

Healthcare

Know Your Rights – Legal Information Handbook

Last Reviewed on September 2019



Disclaimer

This content is provided as general information and is not legal advice. If you need advice about a specific legal problem, contact a lawyer or a community legal clinic.

Acknowledgements

Thank you to the many volunteers and institutional collaborators who contributed to developing this legal information handbook. To learn more about the Know Your Rights project, please visit us [online](#).

Thank you to the [Law Foundation of Ontario](#) for making the Know Your Rights project possible. While financially supported by The Law Foundation of Ontario, the CNIB is solely responsible for all content.



Table of Contents

My Legal Rights	5
Q: What legal rights do I have when it comes to healthcare services in Ontario?	5
Duty to Accommodate & Undue Hardship.....	6
Q: Where do my legal rights come from?	6
Q: Who must comply with Ontario's healthcare laws?	7
Q: What can I do to enforce my legal rights?	7
Common Scenarios	9
Inaccessible Information & Procedures	9
Q: I've been asked to fill out medical forms that are not in an accessible format. What can I do?.....	9
Q: I need to see a doctor, but the medical clinic's waiting room has an inaccessible queue (e.g. take a number system). What can I do?	10
Q: When prescribed medication, I've been given instructions and information in an inaccessible format. What can I do?	10
Poor Etiquette	11
Q: I feel that I'm being treated poorly by medical staff who do not understand my needs or lack basic etiquette when dealing with people who have sight loss. What can I do?	11
Q: I've been told that I have to pay for my healthcare-related accommodations – is this true?.....	11
Intervenor	12
Q: I've been told that my intervenor cannot participate in certain aspects of my healthcare – for example, accompany me to certain parts of the hospital. What can I do?	12
Long-term care	12
Q: I am a resident of a Long-Term Care Home and I feel that my rights have been violated. What can I do?.....	12
Getting Help	13
CNIB Services	13
Legal Services	13
Legal Aid Ontario	13
Ontario's Community Legal Clinics	14
Pro Bono Ontario	14
The Human Rights Legal Support Centre	14

ARCH Disability Law Centre 14
Health Justice Program at St. Michael’s Hospital 14
Helpful Information..... 15
Steps to Justice 15
Access Forward 15
Practical Tips for Healthcare Providers 15

My Legal Rights

Q: What legal rights do I have when it comes to healthcare services in Ontario?

A: Under Ontario laws, people with disabilities have important legal rights when it comes to healthcare. For almost all types of healthcare in Ontario:

- You have the right to receive an equal level of service from healthcare providers as anyone else without discrimination because of your disability.
- You have the right to receive **accommodations** for your disability from healthcare service providers up to the point of **undue hardship**.
- You have the right to have your personal health information kept confidential and private by all healthcare service providers.
- If you are a resident of a Long-term Care Home, then you have additional rights under Ontario's **Residents' Bill of Rights** – to learn about these rights, see [this handbook](#) produced by Community Legal Education Ontario.

Duty to Accommodate & Undue Hardship

A healthcare provider's "duty to accommodate" means that they are legally required to provide you with the supports you need access an equal level of service. However, the duty to accommodate has a limit and this limit is called "undue hardship."

"Undue hardship" is a legal term. It means that if a healthcare provider can show that it is very difficult for them to provide you with a certain type of accommodation (because of high costs or health and safety risks), then they don't have to provide it.

It's usually difficult for a healthcare provider to claim undue hardship because they have to show clear evidence of undue hardship. Their evidence can only relate to these two factors:

1. Whether the cost of this type of accommodation is so high that it will significantly interfere with their ability to operate their business. When calculating cost, they must also consider outside sources of funding, e.g. grants or subsidies from government programs.
2. Whether this type of accommodation is going to create serious health and safety risks for their operations.

Even if a healthcare provider shows that a certain type of accommodation will create undue hardship for them, they still have a legal duty to provide you with the **next best** type of accommodation.

Q: Where do my legal rights come from?

A: Your legal rights come from a variety of different laws, including:

- Ontario's **Human Rights Code** which prohibits discrimination based on disability in most areas of public life, including healthcare.
- The **Blind Persons' Rights Act** which prevents discrimination against people who have guide dogs.
- The **Accessibility for Ontarians with Disabilities Act** which requires almost all organizations in Ontario to meet minimum accessibility requirements when providing services. The Ontario government is currently developing an additional set of requirements that will be specific to the healthcare setting. To learn more about this

process, [click here](#). For more information about the **Accessibility for Ontarians with Disabilities Act**, see the Essential Legal Information Handbook.

Other important healthcare-related laws that may be relevant to your situation include:

- The **Personal Health Information Protection Act** which sets out rules and regulations relating to personal health information
- The **Long-Term Care Homes Act** which regulates long-term care homes and grants specific rights to long-term care home residents

Q: Who must comply with Ontario's healthcare laws?

A: The people, companies, organizations and governing bodies who are involved in delivering healthcare services in Ontario are required to comply with the above laws, including:

- Healthcare providers – for example, physicians, nurses, optometrists, etc.
- Other governing organizations – for example, the College of Physicians and Surgeons, the College of Nurses, etc.
- Public Health Units and Local Health Integration Networks
- Patients – if you request an accommodation because of your disability, you have a duty to participate in good faith to develop and implement a suitable accommodation for your needs
- the Ontario government and its agencies

Q: What can I do to enforce my legal rights?

A: If you feel you have been unfairly discriminated against by a healthcare provider, there are things you can do to stand up for yourself.

In general, you should first try to resolve your concerns by speaking with the people who are directly involved in an informal and collaborative way.

For more resources on self-advocacy, please visit the Self-Advocacy section of the Know Your Rights website.

If your concerns can't be addressed through collaborative discussions, you should consider consulting with a lawyer who specializes in human rights or healthcare issues to see if any of the following options are appropriate:

- A report/complaint to the applicable professional regulatory body

To find out which professional regulatory body oversees your healthcare provider, you can review this [listing](#) created by the Federation of Health Regulatory Colleges of Ontario.

- An application to the Human Rights Tribunal of Ontario
- A claim before an Ontario Court of Justice
- A complaint to the Ministry of Health and Long-Term Care (specific to long-term care homes)
- A report/complaint to the Ontario Patient Ombudsman

The Ontario Patient Ombudsman is an “office of last resort” which means that before they can assist you, you must first try to resolve your issue through any complaint process that is offered by the healthcare provider.

Common Scenarios

Even though there are laws to protect you from discrimination, people with disabilities still face barriers to receiving equal access to healthcare services.

This section describes barriers that are commonly experienced and suggests practical next steps. Keep in mind that, in most situations, you should first try to resolve your concerns by speaking with the people who are directly involved in an informal and collaborative way.

Inaccessible Information & Procedures

Q: I've been asked to fill out medical forms that are not in an accessible format. What can I do?

A: If you find a healthcare-related form that's not in an accessible format, you have the right to request that form in an accessible format from the healthcare provider as an accommodation for your disability. By disclosing your disability and making a request for accommodation, you trigger the healthcare provider's legal duty to accommodate you up to the point of [undue hardship](#).

When scheduling a medical appointment, be sure to plan ahead. For example, call the office ahead of time and request that all forms be sent to you in advance of the appointment in an accessible format.

If the service provider is unable to send forms in advance (or doesn't have the forms available in an accessible format), tell them that you have a disability and will require an alternative accommodation – for example, you can request that someone from their team assist you in reading and completing the forms in a private setting at the time of your appointment.

If a service provider says that you are responsible for having a sighted companion accompany you to the appointment, remind them politely that you have the right to receive an equal level of service as anyone else and they have a legal duty to accommodate your needs at no cost to you. You can also explain that since you have the right to keep your personal health information confidential and private, they cannot expect you to bring a sighted companion (for example, a family member or friend) to your medical appointments, where important personal health information will be disclosed.

Q: I need to see a doctor, but the medical clinic's waiting room has an inaccessible queue (e.g. take a number system). What can I do?

A: If you encounter an inaccessible queue, inform the staff at the clinic or hospital, as soon as possible, that you are unable to participate in the queue process because of your disability and that you will require an accommodation. For example: you can request that when your number is called, a staff person come to notify you and guide you to the next room. Make sure to fully inform the staff about your needs so they can find the best way to accommodate you.

Q: When prescribed medication, I've been given instructions and information in an inaccessible format. What can I do?

A: When you are being prescribed medication, you can request that the physician or pharmacist spend additional time with you to provide you with key information. For example, request that they spend time to fully detail the instructions, warnings, and side effects etc. If you have questions or want clarification, be assertive and make sure to ask.

If the service provider does want to do this and is unable to make equivalent accommodations for your needs (for example, providing you with information in an accessible format), remind them politely that you have the right to receive an equal level of service as anyone else and that they have a legal duty to accommodate you.

Over the past few years, some pharmacies, including Shoppers Drug Marts, have implemented a service that allows consumers to obtain important information about prescription medications through text-to-speech technology. To access this service, let your pharmacy know that you use text-to-speech technology and request that your medication label be prepared in this format.

Poor Etiquette

Q: I feel that I'm being treated poorly by medical staff who do not understand my needs or lack basic etiquette when dealing with people who have sight loss. What can I do?

A: Unfortunately, there are times that people who have sight loss are treated poorly in a healthcare setting. For example, when medical staff:

- Enter a room without introducing themselves or leaves a room without notifying you
- Touch you without notifying you in advance
- Speak to your sighted companion or intervenor instead of addressing you
- Provide confusing or unhelpful directions

To reduce chance of poor treatment, it is helpful to proactively inform staff about your needs or about basic etiquette when working with people who have sight loss. For example, you can call ahead to inform a service provider about your needs or take time to speak with staff when you arrive.

If you have been treated poorly, consider following up with a staff person's supervisor, their senior management, or – if it's a large institution – an internal ombudsman or other complaint process.

Q: I've been told that I have to pay for my healthcare-related accommodations – is this true?

A: Your healthcare provider cannot make you pay for reasonable accommodations for your disability. It is your healthcare provider's legal duty to accommodate you up to the point of undue hardship and your healthcare provider is responsible for paying the costs of reasonable accommodations.

Intervenors

Q: I've been told that my intervenor cannot participate in certain aspects of my healthcare – for example, accompany me to certain parts of the hospital. What can I do?

A: When you plan to have your intervenor accompany you to a medical appointment, do your best to plan ahead. For example, call the service provider in advance to tell them that you will be accompanied by an intervenor and take some time to explain or to educate the service provider about your intervenor's role.

You can say that you require the support of an intervenor to receive an equal level of service.

You or your service provider may sometimes be worried that complicated medical information will not be properly communicated by your intervenor.

To help address this concern, you can request that all important information from your appointment (for example, information about your prescriptions) is provided to you in a written format that is accessible.

Long-term care

Q: I am a resident of a Long-Term Care Home and I feel that my rights have been violated. What can I do?

A: If you live in a long-term care home and you believe that your rights have been violated, you can consult these step-by-step guides to making complaints provided by [Community Legal Education Ontario](#) and the [Government of Ontario](#).

Getting Help

CNIB Services

We're here to help – contact CNIB for more services, support and resources. Some ways we can assist include:

- CNIB's Deafblind Community Services operates the [Emergency Intervenor Service Program](#), which allows people with sight loss and hearing loss to access intervenors in emergency situations.
- [Vision Loss Rehabilitation Ontario](#) provides vision loss rehabilitation therapy to help people with all levels of vision loss develop or restore key daily living skills, helping enhance their independence, safety and mobility.
- [CNIB's Advocacy Staff](#) can assist clients with advocating for themselves and understanding their rights related to healthcare in Ontario.

Legal Services

Legal Aid Ontario

Legal Aid Ontario provides legal services to low-income Ontarians. In order to receive services from Legal Aid Ontario:

- You must meet their [financially eligibility criteria](#); and
- Your problem must fall in one of these areas: domestic violence, family law, immigration and refugee law, criminal law, or poverty law.

Even if you don't meet these two requirements, you call Legal Aid Ontario's [toll-free hotline](#) and a representative can [refer you](#) to other organizations or agencies that can help you with your legal problem.

Ontario's Community Legal Clinics

In Ontario, legal help is available to low-income people through 73 independent community legal clinics, including 13 [specialty clinics](#). To get the contact information for your regional community clinic visit [this website](#).

Pro Bono Ontario

Pro Bono Ontario is a non-profit that provides a toll-free legal advice hotline to help people with their legal needs. By [calling their hotline](#), you can speak to a lawyer for 30 minutes about a civil law matter (they do not provide advice for problems related to family law or criminal law)

The Human Rights Legal Support Centre

The Human Rights Legal Support Centre (also known as HRLSC) is an independent agency, funded by the government of Ontario, to provide legal services to individuals who have experienced discrimination. They have a [toll-free hotline](#) where you can get:

- Legal assistance in completing an application to the Human Rights Tribunal of Ontario
- Legal advice about how to address the discrimination that you experienced

ARCH Disability Law Centre

ARCH Disability Law Centre (also called ARCH) is a specialty legal clinic that practices exclusively in disability rights law. ARCH has a [toll-free hotline](#) where you can get:

- up to 30 min of free, confidential legal advice
- referrals to organizations that can provide you with further help

If you meet eligibility certain criteria, ARCH may be able to provide you with additional legal services.

Health Justice Program at St. Michael's Hospital

The [Health Justice Program](#) provides legal information, referrals and brief services to patients who are low-income and have legal issues affecting their well-being, such as experiences of

discrimination or problems with employment or housing. Phone or in person appointments are around 30 minutes long.

Helpful Information

Steps to Justice

Steps to Justice is a resource that provides practical information about common legal issues, including [healthcare](#). They have step by step answers to questions including:

- [Can a doctor or healthcare provider treat me differently for reasons that go against my human rights?](#)

Access Forward

[The Access Forward website](#) offers free training modules for healthcare providers and their employees about their obligations under the **Accessibility for Ontarians with Disabilities Act**. It was created in partnership with the Government of Ontario to assist organizations with meeting the training requirements under the **Accessibility for Ontarians with Disabilities Act**. To learn more about the legal force of the **Accessibility for Ontarians with Disabilities Act** standards, please see the Know Your Rights Essential Information Handbook.

Practical Tips for Healthcare Providers

Here are practical tips for healthcare providers on how best to serve people with sight loss:

- Two [tip-sheets](#) from the Royal National Institute for the Blind (United Kingdom)
- Three [tip-sheets](#) from Blind Citizens Australia

These practical tips apply equally to healthcare providers in Ontario.

Web / Site Web : cnib.ca / inca.ca

Email / Courriel : info@cnib.ca / info@inca.ca

Toll Free / Sans frais : 1-800-563-2624