

PLIAN'S NOTEBOOK

Educating Newfoundlanders and Labradorians about the Law

Focus on Disability Awareness

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Public Legal Information Association of Newfoundland and Labrador (PLIAN) partnered with the Newfoundland and Labrador Association for Community Living (NLACL) on a project aimed towards families with relatives with a developmental disability. NLACL, in partnership with the Department of Human Resources, Labour and Employment, is researching and publishing a plain language handbook to orient families to the basics of will and estate planning.

PLIAN's role was to contribute to the research of various will and estate planning tools available to families with relatives with disabilities, and also research the options presented by Support Trusts and the newly announced Registered Disability Saving Plan. PLIAN contributed to a literature review, conducted key informant interviews with government officials and representatives of the legal community in Newfoundland and Labrador, British Columbia, Manitoba, and New Brunswick, and held a focus group with representatives of the financial planning community in Newfoundland and Labrador to better understand the current utilization and familiarity of Support Trusts and other estate planning tools for families with relatives with disabilities.

PLIAN is very pleased to have been involved in this worthwhile project and looks forward to seeing the handbook once it is completed. We are sure it will be a very valuable community resource!

Executive Director's Message

We hope you enjoy this edition of PLIAN's Notebook entitled *Focus on Disability Awareness*.

We are having a very busy year working on a number of different projects. If you are interested to learn about our current projects, please visit our website at www.publiclegalinfo.com and click on "Current Projects" on the "Our Services" page.

PLIAN has many years experience in providing legal information and education to the people of Newfoundland and Labrador. As our team continues to carry out our mandate of providing plain language information about the law and legal processes to Newfoundlanders and Labradorians, more people are familiar with and use our services.

The future looks bright for PLIAN. I would like to take this opportunity to note that Public Legal Education Association of Canada holds an annual conference and PLIAN has been chosen to host the conference in 2009! 2009 will be an important year for PLIAN because it also marks our 25th anniversary. There will be much to celebrate. Please visit PLIAN's website for conference updates in 2009.

**Public Legal
Information
Association of NL**

Kristen O'Keefe
Executive Director

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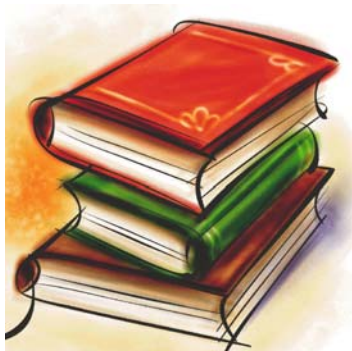
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Name of Publication	Edition	Year	Languages
▪ Family Law Guide for Newfoundlanders and Labradorians	1st	2008	English, French, Innu-Aimun, Inuktitut, Mi'kmaw
▪Your Right as a Victim	2nd	2008	English
▪Victim Impact Statement	2nd	2008	English
▪Family Law Terms and Definitions	2nd	2008	English
▪What are your wishes? Living Wills and Advance Health Care Directives	2nd	2008	English
▪Do you need a will?	2nd	2008	English
▪Planning ahead important legal terms for estate planning	2nd	2008	English
▪Power of Attorney	2nd	2008	English
▪Personal Bankruptcy: What you should know	2nd	2007	English
▪A Career in Law: Are you interested?	2nd	2007	English, French
▪Probation	2nd	2007	English
▪Criminal Procedure in Provincial Court	2nd	2007	English
▪Sexual Harassment in Schools	2nd	2007	English, French
▪Family Violence: Getting Help	1st	2007	English, French
▪Canadian Charter of Rights and Freedoms	2nd	2007	English
▪What is PLIAN	2nd	2007	English, French
▪Teacher's Rights in Newfoundland and Labrador	1st	2006	English
▪For the Record	3rd	2006	English, French, Innu-Aimun, Inuktitut

To obtain copies of any publications above please contact PLIAN or visit our website at: www.publiclegalinfo.com



PLIAN is proud to announce that its Family Law Guide for Newfoundlanders and Labradorians will be available later this spring. It is being printed in English, French, Innu-Aimun, Inuktitut and Mi'kmaw

To be added to our mailing list please contact PLIAN at
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 Email: info@publiclegalinfo.com



On November 6, 2007, Kristen O'Keefe participated in a presentation at Easter Seals for the Youth Horizons Skills Link program. This particular program is run by Easter Seals and funded by Service Canada. It is skills development program offered to youth with disabilities. It involves skills building sessions, as well as work placements. Kristen attended a skills building session and presented to a group of young adults between the ages of 21-29. The program participants generated questions in advance of the session which they wanted Kristen to address during her presentation. Some of the questions are as follows:

Q: If you are in a motorized wheelchair is it true that you can be charged with impaired driving?

A: Yes, there are cases in Canada where individuals have been charged and convicted of impaired driving while operating a motorized wheelchair.

Q: What can happen when someone illegally parks in a parking spot which is specially designated for people who have a physical disability?

A: Any vehicle that parks in such a parking space must have the proper permit. Otherwise, it is an offence under the *Designated Mobility Impaired Parking Regulations*. A person who does not have a permit can be fined between \$45 and \$180. If you see someone in violation, you can take notes; noting the date, time, description of vehicle, license plate number and report it to the police. A photo would be great evidence! You would likely have to testify as a witness if the matter goes to court.

Q: Are there any protections in the law for persons who have physical or mental disabilities?

A: Yes, the *Human Rights Code* of Newfoundland and Labrador. In the areas of accommodation, services, occupancy of dwelling units, employment and publications, the Code prohibits discrimination on many factors including physical and mental disability. However, it should be noted that a bona fide occupational qualification may be a significant factor in the consideration of whether a person is being discriminated in an employment situation.

The Code prohibits harassment of a person who is an occupant of a commercial unit, dwelling unit or place of business because of physical or mental disability. Harassment, on the same basis, is also prohibited in a place of business.

If you think you may be a victim of discrimination and want more information, you may want to contact the **Human Rights Commission of Newfoundland & Labrador**
Phone: (709) 729-2709 or Toll Free 1-800-563-5808

Q: What legally would happen if a new public building isn't accessible to people with physical disabilities?

A: There is a law in Newfoundland & Labrador called the *Buildings Accessibility Act*. The Act states in s. 33.(1) A person is guilty of an offence who
(a) contravenes or fails to comply with this Act or the regulations, or an order;
(b) hinders or obstructs an inspector, in the performance of duties under this Act or the regulations;
(c) wilfully makes a false or misleading statement in supplying information required by the minister, director or inspector under this Act or the regulations;
(d) refuses to give the information to the minister, director or inspector as required for the purposes of this Act or the regulations.

Depending on whether the guilty party is a person or corporation they could be fined anywhere between \$500-\$25,000. In addition they can be ordered to have the building which is the subject-matter of the action comply with the requirements prescribed or face a fine between \$200-\$2000 a day.

It should be kept in mind that the *Buildings Accessibility Act* does not apply to private homes, foster homes, boarding houses, lodging houses or bed and breakfast accommodation, except a lodging house, bed and breakfast accommodation or boarding house in which sleeping accommodation is provided for more than 10 boarders, guests or lodgers.

***Please be advised that the information provided is general in nature and does not constitute legal advice.**

PLIAN'S Thank-you!

Recently PLIAN has said good-bye to Susan Doyle, Merissa Wiseman and Lesley King.

Susan Doyle served PLIAN as Executive Director from August of 1998 to November 2004 when she commenced a leave of absence to work with the Canada Revenue Agency and later the National Judicial Institute. She was a tremendous asset to our organization and we want to express our sincere gratitude for her dedication, tenacity, hard work and vision. During her leave of absence, Ms. Doyle was available to PLIAN staff for consultation. Her significant contributions during that transition period are sincerely appreciated. Ms. Doyle has accepted a permanent position with the National Judicial Institute, however, we are happy to announce that Ms. Doyle intends to continue her association with PLIAN but in a different capacity- as a member of our Board of Directors.

Merissa Wiseman became involved with PLIAN in October 2006. Throughout her time at PLIAN, she assumed the role of Volunteer Coordinator in addition to her position as Project Coordinator for the Youth Justice and the Lipstick Tube projects. Merissa's experience in communications always brought a unique dynamic to her work and the organization - she will be missed, but we wish her all the best in her new position as Communication Specialist with NL Hydro.

Lesley was a faithful volunteer at PLIAN for over a year. While here she consistently made a special effort to complete any task that was required. As a volunteer Lesley was invaluable and we wish her the best of luck as she relocates to pursue a law degree at Queen's University in Ontario.

Thank-you



Lawyer Referral Service

The Lawyer Referral Service is available to individuals who require assistance in obtaining a lawyer. Lawyers register with PLIAN annually and state the areas of law in which they prefer to practice. Our callers are offered the names of up to three lawyers who practice in a particular area. The individuals can then contact the lawyers to arrange a half-hour session at a nominal charge.

Special note to Lawyers:

Our province does not have a formalized pro bono program. Enrollment in the Lawyer Referral Service is another avenue for you as a lawyer to give back to your community. For some lawyers enrollment is done as a public service, for others, it may be a source of client referrals. Whatever your motivation, we encourage you to become involved in this worthwhile program. Based upon the requests for this service in all areas of Newfoundland and Labrador, it is evident that it is extremely valuable and beneficial to our province.



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Disability Awareness Fair

PLIAN participated in a Disability Awareness Fair hosted by the Independent Living Resource Centre on April 22, 2008. The event, held at the Miller Centre in St. John's, involved information displays and presentations by various agencies including PLIAN. It was an honor to be invited and a very worthwhile event.