

Guide Dog Handler Advocacy Toolkit

Your right to access services and facilities

CNIB is committed to ensuring social attitudes shift to universal acceptance and appreciation for guide dogs. We also provide advocacy support for guide dog handlers across Canada, regardless of where their dogs are trained. We are pleased to provide you with this Guide Dog Handler Advocacy Toolkit with information and resources on your rights to help you with your self-advocacy efforts.

In this Guide Dog Handler Advocacy Toolkit, you will find:

- An introduction to your rights under the Human Rights Code
- Additional rights explained for residents of British Columbia, Alberta, Ontario, Nova Scotia and Newfoundland & Labrador
- Tips for writing a complaint letter
- Examples of what you can request from a service provider to ensure their services are not discriminatory
- Specific information on how to report a ride refusal from Uber
- A sample complaint letter that you can use as a template and tailor to your own experience
- An advocacy letter from CNIB that provides a summary of the law and information about the obligations of the service provider. You can include this letter with your personalized letter, if you choose.
- Digital QR Code. This code can be stored on your smartphone and service providers can either scan it off your phone or you can send it to them. When scanned, it will display a list of all legislation across Canada pertaining to the rights of guide dog handlers.

An introduction to your rights

What is the Human Rights Code?

The Human Rights Code is a provincial or territorial law that gives everyone equal rights and opportunities, without discrimination, in areas such as jobs, housing and services. The Code's goal is stop harassment and discrimination based on sex, race, disability or age to name just a few of the seventeen protected grounds. All other laws must agree with the Code.

Does every province and territory have a Human Rights Code?

Yes, each province and territory has its own Human Rights Code. In every Code, it is prohibited to discriminate against a person because they have a disability. This includes travelling with a guide dog.

How does the Human Rights Code help me?

Because of the Human Rights Code, people who have a disability have a right to access the same facilities and services that the general public have access to. Service providers have a responsibility to make reasonable accommodations to ensure that everyone has access.

What services and facilities do I have a right to access?

You have a right to access the same services and facilities as the general public. This includes privately-owned businesses and services and facilities that don't typically permit dogs, including:

- any self-contained dwelling
- restaurants
- taxis and rideshare services
- hotels and air B&Bs
- grocery and food stores
- gyms
- medical buildings, and
- any other place where the public would be permitted

What are some examples of places I do not have the right to access with my guide dog?

Sometimes access with your guide dog will need to be negotiated due to special circumstances such as:

- A tour of a restaurant kitchen could be a safety concern for everyone involved and it is not typically open to the general public.
- A location where someone has severe allergies to your dog. In this case, a negotiation will need to be made that fairly considers both people's human rights, (e.g., ensuring enough space between individuals in a classroom).
- A zoo or animal exhibit. Studies have shown that the presence of a dog while an animal is in captivity can elevate stress levels. For example, the Toronto Zoo does not permit guide dogs on site but will offer other accommodations.
- Accommodations that include shared spaces, such as a hostel where you may be sharing a room with others.

What can you do if you feel that you have been discriminated against?

You can challenge discrimination in different ways. These range from raising a complaint or grievance to starting a court case.

It is recommended that the first step be to make a complaint. Many disputes can be quickly and amicably resolved through making a complaint or through dialogue. Some businesses will offer a standard apology letter and/or a gift card. If you are not satisfied with the response, you may consider other options such as filing a Human Rights complaint. If you are unsure whether a response is satisfactory, you may contact CNIB to discuss the situation. You can contact us via email at GuideDogs@cnib.ca.

If you reside in any of the following provinces, there is additional legislation and other avenues for you to make a complaint:

- British Columbia
- Alberta
- Ontario
- Nova Scotia
- Newfoundland & Labrador

Additional Legislation for British Columbia, Alberta, Ontario, Nova Scotia and Newfoundland

If you live in one of these provinces, there is an additional law protecting your right to travel with a guide dog:

British Columbia – [The Guide and Service Dog Act](#)

Alberta – [The Blind Persons' Rights Act](#)

Ontario – [The Blind Persons' Rights Act](#)

Nova Scotia – [The Blind Persons' Rights Act](#)

Newfoundland & Labrador – [The Service Animal Act](#)

All of these Acts give police the authority to investigate and, upon conviction, lay fines of up to \$5,000 for denying access to a person because they are accompanied by a guide dog.

How to file a complaint under these Acts:

1. Call your local police or RCMP. This does not need to be done at the time when the incident occurs, you can call them once you are back home or at your final destination.
2. Occasionally, you will reach a staff person who is not familiar with these Acts. If this happens, politely ask if they can check with someone else because you know that they are able to help.

4. If you need support, reach out to us by email at GuideDogs@cnib.ca or call 1-800-563-2642.
5. Police will set up a meeting with you and an officer to take down the report.
6. The officer will investigate the situation and will follow up with you if any action is to be taken.

What To Do When Ordering an Uber

Tips to make things easier

- After booking, it is recommended that you call or text the driver and tell them explicitly where you are located. For example, tell them if you need them to pull into the driveway or parking lot. Many of the geo-map “pins” are inaccurate. For example, if you book an Uber to come to CNIB at 1929 Bayview in Toronto, the map tells them it’s at the northbound 11 bus stop, not the front entrance. Be sure to let them know your exact waiting spot when you book.
- It is entirely at your discretion whether or not to disclose that you have a guide dog. Sometimes this relieves stress, so you know the driver is aware ahead of time, but you are under no obligation to disclose if you choose not to. Sometimes disclosing this information can mean a longer than usual wait for a taxi.

Access Denial or Cancellation

- Uber's policy is that a driver must have a doctor's note on file stating the driver has an allergy to dogs before they are allowed to refuse picking up a guide dog team. If they do need to cancel the ride, they should wait with you until a new car arrives.

- If a driver cancels your journey, you will receive a message saying the driver has cancelled the journey. If you suspect it's because you're a guide dog handler, it is important that you take a screenshot of the cancellation on your phone. Uber will also have a record of this, but it's important that you have one, should there be a dispute. The information should also appear in your journey history in your Uber account.
- Uber has a specific complaint form in their app for issues with a service dog. Follow these steps:
 - Go to Help
 - Scroll down to the bottom to "Accessibility"
 - Scroll down to "I want to report a service animal issue"
 - You don't need to fill out every field. You will be contacted by an Uber representative, so you can explain what happened. The purpose of this form is to flag the incident. Just fill in what you can.
 - Uber states on their website that "Any report of unlawful discrimination will result in the temporary deactivation of a partner's account while Uber reviews the incident. Confirmed violations of the law with respect to riders with disabilities may result in permanent loss of a partner's access to the Uber platform."
 - Uber may also be licensed by your city. If you don't receive a satisfactory resolution through Uber, you can contact Licensing Enforcement.
- If you reside in British Columbia, Alberta, Ontario, Nova Scotia or Newfoundland & Labrador, you may also call the police (non-emergency number) as the driver has broken the law under the additional laws enacted in your province and they can be fined up to \$5,000 for denying someone service when accompanied by a guide dog.

- “Every person who is in contravention of section 2 is guilty of an offence and on conviction is liable to a fine not exceeding \$5,000. R.S.O. 1990, c. B.7, s. 6 (1).”
- Residents of all provinces and territories can make a formal complaint to the Human Rights Commission.

On the following pages, you will find the tools we have created to help you to challenge discrimination.

Tips for writing a complaint letter

An email/letter can be a quick way to resolve a situation where you feel you were discriminated against. It gives you an opportunity to explain how you would like the situation to be resolved. It is recommended that the letter be written in a clear and concise manner. The following steps may help you to organize your thoughts.

Before you start

Think back to the incident and make notes about what happened and what was said. If you were with another person, compare your memory of the incident with what they remember.

Avoid being rude or sarcastic. It’s understandable that you’re going to be upset and angry about a situation, but it will not help you to be rude. If you are, it’s more likely that the person dealing with the complaint will see you as “being difficult”, which can undermine your credibility.

Structuring your complaint letter

A complaint letter that is factual, easy to understand and persuasive is more likely to get you a positive result rather than a long, rambling letter. There are four key parts to a complaint letter, and we will outline what should go into each of them below.

Introduction

A good way to start is to say that your letter is to clearly outline details of your complaint. This should get the attention of the person reading it and make it clear that they need to take the matter seriously. You could then state briefly what the complaint is about. Try to keep this to a few lines as you will be giving a more detailed description later.

You can also mention that you are blind or partially sighted. This lets the recipient of the letter know that you are a person with a disability as defined in the Human Rights Code.

Describe what happened

You will need to say what happened to you. Your description does not need to be particularly long, but it does need to give the key facts. Provide the date or dates of the incident and the name of the person(s) you spoke to, if possible.

If something was said that is crucial, then you should include it. This is important if you are complaining about rudeness by the service provider's employee.

You should describe how the way you were treated made you feel. This will help raise awareness about the role that a guide dog plays in your life (providing independence and inclusion, as well as safety).

Your complaint must be accurate. Do not exaggerate or include details that did not actually happen. If you have to take the case to court and it is proven that you gave false information, this will damage your credibility and you could lose.

Explain the law – Human Rights Code

Since your complaint is that the service provider has broken the law, you need to refer to the Human Rights Code. You do not need to go into detail since you can attach CNIB's standard advocacy letter that details what they need to know.

You can point out that the Human Rights Code states that service providers are not allowed to discriminate. You can then explain how the service provider discriminated against you.

What do you want the service provider to do?

It is recommended that you tell the service provider what you want them to do to resolve the situation. Don't be afraid to ask for what you believe is suitable to resolve the problem. We have included some suggestions based on situations we have dealt with.

- **Apologize:** an apology can go a long way to addressing this sort of situation. However, it should be sincere. Sometimes, a service provider has made an honest mistake and simply not understood a situation or their legal obligations.
- **Change a procedure:** this can prevent a similar situation happening to you or someone else in the future. An example is changing a “no dogs” policy to say “No dogs – except service dogs”. The service provider could advertise this change to explain that it has made the reasonable accommodation. For example: putting a “Guide Dogs Welcome” sticker in a shop or restaurant window. Email guidedogs@cnib.ca or call 1-800-563-2642.
- **Train staff:** staff may not have understood what they needed to do. Arranging for staff training can be a way to avoid similar situations happening and shows that the service provider is serious about complying with the Human Rights Code. It can also be a positive benefit to the service provider.
- **Provide compensation:** money can be important but the courts do not tend to award large sums of money as compensation. If you would like to discuss this further, please contact CNIB Guide Dogs at GuideDogs@cnib.ca

Deadlines and other points to remember

Give the service provider a reasonable period of time to respond to you: 14 to 21 days is usually sufficient. Remember to keep copies of all the letters you send to and receive from the service provider.

It is up to you if you decide to send CNIB's **standard advocacy letter** with your own complaint letter. This summarizes the Human Rights Code responsibilities and, because the letter is on CNIB letterhead, it can help to emphasize that the situation is important.

When you get the service provider's response, read this carefully and compare it with what you have asked for. The service provider may robustly deny that it has done anything wrong. Equally, it may concede that it was at fault.

The complaint letter (an example is provided below) is the start of the process and you may need to exchange more letters with the service provider before you resolve the situation.

Sample complaint letter

Restaurant Owner's Name
Name of Restaurant
Number and Street Address
City and Province
Postal Code

August 28, 2021

Dear Restaurant Owner,

I am writing to complain about the service that I received at your restaurant on Friday, August 27, 2021. I was spoken to very rudely by Julie, a member of your staff, and I was told that I could not bring my guide dog into the restaurant.

I am partially sighted and travel with a guide dog for independence and mobility. As a person with a disability, my human rights are protected under the British Columbia Human Rights Code and your staff are legally required to provide access to your restaurant.

When you reply to me, please use the body of the email or if you are attaching a document, please use Microsoft Word. These are the formats that are accessible to me. PDF files are not accessible.

On August 27, 2021, I went to your restaurant for lunch. I had been shopping in town for some hours and the town was very busy with people doing their back-to-school shopping. I had to concentrate on following the way that my guide dog was helping me to navigate along the crowded streets, and this was very tiring.

When I went into your restaurant, I was immediately told by one of your staff that I could not bring my dog in. My guide dog, Milo, was wearing his

harness, which clearly states that he is a guide dog. I explained that I am blind and Milo is a trained and certified guide dog.

Your employee said that dogs weren't allowed in the restaurant as they are unhygienic, and she also said that she was sure he would try to take food from people's tables. I explained that guide dogs are specially trained not to do this. I tried to show your employee the ID card that my guide dog school issues. This includes a picture of Milo and confirms that he is an authorized and trained guide dog.

I also said that under the Human Rights Code it was illegal to deny me access because Milo is a guide dog. Your employee told me that dogs weren't allowed and I had to leave. When I asked her what her name was, she said it was Julie. Then she got angry and raised her voice, and again said that I couldn't bring a dog into the restaurant. She then accused me of being difficult and upsetting other customers. I was very upset and almost in tears, so I left the restaurant.

The British Columbia Human Rights Code says that service providers are not allowed to discriminate against people with disabilities. You are not allowed to refuse to serve disabled people like me or to treat disabled people in a worse manner by being rude.

I am making a complaint as I feel this is the only way to deal with the rude and discriminatory way I was treated. I would like you to apologize in writing and to assure me that you will make sure that you allow guide dogs into your restaurant and to put a notice in your restaurant window that says that guide dogs are welcome.

I would also like you to ensure that your staff are trained in their responsibilities under the Human Rights Code and understand they cannot treat people with disabilities in the way Julie treated me, as this is discriminatory. I feel you should also compensate me financially for the emotional toll this has taken on me.

I would prefer to sort this situation out in this way amicably. However, should you fail to respond appropriately, I am prepared to file a Human Rights Complaint against your restaurant.

I have also included a letter from CNIB that gives a brief explanation about the Human Rights Code and what you have to do to make sure you comply with the Code.

I look forward to hearing from you within 14 days.

Sincerely,

Your Name

CNIB Standard Advocacy Letter

This is a standard letter that you can send along with your personalized complaint letter. A version of the letter on CNIB letterhead can be found at cnibguidedogs.ca/advocacy.

Dear Service Provider,

The Human Rights Code – what it means for you and your business

Your provincial or territorial Human Rights Code is a piece of legislation that aims to ensure we have a fair and equal society. This includes making sure everyone has an equal opportunity to use services. The Human Rights Code sets out specific duties with which “service providers” have to comply. You are receiving this letter because a blind or partially sighted person believes that you, as a service provider, have broken the law.

The Human Rights Code says that service providers are not allowed to discriminate against people by treating them less favourably because of their protected characteristic. This includes a person with a disability.

Discrimination in providing services means:

- refusing to serve them
- providing a service of a poorer quality than you would provide to the public
- providing a service on worse terms or in a worse manner than you would provide to the public
- terminating a service

Service providers are also not allowed to harass or victimize someone because of their disability.

There is a further specific duty which only applies to disabled people. This is the duty to make reasonable accommodations. You must comply with this duty.

If you do not make a reasonable accommodation, you are breaking the law.

This includes waiving a “no dogs” policy, so people who are blind and partially sighted with guide dogs can enter your premises.

You should realize that disabled people may want to use your service. Not thinking about how to do this is not an excuse or a defense. Making sure that you comply with the law is in your best interests, and there is a good business case for doing this as well.

The individual will give you more details regarding the breach of the Human Rights Code.

We ask you to address this person’s complaint and ensure that you are complying with your obligations under the Code. If you fail to comply with the Human Rights Code, the individual can take you to court. If you lose, then the court could order you to pay compensation of up to \$5,000.

We appreciate your prompt attention to this matter.

A handwritten signature in black ink, appearing to read 'Victoria Nolan', with a stylized, cursive script.

Victoria Nolan
Head, Stakeholder Relations and Community Engagement
CNIB Guide Dogs

QR Code



This QR code can be scanned on a smartphone to produce a webpage containing all the legislation pertaining to guide dogs across Canada.

1. Open the camera on your phone
2. Place the camera over the QR code
3. A dialogue box will appear asking if you want to scan the code. Click yes
4. You will be taken to a webpage that lists all the legislation in each province and territory pertaining to guide dogs.

Contact Us

Despite guide dog handlers having access rights in every province for many years, refusals still happen every day. CNIB is here to help and support you. For more information, visit www.cnibguidedogs.ca, contact us at guidedogs@cnib.ca, or call 1-800-563-2642.