



Community Law School (Sarnia-Lambton) Inc.

Legal Literacy Activity Form

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Legal Literacy Activity Title: The Canadian Human Rights Act: The Duty to Accommodate When Providing Goods or Services

Date Developed: January 17, 2020

Learner Name:

Date Started:

Date Completed:

Legal Literacy Activity Description: The learner will read the attached Study Guide Sheet from the Community Law School, and review a website discussion of accommodation options in one services sector, in order to answer case study questions about when accommodation is required and what types of accommodation a provider of goods and services may need to make in order to comply with the Canadian Human Rights Act.

Materials Required:

- Pen or pencil and paper
- Access to a computer and the internet

Instructor preparation: Read over the learner instructions with the learner and check for understanding.

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Legal Literacy Activities:

Task #1. Please review the Study Guide “Introduction to the Canadian Human Rights Act: The Duty to Accommodate in Employment” attached to this Activity.

Task #2. Please consider the following Case Study and prepare written answers to the questions that follow.

Take Your Business Elsewhere

KJAM Radio is a popular news-and-sports radio station with a multi-province audience thanks to its prime location in Loving, Ontario, a small hamlet near the Ontario-Manitoba border. KJAM is owned by a fundamentalist Muslim-Christian consortium that works to promote peace and harmony across religious boundaries.

Rose, who works at Loving’s LGBTQ+ Drop-In Centre, has developed a new outreach plan to help spread the word about the Centre’s programs, services, and supports. Rose hopes to work with local outlets like KJAM on an advertising campaign aimed at the community’s gay, lesbian, bisexual, queer, trans, and questioning youth and adults.

Without getting into details about the Centre, Rose discussed the general nature of the outreach campaign by telephone with Harold, KJAM’s general manager. Harold asked Rose to come to his office to work out the details of the advertising campaign. Rose’s rough draft of she wanted for radio spots was printed on letterhead with the organization’s full name—Loving LGBTQ+ Community Drop-In Centre. Harold looked at it and handed the paper back to Rose. He told her that all homosexuality was wrong according to the religious beliefs that KJAM stood for, and they would not be working with her or the Drop-In under any circumstances.

a) Is KJAM Radio a service or industry that is covered by the Canadian Human Rights Act?

b) Is the KJAM discriminating against the Loving LGBTQ+ Community Drop-In Centre by refusing to sell radio time and advertising services to the Centre?

c) What kind of accommodations could KJAM Radio make to the Centre to correct its refusal to sell radio time and advertising services to it?

Task #3. Using an internet search engine (such as Google), search for “Canada Post Delivery Accommodation Program” and review the webpage that discusses Canada Posts delivery accommodation options and how to request accommodations for postal delivery.

Task #4. Please consider the following Case Study. Using the information found on the Canada Post website about its Delivery Accommodation Program, please prepare written answers to the questions that follow.

The Postman Never Comes

Roberto lives in a very small rural Ontario hamlet that has a Canada Post sorting and delivery office a few blocks down the street from his home. The office services Roberto’s hamlet, and a large surrounding area that is mostly farmland. Because it has limited staff and most people can reach it by walking or a short car ride, this postal station does not deliver mail to the homes of people who live within one mile of the office.

Roberto retired on a disability benefit several years ago because his knees were severely damaged after decades working as a boilermaker. He has had both knees replaced, but still cannot walk more than a few feet at a time. He relies on his electric scooter for mobility. He doesn’t drive, and has no close family. Although he could take his scooter to the post office, he cannot get in the door because there is no ramp and he cannot navigate the three steps to the door. And once inside, there is another door to access the desk, with very limited room between the two doors. Even if his scooter could get Bob inside, he cannot get to the desk because of the way the doors are placed.

a) Is Roberto eligible for delivery accommodation according to the criteria discussed on the Canada Post website?

b) What kind of delivery accommodations does Canada Post offer, and which of those options might work best for Roberto?

c) What must Roberto do to request delivery accommodation from Canada Post?

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Answers for the Legal Literacy Activities:

Task #1

The learner will review the attached Study Guide.

Task #2 Take Your Business Elsewhere

KJAM Radio is a popular news-and-sports radio station with a multi-province audience thanks to its prime location in Loving, Ontario, a small hamlet near the Ontario-Manitoba border. KJAM is owned by a fundamentalist Muslim-Christian consortium that works to promote peace and harmony across religious boundaries.

Rose, who works at Loving's LGBTQ+ Drop-In Centre, has developed a new outreach plan to help spread the word about the Centre's programs, services, and supports. Rose hopes to work with local outlets like KJAM on an advertising campaign aimed at the community's gay, lesbian, bisexual, queer, trans, and questioning youth and adults.

Without getting into details about the Centre, Rose discussed the general nature of the outreach campaign by telephone with Harold, KJAM's general manager. Harold asked Rose to come to his office to work out the details of the advertising campaign. Rose's rough draft of she wanted for radio spots was printed on letterhead with the organization's full name—Loving LGBTQ+ Community Drop-In Centre. Harold looked at it and handed the paper back to Rose. He told her that all homosexuality was wrong according to the religious beliefs that KJAM stood for, and they would not be working with her or the Drop-In under any circumstances.

a) Is KJAM Radio a service or industry that is covered by the Canadian Human Rights Act?

Yes, KJAM, which is located in Ontario, is covered by the Canadian Human Rights Acts. The Act covers television and radio stations.

b) Is the KJAM discriminating against the Loving LGBTQ+ Community Drop-In Centre by refusing to sell radio time and advertising services to the Centre?

Yes, by refusing to provide services to the Drop-In Centre KJAM is discriminating against persons on the basis of their sexual orientation and on the basis of their genders, gender identification, or gender expressions. This is prohibited by the Canadian Human Right Act.

c) What kind of accommodations could KJAM Radio make to the Centre to correct its refusal to sell radio time and advertising services to it?

KJAM could invite Rose to meet with it to discuss the advertisement services that the Drop-In Centre wants to air on KJAM, and work with the Centre to develop the ad campaign that it wants in order to reach members of the local LGBTQ+ community and its supporters.

Task #3

The learner will locate and read the Canada Post webpage.

Task #4

The Postman Never Comes

Roberto lives in a very small rural Ontario hamlet that has a Canada Post sorting and delivery office a few blocks down the street from his home. The office services Roberto's hamlet, and a large surrounding area that is mostly farmland. Because it has limited staff and most people can reach it by walking or a short car ride, this postal station does not deliver mail to the homes of people who live within one mile of the office.

Roberto retired on a disability benefit several years ago because his knees were severely damaged after decades working as a boilermaker. He has had both knees replaced, but still cannot walk more than a few feet at a time. He relies on his electric scooter for mobility. He doesn't drive, and has no close family. Although he could take his scooter to the post office, he cannot get in the door because there is no ramp and he cannot navigate the three steps to the door. And once inside, there is another door to access the desk, with very limited room between the two doors. Even if his scooter could get Bob inside, he cannot get to the desk because of the way the doors are placed.

a) Is Roberto eligible for delivery accommodation according to the criteria discussed on the Canada Post website?

Yes. Roberto's mobility limitations (especially combined with the physical limitation of the Canada Post office) are squarely within the eligibility criteria listed on the Canada Post website.

b) What kind of delivery accommodations does Canada Post offer, and which of those options might work best for Roberto?

Canada Post offers several different kinds of accommodations, including mailbox modifications and adjustments, home delivery, and delivery to a family member or post office. Because there are no mailboxes in Roberto's hamlet, and he has no close family members, weekly home delivery would be the most appropriate accommodation for Roberto. As an alternative, Canada Post could build a ramp to allow access to the outside door of the post office building, and remodel the interior to that a scooter/wheelchair can maneuver from the outside into the building and access the mail desk.

c) What must Roberto do to request delivery accommodation from Canada Post?

Roberto must get a request form from Canada Post, which he can do by creating a service ticket online, by calling the telephone number listed on the website, or by using the online chat feature on the webpage. Canada Post will then contact him to discuss appropriate accommodation options. Once Roberto and Canada Post agree on the accommodation, Roberto will receive a letter summarizing the accommodation solution. If Roberto does not agree with the accommodation offered, he can appeal by writing to the Canada Post Delivery Accommodation Appeals Committee. The Committee's address is on the Delivery Accommodation Program website.

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These Legal Literacy Activities: were successfully completed ___ need to be tried again ___

Learner Comments

Instructor (print and signature)

Learner Signature



COMMUNITY LAW SCHOOL (SARNIA-LAMBTON) INC.

STUDY GUIDE SHEET

Introduction to the Canadian Human Rights Act: The Duty to Provide Goods and Services Without Discrimination

1. What providers of goods and services are covered by the Canadian Human Rights Act?

The Canadian Human Rights Act covers matters and activities that are regulated and controlled by the federal (not provincial) government and laws. These include:

- Federal Departments (e.g., Passports, Canada Pension Plan, Immigration), Agencies, and Crown Corporations—including the Canadian Armed Forces and the RCMP;
- Chartered banks;
- Airlines;
- TV and radio stations;
- Interprovincial telephone and communication companies;
- Buses and railways that travel between provinces;
- Interprovincial or international transportation of goods;
- First Nations governments and some First Nations organizations; and
- Other federally regulated industries such as uranium mining and grain handling.
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2. What is “discrimination”?

Discrimination means treating people differently, negatively, or adversely (whether intentionally or not) because of the personal characteristics of the individual or the group (such as race, age, gender, religion, sexual orientation, ethnicity, disability, etc).

In situations involving the provision of goods, services, or facilities, examples of discrimination would include:

- An office that is open to, or provides services to the public, that cannot accommodate a person in a wheelchair or persons with other physical disabilities;
- a business or public office that enforces a dress code prohibiting certain types of headwear or facial coverings;

- a business that refuses to provide services or to sell goods to a person because of their gender identification or sexual orientation;
- a professional service provider who refuses to accept otherwise-qualified and appropriate clients because of their substance abuse or mental health issues;
- restricting business patrons to single persons without children and refusing entry or services to married people and/or persons with children; or
- not renting to someone because the owner dislikes or mistrusts persons of certain races or ethnicities.

3. What is the “Duty to Accommodate” under the Canadian Human Rights Act?

The duty to accommodate requires businesses and services to recognize, welcome, and provide equal services and access to people:

- from different backgrounds or races;
- with different physical or mental abilities, disabilities, or degrees of health (including addiction or substance abuse issues);
- of different ethnicities, religions, and creeds;
- with different genders or gender identifications or expressions;
- with different sexual orientations;
- from different family or marital statuses;
- with different genetic characteristics; and
- who have received pardons for their past criminal convictions.

4. Are there limits on the Duty to Accommodate?

The duty to accommodate is not without limits. If accommodating a person to avoid discrimination based on his or her personal situation or characteristics would cost more than the business or service provider can reasonably bear, or the needed accommodation would risk the health or safety of others, the provider may decline to make the necessary accommodation on the basis of “undue hardship”.

What is “undue hardship” will be different for each business and service provider. For example, the cost of remodeling an office that is open to the public to accommodate an electric wheelchair will have little financial impact on a national-wide accounting firm, but it might bankrupt a small, locally accounting service.