

Know Your Rights

Accessing Government and Consumer Services



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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Accessing Government and Consumer Services

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

A: You have the right to receive the same level of service as everyone else. Service providers must accommodate your disability up to the point of undue hardship to ensure that you receive this level of service.

- Service providers cannot deny you access to a service normally open to the public because you are accompanied by a guide dog or discriminate against you because you are accompanied by a guide dog.
- You have the right to receive the same level of service as everyone else without discrimination because of your disability. This means that service providers cannot impose a burden, obligation, or disadvantage on you not imposed on others. They cannot withhold or limit access to opportunities, benefits, or advantages available to others.
- You have the right to receive accommodations for your disability from service providers up to the point of undue hardship.

Duty to Accommodate and Undue Hardship

Duty to Accommodate: Service providers must provide you with accommodations/support to ensure that you can experience the same level of service as others. To trigger this duty, you must first ask for the necessary accommodation. The service provider must then work with you to reach a reasonable solution. You should explain what kind of accommodation you need and why you need it.

Undue Hardship: This is a limit to the service provider's duty to accommodate. Relevant factors here include (among others) the cost of accommodation (the size of the provider's operation can be relevant here) and health and safety concerns. It is worth emphasizing here that service providers must accept *some* hardship in accommodating you. It is very unlikely that a service provider could prove that accommodating you would impose an *undue* hardship.

Q: Where do my legal rights come from?

A: There are two main types of provincial legislation establishing your legal rights. These rights have also been further fleshed out by various courts and tribunals.

- The Nova Scotia **Human Rights Act** is the main source of your legal rights against discrimination from service providers.
- The **Blind Persons' Rights Act** authorizes police to lay charges in circumstances where people are denied access to services or facilities because they are accompanied by a guide dog. The **Service Dog Act** also protects against discrimination based on the use of a service dog.

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

A: If you feel that you have been discriminated against, it is usually best to first inform the other party of your right to receive the service and to receive accommodation. You may also want to try to resolve the issue amicably by speaking with a supervisor.

However, if you cannot resolve the issue amicably, you may want to consult with a lawyer about the options available to you, including:

- A complaint to the **Nova Scotia Human Rights Commission**. You can **contact** the Nova Scotia Human Rights Commission or visit its **Complaint Self-Assessment** page to get a sense of whether or not your experience falls within the purview of the **Human Rights Act**. If your issue falls within the purview of the Human Rights Act, commission staff can help you file a complaint. Generally, you must make a complaint within twelve months of the incident. See the Human Rights Guide for more information.
- If you are dealing with a government service provider, you can make a **complaint** to the **Nova Scotia Office of the Ombudsman**.
- Finally, if you are discriminated against because you are accompanied by a guide dog, you may also want to make a complaint to the police, who have the authority to investigate and lay charges under the **Blind Persons' Rights Act**.

Specific Scenarios

The following section explores scenarios you may encounter when trying to access services in your community. It is important to identify your need for accommodation. If you are unable to resolve the situation, you should refer to the section above on [enforcing your rights](#) or [contact](#) the [Nova Scotia Human Rights Commission](#).

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

A: You can contact a customer service representative for the relevant government organization. For Service Nova Scotia, you can contact the Contact Centre by telephone at 1-800-670-4357. Alternatively, you can refer to Service Nova Scotia's [Department Contact Directories](#) for the appropriate phone number.

If you are in Halifax and concerned about a municipal service, you may call 311. You can also find contact information specific to departments on the [Halifax.ca website](#) (for instance, the [Diversity and Inclusion office](#)). This may be useful if you have an issue with a specific service. Outside of Halifax, most municipalities post contact phone numbers on their websites.

When speaking with a customer service representative, make sure to explain your issue in detail. This triggers the service provider's duty to accommodate to the point of undue hardship. If they are unwilling to help, you can politely remind them of their legal duty to provide accommodation. If necessary, you can escalate your complaint to a manager or supervisor. For additional options, refer to the section of this handbook, titled ***What can I do to enforce my legal rights?***

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

A: You may be able to avoid this issue by planning ahead. Some forms can be filled out online. You can also contact the relevant government organization to ask for the form in an accessible format. However, if you are unable to fill out the form online and cannot get the form in an accessible format, you can speak with an employee or supervisor about how best to proceed. By asking for help and explaining the issue, you trigger the government organization's duty to accommodate you to the point of undue

hardship. If they are reluctant to assist, you can remind them that they have this legal duty and escalate your complaint as necessary – for example, to management or a supervisor. For additional options, refer to the section of this handbook, titled **What can I do to enforce my legal rights?**

Q: When Shopping, I often encounter queues that are inaccessible: for example, a ‘take-a-number’ system or line-ups marked using posts that are connected by ropes or belts. What can I do?

A: In these situations, it is best to approach an employee for assistance. Explain how the queue is inaccessible and explain what kind of assistance you require from them. For example, you may ask for an employee to guide you through the queue or ask an employee to call your number when it appears on the screen.

When you explain your issue to an employee, this triggers the business/ organization’s duty to accommodate you up to the point of undue hardship. If the employee refuses to accommodate you, you can politely remind them of their legal duty. If they continue to refuse to cooperate, you can escalate your complaint to a manager or supervisor. For additional options, refer to the section of this handbook, titled **What can I do to enforce my legal rights?**

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

A: There are several devices and apps that are available to assist with these kinds of issues. To learn more, you can visit the Tech tab on CNIB’s website. However, if you cannot use or do not have access to this kind of technology, you can approach a store employee to ask for help. By asking for help, you trigger the business’ duty to accommodate you to the point of undue hardship. If they are reluctant to provide you with the support you need, you can remind them of their legal obligations. If they continue to refuse to cooperate, you can escalate your complaint to a manager or supervisor. For additional options, refer to the section of this handbook, titled **What can I do to enforce my legal rights?**

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

A: Approach an employee to ask for assistance. If it is your first time visiting the store or restaurant, you may find it helpful to contact them ahead of time to let them know that you may need assistance. By asking for help, you trigger the business' duty to accommodate you to the point of undue hardship. If they are reluctant to provide you with accommodations, you can remind them of their legal obligations. If they continue to refuse to cooperate, you can escalate your complaint to a manager or owner. For additional options, refer to the section of this handbook, titled **What can I do to enforce my legal rights?**

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

A: If you are worried about the possibility of becoming disoriented in a new location, it may be a good idea to call ahead. There are also several devices and apps available to assist you with these kinds of issues. To learn more, you can visit the **Tech tab** on CNIB's website. There are also various **wayfinding tools** that may be of assistance to you. However, if you cannot use or do not have access to this kind of technology and find yourself disoriented in a new location, you can approach a store employee to ask for help. By asking for help and explaining the reason for your request, you trigger the business/organization's duty to accommodate you up to the point of undue hardship. If they are reluctant to accommodate you, you can remind them of their legal obligations. If they continue to refuse to cooperate, you can escalate your complaint to a manager or owner. For additional options, refer to the section of this handbook, titled **What can I do to enforce my legal rights?**

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

A: This is a violation of both the Nova Scotia [Human Rights Act](#) and the Nova Scotia [Blind Persons' Rights Act](#). If you are denied access to a restaurant or store, you can ask to speak with a manager or supervisor. When speaking with the manager or supervisor, you can politely explain that it is your right to be accompanied by your guide dog. If they continue to refuse to cooperate, you can escalate your complaint as necessary, including contacting the police for assistance. For additional options, refer to the section of this handbook, titled **What can I do to enforce my legal rights?**

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

A: It is not entirely clear whether this is allowed. This may be discriminatory, especially if it is obvious that the dog is a guide dog. With that being said, it's probably a good idea to carry identification on your person, just in case. If a dispute arises, you may want to consult a lawyer about your options. You may also wish to refer to the section of this handbook, titled **What can I do to enforce my legal rights?**

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 colours, reading instructions or navigating new surroundings.
- The **American Foundation for the Blind** provides an overview of some of the apps that are available to assist consumers with reading items such as product labels and menus.