

Know Your Rights

Your Legal Obligations as a Service Provider



A project of the Legal Information Society of Nova Scotia (LISNS) in partnership with the Canadian National Institute for the Blind (CNIB) Foundation

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Your legal obligations as a service provider

People who are blind or partially sighted have the right to receive the same level of service as everyone else without discrimination because of their disability.

As a service provider, you are legally obligated to ensure that people who are blind or partially sighted receive the same level of service as everyone else. You are also legally obligated to accommodate people who are blind or partially sighted up to the point of undue hardship to ensure that they receive the same level of service as anyone else.

You cannot deny someone access to a service normally open to the public or discriminate against them because they are accompanied by a guide dog.

Duty to Accommodate and Undue Hardship

- **Duty to Accommodate:** You must provide accommodations to ensure that those with sight loss can experience the same level of service as others. If someone with sight loss asks for an accommodation, you must work with them to reach a reasonable solution. You may ask them what kind of accommodation they need and why they need it.
- **Undue Hardship:** This is a limit to your duty to accommodate. A service provider does not have to accommodate a person past the point of causing undue hardship. Relevant factors include:
 - The cost of accommodation (the size of your operation can be relevant here as larger organizations will be deemed to have a greater capacity to accommodate people.)
 - Health and safety concerns, employee morale and collective agreements (It is not enough here that employees do not want to accommodate. Asking your employees to accommodate them would have to violate your employee's rights in some way.)
 - A collective agreement is not determinative of undue hardship. Unions have a duty to accommodate up to the point of undue hardship under the **Human Rights Act** and employees must be flexible. It is worth emphasizing here that organizations must accept some hardship in providing accommodations. It will be very hard to prove that accommodating someone would impose an undue hardship.

- Many accommodations will not be particularly onerous. Individuals may only need help navigating a website, reading a form, reading labels on products, navigating a new location, etc.

Government agencies must comply with s. 15 of the **Canadian Charter of Rights and Freedoms**. This section grants the right to be free from discrimination based on protected characteristics. The protected characteristics are race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

The source of legal obligations

There are two major types of provincial legislation establishing your legal obligations. These obligations have also been further fleshed out by various courts, tribunals and boards.

- The Nova Scotia **Human Rights Act** is the main source of your legal obligations to not discriminate against persons with disabilities.
- The right of people with sight loss to access services while accompanied by a guide dog is also protected by the **Blind Persons' Rights Act**. The **Service Dog Act** also protects against discrimination based on the use of a service dog.

The consequences of refusing to accommodate

Organizations and businesses have a legal and moral duty to work with the individual seeking accommodation to reach a solution. If you cannot resolve the matter amicably, the individual may file a complaint with the **Nova Scotia Human Rights Commission**, and a hearing may take place before a Board of Inquiry. If it is found that discrimination took place, there can be fines and other consequences levied against your organization.

If you refuse to allow an individual access to accommodation, services or facilities because they are accompanied by a guide dog, the individual may contact the police. You may then be charged with a summary offence and face a \$500 to \$3000 fine under the **Blind Persons' Rights Act**.