



# **Government and Consumer Services**

**Know your rights! — Guide to legal information**

**Last updated: August 11, 2021**



# Important

The information in this guide is of a general nature, and should not be taken as legal advice. If you require information about a specific legal issue, **contact a lawyer or a legal aid clinic.**

## Acknowledgements

**CNIB** wants to thank the volunteers and numerous contributors to this guide to legal information. For additional information about the **Know your rights!** project, please go at [cnib.ca/en/support-us/advocate/quebec-advocacy/know-your-rights](https://cnib.ca/en/support-us/advocate/quebec-advocacy/know-your-rights).

**CNIB** would also like to express its gratitude for the financial support provided by the [\*\*Fonds d'études notariales de la Chambre des notaires du Québec\*\*](#).

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This document covers the area of **government and consumer services**. A number of **general** and **specific** issues are addressed. The document also includes some of the laws and sections in them that will be useful to you in **standing up for your rights** in regard to government and consumer services whenever they are not respected.

## General issues

This section covers general issues about rights when it comes to transportation, as well as specific recourses available to you. For information about [general recourses](#), you can consult the document entitled [Advocacy and Essential Legal Information](#).

## What are my rights in regard to government and consumer services in Quebec?

### Internationally

The **Convention on the Rights of Persons with Disabilities**<sup>1</sup>, was signed by Canada in 2010<sup>2</sup>. Article 4 of the Convention sets out the obligations of States Parties in regard persons with disabilities:

“States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities

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<sup>1</sup> This Convention was adopted by the United Nations on **December 13, 2006**, and ratified by Canada on **March 11, 2010** and by Quebec on **March 10, 2010**. For comments on this Convention, see V. A. Boujeka, **La convention des Nations unies relative aux droits des personnes handicapées et son protocole facultatif**, RDSS sept-oct. 2007, n° 5, p. 799.

<sup>2</sup> Idem.

without discrimination of any kind on the basis of disability. To this end, States Parties undertake:

...

- f) To undertake or promote research and development of universally designed goods, services, equipment and facilities, as defined in article 2 of the present Convention, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines;”

Access to justice is an obvious example of government services. To that end, **article 13 of this Convention** provides the following:

1. “States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.
2. In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.”

## **Nationally**

The **Canadian Charter of Rights and Freedoms** provides that everyone is entitled to equal protection and equal benefits of the law. This applies in terms of not only access to government services but also consumer services. Nationally, given the existence of two levels of government (federal and provincial), both Charters are applicable. The **Canadian Charter** applies to both the federal and the provincial governments.

Article 15 of the **Canadian Charter**, which guarantees the right to equality and equal protection of the law, provides as follows:

“(1) every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.”

The **Quebec Charter**, in **section 10**, guarantees equal rights for everyone. Thus, government services to the public are subject to reasonable accommodation, where necessary, to make them accessible to disabled people. In its section 12, the **Quebec Charter** also offers protection concerning discrimination in regard to services offered to the public:

12. “No one may, through discrimination, refuse to make a judicial act concerning goods or services ordinarily offered to the public.”

Other statutes may be relevant, such as Quebec’s [Consumer Protection Act](#), and the [Accessible Canada Act](#).

## **How can I stand up for my rights in regard to government and consumer services?**

Please note that there are also [general recourses](#). You will find them in the document entitled Advocacy and Essential Legal Information.

There are **three** recourses specific to government and consumer services.

### **1. The Office de la protection du consommateur**

The **Consumer Protection Act** protects you in dealings with merchants and businesses. If they fail in any of their obligations, you can file a complaint with the [Office de la protection du consommateur](#). All you need to do is contact the Office and an agent will take you through the steps. For additional information about this recourse, go to the [Office’s website](#).

## **2. Public Protector**

If you have an issue with a government service, you can file a complaint with the **Public Protector**. You can file your complaint [online](#).

Once your complaint has been received, there will be an investigation into the situation. After that, the **Public Protector** will be in a position to make a recommendation and ensure its implementation and improvement of the situation.

## **3. Ombudsman de Montréal**

**In the case of a complaint against managers or employees of Ville de Montréal or its agents**, as a last recourse, once you have exhausted all other options, but the situation has not improved, you can file a complaint with the Ombudsman de Montréal. For additional information about the process for filing a complaint with the Ombudsman de Montréal, go to the [Ombudsman's website](#).

## **Specific issues**

This section covers specific situations and certain rights in regard to **government and consumer services**.

## **Because of my sight loss, I have difficulty navigating government websites and accessing services online. What can I do?**

Canada and Quebec have **standards guaranteeing access** to government websites.

For Quebec, the different government departments are listed in **section 2** of the **Act respecting the governance and management of the information resources of public bodies and government enterprises**. Those organizations are subject to the [Web accessibility standards of the Gouvernement du Québec](#) (SGQRI 008 2.0). Those standards enable anyone, including a disabled person, to freely access those organizations' websites. If you have any difficulty accessing a Quebec government website, you can email your suggestions for improvements to [info@quebec.ca](mailto:info@quebec.ca). You can also obtain assistance with navigating the site by calling one of the contact numbers listed or by sending an email or submitting a [form from their website](#).

Canada has its own [Standard on Web Accessibility](#) which ensures web accessibility for disabled people. If you have any difficulty navigating that site, you can call **1-800-622-6232** for assistance.

## **When I tried to fill out a paper form in a government office, I asked an employee for assistance. I was told that due to issues of responsibility, they could not help me. What can I do?**

An employee can refuse to help you fill out a form if he or she has a valid reason, but government offices are **required to provide reasonable accommodation**, namely by **providing documents in an accessible format** for blind or visually impaired people (**Quebec's Charter of human rights and freedoms**, section 10; **Act respecting Access to documents held by public bodies and the Protection of personal information**, sections 10 and 84). Let the employees know about your disability, and



work with them in good faith. You can also obtain **documents in an accessible format**, including braille, on government websites.

Refusal to accommodate could constitute discrimination based on a disability under section 15 of the Canadian Charter of Rights and Freedoms, section 10 of Quebec's Charter of human rights and freedoms, and sections 10 and 84 of the Act respecting Access to documents held by public bodies and the Protection of personal information. The following cases may provide good references:

- [Eldridge c. Colombie-Britannique \(Procureur général\), \[1997\] 3 R.C.S. 624](#)
- [Association des sourds du Canada c. Canada, 2006 CF 971, \[2007\] 2 RCF 323](#)

## **A business once asked me to provide valid government ID. I don't have a driver's licence, and I don't want to carry my passport around with me. What can I do?**

The Quebec government does not provide specific ID for people without a driver's licence. However, your **health card**, which has your photo, is a valid ID, and is accepted by the Quebec government, so you can use it. But some organizations require two pieces of photo ID.

You also have the option of getting a [CNIB card](#), which is not an official piece of ID, but it will give you access to certain privileges, such as discounts, and to certain services offered by governments and some businesses, such as additional accessibility services. To request a **CNIB card**, call **1-844-887-8572** or write to [info@vlrehab.ca](mailto:info@vlrehab.ca).

## **When I am shopping, I often run into inaccessible wait lines: for instance those using a take-a-number system or cordoned-off wait lines that use posts or stanchions (often found in airports). What can I do?**

Commonly-used means of access to a good or service may be inaccessible to the members of certain groups protected by the Charter, and thereby constitute discrimination under section 15<sup>3</sup>

If a queuing system makes it impossible or more difficult to access a good or a service due to a disability, the establishment or institution has an **obligation to provide reasonable accommodation**, and you have the **right to request it**. This does not mean that the inaccessible system will necessarily be eliminated, for instance in a case where it would impose an excessive constraint on the establishment or institution. However, a deliberate effort must be made to accommodate you.

If you make a request for reasonable accommodation in such a situation, and you are refused without any attempt to comply or any justification, you can file a complaint with the **Commission des droits de la personne et des droits de la jeunesse**.

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<sup>3</sup> Mélanie SAMSON, « Le droit à l'égalité dans l'accès aux biens et aux services : l'originalité des garanties offertes par la **Charte québécoise** » (2008) 38 R.D.U.S).

## **When I am shopping, I often have difficulty reading labels and telling the difference between products. What can I do?**

Consumer product labels must comply with the [Consumer Packaging and Labelling Act](#). There are no standards for visually impaired people. Thus shops **do not have a legal obligation to ensure the accessibility of labels** for visually impaired people.

Nonetheless, if your inability to read labels and distinguish between products results from a disability, the supplier of the product has the **obligation to provide reasonable accommodation** wherever possible. Although changing the labelling may be an excessive constraint, if you can think of a reasonable accommodation, **you have the right to request it**. If you think that the shop has failed in its obligation to provide reasonable accommodation, you can file a complaint with the **Commission des droits de la personne et des droits de la jeunesse**.

## **When I go shopping or eat out, I often come across inaccessible point of sale terminals. What can I do?**

The fact that there is no law requiring an establishment to be accessible, does not excuse the establishment from its obligation to provide reasonable accommodation. You can refer to the matter of the [Commission des droits de la personne et des droits de la jeunesse du Québec \(Gagnon\) c. Hôtel Villa de France, \[1998\], Montréal 500-53-000073-971, J.E. 98-796 \(T.D.P.Q.\)](#).

Commonly-used means of access to a good or service may be inaccessible to the members of certain groups protected by the Charter, and thereby constitute discrimination under section 15, as in the case of an inaccessible point of sale<sup>4</sup>. Thus, the establishment has an **obligation to provide reasonable accommodation** to a disabled person who cannot access its point of sale. “Under the concept of **reasonable accommodation**, service providers have a duty to do whatever is reasonably possible to accommodate persons with disabilities. The discriminatory barrier must be removed unless there is a bona fide justification for its retention, which is proven by establishing that accommodation imposes undue hardship on the service provider. What constitutes undue hardship depends on factors relevant to the circumstances and legislation governing each case.”<sup>5</sup>.(our bold).

The **Supreme Court** has set **three categories of excessive constraints**: financial resource limitations, respect for the rights of the victim and the smooth operation of the business or institution that would be required to provide the accommodation<sup>6</sup>. The burden is on the establishment to demonstrate the excessive constraint. The determination of what would be excessive is done on a case-by-case basis.

To sum up, when you are shopping or eat out and you come across an inaccessible point of sale, **you have the right to request reasonable accommodation**. If you believe that an establishment has failed in its obligation to provide reasonable accommodation, you can file a complaint with the **Commission des droits de la personne et des droits de la jeunesse**.

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<sup>4</sup> Mélanie SAMSON, « Le droit à l'égalité dans l'accès aux biens et aux services : l'originalité des garanties offertes par la **Charte québécoise** » [2008] 38 R.D.U.S)

<sup>5</sup> [Council of Canadians with Disabilities v. VIA Rail Canada Inc., \[2007\] 1 SCR 650, 2007 SCC](#), paragraphe 162.

<sup>6</sup> [Université Laval c. Commission des droits de la personne et des droits de la jeunesse, 2005 QCCA 27](#), paragraphe 120).

## **I sometimes get disoriented in a new store, service centre or other public place. What can I do?**

If you have difficulty orienting yourself in a store or other public place, you can always ask an employee or a guard working there to help you. They are required to respect your disability and to **provide you reasonable accommodation** as best they can.

There are also a number of technological tools that can help you navigate in establishments. You can use the [Be My Eyes](#) app to contact a volunteer who can assist you on a video call. The [Evelity](#) app uses a GPS system to help you get around inside any establishment.

## **I was refused access to a restaurant or store because I had my guide dog with me. What can I do?**

No restaurant or store owner may refuse access to a publicly-accessible place simply because you are accompanied by a guide dog. This constitutes discrimination within the meaning of section 10 of Quebec's Charter.

You should remind the person that you have a visual impairment, that you need your guide dog, and that it is your right. If that person still refuses to let you in, you can file a complaint with the **Commission des droits de la personne et des droits de la jeunesse**. See above for the process and other recourses available to you in this type of situation. Our [page specific to guide dogs](#) may also be useful to you. The following legal decisions may prove relevant in your particular situation:

- Denying a person access to a public place because that person is accompanied by a dog is discriminatory under **sections 10 and 15** if

that person is blind and the dog is his or her guide dog ([Commission des droits de la personne et des droits de la jeunesse c. Spa Bromont Inc.](#), [2013] R.J.D.T. 920; J.E. 2013-1543 [T.D.P.]; 2013 QCTDP 26).

- In regard to a fitness facility, refusal to accommodate constitutes discrimination, unless the presence of the dog represents a serious and excessive risk to safety, not simply a risk ([Commission des droits de la personne et des droits de la jeunesse c. Centre Latitude Fitness Inc.](#), J.E. 2013-1831 [T.D.P.]; 2013 QCTDP 27).
- In a restaurant, the solution proposed by the manager, which was to leave the guide dog in the lobby, is not reasonable accommodation. A guide dog is a blind person's way of compensating for their disability. The dog is an extension of the person, it is the person's eyes, and there can be no exception to that principle in a public place ([Commission des droits de la personne et des droits de la jeunesse c. 9107-9194 Québec Inc. \[Restaurant Jing Hua\]](#), J.E. 2006-466; EYB 2005-101556 [T.D.P.]).

# When your rights are not respected, stand up for them!

We hope this guide will help you stand up for your rights as they relate to education. We believe that you are in the best position to defend your rights. When your rights are not respected, you have the right to stand up for them and to make sure that others **Know your Rights**.

**CNIB is here for you.** Since its inception in 1918, CNIB has undertaken a variety of advocacy initiatives to **break down barriers** for people who are blind and to **advocate for an inclusive society**.

Please feel free to contact us for referrals and to take advantage of our services.

[DroitsDevant@inca.ca](mailto:DroitsDevant@inca.ca)

**1 800 465-4622**

Visit the campaign website for information on other rights:

**[cnib.ca/en/support-us/advocate/quebec-advocacy/know-your-rights](http://cnib.ca/en/support-us/advocate/quebec-advocacy/know-your-rights)**

Join the conversation on social media by using the tagline:

**#KnowyourRights**

**Together, enforce the rights of blind people!**