

Ontario Human Rights Commission  
180 Dundas Street West, 7<sup>th</sup> Floor  
Toronto, Ontario  
M7A 2R9

January 5, 2009

**Chief Commissioner: Barbara Hall**

**OPEN LETTER:**

**Re: (2005 HRTO 36 *Lepofsky v. Toronto Transit Commission*).**

Two weeks ago our employer, Grand River Transit in the Region of Waterloo handed us, at the request of your commission, a directive to manually call all bus stops. Although we support the accessibility act and accessibility for the visually impaired on our transit systems, we do not support the manual calling out of stops imposed upon transit drivers. The decision to force transportation providers to accommodate the visually impaired by implementing manual calling out of stops puts every transit driver's health and safety at increased risk.

Some of the health issues experienced by transit drivers which previously did not impair their ability to perform their job, will now cause undue hardship and put them at risk of greater injury. Following is just a small example of health disorders and the increased risks associated with this accessibility practice:

1. Voice Misuse and Overuse
  - 1.1. Speaking is a physical task that requires coordination of breathing with the use of several muscle groups. Voice misuse and overuse puts you at risk for developing benign vocal cord lesions or a vocal cord hemorrhage.
2. Benign Vocal Cord Lesions
  - 2.1. Most often caused by voice misuse or overuse, which causes trauma to the vocal cords. These lesions (or "bumps") on the vocal cord(s) alter vocal cord vibration and lead to hoarseness. These types of problems typically require microsurgical treatment for cure, with voice therapy employed in a combined treatment approach in some cases.
3. Acute Laryngitis
  - 3.1. Anyone sick with a viral infection that leads to swelling of the vocal cords will be unable to perform their job. The best treatment for this condition is to stay well hydrated and to rest or reduce your voice use.
4. Chronic Laryngitis
  - 4.1. Anyone suffering from acid reflux disease, exposure to irritating substances such as smoke, or low grade infections such as yeast infections of the vocal cords in people using inhalers for asthma will be put at risk. Chemotherapy patients or others whose immune system is not working well can get these infections too.
5. Vocal Cord Hemorrhage
  - 5.1. Yelling, shouting, or other strenuous vocal tasks resulting in a sudden loss of voice can cause a vocal cord hemorrhage. It is considered a vocal emergency and is treated with absolute voice rest until the hemorrhage resolves.

6. Anyone suffering from asthma, allergies, high blood pressure, depression, menopause, hypothyroidism or require prescription medications will be put at an increased risk of developing voice disorders by following this practice.

6.1. Medications from the following groups can adversely affect the voice:

- Antidepressants
- Muscle relaxants
- Diuretics
- Antihypertensive (blood pressure medication)
- Antihistamines (allergy medications)
- Anticholinergics (asthma medications)
- High-dose Vitamin C (greater than five grams per day)
- Other medications and associated conditions that may affect the voice include:
- Angiotensin-converting-enzyme (ACE) inhibitors (blood pressure medication) may induce a cough or excessive throat clearing in as many as 10 percent of patients. Coughing or excessive throat clearing can contribute to vocal cord lesions.
- Non-steroidal anti inflammatories (such as Naproxen) Vocal performers, particularly, should be cautious about using medications that decrease platelet function during periods of strenuous voicing demands, due to an increased possibility of vocal fold haemorrhage.
- Estrogen replacement therapy post-menopause may have a variable effect.
- An inadequate level of thyroid replacement medication in patients with hypothyroidism.
- Anticoagulants (blood thinners) may increase chances of vocal cord hemorrhage or polyp formation in response to trauma.
- Some medications including prescription, over-the-counter, and herbal supplements can affect the function of your voice.

Public Transit operators already suffer from a higher mortality rate: "Epidemiological data from samples in several different countries consistently find urban bus drivers among the most unhealthy of occupational groups, particularly with respect to cardiovascular, gastrointestinal and musculoskeletal disorders," researchers reported. "Further, cardiovascular mortality rates are directly linked to years of service as a driver."

Bus drivers are prone to increased blood pressure and higher levels of stress hormones -- factors that contribute to sickness and death from heart and blood vessel problems. Drivers are exposed to whole-body vibration, diesel exhaust, and noise while keeping themselves in a combat-like state of vigilance in order to deal with their work environment. Bus drivers must adhere to a ruthless schedule of stops and extreme levels of concentration and memory. Add to that the sedentary nature of their jobs and the likelihood that, ruled by their schedules, they are apt not to eat the right foods, to drink enough water, or even to relieve themselves when they should. All these factors contribute to a higher risk of developing vocal disorders through existing health conditions, voice misuse and overuse by the requirement of manual calling of bus stops.

This will increase costs associated with absenteeism. Those who do not have sick time or benefits and cannot afford the loss of pay will be forced to work and therefore subjected to serious injury to the vocal cords which can result from strenuous voice use. Those with existing medical conditions or disabilities will be forced to leave their jobs.

Personally, we think it is irresponsible that the human rights commission did not research this profession or take these risks into consideration before enforcing this accessibility requirement. At least we can empathize with the visually impaired, despite their inability to empathize with those who have disabilities in our chosen profession.

To have a tribunal with the OHRC agree with the following statement: "I'm not asking any transit system to buy a single piece of hardware; it's a simple thing to do. Call out the stops. It costs nothing." (David Lepofsky: The Observer) is narrow minded and simplistic. Telling transit systems across the province that all stops must be announced by June 30, 2008 at whatever cost is totally negligent, appalling and completely discriminatory to those in the transit industry who also suffer from disabilities under Sections 10, 11 and 17 of the Human rights code.

What provisions are in place for service providers with voice or communication disabilities and other medical conditions or medication use which can contribute to or cause adverse effects on our vocal folds? Are they now to lose their job because they cannot meet the requirements of manual bus stop announcements? There are no bona fide requirements in the public transportation industry for voice use or associated disabilities and health issues affecting voice use. You state that: "We are happy to have been able to work cooperatively with transit providers to resolve this issue, rather than having to resort to the complaint process." This issue was never a collaborative process ensuring the rights of all concerned.

Section I of the Human Rights Code states: Every person has a right to equal treatment with respect to services, goods and facilities, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability. R.S.O. 1990, c. H.19, s. 1; 1999, c. 6, s. 28 (1); 2001, c. 32, s. 27 (1); 2005, c. 5, s. 32 (1).

By enforcing the manual call out of stops, this decision discriminates against whole classes of people with disabilities other than sight impairment. If these are the types of human rights we can expect from this authority then it seems the Human Rights Act has no purpose other than to rob Peter to pay Paul.

A clearly equal solution for all would be to stop the manual call out of stops and require the implementation of a fully automated system. Not only would this accommodate the visually impaired and hearing impaired, but also the thousands of transportation service providers suffering from disabilities and medical conditions related to their profession. Please act accordingly.

Sincerely,



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## Resources

Strategies for preventing job stress: Centers for Disease Control and Prevention  
<http://www.cdc.gov/niosh/stresrel.html>

Stress at work: National Institute for Occupational Safety and Health (NIOSH)  
<http://www.cdc.gov/niosh/stresswk.html>

Work-related musculoskeletal disorders: NIOSH  
<http://www.cdc.gov/niosh/muskdsfs.html>

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<http://www.entnet.org/HealthInformation/commonvoiceproblems.cfm>

<http://www.cdc.gov/niosh/hhe/reports/pdfs/1999-0320-2791.pdf>