**Guide Dog Handler Advocacy Toolkit**

# Your right to access services and facilities

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

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

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

# An introduction to your rights

### What is the Human Rights Code?

The Human Rights Code is a provincial or territorial law that gives everyone equal rights and opportunities, without discrimination, in areas such as jobs, housing, and services. The Code’s goal is to stop harassment and discrimination based on 17 protected grounds, including sex, race, disability, and age. All other laws must comply with the Code.

### Does every province and territory have a Human Rights Code?

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

### How does the Human Rights Code help me?

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

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

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

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

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

Sometimes, you will not be permitted to access an area with your guide dog. Other times, a compromise will be necessary. Some examples include:

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

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

You can challenge discrimination in different ways, such as having a conversation, filing a complaint, or taking legal action.

The first step should always be to speak up about what is happening. Many issues can be resolved quickly through dialogue or by making a complaint. Some businesses will offer a standard apology letter or a gift card. If you are not satisfied with the response, you may consider other options, such as filing a Human Rights complaint. If you are unsure whether a response is satisfactory and want to discuss the situation, you can contact CNIB at GuideDogs@cnib.ca.

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

* British Columbia
* Alberta
* Ontario
* Nova Scotia
* Newfoundland and Labrador

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

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

British Columbia – [The Guide and Service Dog Act](https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/40th-parliament/4th-session/bills/third-reading/gov17-3)

Alberta – [The Blind Persons’ Rights Act](https://www.qp.alberta.ca/1266.cfm?page=b03.cfm&leg_type=Acts&isbncln=0779728068&display=html)

Ontario – [The Blind Persons’ Rights Act](https://www.ontario.ca/laws/statute/90b07)

Nova Scotia – [The Blind Persons' Rights Act](https://nslegislature.ca/sites/default/files/legc/statutes/blind%20persons%27%20rights.pdf)

Newfoundland and Labrador – [The Service Animal Act](https://www.assembly.nl.ca/legislation/sr/statutes/s13-02.htm)

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

### How to file a complaint under these Acts:

1. Call your local police or RCMP. This does not need to be done at the time when the incident occurs. You can call them once you are back home or at your destination.

2. You may reach a staff person who is not familiar with these Acts. If this happens, ask if they can check with someone else because you know they are able to help.

4. If you need support, reach out to us by email at GuideDogs@cnib.ca or call 1-800-563-2642.

5. Police will set up a meeting with you and an officer to write the report.

6. The officer will investigate the situation and will follow up with you if any action is required.

## What to do when ordering an uber

General tips

* When your ride is confirmed, call or text the driver. Give them specific information about where you are. For example, tell them if you need them to pull into the driveway or parking lot. Many of the geo-map “pins” are inaccurate.
* It is entirely at your discretion whether to disclose that you have a guide dog. Sometimes disclosing can relieve stress because you know the driver is aware of the situation ahead of time. However, you are not obligated to disclose if you choose not to. Sometimes disclosing this information can mean a longer than usual wait time.

**Access Denial or Cancellation**

* Uber's policy states that a driver cannot refuse to pick up a guide dog team unless they have a doctor's note on file stating the driver has an allergy to dogs. If the driver needs to cancel the ride, the driver should wait with you until a new car arrives.
* If a driver cancels your trip, you will receive a notification indicating the driver has cancelled. If you suspect it’s because you’re a guide dog handler, it is important to take a screenshot of the cancellation on your phone. Uber will also have a record of this, but it’s important that you have one, should there be a dispute. The information should also appear in your trip history in your Uber account.
* Uber has a specific complaint form in their app for issues with a service dog. Follow these steps:
	+ Go to Help
	+ Scroll down to the bottom to "Accessibility"
	+ Scroll down to "I want to report a service animal issue"
	+ You don't need to fill out every field. You will be contacted by an Uber representative, so you can explain what happened. The purpose of this form is to flag the incident. Just fill in what you can.
	+ Uber’s website states that “Any report of unlawful discrimination will result in the temporary deactivation of a partner’s account while Uber reviews the incident. Confirmed violations of the law with respect to riders with disabilities may result in permanent loss of a partner’s access to the Uber platform.”
	+ Uber may also be licensed by your city. If you don’t receive a satisfactory resolution through Uber, you can contact your city’s Licensing Enforcement department.
* If you reside in British Columbia, Alberta, Ontario, Nova Scotia, or Newfoundland and Labrador, you may also call the police non-emergency number, as the driver has broken the law under the additional laws enacted in your province and may be fined up to $5,000 for denying someone service when accompanied by a guide dog.
* “Every person who is in contravention of section 2 is guilty of an offence and on conviction is liable to a fine not exceeding $5,000. R.S.O. 1990, c. B.7, s. 6 (1).”
* Residents of all provinces and territories can make a formal complaint to the Human Rights Commission.

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

## Tips for writing a complaint letter

If you’ve experienced discrimination, an email or letter can be a quick way to resolve the situation. It gives you an opportunity to explain what happened and how you would like the situation to be resolved. Your letter should be clear and concise. The following steps may help you organize your thoughts.

### Before you start

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

Remember your approach may influence the effectiveness of your letter. If you’ve experienced discrimination, it’s understandable you may be angry or upset, but leading with anger or sarcasm could undermine your efforts.

### Structuring your complaint letter

A clear and concise letter is more likely to get you a positive result than a long, rambling letter. There are four key parts to a complaint letter, which we will outline below.

### Introduction

Begin by stating that your letter is a complaint. This should get the attention of the recipient and make it clear they need to take the matter seriously. You can then provide a brief statement about the issue. Try to keep this to a few lines as you will be giving a detailed description later.

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

### Describe what happened

You will need to provide a concise description of what happened. This should include the key facts, like relevant dates and names. If any dialogue is relevant, it can be captured here.

Explain how the incident made you feel. This will help raise awareness about the role that a guide dog plays in your life.

Your complaint must be accurate. Don’t include anything aside from the facts, like what you assume someone else was thinking or feeling and avoid exaggerations. If the case is taken to court, any false information could damage your credibility and cause you to lose the case.

### Explain the law – Human Rights Code

Your complaint is based on the service provider breaking the law, so you must refer to the Human Rights Code. You do not need to go into detail because you can attach CNIB's standard advocacy letter with the relevant information.

Point out that the Human Rights Code prohibits service providers from discriminating against people with disabilities. You can then explain how the service provider discriminated against you.

### What do you want the service provider to do?

You need to tell the service provider what you want them to do to resolve the situation. Think about this carefully. Be realistic, but don’t be afraid to ask for what you believe is a suitable resolution to the problem.

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

### Deadlines and other points to remember

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

Remember you can send a copy of CNIB's **standard advocacy letter** with your own complaint letter. This summarizes the Human Rights Code responsibilities and, because the letter is on CNIB letterhead, it can help to highlight the importance of the situation.

When you receive a response, read it carefully and compare it with what you have asked for. The service provider may deny wrongdoing, or they may admit fault.

Your complaint letter is the beginning of the process. You may need to exchange multiple letters with the service provider before a resolution is reached.

# Sample complaint letter

Restaurant Owner’s Name
Name of Restaurant
Address
City and Province
Postal Code

Date

Dear Restaurant Owner,

I am writing to complain about the service I received at your restaurant on Friday, August 27. An employee named Julie told me I could not bring my guide dog into the restaurant.

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

On August 27, I visited your restaurant for lunch. I was immediately approached by Julie, who told me that I could not bring my guide into the restaurant. My guide dog was wearing a harness that clearly states he is a guide dog. I explained I am blind, and my dog is a trained guide dog. Julie told me dogs are not allowed in the restaurant for any reason due to health and safety concerns. I showed her the ID card I received from my guide dog school, which clearly shows me and my guide dog and explains he is a certified guide dog. I also explained that, under the Human Rights Code, it is illegal to deny me access because I work with a guide dog. Julie shouted at me that I needed to leave the restaurant. It was humiliating to be shouted at in front of other customers. I immediately left, feeling shocked, embarrassed, and unwelcome.

I would like an apology and an assurance that other guide dog handlers will not have to experience discriminatory treatment in your restaurant. I would like to provide you with a Guide Dogs Welcome decal that you can put in the window of your restaurant to show you understand the laws protecting the rights of guide dog handlers.

I would also like you to provide your staff with training about the Human Rights Code.

I have included a copy of a standard advocacy letter from CNIB which provides a brief explanation about the Human Rights Code and what you have to do to make sure you comply with the Code.

I look forward to hearing from you within 14 days.

Sincerely,

Your Name

# CNIB Standard Advocacy Letter

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

Dear Service Provider,

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

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

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

Discrimination in providing services means:

* refusing to serve them
* providing a service of a poorer quality than would be provided to the general public
* providing a service on worse terms or in a worse manner than would be provided to the general public
* terminating a service

Service providers are also not allowed to harass or victimize someone.

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

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

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

Recognize that people with disabilities may want to use your service. Failing to consider the needs of and make appropriate accommodations for people with disabilities is against the law.

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

We appreciate your prompt attention to this matter.

Larissa Proctor
Manager, Guide Dog Advocacy
CNIB

# QR Code



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

1. Open the camera on your phone.

2. Place the camera over the QR code.

3. A dialogue box will appear, asking if want to scan the code. Click yes.

4. You will be taken to a webpage that lists all the legislation in each province and territory pertaining to guide dogs.

# Contact Us

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