

Access to Goods and Services

Webinar 1
May 11, 2016

www.cdacanada.com




CDAC Communication Disabilities Access Canada

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- Canadian, non-profit organization – 2001
- Promote human rights, accessibility and inclusion for people with speech and language disabilities (SLDs), including people who use AAC
- Time limited projects
- SLPs, AAC clinicians, legal professionals, access consultants, people with SLDs
- Resources on projects



2016 BC

Funder

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The Law Foundation of Ontario

- CDAC acknowledges funding for this webinar from The Law Foundation of Ontario
- CDAC is solely responsible for the content of this webinar



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Welcome

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- Participants
- Presenters
 - Brendon Pooran, Lawyer
 - Megan Henze, Occupational Therapist
 - Barbara Collier, Speech-Language Pathologist



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Webinar Series

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- Legal information
- All webinars at 7 pm ET
- Handouts, resources and recordings on www.cdacanada.com/projects/legal-rights-webinars
 - May 11: Access to Goods and Services
 - May 18: Consent to Treatment
 - May 25: Substitute Decision Making
 - June 1: Personal Support Services
 - June 14: Abuse and Crimes within Caregiving Context



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Format

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- Collection of stories and experiences
- Legal information with focus on people with SLDs
- Ontario legislation
- Communication resources
- Type your questions
- Questions and answers at end of webinar
- Recorded



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Today's Agenda

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- Access to goods, services and opportunities
- Accessibility Legislation
- Communication Access means for people with SLDs
- What should happen
- Roles and Responsibilities
- Legal rights when it doesn't happen



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Barriers to Goods and Services

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- Recurring themes for people with communication disabilities
- Human rights legislation
- Accessibility legislation (Ontario and Manitoba)
- Emerging legislation / strategies
- Barrier-Free Canada – Canadian Disability Act
- Communication Access Now project



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Accessibility Legislation (Handout 1)

- United Nations Convention on the Rights of Persons with Disabilities
- Charter of Rights and Freedoms
- Provincial Human Rights Codes
- Accessibility Legislation in Ontario
- Canadians with Disabilities Act (in progress)

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United Nations Convention on the Rights of Persons with Disabilities

- Ratified by Canada in 2010
- Human rights instrument – what society need to do so that people have equal access
- Domestic roll out

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Charter of Rights and Freedoms

- Constitutional entrenched rights and freedoms
- Supreme law of the land
- All legislation and policy must be Charter compliant
- Section 15 – Equality (Eldridge)
- Section 7 – Life, liberty and security of the person

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Provincial Human Rights Code

- Provincial quasi-constitutional legislation
- Protects right to equal treatment
- Applies to areas of service, goods & facilities, housing accommodation, contracts, employment, and vocational associations
- Duty to accommodate to the point of undue hardship
- Code is remedial and complaint-based

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Accessibility for Ontarians with Disabilities Act (AODA)

- Ontario legislation enacted in 2005
- Goal of making Ontario accessible by 2025
- Set standards in areas of customer service, information & communications, built environment, employment and transportation
- Proactive approach to compliance

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Accessibility Legislation

- Many disability groups are benefiting from AODA through raised awareness
- Organizations must have:
 - Accessibility Policies and Procedures
 - Education for staff about accessibility
 - Report their accessibility policies to Accessibility Directorate of Ontario

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People with SLDs

- The AODA and its regulations contains useful information about:
 - Respect and attitudes
 - Recognition about using different communication methods
 - Support people who assist with communication

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People with SLDs

- Focus mainly on alternate formats; sign language and websites
- Little about face-to-face, telephone, group communication
- Brief to strengthen the AODA for people with SLDs
- Recommendations on website / resources

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Communication Access

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Means

- Understanding what others are saying
- Having our messages understood by others
- Using our preferred ways to communicate
- Being given time to communicate

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Communication Access

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- Being able to communicate over the telephone or use an alternative to the phone
- Being able to communicate at meetings and public events
- Being able to use, read and understand text and e-communications
- Being able to sign documents, complete forms and take notes

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What should happen

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- Be engaged in communication
- Person with SLD gives any instructions needed to make communication go smoothly
- Service provider follows the person's instructions

In critical situations, communication access policies and procedures are required for people with SLDs

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Roles and Responsibilities

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- Policy makers and legislators
- Businesses and organizations
- People with SLDs
- Communication Clinicians

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Resources (Handout 2)

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- Website at <http://www.communication-access.org/>
- Handout 2: Resources for people with SLDs
- Handout 3: Resources to share with businesses and organizations

BC - 25

When It Doesn't Happen

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- Have your instructions typed or programmed into device
- Deal directly with problem
- Ask for a copy of the organization's accessibility policies
- "Can you put that in writing and give it to me?"

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When It Doesn't Happen

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Taking it further:

- Human Rights Complaint (Provincial / Federal)
- Report non-compliance to Accessibility Directorate of Ontario
- Civil Action

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Human Rights Complaint

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- Could be a breach of Human Rights Code
- Consider seeking legal advice from a lawyer or Human Rights Legal Support Centre
- List of Ontario legal resources in Handout 5
- Likely recourse → filing a human rights complaint

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Making a Human Rights Complaint

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- Consider obtaining legal advice/representation
- Consider respondent(s), ground(s), remedies being sought, documents, witnesses, mediation, accommodation required during process
- Complete application (Form 1 and supplemental form(s))
- Can submit online, fax, e-mail, mail



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Making a Human Rights Complaint

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- Arduous task
- Takes time
- Consider multiple applicants



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Accessibility Directorate of Ontario

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- Individuals cannot file accessibility complaints under the AODA
- Can report a violation of AODA
- Directorate can impose fines in cases of non-compliance
- Legislation is meant to be a "carrot" rather than a "stick"



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Denial of Services

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I was trying to ask if they had a piece of hardware I wanted. I tried to spell it out on my letter board. They thought I was begging and asked me to leave the store.



MH

No Communication Accommodations

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Due to my physical and communication disability, I couldn't use the hospital call bell or call the nurse when I wanted attention. They took my device away and locked it up in the nurse's station. I had no way to communicate with them.

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Presumed Incompetence

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The para-transportation service wanted to have a person accompany our clients. Our clients are adults and capable of making their own decisions but they use communication boards or devices to speak. The driver felt they weren't capable of travelling independently and told us they needed to be accompanied.

MH

Telephone Services

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I wanted to discuss my Ontario Disability Support Program and the only way to do this is over the telephone. The person didn't understand my speech so I asked my mother to interpret. They told me they would not accept that and if I wanted my mother to assist me communicating I would need to give her power of attorney over my affairs. I can take care of my own affairs – they just needed help to understand my speech.

MH

Communication Support

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Sometimes I need assistance to help me communicate with other people – doctor, wheelchair vendor, police officer and others. They don't know how to communicate with me. Can I ask for this, who would help me and who should pay for these services?

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Summary

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- Few legal options
- Battle one access barrier at a time
- Education
- Inclusion of communication accommodations in legislation and guidelines
- CDAC's proposed amendments to Ontario's AODA
- Canadian with Disabilities Act (Barrier-Free Canada)



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Handouts

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1. Legislation in Ontario
2. Communication access rights
3. Resources for people with SLDs
4. Resources for businesses and organizations
5. Legal services in Ontario

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Q and A

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- Q and A from participants
- Feedback on Webinar 1: Survey Monkey link

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Next Webinar

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May 18, 2016

Consent to Treatment





Webinar 1: Handout 1

Human Rights and Accessibility Legislation and Resources

United Nations Convention on the Rights of Persons with Disabilities

- <http://www.un.org/disabilities/convention/about.shtml>

Charter of Rights and Freedoms

- <http://laws-lois.justice.gc.ca/eng/const/page-15.html>

Ontario Human Rights Code

- <http://www.ohrc.on.ca/en/ontario-human-rights-code>

Accessibilities for Ontarians with Disabilities Act

- <https://www.ontario.ca/laws/statute/05a11>

Customer Service Regulations

- <https://www.ontario.ca/laws/regulation/070429>

Integrated Regulations

- <https://www.ontario.ca/laws/regulation/110191>

Report a violation of AODA at **call 1-866-515-2025. (TTY: 1-800-268-7095)**

CDAC proposed amendments to AODA

- <http://www.communication-access.org/wp-content/uploads/2015/11/CDAC-Brief-on-Amendments-to-AODA-.pdf>

About the Canadians with Disabilities Act

- AODA Alliance at <http://www.aodaalliance.org/>
- Barrier Free Canada at <http://barrierfreecanada.org/home/>

CDAC reviews and recommendation to government accessibility documents

- <http://www.communication-access.org/communication-access/can-review-of-access-documents/>



Communication Disabilities Access Canada

Webinar 1: Handout 2

Communication Access Rights

Information at <http://www.communication-access.org>

When using a business or organization, people who have speech and language disabilities have the right to expect to:

- Be treated with respect
- Understand what the person is saying to them
- Have their messages understood by the other person
- Use the communication method(s) that work best for them
- Use a communication assistant if they want
- Have someone follow their instructions on how to communicate with them
- Get enough time to communicate their messages
- Ask questions and express their opinions
- Be taken seriously
- Connect with the organization using the telephone or another way that works better for them
- Get communication supports that they may need to communicate effectively at meetings
- Get supports they may need to read or understand the organization's written materials
- Get supports they may need to complete an organization's forms, take notes and sign documents



Webinar 1: Handout 3

Resources for People Communicating about their Accessibility Rights

<http://www.communication-access.org>

The following resources may be useful to communicate about accessibility rights. Please note that all resources must be customized for an individual.

- [Communication access card](#)
This card should contain information about how the person communicates and what a person should do when communicating with them. The card can be downloaded from our site and completed with an individual. See [tips on how to complete](#) the communication access card.
- [Vocabulary to communicate about rights](#)
These picture and word displays can be downloaded and customized. They provide words and phrases that people might need to communicate about their rights. Some people may want the vocabulary in a binder and others may want them programmed into their communication device.
- [Video about communication rights](#)
This is a short video about communication access rights.
- [Connecting to Communities DVD](#)
This is a DVD by and for people who use augmentative and alternative communication about exercising their accessibility rights.



Communication Access Resources for Businesses and Organizations

<http://www.communication-access.org>

The following resources about communication accessibility rights may be useful to share with businesses and organizations.

- [E-learning Modules](#)
CDAC has developed eight e-learning modules to support businesses and organizations to make their services accessible for people who have speech and language disabilities.
- [Communication tips](#)
This is a short list of tips that everyone can use when communicating with a person who has a speech and language disability.
- [Communication access checklist](#)
A checklist of things to consider to ensure a business or organization is accessible for people who have speech and language disabilities.
- [Communication barriers and solutions](#)
Barriers and accommodations for different service sectors.
- [Communication Intermediaries](#)
In critical communication situations, a qualified communication intermediary may be required.



Communication Disabilities Access Canada

Webinar 1: Handout 5

Legal Services in Ontario

1. Ontario Human Rights Legal Support Centre
 - Can assist with human rights issues and making a complaint to Ontario Human Rights Commission
 - www.hrlsc.on.ca
 - Toll free: **1-866-625-5179**
 - Toll free TTY: **1-866-612-8627**
 - Toronto area: **416-597-4900**

2. [Law Society of Upper Canada – Law Society Referral Service](#)
Can assist in finding a lawyer for a particular area of practice

3. [Legal Aid Ontario](#)
 - Legal Aid Ontario provides legal assistance for low-income people
 - <http://www.legalaid.on.ca/en/>
 - Toll free: 1-800-668-8258

4. [ARCH Disability Law Centre](#)
 - Telephone: 416-482-8255
 - Email: archlib@lao.on.ca

5. [Pro Bono Law Ontario](#)
 - PBLO connect lawyers who want to volunteer their time to projects that serve certain populations or particular areas of law
 - Law Help Ontario is a website created by PBLO that describes currently active projects and services offered
 - <https://www.lawhelpontario.org/>

6. JusticeNet
 - JusticeNet is a not-for-profit service helping people in need of legal expertise, whose income is too high for legal aid and too low to afford standard legal fees
 - <http://www.justicenet.ca>
 - Toll free: 1-866-919-3219

7. Connecting Ottawa at <http://connectingottawa.com/>