

NOTICE OF PROPOSED RULE MAKING (NPRM)

NO. GCAA/NPRM/1/15

SUBJECT: REVISIONS TO THE PROVISIONS FOR THE CARRIAGE BY AIR OF PERSONS WITH DISABILITY

SUMMARY

This proposed Directive would update existing provisions in the Ghana Civil Aviation (Safety) Regulations, L.I.2000 with respect to facilitation for persons with reduced mobility at all airports serving civil aviation in Ghana, and the carriage of the persons with reduced mobility by Ghanaian registered air carriers . The provisions take into cognisance, local statutes as well as current procedures and policies outlined by the International Civil Aviation Organisation.

COMMENTS

1. Comments from airlines, ground handlers and the airport operator are expected to be received during the stakeholders meeting scheduled for Friday 20 November 2015.
2. Comments from the Ghana Society for the Physically Disabled as well as the National Committee and other stakeholders will be received and discussed during the stakeholders forum scheduled for Friday 27 November 2015



TECHNICAL DIRECTIVE ON HANDLING OF PERSONS WITH DISABILITIES

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1.0 GENERAL PROVISIONS

1.1 Purpose:

1.1.1. The purpose of this Technical Directive is to supplement the provisions of the Ghana Civil Aviation (Safety) Regulations LI 2000.

1.2 Applicability.

- 1.2.1 This Technical Directive shall apply to all Ghanaian registered Air Carriers, Airport Operators, Ground Handlers, Security Profiling firms, Immigration, Ghana Revenue Authority (Customs Division), Tenant Restricted Area Operators, Restaurant Operators and all other service providers at airports serving civil aviation.
- 1.2.2 These Directives shall come into force one (1) month from the date of publication.
- 1.2.3 Notwithstanding sub-paragraph 1.2.2, provisions with respect to the reconfiguration of aircrafts shall be applicable one (1) year from the date of publication.

1.3 Definitions

- 1.3.1 **Aircraft Operator** - A person, organization or enterprise engaged in or offering to engage in an aircraft operation. For the purposes of this Technical Directive, the term also includes operators operating under code sharing and wet-leasing arrangements.
- 1.3.2 **Person with Disabilities** - Any person whose mobility is reduced due to a physical or mental impairment (sensory or locomotor), an intellectual disability, age, illness or any other cause of disability when using transport and whose situation needs special attention and the adaptation to the person's needs of the services made available to all passengers.
- 1.3.3 **Physical or Mental Impairments**- Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory including speech organs, cardio-vascular, reproductive, digestive, genital-urinary, hemic and lymphatic, skin, and endocrine; or

Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

1.3.4 The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction, and alcoholism.

1.3.5 **Seamless Service** - The service provided at the request of persons with disabilities shall be professional with no points at which such persons may be left stranded or without assistance.

Seamless is a concept that includes a comfortable, safe and uninterrupted journey, with the provision of assistance that is adapted to the needs of each individual person with disabilities.

The Authority encourages aircraft, airport operators and travel agents to use common definitions for different categories of persons with disabilities. Such entities shall follow the standard system of classification and codification developed by the International Air Transport Association (IATA) for this purpose, as amended from time to time.

2.0 FACILITATION

2.1 ACCESSIBLE AIR TRAVEL

2.1.1 All procedures forming part of an air travel journey, including reservations, check-in, immigration and customs, security clearances, transfers within airports, embarkation and disembarkation, departure, carriage and arrival shall be adapted to the needs of persons with disabilities in order to facilitate the clearance and air transportation of such persons in a dignified manner.

2.1.2 In some instances, the Aircraft Operator with whom the passenger enters into a contract of carriage may be a separate entity from the actual Aircraft Operator. Aircraft Operators shall ensure, as far as possible, that the services that they provide to persons with disabilities are also provided by the operator that operates their flights.

2.1.3 Aircraft operators and travel agents shall ensure that the information they receive from travelers with disabilities regarding their disability-related needs is communicated to the departments, teams and organizations that will deliver the relevant assistance, such as airport operators and ground handling companies.

2.2 NO REFUSAL OF CARRIAGE EXCEPT FOR SAFETY REASONS

2.2.1 Aircraft operators shall not refuse to transport persons with disabilities on the basis of their disabilities except for safety requirements as specified in the Ghana Civil Aviation (Safety) Regulations, LI 2000.

2.2.2 In addition to the provisions captured in the Ghana Civil Aviation (Safety) Regulations, LI 2000, Airline and Aircraft Operators may refuse carriage of Persons with Disabilities for the following reasons:

- (i) If the size of the aircraft or its doors makes the embarkation or carriage of that person with disability or person with reduced mobility physically impossible.
- (ii) If the medical condition of the person with disability endangers the health and safety of the cabin crew and other passengers.
- (iii) Where the person with disability is not accompanied by an attendant and would require an unreasonable level of assistance from the cabin crew.

2.2.3 An air carrier or its agent shall make publicly available, in accessible formats and in at least the same languages as the

information made available to other passengers, any restrictions on their carriage or on that of mobility equipment due to the size of aircraft.

2.2.4 When an air carrier or its agent or a tour operator exercises a derogation under paragraphs 2.2.1 or 2.2.2, it shall immediately inform the person with disability or person with reduced mobility of the reasons therefor. An air carrier, its agent or a tour operator shall communicate these reasons in writing to the person with disability, within ten working days of the refusal.

2.3 WHEELCHAIRS

2.3.1 Airport and aircraft operators as well as ground handlers shall provide wheelchairs, upon request, at airports to persons with disabilities to ensure seamless transportation from their arrival at an airport to the time of boarding an aircraft, and from the point of disembarkation to their exit from an airport. Adequate information shall be available to passengers about the availability of wheelchairs, and whether the airport or aircraft operator needs advance notification to provide wheelchair service. Passengers shall be able to remain in their personal wheelchair up to the departure gate and receive it upon disembarking wherever this is possible.

2.3.2 An aircraft with accessible washroom facilities shall be equipped with an on-board wheelchair. An aircraft that is not equipped with accessible washrooms shall carry an on-board wheelchair when a person with disabilities requests one, subject to the aircraft having the capacity to stow and restrain such equipment.

2.3.3 For aircraft equipped with movable aisle armrests as required by this paragraph, carriers shall configure cabins, or establish administrative systems, to ensure that individuals with mobility impairments or other persons with disabilities can readily obtain seating in rows with movable aisle armrests.

2.3.4 On-board wheelchairs shall be designed to permit the easy transfer of an occupant and easy manoeuvring of the wheelchair. On-board wheelchairs shall include footrests and armrests that are moveable or removable, an occupant restraint device, and wheel locks or other adequate means to prevent the chair from moving during transfer or turbulence.

2.3.5 An aircraft with more than 60 passenger seats having an accessible lavatory, whether or not required to have such a lavatory by paragraph 2.3.2 of this section, shall be equipped with an operable on-board wheelchair for the use of passengers.

2.3.6 The carrier shall ensure that an operable on-board wheelchair is provided for a flight using an aircraft with more than 60 passenger seats on the request (with advance notice as provided in 5.0) of a qualified individual with a disability who represents to the carrier that he or she is able to use an inaccessible lavatory but is unable to reach the lavatory from a seat without the use of an on-board wheelchair.

2.4 SEATING

2.4.1 Airport or aircraft operators shall provide persons with disabilities with seating in passenger service areas under their control where there may be long waiting lines or times, including at ticket sales counters, check-in counters, security screening points, customs areas, and baggage retrieval areas. Seating shall not be placed where it blocks evacuation routes.

2.5 LEAVING PERSONS WITH DISABILITIES UNATTENDED

2.5.1 When a person using a wheelchair who is not independently mobile must await assistance with boarding or disembarking, the airport or aircraft operator staff and ground handlers, as appropriate, shall be in frequent (e.g. every 30 minutes) contact with the person to advise them of the status of the request for assistance and to enquire about the person's needs.

3.0 TRAINING

3.1 GENERAL PRINCIPLES

3.1.1 Training for all staff in the chain of the air travel service delivery is vital for providing quality service to persons with disabilities in a consistent and respectful manner. It is essential that staffs know their responsibilities and are able to perform them. Training shall address the attitudinal, environmental/physical and organizational barriers that affect persons with disabilities in air transportation. Training should prepare staff to provide assistance to persons with disabilities in a manner that respects their dignity, and as a professional service to which the person is entitled, rather than as a favour or compassionate gesture.

3.1.2 The training shall comply with the guidelines provided by the Authority.

4.0 RESERVATION ASSISTANCE

4.1 Travel Agents, tour operators and aircraft operator employees or contractors shall actively enquire during booking transactions whether there will be anyone in the party who may require assistance at the airport and/or in flight.

4.2 For bookings made online, there shall be an appropriate field where the required assistance can be noted. If this is not possible and can only be done by telephone, a contact number shall be provided.

4.3 When a reservation for a person with disabilities is being made, and such disability and the assistance required is made known to the aircraft operator, the latter shall provide information to the person with disabilities on the assistance that it is required to provide, and the accessibility features of the aircraft or service limitations, whether or not such information is specifically requested.

4.4 Aircraft operators shall request the dimensions of any foldable mobility aids at the time of booking to ensure that if they cannot carry a mobility aid, or if a mobility equipment requires special handling (e.g. a

powered wheelchair that requires the battery to be isolated), such information is communicated as soon as possible to passengers, in order for them to make alternative arrangements, if needed.

4.5 If a change in aircraft before a flight's departure results in the aircraft operator not being able to accommodate a passenger's wheelchair in the cargo hold, the aircraft operator shall offer the passenger alternative transportation at a different time or refund the fare where there is no alternative.

4.6 Travel Agents and Aircraft Operators shall advise passengers on the limits of an aircraft operator's liability regarding the carriage of mobility aids, so that persons with disabilities can consider taking out their own insurance. Travel Agents and Aircraft Operators shall also advise passengers of the current status of safety, security, and hazardous material restrictions, as these could impact on the carriage of medical devices or mobility aids.

4.7 Information requested in this paragraph shall also be made available online by the Aircraft Operator.

5.0 ADVANCE NOTICE

5.1 Persons with disabilities requesting special assistance shall be encouraged to inform the aircraft operator or travel agent of their needs at the time of booking of a flight or as early as possible in advance of the flight.

5.2 Aircraft and airport operators shall ensure that services are provided to persons with disabilities as long as a request is made at least 48 hours prior to departure.

6.0 Pre-journey

6.1 Persons with disabilities who wish to travel on short notice shall not be prevented from travelling if they are unable to provide advance notice. Aircraft and airport operators shall make all reasonable efforts to accommodate the needs of persons with disabilities who do not provide advance notice of 48 hours.

6.2 Aircraft Operators shall ensure they have adequate procedures in their operational manuals to accommodate these situations.

7.0 SELF – IDENTIFICATION

7.1 Persons with disabilities shall not be required to identify themselves when they do not require disability related services.

7.2 However, when persons with disabilities do require such services, or when required for safety purposes, it is important that they identify their needs to the aircraft or airport operator.

7.3 Aircraft and airport operators shall publicise the services available to persons with disabilities and the advantages of persons identifying their needs in advance of travel.

8.0 TRAVELLING WITH AN ASSISTANT

8.1 The onus shall be on an aircraft operator to determine whether the person with disability requires assistance from an attendant [on medical grounds]. However, where the passenger objects to this assessment, he or she shall provide an authentic Fit to Travel Certificate from a registered Medical Practitioner.

8.2 As aircraft operators do not provide personal care (e.g. assistance in the washroom or with eating); some persons with disabilities who require such care will need to travel with an assistant who can provide personal care during the flight. However, an aircraft operator's concern that a person with disabilities may need personal care shall not be reason enough for it to impose a requirement to travel with an assistant; rather, a person's self-assessment of his or her personal care needs shall be accepted provided the person with disability executes a waiver or an indemnity provided by the aircraft operator.

8.3 An assistant travelling with a person with disabilities shall be seated with that person.

9.0 SEAT RESERVATIONS — GENERAL

9.1 Aircraft operators shall have seats that are designated as accessible for persons with disabilities. Aircraft operators may choose to block

these seats until close to the time of departure and shall ensure that they are the last seats assigned to other passengers. Seats shall be reassigned, if necessary, to ensure that persons with disabilities have appropriate seating. Aircraft operators that charge for advanced seat selection shall waive the charge for a person with disabilities in order that the latter may select the seat that best meets his or her needs.

9.2 Aircraft operators are encouraged to provide persons with disabilities alternative seating, if available, where this can better meet their needs.

9.3 When a person identifies the nature of his or her disability, the aircraft operator shall, before assigning that passenger a seat, inform the passenger of those available seats that are most accessible and then establish with that passenger an appropriate seat assignment (e.g. movable armrests, additional legroom, near washroom, adjacent seating for the person with disabilities and the assistant), subject to safety regulations. Where seats are not allocated in advance, the person shall be able to pre-board and choose the seat which best meets his or her needs, if available, subject to safety regulations.

10.0 REVIEW OF PROCESSES

10.1 Airport and aircraft operators as well as ground handlers shall ensure that they continually review their processes related to the provision of services to persons with disabilities so that services are consistently improved and take account of new practices and technologies. Feedback from persons with disabilities shall be sought to help inform this review.

10.2 The revised process shall be approved by the Authority.

11.0 CARRIAGE OF MOBILITY AIDS AND ASSISTIVE DEVICES

11.1 Mobility aids and assistive devices shall be accepted in addition to an aircraft operator's standard baggage allowance for both cabin and hold baggage. Mobility aids and assistive devices shall be accepted free of charge.

11.2 Aircraft operators shall permit the carriage, where stowage space permits, of manually operated folding wheelchairs and small disability

aids in a passenger cabin. Mobility aids shall take priority in the cabin over other passengers' cabin baggage.

11.3 If wheelchairs cannot be carried in a passenger cabin, aircraft operators shall accept them for carriage in the cargo hold and promptly return them at the passenger's destination.

11.4 Wheelchairs and mobility aids shall be the last items to be stowed in an aircraft cargo hold and the first items to be removed.

11.5 Batteries may need to be removed from battery-operated wheelchairs or mobility aids and packaged in accordance with the Authority's Regulations.

11.6 If it is necessary to disassemble and package a mobility aid, aircraft operators shall then unpackage and reassemble the aid and return it as quickly as possible to the person with disabilities. Mobility aids shall be returned to passengers in the same condition in which they were received. Aircraft operators and ground handlers shall encourage passengers to provide instructions regarding the disassembly and assembly of their mobility aids.

12.0 SIGNAGE ON BOARD

12.1 Signage shall be positioned so as to avoid shadows and glare. Characters and symbols shall be presented in contrasting colours (light on dark or dark on light). Letters shall be in sans serif font. If symbols and pictograms are supplemented with Braille, the code shall be located under the symbols or pictograms.

13.0 SEAT ALLOCATION

13.1 Persons with disabilities shall be assigned seats that meet their needs, subject to safety requirements, for instance a seat with a movable armrest for a passenger who cannot easily transfer over a fixed aisle armrest; a seat that provides additional leg room for a passenger who cannot bend his or her leg; or a seat close to a washroom or exit for a passenger with a mobility impairment. Once seats have been assigned, persons with disabilities shall not be moved from the seats that are most appropriate for them, other than for safety

reasons. In the event of an equipment change, persons with disabilities shall be reassigned to an appropriate seat.

13.2 Aircraft operators shall have seats that are designated as accessible for persons with disabilities. Seats shall be reassigned, if necessary, to ensure that persons with disabilities have appropriate seating. Aircraft operators may wish to block accessible seats in order to ensure that they are available for persons with disabilities. If a person with disabilities requests a seat with less than 24 hours' notice in advance of the flight, aircraft operators shall accommodate the needs of the person with disability subject to safety requirements.

14.0 MOVING THROUGH THE CABIN

14.1 Aircraft operators shall provide assistance to persons with disabilities in moving to and from an aircraft washroom. Such assistance shall not include hand-carrying the person.

15.0 SERVICES NOT REQUIRED OF OPERATORS

15.1 Aircraft operators are not required to provide personal care assistance to persons with disabilities.

15.2 Examples of personal care assistance include the following:

- a) Assistance with eating
- b) Assistance in a washroom or with elimination functions and
- c) Provision of medical services, including administration of medication.

15.3 Airport and aircraft operators, including airport ground handlers and aircraft operators that self-handle, should ensure that boarding equipment that provides for the safe and dignified boarding and disembarking of persons with disabilities is available for use at their terminals. Airport operators, aircraft operators and ground handlers shall ensure that boarding equipment is properly maintained.

15.4 Aircraft operators shall be encouraged to use hand-carrying as a method of boarding and disembarking assistance for persons with

disabilities only if all other options have been exhausted and only if the person with disabilities agrees and the transfer can be done safely.

15.5 All persons engaged by airport or aircraft operators and ground handlers shall have the requisite training in hand-carrying of persons with mobility before performing the said service.

16.0 AIRCRAFT

16.1 ACCESSIBLE AIRCRAFT FEATURES

16.1.1 Aircraft operators shall optimize the level of accessibility of new aircraft and those undergoing refurbishment by choosing design options and features that meet the needs of persons with disabilities, insofar as aircraft type, size and configuration permit, for example:

- a) Aircraft shall be equipped with an accessible washroom
- b) Signage shall be positioned to avoid shadows and glare.
- c) Lighting on aircraft, except reading and other lighting under the control of a passenger, shall be directed and controlled so as not to create shadows or glare. Lighting shall not result in any sharp contrasts in intensity in the cabin.
- d) Integrated boarding stairs on an aircraft shall have:
 - i. uniform riser heights and uniform tread depths, and a first step on and a last step off at a height that does not exceed the uniform riser height.
 - ii. tread surfaces that are firm and non-slippery and do not create glare;
 - iii. a contrasting colour strip marking the top outer edge of each step and handrails on both sides.
- e) Handrails shall:
 - i. be sturdy, rounded, smooth and slip-resistant
 - ii. Colour contrasted from their surrounding area
 - iii. have an exterior diameter that permits easy grasping and not have any obstructions that could break a handhold and return to the wall or the head and foot of the stairs in a smooth curve

- f) Floor surfaces on an aircraft shall be glare-free and slip-resistant
- g) Movable aisle armrests shall be installed in accordance with the guidelines provided by the Authority.
- h) Aircraft with more than one aisle shall have at least one on-board wheelchair that can be moved around the cabin
- i) An on-board wheelchair shall have a design that permits the easy transfer of an occupant and easy manoeuvring of the chair with assistance in the aircraft. It shall have footrests, armrests that are movable or removable, a restraint device and wheel locks and
- j) Tactile markers shall be installed to indicate rows.

16.2 ACCESSIBLE WASHROOMS

16.2.1 Where aircraft type, size and configuration permit, at least one washroom shall be accessible to persons with disabilities, including tactile signage, colour contrasting and ease of use of handles, faucets and other controls.

16.2.2 The following additional features apply to aircraft whose size permits an on-board wheelchair:

- a) Identification - persons with disabilities shall be able to identify the accessible washroom by the universal symbol of accessibility in pictograph and tactile form by or on the door
- b) Privacy - persons with disabilities using an on-board wheelchair shall be able to use the accessible washroom with privacy.
- c) Doors - doorways shall be wide enough to accommodate a person with disabilities using an on-board wheelchair and there shall be enough space outside the door to manoeuvre that wheelchair. Doors shall open outwards or sliding or folding doors shall be used. Door handles, pulls, latches, locks and other operational devices shall be mounted at a height that a person in an on-board wheelchair can easily reach.

These devices shall be operable with one hand using minimal force and shall not require fine finger control, tight grasping, pinching or twisting of the wrist. They shall also be colour contrasted from their surrounding areas;

d) Toilets - toilets shall be at a height and location that allows a person with disabilities using an on-board wheelchair to make an easy transfer. Toilets shall have a flush control that is colour contrasted from its surrounding area. A person with disabilities shall be able to operate the flush control with a closed fist using minimal force, or the flush control shall be automatically controlled.

Toilets shall have a back support if there is no seat lid, and a toilet paper dispenser within reaching distance that does not interfere with the grab bars.

e) Grab bars - the accessible washroom shall have grab bars that are sturdy and located on the wall behind the toilet, if possible, and on one of the walls beside the toilet. They shall be at a height and length such that a person in an on-board wheelchair can easily reach them. Grab bars shall be rounded, free of any sharp or abrasive element and slip-resistant. They shall as well be colour contrasted from their surrounding areas or marked with a contrasting colour strip that runs the full length of each bar

f) Sinks, faucets, and other controls - the sink shall be positioned such that a person using an on-board wheelchair can use it easily. Faucets and other controls shall be colour-contrasted from their surrounding area. A person with disabilities shall be able to use the faucet with a closed fist using minimal force or the faucet shall be automatically controlled.

g) Accessories - accessories, such as soap dispensers, towel dispensers and waste receptacles, shall be easily useable by a person using an on-board wheelchair. Such accessories shall be a different colour than their surrounding areas and identified by tactile signs.

h) Mirrors - each mirror shall be mounted so that a person using an on-board wheelchair can access it easily and

l) Call buttons - washrooms shall have call buttons that are a different colour than their surrounding areas and identified by tactile signs. A call button shall be positioned so that a person using an on-board wheelchair can easily access it and operate it with one hand using minimal force, and shall not require fine finger control, tight grasping, pinching or twisting of the wrist.

16.3 STOWAGE SPACE FOR MOBILITY AIDS

16.3.1 Guidelines on stowage space for mobility aids include the following:

- a) Where there is sufficient space, aircraft operators shall carry a passenger-owned, manually-operated folding wheelchair in addition to small aids in the passenger cabin, consistent with safety and security requirements.
- b) Stowage of a passenger's manually-operated wheelchair in the cabin shall have priority and shall take place when the person using the wheelchair pre-boards and
- c) Aircraft operators shall give priority in the stowage of wheelchairs and other mobility aids in the hold over other baggage and cargo.

17.0 COMPLAINTS

17.1 Airport and aircraft operators, ground handlers and all other aviation service providers at the airport shall:

- a) Have processes available for persons with disabilities to make complaints about the level or quality of service.
- b) Have specially trained human resources available, whether in person or by telephone, to persons with disabilities to resolve problems in a timely manner at no cost to the passenger.
- c) Ensure that the complaints process is accessible to persons with disabilities, who may need assistive technology.
- d) Provide reasonable means for persons with disabilities to file a complaint. Aircraft and airport operators shall accept both verbal and written complaints.
- e) Inform the public about their complaints procedures in ways that are accessible to persons with disabilities and
- f) Promptly inform persons with disabilities that they may file a complaint with the Authority if they are unable to resolve the complaint or become aware that the person is not satisfied with the solution provided.

18.0 ENFORCEMENT/ COMPLIANCE

18.1 In accordance with the Ghana Civil Aviation Authority Act, all enforcement proceedings shall be taken against all who fail to comply with these Technical Directives.

18.2 All aviation service providers shall establish their own internal performance monitoring systems to be approved by the Authority.

19.0 SERVICE LEVEL AGREEMENTS

19.1 Airline Operators, Aircraft Operators and ground handlers shall enter into Service Level Agreements with their stakeholders for the provision of air transportation services and the said agreements shall be approved by the Authority.

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