For Immediate Release
June 12, 2013

MEDIA RELEASE Bus driver assaults targeted in new legislation

OTTAWA, ON—New legislation introduced today by Liberal Deputy Leader Ralph Goodale takes aim at the unacceptably frequent and violent levels of assaults on bus drivers in Canada.

"Canadians rely on public transit to get around, yet every day five bus operators are assaulted. That is simply unacceptable," Goodale said. "The nature of their work puts bus drivers at heightened risk, so Parliament needs to recognize those dangers and take action to stop them."

2,061 bus drivers were assaulted in 2011, with attacks ranging from being spat on and punched in the head to knife attacks and sexual assault. To fight this problem, Goodale presented Bill C-533, An Act to amend the Criminal Code (protecting public transportation workers). It makes the assault of on-duty transit operators an aggravating factor for sentencing purposes.

"Bus drivers and transit companies are working hard together to reduce assaults, and the federal government needs to help too," Goodale added. "By making it explicit that assaulting a bus driver is a criminal offense with serious consequences, C-xxx will allow clear, simple warnings to be displayed on all transit vehicles to help deter these crimes."

Goodale's bill is supported by the Amalgamated Transit Union-Canadian Council. Its approach will ensure all forms of assault on transit operators are recognized as a basis for strong sentences to deter and denounce such conduct, a principle recognized by courts but not written into law.

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C-533 (bus drivers)
Frequently Asked Questions

Has driving a bus become less safe?
Yes. In spite of industry efforts—such as training and video cameras—the frequency and severity of attacks on bus drivers continues to be a danger. The attacks range from being spat on and punched in the head, to knife attacks and sexual assault. Over 40% of bus operators have been assaulted. 2,061 bus drivers across the country reported being assaulted in 2011—about five every day.

Bus drivers are particularly vulnerable workers, serving the public. They work alone during all hours of the day and night, in compartments with no escape route. They operate 20 ton vehicles intermingling with traffic and pedestrians, so if they are assaulted, there is a greater risk to the public.

What does C-533 do?
This legislation will make the assault of on-duty transit operators an aggravating factor for sentencing purposes.

This approach is one part of the solution advocated by transit workers themselves, and a part that falls under federal jurisdiction.

The circumstances around assaulting a bus driver, which are inherently serious because of possible consequences to both the driver and the public, have already been expressly recognized by Canadian courts as a basis for imposing a higher penalty with the objective of specifically denouncing and deterring such conduct.

What will this change?
C-533 clarifies the law, which will help communicate it to the public. It will allow clear warnings to be put up in a bus that "assaulting a bus driver is a serious criminal offence." This would help prevent assaults.

What support does this proposal have?
This approach is supported by the Amalgamated Transit Union-Canadian Council, the STM bus drivers union, the British Columbia Police Association, the Council of the City of London (Ontario), the Council of the City of Edmonton and the National Board of Directors of the Federation of Canadian Municipalities.

How does it compare with other proposals?
In the current Parliament, MP Peter Julian proposed Bill C-402, which covers aggravated assault, assaulting a peace officer and murder of peace officer -- placing

public transportation workers in these last two categories. It does **not cover** unlawfully causing bodily harm, simple assault, or assault with a weapon or causing bodily harm.

In the previous Parliament, MP Brent Rathgeber proposed Bill C-637, which provides for the consideration of the victim's work as a public transportation operator when the crimes at issue are simple assault, assault with a weapon or causing bodily harm, aggravated assault and unlawfully causing bodily harm. It does **not cover** murder.

MP John Rafferty has served notice of another Private Members' Bill on the topic, but has not yet tabled the actual text.

By making employment on-duty as a transit operator a sentencing factor, C-533 would apply to **all** offences and not just the provisions listed in C-402 and C-637. This would be a simple—and powerful—approach that could win widespread support. A similar approach was taken by the Government in Bill C-36 (Protecting Canada's Seniors Act).

Could plastic shields around bus drivers solve the problem?
In British Columbia, Coast Mountain Bus company proposed installing full shields around drivers' seats, but abandoned the project in 2010 after the majority of drivers rejected the idea. They complained about glare from the shields and the difficulty of talking to passengers across a plastic barrier. The Edmonton Transit Service has also tested the barriers, which raised similar complaints.

C-533

First Session, Forty-first Parliament,
60-61-62 Elizabeth II, 2011-2012-2013

HOUSE OF COMMONS OF CANADA

BILL C-533

An Act to amend the Criminal Code (protecting public transportation workers)

FIRST READING, JUNE 12, 2013

MR. GOODALE

C-533

Première session, quarante et unième législature,
60-61-62 Elizabeth II, 2011-2012-2013

CHAMBRE DES COMMUNES DU CANADA

PROJET DE LOI C-533

Loi modifiant le Code criminel (protection des employés des services de transport en commun)

PREMIÈRE LECTURE LE 12 JUIN 2013

M. GOODALE

411789

1st Session, 41st Parliament,
60-61-62 Elizabeth II, 2011-2012-2013

HOUSE OF COMMONS OF CANADA

BILL C-533

An Act to amend the Criminal Code (protecting public transportation workers)

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE

Short title

1. This Act may be cited as the *Protecting Canada's Public Transportation Workers Act.*

CRIMINAL CODE

R.S., c. C-46

2. Paragraph 718.2(*a*) of the *Criminal Code* is amended by adding the following after subparagraph (iii.1):

(iii.2) evidence that the victim was, at the time of the commission of the offence, a person employed in or assigned to a public transportation service who was engaged in the performance of his or her duties, or a person acting in aid of a person employed in or assigned to a public transportation service,

COMING INTO FORCE

Coming into force

3. This Act comes into force 30 days after the day on which it receives royal assent.

411789

Published under authority of the Speaker of the House of Commons

1re session, 41e législature,
60-61-62 Elizabeth II, 2011-2012-2013

CHAMBRE DES COMMUNES DU CANADA

PROJET DE LOI C-533

Loi modifiant le Code criminel (protection des employés des services de transport en commun)

Sa Majesté, sur l'avis et avec le consentement du Sénat et de la Chambre des communes du Canada, édicte :

TITRE ABRÉGÉ

Titre abrégé

1. *Loi visant à protéger les employés des services de transport en commun.*

CODE CRIMINEL

L.R., ch. C-46

2. L'alinéa 718.2*a*) du *Code criminel* est modifié par adjonction, après le sous-alinéa (iii.1), de ce qui suit :

(iii.2) que la victime, lors de la perpétration de l'infraction, soit était une personne employée par un service de transport en commun — ou affectée à un tel service — et agissant dans l'exercice de ses fonctions, soit prêtait main-forte à une telle personne,

ENTRÉE EN VIGUEUR

Entrée en vigueur

3. La présente loi entre en vigueur trente jours après la date de sa sanction.

Publié avec l'autorisation du président de la Chambre des communes

particulière aux objectifs de dénonciation et de dissuasion d'un tel comportement.

2005, ch. 32, art. 24.

Objectives — offence against peace officer or other justice system participant

718.02 When a court imposes a sentence for an offence under subsection 270(1), section 270.01 or 270.02 or paragraph 423.1(1)(*b*), the court shall give primary consideration to the objectives of denunciation and deterrence of the conduct that forms the basis of the offence.

2009, c. 22, s. 18.

Objectifs — infraction à l'égard d'un agent de la paix ou autre personne associée au système judiciaire

718.02 Le tribunal qui impose une peine pour l'une des infractions prévues au paragraphe 270(1), aux articles 270.01 ou 270.02 ou à l'alinéa 423.1(1)*b*) accorde une attention particulière aux objectifs de dénonciation et de dissuasion de l'agissement à l'origine de l'infraction.

2009, ch. 22, art. 18.

Fundamental principle

718.1 A sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender.

R.S., 1985, c. 27 (1st Supp.), s. 156; 1995, c. 22, s. 6.

Principe fondamental

718.1 La peine est proportionnelle à la gravité de l'infraction et au degré de responsabilité du délinquant.

L.R. (1985), ch. 27 (1er suppl.), art. 156; 1995, ch. 22, art. 6.

Other sentencing principles

718.2 A court that imposes a sentence shall also take into consideration the following principles:

(*a*) a sentence should be increased or reduced to account for any relevant aggravating or mitigating circumstances relating to the offence or the offender, and, without limiting the generality of the foregoing,

(i) evidence that the offence was motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or any other similar factor,

(ii) evidence that the offender, in committing the offence, abused the offender's spouse or common-law partner,

(ii.1) evidence that the offender, in committing the offence, abused a person under the age of eighteen years,

(iii) evidence that the offender, in committing the offence, abused a position of trust or authority in relation to the victim,

(iii.1) evidence that the offence had a significant impact on the victim, considering their age and other personal circumstances, including their health and financial situation,

(iv) evidence that the offence was committed for the benefit of, at the direction of or in association with a criminal organization, or

Principes de détermination de la peine

718.2 Le tribunal détermine la peine à infliger compte tenu également des principes suivants :

a) la peine devrait être adaptée aux circonstances aggravantes ou atténuantes liées à la perpétration de l'infraction ou à la situation du délinquant; sont notamment considérées comme des circonstances aggravantes des éléments de preuve établissant :

(i) que l'infraction est motivée par des préjugés ou de la haine fondés sur des facteurs tels que la race, l'origine nationale ou ethnique, la langue, la couleur, la religion, le sexe, l'âge, la déficience mentale ou physique ou l'orientation sexuelle,

(ii) que l'infraction perpétrée par le délinquant constitue un mauvais traitement de son époux ou conjoint de fait,

(ii.1) que l'infraction perpétrée par le délinquant constitue un mauvais traitement à l'égard d'une personne âgée de moins de dix-huit ans,

(iii) que l'infraction perpétrée par le délinquant constitue un abus de la confiance de la victime ou un abus d'autorité à son égard,

(iii.1) que l'infraction a eu un effet important sur la victime en raison de son âge et de tout autre élément de sa situation personnelle, notamment sa santé et sa situation financière,

(v) evidence that the offence was a terrorism offence

shall be deemed to be aggravating circumstances;

(*b*) a sentence should be similar to sentences imposed on similar offenders for similar offences committed in similar circumstances;

(*c*) where consecutive sentences are imposed, the combined sentence should not be unduly long or harsh;

(*d*) an offender should not be deprived of liberty, if less restrictive sanctions may be appropriate in the circumstances; and

(*e*) all available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders, with particular attention to the circumstances of aboriginal offenders.

1995, c. 22, s. 6; 1997, c. 23, s. 17; 2000, c. 12, s. 95; 2001, c. 32, s. 44(F), c. 41, s. 20; 2005, c. 32, s. 25; 2012, c. 29, s. 2.

(iv) que l'infraction a été commise au profit ou sous la direction d'une organisation criminelle, ou en association avec elle,

(v) que l'infraction perpétrée par le délinquant est une infraction de terrorisme;

b) l'harmonisation des peines, c'est-à-dire l'infliction de peines semblables à celles infligées à des délinquants pour des infractions semblables commises dans des circonstances semblables;

c) l'obligation d'éviter l'excès de nature ou de durée dans l'infliction de peines consécutives;

d) l'obligation, avant d'envisager la privation de liberté, d'examiner la possibilité de sanctions moins contraignantes lorsque les circonstances le justifient;

e) l'examen de toutes les sanctions substitutives applicables qui sont justifiées dans les circonstances, plus particulièrement en ce qui concerne les délinquants autochtones.

1995, ch. 22, art. 6; 1997, ch. 23, art. 17; 2000, ch. 12, art. 95; 2001, ch. 32, art. 44(F), ch. 41, art. 20; 2005, ch. 32, art. 25; 2012, ch. 29, art. 2.

Organizations

Additional factors

718.21 A court that imposes a sentence on an organization shall also take into consideration the following factors:

(*a*) any advantage realized by the organization as a result of the offence;

(*b*) the degree of planning involved in carrying out the offence and the duration and complexity of the offence;

(*c*) whether the organization has attempted to conceal its assets, or convert them, in order to show that it is not able to pay a fine or make restitution;

(*d*) the impact that the sentence would have on the economic viability of the organization and the continued employment of its employees;

(*e*) the cost to public authorities of the investigation and prosecution of the offence;

(*f*) any regulatory penalty imposed on the organization or one of its representatives in

Organisations

Facteurs à prendre en compte

718.21 Le tribunal détermine la peine à infliger à toute organisation en tenant compte également des facteurs suivants :

a) les avantages tirés par l'organisation du fait de la perpétration de l'infraction;

b) le degré de complexité des préparatifs reliés à l'infraction et de l'infraction elle-même et la période au cours de laquelle elle a été commise;

c) le fait que l'organisation a tenté de dissimuler des éléments d'actif, ou d'en convertir, afin de se montrer incapable de payer une amende ou d'effectuer une restitution;

d) l'effet qu'aurait la peine sur la viabilité économique de l'organisation et le maintien en poste de ses employés;

e) les frais supportés par les administrations publiques dans le cadre des enquêtes et des poursuites relatives à l'infraction;