

# **Self-Advocacy & Essential Legal Information**

**Know Your Rights – Legal Information Handbook**

April 2022

## 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

Thank you to the [New Brunswick Law Foundation](#) and [The Law Foundation of Ontario](#) for making the Know Your Rights – New Brunswick Project possible. While financially supported by a grant from the New Brunswick Law Foundation and a grant from The Law Foundation of Ontario's Access to Justice Fund, CNIB is solely responsible for all content.



New Brunswick  
Law Foundation  
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Thank you also to the wonderful teams at McInnes Cooper and Pro Bono Students Canada for their dedication and provision of in-kind legal research and writing.

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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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# 1 Self-Advocacy

## 1.1 What is Self-Advocacy?

“**Advocacy**” means persuading others to change their attitudes, positions, or practices related to an issue that you care about. Advocacy can have a range of goals, such as raising public awareness, getting a company to change a business practice, or creating a new law.

“**Self-Advocacy**” means persuading others to change their attitudes, positions, or practices related to a situation that **you** are personally involved in. The goal of self-advocacy is to improve your situation or to make sure you are being treated fairly.

Self-advocacy does **not** mean doing advocacy alone. If you are in a challenging situation, it’s likely that many people have experienced similar situations before and gained valuable knowledge and experience that could help you. You may be surprised to learn about the many resources, programs, and organizations that can help people in your situation.

In addition, there are many educational resources to help you develop advocacy skills. Important advocacy skills include:

- Defining the problems;
- Identifying your goals;
- Creating an advocacy plan/strategy;
- Writing effective emails; and
- Speaking comfortably/persuasively with people you may disagree with.

This [toolkit](#) can provide you with tips about how to become a more effective advocate. While the toolkit is Saskatchewan-based, most of the “tools” can be used anywhere.

## 1.2 What makes “Legal” Advocacy Different?

By “**legal advocacy**” we mean any kind of advocacy **where it’s useful or important to have a very good understanding of the law**. For example, you may need either:

- General information about what the law says or how the legal system works; or
- A detailed explanation about how the law applies to your specific situation and what legal actions you can take.

Legal advocacy is different than other kinds of advocacy in **one critical way**: since the law can be a very difficult and complex subject, **you are going to need help** finding general information about the law and accessing legal service providers.

People who you trust – like friends, family members, community workers, or non-profit organizations – can help you find **general information about the law**. They can also help you apply “legal life skills” to your personal situation (described further [below](#)) and connect you with legal service providers.

Only licenced lawyers can practice law in New Brunswick. It is illegal for anyone else to practice law in New Brunswick. However, people and organizations can provide the public with general information about the law and legal procedures.

## 1.3 What does “Practicing Law” mean?

Lawyers deliver legal services to their clients by giving “**legal advice**” and providing “**legal representation**”.

To explain the value of these services, we’ll make an analogy between doctors and lawyers.

We all know that doctors go through years of specialized training so they can provide medical services such as: conducting physical exams and check-ups, making a medical diagnosis, prescribing medication, and performing medical procedures. If a doctor makes a mistake, a patient could be put in danger. As a result, it’s easy to understand why **only** qualified and licenced doctors can provide certain medical services in New Brunswick.

For the same reason, **only** qualified and licenced lawyers can provide legal services in New Brunswick: it takes years of specialized training to learn how to provide these services **safely**.

The table below defines the different types of legal service and makes an analogy to a medical service that has a similar function. This analogy helps to show how:

- Just like medical services protect your health, legal services protect your legal rights; and
- Just as it's very dangerous for medical services to be provided incorrectly, your legal problem can get much worse if legal services are provided incorrectly.

Description of a Legal Service	Analogy to a Medical Service
A lawyer applies the law to a client's specific situation to determine what legal rights and duties that client has (called " <b>providing legal advice</b> ").	A doctor does a detailed physical examination of a patient to determine what medical conditions that patient has.
After applying the law to a client's situation, a lawyer recommends what legal actions the client can take to achieve their goals (also called " <b>providing legal advice</b> ").	After making a medical diagnosis for a patient, a doctor recommends what treatment options are available to improve that patient's health – for example, prescribing medication.
A lawyer serves as a client's legal representative to help the client achieve their goals – for example, by writing letters, submitting applications, or going to court on their client's behalf (also called " <b>providing legal representation</b> ").	A doctor performs a specific medical procedure on a patient to improve that patient's health – for example, doing surgery.

## 1.4 Legal Life Skills

The following skills are very important when you are dealing with a potential legal problem:

- Getting things in writing;
- Keeping detailed records;
- Collecting and organizing documents;
- Writing down a clear timeline of events; and
- Prioritizing relevant information.

We call these “**legal life skills**” because they are essential to **enabling** effective legal advocacy.

Legal life skills are especially important at the **early stages** of self-advocacy when you are starting to think that something about your current situation is wrong or unfair. For example, keeping detailed records can help you reflect on your situation and writing down a clear timeline can help you communicate effectively with others. By using these skills, you will be in a better position to resolve potential problems before they can get bigger.

Applying these kinds of skills to your personal situation can be hard work, stressful, and emotionally draining. You should always consider reaching out to people who you trust – like friends, family members, community workers, or staff at a non-profit organization – to ask for help.

Finally, you should use these skills as much as possible **before** meeting with a lawyer. Since lawyers are so expensive, it’s important to make the most out of your meetings by preparing in advance as much as possible. Learn more about how to best prepare for a meeting with a lawyer by referring to the section of this Handbook, titled “[Before you meet with a lawyer](#)”.

## 1.5 Top Five Misconceptions about Legal Advocacy

### 1. Legal advocacy means taking someone to court or to a tribunal

While legal advocacy **can** involve taking someone to a court or tribunal, most legal problems never go to adjudication.



The term “**adjudication**” means that a judge or tribunal will formally hear and make a decision about a dispute.

An adjudicative process can be a very expensive and time-consuming – it can last many months or years. As a result, many opt to resolve legal disputes before the dispute goes to a formal adjudication. Unlike TV shows, most legal advocacy is done outside of a courtroom.

That said, sometimes adjudication is the best option for challenging and correcting unfairness. And, winning a case before a court or tribunal can lead to change for others facing similar circumstances.

## 2. Legal advocacy means getting into a dispute

While legal advocacy **can** involve getting into a dispute, **not all legal advocacy is adversarial**.

The term “**adversarial**” means “having a conflict where two sides oppose each other”.

In fact, **important and impactful legal advocacy is often non-adversarial**, and is instead characterized by parties working together to solve a problem or disagreement.

When dealing with a potential legal issue, a good approach is to start a collaborative discussion with the other party and then gradually become more adversarial as needed. For example, here is an approach you can take:

**Step 1:** Do your best to understand the other party’s concerns and try to work with them to develop a solution in a collaborative way.

**Step 2:** Be more formal and direct with the other party: make sure to get things in writing and use stronger (but collegial) language to express your disagreement or your desire for a specific solution. In addition, explore dispute resolution options that are not fully adversarial.

For example, “**mediation**” is a dispute resolution process where a neutral third party helps two opposing sides share information and work together to develop a mutually agreeable solution.

**Step 3:** Explore adversarial options like filing a complaint with the [New Brunswick Human Rights Commission](#) or filing a lawsuit. While most human rights cases and lawsuits do not get adjudicated, filing a complaint or starting a lawsuit can lead to the parties resolving the matter by arriving at a settlement.

This approach is **very general** and does not apply to all types of problems. You should always [get legal help](#) when facing a legal problem..

### **3. Legal advocacy means being vocal and assertive about my legal rights**

While good legal advocacy **can** involve being vocal and assertive about your legal rights, there are good reasons why this shouldn't be your very first response. Consider that:

- Many potential problems arise due to ignorance or a lack of education. Educating the other party is often an efficient way to resolve a problem that could otherwise grow into a large dispute. If you start your discussions with the other party by strongly asserting your legal rights, they may feel intimidated or become defensive. This can shut down communication. Even if you are 100 percent correct about your legal rights, an assertive approach could prolong achieving the outcome that you want.
- It is often very useful to ask questions and gather information from the other party to better understand their views.
  - For example, if you are requesting an accommodation from a service provider and they tell you the accommodation is “not possible”, it would be useful to know **why** they think it's not possible. Do they think that the cost is too high? If so, do they have a reasonable estimate of the cost? Do they think it's a health and safety problem? Do they have a competing human rights claim?
- By approaching the situation collaboratively, and gathering as much information as possible, **you will be better prepared to develop a strong and informed advocacy plan.**

### **4. You only need legal help after you get into a dispute**

If possible, it's always better to get legal help **before** a potential legal problem grows into a full, adversarial dispute.

Ideally, you should get legal help at the **early stages** of self-advocacy: when you are starting to think that something about your current situation is wrong or unfair. To help explain why, we can make an analogy to your physical health:

If you are starting to feel unwell, you will likely try to learn more about your symptoms and try to figure out what medical condition you might have. If your symptoms get worse, you will surely want to see a doctor.

In the same way, if something about your situation seems unfair, you might first try to find some general information about your legal rights. If you think the situation may get worse, it is a good idea to see a lawyer **before** you make any legal claims or take any legal action. The purpose of seeing a lawyer is to get a good understanding of how the law applies to your specific situation. With this knowledge, you can create a much more effective advocacy plan.

## **5. It is easy to know when you have a legal problem**

Sometimes it can be easy to recognize that a legal problem exists, but it can be difficult to identify the specific legal issue and the steps you can take to protect your legal rights. To make an analogy with medical care: it can be easy to tell that someone is sick, but a doctor's assistance is often required to make an accurate diagnosis and recommend an appropriate treatment plan.

Keep in mind that there are many cases where:

- People have a legal problem but don't realize it. For example, they might think that a conflict with someone else is just a personal disagreement; or they may think it's normal to be denied accommodations in certain settings.
- People don't have a legal problem but think that they do.
- People have a legal problem but it's very different than what they think it is.

In sum, with legal advocacy, you will usually need help to access legal information or legal services.

## 2 Getting Legal Help

### 2.1 What Kind of Legal Help do I Need?

#### “Legal Information” vs. “Legal Advice”

When you are seeking legal help, it’s very important to know the difference between “legal information” and “legal advice.”

	What does it mean?	Who can provide it?
<b>Legal Information</b>	<p>A <b>general</b> explanation about how the law applies to a <b>range of possible situations</b>.</p> <p>Since a general explanation is <b>not customized</b> to your specific situation, it can’t tell you with certainty what specific legal rights you have or what legal actions you can take.</p>	<p><b>Anyone</b> can create and share legal information, so it is essential for you to judge whether the information comes from a reliable and trustworthy source.</p>
<b>Legal Advice</b>	<p>A service provided by a licensed lawyer who meets with you to learn about your <b>specific situation</b> and then:</p> <ul style="list-style-type: none"><li>• Provides a detailed explanation about what <b>specific</b> legal rights and duties you have; and</li><li>• Recommends what <b>specific</b> legal actions you can take to achieve your goals.</li></ul>	<p><b>Only</b> a licensed lawyer can provide legal advice – it is illegal for anyone else to provide legal advice in New Brunswick.</p>

An analogy between doctors and lawyers can help explain the difference between legal advice and legal information:

- Just as a lawyer provides their clients with legal advice, we can say that a doctor provides their patients with “medical advice.” When you visit a doctor’s office, they conduct a detailed physical examination to determine what specific medical conditions you have and to recommend **specific** treatment options.
- Going to see a licensed doctor is very different than reading a **general explanation** about a medical condition. For example, popular sources of general medical information include WebMD, Wikipedia, YouTube, and social media. Just like legal information, it’s essential for you to judge whether the source of information is reliable and trustworthy. For example, reliable sources of medical information include the Government of New Brunswick’s [Health](#) page; [Tele-care](#) 811; the [Public Health Agency of Canada](#); and [MedlinePlus](#), a public education website run by the [National Institutes of Health](#).

Reliable sources of legal information are listed in the section of this handbook titled, [“Finding Reliable Legal Information”](#).

## Types of Legal Help

This section identifies and explains six kinds of legal help, listed from the easiest to the most difficult to access.

### 1. Legal Information

Legal information means a general explanation about how the law applies to a range of possible situations. Since anyone can create and share legal information, it’s important for you to judge whether information comes from a reliable and trustworthy source. Reliable sources of legal information are listed in the section of this handbook titled, [“Finding Reliable Legal Information”](#).

## **2. Connect to Community Supports**

Since the law can be difficult to understand at times, you may need help finding reliable legal information and accessing legal services. A good first step is to connect with community supports, such as non-profit organizations, advocacy groups, or peer support groups. People in these organizations can help you develop an advocacy plan, which can include connecting with legal resources. More information about community supports is available in the section of this Handbook titled, “[Connect with Community Support](#)”.

## **3. Referral to a Legal Professional**

To access legal services, you need to find a legal professional who has experience relevant to your legal challenge, and who can provide services either free-of-charge or for a price that is within your budget. It often takes a significant amount of work to find a specific legal clinic, law firm, or individual lawyer who meet these criteria.

It’s important to ask for recommendations or referrals to specific lawyers from friends, community supports, and other legal professionals. You may need to follow up with multiple referrals before you find a lawyer or paralegal that you are able to work with.

More information on how to find a lawyer is available in the section of this Handbook titled, “[Find a Lawyer](#)”.

## **4. Summary Legal Advice**

“Summary legal advice” is a service that can only be provided by a licensed lawyer. You receive a short consultation with a lawyer who listens to your story, provides you with legal advice, and who may refer you to other legal services. After this short consultation, there is no ongoing commitment for that lawyer to provide you with legal advice.

If seeing a lawyer is like seeing a doctor, then getting summary legal advice is like “going to a walk-in clinic”. When you go to a walk-in clinic, a doctor meets with you for a short time to provide you with a diagnosis and treatment options or refers you to other medical services. After this short consultation, there is no ongoing commitment for that doctor to provide you with medical care.

## 5. Legal Advice

“Legal advice” is a service that can only be provided by a licensed lawyer. The lawyer meets with you to learn about your **specific situation** and then:

- Provides a detailed explanation about what **specific** legal rights and duties you have; and
- Recommends what **specific** legal actions you can take to achieve your goals.

Legal advice is often provided as an ongoing service until your issue is resolved or until you have used up your budget for legal services. Information on how to make the most of your time with a lawyer is available in the section of this Handbook titled, “[Before you meet with a lawyer](#)”.

## 6. Legal Advice and Legal Representation

In addition to providing legal advice, a lawyer can also represent you – for example, by writing letters to other parties on your behalf, submitting applications for you, or serving as your legal representative in court or before a tribunal.

## 2.2 Finding Reliable Legal Information

When you search for legal information, it’s up to you to determine whether the source is trustworthy and reliable. At minimum, you should make sure that the legal information you trust:

- Applies to New Brunswick;
- Was published within the last few years (or sooner if the law has changed);
- Is authored by an organization with an established reputation – for example, the government, a legal clinic, or a well-known nonprofit.

Some reliable sources for legal information in New Brunswick include:

- [New Brunswick Human Rights Commission](#)
- [Public Legal Education and Information Services of New Brunswick \(PLEIS-NB\)](#)
- CNIB’s [Know Your Rights – New Brunswick](#) Project

## 2.3 Find a Lawyer

### When to look for a lawyer

If possible, it's always better to get legal help before a potential legal issue grows into a full, adversarial dispute. Ideally, you should look for a lawyer at the early stages of self-advocacy when you are starting to think that something about your current situation is wrong or unfair.

Make sure you work with a licenced lawyer to protect yourself from getting incorrect legal advice. If you have a bad experience with a licenced legal professional, you can file a [complaint](#) with the [Law Society of New Brunswick](#). In addition, licenced lawyers are required to carry insurance so clients can be compensated if they are financially harmed by a lawyer's mistake.

### Before you meet with a lawyer

Since legal services are very expensive, you'll want to make the most of the time you spend with a lawyer.

If you aren't eligible for free legal services, you'll need to pay for some or all of your legal costs. Some lawyers may agree to work at a discount or may even agree to work for free (also referred to as *pro bono*) because your case relates to issues that they care about.

To get the best value for your money, try to prepare as much as possible before meeting with a lawyer. You may find the following resources helpful:

- [Public Legal Education and Information Service of New Brunswick \(PLEIS-NB\)](#) has information about [lawyers](#), including information about working with a lawyer.

Like all service providers, under New Brunswick human rights laws, lawyers are required to provide you with accommodations for your disability, up to the point of undue hardship, at no additional cost to you.



## How to find a lawyer

The [Law Society of New Brunswick](#) has a '[Lawyer Search](#)' tool. This tool allows you to search for a lawyer by firm/organization, city or first or last name. A lawyer's contact information is available via this service, which allows you to contact lawyers directly.

You will be looking for a legal professional who has relevant experience and who can provide services either free of charge or for a price that falls within your budget. It often takes a significant amount of work to find a specific legal clinic, law firm, or individual lawyer who meet both of these criteria.

A good place to start your search is by determining if you are eligible for legal services through the [New Brunswick Legal Aid Services Commission](#) (Legal Aid). Keep in mind that in New Brunswick, Legal Aid only deals with family law, criminal law, or public trustee services, and you must have a very low income.

It's important to ask for recommendations or referrals to specific lawyers from friends, community supports, and other legal professionals. You may need to follow up with multiple referrals before you find a lawyer you are able to work with.

Some lawyers in New Brunswick will offer free or low-cost initial consultations during which they may provide you with summary legal advice. You can look at lawyers' webpages or phone their offices to determine if they offer this service.

The [Fredericton Legal Advice Clinic, Inc. \(FLAC\)](#) offers free legal advice and information to people in the Fredericton and surrounding area. While FLAC addresses a broader range of legal issues than Legal Aid, its services are limited to 30-minute consults for self-represented individuals.

Unfortunately, there are many cases where people do not qualify for free or discounted legal services and cannot afford a lawyer. If you find yourself in a situation like this, it's very important to reach out to community supports.

If you are considering representing yourself, please refer to the following resources.

- [New Brunswick Courts](#) has developed an [information and resource webpage](#) for self-represented litigants
- [The National Self-Represented Litigants Project \(NSRLP\)](#) has developed a resource, titled: “[Navigating the Justice System: A Guide for Self-Represented Litigants with Disabilities](#)”.

You can also contact the [New Brunswick Human Rights Commission](#) toll-free at 1-888-471-2233 or by email at [hrc.cdp@gnb.ca](mailto:hrc.cdp@gnb.ca). Staff can provide you with information regarding the process for filing a [complaint](#) with the New Brunswick Human Rights Commission. Staff can also discuss the New Brunswick [Human Rights Code](#) and how it may or may not apply to your situation.

## 2.4 Connect with Community Support

When seeking out community supports, here are some broad categories of organizations to consider:

- Pan-Disability groups, including:
  - [March of Dimes](#)
  - [Easter Seals New Brunswick](#)
  - [Centres for Independent Living](#)
- Disability-specific groups, including:
  - [Alliance for Equality of Blind Canadians](#)
  - [Canadian Council of the Blind](#)
  - [Canadian Deafblind Association](#)
  - [Canadian Helen Keller Centre](#)
- Issue-specific groups, including:
  - [Atlantic Provinces Special Education Authority \(APSEA\)](#)
  - [A11y](#)
- The media, including national news, local news, and social media.

- Organizations with public profiles, including large charities, large corporations, local businesses, industry organizations, and professional associations.

For more ideas, contact [CNIB](#), visit your local library, or access [211 New Brunswick](#) online or by calling 2-1-1.

## 3 Essential Legal Information

This section summarizes information that you should know about:

- Key Players in the Legal System
- Key Legislation: the New Brunswick [Human Rights Code](#)
- Other Important Legislation

### 3.1 Key Players in the Legal System

#### Three Levels of Government

The federal, provincial and municipal/local levels of government each have many departments and agencies. Each level of government has different areas of control (or areas of “jurisdiction”).

#### Courts and Tribunals

There are both federal and provincial courts. Each level of court has different areas of control (or areas of “jurisdiction”).

In addition, each level of government can create tribunals that operate like courts and are specialized in certain topics.

#### Lawyers

Only licenced lawyers can provide legal services. While legal services are very expensive, some legal professionals offer services at discounted rates or even for free (also referred to as *pro bono*). The legal profession is regulated by the [Law Society of New Brunswick](#). The Law Society is the only body that can determine [who may become a lawyer](#).

Additionally, the Law Society of New Brunswick has a tool people can use to [find a lawyer](#). You can also make a [complaint](#) about a lawyer to the Law Society of New Brunswick.

## 3.2 Key Legislation

The New Brunswick [Human Rights Code](#) is the provincial legislation that protects against discrimination in many areas of public life based on disability.

It's important to have a basic understanding of how this law works because it comes up so often in legal advocacy.

Keep in mind that this handbook only provides a basic explanation about how human rights laws work. If you need to apply these laws to your specific situation, then it's essential that you speak with a lawyer and obtain legal advice.

### **New Brunswick's Human Rights Act (also known as the Human Rights Code)**

#### **How does the Human Rights Code protect your rights?**

The [Human Rights Code](#) gives you important legal rights:

- You have the right to be free from discrimination because of your disability in most areas of public life.
- You have the right to have an equal level of access as anyone else to public accommodations, services, and facilities that are offered to the public, without discrimination because of your disability.
- You have the right to file a human rights [complaint](#) with the [New Brunswick Human Rights Commission](#) without fear of reprisal/punishment

The [Human Rights Code](#) does not:

- Give any power to the police to investigate human rights complaints; or,
- Create detailed rules that describe exactly what is considered “discrimination”, “accommodation”, and “undue hardship” in a range of situations or sectors.

For more information about the New Brunswick Human Rights Code visit the New Brunswick Human Rights Commission's webpage, titled [The New Brunswick Human Rights Act Explained](#).

## 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 Commission generally becomes involved in matters when it receives complaints from the public about discrimination and harassment. In some circumstances, however, the Commission will offer mediation services before a complaint is filed. This service is called "pre-complaint intervention". In both instances, the Commission will work with the parties to assist them with reaching a resolution. If the matter cannot be resolved between the parties, a Human Rights Officer may investigate the complaint. Upon gathering the evidence, the Human Rights Officer will either close the file or make recommendations to the Commission. From there, the Commission will consider the Officer's recommendations and any written responses from the parties. At that point, the complaint will either be dismissed or sent to a tribunal for a hearing. The tribunal will determine if discrimination has occurred and will issue orders to correct it.

For more 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@gnb.ca](mailto:hrc.cdp@gnb.ca).

The Commission also makes efforts to stop discrimination by promoting human rights and by providing educational opportunities to service providers, employers, and the general public.

### **Key Concepts: Discrimination, Duty to Reasonably Accommodate, and Undue Hardship**

**"Discrimination"** occurs when a service provider or employer treats you differently because of your disability, and this differential treatment causes you harm.

When a service provider has a **"duty to reasonably accommodate"**, it means that the service provider is 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 and designed to promote the following principles: dignity, individualization, and inclusion.

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, 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.

It is important to keep in mind that the development and implementation of accommodations is a collaborative process that will involve you, the service provider 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".

## **Municipal By-Laws**

Many different service providers require a licence from your municipality to operate. Examples of these service providers include restaurants, hairdressers, taxis, and construction sites.

Since some municipal licences and by-laws have requirements with respect to accessibility, **contacting municipal by-law enforcement** can sometimes be part of an effective legal advocacy plan.

If you need to understand how municipal bylaws apply to your specific situation, then it's essential that you get legal advice from a lawyer.

## The Charter of Rights and Freedoms (the “*Charter*”)

The [Charter of Rights and Freedoms](#) is part of Canada's constitution. Section 15 of the Charter says, among other things, that the government must not discriminate based on disability in its laws or programs.

The law related to Charter enforcement is very complex. You need to invest a lot of time, research, and education before you can understand the potential benefits and drawbacks of Charter litigation. For most legal issues, Charter litigation is not an appropriate advocacy strategy. If you are very interested in learning more about Charter litigation, you can do research on your own or talk to a lawyer.

The Government of Canada's [Guide to the Charter of Rights and Freedoms](#) provides a basic introduction to the Charter.

## Other Federal and Provincial Laws

It is important to keep in mind that many other federal or provincial laws (that have not been mentioned in this handbook) can impact your legal advocacy strategy, depending on the specific details of your situation. This is another reason why it's important to speak to a lawyer and get legal advice as early as possible.



## 4 Getting Help

### 4.1 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](mailto: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 [Guidelines](#) and [Frequently Asked Questions](#) pages) 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](mailto: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](#).

## 4.2 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.

## 4.3 Additional Resources

For additional resources relating to specific topic areas (for example, employment or housing), visit the other Know Your Rights – New Brunswick Handbooks on our [Know Your Rights – New Brunswick](#) webpage.

## 4.4 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.

## 4.5 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](mailto: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

## 4.6 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.

**Web / Site Web : [cnib.ca](http://cnib.ca) / [inca.ca](http://inca.ca)**

**Email / Courriel : [info@cnib.ca](mailto:info@cnib.ca) / [info@inca.ca](mailto:info@inca.ca)**

**Toll Free / Sans frais : 1-800-563-2624**