Government & Consumer Services

Know Your Rights Alberta – Legal Information Handbook

November 2024

CNIB

Disclaimer

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

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To learn more about the Know Your Rights project, please visit **cnib.ca/KnowYourRights**

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My Legal Rights

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

A: Under Alberta 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 **accommodation** for your disability from government and consumer service providers up to the point of **undue hardship**.
- Your needs must be accommodated in a manner that respects your dignity and that recognizes your right to privacy, confidentiality, comfort, autonomy and self-esteem. The accommodation should maximize your ability to participate in society.
- You cannot be denied services or denied access to spaces that are normally available to the public because you are accompanied by a guide dog.

Duty to Accommodate & Undue Hardship

A service provider's "**duty to accommodate**" means they are legally required to provide you with the supports you need to receive the same level of service as anyone else.

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 service provider can show that it is very difficult for them to provide you with a certain type of accommodation, then they do not have to provide it.

It is important to note that it is not enough for a service provider to **simply claim** undue hardship. A service provider **must show clear evidence** of undue hardship. Such evidence can relate to the following factors:

- Whether the cost of the accommodation is so high that it would significantly interfere with the operation of the business.
- Whether the accommodation would create serious health and safety risks.
- Whether there have been past unsuccessful efforts to accommodate.
- The type of facility and the size of the organization.

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:

- The **Alberta Human Rights Act**
    - Prohibits discrimination based on disability in most areas of public life, including accessing government and consumer services.
- The **Canadian Charter of Rights and Freedoms**
    - Guarantees equality of the law including equal benefit of the law without discrimination.
- The **Consumer Protection Act**
    - Governs consumer purchases of goods or services in Alberta.

The **United Nations Convention on the Rights of Disabled People** ("UNCRDP") is also an important resource. The UNCRDP is an international human rights treaty aimed at protecting the rights and dignity of persons with disabilities without discrimination and on an equal basis with others.

Canada ratified the UNCRDP on March 11, 2010, and is therefore a party to the UNCRDP. Parties to the treaty are required to promote and ensure the full enjoyment of human rights of persons with disabilities, which includes full equality under the law.

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

A: The following people and organizations must comply with the above laws:

- Businesses and any other organization, including all employees that perform common consumer transactions in Alberta
- Consumers (individuals who purchase products and services within Alberta)
- The Alberta government (including its ministries and agencies) and Alberta 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.

If you need help addressing an accessibility barrier or need individual advocacy support, CNIB may be able to help. CNIB advocacy support services are available to give you the tools and resources you need to take action and confidently advocate for yourself. Submit a request for one-to-one advocacy support **here**.

For additional resources on self-advocacy, review the **Self-Advocacy & Essential Legal Information Handbook** on the Know Your Rights website.

If your concerns can't be addressed through collaborative discussions, you can consider making a complaint to:

- The **Alberta Human Rights Commission**
    - If you feel you have been discriminated against based on your disability when accessing goods or services.
- The **Alberta Ombudsman**
    - If you feel the provincial government, a provincial government agency, a Crown corporation, a municipality, or a health entity has treated you unfairly.
- **Ministry of Service Alberta and Red Tape Reduction**
    - If you have purchased goods or services and feel that the seller or manufacturer has not lived up to their obligations under **consumer protection laws.**
- The **Better Business Bureau**
    - If you have issues with how a business has handled your interaction with them.

You may also wish to consult with a lawyer to determine if you have grounds for a complaint and discuss other options that may be open to you.

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.

Trusted Intermediaries

Q: When I go into the community to shop, dine, or run errands, I sometimes go with a friend or support person. Often, the person serving me will look at my friend or support person and speak to them, instead of me. What can I do?

A: Ask the person serving you to address you. For example, you could say something like, "It would be easiest if you spoke to me directly." It may also be helpful to speak to your friend or support person ahead of time and let them know that this happens to you. Encourage them to redirect the service provider 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: The **Alberta Human Rights Act** prohibits discrimination on the basis of a person's disability, and specifically prohibits discrimination due to physical reliance on a guide dog. Service providers are prohibited from treating a person differently because they are accompanied by a guide dog.

People who are accompanied by guide dogs are entitled to an equal level of access to any service or facility that is commonly available or accessible to the public. Discrimination in services against persons with disabilities who use guide dogs typically involves denying access to a person, wholly or in part, because they are accompanied by a guide dog. This form of discrimination is commonly encountered in restaurants, when restaurant staff refuse to allow a person accompanied by a guide dog access to the restaurant.

Alberta's **Blind Persons' Rights Act** also prohibits denying services or access to facilities generally available to the public to a blind person accompanied by a guide dog. In particular, the **Blind Persons' Rights Act** makes it an offence to discriminate against, or deny access to any place or service available to the general public, for the reason that the person is blind and accompanied by a guide dog.

So, a person who is accompanied by a guide dog has the right to access any area that is generally accessible to the public. If a restaurant staff member denies you access, ask to speak to the manager of the business immediately. If the manager refuses you access, you may wish to escalate the complaint to the business owner, in writing.

If the business continues to take the position that they were justified in refusing you access, consider contacting the police to enforce the Blind Persons' Rights Act, making a complaint to

the **Alberta Human Rights Commission**, or consulting a lawyer to discuss other options that might be available to you.

Q: I called a taxi for a ride. When the driver arrived, they refused to let me enter the vehicle because I was accompanied by my guide dog. What can I do?

A: Most of the time, drivers of public vehicles in Alberta (including taxis and rideshares) are legally required to transport guide dog handlers **and** their guide dogs.

A driver of a taxi can **legally** deny you and your guide dog access if the driver can prove it would cause them undue hardship. Examples include:

- A driver who has a **serious** medical condition that prevents them from working with dogs.
- A driver who has a **genuinely** held religious belief that prevents them from being near dogs.

It's important to know that even if a driver has a valid legal reason for denying you service, they and their parent company are **still legally required** to provide you with the **next best** accommodation. For example, the next best accommodation could be for the driver to arrange for another vehicle to assist you immediately and to wait with you until that other vehicle arrives.

Consider letting the company know you are accompanied by a guide dog in advance of their arrival to avoid any unnecessary delay.

CNIB has developed a **Tip Sheet for Ordering a Taxi or Uber** that describes some practical steps you can take to reduce the risk of a bad experience. If you are still denied access because of your guide dog, there are many ways you can stand up for your rights.

First, consider making a formal complaint with the taxi company. You will likely need to contact them by phone to learn about their non-discrimination policy, and the consequences for a driver who violates the policy.

As a result of your complaint, the driver may face a range of disciplinary measures, including being prohibited from continuing to work for the company.

If your matter remains unresolved, you may want to consider other options such as:

- a complaint to the **Alberta Human Rights Commission**
- a complaint to municipal by-law enforcement (if the municipality licenses the taxi company)

Here's an example of a **successful complaint to municipal by-law enforcement in Ottawa from February 2019.** In this instance, the Uber driver was charged with a bylaw offence, after refusing a ride to a blind person.

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 is legally permitted to ask a guide dog handler for official documentation – for example, a guide dog identification card – to prove that a guide dog is legitimate. However, the practice of automatically requiring guide dog handlers to produce identification places a heavy burden on people who blind, Deafblind, or have low vision.

To learn how to self-advocate in scenarios when you when you are asked to provide official identification for your guide dog, **watch the public education videos** on the Know Your Rights website.

Point of Sale Machines

Q: When shopping or dining out, I often encounter an inaccessible point of sale machine. For example, the machine is completely touch screen. This means I need help to enter my PIN, often from the cashier or another customer. I do not want to share my personal financial information with others. What can I do?

A: Unfortunately, there is currently no legal obligation for stores to have an accessible point of sale terminal. Do your best to plan ahead. If you're going to a store or restaurant for the first time, try to contact that business by telephone or email in advance to see if they have an accessible point of sale terminal. Consider using cash to reduce the risk of an error in payment and to help keep your pin numbers confidential.

That being said, under the **Alberta Human Rights Act**, a business providing goods or services must provide reasonable accommodations for people with disabilities. When you inform the business of your needs, you trigger their duty to accommodate you up to the point of undue hardship.

Did you know that CNIB is **working with Moneris** to develop a more accessible payment terminal?

Shopping

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

A: There are 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 accommodate you 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 duty to provide you with accommodations.

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.

If your concerns are still not addressed, you can contact the **Alberta Human Rights Commission** or consider consulting a lawyer to see what options you have.

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

A: There are many technological tools that can help people with orientation and navigation through stores, malls, and other public spaces. As a resident of Alberta, you can apply to **Vision Loss Rehabilitation (VLR)** for specialized technical equipment, if eligible.

If technological tools do not meet your needs, or are unavailable, you can approach or contact an employee or manager of the building for assistance. When you speak with an employee or manager, 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 under the **Alberta Human Rights Act** to accommodate you to the point of undue hardship. If the employee or manager is reluctant or refuses to accommodate you, you may wish to remind them that they have a duty to accommodate you.

If this does not help, you can gradually escalate your complaint – for example, through an official complaint process or to an organization's management team. Government organizations and large private companies may have a designated person responsible for accessibility who can assist you.

If your concerns are still not addressed, you can contact the **Alberta Human Rights Commission** or consider consulting a lawyer to see what options you have.

Q: I would like to be able to use apps that allow people to shop online and purchase groceries, but they are often inaccessible. What can I do?

A: Many apps, such as Instacart, are compatible with screen reading software, such as JAWS (Job Access With Speech) or NVDA (Non-Visual Desktop Access). If you are using an Android or iOS device, you can enable TalkBack or VoiceOver at no cost.

If you have questions about online ordering options, contact the store that you wish to order from, and ask them what accessibility options they provide for visually impaired people. If the employee or manager is reluctant or refuses to accommodate you, you may wish to remind them that they have a duty to accommodate you.

If this does not help, you can gradually escalate your complaint – for example, through an official complaint process or to an organization's management team. Government organizations and large private companies may have a designated person responsible for accessibility who can assist you.

If your concerns are still not addressed, you can contact the **Alberta Human Rights Commission** or consider consulting a lawyer to see what options you have.

Forms, Websites and Queues

Q: Often, when I go to the bank or government office, I am required to complete consent and other forms. These forms are usually provided to me in an inaccessible format. When I ask for assistance from a bank or government employee, I am often told that they are not available to help me complete these forms because of constraints, or concerns about liability. What can I do?

A: Do your best to plan ahead. For example, if you need to renew a health card or passport, see if it's possible to complete the forms online. If not, 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 an employee or manager to determine how the government organization can accommodate you. If the employee or manager is reluctant or refuses to accommodate you, you can remind them that they have a duty to accommodate you.

To learn how to self-advocate in scenarios when you require accessible forms, **watch the public education videos** on the Know Your Rights website.

Q: When attending government offices, 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: Unfortunately, there is currently no legal obligation for government offices to ensure that their queues are accessible. That said, businesses and other organizations are still legally obligated to accommodate you up to the point of undue hardship.

If you encounter an inaccessible queue, you should approach an employee or manager for assistance. When you speak with an employee or manager, explain how the queue is inaccessible or unsafe for you and explain what kind of assistance you require in as much detail as possible. For example, ask an employee to notify you when your number is called or ask an employee to guide you through a queue.

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 or manager is reluctant or refuses to accommodate you, you can remind them that they have a duty to accommodate you.

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.

If your concerns are still not addressed, you can contact the **Alberta Human Rights Commission** or consider consulting a lawyer to see what options you have.

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, there is an **Alberta Government Directory** available online and all **Service Canada locations** can also be found online.

For help with municipal issues, you can contact your city clerk's office or municipality. Many cities and towns have a person responsible for accessibility who can assist you.

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 accommodate you 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 accommodate you.

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.

If your concerns are still not addressed, you can contact the **Alberta Human Rights Commission** or consider consulting a lawyer to see what options you have.

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 an **Alberta ID card**. The Alberta ID card is available for all Alberta residents over the age of 12, and can be obtained from any motor license issuer or registry agent. The ID card serves as official identification for people who don't have a driver's license.

The ID card is valid for one to five years, and can be renewed online.

You may also consider getting a **CNIB Card**. Depending on your municipality, a CNIB Card can provide you with benefits and discounts, and services from governments, businesses, and community partners. In some cases, a CNIB Card can be used as proof of disability for government programs and tax benefits.

Hotels

Q: I rented a room in a motel. Once I arrived, they refused me the room because of my sight loss, citing safety concerns. They told me that if anything were to happen, it would be their responsibility. What can I do?

A: The Government of Alberta requires **reasonable access to motels, hotels and lodging accommodations**. While there are limited exceptions, such as historical buildings which may be exempt, the Alberta Barrier-Free Design Guide and the Alberta Building Code dictate a minimum standard for accessibility. Motels are obligated to provide accommodations for you, and assist you in your stay. Fear of liability is not a valid reason to refuse service.

If you are refused a room, contact the property manager or owner and inform them of the situation, and your right to fair treatment. If necessary, contact the **Alberta Human Rights Commission** or consider consulting a lawyer to see what options you have.

Restaurants

Q: Often, when I go out to eat at a restaurant, the menu is not accessible. For example, the font is often too small. What can I do?

A: Explain to restaurant staff the assistance you require in as much detail as possible. When you disclose your disability to a server, you trigger the restaurant's legal duty to accommodate you to the point of undue hardship.

You can ask if the menu is available in an alternative format, such as electronically, so that you can use assistive technology to read the menu; or, you can ask your server to read the menu for you. If restaurant staff do not accommodate you, you can remind them that they have a duty to accommodate you.

If self-advocacy does not help, you can gradually escalate your complaint – for example, to a manager or supervisor and then to an official complaint process. If your concerns are still not addressed, you can contact the **Alberta Human Rights Commission** or consider consulting a lawyer to see what options you have.

To learn how to self-advocate when you are visiting a restaurant, **watch the public education videos** on the Know Your Rights website.

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