THE CANADIAN HEARING SOCIETY
LA SOCIÉTÉ CANADIENNE DE L'OUÏE

# The Canadian Hearing Society Position Paper on Access to Democracy and the Electoral System

## The Issue

Democracy is the foundation of every free country in the world; yet culturally Deaf, oral deaf, deafened and hard of hearing Canadians continue to be denied the accommodation they need for full and equal access to the democratic process in Canada.

## The Canadian Hearing Society (CHS) Position on the Issue

Without equal access, there can be no equal opportunity; without equal opportunity, a fundamental right of Canadian citizenship and democracy itself is denied. Further, we believe that society as a whole loses when people with disabilities are unable to volunteer, make educated choices about candidates (via vehicles such as all-candidates meetings), vote, or run for office.

It is the position of CHS that culturally Deaf, oral deaf, deafened and hard of hearing Canadians have the right to be able to communicate fully with political candidates and elected representatives or as political candidates and elected representatives. Therefore, all levels of government, all political parties, as well as all provincial and territorial election organizations and Elections Canada should be responsible for providing any and all accommodations culturally Deaf, oral deaf, deafened or hard of hearing citizens need in order to participate as voters, volunteers or candidates in Municipal, Provincial and Federal Election campaign activities (i.e. from pre-nomination meetings to post-election activities), Provincial or Federal Riding Association activities, political party conventions, as well as advance polls, election polls and referenda.

## The Prevalence of Hearing Loss

Almost 25% of adult Canadians report having some hearing loss (CHS Awareness Survey 2002), although closer to 10% of people actually identify themselves as culturally Deaf, oral deaf, deafened, or hard of hearing.

The average age in Canada is 39 years; by 2030 it will be 45 years. In 2030, Canadians 65 years and older will represent 25% of the total population, nearly double their current 13% (Statistics Canada).

Hearing loss is the third most prevalent chronic condition in older adults and the most widespread disability (Fook 2000; Yueh 2003). Its prevalence rises with age. Reports indicate that more than 80% of patients over 85 have a hearing loss (Yueh 2003). Further, 46% of people aged 45-87 have hearing loss (Dalton 2003).

Couple these statistics with the fact that aging is the #1 cause of hearing loss, and the conclusion is clear that the incidence of hearing loss is poised to climb dramatically.

## Terms Key to Understanding the Issue

*Accessibility* refers to a barrier-free environment. In particular, it means identifying and removing barriers and creating an environment so that its use and interaction with people is maximized regardless of culture or abilities. Accessibility also includes ensuring policies and services are free from barriers.

CHS acknowledges the position of the World Health Organization which states that “much of what disables people from participation is not the disability itself but rather the environment or aspects of the environment, external features of society created by people”.

*Accommodation* refers to providing the tools or practical measures that create access and is required when barriers have not or cannot be removed.

In keeping with Human Rights principles, accommodation is to be provided in a way that respects the individual’s dignity, which encompasses self-respect and self-worth, and entails such things as privacy, confidentiality, autonomy, and integrity. It recognizes that no two communication barriers are exactly the same and, therefore, each person is entitled to an accommodation that best suits his or her individual needs. Examples of individualized accommodation include ASL-English interpreting, real-time captioning, and computerized note-taking.

Implementing accessibility in new construction or major renovations would include the installation of such accommodations as visual fire alarms, integrated FM systems, visual announcement systems and text-telephones (TTYs).

When accessibility and accommodation are fully applied, we achieve full integration and participation by individuals who are culturally Deaf, oral deaf, deafened or hard of hearing.

**The Rationale for CHS’s Position**

CHS’s position is consistent with the landmark Federal Court decision Canadian Association of the Deaf vs. Canada (August 11, 2006). In his ruling, the Honourable Mr. Justice Mosley wrote: “As Canadians, deaf persons are entitled to be full participants in the democratic process and functioning of government. It is fundamental to an inclusive society that those with disabilities be accommodated when interacting with the institutions of government. The nature of the interests affected is central to the dignity of deaf persons. If they cannot participate in government surveys or interact with government officials they are not able to fully participate in Canadian life.”

George Thomson, former judge and deputy minister in both Ontario and for the federal government, Chair of Ontario’s Citizens Assembly in comments made to the Ontario Citizens Assembly on Electoral Reforms: “In my opinion … Justice Mosley’s decision in the Federal court, which the federal government has not appealed, is potentially quite far-reaching in its impact… I could see it being used to support a strong argument that persons with disabilities are entitled to the resources and other measures that would give them equal access to the electoral process." January 22, 2007

It is also important to recognize that CHS’s position is also consistent with the United Nations Convention Protecting Rights of Persons with Disabilities, Article 29: Participation in Political and Public Life (Signed by the Government of Canada, March 30, 2007 and ratified March 2010). Article 29 mandates all member nations to ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected; and further, promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs.

**Frequently Asked Questions**

- *How is The Canadian Hearing Society involved?*

  In addition to our many services and advocacy efforts, following the January 2006 federal election, The Canadian Hearing Society, the Canadian Paraplegic Association Ontario, the Canadian Helen Keller Centre and the Canadian National Institute for the Blind pooled our collective insight and experience and formed a special Accessible All-Candidates Meeting (AACM) Committee to promote the inclusion of people with disabilities in the electoral process. Fueled by the success of five landmark fully accessible all-candidates meetings in pilot communities during that federal election, we aim to extend and ensure opportunities for persons with disabilities to have equal access to democratic and electoral processes. The AACM Committee is working with the Ministry of Community and Social Services (MCSS) Accessibility Directorate, the Democratic Renewal Secretariat, the Ontario Citizens Assembly on Electoral Reform, Elections Ontario, Elections Canada, the Association of Municipalities of Ontario, and the Association of Municipal Clerks and Treasurers of Ontario to make sure the democratic process is accessible to all voters, candidates, volunteers and citizens.

- *Does the August 2006 Federal Court ruling apply to other levels of government (i.e. Access to Democracy Process and Functioning of Government)?*

  Technically, since this decision is only at the level of the Federal Court of Canada, it applies only to the Government of Canada. However, on a substantive level, the decision does apply to provincial and municipal governments, because if these governments were ever challenged in court on a similar basis, there is little to differentiate their provision of access and accommodation services from that of the Federal government.

- *I'm an election campaign manager or returning officer or staff from Elections Ontario or Elections Canada, or a clerk at a Municipal office or an organizer of an Accessible All-Candidates Meeting or organizer of a Riding Association's activities and I'm not sure what I can or should do to accommodate voters, volunteers, citizens or candidates with hearing loss. Where do I turn?*

  We're here to help! The Canadian Hearing Society has a long history of working with both private and public sector organizations to design and implement customized accommodation strategies. We invite readers to download our free guide: Get connected to Deaf, Deafened and Hard of Hearing People: A Guide for Service Providers and Businesses. To obtain information on the Checklist Guide for Voters, Volunteers, Citizens or Candidates who participate in riding association activities, election campaign activities or election polls contact us to find out more about our accommodation consultation services.

For more information please contact CHS Information Officer at The Canadian Hearing Society. Phone: 1-877-347-3427, TTY 1-877-347-3429 and e-mail info@chs.ca or visit us on the web at http://www.chs.ca.

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