Landmark federal court decision for Deaf, deafened, and hard of hearing Canadians:

Federal Court of Canada requires better access to government agencies and the democratic process for Canadians with hearing loss.

Ottawa, ON – On Friday, August 12, 2006, the Federal Court of Canada released a decision that has significant implications for access of deaf, deafened, deaf-blind and hard of hearing Canadians to the federal government.

Citing the 1997 Supreme Court of Canada *Eldridge* decision, the Federal Court ruled that the Canadian Association of the Deaf (CAD) (as represented by Deaf lawyer, Scott Simser), and Deaf individuals James Roots, Gary Malkowski, Barbara Lagrange and Mary Lou Cassie were denied the services of sign language interpreters during access to the policy development process; opportunities to contract with the federal government; and, to participate in the Statistics Canada Labour Force survey.

“As Canadians, deaf persons are entitled to be full participants in the democratic process and functioning of government,” states the Honourable Mr. Justice Mosley in his written judgment. “It is fundamental to an inclusive society that those with disabilities be accommodated when interacting with the institutions of government.”

The decision included three important declarations:

a) Where a deaf or hard of hearing person receives services or participates in programs administered by the Government of Canada, sign language interpreters are to be provided.

b) Where the Government of Canada engages in public or private consultations with non-governmental organizations in the development of policy and programs in which the deaf and hard of hearing have identifiable interests, sign language interpreters must be provided where organizations of deaf and hard of hearing people wish to be involved.

c) In the above circumstances, the Government of Canada is responsible for the cost of access.

“This is vindication for the equality of Deaf people," proclaimed Sheila Carlin, President of CAD which represents 300,000 Deaf people. "The Federal Court has said unequivocally that we are entitled to equal treatment. Now we want to see all levels of government live up to that truth."

"We should no longer have to re-litigate *Eldridge*,” said Jim Roots, Executive Director, CAD. “This decision sends a clear, direct statement that governments everywhere in Canada have to provide full and timely access to Deaf and hard of hearing Canadians, and not just in services, but also with respect to the democratic process.”

"For Deaf, deafened, deaf-blind and hard of hearing individuals, this is a tremendous victory both in terms of equal citizenship and language rights," says Kelly Duffin, President and CEO of The Canadian Hearing Society. “We are also extremely pleased to see the inclusion of written and electronic media which presumably would extend to

captioning, a text accommodation often required by deafened and hard of hearing Canadians who don't use sign language."

"It feels like the end of the Berlin Wall," says Gary Malkowski, CHS Special Advisor to the President, Public Affairs. "The barriers are about to start coming down."

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