

# Trainer's Guide:

## Introduction to Human Rights & Disability Law



This Guide is designed to support legal clinic workers who want to train community workers about human rights and disability law in Ontario. It is part of a series of Trainers' Guides that cover a range of legal topics.

## **Toronto: Community Legal Education Ontario, February 2022**

Community Legal Education Ontario (CLEO) developed this Trainer's Guide with the invaluable assistance and expertise of the HIV & AIDS Legal Clinic Ontario. CLEO is also very grateful for the input and support of the project advisors, including: The Association of Community Legal Clinics of Ontario; Community Advocacy & Legal Centre; Community Legal Clinic for Brant, Haldimand, Norfolk; Connecting Ottawa; Don Valley Community Legal Services; Kinna-aweya Legal Clinic; and Ontario Justice Education Network.

We also gratefully acknowledge funding for this project from The Law Foundation of Ontario.

This is one in a series of Trainers' Guides for community workers. Visit the [CLEO Connect website](#) for a list of legal topics.

# Table of Contents

<b>1. Introduction</b> .....	1
About the Trainer’s Guide .....	1
Getting Ready and Learning Goals .....	2
<b>2. Summary of Training &amp; Instructions for Trainers</b> .....	3
Welcome, Agenda, and Introductions .....	4
<b>Activity 1:</b> Myth Busting .....	4
Learning Goals, human rights and anti-discrimination .....	5
The “Discrimination Equation” .....	6
Duty to Accommodate .....	7
<b>Activity 2:</b> Case Scenarios: applying the “Discrimination Equation” .....	7
Human Rights Tribunal of Ontario .....	9
What can community workers do? .....	9
Useful Resources.....	10
Wrap-up, Feedback and Evaluation.....	11
<b>3. Activity Handouts</b> .....	12
The “Discrimination Equation” .....	13
BRAVE principle.....	14
Activity 2: Case scenarios and discussion .....	15
<b>4. Supporting Documents</b> .....	18
Flyer .....	19
Agenda.....	20
Evaluation Form .....	21



**Companion to Trainer’s Guide:** [PowerPoint Slides](#) with notes and instructions for trainers

# 1. Introduction

## About the Trainer's Guide

### *Who is the Trainer's Guide for?*

This Trainer's Guide is for legal clinic staff who are training workers at local community organizations about human rights and disability law in Ontario.

Front-line workers at community organizations often help people who come to them with questions about their legal rights. Community workers can give good help and solid referrals if they have the knowledge and skills to do so. Training from legal clinic experts can help.

### *The Series*

This Trainer's Guide is part of a series that provides training materials on several legal topics that community workers often ask for.

We developed our Trainers' Guides with flexibility in mind: each legal clinic can use them to adapt and customize a training workshop for their communities. We designed the training for a session that lasts approximately **2 hours**, but trainers will want to adapt it to suit their own style and to meet the needs of their audience.

We have included a companion piece for the Trainer's Guide: [PowerPoint slides](#) that include activities and resources, as well as notes and instructions for trainers.

- **The Trainer's Guide**

The Trainer's Guide includes the following sections:

1. Introduction (p. 1): This section provides a training snapshot, and outline of the training.
2. Summary of Training & Instructions for Trainers (p. 3): This section provides a summary of the PowerPoint slides and training activities. It includes some instructions for trainers. The slides and notes are adaptable and intended to be edited by the trainer.
3. Activity Handouts (p. 13): This section shows handouts trainers can use during the training. It includes [a link to the handouts](#) so trainers can download and email them to participants before the session, share their screen during an online training, or print and provide them at a face-to-face training.
4. Supporting Documents (p. 19): This section shows sample documents to help trainers plan their training. It includes links to a [flyer](#), [agenda](#), and [evaluation form](#) that can be customized.

- **The PowerPoint Slide Deck**

The [PowerPoint slides](#) are intended to be customized by the trainer.

## Getting Ready and Learning Goals

Before you deliver the *Introduction to Human Rights & Disability Law* training, spend some time on the following preparation activities and think about the learning goals. Expect to spend at least 2 hours. For an online training session, ask a colleague to assist you, to monitor the chat, etc.

### 1. Review the goals of the training

The goals of the training are to help community workers:

- Learn about human rights legal protections under Ontario law
- Understand the “Discrimination Equation”
- Learn about legal information, self-help resources and referrals for clients

### 2. Familiarize yourself with the resources

Get familiar with the resources listed in **Slides 51–54** of the slide deck. **Read the Trainer's Guide and PowerPoint slides and notes.**

Think about ways to engage your audience. Anticipate possible questions from participants and think through how you will respond.

### 3. Customize the slides and learn about the activities

Add local resources and information about your legal clinic to the PowerPoint slides — location, hours and intake procedures. Do what you need to feel comfortable sharing the content, including editing and printing notes. See [tips](#) to print PowerPoint content in black and white to reduce ink, and [how to](#) remove notes before you share them with participants.

Consider the participants and how you will deliver your training (webinar or face-to-face training). Think about how long each activity may take and choose from the options provided. Revise the slides to reflect your choices.

Build in time for discussion and questions. Note questions you aren't comfortable answering and say you will follow up. If you'd like to create a Word version of your PowerPoint slides, follow the tips in this short [video](#).

If you have any questions about using these training materials, please contact Kristin Marshall at CLEO, at [kristin.marshall@cleo.on.ca](mailto:kristin.marshall@cleo.on.ca).

## 2. Summary of Training & Instructions for Trainers

This section gives an overview of the training. It is meant to be read as you go through the PowerPoint presentation. It will help you get a general sense of the training and understand the approximate time that you want to allocate for each part. It also provides some instructions and suggestions for how to offer the training activities.

The time allocations are estimates, assuming a total training length of 2 hours.

### Training Snapshot (for trainer)

	Slides	Suggested Time
1. Welcome, Agenda, and Introductions	1–4	10 mins
2. <b>Activity 1:</b> Myth Busting	5–11	10 mins
3. Learning Goals, human rights and anti-discrimination laws	12–20	10 mins
4. The “Discrimination Equation”	21–36	25 mins
<b>BREAK</b>	<b>37</b>	<b>10 mins</b>
5. <b>Activity 2:</b> Case scenarios and discussion	38–43	20 mins
6. Human Rights Tribunal of Ontario (HRTO)	44–47	10 mins
7. BRAVE principle   What can community workers do?   Q & A	48–50	10 mins
8. Useful Resources	51–54	10 mins
9. Wrap-up, Feedback, and Evaluation	55–57	5 mins

## Training Summary and Instructions

Read this section as you review and adapt the PowerPoint slides. We highlight specific slides to provide training tips for activities that engage participants.

<b>1. Welcome, Agenda, and Introductions</b>	Slides 1–4	10 mins
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- Welcome participants and introduce yourself and your clinic
- Share the agenda, review learning goals and participant expectations
- Discuss logistics of the training or workshop
- Discuss role of community workers
- Provide a land acknowledgment

### Set Ground Rules and Expectations

Share the outline so participants know what to expect. Emphasize that the goal is to create an anti-oppressive environment. Briefly discuss: the right to pass (participants don't have to answer a question or make a contribution if they don't want to); confidentiality (what is learned, leaves, and what is shared, stays); and respect for each other.

Reiterate that the goal is to create a safer space where we can engage bravely, empathetically, and thoughtfully in discussion or this topic. Stress that people can take a break or leave the presentation if triggered.

Tell participants if you will take questions as you go or at specific times. If the training is held in person, point out where the bathrooms are, water, and other logistics. State up front that there will be a break. Reflect this in the agenda and confirm with the audience at the outset, adjusting timing if necessary. Tell participants to make themselves comfortable. Acknowledge that this topic can be triggering and that they should take a break if they need to.

<b>2. ACTIVITY 1: Myth Busting</b>	Slides 5–11	10 mins
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This activity presents five statements. Participants can decide if they are true or false, followed by a discussion of the correct answers.

- Intention to discriminate is needed to prove discrimination. **FALSE**
- Potential employer can ask about health and disabilities during interview process. **FALSE**
- Ontario's *Human Rights Code* allows insurance companies to make *genuine* distinctions in individual insurance policies. **TRUE**

- Can deny access or service to pregnant and breastfeeding women. **FALSE**
- A doctor can refuse service based on religious belief but must offer “effective referral”.  
**TRUE**

Show **slide 11** so participants can see the correct answers at the end.

**Discussion:** Discuss misinformation or assumptions participants may have about human rights and disability, as well as discrimination. Ask them to share any questions they have that they hope will be addressed in the training. Tell them they will get a chance to ask more questions later.

<b>3. Learning Goals, human rights and anti-discrimination</b>	Slides 12–20	10 mins
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These slides provide information about the focus of the training, an introduction to human rights protections against discrimination under Ontario law, with a focus on disability. There is some discussion of human rights in federal legislation, including s. 15 of the *Canadian Charter of Rights and Freedoms*.

Review the learning goals with participants. Remind them that the slides will be shared after the presentation.

Slide 19 asks participants what they think the word ‘discrimination’ means in everyday language, and what they think the legal definition is. If you have time, ask them which of the following situations they think could be discrimination under Ontario’s *Human Rights Code*:

1. A neighbour puts up a fence so they don’t have to see a guy kiss his husband. **NO**. The *Code* does not apply to purely interpersonal (like neighbour) relationships.
2. A homeowner rents out rooms to students, but only to students who do not have Canadian citizenship. Everyone in the house shares a kitchen and dining area. **NO**. This is an exception to the law against discrimination in housing. Where the landlord and the tenants share a kitchen, the *Code* does not apply. See section 21(1) of the [Code](#).
3. Insurance company charges higher car insurance premium to young men than young women. **MAYBE**. The insurance company would have to show that the distinction between males and females is based on reasonable and good faith grounds—in other words, evidence of risk of accidents based on actuarial data.
4. Purolator Courier refuses to deliver package because of “ethnic” cooking smells in building. **YES**. It is illegal for a business to discriminate based on a person’s race, ancestry, place of origin, colour, ethnic origin. See section 1 of the [Code](#).

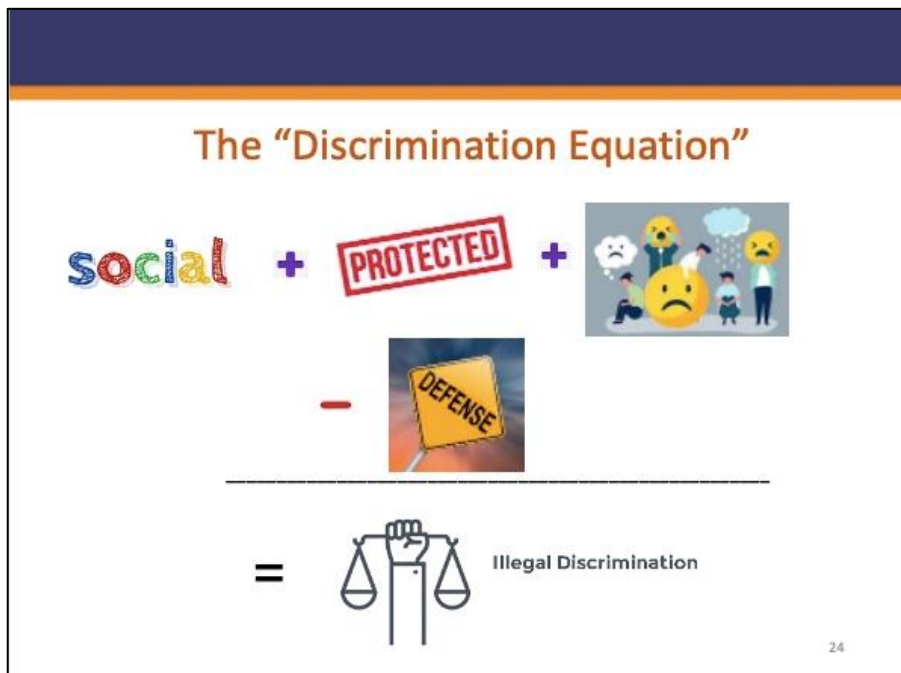
For background information on #3, in 1992 the Supreme Court of Canada defined a practice as *bona fide* if it was adopted honestly, in the interests of sound and accepted business practice and not for the purpose of defeating the rights protected under the *Code*. The Court also decided that an otherwise discriminatory practice is "reasonable" if it is based on a sound and accepted insurance practice and there is no practical alternative. See [Zurich Insurance Co. v. Ontario \(Human Rights Commission\)](#).

#### 4. The "Discrimination Equation"

Slides 21–36

25 mins

These slides discuss an equation that can be used to help 'spot' potential discrimination where each part of the equation is satisfied:



**Social area + protected *Code* ground + negative outcome – defence = illegal discrimination**

Each part of the equation is described and explained in detail in the notes. The objective here is not to have participants think that they can successfully apply the equation in order to provide a legal opinion, but to expose them to each of the parts of the equation that have to be considered.

If there is time, you can ask participants to give examples of economic and non-economic losses before you discuss negative outcome at slide 25 to generate discussion.

You can also ask participants for examples of direct and constructive discrimination, then share examples in slide 26.

### **Duty to Accommodate**

Some participants may already be familiar with the Duty to Accommodate diagram at slide 30. Decide whether you want to ask participants if they think treating everyone equally is the ideal, before you discuss the difference between Equality and Equity.

**Slide 37 — Break:** Tell participants to take a 10-minute break. Tell them when to return.

## **5. ACTIVITY 2: Case scenarios and discussion**

Slides 38–43

20 mins

This section provides case scenarios for participants to apply the “Discrimination Equation”. Depending on your time, you can choose to do them as an entire group or divide participants up into small groups and come back to discuss each scenario as a group. Tell participants that they can use the Handout to discuss and record their ideas about the scenario.



**Handout:** Share the “[Discrimination Equation](#)” handout

### **Scenario 1: Dental discrimination (slide 40)**

- AB is living with HIV, is in great health, takes meds, and HIV is at “undetectable levels”. AB books a dental check-up with new dentist; has no dental problems.
- AB completes the “New Patient Info” form, doesn’t disclose HIV on it.
- In the dentist’s chair, AB tells the dentist about HIV, meds, and “undetectable levels”.
- Dentist says that they can’t do check-up or cleaning at that time, that AB has to book a special hour-long appointment.
- The dentist explains that they need to take special precautions because of risk to staff, other patients.

Allow enough time for participants to think about the scenario and “Discrimination Equation”. You can discuss as a large group or break them up into small groups. After they have shared their thoughts and answers, move on to slide 41 with the answer. Discuss.

**Scenario 1 — Answer** (slide 41)

- **Social area:** services or contract
- **Enumerated ground:** disability (HIV status recognized as a disability under *Code*)
- **Negative outcome:** Injury to dignity, feelings, and self-respect; loss of right to be free from discrimination in accessing dental services; denial/delay
- **Defence:** None. No health and safety risk to AB or dental staff associated with routine dental check-up and cleaning. Dental staff should be trained in, and dental offices should have equipment needed to carry out, universal precautions for infection control and prevention of blood-borne pathogens.
- **Illegal Discrimination:** Yes

**Scenario 2: Workplace discrimination** (slide 42)

- ZZ works on the line at a factory. Shifts are based on union seniority. ZZ has worked the midnight to 8 a.m. shift for one year.
- ZZ has a degenerative eye disease that might eventually cause blindness. ZZ can enrol in a clinical drug trial, but must go to a clinic at 6 a.m., 3 times a week, for 2 months.
- Employer refuses to allow ZZ to change shifts. ZZ does the drug trial using sick days, but eventually runs out of sick days and is fired for missing work.
- Union refuses to grieve termination because “seniority is a fundamental right for our union members”.

Allow enough time for participants to think about the scenario and “Discrimination Equation”. You can discuss as a large group or break them up into small groups. After they have shared their thoughts and answers, move on to slide 43 with the answer. Discuss.

**Scenario 2 — Answer** (slide 43)

- **Social area:** Employment and vocational association
- **Enumerated ground:** disability (degenerative eye disease)
- **Negative outcome:** Loss of employment; injury to dignity, feelings, and self-respect; loss of right to be free from discrimination in employment
- **Defence:** None. Employer and union have duty to accommodate disability, which could have been fulfilled by allowing ZZ to change shifts for two months, or allowing ZZ to exceed maximum number of sick days allowable.
- **Illegal Discrimination:** Yes

**6. Human Rights Tribunal of Ontario (HRTO)**

Slides 44–47

10 mins

**Slide 44** — if there is time, ask participants who they think can represent a person in an application to the HRTO. Wait for their answers.

**Slide 45**

Some of the answers they may give include:

Lawyer

Paralegal

Law student at a legal clinic

Employee or volunteer from a trade union

Immigration consultant

Explain that there is no cost to starting an application and someone can also represent themselves. People are allowed to have a support person if their application goes to a hearing or at a mediation. The Tribunals Ontario [Practice Direction](#) sets out who can represent someone and also explains that a support person can assist the person in participating in the proceeding, communicating with the Tribunal and making necessary decisions. A support person can also sit with the person during the hearing or mediation.

**Limitation period** — an important take home point is the time limit to make a complaint to the HRTO, it must be made within one year of the incident (or the last incident in a series). There is little exception to this rule.

The timeline from application to mediation to hearing and then a written decision is longer than most people imagine. The timelines on Slide 47 are estimates, but the important point is that they can be long and pursuing a human rights application at the HRTO can take an emotional toll on the applicant. Having a good support network is very important.

**7. BRAVE principle | What can community workers do? | Q & A**

Slides 48–50

10 mins

This section provides an opportunity to share practical considerations and tips to share with clients when doing this type of work. It also emphasizes the importance of reaching out for help if you're not sure how to support the client.

**Slide 48 — Supporting a client's disclosure**

The BRAVE tool is designed to help people who hear disclosures of sexual harassment or violence. The “BRAVE” way of supporting clients might also be useful where clients disclose violations of their legal rights and experiences of harassment and discrimination. You can also share the [link](#) to the “BRAVE” tool on the Office of Sexual Violence Support & Education from the Ryerson University website.

**B** — Begin by listening — do not ask questions or for details

**R** — Respect confidentiality — ensure the victim understands your obligations to disclose, where necessary

**A** — Ask the victim what support they want from you

**V** — Validate their experience and remind them it is not their fault

**E** — Empathize — everyone responds to trauma differently, do not push your expectations on them.

**Slide 49 — What can community workers do?**

This slide includes some examples of practical strategies and tips:

- Engage in active listening
- Emphasize the importance of documenting all interactions and record keeping
- Keep the “Discrimination Equation” in mind
- Provide referrals to legal help and emotional or psychological support
- Remind clients that any reporting process can take time, and they may benefit from external emotional support

**Slide 50** provides an opportunity for you to ask if there are any questions or comments. You can adapt the slides to place this slide earlier.

<b>8. Useful Resources</b>	Slides 51	10 mins
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Explain the resources where participants can call or find help. Add local resources to these slides.

If there is Wi-Fi (in an in-person workshop), go to the Steps to Justice website <https://stepstojustice.ca/> to highlight the variety of legal questions there, particularly those regarding human rights and disability. Tell them this slide has links embedded, and you will share the slides after the presentation.

Explain that Steps to Justice includes clear legal information on common questions people have about discrimination (and other legal topics as well). For online training, share your screen and show them a few Steps to Justice questions and resources. This page highlights sample 'Steps' questions about human rights, harassment, and discrimination.

Tell participants that CLEO resources can be ordered online to print and distribute to clients in the community. CLEO also has [COVID-19 specific legal information on other legal topics](#).

Highlight referral resources for participants in **Slide 52**, starting with their local community legal clinic and specialty clinic finder.

The Human Rights Legal Support Centre also provides free legal advice to people experiencing discrimination throughout Ontario. They have many useful legal information materials on their website and offer legal representation in some circumstances.

**Slide 53** — The Human Rights Tribunal of Ontario (HRTO) accepts applications from Ontarians who believe they have been discriminated against on the basis of a protected ground. This slide includes links to FAQs about what constitutes discrimination and how to make an application.

**Slide 54** — The Ontario Human Rights Commission (OHRC) was also established under Ontario's *Human Rights Code*. Their website includes legal information, resources, and policy statements.

The Canadian Human Rights Commission (CHRC) is similar to the HRTO, except that it deals with federally regulated employees who have been discriminated against. The process for the CHRC is unique, in that there are two processes before someone goes to a hearing. They should seek legal advice before proceeding to the CHRC.

If there is time, share your screen to highlight some of these resources.

<b>9. Wrap-up, Feedback, and Evaluation</b>	Slides 55–57	5 mins
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As you conclude your training, respond to any outstanding questions, offer to follow up with additional information, if applicable. Give participants the evaluation form, acknowledge the funders and thank participants.



**Handout:** Share the [Evaluation Form](#)

### Your Feedback

We also want your feedback as the trainer. Please answer the 5 questions in this [survey](#).

### 3. Activity Handouts

This section shows the handouts trainers can give to participants during the session.



The " <a href="#">Discrimination Equation</a> " .....	13
<a href="#">BRAVE tool</a> .....	14
<a href="#">Activity 2: case scenarios and discussion</a> .....	15

# The “Discrimination Equation”

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social area: \_\_\_\_\_

social

+ protected Code ground: \_\_\_\_\_

PROTECTED

+ negative outcome: \_\_\_\_\_



- defence: \_\_\_\_\_



= illegal discrimination? YES \_\_\_\_\_ NO \_\_\_\_\_

# Supporting a client's disclosure

This is an infographic created by [Ryerson University, Office of the Sexual Violence Support and Education](#). The "BRAVE" way of supporting clients might also be useful where clients disclose violations of their legal rights and experiences of harassment and discrimination.

If someone discloses sexual violence to you, it's okay to not have all the answers. You don't need to be an expert to support them. Rather try to remember to be BRAVE:



# B

**Begin by listening.**

Don't pry or press for additional details.

# R

**Respect confidentiality.**

Ensure they understand how and when you will share the information they have provided you.

# A

**Ask what support looks like to them.**

Let go of assumptions. Reporting to the police is not every survivor's vision of justice.

# V

**Validate them.**

Remind them it is not their fault and they are believed.

# E

**Empathize.**

Understand everyone has a different way of healing from violence.

## Activity 2: Case scenarios and discussion

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Activity 2 uses the two scenarios presented on **slides 38 to 43**.

This section provides fact scenarios for participants to apply the “Discrimination Equation”.

Depending on your time, you can choose to do them as an entire group or divide participants up into small groups and come back to discuss each scenario as a group.

Tell participants that they can use the Handout to discuss and record their ideas about each scenario.

## Scenario 1: Dental discrimination?

Do you think this constitutes discrimination?

AB is living with HIV, is in great health, takes meds, and HIV is at “undetectable levels”. Books a dental check-up with new dentist, has no dental problems.

AB completes the “New Patient Info” form, doesn’t disclose HIV.

In the chair, AB tells dentist about HIV, meds, and “undetectable levels”.

Dentist says they can’t do the check-up or cleaning; AB has to book a special hour-long appointment.

Dentist explains that they need to take special precautions because of risk to staff, other patients.

How would you apply the “Discrimination Equation”?

**social area:** \_\_\_\_\_

**+ protected *Code* ground:** \_\_\_\_\_

**+ negative outcome:** \_\_\_\_\_

**– defence:** \_\_\_\_\_

**= illegal discrimination? YES \_\_\_\_\_ NO \_\_\_\_\_**

**Additional comments:**

## Scenario 2: Workplace discrimination?

Do you think this constitutes discrimination?

ZZ works on the line at a factory. Shifts are based on union seniority. ZZ has worked the midnight to 8 a.m. shift for one year.

ZZ has a degenerative eye disease that might eventually cause blindness. ZZ can enrol in a clinical drug trial, but must go to a clinic at 6 a.m., 3 times a week, for 2 months.

Employer refuses to allow ZZ to change shifts. ZZ does the drug trial using sick days, but eventually runs out of sick days and is fired for missing work.

Union refuses to grieve termination because "seniority is a fundamental right for our union members".

How would you apply the "Discrimination Equation"?

**social area:** \_\_\_\_\_

**+ protected *Code* ground:** \_\_\_\_\_

**+ negative outcome:** \_\_\_\_\_

**- defence:** \_\_\_\_\_

**= illegal discrimination? YES \_\_\_\_\_ NO \_\_\_\_\_**

**Additional comments:**

## 4. Supporting Documents

This section provides sample documents trainers can adapt and use for the training.



<a href="#">Flyer</a> .....	19
<a href="#">Agenda</a> .....	20
<a href="#">Evaluation Form</a> .....	21

# Introduction to Human Rights & Disability Law in Ontario

## Legal Information for Community Workers



Do your clients know their rights?  
Do they know how to recognize discrimination?

This free workshop is for you!

### You will learn about:

- Human rights legal protections in Ontario
- The “Discrimination Equation”
- How you can support clients
- Resources and referral information you can share with clients

DATE and TIME: *add date and time*

PLACE: *add venue (online or physical)*

REGISTER: *add registration details*

# Introduction to Human Rights & Disability Law in Ontario

## Legal Information for Community Workers



## AGENDA (sample)

- |   |              |
|---|--------------|
| • Welcome, Introductory Activity (Myth Busting)                     | 9:00–9:20    |
| • Human rights laws in Canada and Ontario                           | 9:20–9:35    |
| • Ontario's <i>Human Rights Code</i>                                | 9:35–9:45    |
| • Duty to Accommodate   | 9:45–10:00   |
| • The "Discrimination Equation"                                     | 10:00–10:10  |
| <b><i>BREAK (10 minutes)</i></b>                                    | 10:10–10:20  |
| • Activity: Case scenarios — applying the "Discrimination Equation" | 10:20–10:35  |
| • What can community workers do?                                    | 10:35–10:45  |
| • Useful Resources  | 10:45–10:55  |
| • Wrap-up, Feedback, Evaluation                                     | 10:55 –11:00 |

## Evaluation Form

### Legal Information for Community Workers' Training: Introduction to Human Rights & Disability Law in Ontario

	1 Strongly <b>DISAGREE</b>	2 ↓	3 ↓	4 Strongly <b>AGREE</b>
1. The objectives of the presentation were clearly stated.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. The facilitator communicated the ideas clearly and effectively.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Before the presentation, I felt confident about my knowledge of human rights and disability law.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. After the presentation, I feel more confident about my knowledge of human rights and disability law.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Before the presentation, I knew where to find legal help for clients about human rights and disability law.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. What was the most useful part of the presentation and why?

7. Do you have any suggestions for how the presentation could be improved?

8. How will you use this information in your work?

9. Other comments and/or suggestions for future training topics: