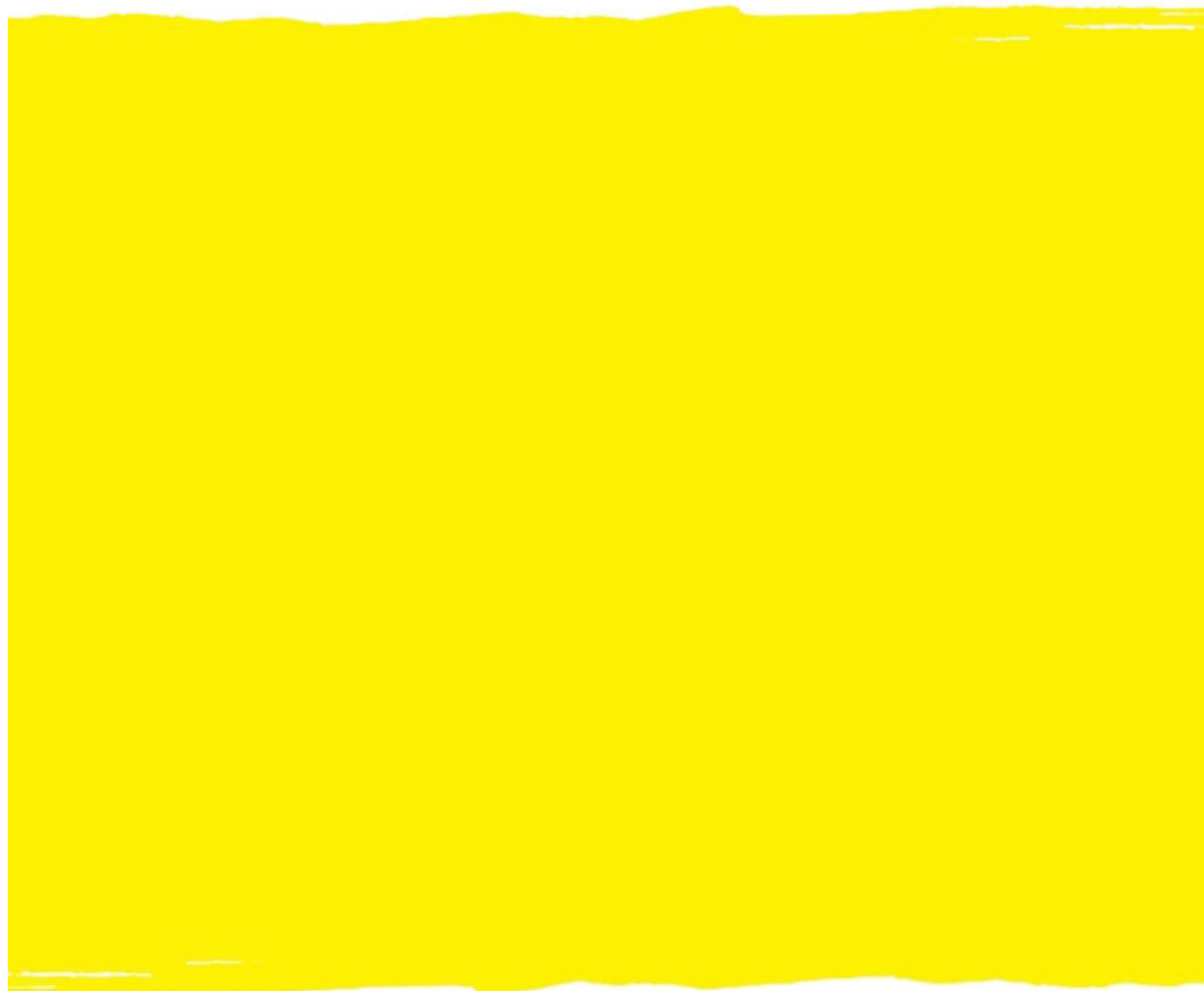


Self-Advocacy & Essential Legal Information

Know Your Rights – Legal Information Handbook



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

Acknowledgements

Thank you to the [Manitoba Law Foundation](#) for making the Know Your Rights project possible. While financially supported by The Law Foundation of Manitoba, CNIB is solely responsible for all content.



Thank you to the [Community Legal Education Association \(CLEA\)](#) for completing the legal research that ensured this Legal Information Handbook is accurate for Manitoba.



Thank you to the many volunteers and institutional collaborators who contributed to developing this legal information handbook, specifically the Focus Group and Working Group participants.

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

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1 Self-Advocacy

1.1 What is Self-Advocacy?

“**Advocacy**” means persuading others to change their attitudes, positions, or practices related to an issue that you care about. Advocacy can have a range of goals, such as raising public awareness, getting a company to change a business practice, or creating a new law.

“**Self-Advocacy**” means persuading others to change their attitudes, positions, or practices related to a situation that **you** are personally involved in. The goal of self-advocacy is to improve your situation or to make sure you are being treated fairly.

Self-advocacy does **not** mean doing advocacy alone. If you are in a challenging situation, it’s likely that many people have experienced similar situations before and gained valuable knowledge and experience that could help you. You may be surprised to learn about the many resources, programs, and organizations that can help people in your situation.

In addition, there are many educational resources to help you develop advocacy skills. Important advocacy skills include:

- Defining problems;
- Identifying your goals;
- Creating an advocacy plan/strategy;
- Writing effective emails; and
- Speaking comfortably/persuasively with people you may disagree with.

[CNIB Manitoba](#) has [training materials](#) that can help you become a more effective advocate.

1.2 What is “Legal” Advocacy and how is it Different?

By “**legal advocacy**”, we mean any kind of advocacy **where it’s useful or important to have a very good understanding of the law**. For example, you may need either:

- General information about what the law says or how the legal system works; or
- A detailed explanation about how the law applies to your specific situation and what legal actions you can take.

Legal advocacy is different than other kinds of advocacy in **one critical way**: since the law can be a very difficult and complex subject, **you are going to need help** finding general information about the law and accessing legal service providers.

People who you trust – like friends, family members, community workers, or non-profit organizations – can help you find **general information about the law**. They can also help you apply “legal life skills” to your personal situation (described further [below](#)) and connect with legal service providers.

Only lawyers licenced by the [Law Society of Manitoba](#) can practice law in Manitoba. It is **illegal** for anyone else to practice law in Manitoba. However, people and organizations can provide the public with general information about the law and legal procedures.

1.3 What does “Practicing Law” mean?

Lawyers deliver legal services to their clients by giving “**legal advice**” and providing “**legal representation**”.

To explain the value of these services, we’ll make an analogy between doctors and lawyers.

We all know that doctors go through years of specialized training so they can provide medical services such as: conducting physical exams and check-ups, making a medical diagnosis, prescribing medication, and performing medical procedures. If a doctor makes a mistake, a patient could be put in danger. As a result, it’s easy to understand why only qualified and licenced doctors can provide certain medical services in Manitoba.

For the same reason, only qualified and licenced lawyers can provide legal services in Manitoba: it takes years of specialized training to learn how to provide these services safely.

The table below defines different types of legal services and makes an analogy to a medical service that has a similar function. This analogy helps to show how:

- Just like medical services protect your health, legal services protect your legal rights; and
- Just as it's very dangerous for medical services to be provided incorrectly, your legal problem can get much worse if legal services are provided incorrectly.

Description of a Legal Service	Analogy to a Medical Service
A lawyer applies the law to a client's specific situation to determine what legal rights and duties that client has (called " providing legal advice ").	A doctor does a detailed physical examination of a patient to determine what medical conditions that patient has.
After applying the law to a client's situation, a lawyer recommends what legal actions the client can take to achieve their goals (also called " providing legal advice ").	After making a medical diagnosis for a patient, a doctor recommends what treatment options are available to improve that patient's health – for example, prescribing medication.
A lawyer serves as a client's legal representative to help the client achieve their goals – for example, by writing letters, submitting applications, or going to court on their client's behalf (also called " providing legal representation ").	A doctor performs a specific medical procedure on a patient to improve that patient's health – for example, doing surgery.

1.4 Legal Life Skills

The following skills are very important when you are dealing with a potential legal problem:

- Getting things in writing;
- Keeping detailed records;
- Collecting and organizing documents;
- Writing down a clear timeline of events; and
- Prioritizing relevant information.

We call these “**legal life skills**” because they **enable** effective legal advocacy.

Legal life skills are especially important at the **early stages** of self-advocacy: when you are starting to think that something about your current situation is wrong or unfair. For example, keeping detailed records can help you reflect on your situation and writing down a clear timeline can help organize your thinking and communicate effectively with others. By using these skills, you will be in a better position to resolve potential problems before they get bigger.

Applying these kinds of skills to your personal situation can be hard work, stressful, and emotionally draining. You should always consider reaching out to people who you trust – like friends, family members, community workers, or staff at a non-profit organization – to ask for help.

Finally, you should use these skills as much as possible **before** meeting with a lawyer. Since lawyers are so expensive, it’s important to make the most out of your meetings by preparing in advance as much as possible. Learn more about how to best prepare for a meeting with a lawyer by referring to the section of this Handbook titled, “[Before you meet with a lawyer](#)”.

1.5 Top Five Misconceptions about Legal Advocacy

1. Legal advocacy means taking someone to court or to a tribunal

While legal advocacy **can** involve taking someone to a court or tribunal, **most legal problems never go to adjudication.**

The term “**adjudication**” means that a judge or tribunal will formally hear and make a decision about a dispute.

An adjudicative process can be very expensive and time-consuming, which can last many months or years. As a result, many opt to resolve legal disputes before the dispute goes to formal adjudication. Unlike TV shows, most legal advocacy is done outside of a courtroom.

That said, sometimes adjudication is the best option for challenging and correcting unfairness. And, winning a case before a court or tribunal can lead to change for others facing similar circumstances.

2. Legal advocacy means getting into a dispute

While legal advocacy **can** involve getting into a dispute, **not all legal advocacy is adversarial**.

The term “**adversarial**” means “having a conflict where two sides oppose each other”.

In fact, **important and impactful legal advocacy is often non-adversarial**, and is instead characterized by parties working together to solve a problem or disagreement.

When dealing with a potential legal issue, a good approach is to start a collaborative discussion with the other party and gradually become more adversarial as needed. For example, here is an approach you can take:

Step 1: Do your best to understand the other party’s concerns and try to work with them to develop a solution in a collaborative way.

Step 2: Become more formal and direct with the other party: make sure to get things in writing and use stronger (but collegial) language to express your disagreement or your desire for a specific solution. In addition, explore dispute resolution options that are not fully adversarial.

For example, “**mediation**” is a dispute resolution process where a neutral third party helps two opposing sides share information and work together to develop a mutually agreeable solution.

Step 3: Explore adversarial options like filing a complaint with the [Manitoba Human Rights Commission](#) or filing a lawsuit. While most human rights cases and lawsuits do not get adjudicated, filing a complaint or starting a lawsuit can lead to the parties resolving the matter by arriving at a settlement.

This approach is **very general** and does not apply to all types of problems. You should always [get legal help](#) when facing a legal issue to obtain advice that is specific to your unique circumstances.

3. Legal advocacy means being vocal and assertive about my legal rights

While good legal advocacy **can** involve being vocal and assertive about your legal rights, there are good reasons why this shouldn't be your very first approach. Consider the following:

- Many potential problems arise due to ignorance or a lack of education. Educating the other party is often an efficient way to resolve a problem that could otherwise grow into a large dispute. If you start your discussions with the other party by strongly asserting your legal rights, they may feel intimidated or become defensive. This can shut down communication. Even if you are 100 per cent correct about your legal rights, an assertive approach could prolong the achievement of the outcome that you want.
- It is often very useful to ask questions and gather information from the other party to better understand their views.
 - For example, if you are requesting an accommodation from a service provider and they tell you the accommodation is “not possible”, it would be useful to know **why** they think it's not possible. Do they think that the cost is too high? If so, do they have a reasonable estimate of the cost? Do they think it's a health and safety problem? Do they have a competing human rights claim?
- By approaching the situation collaboratively, and gathering as much information as possible, **you will be better prepared to develop a strong and informed advocacy plan.**

4. You only need legal help after you get into a dispute

If possible, it's always better to get legal help **before** a potential legal issue grows into a full, adversarial dispute.

Ideally, you should get legal help at the **early stages** of self-advocacy: when you are starting to think that something about your current situation is wrong or unfair. To help explain why, we can make an analogy to your physical health:

If you are starting to feel unwell, you will likely try to learn more about your symptoms and try to figure out what medical condition you might have. If your symptoms get worse, you will surely want to see a doctor.

In the same way, if something about your situation seems unfair, you might first try to find some general information about your legal rights. If you think the situation may get worse, it is a good idea to see a lawyer **before** you make any legal claims or take any legal action. The purpose of seeing a lawyer is to get a good understanding of how the law applies to your specific situation. With this knowledge, you can create an effective advocacy plan.

5. It is easy to know when you have a legal issue

Sometimes it can be easy to recognize that a legal problem exists, but it can be difficult to identify the specific legal issue and the steps you can take to protect your legal rights. To make an analogy with medical care: it can be easy to tell that someone is sick, but a doctor's assistance is often required to make an accurate diagnosis and recommend an appropriate treatment plan.

Keep in mind that there are many cases where:

- People have a legal issue but don't realize it. For example, they might think that a conflict with someone else is just a personal disagreement, or they may think it's normal to be denied accommodations in certain settings.
- People don't have a legal issue but think that they do.
- People have a legal issue but it's very different than what they think it is.

With legal advocacy, you will usually need help to access legal information or legal services.

2 Getting Legal Help

2.1 What Kind of Legal Help do I Need?

“Legal Information” vs. “Legal Advice”

When you are seeking legal help, it's very important to know the difference between “legal information” and “legal advice.”

	What does it mean?	Who can provide it?
Legal Information	<p>A general explanation about how the law applies to a range of possible situations.</p> <p>Since a general explanation is not customized to your specific situation, it can't tell you with certainty what specific legal rights you have or what legal actions you can take.</p>	<p>Anyone can create and share legal information, so it is essential for you to judge whether the information comes from a reliable and trustworthy source.</p>
Legal Advice	<p>A service provided by a licensed lawyer who meets with you to learn about your specific situation and then:</p> <ul style="list-style-type: none">• Provides a detailed explanation about what specific legal rights and duties you have; and• Recommends what specific legal actions you can take to achieve your goals.	<p>Only a licensed lawyer can provide legal advice – it is illegal for anyone else to provide legal advice in Manitoba.</p>

An analogy between doctors and lawyers can help explain the difference between legal advice and legal information:

- Just as a lawyer provides their clients with legal advice, we can say that a doctor provides their patients with “medical advice.” When you visit a doctor’s office, they conduct a detailed physical examination to determine what specific medical conditions you have and to recommend **specific** treatment options.
- Going to see a licensed doctor is very different than reading a **general explanation** about a medical condition. For example, popular sources of general medical information include WebMD, Wikipedia, YouTube, and social media. Just like legal information, it’s essential for you to judge whether the source of information is reliable and trustworthy. For example, reliable sources of medical information include [Manitoba Public Health](#), the [Public Health Agency of Canada](#), and [MedlinePlus](#) (a public education website run by the National Institutes of Health). Reliable sources of legal information are listed in the section of this Handbook titled, “[Finding Reliable Legal Information](#)”.

Types of Legal Help

This section identifies and explains six kinds of legal help, listed from the easiest to the most difficult to access.

1. Legal Information

Legal information means a **general explanation** about how the law applies to a range of possible situations. Since anyone can create and share legal information, it’s important for you to judge whether information comes from a reliable and trustworthy source. Reliable sources of legal information are listed in the section of this Handbook titled, “[Finding Reliable Legal Information](#)”.

2. Connect to Community Supports

Since the law can be difficult and complex, you may need help finding reliable legal information and accessing legal services. A good first step is to connect with community supports, such as non-profit organizations, advocacy groups, or peer support groups. People in these organizations

can help you develop an advocacy plan, which can include connecting with legal resources. More information about community supports is available in the section of this handbook titled, “[Connect with Community Support](#)”.

3. Referral to a Legal Professional

To access legal services, you need to find a legal professional who has experience relevant to your legal challenge, and who can provide services either free-of-charge or for a price that is within your budget. It often takes a significant amount of work to find a specific legal clinic, law firm, or individual lawyer who meet these criteria.

It's important to ask for recommendations or referrals to specific lawyers from friends, community supports, and other legal professionals. You may need to follow up with multiple referrals before you find a lawyer or paralegal that you are able to work with.

More information on how to find a lawyer is available in the section of this Handbook titled, “[Find a Lawyer](#)”.

4. Summary Legal Advice

“**Summary legal advice**” is a service that can only be provided by a lawyer licensed by the Law Society of Manitoba. You receive a short consultation with a lawyer who listens to your story, provides you with legal advice, and who may refer you to other legal services. After this short consultation, there is no ongoing commitment for the lawyer to provide you with legal advice.

If seeing a lawyer is like seeing a doctor, then getting summary legal advice is like going to a walk-in clinic. When you go to a walk-in clinic, a doctor meets with you for a short time to provide you with a diagnosis and treatment options, and/or refers you to other medical services. After this short consultation, there is no ongoing commitment for the doctor to provide you with medical care.

5. Legal Advice

“Legal advice” is a service that can only be provided by a lawyer licensed by the Law Society of Manitoba.

The lawyer meets with you to learn about your **specific situation** and then:

- Provides a detailed explanation about what **specific** legal rights and duties you have; and
- Recommends what **specific** legal actions you can take to achieve your goals.

Legal advice is often provided as an ongoing service until your issue is resolved or until you have used up your budget for legal services. Information on how to make the most of your time with a lawyer is available in the section of this Handbook titled, “[Before you meet with a lawyer](#)”.

6. Legal Advice and Legal Representation

In addition to providing legal advice, a lawyer can also represent you – for example, by writing letters to other parties on your behalf, submitting applications for you, or serving as your legal representative in court or before a tribunal.

2.2 Finding Reliable Legal Information

When you search for legal information, it’s up to you determine whether the source is trustworthy and reliable. At minimum, you should make sure that the legal information you trust:

- Applies to Manitoba;
- Was published within the last few years (or sooner if the law has changed);
- Is authored by an organization with an established reputation – for example, the government, a legal clinic, or a well-known nonprofit.

If you’re not sure if a source is trustworthy and reliable, you may wish to consult the following resources:

- A resource created by the Law Society of Saskatchewan, titled “[Legal Information Guidelines](#)”. This resource describes different ways legal information can be provided, and how the public can determine whether a source of legal information is reliable. Although this resource was created in Saskatchewan, the principles are applicable and useful when determining if a source is trustworthy and reliable in Manitoba.

- A resource created by Community Legal Education Ontario, titled “[Clues to Reliable Legal Information](#)”. Although this resource was created in Ontario, the principles are applicable and useful when determining if a source is trustworthy and reliable in Manitoba.

Some reliable sources for legal information in Manitoba include:

- [Legal Aid Manitoba](#)
- [Manitoba Human Rights Commission](#)
- [Government of Manitoba](#)
- [Manitoba Courts](#)
- [Law Society of Manitoba](#)
- [Community Legal Education Association](#)
- [Manitoba Law Reform Commission](#)
- CNIB’s [Know Your Rights Legal Information Handbooks](#)

2.3 Find a Lawyer

When to look for a lawyer

If possible, it’s always better to get legal help **before** a potential legal issue grows into a full, adversarial dispute. Ideally, you should look for a lawyer at the **early stages** of self-advocacy: when you are starting to think that something about your current situation is wrong or unfair.

Make sure you work with a licenced lawyer to protect yourself from getting incorrect legal advice. If you have a bad experience with a licenced legal professional, you can [file a complaint](#) with the [Law Society of Manitoba](#). In addition, licenced lawyers are required to carry insurance so clients can be compensated if they are financially harmed by a lawyer’s mistake.

Before you meet with a lawyer

Since legal services are very expensive, you'll want to make the most of the time you spend with a lawyer.

If you aren't eligible for free legal services, you'll need to pay for some or all of your legal costs. Some lawyers may agree to work at a discount or may even agree to work for free (called working "*pro bono*") because your case relates to issues that they care about.

To get the best value for your money, try to prepare as much as possible **before** meeting with a lawyer. [Legal Aid Manitoba](#) has information about [what to expect from your lawyer](#), and the [responsibilities of your lawyer](#).

Like all service providers, Manitoba's [Human Rights Code](#) requires that lawyers provide you with accommodations for your disability, up to the point of undue hardship, at no additional cost to you.

How to find a lawyer

You will be looking for a legal professional who has relevant experience and who can provide services either free of charge or for a price that falls within your budget. It often takes a significant amount of work to find a specific legal clinic, law firm, or individual lawyer who meet both of these criteria.

A good place to start your search is by determining if you are eligible for the following legal services, which are free of charge:

- [Legal Aid Manitoba](#)
- [The Legal Help Centre](#)

The [Law Society of Manitoba](#) has a '[Find a Lawyer](#)' tool. This tool allows you to search for a lawyer by first or last name, firm/organization, and/or municipality. A lawyer's contact information is available via this service, so you can contact lawyers directly.

[Community Legal Education Association](#) operates the [Law Phone-In and Lawyer Referrals Program](#). Through this program, individuals can receive:

- legal information and advice,
- referrals to law-related agencies, and
- referrals to lawyers, when appropriate.

The Law Phone-In and Lawyer Referral Program allows Manitobans to call or email with legal questions. From there, staff lawyers will attempt to provide information, or connect them to a lawyer who can.

If you are referred to a lawyer through this program, your first consultation, up to half an hour will be free. This service is free and available to **all** Manitobans.

To find a **French-speaking lawyer**, you may contact [Infojustice](#). Infojustice provides a [specialized referral service](#) for this purpose.

It's important to ask for recommendations or referrals to specific lawyers from friends, community supports, and other legal professionals. You may need to follow up with multiple referrals before you find a lawyer you are able to work with.

Some lawyers in Manitoba will offer free or low-cost initial consultations during which they may provide you with summary legal advice. Some lawyers offer “unbundled” or “fee-for-service” billing. In this case the lawyer is only providing you with the specific legal services you want and may not be dealing with all aspects of your legal issue. You can look at lawyers’ webpages or phone their offices to determine if they offer this service.

Unfortunately, there are many cases where people who do not qualify for free or discounted legal services, and cannot afford a lawyer. If you find yourself in a situation like this, it's very important to reach out to community supports.

If you are considering representing yourself, please refer to the following resources:

- [Information for Self Representation](#), created by the [Manitoba Courts](#).

- [The National Self-Represented Litigants Project \(NSRLP\)](#). The NSLRP has developed a resource, titled: “[Navigating the Justice System: A Guide for Self-Represented Litigants with Disabilities](#)”.

2.4 Connect with Community Support

When seeking out community supports, here are some broad categories of organizations to consider:

- Pan-Disability groups, including:
 - [Manitoba Possible](#)
 - [Manitoba League of Persons with Disabilities](#)
 - [Easter Seals](#)
 - [March of Dimes](#)
 - Centres for Independent Living
- Disability-specific groups, including:
 - [Alliance of Equality of Blind Canadians](#)
 - [Canadian Council of the Blind](#)
 - [Canadian Deafblind Association](#)
 - [Canadian Hellen Keller Centre](#)
- Issue-specific groups, including:
 - [Access Now](#)
 - [The A11y Project](#)
 - The [Manitoba Blind Sports Association](#)
- The media, including national news, local news, Twitter, YouTube, and Facebook.
- Organizations with public profiles, including large charities, large corporations, local businesses, industry organizations, and professional associations.

For more ideas, contact [CNIB](#), visit your local library, or access [211 Manitoba](#) online or by calling 2-1-1.

3 Essential Legal Information

This section summarizes information that you should know about:

- Key Players in the Legal System
- Key Legislation: Manitoba's [Human Rights Code](#) and the [Accessibility for Manitobans Act](#)
- Other Important Legislation

3.1 Key Players in the Legal System

Three Levels of Government

The federal, provincial and municipal levels of government each have many departments and agencies. Each level of government has different areas of control (or areas of “jurisdiction”).

Courts and Tribunals

There are both federal and provincial courts. Each level of court has different areas of control (or areas of “jurisdiction”).

In addition, each level of government can create tribunals that operate like courts and are specialized in certain topics.

Lawyers

Only licenced lawyers can provide legal services. While legal services are very expensive, some legal professionals offer services at discounted rates or even for free. The legal profession is

regulated by the [Law Society of Manitoba](#). The Law Society is the only body that can determine [who may become a lawyer](#).

Additionally, the Law Society of Manitoba has a tool people can use to [find a lawyer](#). You can also make a [complaint](#) about a lawyer to the Law Society of Manitoba.

3.2 Key Legislation

There are two pieces of provincial legislation that have the largest impact on people with sight loss: Manitoba's [Human Rights Code](#) and the [Accessibility for Manitobans Act](#).

It's important to have a basic understanding of how these laws work because they come up so often in legal advocacy.

Keep in mind that this handbook only provides a basic explanation about how these laws work. If you need to apply these laws to your specific situation, it's essential that you speak with a lawyer and obtain legal advice.

Manitoba's Human Rights Code (the "Code")

How does the Code protect your rights?

The [Code](#) gives you important legal rights:

- You have the right to be **free from discrimination and harassment** because of your disability in most areas of public life.
- You have the right to have **an equal level of access** as anyone else to products, services, facilities and employment opportunities that are offered to the public, without discrimination because of your disability.
- You have the right to receive **accommodations** for your disability from a service provider or employer up to the point of undue hardship.
- If you feel you have been discriminated against, contrary to the [Code](#), you have the right to **file a human rights complaint** with the [Manitoba Human Rights Commission](#).

The [Code](#) does not:

- Give any power to the police to investigate human rights complaints; or,
- Create detailed rules that describe exactly what is considered “discrimination”, “accommodation”, and “undue hardship” in a range of situations or sectors.

The Manitoba Human Rights Commission

The [Manitoba Human Rights Commission](#) was created to help enforce the rights people have under the [Code](#). The [Commission](#) receives complaints from the public about discrimination and works with the parties to reach a resolution. The [Commission](#) must investigate every complaint. The purpose of the investigation is to prepare a recommendation for the Board of Commissions about whether or not the complaint should be dismissed or should be referred to a member of the **Human Rights Adjudication Panel** for a final decision.

The [Commission](#) also educates the public about the [Code](#) through seminars and workshops; and, prepares and distributes [Guidelines](#) and [Fact Sheets](#) to assist the public in understanding the [Code](#).

Key Concepts: Discrimination, Duty to Accommodate, and Undue Hardship

“**Discrimination**” occurs when a service provider or employer treats you differently because of your disability, and this differential treatment causes you harm.

The “**duty to accommodate**” generally means that a service provider or employer is legally required to provide you with the supports you need to have an equal level of access to products, services, facilities, and employment opportunities offered to the public. A service provider or employer’s duty to accommodate is triggered when you disclose your disability and make a request for accommodation. A service provider or employer is required to consider your request individually and must provide you with supports that meet your unique needs.

It is important to note that the duty to accommodate has a limit. 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, they do not have to provide it.

Service providers must show clear evidence of undue hardship. Their evidence can relate to factors such as:

1. Whether the cost of the accommodation is so high that it would significantly interfere with the service provider or employer's ability to operate their business. When calculating the cost, an employer or service provider must consider outside sources of funding, such as government grants or subsidies.
2. Whether the accommodation would create serious health and safety risks for others, or their operations.

Even if an organization shows that a certain type of accommodation will create undue hardship, they may still have a legal duty to provide you with the **next best** type of accommodation.

The Accessibility for Manitobans Act (the “AMA”)

What is the Accessibility for Manitobans Act?

The [AMA](#) was enacted in 2013 with the goal of removing barriers affecting persons with disabilities in Manitoba, by 2023. Here are the essential features of the [AMA](#):

- It applies to most organizations in Manitoba, including government, for-profit and not-for-profit organizations.
- It requires the Government of Manitoba to create [Accessibility Standards](#) that focus on five key areas of daily living. The [Accessibility Standards](#) set out detailed minimum accessibility requirements in the following contexts:
 - Customer Service
 - Employment
 - Information and Communications
 - Design of Public Spaces

- Transportation
- To date, Accessibility Standards have been enacted for:
 - [Customer Service](#)
 - [Employment](#)
- At the time of writing, the Information and Communications Accessibility Standard was under development; and, the Accessibility Standards for Design of Public Spaces and Transportation have yet to be developed.

Like all laws, the [AMA](#) has strengths and weaknesses. Its strengths are:

- It promotes a culture and practice of accessibility in Manitoba.
- It empowers the province of Manitoba to conduct inspections and charge an organization with an offence for non-compliance with the Accessibility Standards.
- It requires the province of Manitoba to conduct a review of each Accessibility Standard once every five years, from the date the Accessibility Standard was enacted.

Weaknesses of the [AMA](#) include:

- The slow development of new Accessibility Standards.
- The lack of enforcement regarding non-compliance with the Accessibility Standards.

How does the AMA protect your rights?

It's important to know that the [AMA](#) does not actually give **you** any legal rights. Rather, the [AMA](#) gives the **Manitoba Government** the right to investigate and fine organizations that don't comply with the [AMA's Accessibility Standards](#). No other person or group has legal rights under the AMA against organizations that fail to comply with AMA Standards.

If you notice that an organization is not complying with the AMA, you may contact the [Accessibility Compliance Secretariat](#). Individual complaints will not be investigated, however feedback from the public is recorded and used to identify trends that inform compliance and awareness raising efforts.

How do the AMA and the Code relate to each other?

The table below shows how the [AMA](#) and the [Code](#) have different approaches to promoting accessibility and inclusion:

The AMA	The Code
The AMA sets out detailed minimum accessibility requirements for different types of services.	The Code creates a general legal duty to accommodate (up to the point of undue hardship) that must be customized to the specific situation of each individual.
The AMA cannot be enforced by individuals: you cannot sue an organization for harming you because it failed to comply with the AMA Standards.	The Code can be enforced by individuals: you can file a human rights complaint against an organization for harming you because it failed to comply with the Code.
The AMA says that if there is a conflict between the AMA and another law, then the law that provides the highest degree of inclusion/accessibility takes priority.	The Code says that if there is a conflict between the Code and another law, then the Code takes priority (unless the other law specifically says that it takes priority despite the Code).

Here are two important take-aways:

- The Code provides you with a higher degree of legal protection than the AMA because the Code’s “duty to accommodate” is customized to your specific situation and is enforceable by you at the Manitoba Human Rights Commission.
- Even if a service provider has fully complied with the applicable AMA Standards, it does not necessarily mean that they have fulfilled their legal duty to accommodate you under the Code.

Municipal By-Laws

Many different service providers require a licence from your municipality to operate. Examples of these service providers include restaurants, hairdressers, taxis, and construction sites.

Since some municipal licences and by-laws have requirements with respect to accessibility.

Contacting municipal by-law enforcement can sometimes be part of an effective legal advocacy plan.

If you need to understand how municipal bylaws apply to your specific situation, then it's essential that you get legal advice from a lawyer.

The Charter of Rights and Freedoms (the “Charter”)

The [Charter of Rights and Freedoms](#) is part of Canada's constitution. Section 15 of the Charter says, among other things, that the government must not discriminate based on disability in its laws or programs.

The law related to **Charter** enforcement is very complex. Though there have been proceedings regarding **Charter** enforcement and disability issues, the impact of these cases is not clear. Some research studies on **Charter** enforcement cases have found that these cases have had a “limited impact” on advancing disability-related causes, while other studies have found reasons for “cautious optimism”.

You need to invest a lot of time, research, and education before you can understand the potential benefits and drawbacks of **Charter** litigation. For most legal issues, **Charter** litigation is not an appropriate advocacy strategy. If you are very interested in learning more about Charter litigation, you can do research on your own or talk to a lawyer.

The Government of Canada's [Guide to the Charter of Rights and Freedoms](#) provides a basic introduction to the *Charter*.

For a comprehensive (but very technical) review of disability-related Charter litigation, refer to this 2017 academic study, titled: [Peoples with Disabilities and the Charter](#).

Other Federal and Provincial Laws

It is important to keep in mind that many other federal or provincial laws (that have not been mentioned in this handbook) can impact your legal advocacy strategy, depending on the specific details of your situation. This is another reason why it's important to speak to a lawyer and get legal advice as early as possible.

3.2 Other Important Legislation

Service Animals Protection Act

The [Service Animals Protection Act](#) was enacted in 2009. The Act makes it an offence for a person, or their animal, to touch, feed, impede or interfere with a service animal without consent.

If a person is convicted of an offence under the Act, they can be ordered to pay a fine, as well as compensation if their actions caused loss or damage.

If another person, or their animal, interferes with your service animal without your consent, consider speaking with the person immediately. You may explain that you are asking them to comply with the law regarding your service animal. If they continue to interfere, you can consider contacting:

- The police (at a non-emergency number), as the police have the power to investigate and issue fines for violations of the **Service Animals Protection Act**. Some police officers may not be aware of their authority to enforce the **Service Animals Protection Act**, so you may need to inform them.
- Community organizations, like CNIB, that can provide you with support.

4 Resources

Legal Resources

[Manitoba Human Rights Commission](#)

The **Manitoba Human Rights Commission** is an independent office of the Government of Manitoba that is responsible for receiving and investigating complaints of discrimination to determine if the [Human Rights Code](#) has been contravened.

For information on **filing a complaint** with the Commission, the Commission's website provides direction on [how to start the process](#) and a [Guide to Filing a Complaint](#).

The Commission also educates the public about human rights through seminars and workshops; and, prepares and distributes [guidelines](#) and [fact sheets](#) to assist the public in understanding the [Code](#).

[The Law Society of Manitoba](#)

The **Law Society of Manitoba** oversees the legal profession in Manitoba. The Law Society is the only body that is authorized to determine who may become a lawyer in the province, and is responsible for responding to [complaints](#) about lawyers. The Law Society also has a [Lawyer Lookup](#) tool that enables the public to search for lawyers.

[Infojustice](#)

Infojustice is a legal information centre committed to promoting access to justice in French. By providing information, support and referral services, Infojustice helps French-speaking individuals understand and respond to the various legal situations they face in their everyday lives.

Infojustice provides the following services:

1. consultations via telephone and email, or in person if appropriate,

2. courthouse or tribunal accompaniment,
3. referrals to relevant organizations and resources, and
4. referrals to French-speaking lawyers.

For contact information, [visit the Infojustice website](#).

Community Legal Education Association

The **Community Legal Education Association (CLEA)** is a not-for-profit organization that provides legal information and education to Manitobans. CLEA develops programs and resources to help individuals better understand Manitoba's legal system, and how to resolve their legal issues.

CLEA can help members of the public by providing general legal information, suggesting resources, and telling people about different options for obtaining legal advice.

CLEA also operates the [Law Phone-In and Lawyer Referrals Program](#). Through this program, individuals can receive:

- legal information and advice,
- referrals to law-related agencies, and
- referrals to lawyers, when appropriate.

The Law Phone-In and Lawyer Referral Program allows Manitobans to call or email with legal questions, and staff lawyers will attempt to provide information, or connect them to a lawyer who can.

If you are referred to a lawyer through this program, your first consultation, up to half an hour will be free. This service is free and available to **all** Manitobans.

Legal Aid Manitoba

Legal Aid Manitoba provides legal services to low-income Manitobans. To qualify for services from Legal Aid Manitoba:

- You must meet their [financial eligibility criteria](#); and
- Your case must have merit. To learn more about how Legal Aid Manitoba determines whether a case has merit, please refer to their [qualification criteria](#).

Public Interest Law Centre

The **Public Interest Law Centre (PILC)** is an independent office of Legal Aid Manitoba. PILC represents clients at all levels of the court system; and, before boards, administrative tribunals and legislative committees.

PILC selects cases on the basis of social significance, legal merit and the availability of resources. Applications for public interest law cases will only be approved if:

- Funding is available to pursue the matter throughout the proceedings.
- There is a reasonable likelihood of success.
- The matter will impact a systemic issue in the law, or will impact a segment of the population of Manitoba.
- Clients meet Legal Aid Manitoba's financial eligibility criteria.

The University of Manitoba Community Law Centre

The **University of Manitoba Community Law Centre** primarily handles [summary conviction criminal offences](#), but may also assist with Highway Traffic Act offences, small claims cases involving consumer problems, and Manitoba Public Insurance disputes.

[Legal Help Centre](#)

The **Legal Help Centre (LHC)** provides legal information and assists self-represented litigants with certain non-urgent legal matters. LHC operates the following clinics:

- Drop-In Clinics
- Family Law Clinics
- Consumer Protection Clinics

To qualify:

- You must not be eligible for Legal Aid
- You must not already have a lawyer assisting you
- You must meet LHC's [financial eligibility guidelines](#)

[Accessibility for Manitobans Act Website](#)

The **Accessibility for Manitobans Act website** offers a helpful overview of the Accessibility for Manitobans Act and Accessibility Standards.

[Manitoba Courts](#)

The **Manitoba Courts** website provides general information about how Courts in Manitoba operate, and what to expect if you are attending Court. There is also a helpful resource on attending Court as a [self-represented person](#).

[Manitoba Law Reform Commission](#)

The **Manitoba Law Reform Commission** is an independent law reform agency. Its role is to improve, modernize and reform the law and administration of justice in Manitoba.

Projects of law reform are initiated in response to the public, the legal profession, and Manitoba's Minister of Justice and Attorney General. The Commission carries out research and consultation and makes formal recommendations for law reform to the Minister of Justice and Attorney General.

[Publications](#) produced by the Commission, and Information about the [Commission's current projects](#), are available online.

Essential Non-Legal Resources

[The Manitoba Ombudsman](#)

The **Manitoba Ombudsman** is an independent office of the Legislative Assembly of Manitoba. The Ombudsman conducts independent, impartial and non-partisan investigations of complaints regarding the following issues:

- access to information and privacy matters,
- the fairness of government actions or decisions, and
- serious “wrongdoings” by the government.

Complaints may be related to any act, decision, recommendation, or omission relating to a matter of administration by any department or agency of the provincial or a municipal government.

For information on filing a complaint with the Manitoba Ombudsman, please refer to the information and [guidelines outlined on the Ombudsman's website](#).

[Manitoba 211](#)

Manitoba 211 is a free, confidential 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 Manitoba. The service helps Manitobans who are looking to find the right community or social resource, but do not know where to start.

In addition to searching on the 211 Manitoba website, there are various ways for people to [contact](#) Manitoba 211, including calling 2-1-1 to talk with trained professionals to help identify the services that they need.

Services are grouped together into the following categories:

- [Emergency Resources](#)
- [Covid-19 Information](#)
- Food and Clothing
- Housing and Homelessness
- Health
- Mental Health
- Employment
- Newcomers
- Children and Parenting
- Youth

[CNIB Programs](#)

We're here to help – contact CNIB for more programs, 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 virtual program offerings on [CNIB's website](#).
 - You can access a list and schedule of CNIB Manitoba's program offerings on [CNIB Manitoba'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, people who are blind or partially sighted are connected with sighted volunteers to engage in virtual, weekly conversation.
- **CNIB SmartLife**
 - 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 is 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 Advocacy Team**
 - The CNIB Advocacy Team can assist participants with advocating for themselves and understanding their rights. You can contact us at advocacy@cnib.ca if you have questions.
- **CNIB Guide Dogs**
 - CNIB Guide Dogs can assist guide dog handlers with advocating for themselves and understanding their rights. This program also provides public education to organizations to provide knowledge about the rights of guide dog users.

Vision Loss Rehabilitation Canada

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 vision

loss. VLRC's services are tailored to the unique needs and goals of each person they assist. Specifically, VLRC certified specialists provide a range of services that help individuals with vision loss lead more independent, active lives.

Contact information for VLRC's Manitoba offices is available in the [“Locations” section of the VLRC website](#).

Wayfinding

Wayfinding refers to technological tools that assist people who are blind, partially sighted or Deafblind 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](#) provides overviews of some of the apps that are available to assist consumers with reading items such as product labels and menus.

