

Government & Consumer Services

Know Your Rights – Legal Information Handbook

April 2021

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 clinic.

Acknowledgements

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Thank you as well to the many individual volunteers who contributed to the development of this legal information handbook, particularly the Focus Group and Working Group participants.

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

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My Legal Rights

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

A: Under New Brunswick laws, people with disabilities have important legal rights when it comes to 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**.
- 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 Reasonably Accommodate & Undue Hardship

A service provider's "duty to reasonably accommodate" means that they are legally required to provide you with the supports/accommodations you need to receive the same level of service as anyone else. The term "reasonable accommodation" is not easily defined and will vary from case-to-case, however, accommodations should be customized to meet your needs.

The duty to reasonably accommodate, however, does have 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 for them to provide you with a certain type of accommodation, then they don't have to provide it.

It's usually difficult for a service provider to claim undue hardship because they have to show clear, direct evidence of undue hardship that is not based upon assumptions or stereotypes. The determination of what constitutes undue hardship is case-specific, however, the most commonly considered factors include:

1. Whether the cost of the accommodation is so high that it will significantly interfere with the service provider's ability to operate. When calculating cost, consideration should also be given to outside sources of funding, e.g. grants or subsidies from government programs;
2. Whether the accommodation will create serious health and safety risks; and
3. The impact of the accommodation on other people and programs.

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

Some Important Points about Accommodations:

The development and implementation of accommodations is a collaborative process that involves the service provider, the individual seeking accommodations, and in some cases, third-party professionals. While accommodations are expected to be reasonable, they are not expected to be perfect. What this means is that if reasonable accommodations are offered, but declined, then it's possible that the service provider will be found to have met its "duty to reasonably accommodate".

Q: Where do my legal rights come from?

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

- The New Brunswick [Human Rights Code](#), which prohibits discrimination based on disability in most areas of public life, including government and consumer services.
- Common Law – Laws that are made by the decisions of Courts and Tribunals.

Depending on the type of consumer transaction, other laws may apply (for example, the [Consumer Product Warranty and Liability Act](#) and the [Gift Cards Act](#)).

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

A: The following people and organizations are required to comply with the above laws:

- Businesses and any other organization, including all employees that perform common consumer transactions in New Brunswick.

- Consumers (individuals who purchase products and access services within New Brunswick).
- The New Brunswick government (including its departments and agencies) and New Brunswick municipalities.

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 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 and Essential Legal Information Handbook on CNIB's [Know Your Rights – New Brunswick](#) webpage.

If your concerns can't be addressed through collaborative discussions, you can consider consulting with a lawyer to see if any of the following options are appropriate:

- Filing a [complaint](#) with the [New Brunswick Human Rights Commission](#)
- A [complaint](#) to the [Ombud N.B.](#)

The **Ombud N.B.** can investigate provincial government departments and other agencies overseen by the provincial government. Before making a complaint to the Ombud N.B., however, you should first try to resolve your issue through any complaint process offered by the service provider.

- A [complaint](#) to the [Financial and Consumer Services Commission \(FCNB\)](#)
- A claim before a New Brunswick Court

You can also contact the [New Brunswick Human Rights Commission](#) by phone at 1-888-471-2233 (toll-free) or by email at hrc.cdp@gnb.ca to speak with staff about how the New Brunswick [Human Rights Code](#) may or may not apply to your 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 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 Services

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, you can find the contact information and hours for all [Service New Brunswick locations](#) and [Service Canada locations](#) online. You can also contact Service New Brunswick [TeleServices](#) free of charge at 1-888-762-8600. Teleservices will provide you with (among other things) contact information and office locations for the provincial government. For help with municipal issues, you can contact your city clerk's office or your local city or town hall. Many cities and towns have a person responsible for accessibility who can assist you.

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.

When you disclose your disability to a customer service representative, you trigger that government organization's legal duty to provide you with reasonable accommodations up 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 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 – New Brunswick](#) webpage.

If your concerns are still not addressed, consider consulting with a lawyer who practices human rights law to see what [options](#) 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 time constraints” they could not assist me. What can do I?

A: Consider planning ahead. Start by seeing if it's possible to complete the forms online. Both [Service Canada](#) and [Service New Brunswick](#) have many of their services available online. If it is not possible to complete the forms online, 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 an accessible format [on request](#).

If the form you need is not available in an accessible format, then speak with a staff member to determine how the government organization can accommodate you. If the staff member is reluctant or refuses to accommodate you, you can remind them that they have a legal 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, 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 – New Brunswick](#) webpage.

If your concerns remain unaddressed, consider consulting with a lawyer who practices human rights law to see what [options](#) may be available to you.

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: Consider getting a [New Brunswick Photo ID Card](#). Photo identification cards are available to residents of New Brunswick to use as identification when they do not hold a valid driver's licence.

You can also consider getting a [CNIB Card](#) which has a variety of benefits – for example, discounts for some attractions and for some transit services. The CNIB Card may also be accepted as proof of a disability for some government programs and tax benefits.

Q: When attending a government office, I often encounter queues that are inaccessible: for example, a "take-a-number" system or an inaudible screen that indicates who is next in line. What can I do?

A: If you encounter an inaccessible queue, you should approach an employee for assistance. When you speak with the employee, explain how the queue is inaccessible or unsafe for you and explain what kind of assistance you require in as much detail as possible. When you disclose your disability to an employee, you trigger that organization's legal duty to reasonably 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 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, to a 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 – New Brunswick](#) webpage.

If your concerns are still not addressed, consider consulting with a lawyer who practices human rights law to see what [options](#) may be available to you.

Consumer Services

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.

When you speak with an employee or manager, explain 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 that organization's legal duty to provide you with reasonable accommodations up to the point of undue hardship.

If the employee or manager is reluctant or refuses to accommodate you, you can politely remind them that they have a legal 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, 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 – New Brunswick](#) webpage.

If your concerns are still not addressed, consider consulting with a lawyer who practices human rights law to see what [options](#) may be available to you.

Note: Some grocery stores have programs in place which allow for greater comfort while shopping. For example, some grocery stores will dim store lights and limit music/announcements during certain hours of the day. Furthermore, many grocery stores offer a service that allows you to “order ahead” and pick up your groceries without entering the store.

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

A: When shopping or dining out, consider planning ahead. 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. Consider using cash to reduce the risk of an error in payment and to help keep your pin numbers confidential.

Did you know that [CNIB is working with Moneris](#) to develop a more accessible payment terminal?

It's important to keep in mind that while there are no laws that explicitly require New Brunswick businesses and restaurants to carry accessible point of sale terminals, under New Brunswick human rights laws, businesses and restaurants are still legally required to provide you with reasonable accommodations 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 form of payment.

To learn more about how these laws may apply to your specific situation, consider consulting with a lawyer who practices human rights law to see what [options](#) may be available to you. You can also reach out to CNIB for additional advocacy support.

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 assistance. When you speak with an employee, 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 that organization's legal duty to reasonably accommodate you up to the point of undue hardship.

If the employee 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 to anyone else.

If this does not help, you can gradually escalate your complaint – for example, to management 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 – New Brunswick](#) webpage.

If your concerns are still not addressed, consider consulting with a lawyer who practices human rights law to see what [options](#) may be available to you.

Guide Dogs

Q: I was denied access to a restaurant or a store because I was accompanied by my guide dog. What can I do?

A: It is a violation of the New Brunswick [Human Rights Code](#) for a service provider to deny you access to a store or restaurant because you are accompanied by a service animal, such as a guide dog. A person who relies on a service animal has the same right to access public services and facilities with the animal as any other person.

If you are denied access to a restaurant or a store because you are accompanied by your guide dog, ask to speak with a manager immediately. When speaking with the manager, politely remind them that you have the same right to access the store or restaurant with your guide dog as any other person. If the manager still refuses to allow you and your guide dog to access the store or restaurant, you may wish to escalate the complaint to the business owner, in writing.

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

If your concerns remain unresolved, consider consulting with a lawyer who practices human rights law to see what [options](#) may be available to you.

Q: Before serving me, an employee or business owner asked me to show them official identification for my guide dog. Is this allowed?

A: In general, a business is legally permitted to ask the owner of a service animal for official documentation – for example, a guide dog card or letter from a healthcare practitioner – when the person is seeking access to a place where animals are not normally permitted. Similarly, the person seeking accommodations is obligated to respond to reasonable questions about the function that the service animal performs.

With that being said, in many cases, it is obvious to tell if someone is being accompanied by a guide dog because they have sight loss. Courts and Human Rights Commissions across Canada have held that in circumstances where it is obvious that a person has a disability and is relying upon their service animal for support, a request by a business for official identification may be discriminatory.

However, we have heard from many CNIB clients that they are comfortable carrying their guide dog card with them and producing official identification if asked. These clients feel that many of the employees or business owners who ask for official identification do so in good faith. They note that there are now many more types of legitimate service animals – for example, autism support dogs, psychiatric service dogs, seizure alert dogs, among others. And unfortunately, there are now many incidents of fraudulent service animals, widely reported as “an epidemic” in [Canada](#) and [abroad](#).

If a dispute does arise, consider consulting with a lawyer who practices human rights law to see what [options](#) may be available to you.

Q: Are my rights as a guide dog handler to enter businesses, restaurants, etc. different from the rights of people who travel with service animals?

A: No. Although the New Brunswick [Human Rights Code](#) does not specifically refer to “service animals”, in New Brunswick, there is generally no distinction between the rights of guide dog handlers and the rights of people who travel with service animals.

Getting Help

Legal Services and Information

[Fredericton Legal Advice Clinic, Inc. \(FLAC\)](#)

FLAC is a non-profit organization that works with volunteer legal professionals to provide legal information and advice to low-income earners in New Brunswick.

The lawyers who volunteer with FLAC practice in a variety of areas of law and can provide 30-minute free-of-charge consults to self-represented individuals.

For information about upcoming [clinic dates](#) and to [request an appointment](#), visit [FLAC's website](#) or contact FLAC at (506) 476-0024.

[The New Brunswick Legal Aid Services Commission](#)

The New Brunswick Legal Aid Services Commission provides legal services to low-income earners in New Brunswick. In order to receive services from Legal Aid New Brunswick:

- You must meet their financial eligibility criteria - Financial eligibility will be based upon a number of things, including gross family income, allowable deductions, and household size;
- Your legal matter must relate to family law, criminal law, or public trustee services; and
- Your matter must have merit. In other words, there should be a reasonable likelihood of attaining the desired result.

For more information about the services offered by [The New Brunswick Legal Aid Services Commission](#) or to apply for Legal Aid, visit their website or contact [your local Legal Aid office](#).

University of New Brunswick (UNB) Legal Clinic

The UNB Legal Clinic provides free legal services to individuals who do not qualify for Legal Aid and cannot afford to pay for legal representation. The UNB Legal Clinic provides legal services in the areas of employment law, tenant law and social benefits.

The hours of operation are Monday to Friday, 8:00 a.m. to 4:00 p.m. The UNB Legal Clinic can be contacted by email at lawclinic@unb.ca.

Public Legal Education and Information Service of New Brunswick (PLEIS-NB)

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

PLEIS-NB provides free legal information on a variety of topics on its website, including, [You and Your Rights](#) and [Going to Court](#).

PLEIS-NB does not provide legal advice, however, it does provide the public with the following services:

- **[Family Law Information Line](#) - 1-888-236-2444:** This is a toll-free family law information line that provides answers to general questions related to accessing the family law system. It is important to keep in mind that staff cannot provide legal advice or comment on your specific situation.
- **Family Law Workshops for Self-represented litigants:** These workshops are held in various locations and cover different topics, such as changing child support, etc. They also provide the public with information about practical steps, such as starting a family law action, completing forms, etc.
- **Speakers' Bureau:** PLEIS-NB collaborates with the Canadian Bar Association – NB Branch to connect the public with lawyers who are willing to speak with groups free of charge about

particular legal topics.

The New Brunswick Human Rights Commission

The New Brunswick Human Rights Commission is a provincial government agency that was created to help enforce the rights people have under the New Brunswick [Human Rights Code](#).

The New Brunswick Human Rights Commission promotes human rights and the principles of equality through public legal education. It has created various public education resources (including a [Guideline on Accommodating People with Service Animals](#)) to assist people in New Brunswick with better understanding their rights.

The New Brunswick Human Rights Commission is also responsible for administering the mechanism for complaint intake and resolution.

For information about the [complaint process](#), visit the [New Brunswick Human Rights Commission's](#) website or contact the Commission by phone at 1-888-471-2233 (toll-free) or by email at hrc.cdp@qnb.ca. Commission staff can provide you with information about the human rights complaint process. They can also discuss how the New Brunswick [Human Rights Code](#) may or may not apply to your situation.

The Canadian Human Rights Commission

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

Essential Non-Legal Services

Ombud N.B.

Ombud N.B. is an independent officer that is responsible for investigating complaints from the public about New Brunswick government services. The Ombud N.B. investigates complaints against provincial government departments and other agencies that are overseen by the provincial government.

You may [contact Ombud N.B.](#) to discuss a concern, or [make a complaint](#) regarding government services.

Premier's Council on Disabilities

The Premier's Council on Disabilities was established to improve the lives of people with disabilities. It is responsible for (among other things) advising the government on the status of persons with disabilities. Its [website](#) contains a range of resources, services and directories for people with disabilities.

Financial and Consumer Services Commission

The **Financial and Consumer Services Commission** is responsible for regulating New Brunswick's financial and consumer services. Its website contains information about (among other things) [consumer protections](#) in New Brunswick and [filing complaints](#).

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; and, users may also use Adobe Acrobat to see form in larger print or have it read out loud.

New Brunswick Photo ID Card

Photo identification cards are available to residents of New Brunswick 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**](#) – A 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**](#), including (among others), the [**Registered Disability Savings Plan**](#) and the [**Canada Pension Plan Disability Benefits**](#)
- Overviews of the federal benefits that are available to families who have [**children with disabilities**](#)
- Information about the [**Disability Tax Credit**](#) (including how to apply) and other related tax credits

The Government of New Brunswick's [**Persons with Disabilities**](#) page has information about provincial government services and benefits for people with disabilities.

CNIB Services (Non-Legal)

We're here to help – contact CNIB for more services, 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 national virtual program offerings on [CNIB's website](#).
 - You can access a list and schedule of CNIB New Brunswick's virtual program offerings on [CNIB – New Brunswick'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, Canadians who are blind or partially sighted are connected with sighted volunteers to engage in virtual, weekly conversations.
- **CNIB Online SmartLife Store**
 - 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 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's Advocacy Staff**
 - CNIB's Advocacy staff can assist clients with advocating for themselves and understanding their human rights in New Brunswick
- **CNIB's Guide Dog Program**
 - CNIB's Guide Dog Program 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

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 provides people with the practical skills they need to live safely and independently. VLRC's services are tailored to the unique needs and goals of each person. VLRC's services include, but are not limited to:

- Assistance with navigating new environments and using mobility tools;
- Assistance with maximizing remaining vision with optical and non-optical devices;
- Assistance with developing or restoring key daily living skills, such as learning new ways to cook, shop and manage your home;
- Assistance with accessing information and using technology;
- Assistance with post-secondary education and employment planning, and ongoing support;

VLRC has offices located in Moncton, Fredericton and Beresford. You can contact VLRC's New Brunswick branch by email at infonb@vlrehab.ca or by phone at:

- VLRC's Beresford Office – (506) 546-9922
- VLRC's Fredericton Office – (506) 458-0060
- VLRC's Moncton Office – (506) 857-4240

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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Toll Free / Sans frais : 1-800-563-2642