

Legal Rights and Resources

for people living with cerebral palsy and other disabilities

LIFE
WITHOUT
LIMITS

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Building better communities, one grant at a time

Acknowledgements

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Written by: Fiona York

Edited by: Jeanne Morton and Feri Dehdar

Contributions by: Jeanne Morton

Legal supervision: Susanne Raab

Design and layout: [Studio Po](#)

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Introduction



Living with a disability can be an exhausting proposition. Cerebral palsy can mean having to navigate a bewildering range of services, regulations and legislative mazes just to meet basic needs. While the effects of CP are unique to each individual, there is a common need for education and knowledge in order to advocate for oneself.

Cerebral palsy (CP) is a non-progressive life-long condition that affects approximately one out of 500 Canadians. There are approximately 10,000 people living with CP in BC. The incidence of cerebral palsy is spread fairly evenly throughout the province, including in rural areas.

Cerebral palsy results from damage to the developing brain, usually before birth. It's a permanent disability which affects movement and speech, although no two people are affected the same way. There is currently no known cure, and recent research suggests that the prevalence of CP may be increasing, in part due to recent declines in infant mortality among very pre-term infants.

Many children and adults with cerebral palsy experience social isolation that can lead to low self-esteem and depression, as well as lack of full participation in greater society. Other issues affecting individuals include depression and mental health-related issues (“dual disorders”), physical barriers and general systemic discrimination.

Poverty is an overall issue affecting all population groups. Families of a child with a disability experience

both high non-reimbursed medical costs and foregone employment opportunities, as parents often stay at home to care for their child. Adults with CP often experience difficulty finding employment or full-time employment, thus facing long-term economic challenges throughout adulthood.

Youth with CP are particularly affected by lack of funding and services, as provincial funding is focused on children and primarily administered through children's hospitals and ends when a child turns 18.

Although cerebral palsy is a non-progressive condition, the needs of an individual are not static over the course of his or her lifetime; as personal needs change, so too does the need for assistance. There is one common complaint voiced by our clients: “I am overwhelmed and don't know where to turn”. We are proud to be able to help.

From January to June 2015, the Cerebral Palsy Association of British Columbia offered workshops on legal issues affecting people living with cerebral palsy. The workshops were delivered at a variety of venues the Lower Mainland and through pre-recorded webinars offered online. This handbook collects the information delivered through the workshops as well as common rights and resources that benefit people with disabilities.

We wish to thank our workshop facilitators, whose presentations educated our membership on a variety of important issues and informed this booklet:

- Carolyn Sinclair, Police Victim Services of British Columbia
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- Joanne Taylor, NIDUS Personal Planning Resource Centre and Registry

Rights

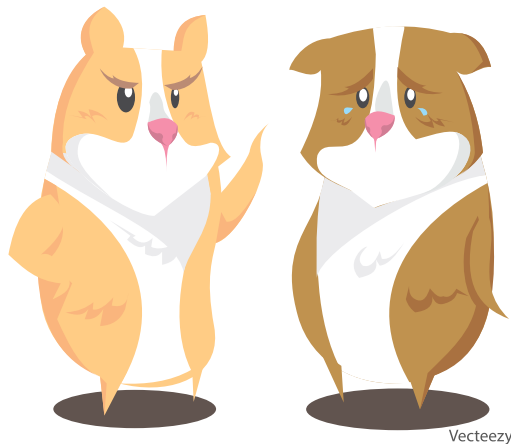
Legislation

The United Nations Convention on the Rights of Persons with Disabilities is intended to promote, protect and ensure full and equal enjoyment of human rights and fundamental freedoms by persons with disabilities, and to promote respect for their inherent dignity.

<http://www.un.org/disabilities/default.asp?id=259>

The Canadian Charter of Rights and Freedoms is part of Canada's Constitution. Section 15 ensures equal benefit and protection of the law without discrimination based on personal traits such as race, national or ethnic origin, colour, religion, sex, sexual orientation, age or mental or physical disability.

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



The Canadian Human Rights Act defines discrimination is an action or a decision that treats a person or a group negatively for reasons such as their race, age or disability. It covers federal employers and service providers, and private companies that are federally regulated.

<http://www.chrc-ccdp.ca/eng/content/what-discrimination>

The BC Human Rights Code is a law that protects people from discrimination in public situations, which include schools, workplaces, universities, hospitals, medical clinics, stores, restaurants, provincial

UN Convention on the Rights of Persons with Disabilities – Ratified by Canada in March 2010

Article 1 – Purpose

The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

Article 3 - General principles

The principles of the present Convention shall be:

- a. Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;
- b. Non-discrimination;
- c. Full and effective participation and inclusion in society;
- d. Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- e. Equality of opportunity;
- f. Accessibility;
- g. Equality between men and women;
- h. Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

and local government offices, and transit services. It also protects people against discrimination in printed publications and in areas such as employment, tenancy, and the purchase of property.

http://www.bclaws.ca/Recon/document/ID/freeside/00_96210_01

United Nations Convention on the Elimination of All Forms of Discrimination against Women is relevant because it can interact with other international treaties such as the United Nations Convention on the Rights of Persons with Disabilities. It affirms rights for women in areas including employment, education and parenting.

<http://www.un.org/womenwatch/daw/cedaw>

United Nations Convention on the Rights of the Child is also important because it establishes that care of children is best served by parents, and government should support them in this role. Articles 2 and 23 state that children should be treated fairly and receive supports if they have a disability.

<http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

Definitions

Definition of harassment in BC:

Harassment is a form of discrimination. Harassment occurs when a person or group is subjected (often repeatedly) to unwelcome comments or behaviour that is insulting or demeaning, or is otherwise offensive. Common examples of harassment include name-calling, telling offensive jokes, and making offensive gestures. In BC, it is against the law to harass a person because of their disability.

<http://www.ag.gov.bc.ca/human-rights-protection/pdfs/ProtectDiscrimination.pdf>

Definition of discrimination in BC:

The BC Human Rights Code prohibits discrimination based on 16 grounds, including physical disability, including HIV and AIDS and mental disability. The Code prohibits discrimination in tenancy/renting, accommodation, service, and facility, publication, purchase of property, employment ads, wages, employment, and membership in unions and occupational associations.

http://www.cba.org/bc/public_media/rights/236.aspx



Workplace discrimination and harassment

Workplaces may be very difficult spaces to navigate, physically and otherwise. Employers may not understand their responsibilities or consider it too costly to adapt a workplace or provide sick time for a person with a disability, leading to reduced opportunities and difficulty functioning in a worksite. Cerebral palsy is also sometimes wrongly considered a condition affecting the mental functioning of the brain as opposed to motor functioning, again leading to denied employment opportunities.

In fact, several levels of protection and obligation help to regulate employment for people with disabilities. If you've been discriminated against as an employee, you have the right to bring a human rights complaint, and to bring a civil proceeding and claim severance pay if you have been terminated unfairly. If you've been bullied or harassed, you can bring a Workers' Compensation complaint.

The *BC Human Rights Code* covers provincially-regulated employment, including all provincial, local and municipal government departments, services and programs, schools and universities, hospitals, private businesses and services, credit unions (but not banks), and non-profit organizations. It states that:

13 (1) A person must not

- (a) refuse to employ or refuse to continue to employ a person, or
- (b) discriminate against a person regarding employment or any term or condition of employment because of physical or mental disability.

The *Canada Human Rights Act* covers federally-regulated employment including the federal government, RCMP, telecommunications, inter-provincial transportation, and banks, as well as all unions attached to any of the above, and states that:

- 7. It is a discriminatory practice, directly or indirectly,
 - (a) to refuse to employ or continue to employ any individual, or

- (b) in the course of employment, to differentiate adversely in relation to an employee, on a prohibited ground of discrimination [including disability].

The *Employment Equity Act* applies to federally regulated industries, Crown corporations and other federal organizations with 100 employees or more, as well as portions of the federal public administration and states that:

5. Every employer shall implement employment equity by

- (a) identifying and eliminating employment barriers against persons in designated groups that result from the employer's employment systems, policies and practices that are not authorized by law; and

(b) instituting such positive policies and practices and making such reasonable accommodations as will ensure that persons in designated groups achieve a degree of representation in each occupational group in the employer's workforce that reflects their representation in

(i) the Canadian workforce, or

(ii) those segments of the Canadian workforce that are identifiable by qualification, eligibility or geography and from which the employer may reasonably be expected to draw employees.

In addition, the concept of "duty to accommodate" is not specifically stated in the *BC Human Rights Code*, but has come about through application of the code and cases that came before the courts. The goal of "duty to accommodate" is to reflect the diversity of society by including as many people as possible in the workforce, and once there, to keep employees as productive members of the workplace. It applies to all stages of employment – applying for a job, during employment, and termination.

Duty to Accommodate¹

Accommodation is an equality concept that seeks to build inclusive environments that respect the differences and the rights of a diverse society.



Duty to accommodate is not the same as job security, and is not meant to protect poor performance, but to protect individuals from being discriminated against or badly treated in the workforce. It offers an equalizing adaption that makes it possible for a person with a disability to do their job with the same level of supports and potential as their non-disabled peers. This might include physical adaptations to the workplace such as an elevator or office-related assistive device, but could also include time off for a surgery or an adjusted work schedule.

Most often, the accommodation is small in scale, but it can be a very lengthy and time-consuming process requiring communication from both sides. The employer must accommodate the employee up to “undue hardship”, which can be a very high threshold and can take a number of years, especially if a condition changes or worsens over time.

Employers must consider what is needed by the employee to perform the job they were hired to do – not create a whole different job or insist on an aspect of the job that is not necessary to its function. For their part, employees cannot change a “bona fide” occupational requirement, such as needing to drive for the job, but can address an arbitrary requirement, such as a working 9-5 at a company

that doesn’t interact with the general public.

All of this does not mean that you are required to disclose your condition to your employer, unless you actually need workplace accommodation. In some cases, you don’t even need to explain the condition, but just explain the accommodation required. If it is obvious that the employee has certain needs or difficulties performing the job, however, the employer does have a duty to inquire about it.

The “Meorin Case” is a leading case at the Supreme Court of Canada that established the concept of duty to accommodate (*British Columbia (Public Service Employee Relations Commission) v. BCGSEU*)². A female firefighter with 10 years’ experience was required to undergo a series of new workplace tests which included running at a certain speed. She failed the test, which had been set at a level difficult for a female to achieve, and lost her job. Her case went to the BC Human Rights Tribunal, BC Court of Appeal, and eventually the Supreme Court of Canada. The SCC determined that a test cannot be discriminatory, and must be rationale and linked to the requirements of the job. Since she had been successfully performing her job for ten years, the running test was arbitrary and there was a duty to accommodate the different running standards for female firefighters.

¹ http://www.bchrcoalition.org/files/faq_DTA.html

² <http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1724/index.do>

Resources	Legislation	Issue
<p>BC Human Rights Clinic³</p> <p>B.C. Human Rights Tribunal⁴</p> <p>Legal Services Society Family Law in BC⁵</p> <p>Legal Service Society⁶</p> <p>Clicklaw⁷ (legal and other resources)</p> <p>PovNet⁸ (advocates and legal resources)</p> <p>Aboriginal Legal Aid in BC⁹</p> <p>Toolkit for Immigrant Women Working with a Lawyer¹⁰</p> <p>BC211 free information and referral regarding community, government and social services in BC</p> <p>BC Human Rights Clinic¹¹</p>	<p>Duty to accommodate established by BC Human Rights Code and Canada Human Rights Act and case law</p> <p>Public Service Employment Act</p> <p>Employment Equity Regulations</p> <p>Personal Information Protection Act</p> <p>Employment Equity Act</p>	<p>Rights in the workplace</p>
<p>WorkSafeBC¹²</p> <p>Complaint forms¹³</p>	<p>Workers Compensation Act, sections 115, 116, and 117</p>	<p>Bullying or harassment</p>
<p>Employment Standards Branch of the Ministry of Labour Work BC</p>	<p>Employment Standards Act</p> <p>Labour Relations code</p>	<p>Termination</p>

A complainant to the BC Human Rights Tribunal in 2012¹⁴ applied for summer work at an inn. During his phone interview, he mentioned that he works with a cane. He was not called back for a second interview even though he had previous work experience and references and despite the employer previously

stating that they really needed someone and acknowledging that he had experience. His complaint was upheld and he was awarded \$1,700 for lost wages for the summer and a further \$5,000 for injury to dignity based on *Prima facie discrimination*¹⁵ – that is, basic facts suggesting discrimination.

³ <http://www.bchrc.net>

⁴ <http://www.bchrt.gov.bc.ca>

⁵ <http://www.familylaw.lss.bc.ca>

⁶ <http://www.legalaid.bc.ca>

⁷ <http://www.clicklaw.bc.ca/global/search?f=Legal+help+%26+lawyers>

⁸ <http://www.povnet.org>

⁹ <http://aboriginal.legalaid.bc.ca>

¹⁰ <http://www.bwss.org/wp-content/uploads/2014/10/Toolkit-for-Women-FINAL.pdf>

¹¹ <http://www.bchrcoalition.org/files/contact.html>

¹² <https://www2.worksafebc.com/Topics/BullyingAndHarassment/Resources.asp?reportID=37280>

¹³ <http://www.bchrt.gov.bc.ca/forms/index.htm>

¹⁴ http://www.bchrt.gov.bc.ca/decisions/2012/pdf/sept/312_CORRECTED_Winkelmeyer_v_Woodlands_Inn_and_Suites_2012_BCHRT_312.pdf

¹⁵ <http://legal-dictionary.thefreedictionary.com/Prima+facie>

School supports for children with cerebral palsy

Parents of children living with cerebral palsy entering school are often unclear about the supports and entitlements that schools are required to provide under the *School Act*. The resulting frustration may cause conflict between the family and school. Helping to educate parents about supports that the school is required (or not required) to provide for students with special needs can help alleviate this potential conflict.

There are certain rights that govern a child's relationship with the school system. Based on the queries that we receive from parents, clarification of the rights and entitlements of students in the school can go a very long way towards helping parents ensure that their child's needs are met. By being aware of the services their children has a right to receive, and advocating for their child, parents can achieve a collaborative team-based approach to services.

The central process and document determining and driving any services for students with special needs is the Individualized Education Plan, (the IEP). The *BC School Act* requires a school board to make an educational program available to all persons of school age who live and enroll in schools in the district regardless of mental or physical ability. To accomplish this, the school board is required to develop an IEP for every individual living with a physical disability such as cerebral palsy, or a developmental or learning disability.

In short, the IEP identifies any accommodations or adaptations to the regular program that are necessary to ensure that each student has an educational

program that meets his or her specific needs. Where required, a student's needs can include social and/or behavioral development or strategies. Typical adaptations include assigning additional support staff (Special Education Assistants), extended time on tests and exams, use of computer or other adaptive equipment, cypher or scribe.



The IEP process includes as Assessment of needs (performed by a school psychologist, although parents can elect to have this done privately for reasons of confidentiality), Goal Setting, and Implementation Plan and Evaluation.

This process is repeated annually, and the annual IEP meeting is an opportunity for parents to express their views about how well the IEP is working.

Recent case law

*Moore v. British Columbia (Education)*¹, a 2012 Supreme Court of Canada case concerning schools' requirements to accommodate disabilities, established several important points:

- a learning disabled child's access to education must be compared to access by all children – not only by other learning disabled children.
- all BC children have an equal right to meaningful access to education, and imposed a corresponding positive obligation on education administrators to take measures to ensure no student is denied such access because of a disability – regardless of their funding².

¹ <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/12680/index.do>

² Legal Update: *Moore v. British Columbia (Education)*: Students with Learning Disabilities Have a Right to Education Comparable to that of the General Student Population, by James L. Thistle, Dominique Fontaine January 8, 2013

Actions

- Parents should be aware of entitlements in accordance with the School Act so they know what they should be getting and can have authority to request changes if not.
- Be aware of the processes of the Individual Education Plan (IEP): its function, development and

implementation, as well as supports that the school division is required to provide and the appeal processes.

- Be aware that the *BC Human Rights Code* protects people from discrimination in public situations, which includes school

Resources

School Act explains responsibilities of teachers and principals and parents' entitlements [http://www.bclaws.ca/civix/document/LOC/complete/statreg/--%20S%20--/05_School%20Act%20\[RSBC%201996\]%20c.%20412/00_Act/96412_02.xml](http://www.bclaws.ca/civix/document/LOC/complete/statreg/--%20S%20--/05_School%20Act%20[RSBC%201996]%20c.%20412/00_Act/96412_02.xml)

Special Needs Students Order M150/89 describes obligation of boards of education to consult with parents in the placement of students with special needs and policy regarding integration. http://www2.gov.bc.ca/assets/gov/education/administration/legislation-policy/legislation/schoollaw/e/m150_89.pdf

Individual Education Plan Order M638/95 sets out requirements for boards of education to design and implement individual education plans for students with special needs. http://www2.gov.bc.ca/assets/gov/education/administration/legislation-policy/legislation/schoollaw/e/m638_95.pdf

Student Progress Report Order M191/94 describes progress reporting requirements for students

with special needs. http://www2.gov.bc.ca/assets/gov/education/administration/legislation-policy/legislation/schoollaw/e/m191_94.pdf

Support Services for Schools Order M149/89 sets out requirements for specialized health services. <https://www.sd5.bc.ca/programs/StudentServices/Partners%20Handbook/Documents/Support%20Services%20for%20schools%20order%20m149-89.pdf>

Inter-Ministry Protocols for the Provision of Support Services to Schools guides coordination and delivery of support services to school-aged children <http://www.bced.gov.bc.ca/specialed/docs/inter-ministerialprotocols.pdf>

Special Education Services: A Manual of Policies, Procedures and Guidelines provides detailed outline of all related legislation, policies and guidelines https://www.bced.gov.bc.ca/specialed/special_ed_policy_manual.pdf#page=14

Youth ageing out of supports

Most young people anticipate high school graduation with hopes and dreams – of continuing studies, leaving their parents' home, starting careers, starting their own families. However, there is no form of secure, one stop shop healthcare funding and financial assistance for young people living with disabilities once they turn 18.

Children in British Columbia have access to an array of services and supports for themselves and their caregivers. From the time of diagnosis of a disability, medical and social support teams are available for “early intervention” plans that seek to provide therapies to increase the child’s level of functioning.

When the child enters school, the school itself becomes the conduit through which a wide variety of

services and therapies are coordinated.

But as a 2013 article in the Vancouver Sun¹ highlights, gaps emerge when children transition into adulthood.

“BC’s pediatric system assigns teams to deal with the health, financial and other needs of children with cerebral palsy. At age 18, they are cut adrift to muddle through an unfriendly adult system that spreads programs across several ministries.”

Both social service agencies and ministries recommend including youth in planning for their future through “person-centred planning”, but there are many systems and resources to be navigated in order to access the best opportunities and reach the goals set out in the plan.

Transition is the passage of a student from one environment to another at key points in his or her development from childhood to adulthood.

Transition planning is the preparation, implementation and evaluation required to enable students to make major transitions during their lives - from home or preschool to school; from class to class; from school to school; from school district to school district; and from school to post-secondary, community or work situations.

- from British Columbia Ministry of Education , Special Education Services: A Manual of Policies, Procedures and Guidelines²

Transition planning resources

- Ministry of Education. http://www.bced.gov.bc.ca/specialed/docs/moe_clt_resource_rb0144.pdf (2)
- Ministry of Children and Family Development. http://www.mcf.gov.bc.ca/spec_needs/pdf/your_future_now.pdf (3)
- Ministry of Children and Family Development. http://www.mcf.gov.bc.ca/spec_needs/pdf/support_guide.pdf
- Cross Ministry Transition Planning Protocol for Youth with Special Needs. http://www.mcf.gov.bc.ca/spec_needs/pdf/transition_planning_protocol.pdf

¹ <http://www.vancouversun.com/health/Teens+with+cerebral+palsy+face+uncertain+transition+into+adulthood/8999944/story.html>

² https://www.bced.gov.bc.ca/specialed/special_ed_policy_manual.pdf#page=14

³ <http://www.eia.gov.bc.ca/factsheets/2004/pwd.htm>

⁴ <http://laws-lois.justice.gc.ca/eng/acts/h-6/page-1.html#docCont>

⁵ <http://vcpgv.vcn.bc.ca/uploads/RA/W3/RAW3iwFOTjth5tead2DYw/trust2.pdf>

⁶ <http://www.familysupportbc.com>

⁷ <http://www.esdc.gc.ca/eng/disability/savings/rdsp.shtml>

⁸ <http://www.sd.gov.bc.ca/programs/bus-pass.html>

Resources	Legislation	Issue
<p>Ministry of Social Development and Social Innovation</p> <p>Advocate for Service Quality</p> <p>BC Office of the Ombudsperson</p>	<p><i>Employment and Assistance for Persons with Disabilities Act</i></p> <p><i>Employment And Assistance For Persons With Disabilities Regulation</i></p>	<p>Social assistance, Person with Disability benefits, streamlined application for Persons with Disabilities Designation for youth³</p>
<p>Service Canada</p> <p>Insurance Corporation of British Columbia (ICBC), Health Insurance BC, Service BC</p> <p>Vital Statistics BC</p>	<p><i>Vital Statistics Act</i></p> <p><i>Citizenship Act</i></p>	<p>Social Insurance number, citizenship papers</p> <p>BC Services Card</p> <p>Birth certificate</p>
<p>Ministry of Advanced Education, Innovation and Technology</p> <p>Ministry of Children and Family Development</p> <p>BC Office of the Ombudsperson</p>	<p><i>BC School Act</i></p> <p><i>BC Human Rights Code⁸ protects people from discrimination in public situations, which includes public school</i></p>	<p>Education</p> <p>Individual Education Plan and Student Learning Plans</p>
<p>BC Housing</p> <p>Community Living BC</p> <p>Local health authorities</p> <p>Representative for Children and Youth</p>	<p><i>The BC Human Rights Code protects people from discrimination in public situations, which includes tenancy</i></p> <p><i>The Canadian Human Rights Act protects people from discrimination in residential accommodation⁸</i></p> <p><i>Residential Care Regulation¹¹</i></p> <p><i>Community Living Authority Act¹²</i></p> <p><i>Community Care and Assisted Living Act¹³</i></p>	<p>Housing</p> <p>Residential Care Facilities</p> <p>Assisted living</p>
<p>Employment and Social Development Canada</p> <p>Canada Revenue Agency</p> <p>How to Create a Trust, Voice of Cerebral Palsied⁵</p> <p>Ministry of Social Development and Social Innovation</p> <p>Family Support Institute⁶</p> <p>Nidus Personal Planning Resource Centre</p>	<p><i>Bank Act</i></p> <p><i>Representation Agreement Act</i></p> <p><i>Income Tax Act</i></p>	<p>Bank account</p> <p>Representation Agreements</p> <p>Disability tax credit</p> <p>Financial planning, wills and trusts</p> <p>Registered Disability Savings Plan⁷</p>
<p>WorkBC</p> <p>Ministry of Social Development and Social Innovation</p> <p>Ministry of Jobs, Tourism and Skills Training and Responsible for Labour</p> <p>Community Living BC</p>	<p><i>Employment and Assistance for Persons with Disabilities Act</i></p> <p><i>Employment And Assistance For Persons With Disabilities Regulation</i></p> <p><i>The BC Human Rights Code protects people from discrimination in public situations, which includes employment</i></p> <p><i>Community Living Authority Act</i></p>	<p>Employment</p> <p>Day programs and alternatives to employment</p>
<p>Ministry of Social Development and Social Innovation</p> <p>Office of the Ombudsperson</p>	<p><i>Employment and Assistance Regulation</i></p> <p><i>Employment and Assistance for Persons with Disabilities Regulation</i></p>	<p>Bus pass program⁸</p>
<p>Ministry of Health</p> <p>Ministry of Social Development and Social Innovation</p> <p>Ministry of Children and Family Development</p> <p>Local health authorities</p> <p>Office of the Ombudsperson</p>	<p><i>Medicare Protection Act</i></p> <p><i>Employment and Assistance for Persons with Disabilities Act</i></p> <p><i>The BC Human Rights Code protects people from discrimination in public situations, which includes hospitals and medical clinics</i></p>	<p>Medical benefits (MSP)</p> <p>Medical and dental benefits for persons with disabilities</p> <p>Medical only benefits</p> <p>Health care</p> <p>Home health supports</p>
<p>Ministry of Technology, Innovation and Citizens' Services, Privacy and Legislation Branch</p>	<p><i>Freedom of Information and Protection of Privacy Act</i></p>	<p>Collection of information</p>
<p>Representative for Children and Youth</p>	<p><i>Child, Family and Community Service Act</i></p> <p><i>Community Living Authority Act</i></p> <p><i>Representative for Children and Youth Act</i></p>	<p>Provincial child and youth welfare system</p> <p>Youth</p>

Victims of crime

People with cerebral palsy and other disabilities may be especially vulnerable to fraud, identity theft, and other types of crime. Requesting restitution or other form of damages can be difficult to navigate both physically and emotionally for vulnerable individuals. Vulnerabilities to fraud exist through the telephone, internet, mail and in-person. There are resources for each type of incident, but many fall under different

areas of legislation and services. It is always important to rely on your instinct when dealing with a potential crime or fraud, and ask questions or talk to somebody your trust. Talk to others about the incident and document it or report it to the appropriate body, and take measures to inform and protect yourself wherever possible.

What to do if you think you might be a victim of identity theft¹

- Notify creditors and/or financial institutions immediately if your bank cards, credit cards or identification are lost or have been stolen.
- File a report with your local police.
- Cancel credit cards, and notify utility companies and government agencies.
- Check your credit file with the credit bureaus: – Equifax Canada: 1-800-465-7166, www.equifax.com/EFX_Canada – Trans Union Canada: 1-877-525-3823 www.tuc.ca/TUCorp/home.asp
- Report fraudulent activities to: – Reporting Economic Crime Online: www.recol.ca – Phonebusters: 1-888-495-8501, www.phonebusters.com

How do I report spam?²

The Canadian Anti-Fraud Centre advises consumers not to open unsolicited emails or when the sender is unknown. Spam and related violations (for example: phishing, malware, deceptive marketing, etc.) can be reported to the enforcement agencies (the Canadian Radio-television and Telecommunications Commission, the Competition Bureau, the Office of the Privacy Commissioner of Canada) through the Spam Reporting Centre at www.fightspam.gc.ca.

Resources	Legislation	Issue
VictimLink BC ³ Ministry of Justice, Victims and Witnesses of Crime and Violence ⁴ Crime Victim Assistance Forms and Victim Impact Statements ⁵ Community Based Victims Services ⁶ Police Victim Services ⁷ List of resources ⁸ Public Guardian and Trustee of British Columbia ⁹	Victims of Crime Act Crime Victim Assistance Act Adult Guardianship Act	Victims of crime

¹ Canada Post ² Canadian Anti-Fraud Centre ³ <http://www.victimlinkbc.ca> ⁴ <http://www.pssg.gov.bc.ca/victimservices>
⁵ http://www.ag.gov.bc.ca/prosecution-service/info-sheets/victim_impact_statements.htm ⁶ <http://www.victimfirst.gc.ca/serv/tvs-tsv.html> ⁷ <http://www.policevictimservices.bc.ca> ⁸ <http://www.policevictimservices.bc.ca/resources>
⁹ <http://www.trustee.bc.ca/services/services-to-adults/pages/abuse-neglect.aspx>

Resources	Legislation	Issue
CRTC Telemarketing and Unwanted Calls ¹⁰ Competition Bureau ¹¹ Spam Reporting Centre ¹² Canadian Anti-Fraud Centre ¹³	<i>Competition Act</i> <i>Criminal Code, 372</i>	Telephone fraud
Canadian Anti-Fraud Centre ¹⁴ Spam Reporting Centre ¹⁵	<i>Canada Anti-Spam Legislation</i> <i>Criminal Code, 380</i>	Internet fraud
Canada Post Postal Security ¹⁶	<i>Competition Act</i> <i>Criminal Code, 342, 380</i>	Mail fraud
Financial Consumer Agency of Canada ¹⁷ Ombudsman for Banking Services and Investments ¹⁸	<i>Criminal Code, 322, 342</i> <i>Payment Card Networks Act</i> <i>Bank Act</i> <i>Trust and Loan Companies Act</i> <i>Cooperative Credit Associations Act</i>	Banking, credit card fraud
Consumer Measures Committee ¹⁹ Canadian Anti-Fraud Centre ²⁰ Phonebusters ²¹	<i>Criminal Code, 402</i> <i>Privacy Act</i> <i>Freedom of Information and Protection of Privacy</i>	Personal safety
Municipal police department Crimestoppers phone service ²² Community Police Offices ²³ Block Watch Society of BC ²⁴ BC Crime Prevention Association ²⁵	<i>Criminal Code</i> <i>Canadian Charter of Rights and Freedoms</i> <i>Canada Human Rights Act</i>	
Municipal police departments Canadian Association of Internet Providers ²⁶ Canada Broadcast Standards Council ²⁷ Canadian Radio-television and Telecommunications Commission ²⁸ VictimsInfo.ca ²⁹	<i>Criminal Code of Canada, Sections 318, 319 and 320(1)</i> <i>Canadian Charter of Rights and Freedoms, Section 2</i> <i>Broadcasting Act</i> <i>Customs Act</i> <i>Broadcasting Distribution Regulations</i>	Hate speech

¹⁰ <http://www.crtc.gc.ca/eng/telemarketing.htm> ¹¹ http://www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/eng/h_00122.html
¹² www.fightspam.gc.ca ¹³ <http://www.antifraudcentre-centreantifraude.ca/index-eng.htm> ¹⁴ <http://www.antifraudcentre-centreantifraude.ca/index-eng.htm> ¹⁵ www.fightspam.gc.ca ¹⁶ <https://www.canadapost.ca/cpo/mc/aboutus/corporate/security/default.jsf>
¹⁷ <http://www.fcac-acfc.gc.ca/eng/Pages/home-accueil.aspx> ¹⁸ <https://www.obsi.ca/home> ¹⁹ <http://cmcweb.ca/eic/site/cmc-cmc.nsf/eng/fe00078.html> ²⁰ <http://www.antifraudcentre.ca> ²¹ www.phonebusters.com ²² <http://www.bccrimestoppers.com>
²³ <http://bc.cb.rcmp-grc.gc.ca/ViewPage.action?siteNodeId=154&languageId=1&contentId=11452> ²⁴ <http://blockwatch.com>
²⁵ <http://bccpa.org> ²⁶ www.caip.ca ²⁷ <http://www.cbcs.ca/english> ²⁸ <http://www.crtc.gc.ca/eng/home-accueil.htm>
²⁹ <http://www.victiminfo.ca/en/services/specific-crimes/hate-crimes>

Parenting with a disability

The intersection of CP and family law is an area that we hear about frequently from our membership, especially in regards to custody of children and reproductive rights. If a sole parent or both parents of a child have cerebral palsy, they may face institutional challenges to raising their child or attempts to have the child removed from their care. Parents living with disabilities can be affected by a lack of access and accommodation, as well as social and physical barriers. These challenges can be magnified when combined with other factors such as poverty, racialization, do-

mestic violence and “dual diagnosis” or mental health issues. In addition, differently-abled mothers and solo parents may face unique parenting issues not faced by non-disabled people. While there are no definitive statistics about parents with physical disabilities and the child welfare system, advocates and anecdotal information from service providers and members of the disability community suggests that the likelihood of interactions with the child welfare system is higher for parents living with disabilities than those that are able-bodied.

Parenting with a disability: rights and resources **An interview with Jewelles Smith, 2014.**

Jewelles Smith is a mother, artist and activist. She has published numerous articles on women, mothering, and disability in academic journals, magazines, and newspapers.

There are many issues affecting parents with disabilities, ranging from lack of affordable and accessible housing to biases within social services, health and legal communities. What are some other issues that may affect parents with disabilities?

There are inherent biases relating to parenting. Parents may be subject to scrutiny, surveillance and judgement from schools, daycare staff and even their own families, and at risk of being reported to social services, in a way that non-disabled parents are not. Parents with disabilities are also doubly affected by marginalizing issues such mental health status, solo parenting, episodic disabilities, language barriers and communication barriers. And for women experiencing violence, there may be difficulty accessing information about shelters in their area, and difficulty contacting a shelter, especially for those that require a communication device, a private accessible place to call from, or an online device. Once contacted, it may be hard to physically access a shelter, as many are not fully accessible.

How can the United Nations Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the United Nations Convention on the Rights of Persons with Disabilities (CRPD) be helpful in the area of human rights for mothers with disabilities?

Often people don't understand that they have rights. It is important to give them language to talk about their rights and equality. The fact that Canada has ratified CRPD is a big step. It is important for groups to make sure their communities are hearing about this, so having workshops, speakers, and writing articles, along with word of mouth, is a good step. Developing monitoring tools for international

conventions is important, such as the report and monitoring tool created by the Mental Health Commission of Canada.

What about mothers affected by violence – how might the laws that protect women facing violence interact with those that allow her to access her child?

An able-bodied parent might be favoured even if they are violent, mainly due to financial considerations and economic access. The “best practices” concept is subjective, and it can come from a position of privilege and class. We need to change how social services and the justice system see disabled mothers. For example, mothers might be required to do classes about parenting, but the classes may not be accessible. As well, financial issues are profound and can influence or create different levels of access. Stability and community become very important in parenting and solo parenting for disabled individuals.

Can you comment on the dilemma facing parents who are requesting services and support to assist with their family, and at the same time proving their independence and ability to raise a child?

There is an attitude or belief that being able to take care of 100% of your life is more valuable than diversity. Be careful who you talk to when you are struggling – the ability to ask for help can make a difference, but it is important not be judged for requiring assistance. Find out about groups such as the Disability Alliance of BC, DAWN-RAFH Canada, Pacific DAWN, and the MS Society, that can understand your specific lived experience or disability. There are also online groups and resources related to poverty and single parenting. Always bring a trusted advocate or friend, even for a friendly school meeting. It is important to know your rights going into a meeting, and avoid people stepping on your toes. Make sure that the people you are meeting with know your rights and what you are entitled to because they are not always going to know that themselves – only you can do that!

Resources	Legislation	Issue
Office of the Ombudsperson ¹ Ministry of Children and Families ² MCFD Client Complaints ³	<i>Child, Family and Community Service Act</i> <i>Family Law Act</i> <i>Divorce Act</i> <i>UN Convention on the rights of the child</i> <i>Convention on the Rights of People with Disabilities</i> , including the rights of the child <i>Canadian Charter of Rights and Freedoms</i>	Child protection and custody Child apprehension Parenting after separation agreement (PAS) Finances-after-separation (FAS)
Legal Services Society Family Law in BC ⁴ Legal Service Society ⁵ Clicklaw ⁶ (legal and other resources) PovNet ⁷ (advocates and legal resources) Aboriginal Legal Aid in BC ⁸ Toolkit for Immigrant Women Working with a Lawyer ⁹ BC211 free information and referral regarding community, government and social services in BC	Access to Justice and the Rule of Law Principle: <i>Trial Lawyers Association v British Columbia</i> ¹⁰ Fairness in separation agreements: <i>Rick v Brandsema</i> ¹¹ <i>Convention on the Rights of People with Disabilities and access to justice</i>	Access to justice (economic costs, lack of access to family law, and general accessibility)
DAWN Canada ¹² Pacific DAWN ¹³	<i>United Nations Convention on the Rights of Persons with Disabilities</i> , Article 23, <i>Respect for home and the family</i>	Reproductive rights Adoption
Office of the Ombudsperson ¹⁴ BC Human Rights Tribunal ¹⁵	<i>BC Human Rights Code</i> <i>Convention on the Rights of People with Disabilities</i>	Housing, access to transit and other parent-specific services
Stopping the Violence Counselling Programs Children who Witness Abuse Programs Child protection and family support services through the Ministry of Children and Family Development Ministry of Community Services	<i>The Criminal Code</i> <i>B.C.'s Family Relations Act</i> <i>Victims of Crime Act</i> <i>Crime Victim Assistance Act</i> <i>B.C.'s Child, Family and Community Service Act</i>	Domestic violence
Able Mothers: The intersection of parenting, disability, and the law ¹⁶ DAWN Canada ¹⁷ Pacific DAWN ¹⁸	<i>United Nations Convention on the Rights of Persons with Disabilities</i> , provisions relevant to mothers with disabilities <i>Canadian Charter of Rights and Freedoms</i> <i>Convention on the Elimination of All Forms of Discrimination against Women</i>	Single motherhood

Other resources

- ARCH <http://www.archdisabilitylaw.ca>
- Council of Canadians with Disabilities <http://www.ccdonline.ca/en/>
- Disability Alliance of BC <http://www.disabilityalliancebc.org>
- MS Society of Canada - British Columbia & Yukon Division <http://mssociety.ca/chapters/lowermainland/>
- Parents Matter <http://www.parentsmatter.ca/index.cfm?fuseaction=Page.ViewPage&PageID=618>
- Pivot legal society <http://www.pivotlegal.org>

¹ <https://www.bcombudsperson.ca> ² http://www.mcf.gov.bc.ca/contact_us.htm ³ <http://www.mcf.gov.bc.ca/complaints/index.htm>

⁴ <http://www.familylaw.lss.bc.ca> ⁵ <http://www.legalaid.bc.ca> ⁶ <http://www.clicklaw.bc.ca/global/search?f=Legal+help+%26+lawyers> ⁷ <http://www.povnet.org> ⁸ <http://aboriginal.legalaid.bc.ca> ⁹ <http://www.bwss.org/wp-content/uploads/2014/10/Toolkit-for-Women-FINAL.pdf> ¹⁰ <http://www.thecourt.ca/2014/10/02/access-to-justice-and-the-rule-of-law-principle-trial-lawyers-association-v-british-columbia> ¹¹ <http://www.westcoastleaf.org/wp-content/uploads/2014/11/CASES-2009-RICK-V-BRANDSEMA-Decision.pdf> ¹² <http://www.dawnCanada.net> ¹³ <http://www.pacificdawn.ca/index.html> ¹⁴ <https://www.bcombudsperson.ca> ¹⁵ <http://www.bchrt.bc.ca> ¹⁶ <http://www.westcoastleaf.org/our-work/mothering-with-disabilities-project> ¹⁷ <http://www.dawnCanada.net> ¹⁸ <http://www.pacificdawn.ca/index.html>

Non-workplace based discrimination or harassment

Individuals living with cerebral palsy have a very wide range of physical characteristics, including unsteady gait, poor motor control and poor balance. The condition is not always obvious at a passing glance. Spastic movements and lack of balance may be interpreted as the influence of alcohol or drugs. And for some individuals, the disability may be almost invisible. These factors may cause vulnerability to harassment and discrimination by public services such as shops and restaurants, by private security personnel, and on the public transit system.

There are many possible situations where unfair or harassing behaviour may occur. Not every type of incident in every type of environment is regulated by law – for example, access to seating on public transit is not protected by law. However, the Canada and BC human rights provisions protect people from discrimination, including harassment, because of disability.

The *BC Human Rights Code* protects people from discrimination and harassment, if the behavior is based upon one of the protected grounds. The *BC Human Rights Code* applies to all businesses, agencies, and services in BC, except those regulated by the federal government. It protects people from discrimination in public situations, including schools, workplaces, universities, hospitals, medical clinics, stores, restaurants, provincial and local government offices, and transit services. It also protects people against discrimination in printed publications and employment, tenancy, and the purchase of property.

The *Canada Human Rights Act* defines discrimination is an action or a decision that treats a person or a group negatively for reasons such as their race, age or disability. It covers federal employers and service providers, and private companies that are federally regulated. These include banks, airlines and airports, phone companies, and the federal government.



The *Criminal Code* protects against the promotion of hate against any identifiable group, as well as threat and assaults of any kind.

Actions

- Keep a written record of the incidents, including times, places and witnesses
- If possible, begin by reporting the incident to internal security, complaints office or customer relations department if one exists, and keep a record of your actions and responses you receive
- If harassment occurs at work, you should first consult your workplace anti-harassment policy or company grievance procedure if any, or union representative if you are in a unionized workplace
- Municipal laws may also prohibit some types of discrimination – contact your local city hall
- Consider taking your case to the BC Office of the Ombudsperson, the BC Human Rights Tribunal, or other relevant authority, or filing a criminal assault charge
- Call BC211 or contact an advocate to support you through whichever process you choose

Office of the BC Ombudsperson

What types of places fall under the jurisdiction of the ombudsperson's office?

The Office of the Ombudsperson impartially investigates individual complaints about unfair administrative actions of more than 2800 BC public authorities, including ministries, Crown corporations, commissions and boards, local governments, health authorities, professional associations, schools and boards of education.

Our focus is on the principles of administrative fairness. We may investigate concerns of unreasonable delay, poor communication, lack of information, or a failure to provide explanation of a decision. For more examples, please see the fairness checklist¹ on our website.

Are you able to investigate complaints, and if not, can you suggest what avenues exist for complaints?

We receive and investigate complaints about provincial public authorities and have one of the widest Ombudsperson jurisdictions in Canada. However, our jurisdiction does not extend to BC Ferries, the federal government, police, or decisions of the courts. Private sector entities are outside of our jurisdiction unless they are involved in the delivery of a provincial public service.

Do you have a working definition of harassment, discrimination, bullying or abuse that you use when investigating complaints?

We are not recourse for human rights complaints or people seeking legal determinations.

Who are the decision-makers, and how are they chosen?

The Ombudsperson is appointed by an all-party committee of the legislature. He or she delegates specific statutory authority to Ombudsperson staff, who have expertise in varied fields including law, social work and public administration.

Would they be familiar with the treatment and experiences of people with disabilities?

Our intake and early resolution teams are experienced at assisting people who have been unable to navigate the system

due to ability or other hidden barrier. Because equity is an important part of fairness, we will take time to assist people who have for any number of reasons been unsuccessful communicating with a provincial public authority.

What recourse or type of appeal exists if people are not satisfied with the complaint process?

Complainants who contact our office will be given a written explanation of the decision made regarding their case. If the complainant is not satisfied with the response, they can speak to their investigator's manager. The investigator will provide the manager's name and telephone number upon request.

If people suspect that they are being mistreated or discriminated against, what actions do you suggest up to and leading to filing a report with the ombudsperson's office?

Whenever possible, people should first try to resolve the complaint directly with the public authority involved before coming to us. Many public offices have an internal process for handling complaints.

What is the process/steps for filing a complaint and how long does the process typically take?

We accept complaints by mail, phone, fax, and through our web form. Within five business days a member of our intake staff will conduct a preliminary assessment that will determine whether we may be able to investigate. Questions include whether we have jurisdiction, if other internal dispute resolution processes can be used, if the complainant is directly affected, and if it is before the courts.

What other recourses might complainants have?

This depends on the type of complaint, but we will suggest that people try to resolve the complaint with the authority involved first before coming to us. If we do not have jurisdiction we will often provide a referral, so we encourage people to call us if they are unsure what to do.

Can complainants also bring their complaint to the legal system or human rights tribunal or other

process?

Contacting our office does not preclude any course of action. However, we do not generally investigate matters that are currently before the courts.

What services do you offer for children and youth?

We receive and investigate concerns raised by people of all ages, and are responsible for upholding administrative fairness with many provincial public authorities and issues that affect children and youth including the Ministry of Child and Family Development (MCFD), income assistance, schools, and access to health services. If we are not able to investigate, our intake team may provide a referral and advice.

What kind of access services do you offer i.e. for people with disabilities, different languages, etc.?

Many people come to us because they have been unable to resolve or communicate their concern effectively with the provincial public authority. We offer brochures in multiple languages, real-time translation services for callers with English language difficulty.

There are links to case summaries involving individuals with disabilities in our database².

Since it is a complex program and often impacts people with disabilities, can you tell me if you receive many complaints around Employment and Assistance for Persons with Disabilities and the BC Bus Pass Program and what sort of resolution is usually provided?

You will find case summaries online and in our Annual Report that feature investigations regarding both the BC Bus Pass Program and the ministry of Social Development and Social Innovation. The latter is consistently our most active authority in terms of investigative files; many of which involve the PWD program. Our office prioritizes cases where there is urgent need.

2015, Information from the Office of the BC Ombudsperson

¹ <https://www.bcombudsperson.ca/complaints/fairness-checklist>

² <https://www.bcombudsperson.ca/search>

Issue	Resources
<p>Employment and Assistance for Persons with Disabilities</p> <p>Bus Pas Program</p>	<p>BC Office of the Ombudsperson³</p> <p>Seniors Advocate for the Province of British Columbia⁴</p> <p>BC Human Rights Tribunal⁵</p>
<p>Transit</p>	<p>BC Office of the Ombudsperson - does not include BC Ferries</p> <p>BC Human Rights Tribunal</p> <p><i>Canada Human Rights Act</i> - airlines and airports</p> <p>BcTransit⁶</p>
<p>Shopping mall</p> <p>Store, restaurant, movie theatre</p>	<p>BC Office of the Ombudsperson - only if involved in the delivery of a provincial public service</p> <p>BC Human Rights Tribunal</p>
<p>Private security companies</p>	<p><i>Canada Human Rights Act</i> – federally regulated private companies</p>
<p>Playland or similar recreational facility</p>	<p>BC Office of the Ombudsperson - recreational facilities owned and/or administered by a provincial public authority</p> <p>BC Human Rights Tribunal</p> <p>Municipal governments</p>
<p>Public sidewalk</p>	<p>BC Office of the Ombudsperson – local governments</p> <p>BC Human Rights Tribunal</p> <p>Municipal governments</p>
<p>Regional or municipal police</p> <p>Community police</p> <p>RCMP</p>	<p>Office of the Police Complaint Commissioner⁷</p> <p>BC Human Rights Tribunal</p> <p>Commission for Public Complaints Against the RCMP⁸</p>
<p>Provincial correctional institutions</p> <p>Federal correctional institutions</p>	<p>BC Office of the Ombudsperson</p> <p>BC Human Rights Tribunal</p> <p><i>Canada Human Rights Act</i></p> <p>Correctional Investigator of Canada⁹</p>
<p>Public schools including colleges and universities</p>	<p>BC Office of the Ombudsperson - public post-secondary institutions</p> <p>BC Human Rights Tribunal</p> <p>These post-secondary institutions have an internal ombuds office: Camosun College¹⁰ Simon Fraser University¹¹ University of British Columbia¹² University of Victoria¹³</p>
<p>Public parks</p>	<p>BC Office of the Ombudsperson</p> <p>BC Human Rights Tribunal - provincial and municipal parks</p> <p>Municipal governments – national parks</p>

Issue	Resources
Public health care facilities, hospitals, medical clinics	BC Office of the Ombudsperson Health Canada Inquiries ¹⁴ BC Human Rights Tribunal Seniors Advocate for the Province of British Columbia ¹⁵
Provincially regulated services, service-providers and non-profit agencies	BC Office of the Ombudsperson BC Human Rights Tribunal
Assault or threat in any venue	VictimLink 1-800-563-0808 Chimo Crisis Line (604) 279-7070 PovNet provides advocacy resources for people who are low-income Office of the Federal Ombudsman for Victims of Crime ¹⁶ Criminal Code
Workplaces	BC Human Rights Tribunal - except those regulated by the federal government Fair Practices Office, WorksafeBC ¹⁷ Canada Human Rights Act - only federally regulated workplaces BC Office of the Ombudsperson - only those under provincial public authority
Communications	BC Human Rights Tribunal - printed publications CBC Ombudsman ¹⁸ Radio-Canada Ombudsman ¹⁹
Tenancy Purchasing property	BC Human Rights Tribunal Tenant Resource & Advisory Centre ²⁰
Banking and finance	Ombudsperson for Banking Services and Investments ²¹ Home and Property Insurance ²² General Insurance Ombudservice ²³ Taxpayers' Ombudsman ²⁴ Forum of Canadian Ombudsman Directory ²⁵ Canada Human Rights Act

³ <https://www.bcombudsperson.ca> ⁴ <http://www.seniorsadvocatebc.ca> ⁵ www.ag.gov.bc.ca/human-rights-protection
⁶ http://bctransit.com/*/contact ⁷ <https://www.opcc.bc.ca> ⁸ <http://www.crcc-ccetp.gc.ca/en/about-us>
⁹ <http://www.oci-bec.gc.ca/index-eng.aspx> ¹⁰ <http://camosun.ca/about/ombudsman> ¹¹ <http://www.sfu.ca/ombudsperson.html>
¹² <http://ombudsoffice.ubc.ca> ¹³ <http://uvicombudsperson.ca> ¹⁴ <http://www.hc-sc.gc.ca/contact/index-eng.php#a2>
¹⁵ <http://www.seniorsadvocatebc.ca> ¹⁶ <http://www.victimfirst.gc.ca> ¹⁷ http://www.worksafebc.com/contact_us/fair_practices_office ¹⁸ <http://www.ombudsman.cbc.radio-canada.ca> ¹⁹ <http://www.ombudsman.cbc.radio-canada.ca>
²⁰ <http://tenants.bc.ca/human-rights> ²¹ <https://www.obsi.ca/en/home> ²² <https://www.giocanada.org> ²³ <https://www.olhi.ca>
²⁴ <http://www.oto-boc.gc.ca/menu-eng.html> ²⁵ http://www.ombudsmanforum.ca/en/?page_id=176



Translink

Are there any provisions for people with non-visible disabilities who need access to priority seating?

Unlike the United States and Ontario, British Columbia does not have legislation specifically concerning accessibility. The BC Human Rights Tribunal weighed in on the subject of meeting the needs of all customers on November 24, 2008 by stating in Section [213] of a decision²⁶ that, “Coast (Coast Mountain Bus Company) is faced with many competing interests. It has to provide timely service to the general public. It has to deal with many difficult passengers. In addition, it has to accommodate many passengers with different types of disabilities. As well, many seniors use the transit system and have special needs as well. With so many competing needs, it is not reasonable to expect perfect accommodation all the time.”

How can people identify themselves as requiring priority seating?

We encourage customers to be politely assertive with other passengers when they need a seat on transit. As this is a shared space for people with a variety of abilities, both visible and non-visible, passengers may not always be able to acquire a seat.

If a passenger requiring priority seating does experience this kind of harassment, what can they do?

We encourage people with non-visible disabilities to ask SkyTrain or Canada Line attendants and Transit Police (604-515-8300) for assistance, particularly in the context of harassment or assault.

The Transit Police Chief’s Community Council was established in 2015 and works in an advisory capacity to enhance the safety and security for all who use transit. The membership of this committee includes advisors from the accessibility community, including Disability Alliance BC and Access for Sight Impaired Customers. It can be reached at (604) 515-8300.

Please report all concerns or harassment to public transit staff such as Transit Police. Non-emergency issues can be reported to Transit Police by texting 87.77.77 or using the free OnDuty app. In an emergency situation, always call 911.

2014, Sarah Chung, Access Transit Coordinator, TransLink (South Coast British Columbia Transportation Authority)

²⁶ (Indexed as: Rodriguez and others v. Coast Mountain Bus Company and another (No. 3), 2008 BCHRT 427)



Cerebral Palsy Association of British Columbia

330-409 Granville Street, Vancouver, BC V6C 1T2

Tel: (604) 408-9484

Fax: (604) 408-9489

Toll free: 1-800-663-0004

Website: www.bccerebralpalsy.com

Email: info@bccerebralpalsy.com

Twitter: [@CerebralPalsyBC](https://twitter.com/CerebralPalsyBC)

Facebook: www.facebook.com/BCCerebralPalsy