

Self-Advocacy & Essential Legal Information

Know Your Rights Alberta – Legal Information Handbook

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CNIB

Disclaimer

This content is provided as general information and is not legal advice. If you need advice about a specific legal issue, contact a lawyer.

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

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

CNIB provides free [advocacy resources](#) to help you become a more effective advocate.

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 with legal service providers.

Only licenced lawyers can practice law in Alberta. It is illegal for anyone else to practice law in Alberta. 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 Alberta.

For the same reason, **only** qualified and licenced lawyers can provide legal services in Alberta: 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 “ providing legal advice ”).	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 “ providing legal advice ”).	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 “ providing legal representation ”).	A doctor performs a specific medical procedure on a patient to improve that patient's health – for example, doing surgery.
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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.
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Finally, you should use these skills as much as possible **before** meeting with a lawyer. Since lawyers are so expensive, it's important 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.](#)

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 very expensive and time-consuming and can last many months or years. As a result, many people opt to resolve legal disputes before the dispute goes to 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 [Alberta 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 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 to obtain advice that is specific to your unique circumstances.

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 per cent 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.

The [Centre for Public Legal Education Alberta \(CPLEA\)](#) has two resources: [7 Steps to Solving a Problem](#) and [Is it Reliable? 6 Clues to Good Legal Information Online](#). These resources can help you determine if you have a legal issue and help you access good legal information about your issue.

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?
Legal Information	<p>A general explanation about how the law applies to a range of possible situations.</p> <p>Since a general explanation is not customized 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>Anyone 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>
Legal Advice	<p>A service provided by a licensed lawyer who meets with you to learn about your specific situation and then:</p> <ul style="list-style-type: none"> • 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. 	<p>Only a licensed lawyer can provide legal advice – it is illegal for anyone else to provide legal advice in Alberta.</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 Alberta's [MyHealth.Alberta.ca](#) and [Health Link](#); the [Public Health Agency of Canada](#); and the United States government's [MedlinePlus](#). [Learn more about reliable sources of legal information.](#)

The [Centre for Public Legal Education Alberta \(CPLEA\)](#) has two resources: [Legal Information vs. Legal Advice: What's the difference?](#) and [Is it Reliable? 6 Clues to Good](#)

[Legal Information Online](#). They describe different ways legal information can be provided, and how the public can determine whether an online source of legal information is reliable.

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. [Learn more about reliable sources of legal information.](#)

2. Connect to Community Supports

Since the law can be difficult, 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. [Learn more about information and community supports.](#)

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.

[Learn more about how to 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 possibly refers 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. [Learn how to make the most of your time 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 Alberta;
- 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.

If you’re not sure if a source is trustworthy and reliable, you may wish to consult a resource created by the [Centre for Public Legal Education Alberta \(CPLEA\)](#) titled [Is it Reliable? 6 Clues to Good Legal Information Online](#). This resource identifies clues to help you determine whether an online source of legal information is reliable.

Some reliable sources for legal information in Alberta include:

- [Centre for Public Legal Education Alberta \(CPLEA\)](#)
- [Alberta Human Rights Commission](#)

- [Government of Alberta](#)
- [Alberta Courts](#)
- [Alberta Law Libraries](#)
- [Alberta Legal Information Centre](#) (resources and referrals in French)
- [BearPaw Media and Education](#) (resources created by Indigenous people for Indigenous people in Alberta)
- CNIB's [Know Your Rights Legal Information Handbooks](#).

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 lawyer, you can file a [complaint](#) with the [Law Society of Alberta](#). 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 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:

- The [Centre for Public Legal Education Alberta \(CPLEA\)](#) has a resource titled [Working with a Lawyer](#) with information about where to get legal help, how to talk to your lawyer and paying for legal services.
- The [Law Society of Alberta](#) has information on [questions to ask before hiring a lawyer](#), [working with a lawyer](#) and [understanding fees](#).

Like all service providers, under the [Alberta Human Rights Act](#), 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 Alberta](#) has an online [Lawyer Directory](#) tool. This tool allows you to search for a lawyer by first or last name, firm/company name, and city/town. A lawyer's contact information is available via this service, which allows you to contact lawyers directly. This tool also allows you to search for a lawyer by the lawyer's gender, practice areas, and languages they speak.

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 meets both of these criteria.

A good place to start your search is by determining if you are eligible for [Legal Aid Alberta](#) or [free services from a legal clinic](#) in Alberta. In Alberta, Legal Aid only deals with family and family violence, criminal, and immigration/refugee issues, and you must have a very low income. Free legal clinics provide a broader range of legal services, but also only to persons who have low incomes.

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 Alberta will offer free or low-cost initial consultations during which they may provide you with summary legal advice. You can look at lawyers' ads in places like the yellow pages, review their websites, or phone their offices to determine if they offer this service. [Free legal clinics](#) offer 30 to 45 minutes of summary legal advice to eligible clients.

Some lawyers offer unbundled or fee-for-service billing. In this case, the lawyer is only providing you with the specific legal services you want and may not be dealing with all aspects of your legal issue. The [Alberta Legal Coaches & Limited Services](#) website has information about these types of legal services and a list of lawyers who offer unbundled or fee-for-service legal services.

Unfortunately, there are many cases where people who 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:

- The [Alberta Court of Justice](#) has information for [people without a lawyer](#), including about conduct in court, alternatives to court, and getting help.
- [The National Self-Represented Litigants Project \(NSRLP\)](#) has developed a resource titled "[Navigating the Justice System: A Guide for Self-Represented Litigants with Disabilities](#)".
- The [Canadian Judicial Council](#) has created [three handbooks for self-represented litigants](#) about family law, civil law and criminal law in Canada.

2.4 Connect with Community Support

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

- Pan-Disability groups, including:
 - [Voice of Albertans with Disabilities](#)
 - [Easter Seals Alberta](#)
 - [AdaptAbilities](#) (Edmonton)
 - [Chrysalis](#) (Edmonton and Calgary)
 - [Alberta Council of Disability Services](#) (see the [list of members](#) to find groups in your area)
- Disability-specific groups, including:
 - [Alberta Society for the Visually Impaired](#)
 - [Alliance of Equality of Blind Canadians](#)
 - [Canadian Council of the Blind](#)
 - [Canadian Deafblind Association](#)

- [Canadian Hellen Keller Centre](#)
- Issue-specific groups, including:
 - [Alberta Sports and Recreation Association for the Blind](#)
 - [Alberta Disability Workers Association](#)
- 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 Alberta](#) 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
- Other Important Legislation

3.1 Key Players in the Legal System

Three Levels of Government

The federal, provincial and municipal 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. The legal profession is regulated by the [Law Society of Alberta](#). The Law Society is the only body that can determine [who may become a lawyer](#). Additionally, the Law Society of Alberta has a tool people can use to [find a lawyer](#). You can also make a [complaint](#) about a lawyer to the Law Society of Alberta.

3.2 Key Legislation

The [Alberta Human Rights Act](#) is the provincial legislation that protects against discrimination in many areas of 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.

Alberta's [Blind Persons' Rights Act](#) is a provincial law that applies only to blind persons, which it defines as individuals who are blind according to accepted medical standards and who depend on a guide dog or a white cane. The Act:

- Prohibits someone other than a blind person from carrying or using a white cane in public;
- Prohibits denying accommodation, services or facilities generally available to the public to a blind person accompanied by a guide dog or to a certified dog-trainer accompanied by a dog in training; and
- Prohibits denying a living space to or having discriminatory terms or conditions for a blind person with a guide dog.

The law also sets out fines for not following these rules.

Alberta's [Service Dogs Act](#) is a provincial law that provides the above rights to access public places and living spaces to Albertans who have any degree of disability, except blindness or visual impairment, and who depend on a service dog.

It's important to note that there are specific rules regarding what qualifies a dog, to be a service dog. These rules are set out in the [Service Dogs Qualifications Regulation](#), which is made under the Services Dogs Act.

The [Accessible Canada Act](#) is federal legislation that aims to make Canada barrier-free by January 1, 2040. It only applies to organizations under federal responsibility, including:

- the Government of Canada, its agencies and Crown corporations
- federal courts
- banks (except for treasury branches and credit unions)
- federal transportation networks, including airlines as well as rail, road and marine transportation providers that cross provincial or international borders

- broadcasting and telecommunications organizations

The Alberta Human Rights Act

How does the Act protect your rights?

The [Act](#) gives you important legal rights:

- You have the right to be free from discrimination and harassment 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 products, services, and facilities that are offered to the public, without discrimination because of your disability.
- You have the right to receive accommodations for your disability from a service provider up to the point of undue hardship.
- You have the right to file a human rights complaint to the [Alberta Human Rights Commission](#) if you feel you have been discriminated against contrary to the [Act](#).

The [Act](#) 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.

The Alberta Human Rights Commission

The [Alberta Human Rights Commission](#) was created to help enforce the rights people have under the [Act](#). The [Commission](#) receives complaints from the public about discrimination and works with the parties to reach a resolution. If the parties cannot resolve the issue, the [Commission](#) can refer complaints to the Tribunal to make a decision. The Tribunal will once again try to help the parties reach a resolution. If no resolution is possible, the complaint goes to a tribunal hearing. The purpose of the hearing is to determine whether discrimination has occurred, and if so, what the remedy should be.

The [Commission](#) also provides [educational resources](#) and engages in systemic advocacy to address existing laws, practices and policies that infringe on the human rights protected under the [Act](#).

Key Concepts: Discrimination, Duty to Accommodate, and Undue Hardship

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

When a service provider has a **“duty to accommodate”**, it means that they are legally required to provide you with the supports you need to have an equal level of access to products, services, and facilities offered to the public. Employers and landlords also have a duty to accommodate. The duty to accommodate is triggered when you disclose your disability and make a request for accommodation. A service provider, landlord or employer is required to consider your request individually and must provide you with supports that meet your unique needs.

However, the duty to accommodate has a limit, called **“undue hardship”**. “Undue hardship” is a legal term. It means that if a service provider, landlord or employer can show that it is very difficult for them to provide you with a certain type of accommodation, they do not have to provide it.

Service providers, landlords and employers 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 the service provider, landlord or employer’s ability to operate their business. When calculating the cost, they must consider outside sources of funding, such as government grants or subsidies.
2. Whether the accommodation would create serious health and safety risks for others, or their operations.

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

The Accessible Canada Act

How does the Act protect your rights?

The Act establishes [Accessibility Standards Canada](#), which is a government corporation that creates accessibility standards for federally regulated organizations. All federally regulated organizations must follow these standards.

The Act also requires federally regulated organizations to publish an [accessibility plan](#), set up a [feedback process](#), and [prepare and publish progress reports](#).

If you suffered a harm because a federally regulated organization did not meet its requirements under the Act, you can file a complaint with the Accessibility Commissioner.

The Accessibility Commissioner

The [Accessibility Commissioner](#) can receive [complaints](#) from individuals who have experienced physical or psychological harm, property damage, or financial loss, or were otherwise negatively affected by an organization not meeting its obligations under the Act. The Accessibility Commissioner is part of the [Canadian Human Rights Commission](#).

Some accessibility complaints go to other agencies as follows:

- The [Canadian Transportation Agency](#) deals with accessibility complaints for the federal transportation network.
- The [Federal Public Sector Labour Relations and Employment Board](#) deals with accessibility complaints made by federal public servants and parliamentary employees through the grievance process.
- The [Canadian Radio-television and Telecommunications Commission](#) deals with accessibility complaints in the broadcasting and telecommunications sectors.

The Government of Canada's [Summary of the Accessible Canada Act](#) provides a basic overview of the Act.

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. Though there have been proceedings regarding Charter enforcement and disability issues, the impact of these cases is not clear. Some research studies on Charter enforcement cases have found that these cases have had a “limited impact” on advancing disability-related causes, while other studies have found reasons for “cautious optimism”.

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.

For a comprehensive (but very technical) review of disability-related Charter litigation, refer to this 2017 academic study, titled: [Peoples with Disabilities and 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.

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