



RIGHTS FOR PEOPLE WITH DISABILITIES IN CANADA

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MORE INFORMATION IS AVAILABLE AT THE
ACTION FOR HEALTHY COMMUNITIES [WEBSITE](#)
VISIT THE OFFICE AT
UNIT 100, 10578-113 ST, EDMONTON
OR CALL OUR TELEPHONE
AND ASK FOR ASSISTANCE AT (780)-944-4687



Disability Rights for People in Alberta

Regardless of citizenship status, every person in Canada has their human rights protected by international, federal, and provincial or territorial law. Rights are freedoms that people are given. In Canada, these rights include democratic, equality, and legal rights. Here are some examples of your and your loved one's disability rights:

TYPE OF RIGHT	EXAMPLES
Accessibility 	• Full access to public spaces, transportation, and services that overcomes physical and communication barriers, including: ◦ Building ramps and/or elevators & Accessible bathrooms. ◦ Sign language interpretation & Communication available in multiple formats such as written or verbal.
Employment 	• Equitable access to job opportunities. • Fair treatment from employers based on your work, not your disability. • Receiving reasonable accommodations to perform your work.
Education 	• Receiving adequate supports and accommodations. • Being included in mainstream classrooms. • Being accepted and free from bullying and harassment.
Community 	• Being included in public activities and events. • Receiving reasonable accommodation to participate in community spaces.
Healthcare 	• Accessing appropriate healthcare services that accommodate disability needs. • Being allowed to have a support person attend medical appointments with you. • Freedom from discriminatory or dismissive attitudes and healthcare decisions. • Being fully informed of your medical plan and treatment/support options.
Housing 	• Having equitable access to rental or other housing opportunities. • Receiving appropriate accommodations to meet specific accessibility needs. • Being allowed a registered service animal.
Social Services 	• Equitable access to supports available. • Receiving reasonable accommodations to be able to access social services fully. • Being free from discrimination or harassment. • Being able to ask questions and review relevant legislation and policies for the services available.



When it comes to having a disability in Canada, no service, program, business, institution, agency, or organization is allowed to discriminate against somebody simply because they have a disability.

However, we know that discrimination happens.

Depending on who discriminated against you or your loved one, there are legal and non-legal steps that can be taken to help resolve the situation.

What is Discrimination?

Discrimination is an act or a decision that treats a person unfairly or harmfully based on certain characteristics. This includes things like national or ethnic origin, religion, age, sex, sexual orientation, gender identity or expression, family status, disability (mental and physical), and genetic characteristics.

EXAMPLES OF DISCRIMINATION



- Being fired or demoted.
- Not having a specific need of yours reasonably accommodated at work or when receiving a service.



- Medical practitioners denying patients or not giving comprehensive care .
- Medical clinics being located in areas that are not located on accessible public transportation routes.



- Students being denied participation in events or excursions.



- Being denied a service.
- Being harassed (receiving any unwanted physical or verbal behaviour that offends or humiliates you).

You or a loved one may have been discriminated against. Now what?

Discrimination can take many form. There are different ways that you and/or your loved ones can take action to repair and improve the situation.

Here are some options that you can consider.

- If you or your loved one wants to try to resolve the situation alone:

Work out the problem with non-legal options on your own or with an advocate.

The People's Law School, a non-profit society dedicated to making the law accessible to everyone, has a webpage with suggestions on how to do this at:

https://www.peopleslawschool.ca/discrimination-primer/?gclid=CjwKCAjwpayjBhAnEiwA-7ena187NDV2aIE2kKtROqAim7zsH358sx5RhrENOa0DomIxAkJrbwYVOhoCiqgQAVD_BwE:



WRITE DOWN YOUR OR YOUR LOVED ONE'S STORY

Include important details about what happened, who is involved, why you think it happened, and the impact this discrimination has on your life. It is also important to think about what solution you would like to see happen.



CLARIFY YOUR OR YOUR LOVED ONE'S RIGHTS AND OPTIONS

This will help you understand whether you or your loved one have been discriminated against due to protected characteristics like your disability status, ethnicity, or sex. Once you know that discrimination of this type has occurred, your options will depend on who discriminated against you.

Some examples of options include writing a letter or speaking to a manager; filing a formal complaint with the organization/institution; or filing a human rights complaint.



CONTACT THE OTHER PARTY

Depending on how safe you or your loved one are and have been in the situation, you may be able to contact the person/people who discriminated and explain the impact of their words and/or actions. They may not have realized that they were discriminating against you or your loved one. Communicating with them directly might resolve the situation and stop it from continuing or getting worse. This is often the quickest path to a solution, especially if both parties are thoughtful, respectful, and open to figuring it out together.

- If you or your loved one wants to get help to resolve the situation:



REQUEST HELP FROM THE OFFICE OF THE ADVOCATE FOR PERSONS WITH DISABILITIES

The Advocate's Office represents the rights, interests and well-being of Albertans people with disabilities in Alberta. They also act as a point of contact between the community and government and works in the three main areas of Complaint Resolution; Education; and Informing Change.

Learn more at: <https://www.alberta.ca/advocate-persons-disabilities.aspx>

Contact their office for support with an individual concern or to request a meeting with the Advocate.

Phone: 1-800-272-8841

Email: advocate.disability@gov.ab.ca



REQUEST HELP FROM THE VOICE OF ALBERTANS WITH DISABILITIES (VAD)

Voice of Albertans with Disabilities (VAD) is a cross disability, non-profit organization of and for people with disabilities that is guided by the principles of Accessibility, Equity and Inclusion. VAD actively promotes full participation in society and provides a voice for Albertans with disabilities.

If you or your loved one have been discriminated against, or think you might have been, VAD will help you try to find a solution. Most of the time VAD can help people resolve the situation with the organization or service provider directly. If a human rights complaint is needed and no reasonable solution is found otherwise, VAD will help you file the complaint and guide you through the process.

Contact VAD by completing the online form at the following link: <https://vadsociety.ca/contact/> or by Phone: 780-488-9088 / Email: vad@vadsociety.ca

EXAMPLE OF DISCRIMINATION RESOLUTION PROCESS

Rian is a newcomer to Canada who has recently been diagnosed with an anxiety disorder. Sometimes Rian's symptoms are so severe that they need to arrive to work later than scheduled or need to take a day off to manage their health. Even though Rian's employer knows that these late starts and absences are due to Rian's mental illness, they decide to fire Rian from their job. **This is discrimination.**

Rian really enjoyed their job and are shocked and distressed by this decision. They decide that they would first like to try and resolve the situation on their own. Rian takes some time at home to write out their story and all of the relevant details, including how many times they were late or missed work, how losing this job would cause them financial insecurity and make it impossible to pay their bills, and what possible reasonable accommodations could be made so that Rian could keep their job. Rian makes sure to write about how much they love their job and how much losing it is going to impact them.

Some accommodations that Rian feels would help would be to adjust their hours on the days they are late so they work a full shift; receive extra paid personal days at the approval of the human resources department or board of directors; use vacation days for the time off; work a day off to make up for the day they had to miss; and to take the days off as unpaid if no options are available otherwise. Rian also wants to suggest that the employer and the entire team takes a workshop on supporting people with disabilities and developing a workplace policy on this.

Since Rian feels they had a good relationship with their employer before this, they decide to call them and go through what they wrote. Thankfully the employer is open to the conversation and realizes that they have made a mistake. The employer works with the human resources department to re-hire Rian and figure out a plan that is reasonable to them both. They require proof of Rian's disability to be able to approve Rian for extra paid personal days, but Rian is happy to provide them any documentation they need to accommodate them. Over the next few months, Rian is able to develop a stronger relationship with their employer, and the entire team benefits from additional training and policy development.

If Rian had wanted help to resolve the situation or if their employer wasn't open to communicating, they could have contacted the Voice of Albertans with Disabilities (VAD) or the Office of the Advocate for Persons with Disabilities (OAPD) for help. You and your loved ones can do this too.

- If you or your loved one needs to start a legal human rights complaint process.



FILE A COMPLAINT WITH THE ALBERTA OR CANADIAN HUMAN RIGHTS COMMISSION

Human Rights Commissions are independent groups of people officially directed to foster equality and to reduce discrimination. The Alberta Human Rights Commission is available to support people who feel that they have experienced harassment or have been discriminated against in the specific areas and under the specific grounds protected under the Alberta Human Rights Act. The Canadian Human Rights Commission is available to support people with the same challenges but with institutions and programs that are covered under federal legislation.

Each Commission has a formal complaint process available for anyone in Canada to go through. It may take months or years to go through this process depending on how serious the incident(s) of discrimination are. The result of the going through this process will vary, but the goal is to find a solution to the situation that is intended to restore the person to the position they were in before the violation occurred. The solution could be financial or non-financial and needs to be agreed to by everyone involved. Examples of remedies include compensation for loss of wages or injury to dignity and self-respect, an apology, a change in policy, or participation in a human rights education activity. A complaint must be made within one year after the alleged incident of discrimination. The one-year period starts the day after the date on which the incident occurred.

Alberta Human Rights Commission Complaint Process:

<https://albertahumanrights.ab.ca/complaints/Pages/complaints.aspx>

<https://albertahumanrights.ab.ca/complaints/forms/Pages/complaint-form-and-guide.aspx>

Canadian Human Rights Commission Complaint Process:

<https://www.chrc-ccdp.gc.ca/en/complaints/how-to-file-a-complaint>

Contact Details:

Toll-free: 1-888-214-1090

TTY: 1-888-643-3304

Email: info.com@chrc-ccdp.gc.ca

International:

If you have been through all the complaint procedures in Canada, you can also make an Optional Protocol complaint under the Convention on the Rights of Persons with Disabilities (CRPD). This complaint will be made to the Petitions Team at the Office of the United Nations High Commissioner for Human Rights. The United Nations will accept complaints in English, French, Russian, or Spanish. For more information about this process and how to submit a complaint, go to the following link: <https://archdisabilitylaw.ca/resource/factsheet-the-crpd-and-the-optional-protocol/>

What Does the Law Say?



International

United Nations (UN) Convention on the Rights of Persons with Disabilities (CRPD):

- Requires member countries to promote, protect and ensure the full and equal enjoyment of all human rights by persons with disabilities.
- Canada agreed to follow the CRPD in 2010 and must submit a report to the committee every four years.
- In 2018, Canada also agreed to the 'Optional Protocol' to the Convention. This protocol allows people to make complaints to the UN Committee when they feel their rights have been violated.



Federal

Federal legislation applies to all federally owned and operated institutions, programs, and businesses, including:

- the Government of Canada (including government departments, agencies and Crown corporations)
- parts of the private sector that the Government of Canada regulates, such as banks, trucking companies, the federal transportation network, including airlines, and rail, road and marine transportation providers that cross provincial or international borders, the broadcasting and telecommunications sectors, and the Canadian Forces and the Royal Canadian Mounted Police.

Disability rights are protected federally under the:



Canadian Charter of Rights and Freedoms

Part of the Canadian constitution, which is the most important law in Canada. The Charter protects the rights of everyone in Canada, including newcomers. Section 15 of the Charter makes it clear that every individual in Canada – regardless of race, religion, national or ethnic origin, colour, sex, age or physical or mental disability – is to be considered equal. This means that governments must not discriminate on any of these grounds in its laws or programs. The Charter also allows for certain laws or programs to be created with the goal of supporting disadvantaged individuals or groups, such as people with disabilities.



Employment Equity Act

Aims to promote equality in the workplace and remove barriers to employment for women, people with disabilities, Indigenous people, and visible minorities, including people of colour. Applies to three categories of industries or workplaces: federally regulated industries, crown corporations, and other federal organizations with 100+ employees.



Canadian Human Rights Act

Protects Canadians from discrimination when they are employed by or receive services on 11 'grounds', including physical or mental disability.



Accessible Canada Act

National law that aims to identify, remove and prevent barriers facing people with disabilities in the following areas: employment, the built environment (buildings and public spaces), information and communication technologies, communication other than information and communication technologies, the procurement of goods, services and facilities, the design and delivery of programs and services, and transportation (airlines, rail, road and marine transportation providers that cross provincial or international borders).

How disability rights are protected provincially:

Each province and territory has different laws that protect the rights of people with disabilities in provincially or territorially owned and operated institutions, programs, and businesses, including: schools, hospitals, private companies, some financial institutions like most credit unions, prisons, and non-federal workplaces.



Alberta Human Rights Act

This Act prohibits discrimination based on physical and mental disabilities, as well as other protected grounds such as race and religious belief. It applies to human rights in the following areas:

- the workplace
- providing goods, services, accommodation, or facilities
- residential and commercial tenancy
 - in statements, publications, notices, signs, symbols, emblems, or other representations
 - in membership in trade unions, employers' organizations, and occupational associations.

In Alberta, employers, landlords, tenants and service providers are expected to make reasonable efforts to accommodate individuals with disabilities unless it would cause undue hardship.

There is no central law on accessibility in Alberta. Instead, there are different pieces of legislation which either address specific aspects of accessibility (e.g., the Service Dogs Act), or contain clauses on how disability affects a more general topic (e.g. the Student Financial Assistance Act).

This resource outlines all the legislation in Alberta that relates to the rights of people with disabilities. Please note it was published in 2015 so some pieces of legislation may have since been updated: https://acds.ca/files/CET_Resources/Legislation.pdf

Sources of information used in this document

<https://www.chrc-ccdp.gc.ca/en/resources/publications/discrimination-what-can-i-do-about-it>

<https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccdl/rfcp-cdlp.html> <https://www.chrc-ccdp.gc.ca/en/resources/publications/discrimination-what-can-i-do-about-it>

<https://albertahumanrights.ab.ca/about/Pages/contact.aspx>

<https://www.lawcentralalberta.ca/en/people-disabilities>

<https://albertahumanrights.ab.ca/complaints/Pages/process-graphic.aspx>

https://www.peopleslawschool.ca/discrimination-primer/?gclid=CjwKCAjwpayjBhAnEiwA-7ena187NDV2aIE2kKtROqAim7zsH358sx5RhrENOa0DomIxAKJrbwYVOhoCiqgQAvD_BwE

https://www.international.gc.ca/world-monde/issues_development-enjeux_developpement/human_rights-droits_homme/rights_disabilities-droits_handicapees.aspx?lang=eng

<https://social.desa.un.org/issues/disability/crpd/convention-on-the-rights-of-persons-with-disabilities-crpd>

<https://www.canada.ca/en/canadian-heritage/services/how-rights-protected/guide-canadian-charter-rights-freedoms.html> <https://www.canada.ca/en/employment-social-development/programs/accessible-people-disabilities/act-summary.html> <https://laws-lois.justice.gc.ca/eng/acts/E-5.401/>

<https://www.canada.ca/en/intergovernmental-affairs/services/federation/distribution-legislative-powers.html>

https://albertahumanrights.ab.ca/publications/bulletins_sheets_booklets/sheets/history_and_info/Pages/protected_areas_grounds.aspx

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