

YOUR RIGHTS : PHYSICAL AND MENTAL DISABILITY



Prince Edward Island
Human Rights Commission
PO Box 2000
98 Water Street
Charlottetown PE
C1A 7N8

1-800-237-5031
368-4180

368-4236 (fax)
www.gov.pe.ca/humanrights

*Human Rights:
It's
Everyone's
Business...*

*Why Not Make It
Yours?*

Peter has been diagnosed with clinical depression. His doctor has recommended that he take a leave of absence for three months for treatment and recovery. His employer said that his job would not be held for him.

Margaret's legs are paralyzed and she uses a wheelchair. When she tried to visit a new store, she could not go in because the entrance had steps with no wheelchair ramp. There are many places on PEI that Margaret cannot enter because they are not accessible to people with disabilities.

THE LAW

A disability may result from an injury, an illness or a birth defect. Examples of physical disabilities include blindness, back injuries, epilepsy and cancer. Examples of mental disabilities include depression and learning disabilities. Alcohol and drug addiction are also considered disabilities under human rights law. See *Your Rights: Alcohol & Drugs - Testing and Addiction*.

The Prince Edward Island Human Rights Act prohibits discrimination on the basis of physical and mental disability in these situations:

- Employment
- Volunteering
- Offering accommodations, services or facilities to the public
- Membership in professional, business or trade associations and employee organizations
- Leasing or selling property
- Publishing, broadcasting and advertising

Employers, property owners and organizations or businesses that are offering accommodations or services to the public **MUST** accommodate persons with disabilities to the point of undue hardship. See *Your Rights: Duty to Accommodate* for information on the duty to accommodate and undue hardship.

There are some EXCEPTIONS:

1. Genuine Occupational Qualification

There may be some jobs where a physical or mental disability is a reasonable disqualification. For example, a person who must use a wheelchair for mobility may not be able to be employed as a construction labourer.

2. Pensions and Insurance

The Act states that the prohibition against discrimination on the basis of disability does not apply to the operation of any genuine retirement or pension plan or any genuine group or employee insurance plan. For example, insurers may take a disability into consideration when offering health insurance.

3. Special Programs

The Commission may approve programs of government, private organizations or individuals designed to promote the welfare of persons with disabilities, such as, programs designed to promote employment or provide housing for persons with disabilities.