

Transportation

Know Your Rights – Legal Information Handbook



CNIB

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Disclaimer

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

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

Table of Contents

My Legal Rights	4
Q: What legal rights do I have when it comes to transportation in Manitoba?	4
Q: Where do my legal rights come from?	5
Q: Who must comply with Manitoba transportation laws?	6
Q: What can I do to enforce my legal rights?	7
Common Scenarios	8
Q: I often encounter barriers when trying to use a transportation service. I'd like to make a complaint, but I don't where to start. What can I do?	9
Q: The buses I use are inaccessible. For example, the buses tend to lack audio signals that identify stops, the drivers do not reliably assist me and drive by me on occasion, and at times, the signage and location of the bus stops makes them difficult to find. What can I do?	9
Q: I sometimes have difficulties navigating through transit stations and terminals. What can I do?	10
Q: I was denied access to a taxi, Uber, or Lyft because I am accompanied by a guide dog. What can I do?	11
Q: When can I be denied access to a taxi because I have a guide dog?	12
Q: When ordering an Uber or taxi through an app, I worry about the possibility of getting into the wrong car, as my sight loss prevents me from being able to match the numbers/letters on the physical licence plate with the numbers/letters provided in the app. What can I do?	13
Q: I've arranged a pick-up from a public vehicle (e.g., a taxi, Uber, Lyft), but I'm worried that the driver won't be able to identify me when it arrives. What can I do?	13
When attempting to travel by air, I was denied accommodations and treated poorly by airport/airline staff. What can I do?	14
Resources	15

My Legal Rights

Q: What legal rights do I have when it comes to transportation in Manitoba?

A: Under Manitoba laws, people with disabilities have important legal rights when it comes to transportation:

- You have the right to have a **level of access equal to** anyone else regarding public transportation services, without discrimination because of your disability. This means you cannot be denied access to transportation services because of a disability.
- You have the right to receive **accommodations** for your disability from a public transportation provider 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 service animal, such as a guide dog or hearing dog.

Duty to Accommodate & Undue Hardship

A transportation provider's "**duty to accommodate**" means that they are legally required to provide you with the supports you need to have a level of access to their transportation service that is equal to anyone else.

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 transportation provider can show that it would be too difficult for them to provide you with a certain type of accommodation, then they don't have to provide it.

It is important to note that it is **not enough** for a transportation provider to **simply claim** undue hardship. A transportation provider **must show clear evidence** of undue hardship, which can relate to factors such as:

- The cost of the accommodation, if the cost is so high that it would significantly interfere with the transportation provider's ability to operate their business.

- The accommodation would create serious health and safety risks for the transportation provider's operations.

Even if a transportation provider shows that a certain type of accommodation will create undue hardship, 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:

- Manitoba's [Human Rights Code](#)
 - The Human Rights Code applies to all services, benefits, and programs available to the public, including healthcare.
 - The Human Rights Code prohibits discrimination based on physical or mental disability or related circumstances (such as using a service animal).
 - The Human Rights Code also requires reasonable accommodations to be made for people with disabilities.
- The [Canadian Human Rights Act \("CHRA"\)](#)
 - Like Manitoba's Human Rights Code, the **CHRA** prohibits discrimination based on disability.
 - The difference between Manitoba's Human Rights Code and the CHRA, is that Manitoba's Human Rights Code applies to transportation providers that operate within Manitoba only; and, the CHRA applies to transportation providers that operate interprovincially, that is, across more than one Canadian province or territory.
 - Transportation providers that operate within Manitoba only are provincially regulated, so the provincial human rights law applies.
 - Transportation providers that operate interprovincially are federally regulated, so the federal human rights law (the CHRA) applies.
- Manitoba's [Highway Traffic Act](#)

- Governs most aspects of road transportation in Manitoba, including licensing requirements, traffic rules, and reporting accidents.
- Manitoba's [Drivers and Vehicles Act](#)
 - Sets out the rules for driver's licensing, insurance, and registration. It also explains how some disabilities may prevent you from holding a driver license and imposes a duty to disclose a disability if you are applying for a license.
- The [Accessibility for Manitobans Act](#)
 - The Accessibility for Manitobans Act 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
 - At the time of writing, the government has yet to complete the [Standard for Transportation](#), but has published [Recommendations for an Accessibility Standard for Transportation](#). Once completed, the **Accessibility Standard for Transportation** will apply to public transportation to address barriers Manitobans may encounter while getting to work or school, shopping, socializing, and other aspects of daily life.

Q: Who must comply with Manitoba transportation laws?

A: Public transportation providers are required to comply with federal and provincial human rights laws, and provincial transportation laws. This includes:

- Public transportation providers and staff employed by businesses, organizations and government services that provide transportation in Manitoba.
- Businesses and organizations that provide transportation services in Manitoba.
- Municipally operated transportation services in Manitoba, and provincially operated transportation services in Manitoba.
- Interprovincial transportation operators must comply with provincial laws when operating within Manitoba borders, as well as with federal human rights law.

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

A: If you feel you have been discriminated against when accessing or trying to access a transportation service, there are things you can do to challenge the discrimination.

In general, you should first try to resolve your concerns by speaking with the people and organizations 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](#).

Your legal options depend on which level of government has authority over the type of transportation service you're concerned about:

Federally Regulated Transportation Services

- Air (e.g., flying from one province to another);
- Rail (e.g., travelling by train from one province to another);
- Marine (e.g., travelling by boat between provinces through a waterway, such as the Great Lakes St. Lawrence Seaway System);
- Interprovincial highways (e.g., using a coach bus service to travel between provinces).

Provincially Regulated Transportation Services

- Provincial highways

Provincially and Municipally Regulated Transportation Services

- Local public transportation
- Paratransit
- Taxis
- Ride-share services

It is important to note that this is a general overview, and that exceptions may apply. You may wish to confirm with the transportation carrier, or obtain independent legal advice, before making a complaint regarding discrimination and transportation.

If you believe that you have been treated unfairly due to your disability, you may want to consider a human rights complaint.

- If the transportation provider is federally regulated, your complaint must be made to the [Canadian Human Rights Commission](#).
- If the transportation provider is provincially or municipally regulated, your complaint is made to the [Manitoba Human Rights Commission](#).
- You may also consider contacting your local municipality for matters concerning things like licensing or bylaw enforcement matters.

If your matter remains unresolved, you may want to obtain independent legal advice about other options that may be available to you.

Common Scenarios

Even though there are laws to protect you from discrimination, people with disabilities still face barriers to having an equal level of access to transportation services.

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.

Q: I often encounter barriers when trying to use a transportation service. I'd like to make a complaint, but I don't where to start. What can I do?

A: As a first step, voice your concerns to the transportation provider. Many large public transportation providers have a designated person responsible for accessibility who can assist you. When you speak with an employee or representative of the transportation provider, explain what problems you are experiencing and what assistance you require in as much detail as possible. When you disclose your disability to the transportation provider, you trigger that organization's legal duty to accommodate you to the point of undue hardship.

If this does not help, you can gradually escalate your complaint – for example, to higher levels of management or to an official complaint process.

If your concerns are still not addressed, you should consider consulting with a lawyer to see what options you have. Your legal options will depend on **which level of government has authority** over the type of transportation service you're concerned about.

If you have exhausted the options outlined above, and the transportation service provider continues to take the position that they cannot accommodate you, you may wish to consult with a lawyer to obtain independent legal advice regarding your specific circumstances. You may also find it helpful to contact the [Manitoba Human Rights Commission](#) and/or the [Canadian Human Rights Tribunal](#) for information and direction.

Q: The buses I use are inaccessible. For example, the buses tend to lack audio signals that identify stops, the drivers do not reliably assist me and drive by me on occasion, and at times, the signage and location of the bus stops makes them difficult to find. What can I do?

A: To get immediate assistance when on board, approach the driver (or other transportation service staff members) and inform them about your sight loss. Explain what problems you are experiencing and what assistance you require, in as much detail as possible. When you disclose your disability to a staff person, you trigger that transit provider's legal duty to accommodate you to the point of undue hardship.

You can ask for different kinds of assistance – for example, staff could help you by:

- guiding you to a seat
- helping load or unload bags
- announcing stops
- advising you of any hazards or safety issues when exiting the vehicle

In most cases, staff are required to assist you because it is very likely that requests like this do not amount to undue hardship for the transit provider.

If staff have problems with your requests, remind them of their legal obligation to accommodate you to the point of undue hardship, so you can have an equal level of access to transportation services as anyone else. If this does not help, you can escalate your complaint – for example, by contacting the organization/government service that is responsible for operating the bus, or through an official complaint process.

If you have exhausted these options, and the transportation service provider continues to take the position that they cannot accommodate you, you may wish to consult with a lawyer to obtain independent legal advice regarding your specific circumstances. You may also find it helpful to contact the [Manitoba Human Rights Commission](#) and/or the [Canadian Human Rights Tribunal](#) for information and direction.

Q: I sometimes have difficulties navigating through transit stations and terminals. What can I do?

A: To begin, you may wish to approach or contact an employee or manager of the building for assistance. When you speak with an employee or manager, explain that you are having trouble with navigation or orientation 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 transportation service provider's legal duty under the [Human Rights Code](#) to **accommodate you to the point of undue hardship**. If the employee or manager is reluctant or refuses to accommodate you, you may wish to remind them that they have a duty to 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, through an official complaint process.

You may also want to consult with a lawyer to see what options you have, including [filing a complaint](#) with the [Manitoba Human Rights Commission](#).

Additionally, the accessibility barriers may be the result of a Building Code violation. You may also consider contacting the city clerk's office or your municipality to report the accessibility issue.

Finally, there are now many [technological tools](#) that can help you navigate and orient yourself within buildings.

Q: I was denied access to a taxi, Uber, or Lyft because I am accompanied by a guide dog. What can I do?

A: Aside from a few [very rare](#) situations, drivers of public vehicles in Manitoba (including taxis and ride shares) are legally required to transport guide dog handlers **and** their guide dogs.

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

First, consider making a formal complaint with the company that employs the driver.

For taxi companies, you will likely need to contact them by phone to learn about their non-discrimination policy, and the consequences for a driver who violates the policy.

Uber publishes its [Non-Discrimination Policy](#) and [Service Animal and Assistive Devices Policy](#) online. Uber offers [Uber Assist](#), which is a program designed by Uber to assist passengers with disabilities.

Lyft also publishes its [Anti-Discrimination Policy](#) and [Service Animal Policy](#) online.

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

Here's [one example of a successful complaint](#) to Uber in Toronto and Ottawa from February 2018.

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

- A complaint to the [Manitoba Human Rights Commission](#)
- A complaint to municipal by-law enforcement (if the municipality licenses the taxi company, Uber or Lyft)

Here's an example of a [successful complaint](#) to municipal by-law enforcement in Ottawa from February 2019.

Q: When can I be denied access to a taxi because I have a guide dog?

A: A driver of a taxi can **legally** deny you and your guide dog access if the driver can prove it would cause them undue hardship. These situations are very rare; examples include:

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

A driver can't simply pretend to have a serious medical condition or pretend to hold a genuine religious belief. If you choose to file a legal complaint, and a driver **doesn't have clear evidence** to support their claim of undue hardship, it is likely they would be found liable for discrimination.

It's important to know that even if a driver has a valid legal reason for denying you service, they, and their parent company, are **still legally required** to provide you with the **next best** accommodation.

For example, the next best accommodation could be for the driver to arrange for another vehicle to immediately assist you and to wait with you until that other vehicle arrives.

You may choose to let the company know you are accompanied by a service animal in advance of their arrival to avoid any unnecessary delay.

Q: When ordering an Uber or taxi through an app, I worry about the possibility of getting into the wrong car, as my sight loss prevents me from being able to match the numbers/letters on the physical licence plate with the numbers/letters provided in the app. What can I do?

A: When you schedule your ride, consider contacting the driver to advise them of your sight loss, and provide them with specific instructions about where to find you, and how to contact you when they have arrive.

When the driver arrives, ask for the driver's name, the licence plate number, and the person they are picking up, to compare it with what your app is telling you. Rather than asking "Are you X?" or "Is your licence plate number Y" or "Are you here to pick up Z?", ask the driver open-ended questions and let them answer.

Some accessibility features offered by [Uber](#), such as IOS VoiceOver, Android TalkBack, and wireless braille display, may also be of some assistance.

Rather than using the GPS function for your pick-up location, consider manually entering a more specific location and include detailed instructions. If VoiceOver is available, you will receive a notice that will be read aloud when your driver arrives.

You can also use the "contact your driver" feature to communicate with your driver and suggest ways to spot you. For extra peace of mind, Uber allows you to share your ride details with loved ones, including specific route and estimated time of arrival. According to Uber, friends or family members will receive a link where they can see the driver's name, photo, and vehicle information, and track where the rider is on the map in real time until they arrive at their destination—all without downloading the Uber app.

Q: I've arranged a pick-up from a public vehicle (e.g., a taxi, Uber, Lyft), but I'm worried that the driver won't be able to identify me when it arrives. What can I do?

A: When you are scheduling the pick-up, consider telling the company that you have sight loss, and you will need the driver to physically guide you (or provide some other accommodation) to help

you locate or access their vehicle. It may also be helpful to arrange for a very precise pick-up location, so there is less room for error.

While you are not required to disclose your disability to a taxi or ride-share company when scheduling a ride, sharing this information and requesting help triggers the company's duty to accommodate you to the point of undue hardship. The company and driver are then required to take the necessary steps to ensure you receive an equal level of access to their service as anyone else.

When attempting to travel by air, I was denied accommodations and treated poorly by airport/airline staff. What can I do?

A: To begin, airline companies, such as [Air Canada](#) and [WestJet](#), provide online information about their accessibility services and policies. The [Canadian Transportation Agency](#) also dedicates a section of its website to [accessible transportation](#), which includes [standards and guidelines for accessibility](#).

You may wish to review these policies and resources in advance of travelling to confirm what you are entitled to; and, you may consider contacting the airline in advance of your travel date to advise them of your need for accommodation in as much detail as possible.

Air travel is regulated by the federal government. Persons with disabilities have a right to equal access to federal transportation services. If your requests for accommodation are denied, and/or you are treated poorly by airport/airline staff, you may wish to take the following steps:

- [Contacting the Canadian Transportation Authority](#) to discuss the issue, and/or file a complaint.
- [Filing a complaint with the Canadian Human Rights Commission](#).

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 professional 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 Manitoba 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.

[The Canadian Human Rights Commission](#)

The **Canadian Human Rights Commission** deals with complaints under the **Canadian Human Rights Act**. For **federally** regulated transportation services, you may be able to bring a [complaint](#) about discrimination based on disability to the [Canadian Human Rights Tribunal](#).

[The Canadian Transportation Agency](#)

The **Canadian Transportation Agency** (“CTA”) helps protect the human rights of people with disabilities when they access federally regulated transportation services. [Learn more about filing an accessibility complaint with the CTA](#).

The **CTA** also publishes a range of helpful materials such as:

- [Accessibility and the Canadian Transportation Agency](#)
- [Take Charge of Your Travel: A Guide for Persons with Disabilities](#)
- [Travelling with a Service Animal](#)
- [Travelling with an Attendant](#)

The **CTA** is also responsible for creating and implementing the new accessible transportation requirements under the [Accessible Canada Act](#).

The **Accessible Canada Act** is a federal law that was created in 2019, which is modeled off the **Accessibility for Ontarians with Disabilities Act**. The **Accessible Canada Act** creates [new requirements for federal transportation service providers](#) that will come into effect between 2020 and 2022.

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 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 sight 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 sight 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 an overview of some of the apps that are available to assist consumers with reading items such as product labels and menus.



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