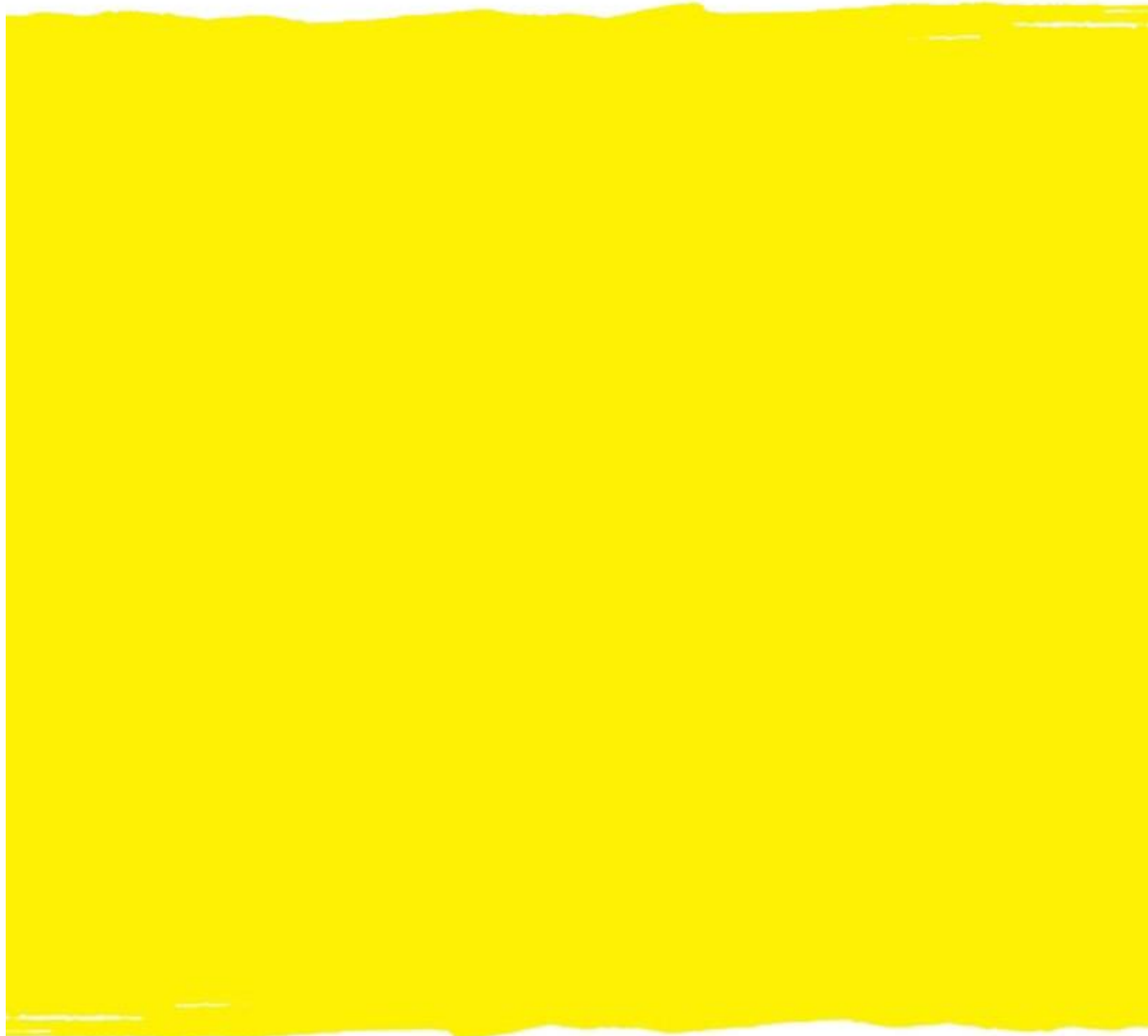


Healthcare

Know Your Rights – Legal Information Handbook



January 2022



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.

Acknowledgements

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

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My Legal Rights

Q: What legal rights do I have when it comes to healthcare services in Saskatchewan?

A: Under Saskatchewan laws, people with disabilities have important legal rights when it comes to healthcare. People with disabilities have the right to equal access to and benefit from the healthcare system.

- You have the right to receive an equal level of service from healthcare providers as anyone else without discrimination because of your disability.
- You have the right to receive **accommodations** for your disability from healthcare service providers up to the point of **undue hardship**.
- You have the right to have your personal health information kept confidential and private by all healthcare service providers.

Long-term Care and Special Care Homes

- Residents of [long-term care/special care homes](#) in Saskatchewan can find information about their rights and responsibilities in the resident handbook developed for their facility.
 - Resident handbooks, such as that developed for long-term care homes in [Saskatoon](#), are available upon admission or by requesting a copy from staff.
 - For general information about the topics covered in resident handbooks, refer to the [Program Guidelines for Special Care Homes](#).
 - **Note:** long-term care homes may also be referred to as special care homes or nursing homes.

Personal Care Homes

- The Ministry of Health is responsible for licensing and monitoring [personal care homes](#) to ensure the residents who live in these homes receive safe and appropriate care in a safe and appropriate environment.

Duty to Accommodate & Undue Hardship

A healthcare provider's "**duty to accommodate**" means they are legally required to provide you with the supports you need to receive an equal level of service to anyone else.

However, 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 healthcare provider can show it would be very 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 it is **not enough** for a healthcare provider to **simply claim** undue hardship. A healthcare provider **must show clear evidence** of undue hardship. This evidence can relate to factors such as:

1. Whether the cost of the accommodation would be so high it would significantly interfere with their ability to operate. When calculating cost, they must also consider outside sources of funding, such as grants or subsidies from government programs.
2. Whether the accommodation would create serious health and safety risks.

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

- Saskatchewan's [Human Rights Code](#)
 - Prohibits discrimination based on disability in most areas of public life, including healthcare.
 - The [Saskatchewan Human Rights Commission, Policy on Service Animals](#) requires the accommodation of persons with disabilities, including those who use service animals, when accessing public services and places.

Other important healthcare-related laws and standards that may be relevant to your situation include:

- [The Freedom of Information and Protection of Privacy Act](#)
 - Allows any person the right to apply for access to records in the possession or under the control of a government institution in Saskatchewan, subject to certain exemptions.
 - Establishes privacy rules for how government institutions may collect, use and disclose personal information.
- [The Health Information Protection Act](#)
 - Protects the privacy of your personal health information, which is information about your mental or physical health that can identify you.
- The [Personal Care Homes Act](#)
 - Establishes that personal care homes must operate according to the requirements under the Act, [Personal Care Homes Regulations](#) and [Licensees' Handbook](#).
 - The Ministry of Health is responsible for licensing and monitoring personal care homes to ensure the residents who live in these homes receive safe and appropriate care in a safe and appropriate environment.
- The [Provincial Health Authority Act](#) and its [Facility Designation Regulations](#)
 - Requires all special-care homes and other designated facilities that provide long-term care (i.e. hospitals, health centres, community beds) to provide services in accordance with the [Program Guidelines for Special Care Homes](#).

Q: Who must comply with Saskatchewan's healthcare laws?

A: The people, companies, organizations and governing bodies who are involved in delivering healthcare services in Saskatchewan are required to comply with the above laws, including:

- Individual healthcare providers, such as physicians, nurses, physiotherapists, optometrists, dentists, etc.
- Healthcare organizations, such as the Saskatchewan Health Authority
- Other governing organizations, such as the College of Physicians and Surgeons, the College of Nursing, etc.

- The Saskatchewan government and its agencies
- Patients – if you request an accommodation because of your disability, you have a duty to participate in good faith to develop and implement a suitable accommodation for your needs

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

A: If you feel you have been unfairly discriminated against by a healthcare provider, there are things you can do to stand up for yourself.

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

Consider the following legal options you can pursue:

- A report/complaint to the applicable professional regulatory body

To find out which professional regulatory body oversees your healthcare provider, you can [review this list created by the Network of Interprofessional Regulatory Organizations](#).

- File a complaint with the [Saskatchewan Human Rights Commission](#)
- File a complaint to the [Ministry of Health and Long-Term Care](#) (specific to special care homes)
- A complaint directed to the Ministry of Health personal care home consultants by completing the personal care home [Complaint Reporting Form](#) (specific to personal care homes)
- A complaint with [Ombudsman Saskatchewan](#).
 - Ombudsman Saskatchewan oversees most publicly funded health entities in the province, including the Saskatchewan Health Authority and the Ministry of Health.
 - Ombudsman Saskatchewan can consider whether an individual has been unfairly discriminated against.
- If the issue concerns a child or young person, you may contact the [Saskatchewan Advocate for Children and Youth](#).

You may also consider hiring a lawyer to help you with any of the legal options listed above or to pursue other legal options such as a claim before a [Saskatchewan Court](#).

Common Scenarios

Even though there are laws to protect you from discrimination, people with disabilities still face barriers to receiving equal access to healthcare 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.

Inaccessible Information and Procedures

Q: I've been asked to fill out medical forms that are not in an accessible format. What can I do?

A: If you find a healthcare-related form that's not in an accessible format, you have the right to request that form in an accessible format from the healthcare provider as an accommodation for your disability. By disclosing your disability and making a request for accommodation, you trigger the healthcare provider's legal duty to accommodate you up to the point of [undue hardship](#).

When scheduling a medical appointment, consider planning ahead. For example, call the office ahead of time and request that all forms be sent to you in advance of the appointment in an accessible format.

If the service provider is unable to send forms in advance (or doesn't have the forms available in an accessible format), tell them that you have a disability and will require an alternative accommodation – for example, you can request that someone from their team assist you in reading and completing the forms in a private setting at the time of your appointment.

If a service provider says you are responsible for having a sighted companion accompany you to the appointment, remind them politely that you have the right to receive an equal level of service as anyone else and they have a legal duty to accommodate your needs at no cost to you. You can

also explain that since you have the right to keep your personal health information confidential and private, they cannot expect you to bring a sighted companion (for example, a family member or friend) to your medical appointments, where important personal health information will be disclosed.

Q: I need to see a doctor, but the medical clinic's waiting room has an inaccessible queue (e.g., take a number system). What can I do?

A: If you encounter an inaccessible queue, inform the staff, as soon as possible, that you are unable to participate in the queue process because of your disability, and that you require an accommodation. For example, you can request that when your number is called, a staff person should come to notify you and guide you to where you are required to be. Make sure to fully inform the staff about your needs so they can find the best way to accommodate you. By disclosing your disability and making a request for accommodation, you trigger the healthcare provider's legal duty to accommodate you up to the point of [undue hardship](#).

If you still have trouble getting the accommodations you need, you may want to speak with a manager or supervisor. If this is not successful, then you may wish to engage the healthcare provider's formal complaint process or contact the [Saskatchewan Human Rights Commission](#).

Q: When prescribed medication, I've been given instructions and information in an inaccessible format. What can I do?

A: When you are being prescribed medication, you can request that the physician or pharmacist spend additional time with you to provide you with key information. For example, request that they spend time to fully detail the instructions, warnings, side effects, etc. If you have questions or want clarification, be assertive and make sure to ask.

If the service provider does not want to do this and is unable to make equivalent accommodations for your needs (for example, providing you with information in an accessible format), remind them politely that you have the right to receive an equal level of service as anyone else and that they have a legal duty to accommodate you.

Over the past few years, some pharmacies, including Shoppers Drug Mart, have implemented a service that allows consumers to obtain important information about prescription medications

through text-to-speech technology. To access this service, let your pharmacy know that you use text-to-speech technology and request that your medication label be prepared in this format.

If you still have trouble getting the accommodations you need, you may want to speak with a manager or supervisor. If this is not successful, then you may wish to engage the healthcare provider's formal complaint process or contact the [Saskatchewan Human Rights Commission](#).

Poor Etiquette

Q: I feel I'm being treated poorly by medical staff who do not understand my needs or lack basic etiquette when dealing with people who have sight loss. What can I do?

A: Unfortunately, there are times people who have sight loss are treated poorly in a healthcare setting. For example, when medical staff:

- Enter a room without introducing themselves or leave a room without notifying you
- Touch you without notifying you in advance
- Speak to your sighted companion or intervenor instead of addressing you
- Provide confusing or unhelpful directions

To reduce the chance of poor treatment, it is helpful to proactively inform staff about your needs or about basic etiquette when working with people who have sight loss. For example, you can call ahead to inform a service provider about your needs or take time to speak with staff when you arrive.

If you have been treated poorly, consider following up with a staff person's supervisor, their senior management, or – if it's a large institution – an internal ombudsman or other complaint process.

If this is not successful, then you may wish to contact the [Saskatchewan Ombudsman](#) or the [Saskatchewan Human Rights Commission](#).

Q: I've been told that I have to pay for my healthcare-related accommodations – is this true?

A: Your healthcare provider cannot make you pay for reasonable accommodations for your disability. It is your healthcare provider's legal duty to accommodate you up to the point of undue hardship and your healthcare provider is responsible for paying the costs of reasonable accommodations.

Intervenors

Q: I've been told that my intervenor cannot participate in certain aspects of my healthcare – for example, accompany me to certain parts of the hospital. What can I do?

A: When you plan to have your intervenor accompany you to a medical appointment, do your best to plan ahead. For example, call the healthcare provider in advance to tell them that you will be accompanied by an intervenor and take some time to explain or to educate the healthcare provider about your intervenor's role.

Healthcare providers have a duty to accommodate your needs to the point of undue hardship. This means making exceptions to “patients only” policies in some cases. You can say that you require the support of an intervenor to receive an equal level of service.

You or your service provider may sometimes be worried that complicated medical information will not be properly communicated by your intervenor. To help address this concern, you can request that all important information from your appointment (for example, information about your prescriptions) is provided to you in an accessible written format.

If your support person is not permitted to attend with you, the healthcare provider may be able to provide you with a sighted health professional to support you during your visit.

COVID-19 and Intervenors

The [Government of Canada](#) advises that special considerations, adaptations, and accommodations should be considered and provided for people with disabilities within the healthcare and public health systems.

The Government of Canada **specifically advises** that restrictions are to consider the needs of people with, and **allow essential support staff, including sighted guides, interpreters and/or family members to be with them in these places**. It also includes altering any signage being used in healthcare systems about COVID-19 or information about where to go to receive necessary medical attention to ensure they are accessible to all persons.

Finally, the Government of Canada states that this applies to acute care hospitals, long-term care homes, congregated residential settings, medical clinics, and other medical or paramedical appointments.

Special Care Homes and Personal Care Homes

Q: I am a resident of a Special Care Home OR a Personal Care Home and I feel that my rights have been violated. What can I do?

A: A Special Care Home: [Long-term care/special care homes](#) are run by the Saskatchewan Health Authority or operated by a provider that has a contract with the health authority. To make a complaint about a special care home, get in touch with the [Saskatchewan Ombudsman](#) who can investigate such complaints.

A Personal Care Home: [The Ministry of Health](#) is responsible for licensing and monitoring personal care homes to ensure the residents who live in these homes receive safe and appropriate care in a safe and appropriate environment.

If you live in a personal care home and believe your rights have been violated, you may contact the [Community Care Branch](#) and make a complaint by completing the [personal care homes complaint reporting form](#).

Resources

Legal Services

[Public Legal Education Association of Saskatchewan \(PLEA\)](#)

PLEA is a non-profit, non-government, charitable organization which exists to educate, inform, and empower individuals through law-related education.

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

PLEA also provides free legal information on a variety of topics on its website, including [Health](#), [Older Adults](#), and [Human Rights](#).

[Pro Bono Law Saskatchewan \(PBLs\)](#)

PBLs is a non-profit, non-government organization that provides free legal advice to low-income individuals in Saskatchewan. PBLs operates and partners with 14 free legal clinics across Saskatchewan. PBLs tries to fill the gap of legal services between government funded legal aid and hiring a private lawyer.

[Community Legal Assistance Services for Saskatoon Inner City \(CLASSIC\)](#)

With a commitment to social justice, decolonization, and the dignity of all peoples, CLASSIC provides free legal services, programming and supports to people who experience poverty and injustice, including services in relation to human rights issues.

[Saskatchewan Legal Coaching and Unbundling Pilot Project](#)

This resource provides individuals with a lower cost alternative to full legal representation. Through this service, individuals receive limited legal services where you hire a lawyer to handle only part of your case or to do a specific task.

[The Saskatchewan Human Rights Commission \(SHRC\)](#)

The SHRC promotes human rights through public legal education and policy development. The SHRC has created [Policies and Guidelines](#) and [Information Sheets](#) on human rights topics.

For information on filing a complaint with the SHRC, refer to the “[Filing a Complaint](#)” section of the SHRC website.

[Accessibility Legislation for Saskatchewan](#)

Saskatchewan is in the process of developing a set of laws that will cover accessibility in outside built spaces (such as parks, crosswalks, and parkades) and other key areas. Information about Saskatchewan’s progress in developing this legislation is available at the [Accessibility Legislation for Saskatchewan website](#).

Essential Non-Legal Services

[Ombudsman Saskatchewan](#)

Ombudsman Saskatchewan takes complaints about provincial government ministries, agencies, Crown corporations and most health entities.

Ombudsman Saskatchewan also takes complaints about Saskatchewan cities, towns, villages, resort villages, rural municipalities, northern municipalities, and municipal council members.

You may contact **Ombudsman Saskatchewan** to discuss a concern, or [make a complaint](#), regarding any of the entities above.

[Saskatchewan Advocate for Children and Youth](#)

The Saskatchewan Advocate for Children and Youth is an independent officer of the Legislative Assembly of Saskatchewan, and performs the following functions:

- **Advocates** on behalf of children and youth receiving services from a provincial ministry, direct or delegated agency, or publicly funded health entity.
- **Investigates** any matter concerning services provided to children and youth by a provincial ministry, direct or delegated agency, or publicly funded health entity.

- Delivers **Public Education** to raise awareness of the rights, interests, and well-being of children and youth.
- **Researches and advises** on matters relating to the rights, interests and well-being of children and 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 Saskatchewan's program offerings on [CNIB Saskatchewan'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.
- [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 Saskatchewan offices is available in the [“Locations” section of the VLRC website](#).

Other Services

[SaskAbilities](#)

SaskAbilities is a registered charity that is dedicated to providing programs and services to people experiencing disability in Saskatchewan. SaskAbilities has branches located in Regina, Saskatoon, Swift Current and Yorkton.

Wayfinding

Wayfinding refers to technological tools that assist partially sighted, blind and Deafblind persons 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](#), which 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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