**Is There a Law or Not?**

**Authors:** Alice Havel, Susie Wileman, Mary Jorgensen

Adaptech Research Network

October 27, 2023

Creative Commons License symbol for Attribution - Non Commercial- No Derivatives 4.0 International. Copyright is 
http://creativecommons.org/about 


When it comes to the inclusion of students with disabilities in fieldwork / internship settings, the question arises as to whether laws exist in Quebec to guide the process. Unfortunately, unlike some other provinces and countries, Quebec legislation lacks clear timelines, goals, or penalties for non-compliance. For this reason, many Quebecers are advocating for stronger accessibility laws to help remove barriers across the province.

In addition to government legislation, institutional policies can play a critical role in promoting the inclusion of postsecondary students with disabilities in fieldwork / internship settings. Although equity, diversity and inclusion have become a policy priority attached to a variety of institutional action plans, several postsecondary institutions have yet to draft a policy, let alone obtain its approval within the institution’s governance structure.

What we have provided below are some of the pertinent provincial and federal acts, along with a few articles that address this somewhat ambiguous situation.

1) [**Getting started at college for students with disabilities**](https://www.quebec.ca/en/education/support-students/students-disabilities-transitioning-secondary-school-college/getting-started-college-students-disabilities)

This Ministry of Education document describes services and support measures available to students with disabilities at the college level, along with procedures, rights and responsibilities. Notably, specific reference is made to internships. To be eligible for accommodations during their internship, students must either inform the workplace of their disability or give consent for the college to share the information on their behalf. The workplace cannot refuse interns because of their disability and has the obligation to set up accommodations.

This ministry document makes reference to the Quebec Charter of Human Rights and Freedoms, as well as the Act to secure handicapped persons in the exercise of their rights with a view of promoting integration in society, school and the workplace Both are described below.

2) [**Quebec Charter of Human Rights and Freedoms**](https://www.legisquebec.gouv.qc.ca/en/document/cs/c-12)

The Quebec Charter of Human Rights and Freedoms is one of the documents most frequently consulted when it comes to reasonable accommodation measures for college and university students.

Under fundamental rights and freedoms, the document states that “Every person has a right to full and equal recognition and exercise of his human rights and freedoms, without distinction, exclusion or preference based on race, colour, sex, gender identity or expression, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, **a handicap or the use of any means to palliate a handicap.”**

If a right or freedom recognized by the charter is violated, the individual who is affected can make a formal request to the Commission des droits de la personne et des droits de la jeunesse that the situation be rectified and that they receive compensation.

3) [**Processing an accommodation request**](https://cdpdj.qc.ca/storage/app/media/publications/Guide_virtuel_accommodement_En.pdf)

This guide provides relevant information to help employers, service providers and others complete the five steps necessary in processing an accommodation request. Although it does not appear to be directed toward post-secondary institutions, much of the information is transferable. For example, it cautions not to ask overly intrusive questions that are not related to the accommodation request. It also suggests that the applicant seeking accommodations be involved in the search for solutions.

4) [**How to Handle a Reasonable Accommodation Request**](https://www.cdpdj.qc.ca/storage/app/media/publications/infographie_gestion-accommodement_En.pdf)

Flow chart of how to handle students’ reasonable accommodation request.

5) [**Filing a complaint of discrimination**](https://cdpdj.qc.ca/storage/app/media/publications/leaflet_complaint.pdf)

This guide describes how an individual can file a complaint if they do not receive the required accommodations in any sector in Quebec, including post-secondary institutions. One goal can be to find a solution or accommodation to address the situation. There is also the option of arbitration if both parties consent.

6) [**Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration.**](https://www.legisquebec.gouv.qc.ca/en/document/cs/E-20.1)

The Office des personnes handicapées du Québec (OPHQ) was established under this act. One role of the OPHQ is to ensure the development and delivery of services for handicapped persons and their families, and to facilitate and assess, on a collective basis, the social, school and workplace integration of handicapped persons. This act applies only to the public sector, including postsecondary institutions, but unfortunately lacks clear timelines, goals, or penalties for non-compliance.

7) [**Act respecting access to documents held by public bodies and the protection of personal information.**](https://www.legisquebec.gouv.qc.ca/en/document/cs/A-2.1)

Colleges and universities in Quebec are included under this act. If a student informs the college or university that they have a disability, the institution must respect confidentiality and cannot share any information with others without the student having given written consent.

8) [**Canadian Charter of Rights and Freedoms**](https://www.canada.ca/en/canadian-heritage/services/how-rights-protected/guide-canadian-charter-rights-freedoms.html)

The Canadian Charter of Rights and Freedoms guarantees people’s civil, political and equality rights in the policies, practices, and legislation of all levels of government.

According to Equality rights – section 15. (1)

“Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or **mental or physical disability.”**

9) [**The Accessible Canada Act**](https://laws-lois.justice.gc.ca/eng/acts/a-0.6/)

The objective of this act is to help create a barrier-free Canada, especially for those with disabilities. The bill applies to organizations under federal jurisdiction. One aspect relevant to students with disabilities, both in educational institutions and clinical setting, deals with information and communication technologies, including digital content and the technologies used to access it. The requirements follow the internationally accepted Web Content Accessibility Guidelines (WCAG 2.0), primarily used for web accessibility.

10) [**A complete overview of Canada’s Accessibility Laws**](https://prod.siteimprove.com/de/blog/a-complete-overview-of-canadas-accessibility-laws/)

This blog written by Jennifer Doyle provides a comprehensive overview of current and proposed legislation regarding accessibility at federal and provincial levels across Canada.

**Acknowledgement**

Entente Canada-Québec funded the research for this annotation of relevant legislation.