained that if a registrant was not waiting at their home at the pick up time, they would take a photograph of the home and door to ensure that they could prove to Handi-Transit that they went to the door as required at the time and date scheduled.

One driver stated that when picking up a client:

We wait five minutes and call dispatcher and it's a no show [if the client is not there]. If it's a house, we can knock. If it's an apartment, we aren't allowed to. We go [to the house] and if we can't find them, it's a no show. We can take a picture of the house to show. You have to check the house, the number, you have to take all the info around the pick up and put it in your log book.

Handi-Transit confirmed, however, that drivers are not required to obtain such evidence and that drivers are instructed to ensure they do not photograph individuals.

It is clear from our review of the IRide incident reports that often a no show is recorded and investigated within hours, and sometimes minutes, of a missed trip. This is because if a client is not present for pick up, drivers must speak with Handi-Transit dispatch before leaving the pick up location. Handi-Transit also instructs registrants to call them to report a missing vehicle if it is more than ten minutes late for pick up.

Individuals consulted in this complaint observed that the automatic vehicle locator (AVL) system currently in operation does not specify the exact location of a vehicle, so an allegation that no vehicle arrived for pickup at Winnipeg Harvest, for example, could not be confirmed by the AVL alone. Handi-Transit and the complainant could provide witness corroboration, but the on board audio-video camera surveillance would not show the vehicle's exact location.

We note that in every IRide incident report we reviewed, Handi-Transit attempted to gather evidence to test the information provided by registrants and drivers and it did not consider the driver's word alone to be sufficient evidence. Recordings and AVL technology were routinely checked. Where the dispute depended on interpretation, and/or the AVL system did not provide enough specific information to be conclusive, we noted that Handi-Transit requested details from both drivers and registrants and reviewed driver run sheets.

If the evidence is inconclusive, Handi-Transit stated it would waive the no show. It may also waive a no show for other reasons, such as compassionate reasons or if it was a client's first no show. Handi-Transit logs the reason for waiving the no show in the IRide incident report.

Technology that more accurately records vehicle locations could be helpful evidence for Handi-Transit no show charge determination and investigation. We note that ambiguity of fault may remain, since part of the role of a Handi-Transit driver is to assist registrants from building doors into the vehicle and vice versa, and this information is not recorded by an AVL system nor the onboard surveillance cameras.

Handi-Transit agreed that this is a deficiency, but notes the new scheduling software and AVL technology being implemented in 2018 will give Handi-Transit the ability to see where vehicles are at all times and will record the vehicles' paths for each day, so that Handi-Transit can review this information. Handi-Transit will also require that drivers use their new mobile data terminals (MDTs) to notify dispatch when they reach and leave an address.

Handi-Transit explained to us that it is working with the City of Winnipeg's accessibility committee on the issue of no show evidence. It anticipates that the implementation of new technology should alleviate location disputes and reduce the need for additional evidence. We expect that as with other aspects of the new software, Handi-Transit will monitor improvements in this regard.

No Show Charge Recovery from the “Fare Payment from Account” (FPA) System

Handi-Transit advised that it charges the same fares as the fixed-route transit service, including the full adult fare, and youth, senior and post-secondary fares. The payment methods include cash, tokens, tickets and bus passes. Tickets and bus passes are being phased out of fixed-route transit with the adoption of electronic peggo cards. Instead of peggo cards, Handi-Transit offers a similar cash-free virtual electronic payment system called “fare payment from account” (FPA).

We were advised that the FPA system was introduced in June 2014. Handi-Transit explained that the system provides clients with the option to pay for trips without having to carry cash, tickets or a payment card. Individuals using fare payment from account do not pay any cash fares, as this virtual account system allows Handi-Transit to deduct the required fare at the end of each day based on the client's name, registration number and trip information.

Information regarding the FPA system is available on Handi-Transit's website or by calling the Handi-Transit's contact centre. Driver manuals also instruct drivers about accepted payment methods for trips. Driver schedules (daily run sheets) indicate whether a registrant is using the FPA option. Handi-Transit advised that more than 75 per cent of existing registrants are enrolled in FPA.

The complainant stated that registrants who only receive Handi-Transit service in winter find it frustrating to need both peggo and FPA accounts, depending on the season, and not be able to use the funds from one transit service for the other. Handi-Transit confirmed that as of 2018, FPA is not technologically compatible with the fixed-route peggo card system, so registrants are not able to use the peggo card on Handi-Transit,

and FPA for fixed-route transit. Handi-Transit vehicles do not have peggo card readers on board and therefore, Handi-Transit cannot offer peggo cards to registrants at this time.

The complainant believes it is unfair that Handi-Transit deducts no show fines from fare payment accounts without consent or notification to registrants and that funds are deducted prior to any appeal process. They note the imposition and deduction of fines can have significant financial and service consequences for the registrant.

They advised us of a situation where an individual deposited \$10.00 in their fare payment account, and without notice or consent, Handi-Transit deducted \$9.35 of this amount to pay no show fines dating back to 2008. They noted this user had no service suspension or other recent notice of outstanding fines. No prior consent was obtained to use the account for anything other than the payment of fares. Although Handi-Transit states on its website and phone message that it will deduct no show charges from a user's FPA, the complainant feels there is not enough notice before an actual fund withdrawal from an FPA.

Registrants carry a balance on their Handi-Transit account and may check their balance by calling the contact centre during operating hours, or by calling the automated line. The automated system also provides them an updated balance every time they call to confirm their trips.

Handi-Transit explained that registrants cannot currently view their accounts online, but with the introduction of the new software, registrants will be able to see their trip history and FPA deposits and deductions online. Currently, for tax purposes, FPA balance statements and Handi-Transit trip history are mailed annually to registrants who use the FPA.

With respect to notification and consent, the information regarding the fare payment from account system on Handi-Transit's website includes this notice in bold, as follows:

Please note that if you have any outstanding balances (i.e. No Show Charges, NSF Charges, Fare Owing) they will be automatically deducted from any existing or deposited funds into your fare payment account. If you have outstanding charges, when making deposits into your account, please ensure that you deposit sufficient funds to cover your charges and any trips that you may be taking in the foreseeable future.

For any amount owed, whether it is a no show charge or fare arrears, Handi-Transit mails a letter to the registrant. If there are insufficient funds in the account, the letter shows the amount still owed and a registrant is also advised of the amount owing when they call

to schedule a trip or when they call the automated line. If the amount owing is more than \$15, Handi-Transit requires that clients add money into their FPA. The letter indicates that unpaid arrears can result in a suspension of Handi-Transit service. Handi-Transit states that registrants can deposit funds to their FPA by credit card, online banking, cheque, or debit or cash at the main Handi-Transit office. Anyone can put money in these accounts, so a caregiver can make a deposit on behalf of an individual. As noted earlier in this report, if a registrant owes \$30 or more they are suspended from booking Handi-Transit trips, regardless of payment method chosen.

When a registrant pays fares with cash, tickets or tokens rather than FPA, they pay charges and arrears directly and Handi-Transit has no way to deduct payment automatically. Such registrants can also appeal any no show charges before they pay the amount owed to Handi-Transit (if it is under \$30).

For FPA registrants, on the other hand, Handi-Transit deducts funds from their accounts before mailing them no show notification letters, which can impact the registrants' ability to book future trips. In our view, when a registrant has to pay a no show charge or faces possible suspension of service, principles of procedural fairness require that they are told what the violation is, such as the alleged no show date and time, and be given a chance to respond to the allegations before the charge is deducted. We find that the current process is not reasonable with respect to sufficient notice for FPA registrants. Handi-Transit should investigate whether the no show finding is justified before collecting a charge and provide the registrant reasons for its decision. Notifying FPA registrants of a no show charge also allows the registrant the opportunity to add funds to their account before the deduction, which avoids any service interruption.

11. Recommendation:

Before deducting a no show charge from a fare payment from account (FPA), Handi-Transit should notify the FPA registrant of the no show charge by letter so that they have a reasonable time frame to appeal and, if necessary, add funds to their account before the charge is processed.

Response from the City of Winnipeg:

Handi-Transit agrees and will change its system so that FPA registrants are provided with a no show letter upon each occurrence. When a charge is triggered, Handi-Transit will change the process to allow for 14 calendar days for an appeal of the charge. If the registrant does not contact Handi-Transit requesting an appeal within the 14 calendar days, the cost of the no show will be charged and deducted from their account.

No Show Charges – Alternatives

Handi-Transit advised that the current no show policy and associated charges were established in collaboration with community groups and the Handi-Transit policy advisory committee. As noted previously, the goal of the policy is to deter a no show when it is within the registrant's ability to prevent it (such as by calling 30 minutes prior to the trip if they are unable to take the trip). Handi-Transit stated that it is industry standard to administer a penalty system in the case of a no show and last-minute cancellation.

Of the 12 Canadian paratransit services we reviewed, none had a system of graduated charges similar to Handi-Transit. Most record a no show on registrants' files and suspend service if arrears reach a certain threshold. Some services allow for an appeal of a recorded no show, which is a formal or informal process, depending on the service. Most that suspend service offer an appeal process for registrants to challenge the suspension.

In some jurisdictions, paratransit riders who have three unexplained no shows or late cancellations within 30 days will have a two-week service suspension imposed. In others if three cancellations occur in a 30-day period, a letter of warning will be issued. If six cancellations occur in a 60-day period, service will be suspended for two days. If nine cancellations occur in a 60-day period, service will be suspended for seven days. Some other jurisdictions review records of customers who do not show up for their trips. Some paratransit systems will contact customers who regularly miss their scheduled trips. Customers who often miss trips may be suspended from using the service.

Handi-Transit acknowledged that although its financial penalty system for a no show is unusual, other transit services administer some form of penalty system (usually service suspension after a prescribed number of no shows). Handi-Transit's view is that its penalty system is less disruptive than suspending service to a registrant. It also indicated that, unlike most other Canadian transit systems, it does not penalize cancellations, despite the fact that cancellations cost Handi-Transit over \$2 million per year.

As noted earlier, Handi-Transit stated that if the customer has charges of \$30 or more, they are suspended from Handi-Transit service until they pay the outstanding charge. They receive notice of the suspension by phone, with follow-up by mail, and the suspension begins 10 days from the date of mailing. For a no show, the suspension is in effect until the amount owing has been paid, or for six months, whichever is earlier. A suspension is lifted if there is contact with the registrant and an agreement reached on a payment plan to clear their account. Handi-Transit clarified that this process only applies to no show charges. If the charges are for unpaid fares, the registrant must pay the balance before service is restored.

Handi-Transit advised us of the following with respect to the no show penalty system:

- The maximum penalty of \$15 was set in 2004 to reflect the full cost of providing a trip at that time in recognition that a no show and last-minute cancellation can rarely be rebooked. This penalty has not increased since, despite the fact that the cost of a trip is now approximately \$24.
- Handi-Transit also assesses and tracks a client's no show charges on a six-month period starting from the first no show the client incurred. This means that all of a registrant's no shows are erased and they start with a new record after six months from the first occurrence.

We acknowledge the above factors may lessen the overall impact of the penalty system. We suggest that perhaps a system with no charges for no shows be considered. The current approach seems to be causing animosity with the ridership and increased paperwork and investigations for Handi-Transit. Other jurisdictions do not have a charging system and do not require the infrastructure to administer it.

We have seen evidence that a great deal of time and energy is spent by Handi-Transit employees, drivers and registrants to provide evidence to dispute a no show. There may be a fairer and more cost-effective deterrent to no shows than the current system, which while evidenced-based, still relies on many internal and external organizations to provide witness and video evidence to support no show claims. We find that more research is needed for Handi-Transit to determine what would work best to deter no shows as much as possible.

12. Recommendation:

We recommend that Handi-Transit revisit its approach to no show charges to determine whether these charges are an efficient and effective way to achieve registrant compliance with ride protocols, especially in light of the new scheduling software.

City of Winnipeg Response:

Handi-Transit is willing to revisit the issue of no show charges and conduct a national jurisdictional review.

Driver Hiring and Training

While the complainant acknowledged that many Handi-Transit drivers provide safe, reliable and courteous service, they are concerned about the sufficiency of training provided to Handi-Transit drivers. Specifically, the complainant is concerned about some drivers' poor English skills, lack of knowledge about the city and routes, lack of awareness

of disability issues and the need for more sensitivity toward passengers. One of the individuals involved in the complaint noted:

I guess it comes down to training of drivers and not having much sensitivity when it comes to working with people with disabilities. Some drivers will ask me about personal questions about my disability. [...] Handi-Transit's responses are always that drivers did receive formal training. I can't remember how many hours, but it was a very limited number of hours where they were trained on disability awareness and sensitivity training.

Driver Hiring Practices

Drivers for the Handi-Transit service, unlike the city's fixed-route operators, are not city employees. Drivers are told, however, that as Handi-Transit operators, they represent the City of Winnipeg. Handi-Transit explained that generally individuals apply directly to the Handi-Transit training program, qualify as a Handi-Transit driver, and then apply to work for a contracted service provider.

Handi-Transit advised our office that in general, it seeks drivers with experience with customer service, experience working with persons with a disability, an appropriate driving record and a clear criminal record. Details about becoming a driver and the training course are found on the Handi-Transit website and in a brochure.

We compared the job requirements for Handi-Transit operators to those of the fixed-route system and noted that many are equivalent, especially as they pertain to pre-screening checks, assessment of physical abilities to perform duties, and driver licensing and qualifications. For part of the employment screening, Handi-Transit also considers the following two selection criteria: English language requirements and knowledge of Winnipeg roads.

We find that the employment criteria for potential drivers' service experience and capabilities (such as an appropriate driving record) and the requirement for a clear criminal record, including a vulnerable person sector search, are reasonable.

English Language Requirements

Handi-Transit's agreements with contracted service providers require that drivers employed under the agreements are able to read and speak English.

Publicly available information about the 2016 driver training program stated that candidates must be able to read and write in a comprehensible and legible manner in English. Additionally, it notes that driver candidates undergo a basic English assessment test and if they are successful, they may register for the Handi-Transit driver training course.

Route Knowledge

The Handi-Transit service provider contracts include the following information about driver selection:

E5.2 Drivers employed for Work under this Contract shall:

[...] (j) have a good knowledge of the location of streets and major activity areas in the City of Winnipeg; [...]

Drivers are also expected to review their schedule before their shift to familiarize themselves with the pick up and drop off locations. Handi-Transit does not test potential drivers on their knowledge of city routes, and with the current level of GPS (global positioning system) technology available, Handi-Transit indicated that knowledge of the city is an asset but not a critical consideration. We note that regardless of available technology to assist with routes, there is no route knowledge testing for drivers, even though it is a selection consideration.

However, the 2016 driver manual indicates that there are penalties that range from \$25 for the first incident to a suspension after four incidents for taking passengers to destination via an “irregular route.”

One of the drivers that we spoke with expressed concern about the previous level of training with regard to route knowledge, indicating there was insufficient time during the training course on that subject. He explained this resulted in other drivers not being confident in their knowledge of city routes.

We acknowledge that some drivers and registrants have indicated that route knowledge has been a concern during trips, however we do not have sufficient evidence demonstrating the actual magnitude of the issue. As such, we cannot find that drivers' route knowledge is a matter that requires increased attention by Handi-Transit, particularly in light of our anticipation that there will be technological improvement to GPS systems with Handi-Transit's new scheduling software.

Driver Training Course

Once selected based on the employment criteria, all prospective drivers must take a Handi-Transit training course. Handi-Transit advised us that as of November 2016, it increased the training time from two to four days and planned more hands-on training, enhanced customer service and securement training, and training on “real-life” scenarios. Handi-Transit advised that classes are generally scheduled quarterly, but if applicant demand is high, it adds a class. We note that an August 2018 class was the most recent additional class scheduled.

Driver candidates are assessed with practical skills and written tests. We reviewed documents about the testing process, including a written test and the assessment guide for the practical test. We were advised that the subject matter of the written test changes for each class. Individuals must pass both tests before becoming Handi-Transit drivers. For the written test, candidates must correctly answer at least 25 of 30 questions.

A three-part practical skills test measures the prospective driver’s competence for specific tasks. According to the test’s assessment guidelines, a candidate must pass each part to successfully complete the training. We find that the written test and practical skills test assess candidates on the position requirements, with the exception of specific questions about routes and city knowledge.

By expanding the training course to four days to provide more instruction and hands-on training, and the inclusion of more scenarios and practical training, we find that Handi-Transit has been responsive to concerns about drivers having insufficient exposure to, and instruction on, the practical requirements of the job.

Handi-Transit’s service provider contracts state that re-training and on-going training of Handi-Transit drivers are the responsibility of the contractors. The introduction of the 2016 driver manual states “training is an important part of this job and will be continuing throughout your career.” Handi-Transit advised us that it conducts refresher training with the drivers every three years when their registration and driver identification expire. Handi-Transit also noted that since January 2017, it provided an annual one-day training session to contractors to review service standards and monitor how contractors provide on-going driver training. We consider this refresher training, and the contact between Handi-Transit and the contractors, to be positive developments.

Disability Awareness

We note the agreement between Handi-Transit and its contracted service providers establishes the benchmark for service:

E5.1

The Contractor will be required to establish an identified and dedicated pool of trained drivers who are willing and qualified to provide transportation service to persons with disabilities.

The complainant raised concerns about the level of training received by drivers with respect to interactions with people with disabilities. It provided examples such as when a driver touched a registrant's cane without permission as it was being used to assist in walking, or when a driver yelled at a registrant, thinking he had hearing loss, when that was not the case. We heard about registrant experiences where drivers asked personal questions about a disability, and where a driver was not aware that it is up to the registrant to give directions on how they are assisted. One registrant stated:

It's very scary for me every day to not know who I have to put my trust in that day because I don't know which driver I'm going to get. It's supposed to be a form of independent travel so I think being able to direct how I'm assisted and when is a big part of it. If they had more disability training, and they knew that it's proper to ask someone how they want to be guided, I think it would help because I think the drivers just sometimes think the people are being ungrateful or not appreciating them.

I'm sure that may be the case sometimes, just like any service, but it's just that people want to be comfortable with the way that they're assisted and the way that they're getting from point A to point B.

I just think if they had more disability training, and they knew that it's proper to ask someone how they want to be guided. Just those kinds of things.

The complainant noted that disability and senior advocacy organizations have the personnel, resources and specialized knowledge needed to train and provide support in areas such as disability awareness, communicating with vulnerable people, ethical conduct in relation to people with disabilities and advocacy in the complaints resolution process.

Handi-Transit advised us that its training program includes customer service and safety topics related to working with individuals with disabilities, such as securements. Drivers are directed to not ask a registrant about their health conditions or about why they are using Handi-Transit, and are reminded that disabilities can be visible or hidden. The training also includes procedures for dealing with various types of mobility equipment and reporting any issues with client equipment.

Handi-Transit indicated that it re-engaged the Society for Manitobans with Disabilities (SMD) to deliver disability awareness training, which began at the November 21, 2016 class. We were advised that Handi-Transit continues to work with SMD to tailor training more directly to what drivers may experience.

Handi-Transit also advised that it recently added a practical session to the disability training by providing an opportunity for drivers to experience different situations from the perspective of a registrant with a disability (i.e. navigating using a mobility device, or with limited vision). This additional sensitivity training is provided by SMD and is now part of the driver training course.

In addition to training, driver manuals include information about disability awareness, such as discussions about how to avoid common customer service errors made by persons without disabilities, the importance of using inclusive language, and detailed instructions on working with individuals using various types of mobility equipment. It provides general conduct guidelines and suggestions for how to assist individuals. For example, for assisting a person with vision loss, the manual states “do not pull or tug at the person.”

Handi-Transit advised us that in order to enhance disability awareness in the materials provided to drivers, it updated the driver manual in 2016 with information provided by SMD. The current manual contains what we find to be a comprehensive chapter on disability awareness, including guidelines for drivers on considerations to keep in mind when working with people with disabilities. There is discussion about how one’s choice of words matters when addressing people living with disabilities and how language can shape attitudes. There is also a checklist for how to provide good service and specific information about working with individuals with mobility or visual limitations.

Regarding overall driver training concerns raised in the complaint, we also asked Handi-Transit whether it has considered community input into the training course. We asked if policy advisory committee (PAC) members have attended the driver training sessions in order to observe what is being taught to prospective drivers. During the course of the investigation, Handi-Transit advised us that it invited PAC members to observe future training sessions and their presence depends on their schedules and ability to attend.

Overall, we find the enhancements in the training course and driver manual about disability matters are positive developments, and are reasonable means of achieving enhanced driver disability awareness. We find Handi-Transit’s invitation to PAC to training courses, and its work with SMD on training and information to be reasonable and responsive to the concerns that Handi-Transit should better educate drivers about

disability awareness. It is our expectation that Handi-Transit will continue to monitor this area and enhance driver training as needed.

Driver Responsibilities and Conduct Standards

The complainant believes there is a critical need for a clear explanation of driver responsibilities, especially about assisting passengers to and from the vehicle and guidelines on appropriate language and civility toward passengers. We heard about specific examples of situations where drivers failed to assist or accompany clients from door to door, or conducted personal or other business during the course of a trip that made the registrant late.

The complainant raised concerns about the conduct of some drivers and examples were provided of drivers displaying disrespectful attitudes, using offensive language and acting insensitively to passenger needs. In other instances, the complainant advised of situations where drivers refused to close vehicle windows, adjust vehicle temperature, or turn down radio volume when clients requested. Additional concerns related to drivers wearing scents and expecting gratuities.

Drivers who participated in our interviews said they deal with understandably dissatisfied customers when they arrive late due to tight scheduling. The drivers said they often feel overworked and stressed. One driver mentioned being subjected to unpleasant comments and attitudes from clients. The drivers we spoke to indicated they try their best to be polite and accommodating.

Given that Handi-Transit drivers are expected to assist passengers, there is more direct contact between passengers and drivers in Handi-Transit than in the fixed-route system. Handi-Transit explained that driver responsibilities include:

- assisting passengers from inside a building entrance door into the vehicle
- securing all wheelchair(s)
- ensuring that passengers use the vehicle seatbelt and offering to assist with securing it
- transporting the passenger to the scheduled destination
- assisting passengers from the vehicle to just inside a building entrance door
- not altering the scheduled destination of a trip without clearance from Handi-Transit's dispatch

The driver manual outlines driver responsibilities, including:

- frequently asked questions from drivers
- checklists for safety and securements

- a driver's "day at a glance" outlining steps a driver must consider and fulfill before and during a shift, including a pre-trip inspection of the vehicle and equipment

The driver manual includes information on basic principles of providing assistance and requirements for assisting ambulatory passengers, passengers using different mobility aids, and low vision or blind passengers. The manual also covers subjects such as suggested topics for conversation and tips for effective customer service, especially when interacting with a diverse and possibly vulnerable clientele. While the manual is primarily intended for training, self-study and review, Handi-Transit indicated that drivers are expected to have the manual with them for reference while providing service.

Handi-Transit advised that it continues to enhance the driver manual and revises it as needed on an on-going basis. It noted the manuals are published in printed form for each successive driver training class, so that any revisions are current.

Handi-Transit advised that driver standards and expectations for conduct are outlined in individual contracts with operator companies as well as the driver manual. Guidance for providing services in the context of cultural differences is provided for drivers in their manuals. Handi-Transit advised that drivers are expected to be polite and considerate of the public at all times. The service provider contracts prohibit drivers from using profanity.

The driver manual outlines conduct violation penalties for drivers, such as conducting personal or other business while on shift:

- Conducting other business with registrant and passengers on board
 - 1st incident – warning
 - 2nd – \$25
 - 3rd – \$50
 - 4th – suspension
- Conducting personal business with passengers on board
 - 1st incident – \$25
 - 2nd – \$50
 - 3rd – \$75
 - 4th – suspension

In the 2016 manual, the list of penalties is more detailed than in the 2012 manual, and the information is set out in a table format that is easier for drivers to reference quickly. Handi-Transit's rationale for outlining for drivers the behaviours that can result in

penalties was that such information may encourage better behavior, since drivers can clearly see what is unacceptable, and what incidents can result in suspension or termination.

We are satisfied that the driver manual contains clear information about prohibited driver activities and guidelines for accepted behavior, which were issues the complainant raised. However, the manual contains no service standards about radio use, guidelines about scent sensitivity, and direction for gratuities.

Handi-Transit advised us that all Winnipeg Transit drivers, including Handi-Transit drivers, should not accept gratuities from passengers and that this matter is discussed during training and will be added to the driver manual in 2018.

Handi-Transit told us it will make additional revisions to the driver manual in the future. Given the lack of information presently in the driver manual about service standards for use of radios, scent sensitivity, and gratuities, we suggest clear direction on these issues be included in future revisions of the driver manual and in public materials.

During our investigation, we also heard concerns about close contact between drivers and registrants when being assisted. One driver noted that when he was attempting to fasten a seat belt, the registrant complained that it appeared he was trying to kiss her cheek. We are satisfied that the driver manual contains detailed information about how drivers should physically interact with passengers while assisting them with their restraints. It states drivers should always tell the registrant what they are doing when in close contact, and walk around the passenger rather than reach across their body. The checklist, photos and diagrams in the driver manual provide clear direction for drivers as to how to secure passengers while being mindful and respectful of their personal space.

We note that Handi-Transit recorded 167 “inappropriate discussion” complaints in 2015 and 125 in 2016. We acknowledge there was a decrease in this type of complaint. However, while the driver manual addresses driver conduct and provides guidance for acceptable behaviour, it appears that some drivers may not be following the conduct expectations nor understanding the importance of maintaining professional and respectful customer service standards. We find that the first level of penalty may not be a sufficient deterrent against inappropriate behaviour other than sexual harassment, and we suggest Handi-Transit consider additional ways to encourage compliance with general conduct standards.

Sexual Harassment and Inappropriate Discussions by Drivers

The complaint provided examples of individuals being subjected to unwelcome driver behaviour, such as drivers asking personal questions or making inappropriate advances. One person stated:

I've had a few drivers who make inappropriate comments. Asking if they could have a hug or if I have boyfriend.

Handi-Transit's policy on sexual harassment in the 2012 driver manual stated that "all complaints of a sexual nature will be thoroughly investigated. If it is determined that a person, be it a passenger or operator, is found guilty of such conduct, they will be removed from service, banned, suspended or terminated." Inappropriate behaviour has been determined by Handi-Transit to include, but is not limited to, advances towards a person either directly or indirectly associated with Handi-Transit or passengers. It may also include objectionable conduct, comments or displays that demean, humiliate or embarrass the registrant, attendant or general public.

The 2012 driver manual contained detailed information about sexual harassment and unacceptable behaviour, and penalties for violations. The information in the 2016 manual is more limited. It only states that operators are required to report incidents such as harassment as soon as possible after an event. It does not mention the prohibition against harassing behavior and the detailed language on sexual harassment that was in the 2012 version.

Penalty provisions in the 2016 manual state that harassment by an operator – such as sexual advances towards passengers or sexual advances towards other persons involved with service delivery – results in suspension at the first incident, with this information emphasized in bold font. The penalties section of the driver manual also states that conduct that demeans, humiliates or embarrasses a person, and/or physical, emotional or mental abuse (including threats) results in driver suspension at the first incident.

Additionally, we note that the driver manual lists the following operator conduct issues are subject to penalty:

- Rude or objectionable conduct
- Inappropriate discussion with registrant, attendant or citizen
- Offensive language
- Inappropriate hygiene
- Any other offensive behavior that may be interpreted as inappropriate

Fines for the above are assessed at:

- 1st incident – \$50
- 2nd – \$100
- 3rd – suspension

We find the abbreviated information in the 2016 driver manual is not reasonably sufficient to provide drivers with detailed information about rules of conduct and behaviour expectations, especially given the vulnerabilities of much of Handi-Transit's client base.

The information from the 2012 manual about the prohibitions against sexual harassment and other inappropriate behaviour is comprehensive and would be valuable as an educational tool for drivers. Accordingly, we find that it should be part of the information provided to drivers.

13. Recommendation:

Since the current driver manual does not contain detailed language prohibiting sexual harassment, we recommend the detailed language regarding Handi-Transit's sexual harassment policy from the 2012 manual be immediately restored to current and future versions of the driver manual.

Response from the City of Winnipeg:

Handi-Transit agrees and updated information on the sexual harassment policy will be included in the next driver manual as of August 2018.

Health and Safety Procedures

While not specifically linked to any particular concern, we note that the driver manual contains a significant amount of information on emergency procedures for motor vehicle accidents, medical emergencies, fires and use of fire extinguishers. All Handi-Transit vehicles must be equipped with a fire extinguisher that has not expired. As part of their daily pre-trip inspection, drivers must note the location of the extinguisher, as it may change from one vehicle to another. We note that the daily responsibilities list in the 2016 manual states that checking the fire extinguisher is one of the driver's duties.

The contract with Handi-Transit service providers stipulates safety features must be included in service vehicles, such as a vehicle reversing alarm, specified first aid kit, and other safety features like a seat belt cutter. Drivers are also reminded that they must secure the vehicle by locking the doors when leaving the vehicle to assist other registrants, using the remote key fob to ensure that no one can get in while the driver is away from the vehicle, keeping it safe for registrants inside. The current manual also instructs drivers about emergency procedures and when to call 911.

The driver manuals contain information on topics related to infection control to protect both drivers and their passengers, practices for drivers to follow if they come into contact with bodily fluids, safe lifting techniques, and back care tips for drivers. The driver manual states it is important that drivers maintain optimal health for their benefit and that of their passengers, as well as to help them to remain alert and focused on their task. We find this information to be a beneficial resource for drivers.

Driver Pre-Trip Inspections and Manuals

Because we heard from individuals in the complaint about the condition of some Handi-Transit vehicles, we reviewed whether the driver's pre-trip inspection was a sufficient process to identify any vehicle deficiencies before trips. As an example, we heard that:

One day – it was springtime – they came to pick me up. The door, the side door, wouldn't open. He had to crawl across the back seat. But when he got me home, the door wouldn't open so he had to crawl across the back seat to unhook the wheelchair. And unclean – I always commented to the driver when the van was so nice and clean. But some of them are just a mess.

As we note previously, the driver manual contains information about this process. For example, the current manual provides direction in the frequently asked questions section:

What if the vehicle does not have the proper tie downs or straps, or it needs minor repairs?

Inspecting your vehicle is part of your morning inspection. If you notice an issue with the vehicle or its securements, you should not be providing transportation until the issue is corrected. Call your dispatcher immediately. Because you will be completing your morning inspection well before your first pick up, this will give the Handi-Transit office plenty of time to reschedule the rides for that day.

The manual further directs drivers that if any problems develop during their trips that could affect the safe operation of the vehicle, they should report to their dispatcher immediately.

Drivers we interviewed expressed concern that they are expected to do too much before their shift regarding inspecting and cleaning the vehicles. Given that drivers do not own the vehicles in which they provide service, they noted that at best they can flag vehicle condition issues with the contractors, who are responsible for vehicle upkeep. Drivers have no control over when repairs occur.

We find that pre-trip inspection driver requirements to identify and report vehicle deficiencies as specified in the manuals is reasonable, logically aligned with service goals, and appears to be a standard feature of other paratransit services. The information provided to drivers about what to check during this process is comprehensive and useful.

However, we note that should any defects be identified during this pre-trip inspection, the driver is directed in the manual to raise any concerns with the contractor, and the contractor is supposed to notify Handi-Transit dispatch of any vehicle problems. We find that a great deal of responsibility is placed on drivers to inspect vehicles prior to their shift. We note they can be personally subjected to penalties such as fines and suspension as a result of ongoing vehicle condition problems.

There appears to be no process for the driver to ensure that their employer addresses vehicle deficiencies that they have identified by pre-trip inspection. This apparent lack of process makes drivers accountable for vehicle conditions for which they have no control. We sought clarification from Handi-Transit about this matter.

It advised us that drivers can report to Handi-Transit directly about any vehicle condition and safety concerns if they feel their employer is not being responsive to those concerns, or if they are uncomfortable reporting contractor inaction in dealing with maintenance. The drivers we heard from did not seem aware they could do this, or said they were actively discouraged from doing so.

Handi-Transit noted that where possible, drivers should raise these types of issues with their employer before coming to Handi-Transit. Handi-Transit advised that in cases where it receives a report about the condition of a vehicle, it sends an inspector to the vehicle and if required, a supervisor will follow-up with an order directly to the contractor. While we acknowledge this initial direction to drivers, the option for drivers to contact Handi-Transit directly when necessary does not appear stated currently in the driver manual. We find that it should be. We therefore suggest that Handi-Transit add this clarification to the manual.

Driver Pre-Trip Inspections and Recording Equipment

As noted earlier, audio and video recording equipment is in all Handi-Transit vehicles and Handi-Transit uses this technology to investigate complaints.

Handi-Transit advised us that during pre-trip vehicle inspections, drivers are supposed to verify that the camera's green light is on, which indicates that it is in working order. However, according to Handi-Transit, this does not always occur and it is often only discovered when Handi-Transit tries to access video at a later date.

We noted that ensuring the video recording equipment is operational is not currently part of the driver manual's pre-trip inspection checklist. Given that disrepair of such equipment could lead to a lack of audio/video evidence, which may then impede Handi-Transit's complaint investigation process we find that checking such equipment should be part of the pre-trip inspection checklist. This will ensure that the equipment functions properly.

As well, given that drivers identifying issues with such equipment may be unclear about how to address maintenance issues, we find that Handi-Transit should better inform contractors about their responsibility for maintaining video recording equipment.

14. Recommendation:

We recommend that verifying the proper functioning of the GPS/AVL equipment should be added to the pre-trip inspection checklist.

Response from the City of Winnipeg:

Handi-Transit agrees and a daily check of the GPS/AVL equipment will be added to the pre-trip inspection checklist immediately and be included in the next driver manual of August 2018, as noted.

Additionally, when the RouteMatch software is operational, it will require that drivers complete a pre-trip inspection checklist (including verifying the GPS/AVL equipment) before they may receive their schedule for the day.

Updating Policies and Practices for Drivers and Other Stakeholders

Given situations where drivers demonstrated an apparent lack of understanding of current Handi-Transit practices, the complainant believes that Handi-Transit needs to improve how it updates drivers about new or revised Handi-Transit practices.

Handi-Transit advised us that currently it emails contractors memoranda with updates on policies and procedures and distributes hard copies to contractors and drivers. We also note the driver manual instructs drivers to contact their company's dispatcher should any questions or concerns arise about policies and practices, in order to obtain clarification and direction.

Additionally, we were advised that as of January 2016, Handi-Transit distributes "process memos" to its staff regarding internal procedures and that staff receive an email when a new memo is available. Handi-Transit indicates it saves these process memos on an internal shared network drive and on Handi-Transit's internal website, so that its staff can

easily access them. Handi-Transit advised that while documentation exists for staff regarding policies and procedures, each area has specific practices that may not be beneficial or useful to all operational areas. It noted it is in the process of making more information available via the internal website for all staff to access.

Handi-Transit also advised that the new scheduling system will allow contractors online access to respond directly to all complaint reports and to view operational bulletins that are sent from the Handi-Transit office.

Handi-Transit advised us that this current method of updating staff, contractors and drivers is under review, in order to determine if there are alternate ways of ensuring contractors and staff have read their emails and are up to date and aware of Handi-Transit practices and processes. Handi-Transit has committed to ensuring that all its employees, and the contractors and their drivers, will soon be required to sign-off on any new policy/ procedure/practice that is implemented so that they are aware of changes. Handi-Transit noted that it would make adjustments to that process as required to safeguard against future misunderstandings over service expectations.

We acknowledge Handi-Transit's plans for enhancing communication with its staff, drivers and contractors. We find Handi-Transit's planned review on how it addresses internal communications, as well as the continued updating of the driver manual, and the new sign-off practice, are positive developments.

Identification: Vehicles, Drivers, ID Tags and Attire

Individuals involved in the complaint expressed concern with situations where drivers declined to show identification. Some also believed that drivers should wear uniforms, so they can be easily identified like the fixed-route drivers. Some individuals noted that certain drivers call out registrants' names at pick up but do not identify themselves as Handi-Transit drivers.

Several registrants explained that ID tags worn by drivers are not very visible from a distance. For registrants, the lack of high visibility and easily identifiable clothing, such as uniforms or a safety vest has resulted in missed connections and sometimes discomfort or uncertainty that the individual presenting as a Handi-Transit driver was actually employed as such.

I would say truthfully that 75 per cent of the people who pick me up, I have no idea that they're Handi-Transit drivers. I don't see a badge, I don't see anything. There's signage on the vehicles sometimes, but how do I know that that driver is a qualified, trained driver?

Given that Handi-Transit drivers approach registrants directly when picking them up, registrants need to feel confident that the driver with whom they are interacting and the vehicle they are entering are in fact part of the Handi-Transit service. This assurance is particularly important when registrants may have vision issues and difficulty identifying the person presenting themselves as a driver.

Handi-Transit advised us that the service provider contract and the driver manual states that all Handi-Transit vehicles must be identifiable to the public. Handi-Transit vehicles are identified by approved decals attached to the side and rear of the vehicle. Decals (magnetic or adhesive) are a contract requirement and the decals used must be current and approved by Handi-Transit. The contractor's company name must also be visible on the outside of the vehicle.

With regard to driver identification, we note that driver's are required to wear an ID tag and ensure it is visible at all times. The mandatory ID tag includes the driver's assigned badge number, photo, name and an expiry date. The 2016 driver manual states:

Handi-Transit operators are identified by a photo ID tag that **must** be visible, either attached to the collar or to the jacket. Passengers have the right to ask to see an ID tag prior to entering a vehicle. Hanging your ID tag on your rear-view mirror is not sufficient. If the driver cannot produce their ID tag, passengers are encouraged NOT to enter the vehicle. This is for their safety. (emphasis in original)

Handi-Transit posts information about driver identification on the website, but not all registrants may have access to the internet. As such, we suggest that Handi-Transit advise about driver and vehicle identification requirements as part of the information it provides registrants.

Information for drivers in their manual and on the website stipulates that drivers found to be delivering service without the ID tag may be suspended. The driver manual sets out fines for the following infractions:

- No verbal/visual contact with registrant upon pick-up
- No identification tag
- No vehicle signage/decals

The fines include:

- 1st incident – warning
- 2nd – \$25 fine
- 3rd – \$50 fine
- 4th – suspension

Handi-Transit inspections assess whether drivers identify themselves to passengers. Handi-Transit's complaint statistics show there were 81 complaints in 2015 about drivers not wearing the ID tag, with only five complaints recorded in 2016. From the inspection data we reviewed from 2015, we noted inspectors observed eight incidents of ID tags not being worn out of the 348 random checks conducted from August to December. In 2016, from the inspectors' tracking log for January to mid-April, we noted seven incidents of absent ID tags, out of 564 inspections. Given these relatively low numbers of violations, we find it reasonable to conclude that driver information, Handi-Transit inspections, and the potential fines appear to be effective in ensuring this service standard is being met.¹⁴

We find the requirement for wearing the driver ID is necessary and appropriate. However, as some registrants noted difficulty reading the ID from a distance, we viewed the actual ID tag issued to Handi-Transit drivers. In our view, the size is sufficient to confirm a driver's personal identity and qualifications, but some registrants may not be able to visually identify drivers as Handi-Transit service providers without closely inspecting the ID.

Handi-Transit advised us that currently there is no standard uniform for drivers. Both the 2012 and 2016 driver manuals contain guidance for drivers as being neatly dressed, with the 2016 manual confirming that while there is no specific driver uniform, the drivers should be dressed in clean, professional clothing that is free of swear words or large pictures/logos.

Handi-Transit indicated that it had considered uniforms in the past, but due to initial and yearly replacement costs for the contractor, uniforms were never made a requirement and are not part of the existing contracts. Handi-Transit feels it would be difficult and costly for it to provide the initial clothing and the replacement clothing on an ongoing basis. Further, Handi-Transit drivers are not City of Winnipeg employees, and therefore the city's other uniform policies do not apply.

Handi-Transit confirmed that in the absence of a full standardized uniform, the only identifying feature currently for drivers is the mandatory ID tag. It advised that a new contract requirement is that drivers must wear high visibility safety vests in the colour and style identified under the Workplace Safety and Health Act, and approved by the contract administrator. However, we note that in the driver's manual, it is only

¹⁴ We note that Handi-Transit assesses fines for a number of policy and contract infractions. Penalty levels depend on the nature of the violation and may be assessed against an individual driver, the contractor, or both.

recommended. Further, Handi-Transit acknowledged that it has not strictly enforced this requirement and only some contractors were complying.

We are aware that in other jurisdictions, paratransit operators wear safety vests, and some have the service logo on the vest. Improving driver identification with a safety vest could help reduce the need for announcing a passenger's name as well as minimize confusion and uncertainty over driver identification. Faster driver identification may also expedite passenger boarding times.

As noted previously, the Braid report's fifth principle states that "when service delivery is contracted out, contractors must meet standards established by the City of Winnipeg and compliance must be monitored." We are concerned that wearing a safety vest is a requirement in service provider contracts, but not identified as such in Handi-Transit's driver manual. The safety vests can assist with driver identification for those registrants who cannot easily visually recognize a driver's ID, and are required in order to comply with contract stipulations. Handi-Transit should enforce the contract and ensure drivers wear safety vests. The requirement should be clearly stated in the driver manual.

15. Recommendation:

We recommend that Handi-Transit enforce the contract requirement that operators wear safety vests.

Response from the City of Winnipeg:

Handi-Transit agrees. All Handi-Transit contractors have been notified that all drivers will be required to wear safety vests. All contractors will have the same vests and inspections will be done to ensure compliance. As of July 1, 2018, failure to meet this requirement will result in a service recovery fee.

The driver manual has already been changed to reflect that the wearing of safety vests is mandatory for drivers and not just recommended.

Driver Pick Up and Drop Off Protocols

We heard concerns from the complainant about specific situations where drivers did not assist or accompany them door to door, there was driver confusion over pick up and drop off locations, and drivers dropped registrants off at the wrong door or left them at locked entrances.

We note that Handi-Transit's decision to provide a door-to-door service requires many safety procedures in the movement of passengers to and from destinations and to the vehicles. The driver manual has detailed instructions, procedures and standards for pick

up and drop off. Drivers are expected to physically assist registrants from the ground floor doorway of the pick up location, to and from the vehicle, to just inside the ground floor doorway of the destination. The driver manual includes direction on assisting ambulatory registrants, those with visual impairments, and those who use a wheelchair or other mobility device or equipment.

Since registrants are expected to be ready and waiting at the entrance, drivers are to meet registrants at the main entrance of an apartment building but not buzz suites. Operators are not to enter a person's house. At a public building, an operator is to meet the registrant at the main entrance lobby or at a designated pick up location and are not to walk long distances in buildings or take elevators to locate passengers.

In addition to providing drivers information about rules and expectations, Handi-Transit provides registrants with clear responsibilities as well. On the Handi-Transit website, the "Be Ready" section details what registrants must do in preparation for their trip, and what drivers will do when they arrive.

Assistance

Handi-Transit advised us that once a driver locates a passenger, the driver is expected to assist by:

- greeting the registrant and confirming the person's name and destination
- opening doors
- offering an arm of assistance if the person is ambulatory
- never pulling on a walker to speed up the registrant's walking
- appropriately maneuvering manual wheelchairs (specific directions provided)
- providing verbal instructions to blind passengers such as "three stairs are to the right"
- offering assistance on the ramp

The policy regarding the driver's requirement to accompany every registrant is mentioned in various sources, including the website and the driver manuals. The manual states:

Every drop off and every pick up the operator must get out of the vehicle to assist the registrant, no exceptions. If you fail to do so it will result in a service recovery fee and or suspension of your Handi-Transit license. If a registrant does not want or need assistance, you must walk beside them for every pick up and drop off. (emphasis in original)

The 2016 manual goes on to reinforce the following to drivers:

All registrants, including ambulatory, must be offered assistance. Some registrants may decline; if they do you are still expected to walk beside them. This is the same for individuals who use a power wheelchair or scooter. Some registrants who use a manual wheelchair will require your assistance to push the wheelchair to and from the building.

[...]

Remember that you must offer assistance, as needed, even if the registrant has a mandatory attendant or companion.

Similar messaging is repeated in the Frequently Asked Questions (FAQ) section of the 2016 manual, which states:

What does ‘door-to-door’ service mean?

Handi-Transit is a part of Winnipeg Transit, it is for citizens who are unable to access fixed-route transit. Handi-Transit operators are expected to provide service from the door of the vehicle, to the designated doors of the drop off location. They are also expected to meet the client at the designated doors of the pick up location and assist them to the vehicle.

The driver manual also lists the penalties for when a driver does not assist the registrant:

- 1st incident – warning
- 2nd – \$25 fine
- 3rd – \$50 fine
- 4th – suspension

Handi-Transit’s inspection process, both for random spot checks, and for response to complaints and incidents of non-compliance, involves assessing whether drivers provide appropriate assistance at pick up and drop off. As noted earlier, Handi-Transit advised that inspectors monitor service vehicles and observe pick up and drop off from a distance, or ride in the vehicle, depending on the concern being inspected.

When we reviewed some inspection reports, we saw that, for example, from November 2015 to May 2016 one inspector had noted 20 incidents of drivers providing inadequate assistance to clients. This included situations where the inspector witnessed the driver provide assistance only from the vehicle, but not to the door, and situations where the inspector re-instructed the driver on proper assistance when only such a “partial assist” was provided. Handi-Transit’s statistics indicate that complaints for “no assistance” declined from 159 in 2015 to 133 in 2016.

Handi-Transit advised that if a driver’s record shows multiple incidents of the driver not assisting registrants, Handi-Transit may ask the contractor to obtain information from the

driver about what happened and may speak to the driver directly. Registrants and witnesses may also be interviewed. If the information obtained is not definitive with respect to the driver's actions, Handi-Transit will send an inspector to complete spot checks. The inspector monitors the driver as they go to designated locations to see if the driver assists properly.

The drivers we interviewed commented that, overall, they thought the Handi-Transit standards for pick up and drop off were reasonable. However, drivers told us that they often feel the requirement to always accompany the registrant is onerous, especially when assistance is not requested, required, or is rejected. We heard comments from drivers that they feel the public should be made aware of how and why the drivers are required to provide assistance, such as accompanying the registrant to and from vehicle and location at all times.

In reviewing public information about other Canadian paratransit services, we note that most require that drivers accompany clients door to door and assist with boarding and de-boarding, generally using similar language as Handi-Transit. To that end, we find that Handi-Transit's driver assistance requirements are consistent with other services.

The following statement in the Handi-Transit 2016 driver manual outlines the goal of the service and the importance of the role of the drivers:

Our goal is to provide safe, reliable, and courteous transportation service to individuals registered with Handi-Transit. As an operator, you take on a great responsibility when driving a Handi-Transit vehicle.

Overall, we find the driver manual contains detailed information about assistance required at pick up and drop off. We also find these requirements are aligned with the program goal to provide safe, reliable, and courteous transportation service to individuals registered with Handi-Transit. By assessing driver assistance with inspections and random spot checks, and imposing fines for non-compliance, we find Handi-Transit's monitoring is reasonable.

We find, however, that Handi-Transit provides registrants inadequate information about what assistance they can expect from the drivers. It is insufficient to only provide this information in the initial acceptance letter for Handi-Transit service and the Handi-Transit website. A registrant may have concerns arise during a trip about driver assistance and not have access to the letter or website to help them recall the relevant expectations.

Therefore, we suggest Handi-Transit outline to registrants and the public what driver behavior is expected at pick up and drop off, and indicate that failure to meet these

expectations can result in fines and or suspension. Handi-Transit should clarify in all public material what these driver responsibilities are, such as what is meant by drivers being required to “offer assistance.” With this enhanced information, users of the service may be better aware of what assistance they can expect from drivers. Handi-Transit advised of its intention to publish a user guide, which is a positive development. As Handi-Transit plans to enhance its publicly available information, we have summarized later in this report what information it should consider including.

Closed Locations

The complainant expressed concerns to us about drivers leaving passengers outside locked buildings. An individual experience was:

Handi-Transit doesn't care if a building is open or not. I've gone to my doctor's office and told them that doors don't open until a certain time, but they'll still drop me off before.

At public discussions about the new Handi-Transit scheduling software held in January 2017, Handi-Transit responded to questions about passengers being dropped off at locked buildings or drivers leaving someone outside in the cold or at a wrong location. Since the service operates to just inside the door of the destination, Handi-Transit confirmed that drivers are trained and directed to never leave a passenger alone outside a building and to call Handi-Transit dispatch in these types of situations.

Handi-Transit also explained to us that its phone lines are staffed longer than actual operating hours of service “to ensure that if a rider needs help, they can reach someone.” We discuss after-hours operations later in this report.

The driver manual contains information about not leaving passengers alone outside locked buildings. The Handi-Transit inspection process assesses whether the driver stops at a safe location at the correct address. Handi-Transit does not have a specific category for complaints relating to locked locations so we are unable to determine the extent of the problem. However, we acknowledge that even one incident of an individual being left outside a locked building can be serious, inappropriate and contrary to policy and directions provided to drivers.

Therefore, future driver manual revisions should clearly emphasize what drivers are expected to do in the event that the drop off location is locked or otherwise inaccessible. This information could be added to the FAQ section of the current driver manual, or in a “troubleshooting guide” section of the manual, such as a list of what to do when drivers

encounter problems. Similar information should be shared in public materials so that riders are aware of service expectations in such situations.

Residential Locations

The complainant is concerned that Handi-Transit refuses to pick up individuals from their back lanes, causing those individuals difficulty when they prefer a back lane pick up.

As part of the general information provided to registrants, Handi-Transit states that it requires driveways and walkways to be clear of snow and ice before pick ups and drop offs. If a driver believes it is unsafe to enter or exit a driveway to board a client because of slippery or unsafe conditions, the driver is instructed not to pick up or drop off at that location, and to notify dispatchers for further instruction. In our view, the requirement to clear snow and ice at a registrant's home is reasonable and necessary, both for safety of all involved, and for the operation of the vehicle ramp if needed.

Handi-Transit's policy regarding the locations of residential pick ups and drop offs indicate that in general, pick ups and drop offs are done on the front street or the safest entrance and exit location. Handi-Transit (not drivers) determines boarding locations after an inspection is conducted. The decision is based on factors such as main door locations, safety, any construction or street closures, snow removal and vehicle clearance.

Handi-Transit indicated that it does not generally provide pick up or drop off in back lanes because those are narrower and less accessible than front streets. Because its vehicles have low floors with a very little clearance, Handi-Transit advised that these vehicles are susceptible to getting stuck in back lanes during the winter. Handi-Transit advised that there are rare situations where back lane pickups are approved. This is usually the case where the front street raises a safety concern, such as heavy traffic with no safe parking spots, and an inspection identifies no safety concern with the back lane.

We find that the general policy to pick registrants up at front streets and not back lanes is based on safety considerations and the size and clearance requirements of Handi-Transit vehicles, and therefore, we find such considerations are reasonable. We also find that allowing back lane pick up on a case-by-case basis after inspection is a reasonable approach.

Public Locations

Individuals involved in the complaint expressed concerns about drivers dropping off passengers at entrances they did not expect or require. We were told about situations

where a passenger was dropped off at the wrong location, which can be disorienting and potentially dangerous for people with vision loss.

We also heard complaints from individuals who were dropped off at front entrances instead of requested rear entrances. For example, concern was expressed about a driver's refusal to drop off at a rear entrance, which was the required location of the facility for a security check. The driver dropped off an individual in a wheelchair at the front entrance and they had to wheel themself to the correct entrance.

Handi-Transit advised that it uses designated pick up and drop off locations at larger frequently travelled locations such as downtown buildings, hospitals and health centres, shopping centres and schools. The determination of boarding locations at large venues is based on considerations including the most central doors, the vehicle space availability and passenger safety. Handi-Transit posts a list of the designated boarding locations on its website and indicates that if clients are unsure of the pick up door, they should verify with a customer service representative when booking the trip.

As with back lanes, if there are requests to use different boarding locations, Handi-Transit will investigate and assess the alternate location to determine if it is reasonable and if vehicles can safely accommodate the request.

Other factors such as road or building construction, temporary street closures, snow removal and structure clearances will affect boarding locations as well. Handi-Transit usually receives advance notice of these types of interruptions and can update drivers and passengers on its website. When Handi-Transit changes a boarding location, it also sends a bulletin to all contracted companies, which notifies all drivers. Customer service representatives will also tell registrants of a location change when they call to book trips.

We note that the 2012 driver manual included specific pick up and drop off locations at common destinations for Handi-Transit clients. This information is not contained in the current manual. It appears on the website, however, and this is helpful for the public.

The inspection process will assess compliance with pick up and drop off locations. The inspection process for both spot checks and complaint or incident responses assesses whether the drop off location is correct and whether a particular location, either residential or public, is suitable for pick up and drop off. We reviewed the inspection reports from August 2015 to May 2016 and noted that no concerns were documented by inspectors about drop offs at public locations.

As for dropping off a client at a wrong location, drivers are assessed a \$100 fine for the first incident and suspended after the second incident. This information is in the driver manual.

We noted that in 2015 Handi-Transit recorded 36 complaints about a drop off at a wrong location, with only 16 recorded for 2016. We find that the number of these incidents is relatively low. Given the technological enhancements expected with the implementation of the new scheduling software, Handi-Transit anticipates that drop off location complaints will continue to decrease.

We find that overall, Handi-Transit provides drivers and the public thorough information about service locations at larger, public areas. As well, Handi-Transit's process for notifying contractors and registrants of location changes is logical and responsive to changing conditions such as construction or road closures.

Drivers suggested to us that Handi-Transit work with public facilities to install a designated seating area, bench or decal to indicate where the registrant should wait for Handi-Transit drivers. Drivers felt this may help them locate passengers more quickly, and may help passengers locate drivers. We therefore suggest that Handi-Transit explore the feasibility of such methods to assist in the pick up and drop off process at public facilities.

Driver Road Safety

The complainant stated that driving safety standards are not being met and they raised specific examples about unsafe Handi-Transit driver practices, such as speeding and aggressive driving and maneuvering. They also noted that aggressive driving techniques are a particular concern when some individuals with disabilities do not have the core strength and balance to stabilize themselves during aggressive turning or stopping. There was also concern raised about a lack of focus on driving, such as when drivers talk on their cell phones while driving, including taking personal calls.

We reviewed Handi-Transit's policies as set out in contracts and the driver manual to determine its safeguards for ensuring driver compliance with the rules of the road. We assessed whether Handi-Transit's policies and enforcement process are reasonable and sufficient to meet its goal of safe transportation for Handi-Transit clients.

Both the 2012 and 2016 driver manuals note that the safety and comfort of passengers are the operator's primary responsibility and that patience and safe driving skills are expected at all times. The driver manuals emphasize defensive driving, the safe positioning and securement of wheelchairs and driving at moderate speeds to avoid rough starts, stops, turns and bumps. In the 2016 manual, the safety and health chapter

contains text and illustrations about safe driving techniques and a defensive driving guide. We found that this information is thorough and practical. Driver training entry requirements, as well as driver re-registration requirements, stipulate appropriate driving records, which we consider a baseline indication of driving skill and the ability to adhere to rules of the road. These requirements are aligned with program goals. We also find it positive that when the new software system is implemented, Handi-Transit will be able to track vehicle speed, which will allow it to investigate complaints of speeding and reckless driving. Handi-Transit confirmed that it continues to offer refresher training at the time of driver re-registration.

We note that random daily spot checks, which average four per day per inspector, measure the quality of safe driving. We reviewed a sample of 1,371 inspector tracking reports from 2016. Of those, six showed unsafe driving concerns, including cell phone use. We note that most unsafe driving incidents are likely not identified during an inspection and that such incidents are usually reported after the fact by a passenger. In 2015, Handi-Transit recorded 144 complaints of unsafe driving and 129 complaints in 2016.

The driver manual contains information about penalties for unsafe vehicle operation and the consequences to driver's licences. Drivers are subject to a \$100 fine, for example, for the first incident of operating a motor vehicle in an unsafe matter, with a second incident triggering a suspension.

We note that the information Handi-Transit delivered in public presentations in January 2017 about its new scheduling system referenced the software's ability to consider real travel time and passenger boarding times. We acknowledge that this functionality may help drivers meet their schedules, without having to resort to unsafe driving such as speeding.

In our view, Handi-Transit's policies and information about safe driving, selection criteria regarding appropriate driving records, and the proposed functionality of the new scheduling software are reasonable to meet Handi-Transit's goal of safe transportation for Handi-Transit users. However, given that there have been complaints about unsafe driving, and how such concerns can seriously affect passengers' sense of comfort and security about using the service, we suggest that Handi-Transit review this issue and consider methods to continue to ensure safe driving, whether that be through changes to enforcement protocols, penalty provisions or otherwise.

Cell Phone Use

The rules governing cell phone use by Handi-Transit drivers are set out both in contract and in the driver manuals. The contract we reviewed stipulates that:

- E11.4 Drivers may have a cell phone, blackberry or similar electronic device for the purpose of contacting the Contractor for assistance or instruction, and
- (a) will have the cell phone on vibrate when transporting a passenger(s);
 - (b) will not talk on a cell phone or make any personal calls (hand held or hands free) while the vehicle is moving,
 - (c) will not make personal calls on a cell phone even when the vehicle is stopped when a passenger is onboard. Drivers will pull over to receive and make calls on cell phones.
 - (d) will check voice-mail, e-mail, Handi-Transit Dispatch only when the vehicle is not moving.

The 2016 driver manual has an appendix with the Highway Traffic Act rules about cell phone use, but the manual contains no other information about cell phone use. We note that the 2012 manual also stated:

- Drivers must not talk on a cell phone (hand held or hands free) while the vehicle is moving, and
- will not make personal calls on a cell phone even when the vehicle is stopped when a passenger is on board.
 - will check voice-mail or e-mail for cancelled trips or additional trips provided by the company Dispatcher between all trips when the vehicle is not moving.

Drivers commented that they receive information about trips (such as cancellations and added trips) from their dispatchers and they must use cell phones while driving to obtain this information.

Handi-Transit advised us that hands-free calling is permitted, and that during training, drivers are told that if they do have to take a call while driving with a passenger on board, the preference is that they pull over even with hands-free, and keep the call as short as possible. This direction applies to work-related calls only, as Handi-Transit notes that drivers should never be on personal calls with a client on board. Handi-Transit reinforced its position that hand-held phones or texting while driving are never permitted. Drivers that Handi-Transit finds contravening these rules are assessed a safety violation that results in either a fine or suspension of their Handi-Transit license.

In considering ways to eliminate inappropriate driver cell phone use, we note the previously referenced *2016-2018 City of Winnipeg Accessibility Plan* found that better navigational tools would help Handi-Transit drivers reduce distracted driver practices. It proposed Handi-Transit review the opportunity to require hands-free tools such as GPS, Bluetooth and Wi-Fi for each vehicle to help drivers locate destinations. We understand that with the new computer software, drivers will be able to communicate with dispatch using mobile data terminals (MDTs), which may reduce reliance on cell phones and hands-free calling. We acknowledge that such technology may enhance drivers' abilities to provide attentive and safe driving.

While the contract and driver manual do not allow hands-free cell phone use, Handi-Transit indicated that it is permissible for work-related calls. As such, there appears to be some lack of clarity about the cell phone use policy. In 2015, Handi-Transit's statistics show 18 complaints about driver cell phone use. In 2016, this number increased to 28. While penalties were assessed in these situations, we find that the current direction provided to drivers about cell phone use may not be as stringent and clear as it could be. As well, information for the public should clearly set out Handi-Transit driver cell phone use policies.

16. Recommendation:

Given the obvious safety concerns about cell phone use while driving and the law against it, we recommend that Handi-Transit enforce the rules about cell phone use in vehicles and while driving, and clarify the direction for drivers.

Response from the City of Winnipeg:

Handi-Transit agrees and all contractors have been advised that cell phone use by drivers will be governed by the same rules that are part of the new distracted driving laws. They will be advised that any complaints received about cell phone use by drivers will result in an immediate investigation and if found to be a violation of the law a service recovery fee will be issued. The service recovery fee has increased to \$100 for a first occurrence and a second occurrence will result in a suspension. Inspectors will perform random spot checks to ensure the standard is being followed.

Securements

The complainant expressed concerns that drivers are not always properly and safely securing passengers in wheelchairs. They also noted that some vehicles have malfunctioning hooks or improper belts and concern was voiced that drivers either do not use tie-downs properly or do not use them at all. Some individuals, for example, indicated that drivers choose to not tie down scooters, erroneously claiming they are secure under

their own weight. Others also indicated that drivers are not assisting with fastening seat belts. One individual shared that:

I got onto a Handi-Transit vehicle, chair wasn't tied down, he hit the brakes hard enough that my chair slid sideways into the drivers' seat. There's another time they tied down my chair but they used the electrical wiring from console.

We note that drivers are advised in training, and in their manual, that all passengers, whether seated in a vehicle seat or in a wheelchair, must wear a two-part seatbelt that secures over the hips and across the chest, and that everyone in the vehicle, including the driver, is required by law to wear a seatbelt (with no exceptions). Both the 2012 and 2016 driver manuals contain detailed information about securing passengers and equipment. The included photos and diagrams provide helpful guidance for drivers, and the 2016 manual is user-friendly with step-by-step instructions on securements. Handi-Transit also tests practical securement skills during driver training.

In the discussion about each type of mobility device, the manual directs drivers to contact their dispatcher if the driver is not clear on how to store, transfer or secure a particular device, or if there are any concerns with the size or type of equipment being used. We note that the 2016 manual contains this safety checklist for drivers on the steps to follow for proper securements:

- wheelchair is forward facing
- manual wheelchair brakes are on
- power wheelchair is turned off
- 2 securements to the back of the wheelchair (at equal heights)
- 2 securements to the front of the wheelchair (at equal heights)
- if brackets are on the wheelchair with a hook symbol, always use the bracket as the attachment point
- move the wheelchair back and forth to ensure the straps are locked and have tension

We also note that the current driver manual lists specific penalty provisions for improper securement of mobility devices or seatbelts, and handling mobility devices in an unsafe manner. Such incidents generate a \$100 fine for the first incident and suspension for a second incident. We find these penalties are commensurate with the seriousness of the improper use of securements.

Handi-Transit advised that it is always the registrant's responsibility to ensure that their wheelchair is ready for transportation (i.e. in good repair, able to be secured, able to use occupant restraint system).

The 2016 driver manual also notes that some wheelchairs can be secured with webbing loops and includes a photo of these loops. Handi-Transit advised that if approved, the loops are an option in some cases when it is not possible to secure the "J" securement hook to the wheelchair frame. The manual notes that registrants must have their wheelchairs inspected and pre-approved to use the transit webbing loops, and if approved, this would be noted on the driver's schedule. The manual states that if a registrant does not have the transit webbing loops available, drivers must contact their dispatchers or Handi-transit for further assistance.

An individual raised concerns over the safety of using the blue transit loops for some wheelchair securements, stating that:

They're looking at mandating transit tie downs for wheelchairs on Handi-Transit right now. One concern our community has is that those tie downs haven't been crash tested, so they're looking at adding something to a wheelchair that hasn't been crash tested instead of using the welded parts of the frame to secure wheelchairs which is a proven and safe method.

We raised this concern with Handi-Transit. It explained that Q-Sstraint, the manufacturer that supplies the securements systems to most North American transit systems, also manufactures crash tested webbing loops. These transit webbing loops are an option to be used in tandem with their securement system. Handi-Transit noted that as a recognized industry leader, Q-Sstraint states that the transit webbing loops may offer a safe alternative securement, on select styles of chairs, where vehicle securement hooks cannot fit onto the wheelchair frame. Handi-Transit explained that it does not mandate the loops, but allows them as an alternative to a full replacement of a chair that cannot otherwise be secured. It noted that this option does not work for many chairs and must be assessed on an individual basis.

However, we find that public information about the use of these transit webbing loops, and their safety specifications is lacking. We suggest that Handi-Transit provide more information to the public about the use and safety of such transit loops.

We also propose that Handi-Transit consider providing information to registrants about mandatory seat belt use, scooter transport and the need to transfer to the vehicle seat. The list of driver responsibilities in the 2016 driver manual, for example, could be provided to registrants, as the current rider brochure does not mention all of Handi-Transit's available securement information.

Securement Inspections and Complaints

As noted, reviewing securements is part of the eligibility assessment and inspection process, and we reviewed relevant materials provided by Handi-Transit. Handi-Transit advised that it always reviews mobility equipment when assessing new equipment, client registrations and incidents.

We noted a relatively low number of reported incidents of improper securements from the aforementioned inspection tracking data we reviewed. From August 2015 to May 2016, out of 764 inspections, we noted only 14 incidents of securement issues regarding equipment.

With respect to complaints received relating to securement issues, Handi-Transit statistics for 2015 and 2016 show the following:

	2015	2016
Equipment not secured	19	14
Not ensuring seatbelts secured	28	23
Wheelchair not secured properly	8	10

We find that overall, Handi-Transit's securement standards, the information it provides drivers, and its process for monitoring compliance are comprehensive and reasonable. However, recognizing the importance of proper securements to ensure that the goal of providing a safe service is met, along with meeting legal requirements for safe transport of passengers, we expect that Handi-Transit will continue to enhance driver training and monitoring to improve performance in this regard.

Handi-Transit provided us further information about securements. It believes legislated requirements for wheelchair securement should be highlighted for both drivers and registrants. To that end, Handi-Transit is distributing 10,000 securement location stickers to registrants to place on their wheelchairs. These stickers are meant to be clearly visible, with a silver reflective background with blue circle and white T in the middle.

Handi-Transit advised that if the registrant consents, Handi-Transit affixes the reflective stickers to clearly identify the four attachment locations on the wheelchair. This information is provided in hand-outs, written materials and on Handi-Transit's website. Handi-Transit advised us that the sticker distribution is not yet complete, but it began by meeting one-on-one with registrants in long-term care facilities. By mid-May 2017, it had assessed nearly half of the wheelchairs on the service for the sticker. The stickers are also being distributed to new registrants at their assessment. Handi-Transit explained it will

have additional scheduled group sessions for sticker information and assessment at public locations, such as the Millennium Library, and will conclude by visiting registrant's individual residences, for those that have not been able to attend the group events.

Handi-Transit indicated to us that it appears the stickers have been well-received by registrants and drivers and have resulted in increased efficiency in securing equipment. We find the securement sticker to be a positive development to assist with the securement process, and we note this ongoing distribution engages registrants directly with Handi-Transit.

Handi-Transit advised us that its website is updated about changes in securement procedures as they are implemented, and it has widely shared information contained in a "ride safe brochure," an American publication about the proper securement of mobility devices, with registrants, health-care providers, caregivers and vendors. Contractors and drivers have also been trained and provided written materials and training resources and refresher courses.

We raised with Handi-Transit whether it has given thought to developing its own information regarding the safe transport of passengers and mobility equipment, similar to the ride safe brochure, and whether such information about proper securements and industry standards could form part of public materials.

Handi-Transit responded that it provides multiple annual opportunities for public awareness designed for a wide variety of audiences, including registrants, health-care providers, caregivers, vendors, manufacturers and specific advocacy groups. It further explained that it works to provide education on transportation requirements, legislative and industry standards, and safety in relation to individuals being transported in their wheelchairs, and noted these presentations are free and available upon request to this wide variety of stakeholders.

As well, it noted that information on the safe transportation of an individual in a wheelchair is provided by an occupational therapist. Handi-Transit stated it also informs individuals of the relevant standards in the Highway Traffic Amendment Act (Enhancing Passenger Safety). In addition to the sticker distribution, Handi-Transit advised that it has also implemented a project where it is reviewing every chair currently used on the service to ensure that it can be properly secured during transportation.

Handi-Transit stated that its primary responsibility is to provide transportation and ensure that it has the resources to transport the registrants as safely as possible. While we acknowledge this primary responsibility, we feel that educating stakeholders is an

important part of the service. As such, we have proposed later in this report topics to include in information for the public.

Vehicle Condition and Safety

As noted in our discussion about the drivers' pre-trip inspection process, the complainant raised concerns that some Handi-Transit vehicles were not adequately equipped for service. Some individuals noted, for example, some vehicles lacked air conditioning. Other registrants stated that some vehicles had no heat in the winter, while others were missing grab bars, which are necessary for boarding. We were told that some vehicles had malfunctioning securement hooks, improper seat belts, worn tires, cracked windshields, inadequate suspension, broken ramps, missing seats and missing seat belt extenders. Individuals gave examples of vans in poor repair with doors held together with duct tape and the use of a screwdriver as a gearshift. On another occasion, an individual advised that because a vehicle lift was broken, a driver could not pick them up. The complainant also expressed concern about the cleanliness of some vehicles, with dirty seats and ripped upholstery.

As noted in the background section of our report, service provider contracts include a comprehensive list of condition requirements for Handi-Transit vehicles. We find that these specifications are thorough and logical, and that they address potential safety risks. Additionally, we note that both the contracts and driver manual set out penalty provisions for vehicle condition violations, including cleanliness and temperature issues.

Also, the driver manual states that all Handi-Transit vehicles must be able to maintain a comfortable temperature inside the vehicle in all weather conditions. Handi-Transit drivers are also required by contract to maintain keep their vehicle clean.

Compliance with Vehicle Standards

Individuals participating in the complaint raised concerns that vehicle safety inspections are too infrequent and that vehicles do not display valid safety certificates. They also stated that Handi-Transit has not removed vehicles from service despite complainants repeatedly reporting the faulty equipment or disrepair of the vehicles.

We note that Handi-Transit service contracts stipulate that a mechanic certified through Manitoba Public Insurance must complete a mechanical and safety inspection of the contractor's vehicles every six months and a copy of the inspection report must be provided to Handi-Transit within five days of the inspection. Penalties and/or suspension of service can result if timely inspection reports are not received by Handi-Transit. At the

beginning of a contract the vehicles are inspected to ensure compliance with all mandatory requirements. As noted, all Handi-Transit vehicles must be in good working order with regular maintenance checks and safety inspections. We note that contracts and driver manuals indicate that any vehicles not meeting the condition requirements could result in fines for the driver and/or contractor, and/or vehicle removal from service.

Handi-Transit advised us about the process for safety inspections, obtaining safety certificates and any required follow-up. It explained it uses a spreadsheet to track the dates when safety certificates are due. Contractors must provide the safety certificates on the required dates and can be subject to fines for failing to do so. However, Handi-Transit also advised us that its new scheduling software will alert it when a vehicle safety inspection is due. Handi-Transit further advised that with this new software, once it receives the alert, it will give contractors approximately two weeks to submit the inspection report indicating all required repairs are complete. Failure to do so will result in a service recovery fee and/or a loss of work. Handi-Transit noted that contractors advise it if they remove a vehicle from service for maintenance.

We find that the safety inspection and certificate requirement is a reasonable approach to identifying issues that could potentially result in vehicle condition complaints. We note that the expected enhancement in the new scheduling software system will allow for better compliance monitoring and statistical analysis. We suggest that Handi-Transit highlight the safety inspection and certificate requirement in its public materials so that the public is aware that vehicles must meet this safety standard.

Handi-Transit Inspectors and Vehicle Conditions

As part of the vehicle inspection process, Handi-Transit's inspection form sets out the vehicle areas to be assessed, such as cleanliness, securements, and the vehicle lift and ramp. We find these areas are comprehensive and logically related to vehicle condition and safety. We reviewed completed vehicle inspection sheets and found they contain sufficient detail about the reason for the inspection, relevant observations, corrective actions taken, and/or commendations where appropriate.

Handi-Transit conducts hundreds of random vehicle condition inspections annually:

	Number of random spot checks
August 2015 to December 2015	349
January 2016 to May 2016	568

Handi-Transit also conducts inspections to follow-up on vehicle condition concerns it receives:

Year	Total inspections due to complaints about vehicle condition
2015	275
2016	417
2017	332

We reviewed Handi-Transit's statistics related to vehicle condition complaints. Inspection tracking sheets identify the source of a complaint and demonstrate that vehicle condition concerns were reported from drivers, contractors, registrants and the public at large (such as caregivers or advocates). However, we were advised by Handi-Transit that its current software does not allow searches to separate out incidents by the source of complaint.

Handi-Transit provided us the following breakdown about the vehicle condition complaints it received over the past several years:

	2010	2011	2012	2013	2014	2015	2016	2017
Vehicle needs repair	5	7	4	1	17	48	40	20
Vehicle too hot or cold			2					
Vehicle age			1		1	1		
Vehicle dirty - inside	1		3	2		2	2	1
Vehicle dirty - outside								
Miscellaneous			1	2	1	1	1	3

Handi-Transit acknowledged that the complainant raised some egregious examples of poor vehicle conditions. However, it advised that those examples relate to specific contractors who were providing service during the time when information was being collected by the complainant. Handi-Transit did not renew those contracts in part due to vehicle condition complaints. As we note in this report, Handi-Transit considers the number of vehicle condition complaints against a particular contractor as part of the bid assessment for contract renewal.

We find that the inspection process, generated either by spot check or incident follow-up, appears sufficient to identify vehicle condition problems. We note that Handi-Transit is following its current inspection process and we find it is sufficient to deal with the

majority of vehicle condition problems as they arise. With the implementation of new software, better tracking of vehicle condition complaints will be possible and we find this to be a positive development.

In the IRide incident reports we reviewed, Handi-Transit was responsive and dealt with complaints in a timely fashion, such as by pulling a vehicle from service on inspection and requiring repairs before it may return to service. We find that overall, Handi Transit resolves vehicle condition complaints promptly and effectively. We suggest that on the website, on-hold messaging and other public materials, Handi-Transit ask registrants to continue informing it of vehicle condition concerns.

Service Operations

Carry-on Bags

The complainants believe the Handi-Transit carry-on bag policy – which limits riders to two bags only and prohibits drivers from assisting with bags – is inherently unfair, as the very nature of the policy forces riders to make multiple trips. One individual stated that she could not bring home groceries from food banks because it would result in her having too many bags to be able to ride Handi-Transit.

The complainant also asserted that the current policy is not being applied in a fair and consistent manner, as drivers have told some individuals they could only have one carry-on bag. Registrants commented that drivers have refused service when they had too many bags, even though multiple bags could have been combined into one. We noted a comment from a registrant who found that the attitude of a driver was quite rude and that “he did not care that we were 85, disabled and it was quite cold [or that] we could have easily combined parcels and put them on our laps.”

City council policy adopted in 2000 states (at section 14.6) “Registrants with parcels are entitled to board with what a person can reasonably accommodate on their lap.” It does not specify a number or type of bag. However, Handi-Transit confirmed that in practice, it modifies the policy to limit passengers to two small bags. This is reflected in the customer service representative (CSR) and driver manuals, as well as the website and on-hold messages for registrants.

We note that the Accessibility for Manitobans Act, referenced earlier in this report, requires that all municipalities and government organizations develop and implement an accessibility plan. In the *2016-2018 City of Winnipeg Accessibility Plan*, which we also mentioned previously, the carry-on bag policy was specifically identified as a barrier to Handi-Transit registrants.

Handi-Transit noted that the concern with the carry-on bag policy is listed in the accessibility plan because it was identified by stakeholder groups during open house events. Handi-Transit noted these events were arranged by the City of Winnipeg Accessibility Advisory Committee in early 2016. Handi-Transit advised however, that it reviewed this policy in early 2017 and found that it was comparable to the fixed-route carry-on bag policy.

There is no carry-on bag limit for Winnipeg Transit fixed route riders. However, the “Busology” posters on fixed-route buses ask passengers to be considerate of fellow passengers and ensure they place their belongings on their lap and not on another seat. Further, section 10(e) of the recent transit by-law related to conduct on transit vehicles states that unless permission to do so is first obtained from the bus operator, an individual must not bring an article on the bus that:

- (i) obstructs the aisle
- (ii) prevents a seat from being used by a passenger, or
- (iii) hinders the safety of other passengers

Handi-Transit explained that every fixed-route and paratransit service has restrictions for how much registrants can bring into a vehicle due to space limitations and resource availability. As a shared-ride transportation system, Handi-Transit noted its vehicles may need to accommodate walkers and other mobility equipment, thereby limiting space for excess bags. Handi-Transit advised us that it limits bags on vehicles due to lack of space on the vehicles and the inability of the scheduling software to reserve extra space for bags when scheduling trips. However, the primary reason for the bag limit is to be able to provide rides to the maximum numbers of passengers.

Handi-Transit acknowledged Winnipeg’s fixed-route system does not have the same space limitations on its vehicles, but there are times during service hours where space on the fixed-route buses is very limited. Handi-Transit noted that on fixed-route transit, passengers’ belongings are not allowed to impede the aisles. Also, Winnipeg Transit fixed-route drivers can refuse passengers trying to board with too many belongings or with large items (such as a suitcase or bicycle) during peak periods when they know their bus will be full. Alternatively, if the bus is already full, fixed-route drivers can and do pass by an individual passenger that may be waiting with a large item.

In our review of Canadian paratransit services, we found that eight of twelve services limited bags to what a passenger could carry and hold on their lap. One service specified that up to two carry-on bags are allowed, “or what you can carry and fit on your lap.” Two services also allowed parcels affixed to mobility equipment, as long as safety and

restraints were not impeded. Two of the twelve services specifically permitted luggage on the vehicle for trips to and from the airport, bus terminal, or ferry.

We note that only one other service echoed Handi-Transit's limitation of two carry-on bags that must be carried by the passenger and placed on one's lap, which is the most restrictive requirement of all the paratransit services we surveyed.

The driver manuals and CSR materials all include direction for drivers regarding the current carry-on bag practice. Handi-Transit confirmed that currently, if passengers have more than two bags, they may be denied transportation. The current driver manual states that if a passenger wants to board a Handi-Transit vehicle with more than two parcels, drivers must call dispatch before refusing the trip.

We considered whether Handi-Transit's practice aligns with the policy adopted by city council and whether it is unreasonably restrictive. We asked Handi-Transit whether the carry-on bag policy could focus less on the number of bags and more on allowing passengers to bring only what they can carry onto the vehicle in one trip and hold on their lap, which would also accord with the intent of the original policy.

Handi-Transit advised that this would potentially allow individuals to carry a large box on their lap that cannot be tied down, which in an accident poses a safety risk to others in the vehicle, depending on what is in the box. Another concern Handi-Transit identified was that everyone has a different definition of what fits on their lap and this could result in items impeding space in vehicles.

Handi-Transit stated that its two bag limit is objective, clear for registrants and drivers, and removes discretion and subjectivity from deciding a reasonable amount of carry-on bags. It noted that airlines recently implemented a similar objective standard for carry-on bags by allowing bags up to a maximum size. Handi-Transit feels its policy must be clear and applicable to all. It is concerned that allowing discretion in these types of situations creates an unbalanced service with different expectation levels and processes. It believes that allowing discretion would cause increased problems due to ambiguous situations for drivers and passengers and this could potentially increase conflicts.

We also noted that Handi-Transit does not permit registrants to transport luggage on Handi-Transit vehicles. The fixed-route system provides service to and from the airport and bus terminal, and the fixed-route transit website offers specific information about this, although as noted above there are operational restrictions. We asked Handi-Transit whether in certain circumstances, it could let registrants book extra space for luggage or oversize parcels.

Handi-Transit advised there is a mix of vehicles used by its contractors – not all are buses – and that its limited resources already result in an inability to provide all rides requested. It is concerned that reserving space for additional bags would increase the number of rides it cannot provide. Handi-Transit also noted these practical operational problems with allowing clients to book extra space for luggage:

- Neither the current system nor the new software have the capability of booking extra space for bags.
- It would be very difficult to determine the space required for the registrant's luggage and this would result in inefficiencies (i.e. How many suitcases require space? Would Handi-Transit need to use a bus or van for a pick up to ensure enough space for the luggage?).
- In order to determine the amount of space required, Handi-Transit would need to ask numerous questions registrants would likely find intrusive, such as the size and type of bags that will need to be stored. This would also likely be information that passengers would not know at time of booking.
- Luggage and oversize packages could jeopardize the safety of other passengers due to weight and shifting given that there is no cargo space available in many of the vehicles.

We do not find Handi-Transit's position unreasonable given its stated priority of transporting individuals and any needed mobility equipment and the reality of vehicle space limitations.

Assistance with Carry-on Bags

Handi-Transit confirmed it does not expect drivers to assist passengers with their personal belongings to or from the vehicle. The customer service training manual states: "At no time are drivers allowed to lift or carry passengers or carry passenger's parcels, bags or other personal items." This instruction is also in the driver manual.

A registrant with visual impairment noted that they have relied on drivers to assist them because even with only one carry-on bag, they cannot simultaneously hold the driver's arm, carry their cane, and carry their bag when boarding the vehicle. They need the driver to carry the bag.

We asked Handi-Transit if it would consider removing the general prohibition against drivers assisting passengers with their bags. It advised that the current policy is designed to be clear and applicable to all and it was again noted that allowing discretion on the part of individual drivers creates uneven service levels and results in differing levels of expectations and processes. Passenger expectations rise when one driver helps carry bags and passengers are frustrated when another driver declines.

Handi-Transit indicated that the driver's role is to transport passengers safely to and from their locations. Part of that responsibility includes providing assistance such as a light arm assist, opening doors, and assisting with equipment, and drivers need their hands free of bags and parcels to do so.

Handi-Transit also wishes to prevent damage to registrants' personal belongings and prevent allegations that drivers have stolen personal belongings.

We acknowledge Handi-Transit's position. However, given that some drivers have assisted certain clients with their bags, we suggest that it revisit this policy. It may be that Handi-Transit can build some discretion and flexibility into the process with guidelines that give drivers the opportunity to refuse to carry a bag, and this service standard could be widely communicated. Handi-Transit could advise registrants that drivers assist with bags on request in reasonable and exceptional situations. Registrants could be advised the driver would not be responsible for lost or damaged items. Handi-Transit advised that while it is not completely opposed to this suggestion, it stated that there still may be confusion about when there may be a reasonable and exceptional situation, on the part of drivers and registrants. Nevertheless, we encourage Handi-Transit to continue to give consideration to this matter.

Fare Payment Disputes at Pick Up

We understand from the complainant that there have been confusing pick up situations about accepted fare payment methods. Handi-Transit does not have statistics about the extent of this issue. We also heard concerns about rider safety at night or in poor weather if Handi-Transit refuses service due to fare dispute.

Handi-Transit indicated that such incidents should not occur and advised that drivers are trained to not refuse a passenger if they do not have a fare. The driver is to record "no fare" on their schedules and Handi-Transit then follows up with the registrant.

Handi-Transit confirmed its current policy as stipulated in the driver manual is that "if a Handi-Transit registrant does not have the money to pay their fare, do not refuse transportation."

We note that the frequently asked questions section of the driver manual also states:

What should I do when the passenger does not have money or tickets to pay the fare?

If a registrant does not have a fare please transport them anyways and note this information on your run sheets. The Handi-Transit office will follow up with the registrant.

Further, during the aforementioned January 2017 public presentations about the new scheduling software, Handi-Transit confirmed that drivers transport registrants even if they do not have the correct fare. Handi-Transit then contacts the registrant directly about the fare owing.

We find that Handi-Transit provides drivers clear information about acceptable payment methods and applicable procedures. We find the policy to not refuse service because of non-payment is reasonable, aligned with the program goal of providing safe transit, and when properly followed, allows for drivers to ensure rider safety.

However, we also find that this information is not widely shared with all stakeholders, which could account for concerns raised by registrants.

17. Recommendation:

We recommend that Handi-Transit inform registrants about acceptable fare payment methods and procedures for non-payment disputes so that they are aware of applicable policy in the event of driver error.

Response from the City of Winnipeg:

Handi-Transit agrees. It will provide additional information related to fare payment methods and the fare payment dispute procedures in all its written materials on a go-forward basis and will include the information in the new user guide. Handi-Transit will include the information related to the fare policy (non-payment of fares) in the original eligibility letter to registrants.

Reduced Fares and Fare Payment

The complainant stated that it is unfair that registrants who choose to pay cash are ineligible for reduced rates on the fares for seniors, youth, and post-secondary students. Given what appeared to be an inherent unfairness in fare levels based on payment method, we asked Handi-Transit about its approach on this issue.

Handi-Transit advised that since 2016, it has accepted reduced fares regardless of payment method. Handi-Transit stated that while the term “reduced fare” is used somewhat interchangeably with a fare category, the correct terminology is a concessionary fare.

It stated that a reduction of that concessionary rate is available when one purchases a product such as tickets, passes or uses the FPA system, and as noted, rates are standardized between Winnipeg Transit's fixed-route system and Handi-Transit. Seniors and students, for example, are eligible for the reduced fare regardless of payment method, and there is a further reduction if they pay any way other than cash.

We note that youth, seniors and post-secondary students prove eligibility for reduced fares on fixed-route transit by showing identification when boarding. Handi-Transit registrants, like those on fixed-route, must prove their age or post-secondary enrollment for reduced fare eligibility. They do so on their application. Handi-Transit identifies the appropriate reduced fare category (senior, youth, post-secondary, etc.) on the driver schedules so that drivers know what fare to collect, regardless of payment method. Reduced fare rates are also noted in the FPA system so that registrants are charged the appropriate fare.

We find that Handi-Transit is reasonably equivalent to the fixed-route system in regard to fare payment and we accept the above explanations as reasonable and thorough. We suggest however, that Handi-Transit highlight information about fare levels and forms of payment, including FPA, in its public materials.

Operating Hours

The complainant expressed concerns about Handi-Transit's operating hours. It noted the operating hours are not as extensive as those on fixed-route transit, and as such, Handi-Transit does not offer reasonably equivalent service.

Specifically, the complainant relayed the following concerns:

- Handi-Transit services stop earlier in the day than public transit, and therefore do not afford individuals the same opportunity for transport
- Given the vulnerabilities of the population that Handi-Transit serves, and safety concerns that have arisen on trips, a supervisor or manager should be available in the Handi-Transit office 24 hours a day, seven days a week

Handi-Transit's operating hours are as follows:

Request a Trip

8:00 a.m. - 10:00 p.m. daily

Hours of Operation for Trips

Monday to Friday: 6:00 a.m. - 12:00 a.m. (midnight)

Saturday: 7:00 a.m. - 12:00 a.m. (midnight)

Sunday and Statutory Holidays: 8:00 a.m. - 10:00 p.m.

In addition, Handi-Transit makes special arrangements as needed for dialysis patients on statutory holidays.

Handi-Transit explained to us that beyond the general hours noted above that are publicized to clients, it operates an emergency after-hours line at these times:

Monday to Saturday: 6:00 a.m. - 12:30 a.m.

Sunday: 7:30 a.m. - 10:30 p.m.

Statutory Holidays: 7:00 a.m. - 10:30 p.m.

(the earlier start on statutory holidays is to accommodate dialysis patients whose first appointments start at 8:00 a.m.)

This emergency line and hours are not made public. Handi-Transit's after-hours emergency operation extends slightly longer than trips are provided to ensure that a fully trained employee is available for contact, if necessary, as long as a registrant is on board a vehicle. We were also told that after the Handi-Transit office closes, there is a supervisor on stand-by (from 4:00 p.m. – 12:30 a.m. Monday to Friday, and from 7:00 a.m. - 12:30 a.m. on Saturdays and from 7:00 a.m. – 10:30 p.m. on Sundays, and statutory holidays).

We find that the emergency after-hours line operates during a reasonable timeframe to meet its purpose of ensuring an emergency Handi-Transit contact person is available to registrants and drivers travelling on a Handi-Transit vehicle. However, we suggest that Handi-Transit inform registrants and the public about the after-hour emergency line.

The city also explained to us that it considers the Handi-Transit hours of operation reasonably equivalent to the fixed-route Winnipeg Transit service and that it is not aware of "any unmet demands from clients beyond its current operating hours."

We note that the fixed-route system's operating hours are slightly longer than Handi-Transit. The Winnipeg Transit website states that the buses run according to the following schedule:

365 days a year, usually from 6 a.m. until past midnight; although all routes do not operate seven days a week.

Handi-Transit advised that the last fixed-route bus from the downtown leaves at 1:38 a.m. on weekdays and Saturdays. The last ride provided by Handi-Transit is 12 a.m. from Monday to Saturday and 10 p.m. on Sundays and statutory holidays.

We were advised that routes and frequency of service in the fixed-route system are determined by several key factors: demand, ridership numbers, the network of streets in the neighbourhood (transit buses cannot travel on some Winnipeg streets) and areas of high density population. While it is clear that Winnipeg Transit operating hours vary between routes, it is also clear that at least some of the fixed transit routes operate longer than all Handi-Transit service.

We suggested that the city consider altering Handi-Transit's operating hours when there may be sufficient demand. We therefore asked Handi-Transit if it measures trip demand to determine if there is a need to increase operating hours in some or all of its service corridors.

In response, Handi-Transit advised that it monitors requests for trips outside current operating hours to ensure the service is meeting registrant needs. Handi-Transit noted that it reviews the two or three complaints it receives annually about its operating hours to determine if there is a need to change those hours. It indicated that on occasions like New Year's Eve, Handi-Transit extends its operating hours to 2:30 a.m. to match that of the fixed-route service.

We acknowledge that the operating hours between fixed-routes and Handi-Transit are not identical. However, after comparing the hours of operation and reviewing the explanation from the city, we cannot determine that the Handi-Transit operating hours are unreasonable in comparison to those of fixed-route transit.

Service Corridors

As we noted earlier, one of the main objectives of the 1994 Braid report was to define what "reasonably equivalent" meant in regards to a parallel public transportation service for persons with physical disabilities. As part of this consideration, council determined that Handi-Transit trips must originate and end within 500 metres of the fixed-route system. The 500 metre limit was reiterated in recommendations of the Handi-Transit Policy Advisory Committee in *Handi-Transit Policies and Procedures*, adopted by council October 18, 2000.

As a division of Winnipeg Transit, Handi-Transit operates in the same geographical area as the fixed-route system, and the origin and destination of trips must be within 500 metres of the fixed-route system. Handi-Transit service is provided to eligible registrants living outside the fixed-route transit service area (beyond 500 metres) as long as "they initiate and terminate their trip at a location within the service area."

The complainant stated that this limitation is unfair and restrictive. It cited an example of an individual denied service to his new suburban Winnipeg home because of this limitation. Handi-Transit advised that it measures distance from a residence to a fixed-route to be within 500 metres using a straight line, and not based on connecting roads, which follows industry standards.

As part of our previously referenced review of other Canadian paratransit systems, we found that of the twelve services we considered, nine provided a wider service corridor than Winnipeg.

Eight paratransit systems provided service based on city limits with no relation to the fixed-route system bus stops. Only one of the paratransit services we reviewed established its service parameters in relation to the fixed-route system, with Halifax defining its parameters within 1000 metres of conventional transit bus stops.

We also noted that the Americans with Disabilities Act requires service to be provided within a three-quarter mile corridor of fixed-route corridors, which is equivalent to 1206 metres, more than twice than the 500 metre corridor chosen by Winnipeg Transit.

Given the continuing expansion of Winnipeg suburbs and the need for paratransit service, we find the current service corridor limit of 500 metres to be unfairly restrictive.

18. Recommendation:

We recommend Handi-Transit abolish the 500 metre rule and provide service either within established city limits or within 1000 metres of conventional bus stops.

Response from the City of Winnipeg:

Handi-Transit is currently reviewing this policy. On May 1, 2018, the Standing Policy Committee on Infrastructure Renewal and Public Works (IRPW) directed Winnipeg Transit to report back to the committee on the estimated costs and the estimated increase in revenue to extend Handi-Transit service to all areas of Winnipeg. The report from Transit is due at the Standing Policy Committee on IRPW in September 2018.

Handi-Transit advised that the Transit report was presented to the committee on September 7, 2018 and the decision was made to refer the issue to the budget process for consideration for the 2019 budget. We acknowledge that this issue may have budget implications and would require council approval.

Services in French

An individual involved in the complaint stated that there should be French-speaking Handi-Transit representatives.

We note that the purpose of the City of Winnipeg's French Language Services policy, adopted by council on July 19, 1999 is to allow the citizens of Winnipeg to access city services in the French language.

Handi-Transit explained to us that French-speaking customer service representatives are available to allow registrants to communicate with Handi-Transit verbally in French. Handi-Transit also employs an occupational therapist who speaks French (and another who can converse in sign language.)

While French speaking Handi-Transit representatives are available to communicate with registrants in French, we note this is not advertised on the Handi-Transit website or in any public materials. We suggest that Handi Transit make such information publicly available, since it does not appear to be well-known to clients and the public that French-language speakers are available at Handi-Transit. We also suggest that going forward, Handi-Transit consider making its public information available in both English and French to comply with city policy.

Service Animals

We heard from individuals participating in the complaint that there have been occasions where uncertainty has arisen around whether or not service animals are allowed by Handi-Transit. They also indicated that there has been instances of unfair treatment when drivers refuse to accept a passenger with a service animal.

The Handi-Transit customer service representative (CSR) training manual states that guide or companion animals are not pets, but are working animals that assist persons with disabilities, much like other mobility aids, and therefore are allowed in all Handi-Transit vehicles.

The CSR manual states that guide animals must be pre-approved before riding on a Handi-Transit vehicle. When a CSR books a trip for a registrant with a service animal, a code is used in the IRide scheduling system that allocates space in the vehicle for the service animal.

The driver manual also refers to the above information, indicating that service animals are allowed in vehicles. It includes photos of service animals and their harnesses, along with guidance for drivers on how to properly and safely interact with service animals.

Based on the evidence we reviewed, we found that Handi-Transit provides clear direction for drivers and customer service representatives about allowing service animal transport. We could not conclude that Handi-Transit is providing unreliable service to passengers with service animals.

However, we propose that Handi-Transit makes information about service animals more widely available to the public. In our view, Handi-Transit should provide registrants information about service animals preferably in writing, including any information they need to navigate the system with their service animal and any relevant information from the driver and CSR manuals. We find it important to share such information so that as with other aspects of Handi-Transit, if clients know more about the service expectations and standards, they can better understand Handi-Transit decisions and raise concerns where appropriate.

Investigation: Transparency and Communication

Transparency and Communication

The complainant advised that Handi-Transit has unclear and inconsistent rules, and that information is not available on aspects of the service. Throughout this report we have noted areas where this lack of publicly available information, and/or information that has not been consistently relayed about the service, has resulted in registrants and the public being unable to use the system effectively.

In the course of this investigation, Handi-Transit provided us information about its rules, policies, practices, operations and statistics, including relevant manuals and presentations. We reviewed over 200 separate documents in addition to reviewing all the information on the Handi-Transit website.

We note that information on the website is clear and easy to navigate, but not nearly as comprehensive as the information provided in the driver and customer service representative (CSR) training manuals. We also note that there is no equivalent comprehensive riders' manual for registrants and their attendants. While Handi-Transit provides registrants with some information about driver responsibilities on the website and customer service representatives provide information to people directly over the phone, the printed Handi-Transit "user guide" we reviewed was a one-page brochure with very limited information and does not provide details about what registrants can expect from Handi-Transit services .

Throughout our investigation we also noted that Handi-Transit's rules, policies, guidelines and practices were not clearly conveyed to all the stakeholders involved in the service. There was little guidance, for example, available to drivers, CSRs and registrants about registrant requests for temperature control in vehicles, and radio channel and volume. While the driver manual provides thorough instructions to drivers about assistance and safety practices, this same information is not provided to registrants who may not understand some driver actions, such as walking with registrants door-to-door even after a registrant specifically declines driver assistance. We saw evidence of misunderstandings between registrants, drivers and customer service representatives, which might have been averted with better communication of policies, procedures and service standards to all stakeholders.

User Guide

As we noted previously, Handi-Transit provides a user's brochure to registrants and the public can access information about driver responsibilities and Handi-Transit standards on Handi-Transit's website. The service eligibility confirmation letter also outlines key practices registrants need to know to use the service. Handi-Transit advises that policies and practices are discussed during eligibility assessments and registrants can contact customer service representatives with questions. Handi-Transit also plans to produce a detailed user guide once it identifies all the new service procedures associated with the introduction of the new software. Handi-Transit acknowledged a problem with a comprehensive user guide is that it can become outdated very quickly and it needs resources to ensure that the information is consistently and continuously updated.

We note that this guide could be helpful for interested individuals and organizations so they can better understand Handi-Transit policies and procedures, and which policies are decided by city council and which are decided by the Handi-Transit administration.

Handi-Transit should proactively provide registrants more information about what to expect about the service from drivers, the level of assistance, and customer service standards for comfort in Handi-Transit vehicles. In our view, Handi-Transit should relay information to its registrants in various formats and not just rely on sharing information on the website, as not every individual is comfortable using technology or has internet access. Comprehensive user guides are helpful not only to registrants, but also to their caregivers and families.

19. Recommendation:

We recommend that Handi-Transit produce a comprehensive user guide.

Response from the City of Winnipeg:

Handi-Transit agrees and will start researching and compiling information to produce a comprehensive user guide for registrants.

We acknowledge that the implementation of this recommendation will require resources and will have a budget implication.

Suggested Information for the Public

As we noted throughout this report, Handi-Transit should ensure it makes information available to the public via the website, user guide and any other ways in which Handi-Transit interacts with its clients and stakeholders. Handi-Transit should consider consulting stakeholders on what information about the service would be most helpful.

We acknowledge that Handi-Transit's comprehensive user guide is pending completion. We note that in the city's responses to our recommendations about enhanced information sharing, it has committed to provide more public information and direct correspondence with registrants on some topics in the meantime. While the user guide is pending completion, the following are the areas we noted in our report that we believe should be better communicated:

- the inactive account policy
- further explanation of the rationale for, and determination of, the need for mandatory attendants
- the availability of visitor services, including information about the process to obtain visitor services and associated timelines
- Handi-Transit's complaint process, including how to make a complaint via phone, email, letter, and elected representatives, including how to dispute no show charges
- registrant rights related to issues such as vehicle temperature, radio, and complaint process about driver conduct
- requirements and standards for securements, including blue transit loops and what testing and specifications pertain to these particular securement devices
- driver fines for infractions relating to service and conduct
- the audio and visual recording that occurs in all Handi-Transit vehicles
- driver and vehicle identification requirements
- driver responsibilities at pick up and drop off, such as what is meant by drivers being required to "offer assistance"
- driver responsibilities in the event of a locked drop off location
- the quality assurance process including vehicle inspections, penalties and fines
- the vehicle safety certificate requirements
- availability of services in French
- the after-hour emergency line
- service animals

Suggested Information for Handi-Transit Service Providers

We similarly note the following areas where information should be enhanced for drivers and/or customer service representatives, so that individuals providing front-line service delivery have additional clarity about their roles and responsibilities. Handi-Transit should:

- Provide a summary of driver responsibilities in an “at a glance format” and possibly in a format for ease of reference for drivers while on duty.
- Emphasize the location and use of the easy reference lists Handi-Transit developed in the driver manual, such as the safety securement checklist and pre-trip inspection checklist.
- For easier reference, emphasize the information in the checklists of the driver manual’s disability awareness chapter, in either a quick reference section of the manual, or as a stand-alone appendix.
- Emphasize that personal calls are not allowed while transporting passengers, even with hands free technology.
- Ensure the driver manual revisions to be made in anticipation of the next driver training class include clarification for drivers on subjects including gratuities, scent policy, radio use, and video camera policies and procedures. Include information about the audio/visual recording system, its use and purpose in regards to conducting investigations, and details about the equipment.
- Ensure that information about sexual harassment contained at page 80 of the 2012 manual is included in future versions of the driver manual. Also consider including the statement and information that was provided in chapter 8 of the May 2016 draft driver manual.
- Ensure drivers and contractors are aware of the need for rigorous compliance with vehicle inspection requirements and requirements for audio/visual equipment repair.
- Ensure contractors are aware of vehicle inspection requirements and the need to provide vehicle safety certificates. Include information about how the alert system will work with the new computer software to provide reminders when inspections are due.
- Restore information on breach of contract provisions to the driver manual to help drivers understand that the contractor is ultimately responsible for vehicle condition.
- Add information to the driver manual highlighting the steps drivers must take in the event of a locked drop off location, possibly in the section on frequently asked questions.

- Consider restoring the list to the driver manual of designated locations for drop off and pick up at larger facilities, or include a link in the driver manual to the online list.
- Include the service animal information from the 2012 driver manual to the current driver manual.
- Ensure that the internal no show fine process is clearly outlined in information for all drivers and Handi-Transit staff.

In its response to some of our recommendations, we note that Handi-Transit has already taken steps to enhance information it provides to drivers.

Transparency

As part of the complaint, it was noted that it is difficult to access public information about Handi-Transit standards. When we asked Handi-Transit what information it provides the public about its operations, it advised that both fixed-route and Handi-Transit operational information is publicly available in the budget document that goes to city council and is published every year. All Handi-Transit request for proposal information is also public and available online.

Handi-Transit also reports to the Canadian Urban Transit Association, but access to that information is limited to members of the association. While it may be possible to obtain the information through an access to information request under the Freedom of Information and Protection of Privacy Act, the process can be time consuming and Handi-Transit registrants may not be aware of that option.

We acknowledge the role of individuals on the Handi-Transit Public Advisory Committee (PAC) as a means of disseminating information to stakeholder groups. Handi-Transit confirmed that it provides PAC updated operational statistics annually. However, individuals and organizations outside the PAC may also benefit from increased information about Handi-Transit.

Given these limitations, we find that Handi-Transit could enhance transparency of its operations and standards. Handi-Transit's commitment to produce a comprehensive user guide is a positive development that should help to address these limitations.

Planning

With respect to general operating considerations, we acknowledge that a paratransit service is a complex and changing system. Demographics point to an aging population that could put pressure on the transit system. The variety of individual needs means that

services must be delivered with some flexibility. Technological improvements and increased accessibility of fixed-route transit increase the options for how paratransit is delivered and supported.

Given all of these factors, we suggested that Handi-Transit and the City of Winnipeg develop a well-researched plan for how the city will deliver paratransit in the future, including the service model and fleet, technology and funding requirements. To that end, Handi-Transit advised us that in conjunction with the city's current review of *Our Winnipeg* and the *City of Winnipeg Transportation Master Plan*, Winnipeg Transit is in the process of issuing a request for proposals for the development of a Transit Service Master Plan for all components of public transit, including fixed-route transit, paratransit, rapid transit and Dial a Ride Transit (DART)¹⁵. We find this planned review to be a positive development.

¹⁵DART operates accessible fixed-route transit buses in certain Winnipeg suburbs that transport passengers in off peak hours (upon request only). Information about DART is on the Winnipeg Transit website.