

# **Government and Consumer Services**

**Know Your Rights – Legal Information Handbook**



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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 problem, contact a lawyer or a community legal service.

## Acknowledgements

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To learn more about the Know Your Rights – Prince Edward Island Project, please visit our [Know Your Rights – Prince Edward Island webpage](#).

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## My Legal Rights

### Q: What legal rights do I have when it comes to government and consumer services in PEI?

A: Under PEI laws, people with disabilities have important legal rights when it comes to accessing government and consumer services:

- You have the right to receive an equal level of service from government and consumer service providers as anyone else without discrimination because of your disability.
- You have the right to receive **accommodations** for your disability from government and consumer service providers up to the point of **undue hardship**.
- Your needs must be accommodated in a manner that respects your dignity and that recognizes your right to privacy, confidentiality, comfort, autonomy and self-esteem. The accommodation should maximize your ability to participate in society.

- 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.

## Duty to Accommodate & Undue Hardship

A service provider's "**duty to accommodate**" means that they are legally required to provide you with the supports you need to receive the same level of service as 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 service provider can show that it is very difficult to provide a certain type of accommodation, then they don't need to provide it.

It is important to note that it is **not enough** for a service provider to **simply claim** undue hardship. A service provider **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 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.
3. Whether there have been past unsuccessful efforts to accommodate.
4. Whether the accommodation would compromise the purpose of the service or facility.

Even if an organization can show that a certain type of accommodation would create undue hardship, they may still have a legal duty to provide you with accommodations.

## Q: Where do my legal rights come from?

A: Your legal rights come from a variety of different laws, including:

- PEI's [Human Rights Act](#), which prohibits discrimination based on disability in most areas of public life, including the manner in which services and facilities are provided. The term "facilities" is not defined in the **Human Rights Act**, however, it could include locations like public parks, recreation centres, malls, stores, government buildings, etc.

- The [Canadian Human Rights Act](#) which prohibits discrimination based on disability in most areas of public life where the federal government has authority.
- Common Law – Laws that are made by the decisions of Courts, Panels or Tribunals.
- PEI's [Consumer Protection Act](#) which regulates some suppliers and protects consumers with regards to specific services and transactions.

## **Q: Who must comply with laws related to government and consumer services?**

**A:** PEI's [Human Rights Act](#) prohibits discrimination with respect to any service, accommodation, facility, benefit, or program available or accessible to the public. Individuals and organizations that maintain or provide services in PEI must comply with PEI laws relating to the consumers, including:

- Individual owners, employers, and employees
- Private businesses such as stores or restaurants
- Non-profit organizations
- Government organizations like municipalities, ministries, and agencies

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

**A:** If you feel you have been discriminated against by a government or consumer service provider, 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 who are directly involved in an informal and collaborative way.

For more resources on self-advocacy, please visit the Self-Advocacy and Essential Legal Information Handbook on CNIB's [Know Your Rights – Prince Edward Island](#) webpage.

If your concerns can't be addressed through collaborative discussions, you should consider consulting with a lawyer who practices human rights law to determine whether any of the following options are appropriate:

- A [complaint](#) to the [PEI Human Rights Commission](#)

- A complaint to the [Canadian Human Rights Commission](#) (for federally regulated service providers)
- A [complaint](#) to [Consumer Services](#): Consumer Services administers consumer protection in PEI. When the Office receives a complaint, they seek to work with the parties to resolve the complaint through dispute resolution or mediation. If an agreement can't be reached, then either party may take the matter to Court.
- In situations involving a government organization, a complaint to the [PEI Ombudsperson](#). The Ombudsperson investigates complaints from people who feel that they have been treated unfairly by a ministry, an agency of the government, a publicly-funded health entity, a municipal entity, a council member, a board member or an officer or employee of the Government.

Before making a complaint to the PEI Ombudsperson, you should first try to resolve your issue through any complaint process that is offered by the government organization.

- A claim before a PEI Court.

You can also contact the [PEI Human Rights Commission](#) by phone at 902-368-4180.

Commission staff cannot offer opinions on the outcome of your complaint, nor can they advise as to whether it will be successful, however, they can provide information as to what the law states and how it may apply to a given situation.

## Common Scenarios

Even though there are laws to protect you from discrimination, people with disabilities still face barriers to receiving an equal level of service as anyone else from government organizations and businesses.

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.

## Government Websites and Forms

**Q: Due to my sight loss, I'm having trouble navigating government websites and accessing online services. What can I do?**

**A:** Consider contacting a customer service representative of the government organization by telephone.

For example, there is a [PEI Government Directory](#) available online and all [Service Canada locations](#) can also be found online. For help with municipal issues, you can contact your city clerk's office or your local municipality.

When you speak with a customer service representative, explain that you are having trouble navigating a government website or accessing an online service because of your sight loss. Explain what assistance you require in as much detail as possible. The more detail you provide, the better they will be able to accommodate you.

When you disclose your disability to a customer service representative, you trigger that government organization's legal duty to accommodate you to the point of undue hardship.

If the representative is reluctant or refuses to accommodate you, you can remind them that they have a duty to provide you with reasonable accommodations so 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, to a manager or supervisor and then to an official complaint process.

For more resources on self-advocacy, please visit the Self-Advocacy and Essential Legal Information Handbook on CNIB's [Know Your Rights – Prince Edward Island](#) webpage.

If the matter remains unresolved, consider speaking with a human rights lawyer about additional [options](#) that may be available to you.

**Q: When trying to complete a paper-based form at a government office, I asked a government employee for help. They said that “due to liability issues” they could not assist me. What can do I?**

**A:** If an employee is not able to assist you in filling out a paper form, the government still has a duty to accommodate and provide necessary forms in an accessible format. You can ask the employee for the form in an accessible format, such as a larger print version, or in a digital format that can be filled out online.

Do your best to plan ahead. For example, if you need to renew a health card or passport, see if it's possible to complete the forms online. If not, contact the government organization ahead of time and request that the forms be sent to you in an accessible format.

For example, the [Canadian Revenue Agency provides copies of all its forms and publications in accessible formats on request](#).

If the form you need is not available in an accessible format, then speak with an employee or manager to determine how the government organization can accommodate you. If the employee or manager is reluctant or refuses to accommodate you, you can remind them that they have a duty to provide you with reasonable accommodations so you're able to experience an equal level of service as anyone else.

If you continue to experience difficulties, consider escalating the situation to an official complaint process.

For more resources on self-advocacy, please visit the Self-Advocacy and Essential Legal Information Handbook on CNIB's [Know Your Rights – Prince Edward Island](#) webpage.

If your concerns remain unresolved, consider consulting with a human rights lawyer about the [options](#) that may be available to you.

**Q: When completing online forms, there is often a time limit imposed. If the form is not completed within the set time limit, then changes are discarded, and the user is required to start again. Due to my sight loss, I have difficulties completing the form within the set time limit. What can I do?**

**A:** Under PEI's human rights laws, service providers have a duty to accommodate you up to the point of undue hardship.

You may wish to begin by contacting a customer service representative of the business or organization, and requesting accommodations for your sight loss. The more detailed you are in explaining what you need, the better they will be able to accommodate you.

You might request an electronic version of the form that you can submit via email, instead of the online form that is subject to the time limit.

If the customer service representative resists assisting you, you may wish to remind them of their legal obligation to accommodate you so that you receive an equal level of service to anyone else.

If this does not help, you can gradually escalate your complaint – for example, to a manager or supervisor and then to an official complaint process.

For more resources on self-advocacy, please visit the Self-Advocacy and Essential Legal Information Handbook on CNIB's [Know Your Rights – Prince Edward Island](#) webpage.

If your concerns remain unresolved, consider consulting with a human rights lawyer about the [options](#) that may be available to you.

## **Shopping**

**Q: Sometimes I'm asked by a business to provide a piece of valid, government-issued identification. I don't have a driver's licence and I don't want to carry around my passport. What can I do?**

**A:** You may consider **applying** for a [PEI Identification Card](#). A PEI Identification Card is for PEI residents who do not have a driver's licence. The PEI Identification Card provides proof of age, identity, and PEI residency. You can apply for a PEI Identification Card if you:

- Are a PEI resident
- Are entitled to be in Canada
- Do not already hold a driver's licence

When applying for a PEI Identification Card, you will need original **supporting documents** that contain your:

- Date of birth
- Full legal name
- Signature
- Photograph
- PEI residency and permanent address.

You may also consider getting a [CNIB Card](#). Depending on your municipality, a CNIB Card can provide you with benefits and discounts, and services from governments, businesses, and community partners. In some cases, a CNIB Card can be used as proof of disability for government programs and tax benefits.

**Q: When shopping, I often encounter queues that are inaccessible: for example, a “take-a-number” system or line-ups marked using posts that are connected by ropes or belts (these are often used in airports and called “stanchions”). What can I do?**

**A:** If you encounter an inaccessible queue, you should approach an employee or manager for assistance. When you speak with an employee or manager, explain how the queue is inaccessible or unsafe for you and explain what kind of assistance you require in as much detail as possible. For example, ask an employee to notify you when your number is called or ask an employee to guide you through a queue.

Under PEI human rights laws, a business providing services must provide accommodations for people with disabilities. When you inform the business of your needs, you trigger their duty to accommodate you up to the point of undue hardship.

If the employee or manager is reluctant or refuses to accommodate you, you can remind them that they have a duty to provide you with 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, to a manager or supervisor and then to an official complaint process.

For more resources on self-advocacy, please visit the Self-Advocacy and Essential Legal Information Handbook on CNIB's [Know Your Rights – Prince Edward Island](#) webpage.

If your concerns remain unresolved, consider consulting with a human rights lawyer about the [options](#) that may be available to you.

**Q: When shopping, I often have trouble trying to read labels and telling the difference between products. What can I do?**

**A:** There are now many [technological tools](#) that can help people with shopping and using other consumer services. If these kinds of technological tools don't meet your needs, you should approach an employee or manager for assistance.

You might start by explaining that you are having trouble with certain tasks related to shopping 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 their legal duty to accommodate you to the point of undue hardship. If the employee is reluctant or refuses to accommodate you, you can politely remind them that they have a duty to provide you with 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, to a manager or supervisor and then to an official complaint process.

For more resources on self-advocacy, please visit the Self-Advocacy and Essential Legal Information Handbook on CNIB's [Know Your Rights – Prince Edward Island](#) webpage.

If your concerns remain unresolved, consider consulting with a human rights lawyer about the [options](#) that may be available to you.

**Q: When shopping or dining out, I often encounter an inaccessible point of sale terminal. What can I do?**

**A:** Do your best to plan ahead. Consider using cash to reduce the risk of an error in payment and to help keep your pin numbers confidential. If you're going to a store or restaurant for the first time, try to contact that business by telephone or email in advance to see if they have an accessible point of sale terminal.

That being said, under PEI human rights laws, a service provider, such as a store or restaurant must provide accommodations for people with disabilities up to the point of undue hardship. By letting an employee or store owner know that a point-of-sale terminal is causing an accessibility issue for you, you trigger their legal duty to accommodate you up to the point of undue hardship. Accommodations come in many different forms. For example, the store or restaurant may accept an e-transfer or some other method of payment.

Did you know that with the support of the Government of Canada, CNIB has worked together with Moneris Solutions Corporation to develop a new accessible payment terminal? [Learn more.](#)

**Q: I sometimes get disoriented when visiting new stores, service centres, or other public places. What can I do?**

**A:** There are now many [technological tools](#) that can help people with orientation and navigation through stores, malls, and other public spaces.

If these kinds of technological tools don't meet your needs, 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 inside the building 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 their legal duty under to accommodate you up 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 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, to a supervisor or an official complaint process.

For more resources on self-advocacy, please visit the Self-Advocacy and Essential Legal Information Handbook on CNIB's [Know Your Rights – Prince Edward Island](#) webpage.

If your concerns remain unresolved, consider consulting with a human rights lawyer about the [options](#) that may be available to you.

**Q: I'd like to be able to use apps that allow people to shop online, purchase groceries, etc., however, they are often inaccessible. What can I do?**

**A:** The laws of PEI do not currently require apps to be accessible; however, if the app is part of a service that is being offered to the public, then under Prince Edward Island human rights laws, the provider of the app has a legal obligation to accommodate you up to the point of undue hardship.

If you encounter an app that is inaccessible, consider contacting the service provider to inquire as to how the app can be made accessible to you. Ensure that the service provider is aware of your sight loss and need for accommodation.

For more resources on self-advocacy, please visit the Self-Advocacy and Essential Legal Information Handbook on CNIB's [Know Your Rights – Prince Edward Island](#) webpage.

If collaborative discussions with the service provider do not result in a resolution, consider consulting with a lawyer about the options that may be available to you.

You may also want to explore the accessibility settings of your phone or device, as there may be features built in that would make use of the app more manageable. To this end, you may find the following CNIB resources helpful:

- [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.
- [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.

## Guide Dogs

### **Q: I have been denied access to a restaurant or store because I am accompanied by my guide dog. What can I do?**

**A:** The PEI [Human Rights Act](#) does not specifically mention service animals, however, under PEI human rights laws, service providers, including stores and restaurants have a legal duty to accommodate people with disabilities up to the point of undue hardship.

Furthermore, the Human Rights Commission has released a [guide on Service Animals](#) which notes that “service providers, business owners, landlords and employers are required to accommodate or support the attendance of a service animal”.

A person who uses a service animal has the right to access any area that is generally accessible to the public. If a store or restaurant employee denies you and your guide dog access, ask to speak to a manager of the business immediately. If the manager refuses you access, you may wish to escalate the complaint to the business owner, in writing.

You may also wish to consult with a lawyer about the options that may be available to you.

### **Q: Can an employee or business owner ask me to show them official identification for my guide dog before serving me?**

**A:** The PEI [Human Rights Act](#) does not specifically mention service animals, however, the Human Rights Commission has released a [guide on Service Animals](#) which states that, “if the animal is clearly marked as a service animal and is behaving appropriately, the handler should not have to provide confirmation that it is a service animal”. That said, you are responsible for ensuring that your guide dog is clearly marked and that your guide dog is under your control and behaving properly.

For information about the obligations of guide dog handlers and service providers, please refer to the Human Rights Commission's [guide on Service Animals](#).

## Getting Help

### Legal Resources

#### [PEI Human Rights Commission](#)

The **PEI Human Rights Commission** is an independent office of the government of PEI that is responsible for receiving and investigating complaints of discrimination to determine if PEI's [Human Rights Act](#) has been contravened.

Before [filing a complaint](#) with the Commission, the Commission's website suggests you first read their [guide for making complaints](#)

The Commission also educates the public about human rights through seminars and workshops; and, prepares and distributes [Fact Sheets](#) to assist the public in understanding PEI's Human Rights Act.

You can contact the PEI Human Rights Commission by phone at 902-368-4180. Commission staff cannot offer opinions on the outcome of your complaint, nor can they advise as to whether it will be successful, however, they can provide information as to what the law states and how it may apply to a given situation.

#### [The Law Society of PEI](#)

The **Law Society of PEI** oversees the legal profession in PEI. 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 [find a lawyer tool](#) that enables the public to search for lawyers.

## **Community Legal Information (CLI)**

The **Community Legal Information (CLI)** is a not-for-profit organization that provides legal information and education to residents of PEI. CLI develops programs and resources to help individuals better understand PEI's legal system, and how to resolve their legal issues.

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

CLI also operates the [Law Inquiry Line](#) in addition to offering [lawyer referrals](#). Individuals who contact CLI can receive:

- legal information,
- referrals to law-related agencies, and
- referrals to lawyers, when appropriate. Individuals who contact the Lawyer Referral Service will receive a referral to a lawyer, who will provide a 45-minute consult at a cost of \$25.00.

CLI can be contacted [through its website](#) or by telephone at 902-892-0853 or 1-800-240-9798.

## **Legal Aid PEI**

**Legal Aid PEI** provides legal services to low-income PEI residents in the areas of criminal law, family law, and some civil law matters, including child protection law, involuntary hospitalization under mental health laws, guardianship, and adult protection. Depending on the availability of resources, some assistance may be offered in other civil law areas as well.

When determining whether individuals are eligible for Legal Aid services, Legal Aid PEI considers several factors, including:

- Financial eligibility (which varies, depending on income and family size),
- Urgency and seriousness of the legal needs,
- Coverage and resources of the Legal Aid Program, and
- The individual's ability to obtain legal assistance if Legal Aid is refused.

## **PEI Supreme Courts**

The **PEI Supreme Courts** website provides general information about how Courts in PEI operate, and what to expect if you are attending Court.

It also provides information about the **Pro Bono Legal Advice Clinic (for Self-Represented Litigants) Prince Edward Island**. The Pro Bono Legal Advice Clinic is a free-of-charge legal clinic for self-represented individuals whose family or civil law matter is before the Supreme Court of Prince Edward Island or the Prince Edward Island Court of Appeal. The clinic is held every Wednesday from 9:00AM – 12:00PM at the Sir Louis Henry Davies Law Courts, 42 Water Street, Charlottetown. People who access this service can meet with a lawyer for a 45-minute consultation. Appointments can be scheduled by phone at 902-368-6005, 902-892-0853 or 1-800-240-9798.

## **Essential Non-Legal Resources**

### **PEI Ombudsperson**

The **PEI Ombudsperson** is an independent office of the Legislative Assembly of PEI. The Ombudsperson conducts independent, impartial and non-partisan investigations of **complaints** against:

- Boards, commissions, associations and other bodies,
- Health PEI,
- Municipalities,
- Council members,
- Board members, and
- Officers and employees of the Government

The PEI Ombudsperson aims to promote fairness and transparency in the public sector, find fair resolutions, and make recommendations to improve the practices of public agencies.

## **PEI 211**

PEI 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 PEI. The service helps residents of PEI who are looking to find the right community or social resource, but do not know where to start. Individuals can also contact 2-1-1 to report some by-law infractions.

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

Services are grouped together into various categories, including (among others) [legal](#), [education](#) and [disabilities](#).

## **ResourceAbilities**

ResourceAbilities is a non-profit, non-government organization that aims to improve the lives of people with disabilities who live on Prince Edward Island.

ResourceAbilities provides various services to people with disabilities, including assistance with accessing provincial and federal government supports and services. ResourceAbilities also assists people with choosing career paths, applying for relevant education and training, and looking for work.

ResourceAbilities has offices in Summerside, Charlottetown and Montague and can be [contacted](#) by phone or email.

## **Consumer Services**

Consumer Services administers consumer protection in PEI. When the Office receives a complaint, they seek to work with the parties to resolve the complaint through dispute resolution or mediation. If an agreement cannot be reached, then either party may take the matter to Court.

## [Applying for a Passport](#)

The **Government of Canada** has information and helpful tips to assist individuals with applying for Canadian passports. Large print and Braille application forms and instructions are available on request. Users may also use Adobe Acrobat to see form in larger print or have it read out loud.

## [Prince Edward Island Photo ID Card](#)

Photo identification cards are available to residents of PEI to use as identification when they do not hold a valid driver's licence.

## **Government Benefits**

**The Government of Canada** provides information/resources to assist Canadians with disabilities. Such resources and information include:

- [Benefits Finder](#) tool to assist Canadian residents with determining which government benefits are available to them
- Overviews of the federal benefits that are available to [people with disabilities](#) and to families who have [children with disabilities](#)
- Information about the [Disability Tax Credit](#) (including how to apply) and other related tax credits

## **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 also find a list and schedule of PEI's virtual program offerings on [CNIB's PEI 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 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.

You can contact VLRC's PEI office by phone at 902-566-2580.

## 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](#), which provides an overview of some of the apps that are available to assist consumers with reading items such as product labels and menus.

