Healthcare

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 healthcare services in Newfoundland and Labrador?

A: Under Newfoundland and Labrador laws, people with disabilities have important legal rights when it comes to healthcare. When accessing healthcare services in Newfoundland and Labrador:

- You have the right to not be discriminated against 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.

Duty to Accommodate & Undue Hardship

A health care provider's legal "duty to accommodate" means that they are legally required to provide you with the supports you need to receive an equal level of service to 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, 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, 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, direct evidence of undue hardship that is not based upon assumptions or stereotypes. While the determination of what constitutes undue hardship is case-specific, some of the commonly considered factors include:

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

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

Even if a healthcare 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 healthcare.
- Common Law – Laws that are made by the decisions of Courts, Boards and Tribunals.
- The **Personal Health Information Act (PHIA)**, which governs the collection, use and disclosure of personal health information.
- The **Access to Information and Protection of Privacy Act, 2015**, which provides the public with access to their records, and protects the privacy of individuals, whose personal information is collected, used and disclosed by public bodies.

Codes of ethics and professional standards for regulated professions may also help you hold healthcare workers accountable. This includes but is not limited to:

- Physicians: **College of Physicians and Surgeons of Newfoundland and Labrador**
- Registered Nurses and Nurse Practitioners: **College of Registered Nurses of Newfoundland & Labrador**
- Pharmacists: **Newfoundland & Labrador Pharmacy Board**

You can find the relevant regulatory body and their contact information through the **Canadian Regulatory Guide**.

Q: Who must comply with Newfoundland and Labrador's healthcare laws?

A: The people, companies, organizations, and governing bodies who are involved in delivering

healthcare services in Newfoundland and Labrador are required to comply with the above laws, including:

- Healthcare providers – for example, physicians, nurses, optometrists, etc.
- Regulatory bodies – for example, the College of Physicians and Surgeons of Newfoundland and Labrador, the College of Registered Nurses of Newfoundland & Labrador, etc.
- Hospitals, walk-in clinics, community clinics, and private doctors' offices.
- 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 Newfoundland and Labrador 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 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, you should consider consulting with a lawyer who practices human rights or healthcare law to see if any of the following options are appropriate:

- A report/complaint to the applicable professional regulatory body. You can find the relevant regulatory body and their contact information through the **Canadian Regulatory Guide**.
- A complaint to the **Department of Health and Community Services**

- A complaint to your **Regional Health Authority**
- A **complaint** to the **Newfoundland and Labrador Human Rights Commission**
- A **complaint** with 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 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 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 the form be provided to you in an accessible format. 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, consider planning 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 does not yet 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 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 confidential personal

health information will be disclosed.

If your request for accommodations is denied, you can gradually escalate your concern – for example to a supervisor or 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 unresolved, consider consulting with a lawyer who practices healthcare or human rights law to see what **options** may be available to you.

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: Under Newfoundland and Labrador laws, when accessing healthcare services, you have the right to receive an equal level of service to anyone else. You also have the right to receive accommodations for your disability up to the point of undue hardship.

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.

If your request for accommodations is denied, you can gradually escalate your concern – for example to a supervisor or 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 unresolved, consider consulting with a lawyer who practices healthcare or human rights law to see what **options** may be available to you.

Q: When prescribed medication, I've been given instructions and information that is not in an accessible format. What can I do?

A: Under Newfoundland and Labrador's human rights laws, you are entitled to receive accommodations from healthcare providers so as to ensure that you receive an equal level of service to anyone else. Furthermore, doctors and pharmacists are required to comply with professional standards and codes of ethic, which obligate them to provide information in a way that is understood by the patient.

For more information, you can review the College of Physicians and Surgeons of Newfoundland and Labrador's **Code of Ethics** and the Newfoundland and Labrador Pharmacy Board's **Code of Ethics**.

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 not want to do this or 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.

If this does not help, you can gradually escalate your complaint – for example, to a supervisor 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 remain unresolved, consider consulting with a lawyer who practices healthcare or human rights law to see what **options** may be available to you.

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 leave 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 the chance of poor treatment, it is helpful to proactively inform staff of 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 or senior management.

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 unresolved, consider consulting with a lawyer who practices healthcare or human rights law to see what **options** may be available to you.

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 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 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, as a form of accommodation, you require the support of an intervenor to access healthcare services. If this does not help, you can gradually escalate your complaint – for example, to a supervisor, 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 remain unresolved, consider consulting with a lawyer who practices healthcare or human rights law to see what **options** may be available to you.

Note: In some situations, you or your healthcare service provider may 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) be provided to you in a written format that is accessible to you.

Getting Help

Legal Services and Information

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, with the goal of increasing and improving access to justice.

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 various 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

Regional Health Authorities

There are four Regional Health Authorities within the province of Newfoundland and Labrador. The Regional Health Authorities operate health care facilities within their regions and provide health and community services to the people residing within their regions. The Regional Health Authorities also accept and investigate complaints from the public regarding healthcare community services in their region.

The contact information for the four Regional Health Authorities is as follows:

Eastern Regional Health Authority

- St. John's: (709) 777-6300
- Rural Avalon: (709) 945-5111
- Bonavista, Clarenville: (709) 468-5243
- Burin: (709) 891-5025

Central Regional Health Authority

- Gander: (709) 256-2500
- Grand Falls-Windsor: (709) 292-2500
- Central Health Corporate Office: (709) 292-2138

Western Regional Health Authority

- Corner Brook: (709) 637-5000
- Stephenville: (709) 643-8700

Labrador-Grenfell Regional Health Authority

- St. Anthony: (709) 454-3333
- Happy Valley-Goose Bay: (709) 897-2000
- Labrador City: (709) 944-2632

Department of Health and Community Services

The **Department of Health and Community Services** provides leadership in policy, planning, program development, and support to the four regional health authorities and other mandated health and community service agencies. The department also monitors and provides feedback to the regional health authorities.

You may contact the Department of Health and Community Services by telephone at (709) 729-4984 or by email at **healthinfo@gov.nl.ca.**

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.

CNIB Services (Non-Legal)

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.

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

cnib.ca | info@cnib.ca | 1-800-563-2642