



ARCH Disability Law Centre

Tips for Lawyers and Paralegals on Providing Accessible Legal Services to Persons with Disabilities in Ontario

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Purpose of this Guide

This Guide is intended for lawyers and paralegals who provide legal services to persons with disabilities. It is not intended to be legal advice.

Please note that the information in this Guide does not apply to all situations. A person's needs may vary over time and at different points in the day. Always ask the person with the disability for how to most appropriately accommodate them.

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Initial Contact with Your Office

Offer alternate methods for initial contact if needed. These may include:

- Telephone
- TTY (teletype)
- Bell Relay
- Remote captioning
- Video remote interpretation
- Email
- Fax
- In-person

Use language accepted by the communities of persons with disabilities. Language and accessible practices are evolving and it is best to update information periodically by checking disability-specific resources such as the ones referred to in this Guide. Ask your client how they prefer to identify themselves with respect to their disability.

Scheduling an Appointment

When scheduling, ask what accommodations the client needs for the appointment. You have an obligation pursuant to Ontario's *Human Rights Code* to provide clients with the most appropriate accommodations to the point of undue hardship.

Consider context when determining how to meet your obligation to provide the most appropriate accommodations. For example, accommodations used for office meetings may not be appropriate for cross-examination at a hearing.

It may take a person with a disability longer to get to a destination. Be familiar with accessible routes to your office, as well as locations for boarding and disembarking from accessible transit or parking. Consider time for pick up and drop off of paratransit for example, when scheduling meetings.

Prepare directions to your office that avoid physical obstacles such as steep inclines, stairs, and small elevators. For some clients, it may be useful to describe nearby landmarks. For persons with vision disabilities, you may need to describe routes, slopes, obstacles, distances by number of steps, and the need to veer left or right.

In the Office

Create a scent-free environment. Display a scent-free statement at the entrance and in correspondence such as in an email signature. Ensure that staff follow a scent-free policy. Inform visitors of this policy before they arrive at your office and include the policy on your website.

Avoid clutter at entrances and keep doors fully open or closed. Reduce background noise and distractions in meeting spaces.

If you need to change the usual routine that you follow with a particular client, it is a good idea to explain this to the client in advance.

Service animals are working and should not be distracted. Do not touch or give them food without permission. It may be helpful to offer a water bowl for service animals.

Ask whether clients want help before assisting with bags, equipment, wheelchair or other mobility devices.

Capacity and Decisions

The *Rules of Professional Conduct* and the *Paralegal Rules of Conduct* require lawyers and paralegals to maintain, as far as reasonably possible, an ordinary professional relationship with clients whose disability may affect their capacity to make decisions.

Start with the assumption that the client is capable of instructing you, even when disability impacts their ability to make decisions or communicate instructions. Ensure that you fully accommodate the client's disability when assessing their capacity to instruct you.

Rule 3.2-9 of the *Rules of Professional Conduct* and its associated Commentary provide further guidance on this issue. Paralegals should also follow this guidance, although it is not yet included in the corresponding Rules 3.02 of the *Rules of Conduct for Paralegals* or in the Paralegal Professional Conduct Guidelines.

Medication may slow a person's speech or reactions. This should not be interpreted as a sign that they lack capacity to instruct.

Confirming Mutual Understanding

You may need extra time and additional meetings. Plan in advance, be patient and have realistic expectations for deadlines.

Strive for clear language retainers and client communications. Clear language materials may be helpful for all of your clients. Community Legal Education Ontario has clear language materials in many areas of law in a variety of formats and languages: www.cleo.on.ca

Avoid using your own body language or gestures to communicate.

If you are not sure what the person is trying to tell you, ask after they finish communicating. It is always best to ask rather than assume that you understand. You can ask the person to repeat what they said. You might need to rephrase rather than repeat information.

As with all clients, it may be helpful to recap at the end of meetings to confirm mutual understanding of what was said. You can also consider asking clients what they understand to be the next steps in their matter.

Where appropriate, you can consider offering the client additional referrals and assist them with referrals to other services providers.

Some clients use support people to facilitate communication. The support person may help communicate information or ask questions to help clarify some information, but does not make decisions for the person with a disability. Always communicate directly with the client.

Documents and Signatures

Some persons with disabilities sign with an 'X' or use a signature stamp, signature agent, or electronic signature.

It may be prudent to include a signed statement or affidavit from a witness who can confirm the client as the person who made this mark or stamp.

Specific Accommodations

Clients with Vision Disabilities

Verbally introduce yourself. Verbally offer your arm or elbow to persons with vision disabilities, or ask whether they would like sighted guide. Lead without pulling and only after they have accepted your offer to do so. Describe turns and obstacles along the route. Guide their hand to the back of their chair. Do not touch a person's white cane. You can find more information about guiding someone at: <https://www.cnib.ca/en/sight-loss-info/when-someone-you-know-is-blind/guiding-someone?region=on>

Ask the person what type of correspondence they prefer, and what colour, size, font, and format they need. Many people prefer 18 point or larger, in a

colour that contrasts with paper or screen. Square fonts without serifs, such as **Arial**, are often considered more accessible.

Some persons read braille or use technologies such as screen readers or voice-activated software. Check that written communication is in a format that can be converted by their accessibility software.

For more information on accommodating clients with vision disabilities, you may wish to consult:

The CNIB: www.cnib.ca

The Alliance for Equality of Blind Canadians: <http://blindcanadians.ca/>

Balance for Blind Adults: <http://www.balancefba.org/>

Clients Who Are Culturally Deaf, Oral Deaf, Deafened or Hard of Hearing

Get the person's attention with a wave of your hand or a gentle tap on the shoulder.

Ask the person how they prefer to communicate. Some persons may use Communication Access Realtime Translation (CART) for captioning. You may need to provide an American Sign Language (ASL), Langue des signes québécoise (LSQ) or an Indigenous sign language (ISL) interpreter for people who are culturally Deaf.

Some clients may need a Deaf interpreter to work with the hearing interpreter. A Deaf interpreter may be needed in a variety of situations, including for a deaf person who uses a sign language other than ASL, LSQ or ISL, or who has difficulty understanding ASL, LSQ or ISL.

If your client needs any of these accommodations, you should book the accommodation service provider well in advance of meetings. Accommodation

service providers are often in short supply. The Ontario Association of Sign Language Interpreters (OASLI) suggests that individuals contact and secure an interpreter a minimum of 2 to 3 weeks ahead of an appointment. You can ask the client about preferred providers.

Face and communicate with the person with whom you are speaking, rather than their interpreter. If you wear tinted glasses, a beard or moustache, this may make it more difficult for the person to understand.

Speak at a regular pace, not overly fast or slow. Avoid over-enunciation or increased volume which can distort the face and make lip reading difficult. You can ask if you should speak up or repeat anything. Do not use auditory clues such as coughs or pauses to communicate unspoken messages.

For more information on accommodating clients, you may wish to consult with The Canadian Association of the Deaf: www.cad.ca
The Canadian Hearing Society has information on providing barrier free legal services at:

https://www.chs.ca/sites/default/files/uploads/law_fdn_ont_crp.pdf

For communication tips go to: <http://www.chs.ca/communication-tips-0>

Clients who are Deaf-Blind

Many persons with combined vision and hearing disabilities identify as persons who are deafblind. ARCH acknowledges that there are various terms used to describe persons with this disability.

Clients who are deafblind may use an intervenor. An intervenor is trained to communicate auditory and visual information using methods such as speech, sign language and braille.

The Alliance for Equality of Blind Canadians has courtesy guidelines when interacting with persons with combined vision and hearing disabilities at:

<http://www.blindcanadians.ca/publications/cbm/26/courtesy-guidelines-what-should-you-do-when-you-meet-person-who-deaf-and-blind>

You may also wish to consult disability-specific organizations such as the Canadian Hellen Keller Centre at: <http://chkc.org/>

Clients Who Use Wheelchairs or Other Mobility Devices

When moving from one location to another, let the client set the pace.

Having a mobility device within reach facilitates the person's ability to move independently. Do not move it without permission. If assisting, ask the person how to handle or store it. You should not lean or rest on it.

Looking straight up is not a comfortable viewing angle. When meeting someone who uses a wheelchair, sit to make eye contact with the person or stand back a bit. Be aware of sightlines. Positioning yourself so that you are not standing at an angle where the person using a wheelchair is staring up at a bright light source such as ceiling lights or the sun is a small but polite gesture.

For more information on accommodating clients who use wheelchairs or other mobility devices, you may wish to consult your local centre for independent living. You can find the independent living centre for your area at: <http://www.ilcanada.ca/il-centres/>

Clients Labelled with an Intellectual Disability

You may need to clarify language or shorten sentences, but you should have a fulsome discussion. Focus on the overall goal of the conversation. You may need to provide information in concrete ways or in chunks. You may need to schedule several appointments.

Consider preparing plain language materials (reminders, agendas, summaries of tasks to be completed) before or after meetings.

For more information on accommodating clients labelled with intellectual disabilities, you may wish to consult:

People First of Ontario: <http://www.peoplefirstontario.com/>

People First of Canada: <http://www.peoplefirstofcanada.ca/>

Respecting Rights, a Program of ARCH: www.archdisabilitylaw.ca/initiatives

Clients with Learning Disabilities

Ask clients how they best process information. Be aware that the strategies they use in one setting may not apply elsewhere, and the difficulty learning may be greater at the end of the day or when the person is tired.

For more information on accommodating clients with learning disabilities, you may wish to consult the Learning Disabilities Association of Ontario at: <http://www.ldao.ca/>

Clients with Mental Health Disabilities

If the person is distracted due to their disability or the side-effects of medication, it may be helpful to focus on the overall goal of the conversation. If a client seems distracted to instruct you, ask whether they would like to reschedule.

Some people may have more difficulty at certain times of day, when they need to make decisions, or when deadlines are approaching. You may need to adjust accommodations and schedules at those times. Meeting reminders and summaries may be helpful.

Some clients may experience fluctuating capacity. You have an ongoing duty to assess capacity, and provide appropriate accommodations and supports. This includes assisting clients to plan for periods of incapacity.

For more information on accommodating clients with mental health disabilities, you may wish to contact the Empowerment Council at:

<http://www.empowermentcouncil.ca/index.html> or the Sound Times Support Services at: <http://soundtimes.com/>

You may also wish to consult the Ontario Human Rights Commission Policy on preventing discrimination based on mental health disabilities and addictions (2014) at: <http://www.ohrc.on.ca/en/policy-preventing-discrimination-based-mental-health-disabilities-and-addictions>

Clients with Communication Disabilities

Some persons may use an augmentative communication system.

Ask the person how to facilitate conversation. Instructions may be attached to the communication display or wheelchair tray. For example: Blissymbolics is a graphic language often printed on the surface of a tray.

If a person with a communication disability does not have an augmentative communication system, ask if they would like to use pen, paper or computer for key points and to confirm important information.

Communication Disabilities Access Canada has developed accessible communication guidelines for police, legal and justice services. You can find these guidelines at: <http://www.access-to-justice.org/justice-sector/guidelines-for-working-with-a-victim-or-witness/>

Clients with Environmental Sensitivities, such as Multiple Chemical Sensitivities or Electromagnetic Hyper Sensitivity

Low levels of scent can severely impact and may be life-threatening for people with Environmental Sensitivities (ES) such as Multiple Chemical Sensitivities (MCS).

Create a scent-free environment. Avoid carpets, use unscented cleaning products and provide air purification devices. Develop a scent free policy and display a scent free statement at the entrance and in correspondence. When scheduling, remind anyone coming to your office not to wear scented products. Education programs may improve compliance by staff and community members.

If a client states that they are affected by scents or chemicals, ask how to accommodate them. To protect themselves, some clients may use protective equipment, such as masks or gloves. If construction, chemical spraying or other chemically based work is planned in or near your office, adjust schedules so that the client can avoid it. Since few commercial spaces are entirely scent free, you may need to meet with the client outside of your office, by phone, or at a time of day when there may be less exposure to scents.

Electromagnetic Hyper Sensitivity (EHS) is an environmental sensitivity to wireless exposure. Clients with EHS may need to meet remotely, using non-wireless (hard-wired) internet and phone services in their home. Ask meeting participants to turn off cellular or wireless access when meeting with a client with EHS. To facilitate court or tribunal accommodations, you may need to provide your client with appropriate equipment, and test connections in advance.

Clients with ES such as MCS or EHS may need to reschedule appointments to minimize exposure. Due to the effects of exposure on memory, they may need accommodations such as print summaries. Exposure can cause difficulty communicating so extra time and patience may be needed. For more

information on accommodating clients with ES such as MCS or EHS, you may wish to consult:

The Environmental Health Association of Ontario:
<https://www.ahaontario.ca/index.html>

The Canadian Initiative to Stop Wireless, Electric, and Electromagnetic Pollution: <http://weepinitiative.org/index.html>

The Canadian Human Rights Commission Policy on Environmental Sensitivities: <https://www.chrc-ccdp.gc.ca/eng/content/accommodation-environmental-sensitivities-legal-perspective>

For More Information

ARCH offers a free Case Consult service for lawyers and paralegals representing persons with disabilities in Ontario. Lawyers and Paralegals can book an appointment with an ARCH lawyer to consult on the disability law aspects of a case or how to meet a client's disability related accommodation needs.

For more information, visit ARCH's website at www.archdisabilitylaw.ca under Resources.

Notes: