



Taxicab Advisory Committee
East York Civic Centre
850 Coxwell Avenue, 2nd Floor
East York, Ontario
Canada M4C 5R1
Reply to:
Marbeth Greer
Committee Secretary
Phone: 416-392-3073
Fax: 416-392-4974
E-mail: mgreer@toronto.ca

Chair: Sajid Mughal
Vice-Chair: Gurmail Singh Dhir

August 26, 2003

To: Planning and Transportation Committee
From: Chair, Taxicab Advisory Committee
Subject: Taxicab Driver Bill of Rights

Recommendations:

It is recommended that:

1. the Planning and Transportation Committee endorse and adopt the Taxicab Driver Bill of Rights, agreed upon by TAC at its meeting on August 25, 2003, attached as Appendix 'A', and
2. the Taxicab Driver Bill of Rights be posted prominently in all taxicabs as a complement to the existing Passenger Bill of Rights, and
3. the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Background:

At its meeting held on September 23, 2002, the Taxicab Advisory Committee (TAC) adopted a Taxicab Driver Bill of Rights, in principle, and requested the Chair to set up a work group to develop its contents and form and report back to TAC, taking into consideration all the suggestions put forward by the deputants. The Work Group met on June 18, 2003, and the results of its deliberations are documented below.

Comments:

General Rationale for Taxicab Driver Bill of Rights:

Although the Toronto Municipal Code, Chapter 545 lays out the driver's rights and obligations while operating his taxicab, the passenger is often not aware of them because they are not posted in the Taxicab.

The primary purpose of this Taxicab Driver Bill of Rights is to ensure the customer is aware of the driver's by-law rights regarding specific situations that routinely arise, so as to alleviate any confusion that may result in a confrontational episode.

In point of fact, one of the most frequent (and avoidable) sources of friction results when a taxicab driver refuses to honor a request of a passenger, citing that it would result in a breach of the by-laws. Without the specific by-law handy to point to for reference, the passenger often takes our refusal personally.

For instance: we are frequently asked to take more passengers than the vehicle is rated for, and it often becomes confrontational when the driver refuses to do so. Although we explain that we are not allowed by law to exceed the manufacturer's rated seating capacity (no more passengers than the vehicle has seatbelts - four plus the driver in a sedan), they generally do not believe us and cite as proof that many other cabs have taken them before...they take it personally and particularly if they have just come from a bar - there are documented instances where a driver has been beaten up because he refused to service 5 people who had jumped into his cab.

If the specific by-law was there in black and white on the Bill of Rights, along with the warning that the Police may be called upon to intervene, we could point it out and help diffuse the situation.

Similarly: we are often asked by passengers for a flat rate fare for trips within the City limits and when the driver refuses citing that the by-laws do not allow this, a dispute often arises. Once again, as in the example above, because other cabs have given them flat rates previously, customers do not always believe us when we tell them it is illegal.

If it was clearly spelled out in print on the Bill of Rights, it would substantiate our position and remove any doubt.

These are but two examples of the potentially volatile situations that drivers encounter on a daily basis. As you will see from the contents of the Taxicab Driver Bill of Rights, there are many other circumstances where the by-laws need to be clearly noted.

Specific Considerations:

The Bill of Rights attached as Appendix 'A' is a judicious selection of existing by-laws compiled into an appropriate format, and as such would not require amendments to existing bylaws to implement (the specific by-law references are included for informational purposes).

However, a special notation is required for items 2, 4, and 5 in Appendix 'A'.

Item (2): Makes racial, or other derogatory comments/gestures towards the driver

This wording is not specifically in the by-law, but derives legitimately from an expanded view or definition of the wording 'obnoxious or abusive' contained in item number one (545-148K(3)(d))

Given the diverse ethnic makeup of the driving community, and the frequency with which drivers report that they encounter such behavior, the relevance and necessity for this item can not be questioned. It demands special recognition and emphasis as a stand alone item - nobody should have to tolerate this sort of behavior.

Item (4): Has an animal (guide dogs excepted (545-5(D)))

The general reference to animals (acknowledging that the exemption with respect to guide dogs is absolute) is not specifically in the by-laws but is really just an affirmation of the obvious fact that we are licensed to carry people.

Given that many drivers are concerned about their upholstery being soiled, suffer from allergies, or for cultural and/or religious reasons view certain animals from a different perspective, it is necessary as a separate stand alone item in order to alleviate any possible confusion that may arise. At present, when there is a radio dispatched order for a passenger with an animal (guide dogs excepted) it is the driver's option – this item will simply make the situation clear when dealing with street pickups.

Item (5): Wants to Smoke, (545-148(c)(1)), Eat, or Drink in the Taxi without the drivers explicit consent.

Although the smoking reference is specifically in the by-laws, the "eat or drink" is not and yet once again it is really just a re-enforcement of the obvious - and that is that we are licensed to carry people and are not an eatery on wheels.

As these specific activities may end up staining the vehicle's upholstery, or result in garbage being left behind in the taxi, it should be included specifically to ensure that there is no confusion at street level.

Format of the Bill of Rights

The layout of the Taxicab Drivers Bill of Rights attached is informational and may need to be reformatted for practical considerations. However, the information contained within, and the numbering of items for easy indication to the customer should be retained.

Conclusion:

Driving a taxi is dangerous work. If potentially confrontational situations can be diffused, or avoided altogether by having this compilation of existing by-laws clearly visible within the taxicab, then the Taxicab Driver Bill of Rights should be endorsed and adopted.

Sajid Mughal, Chair
Taxicab Advisory Committee

Attachment: Appendix 'A' – Taxicab Driver Bill of Rights

- c. Members of TAC
 - Executive Director, Municipal Licensing and Standards
 - Director, Taxi Industry Unit
 - Interested Persons

Appendix 'A'

Taxicab Driver Bill of Rights

This Vehicle and Driver are licensed by the City of Toronto to provide taxi service and may be equipped with a two-way radio pursuant to a private contract with a radio Dispatch Company.

To ensure that the driver performs his duties in a safe and professional manner, please do not distract the driver while operating this vehicle.

THE DRIVER MAY REFUSE TO SERVICE (or continue to service) a passenger(s) who:

- 1) Is unduly obnoxious or abusive (545 -148K(3)(d))
- 2) Makes racial or derogatory comments/gestures towards the driver
- 3) Requests a Flat Rate for trips within the City limits (545-150(A)(B))
- 4) Has an animal (guide dogs excepted) (545 -5(D))
- 5) Wants to Smoke (545-148 (C) (1)), Eat, or Drink in the Taxi without drivers explicit consent
- 6) Wants to exceed the vehicle manufacturer's rating for seating capacity (545-148(A))
- 7) Refuses to disclose their final destination upon request (545-148K(3)(b))
- 8) Asks to be driven to a remote place in circumstances the driver reasonably believes to be unsafe (545-K(3)(c))
- 9) Owes the driver for a previous fare or service (545-K(3)(a))
- 10) Wants to engage the cab while the driver is on a call or is off duty (545-148K(6)(7))
- 11) Wants to pay with a bill larger than \$20.00 (545-150(I))
- 12) Requests/demands that the driver break traffic laws, or any other laws

AND THE DRIVER MAY SEEK POLICE ASSISTANCE to resolve any dispute that arises or have offending passenger(s) removed from his taxicab. (545-148(K)(4))

Notations in brackets reference Toronto Municipal Code – Chapter 545, and are for informational purposes