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Legal Brief*

Vol. 12

Number 4

April 2020

IS A SUMMER DAY CAMP REQUIRED TO INTEGRATE A DISABLED CHILD IN THE CAMP?

Patrick and Marie-Pierre want to enroll their disabled child in the summer day camp offered in their municipality. Their child must take medication during the day, which he cannot administer on his own. He also needs hygienic care. Can the day camp refuse to register him based on these reasons?

First, it should be noted that any day camp service provider, whether public or private, is subject to the application of the Charter of Human Rights and Freedoms. A day camp has the obligation to ensure that children are treated equally, without discrimination, both at the time of registration and during the various activities. Thus, a day camp must receive and process the registration request for a disabled child in the same way as it does for others. Thereafter, any request for services or accommodation must be analyzed on a case-by-case basis. Consequently, a day camp cannot automatically redirect a disabled child to a specialized organization without having carried out an assessment of his situation.

A disabled child may need more services or supervision than another child. In order to assess how to adapt its services, a day camp will have to obtain the necessary information on the child's needs. In this regard, the day camp, in cooperation with the parents, has the obligation to seek and implement measures tailored to the needs identified. The following are examples of possible reasonable accommodations:

- Provide a shadow service tailored to the child.
- Provide health services, including the administration of prescribed medications.
- Adapt the infrastructure used by the camp as well as the equipment used for activities.
- Provide the necessary hygienic care during the day.

Each request must be analyzed on a case-by-case basis. If one of the requests causes undue hardship to the day camp, the camp must consider an alternative solution, in cooperation with the parent(s), or the caregivers. Depending on the circumstances, a constraint may be characterized as excessive when the request received:

- Requires an overly large expenditure that is disproportionate to the day camp's resources.
- Constitutes a major and real obstacle to its functioning.
- Creates a real and significant risk for the safety of the child, that of other children or for others.

Day camps must therefore do everything reasonably possible to allow children with disabilities to be integrated into their activities. They must seek out solutions acceptable to all parties, in accordance with the right to equality, and act with flexibility, diligence and good faith.

For more information, you can view the short video produced by the Office des personnes handicapées du Québec on access by disabled persons to municipal recreational programs and facilities: <https://www.ophq.gouv.qc.ca/publications/outil-de-recherche/video-loisirs-municipaux.html>

Text prepared by
the Office des personnes
handicapées du Québec
(www.ophq.gouv.qc.ca)

Contact Us

Commission des
services juridiques
Communications Department
2 Complexe Desjardins
East Tower
Suite 1404
P.O. Box 123
Succursale Desjardins
Montreal, Québec
H5B 1B3

Telephone: (514) 873-3562

Fax: (514) 864-2351

www.esj.qc.ca

* The information set out in this document is not a legal interpretation.

The masculine is used to designate persons solely in order to simplify the text.