Government & Consumer Services

Know Your Rights – Legal Information Handbook

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CNIB FOUNDATION

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 service.

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To learn more about the Know Your Rights – Newfoundland and Labrador Project, please visit our Know Your Rights – Newfoundland and Labrador webpage.

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My Legal Rights

Q: What legal rights do I have when it comes to government and consumer services in Newfoundland and Labrador?

A: Under Newfoundland and Labrador laws, people with disabilities have important legal rights when it comes to government and consumer services:

- You have the right to receive an **equal level of service** from government and consumer service providers as anyone else without discrimination because of your disability.
- You have the right to receive **accommodations** for your disability from government and consumer service providers up to the point of **undue hardship**.
- You cannot be denied services or denied access to spaces that are normally available to the public because you are accompanied by a service animal such as a guide dog.

Duty to Accommodate & Undue Hardship

A service provider's "duty to accommodate" means that they are legally required to provide you with the supports/accommodations you need to receive the same level of service as anyone else. The term "accommodation" is not easily defined and will vary from case-to-case, however, accommodations should be customized to meet your needs.

The duty to accommodate, however, does have a limit and this limit is called "undue hardship". "Undue hardship" is a legal term. It means that if a service provider can show that it is very difficult for them to provide you with a certain type of accommodation, then they don't have to provide it.

It's usually difficult for a service provider to claim undue hardship because they have to show clear, direct evidence of undue hardship that is not based upon assumptions or stereotypes. The determination of what constitutes undue hardship is case-specific, however, some commonly considered factors include:

1. Whether the cost of the accommodation is so high that it will significantly interfere with the service provider's ability to operate; and

2. Whether the accommodation will create serious health and safety risks.

Even if a service provider shows that a certain type of accommodation will create undue hardship for them, they may 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:

- Newfoundland and Labrador's **Human Rights Act**, which prohibits discrimination based on disability in most areas of public life, including government and consumer services.
- Newfoundland and Labrador's **Service Animal Act**, which prohibits discrimination against people who rely upon service animals, such as guide dogs.
- The **Canadian Human Rights Act** which prohibits discrimination based on disability in most areas of public life where the federal government has authority.
- Common Law – Laws that are made by the decisions of Courts, Boards and Tribunals.
- The **Consumer Protection and Business Practices Act** and the **Sale of Goods Act**, which govern the majority of common consumer transactions in Newfoundland and Labrador.

Note: Depending on the type of consumer transaction, other laws may also apply. If you have a concern regarding a consumer transaction, consider consulting with a lawyer to determine what laws apply to your specific situation.

Q: Who must comply with laws related to government and consumer services?

A: The following people and organizations are required to comply with the above laws:

- Businesses and any other organization, including all employees that perform common consumer transactions in Newfoundland and Labrador.
- Consumers (individuals who purchase products and access services within Newfoundland and Labrador).

- The Newfoundland and Labrador government (including its departments and agencies) and Newfoundland and Labrador municipalities.

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

A: If you feel you have been discriminated against by a government or consumer service 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 and Essential Legal Information Handbook on CNIB's **Know Your Rights – Newfoundland and Labrador** webpage.

If your concerns can't be addressed through collaborative discussions, consider consulting with a lawyer who practices human rights law to see if any of the following options are appropriate:

- A **complaint** to the **Newfoundland and Labrador Human Rights Commission**
- A complaint to the **Canadian Human Rights Commission** (for federally regulated service providers)
- A **complaint** to the **Office of the Citizens' Representative**

The **Office of the Citizens' Representative** can investigate complaints against provincial government departments and other agencies that are overseen by the provincial government.

- A complaint to the **Consumer and Financial Services Division**
- A claim before a Newfoundland and Labrador Court

You can also contact staff at the **Newfoundland and Labrador Human Rights Commission** by phone at 1-800-563-5808 (toll-free), by email at **humanrights@gov.nl.ca**, or **online**. Staff cannot provide you with legal advice, however, they can help you understand your legal rights and options. They can also assist with self-advocacy or refer you to other community or government services.

Common Scenarios

Even though there are laws to protect you from discrimination, people with disabilities still face barriers to receiving an equal level of service as anyone else from government and businesses.

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.

Government Services

Q: Due to my sight loss, I'm having trouble navigating government websites and accessing online services. What can I do?

A: Consider contacting a customer service representative of the government organization by telephone.

For example, you can find the contact information and hours of operation for Newfoundland and Labrador's **Government Service Centres**, and the **Service Canada locations** online. For help with municipal issues, consider contacting your municipality or city clerk's office.

When you speak with a customer service representative, explain that you are having trouble navigating a government website (or accessing an online service) because of your sight loss. Explain what assistance you require in as much detail as possible.

When you disclose your disability to a customer service representative, you trigger that government organization's legal duty to provide you with accommodations up to the point of undue hardship.

If the representative is reluctant or refuses to accommodate you, you can remind them that they have a duty to provide you with accommodations so that you're able to experience an equal level of service as anyone else.

If this does not help, you can gradually escalate your complaint – for example, to a manager or supervisor and then to an official complaint process.

For more resources on self-advocacy, please visit the Self-Advocacy and Essential Legal Information Handbook on CNIB's **Know Your Rights – Newfoundland and Labrador** webpage.

If your concerns are still not addressed, consider consulting with a lawyer who practices human rights law to see what **options** may be available to you.

Q: When trying to complete a paper-based form at a government office, I asked a government employee for help. They said that "due to time constraints" they could not assist me. What can do I?

A: Consider planning ahead. Start by seeing if it's possible to complete the forms online. Both **Service Canada** and the **Newfoundland and Labrador Government** have many of their services available online. If it's not possible to complete the forms online, contact the government organization ahead of time and request that the forms be sent to you in an accessible format.

For example, the **Canadian Revenue Agency** provides copies of all its forms and publications in an accessible format **on request**.

If the form you need is not available in an accessible format, then speak with a staff member to determine how the government organization can best accommodate you. If the staff member is reluctant or refuses to accommodate you, you can remind them that they have a legal duty to provide you with accommodations so that you're able to experience an equal level of service as anyone else.

If this does not help, you can gradually escalate your complaint – for example, to a manager or supervisor and then to an official complaint process.

For more resources on self-advocacy, please visit the Self-Advocacy and Essential Legal Information Handbook on CNIB's **Know Your Rights – Newfoundland and Labrador** webpage.

If your concerns remain unaddressed, consider consulting with a lawyer who practices human rights law to see what **options** may be available to you.

Q: Sometimes I'm asked by a business to provide a piece of valid government-issued identification. I don't have a driver's licence and I don't want to carry around my passport. What can I do?

A: Consider getting a **Newfoundland and Labrador Photo ID Card**. Photo identification cards are available to residents of Newfoundland and Labrador to use as identification when they do not hold a valid driver's licence.

You can also consider getting a **CNIB Card** which has a variety of benefits – for example, discounts for some attractions and for some transit services. The CNIB Card may also be accepted as proof of a disability for some government programs and tax benefits.

Q: When attending a government office, I often encounter queues that are inaccessible: for example, a "take-a-number" system or an inaudible screen that indicates who is next in line. What can I do?

A: If you encounter an inaccessible queue, you should approach an employee for assistance. When you speak with the employee, explain how the queue is inaccessible or unsafe for you and explain what kind of assistance you require in as much detail as possible. When you disclose your disability to an employee, you trigger that organization's legal duty to accommodate you to the point of undue hardship.

If the employee is reluctant or refuses to accommodate you, you can politely remind them that they have a duty to provide you with accommodations so that you're able to experience an equal level of service as anyone else. If this does not help, you can gradually escalate your complaint – for example, to a supervisor and then to an official complaint process.

For more resources on self-advocacy, please visit the Self-Advocacy and Essential Legal Information Handbook on CNIB's **Know Your Rights – Newfoundland and Labrador** webpage.

If your concerns are still not addressed, consider consulting with a lawyer who practices human rights law to see what **options** may be available to you.

Q: When attempting to vote, I've been advised by poll workers that they are not aware of any available accommodations that can assist me with voting independently. What can I do?

A: People with disabilities, who are legally eligible to vote are entitled to receive accommodations (up to the point of undue hardship) that allow them to participate in the electoral process and receive an equal level of service to anyone else.

Before attending a polling station, consider planning ahead. Contact the polling station and/or the applicable level of government (e.g. **Elections Canada** or **Elections NL**) to let them know that you have sight loss that you will require accommodations. By disclosing your sight loss, you trigger their legal duty to accommodate you up to the point of undue hardship.

In situations where you are unable to plan ahead, it's important to let staff at the polling station know that you have sight loss and that you will require accommodations to vote independently.

Examples of accommodations at polling stations may include:

- Modified ballets, voting templates or other devices that will assist you with identifying the candidates and marking the ballot independently
- Guidance from a polling staff member to and from the voting box
- If preferred, a friend, family member, or polling station staff member may be able to assist you with completing the ballot.

Alternatively, you may wish to vote in advance of the regular poll or by way of a special ballot. To learn more about ways to vote, visit **Elections Canada's Ways to Vote webpage** and **Elections NL's Accessibility Information webpage**.

If your request for accommodations is denied, consider escalating your complaint to a supervisor or a person/department that is responsible for accessibility at polling stations.

If your concerns remain unresolved, consider consulting with a lawyer who practices human rights law about the **options** that may be available to you. You can also reach out to CNIB for additional support.

Consumer Services

Q: When shopping, I often have trouble trying to read labels and telling the difference between products. What can I do?

A: There are now many **technological tools** that can help people with shopping and using other consumer services. If these kinds of technological tools don't meet your needs, you should approach an employee or manager for assistance.

When you speak with an employee or manager, explain that you are having trouble with certain tasks related to shopping because of your sight loss. Explain what assistance you require in as much detail as possible. When you disclose your disability to an employee, you trigger that organization's legal duty to provide you with reasonable accommodations up to the point of undue hardship.

If the employee or manager is reluctant or refuses to accommodate you, you can politely remind them that they have a legal duty to provide you with reasonable accommodations so that you're able to experience an equal level of service as anyone else.

If this does not help, you can gradually escalate your complaint – for example, to the owner or through an official complaint process.

For more resources on self-advocacy, please visit the Self-Advocacy and Essential Legal Information Handbook on CNIB's **Know Your Rights – Newfoundland and Labrador** webpage

If your concerns are still not addressed, consider consulting with a lawyer who practices human rights law to see what **options** may be available to you.

Q: I sometimes get disoriented when visiting new stores, service centres, or other public places. What can I do?

A: There are now many **technological tools** that can help people with orientation and navigation through stores, malls, and other public spaces.

If these kinds of technological tools don't meet your needs, you may wish to approach or contact an employee for assistance. When you speak with an employee, explain that you are having

trouble with navigation or orientation inside the building because of your sight loss. Explain what assistance you require in as much detail as possible. When you disclose your disability to an employee, you trigger that organization's legal duty to accommodate you up to the point of undue hardship.

If the employee is reluctant or refuses to accommodate you, you may wish to remind them that they have a duty to provide you with accommodations so that you're able to experience an equal level of service to anyone else.

If this does not help, you can gradually escalate your complaint – for example, to management or an official complaint process.

For more resources on self-advocacy, please visit the Self-Advocacy and Essential Legal Information Handbook on CNIB's **Know Your Rights – Newfoundland and Labrador** webpage

If your concerns are still not addressed, consider consulting with a lawyer who practices human rights law to see what **options** may be available to you.

Guide Dogs

Q: I was denied access to a restaurant or a store because I was accompanied by my guide dog. What can I do?

A: It is a violation of Newfoundland and Labrador's **Service Animal Act** for a service provider to deny you access to a store or restaurant because you are accompanied by a service animal, such as a guide dog. A person who relies on a service animal has the same right to access services and facilities that are normally available to the public with the animal as any other person.

If you are denied access to a restaurant or a store because you are accompanied by your guide dog, ask to speak with a manager immediately. When speaking with the manager, politely remind them that you have the same right to access the store or restaurant with your guide dog as any other person. If the manager still refuses to allow you and your guide dog access to the store or restaurant, you can consider contacting:

- The police (at a non-emergency number) who have the power to investigate and charge individuals and corporations for violations of the **Service Animal Act**

- Community organizations, like CNIB, who can provide you with support
- A human rights lawyers to see what additional **options** are available to you.

To learn more about your rights relating to the use of service animals, visit the Human Rights Commission of Newfoundland and Labrador's **Guidelines Regarding the Use of Service Animals**.

Q: Before serving me, an employee or business owner asked me to show them official identification for my guide dog. Is this allowed?

A: In general, a business may ask the owner of a service animal for official documentation – for example, a letter from a physician, nurse or psychologist – when the person is seeking access to a place where animals are not normally permitted.

However, in many cases, it's obvious to tell if someone is being accompanied by a guide dog because they have sight loss. Adjudicators across Canada have held that in circumstances where it is obvious that a person has a disability and is relying upon their service animal for support, a request by a business for official identification may be discriminatory.

With that being said, we have heard from many CNIB clients that they are comfortable carrying their guide dog card with them and producing official identification if asked. These clients feel that many of the employees or business owners who ask for official identification do so in good faith. They note that there are now many more types of legitimate service animals – for example, autism support dogs, psychiatric service dogs, seizure alert dogs, among others. And unfortunately, there are now many incidents of fraudulent service animals, widely reported as "an epidemic" in **Canada** and **abroad**.

If a dispute does arise, consider consulting with a lawyer who practices human rights law to see what **options** may be available to you.

To learn more about your rights relating to the use of service animals, visit the Human Rights Commission of Newfoundland and Labrador's **Guidelines Regarding the Use of Service Animals**.

Resources

Legal Services

Legal Aid NL

Legal Aid NL provides legal services to low-income earners in Newfoundland and Labrador. In order to receive services from Legal Aid NL, you must meet their **eligibility requirements.**

To **apply** for Legal Aid and/or to learn more, visit Legal Aid NL's **Frequently Asked Questions** webpage.

The Public Legal Information Association of Newfoundland and Labrador (PLIAN)

PLIAN is an independent non-profit organization and registered charity dedicated to educating Newfoundlanders and Labradorians about the law.

As part of its commitment to increasing and improving access to justice, PLIAN provides free legal information on a variety of topics on its website, including (but not limited to) residential tenancies, family law, and wills and estates.

PLIAN also operates the **Legal Information Line and Lawyer Referral Service**. Through this service, callers can receive general legal information and assistance with navigating the legal system. Clients can also receive referrals to lawyers who are registered with the Lawyer Referral Service. Lawyers who register with this service provide clients with an initial 30-minute consultation at a cost of $40.00 (taxes included).

If you are in Newfoundland, you may contact the Legal Information Line and Lawyer Referral Service as follows:

- Via telephone at: 1-888-660-7788 (toll free) or 709-722-2643
- Via email at: **info@publiclegalinfo.com** or **a2j@publiclegalinfo.com**

If you are in Labrador, you may contact the Legal Information Line and Lawyer Referral Service as follows:

- Via telephone at: 709-896-5235
- Via email at: labrador@publiclegalinfo.com

The Newfoundland and Labrador Human Rights Commission

The Newfoundland and Labrador Human Rights Commission is an independent government agency that is responsible for protecting human rights in Newfoundland and Labrador and administering the province's **Human Rights Act**.

The Commission investigates and resolves human rights complaints, provides individuals, groups and organizations with legal information about human rights, and prevents discrimination through education and learning.

The Commission also creates public education resources (including **Guidelines** and **Frequently Asked Questions** pages) to assist people in Newfoundland and Labrador with better understanding their rights.

For more information about the **complaint process**, visit the **Newfoundland and Labrador Human Rights Commission's** website or contact the Commission **online**, by phone at 1-800-563-5808 (toll-free), or by email at **humanrights@gov.nl.ca**. Commission staff cannot provide legal advice, however, they can help you understand your legal rights and options. They can also assist with self-advocacy or refer you to other community or government services.

Essential Non-Legal Services

Office of the Citizens' Representative

The **Office of the Citizens' Representative** provides a province-wide ombudsman service.

The primary work of the Office of the Citizens' Representative is to accept complaints from citizens who feel they have been treated unfairly by government offices and agencies. The Office of the

Citizens' Representative investigates complaints against provincial government departments and other agencies that are overseen by the provincial government.

The Office of the Citizens' Representative can also undertake complaints that study how governmental policies, procedures, and actions can affect a large number of people. These are called systemic complaints and can result in recommendations that have a much broader impact.

You may contact the Office of the Citizens' Representative by phone at 1-800-559-0079 (toll-free) or by email at citrep@gov.nl.ca to discuss a concern or make a complaint.

211 Newfoundland and Labrador

211 Newfoundland and Labrador is a free service that operates 24 hours a day, seven days a week. It exists to connect individuals to government, health and social services that are available across Newfoundland and Labrador.

In addition to searching on the 211 Newfoundland and Labrador website, there are various ways to contact 211 Newfoundland and Labrador, including calling 2-1-1 to talk with a representative about the service you require.

Applying for a Passport

The **Government of Canada** has information and helpful tips to assist individuals with applying for Canadian passports. Large print and Braille application forms and instructions are available on request. Users may also use Adobe Acrobat to see form in larger print or have it read out loud.

Newfoundland and Labrador Photo ID Card

Photo identification cards are available to residents of Newfoundland and Labrador to use as identification when they do not hold a valid driver's licence.

Government Benefits

The Government of Canada provides information/resources to assist Canadians with disabilities. Such resources and information include:

- **Benefits Finder** tool to assist Canadian residents with determining which government benefits are available to them
- Overviews of the federal benefits that are available to **people with disabilities** and to families who have **children with disabilities**
- Information about the **Disability Tax Credit** (including how to apply) and other related tax credits

CNIB Services

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

- **CNIB Virtual Programs**
    - CNIB offers a range of free virtual programs for children, youth, adults and families.
    - You can access a list of CNIB's national virtual program offerings on **CNIB's website**.
    - You can access a list and schedule of CNIB Newfoundland and Labrador's virtual program offerings on **CNIB – Newfoundland and Labrador's website**.
- **Technology Training**
    - Join CNIB tech leads from across the country for programming that highlights the suite of programs, apps, products and services that will help empower you to achieve your personal and professional goals.
- **Virtual Vision Mate**
    - The Virtual Vision Mate program exists to address the feelings of isolation that many people with sight loss experience. Through the Virtual Vision Mate program,

Canadians who are blind or partially sighted are connected with sighted volunteers to engage in virtual, weekly conversations.

- **CNIB Online SmartLife Store**
    - CNIB SmartLife is an interactive retail experience that gives people with disabilities hands-on access to the latest breakthroughs in assistive technologies, as well as tried-and-true favourites.
    - SmartLife's goal is not necessarily to sell products but to give customers the skills and confidence they need to make the most out of assistive tools that can help them lead better lives.
- **CNIB's Advocacy Staff**
    - CNIB's Advocacy staff can assist clients with advocating for themselves and understanding their human rights in Newfoundland and Labrador.
- **CNIB's Guide Dog Program**
    - CNIB's Guide Dog Program can assist guide dog handlers with advocating for themselves and understanding their rights. This program also provides public education to organizations about the rights of guide dog users.

Vision Loss Rehabilitation

Vision Loss Rehabilitation Canada (VLRC) is a not-for-profit national healthcare organization and the leading provider of rehabilitation therapy and healthcare services for individuals with sight loss. VLRC provides people with the practical skills they need to live safely and independently. VLRC's services are tailored to the unique needs and goals of each person. VLRC's services include, but are not limited to:

- Assistance with navigating new environments and using mobility tools
- Assistance with maximizing remaining vision with optical and non-optical devices

- Assistance with developing or restoring key daily living skills, such as learning new ways to cook, shop and manage your home
- Assistance with accessing information and using technology

VLRC has offices located in St. John's, Grand Falls-Windsor and Corner Brook. You can contact VLRC by phone at:

- St. John's or Grand Falls-Windsor Office - 709-754-1180
- Corner Brook Office - 709-639-9167 ext. 5850 or 5851

Wayfinding

Wayfinding refers to technological tools that assist partially sighted, blind and Deafblind persons with navigation and orientation. Such tools include:

- **BlindSquare**: a GPS-app developed for people with sight loss that describes the environment and announces points of interest and street intersections.
- **Key 2 Access**: a pedestrian mobility app that allows users to wirelessly request crossing at intersections without having to locate the button on the pole. It also allows users to wirelessly open doors and obtain information about indoor spaces.
- **Access Now**: a map application that shares accessibility information for locations based on users' feedback.
- **Be My Eyes**: a volunteer-based app that connects people with sight loss to sighted volunteers, who can assist with tasks such as checking expiry dates, distinguishing colors, reading instructions or navigating new surroundings.
- The **American Foundation for the Blind**, which provides an overview of some of the apps that are available to assist consumers with reading items such as product labels and menus.

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