

Government & Consumer Services

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 government and consumer services in Ontario?.....	5
Duty to Accommodate & Undue Hardship.....	5
Q: Where do my legal rights come from?	6
Q: Who must comply with Ontario's laws related to government and consumer services?	6
Q: What can I do to enforce my legal rights?	7
Common Scenarios	8
Government Websites and Forms	8
Q: Due to my sight loss, I'm having trouble navigating government websites and accessing online services. What can I do?	8
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 liability issues” they could not assist me. What can I do?.....	9
Shopping	9
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?.....	9
Q: When shopping, I often encounter queues that are inaccessible: for example, a “take-a-number” system or line-ups marked using posts that are connected by ropes or belts (these are often used in airports and called “stanchions”). What can I do?	10
Q: When shopping, I often have trouble trying to read labels and telling the difference between products. What can I do?	11
Q: When shopping or dining out, I often encounter an inaccessible point of sale terminal. What can I do?.....	11
Q: I sometimes get disoriented when visiting new stores, service centres, or other public places. What can I do?	12
Guide Dogs	12
Q: I was denied access to a restaurant or a store because I was accompanied by my guide dog. What can I do?.....	12
Q: Before serving me, an employee or business owner asked me to show them official identification for my guide dog - is this allowed?.....	13

Getting Help	14
CNIB Services.....	14
Legal Services	14
Legal Aid Ontario	14
Ontario’s Community Legal Clinics	15
Pro Bono Ontario	15
The Human Rights Legal Support Centre	15
ARCH Disability Law Centre	15
Legal Information	16
Consumer Protection Ontario.....	16
Ministry of Government and Consumer Services	16
Steps to Justice.....	16
Ontario Ombudsman’s Office	16
Access Forward	16
Learn More	17
Identification	17
Wayfinding.....	17
Government Benefits	18
Federal.....	18
Provincial.....	18

My Legal Rights

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

A: Under Ontario 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 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 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 (because of high costs or health and safety risks), 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 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 service 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 government and consumer services.
- 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. For more information about the **Accessibility for Ontarians with Disabilities Act**, see the Essential Legal Information Handbook.
- The **Consumer Protection Act** which governs the majority of common consumer transactions in Ontario.

Note: depending on the type of consumer transaction, other laws may also apply. If you are thinking about making a complaint, you may want to consult with a lawyer to determine what laws apply to your specific situation.

Q: Who must comply with Ontario's 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 Ontario
- Consumers (individuals who purchase products and services within Ontario)
- The Ontario government (including its ministries and agencies) and Ontario municipalities

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

A: If you feel you have been unfairly 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 section of the Know Your Rights website.

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

- A complaint to the Ministry of Government and Consumer Services
- An application to the Human Rights Tribunal of Ontario
- A claim before an Ontario Court of Justice
- A complaint to the Ontario Ombudsman
- A complaint with the police who have the authority to investigate violations of the **Blind Person's Rights Act**

The **Blind Person's Rights Act** says that 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

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 Websites and Forms

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 for all [Service Ontario locations](#) and all [Service Canada locations](#) online. For help with municipal issues, you can contact your city clerk's office or your local city or town hall. 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 politely remind them that they have a 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 a manager or supervisor and then to an official complaint process.

If your concerns are still not addressed, you should consider consulting with a human rights lawyer to see what options you have.

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 liability issues” they could not assist me. What can do I?

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 politely remind them that they have a duty to provide you with reasonable accommodations so that you’re able to experience an equal level of service as anyone else.

Shopping

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 [Ontario Photo Card](#). The Ontario Photo Card serves as official identification for people who don’t have a driver’s licence. However, it cannot be used as travel documentation.

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 is also accepted as proof of a disability for some government programs and tax benefits.

Q: When shopping, I often encounter queues that are inaccessible: for example, a “take-a-number” system or line-ups marked using posts that are connected by ropes or belts (these are often used in airports and called “stanchions”). What can I do?

A: Unfortunately, there is currently no legal obligation for businesses or government organizations to ensure that their queues are accessible. If you encounter an inaccessible queue, you should approach an employee or manager for assistance.

Note: if an organization has constructed a new queuing guide that is “fixed”, which means that the queuing guide is built into the floor and cannot be moved, then the queuing guide must be detectable using a cane. This requirement comes from section 80.42 of the AODA. For more information about AODA enforcement, see the Essential Legal Information Handbook.

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 politely remind them that they have a 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 a manager or supervisor and then to an official complaint process.

If your concerns are still not addressed, you should consider consulting with a human rights lawyer to see what options you have.

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 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 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 a manager or supervisor and then to an official complaint process.

If your concerns are still not addressed, you should consider consulting with a human rights lawyer to see what options you have.

Q: When shopping or dining out, I often encounter an inaccessible point of sale terminal. What can I do?

A: 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.

Unfortunately, there is currently no legal obligation for stores to carry an accessible point of sale terminal. When shopping at stores that don't yet 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.

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 should approach an employee or manager of the store for assistance.

When you speak with an employee or manager, explain that you are having trouble with orienting yourself or navigating through the store. 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 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 a manager or supervisor and then to an official complaint process.

If your concerns are still not addressed, you should consider consulting with a human rights lawyer to see what options you have.

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: Under the **Blind Person's Rights Act**, it is against the law for someone to deny you a service or access to a space that is normally available to the public just because you are accompanied by a guide dog.

If this happens to you, ask to speak to a manager or the owner of the business immediately.

When speaking to a manager or owner, explain that you are only asking them to comply with the law and that there are penalties for breaking the law. If they still refuse, you have several options available to you. You can consider contacting:

- A municipal bylaw enforcement officer, depending on the type of business
- The police (at a non-emergency number) who have the power to investigate and issue fines for violations of the **Blind Person's Right Act**
- Community organizations, like CNIB, who can provide you with support
- A human rights lawyers to see what additional options are available to you.

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 the owner of a service animal for official documentation – for example, a guide dog card or letter from a healthcare practitioner – to prove that a service animal is legitimate.

However, it is usually obvious to tell if someone is being accompanied by a guide dog because they have sight loss. Ontario Courts have held that, because it is usually obvious to know whether or not a guide dog is legitimate, a request by a business for official identification for a guide dog will usually count as illegal discrimination under Ontario's **Human Rights Code**.

However, 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](#).

Ultimately, it is up to you whether to carry your official guide dog identification with you and whether to produce that identification if asked by a business.

If a dispute does arise and you wish to pursue legal action, you should consider consulting with a human rights lawyer to see what options you have.

Getting Help

CNIB Services

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

- CNIB offers [CNIB Cards](#) to people who are legally blind. CNIB Cards provide discounts and can be used as proof of disability for some government programs.
- [CNIB's Advocacy Staff](#) can assist clients with advocating for themselves and understanding their rights with respect to the provision of government services in Ontario. They can also provide education to businesses and government organizations on the rights of people with sight loss, etiquette and the duty to accommodate.
- [CNIB's Guide Dog Program](#) can assist guide dog handlers with advocating for themselves and understanding their rights. They can also provide public education to businesses and organizations through guide dog ambassador speaking engagements, lunch and learns, etc.
- [CNIB Technology programs](#) include introductions to new, accessible technology options like smartphone apps and the latest devices for people with varying degrees of sight loss. There are opportunities for learning, sharing and problem-solving in groups and one-on-one.

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.

Legal Information

Consumer Protection Ontario

[Consumer Protection Ontario](#) is an excellent resource that help you learn about your legal rights before, during or after you make a purchase. Through its website and toll-free telephone line, you can get the information you need to know to protect yourself.

Ministry of Government and Consumer Services

The [Ministry of Government and Consumer Services](#) provides detailed information about how and when to file a complaint against businesses for violating your consumer rights.

Steps to Justice

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

- Payday loans
- Identity theft
- Buying goods and services
- Door-to-door sales

Ontario Ombudsman's Office

The Ombudsman's Office oversees more than 1,000 provincial government and broader public sector bodies. Its [website provides](#) information about how to file a complaint.

Access Forward

[The Access Forward website](#) offers free training modules for service providers on 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.

Learn More

Identification

- [Ontario Photo Card](#): Information about the benefits of the Ontario Photo Card and how to apply.
- [Canadian passports](#): Information and helpful tips to assist individuals with applying for Canadian passports.

Wayfinding

Technological tools that assist with navigation and orientation:

- [Blind Square](#) is a GPS-app developed for people with sight loss that describes the environment and announces points of interest and street intersections.
- [Key 2 Access](#) is 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](#) is a map application that shares accessibility information for locations based on users' feedback.
- [Be My Eyes](#) is 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](#) provides an overview of some of the apps that are available to assist consumers with reading product labels, menus, etc.

Government Benefits

Federal

The Government of Canada website 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 parents of [children with disabilities](#)
- Information about the [Canadian Disability Tax Credit](#) (including how to apply) and other related tax credits

Provincial

The Ontario Government Website provides information about government benefits, tax credits and programs that are available to [people with disabilities 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