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**The Canadian Hearing Society Position Paper on**

**Challenges and Issues regarding**

**Communication Access Realtime Translation (CART)**

**Services in Canada**

**Key Terms**

CART (Communication Access Realtime Translation) is the professional translated transcription of speech to text through a third party. It enables culturally Deaf, oral deaf, deafened and hard of hearing people to have visual access to the spoken word. CART services can be provided on-site or remotely.

On-site CART services have a CART writer at the location where the event is taking place.

Remote CART services involve users (the deaf or hard of hearing person) signing-on to a website that carries the CART transmission. They access remote CART service from either one or multiple locations.

CART transmissions can be displayed on individual laptop computers, personal digital devices, large monitors or LCD projectors for the benefit of ALL participants in the event.

For the purposes of this paper, the term CART shall refer to both on-site CART and remote CART services.

**⏹ The Issue**

There are several key issues/challenges that are impacting Canadian deaf and hard of hearing citizens who use and depend on both on-site and remote CART services.

1. Inconsistent understanding of CART services
2. Increased demand for CART services by consumers
3. A significant shortage of qualified Canadian CART providers
4. Very limited Canadian accredited post-secondary training programs
5. Reliance on the certification system of non-Canadian countries
6. Lack of legislation or inadequate language in government policy to affirm access rights in the form of CART services for those needing it

⏹ **The Canadian Hearing Society (CHS) Position**

Discrimination in any form closes the door to equal opportunity, a fundamental right of Canadian citizenship and democracy itself. Culturally Deaf, oral deaf, deafened and hard of hearing Canadians have the right to fair and equitable treatment, to participate equally in the workplace, and to communicate fully and freely with businesses, non-profit organizations and government. It is the position of CHS that the public and private sectors must be responsible for ensuring discrimination-free environments. When qualified CART providers are not available, Deaf and hard of hearing people experience differentiated treatment that has potentially life-threatening or economic consequences (such as in medical, employment or educational contexts).

⏹**The Rationale for CHS’s Position**

**1. Inconsistent understanding of CART services**

In many settings, there is confusion about what CART is and the purpose it serves. Educational institutions have used volunteer (usually other students) notetaking services to provide students with summary notes. Captioning, both open and closed, has been integrated into television programing for some time now. Both of these services have been providing access on some level for individuals, however they do not provide equal access in the same way as a sign language interpreter or CART services.

**2. Increased demand for CART services by consumers**

Three primary dynamics have created an increase in the demand for CART services and have formalized the CART profession as a legitimate and valued communication access tool:

* An increased and growing awareness of accommodation rights among consumers in need of speech-to-text services
* A change in the demographics as the baby boomers age and the prevalence of hearing loss increases resulting in a large and active consumer group
* Advances in technology and technology use which have enabled the field to deliver service remotely via the internet therefore enhancing the availability of the service

**3. A significant shortage of qualified Canadian CART providers**

CHS’s experience of engaging Canadian professionals working in this field has been challenging. The highest demand and most lucrative work for realtime court reporters is in the legal sector. This diminishes the number of realtime court reporters who are available to provide CART services to the broader community. In addition, the small Canadian population spread over a large geographic area creates challenges in deploying the limited number of qualified CART providers to small centres and remote northern regions. Remote CART services have been able to overcome some of these challenges, however U.S. vendors offer remote CART services at a lower cost. This creates an unfair competitive environment for Canadian CART providers and leads to services lacking a Canadian context.

**4. Very limited Canadian accredited post-secondary training programs**

Currently there are only three post-secondary training programs in Canada preparing students to provide CART services: Northern Alberta Institute of Technology (NAIT) in Edmonton (nait.ca); L’École de sténographie judicaire du Québec (ecoledestenographie.ca) in Montreal; and the Canadian Centre for Verbatim Studies (CCVS) in Toronto (verbatimstudies.com). These programs graduate a small number of students; NAIT reported graduating 28 students in a three-year period. However the employment rate is very high: NAIT reports 90.3% employment after one-year of graduation with salaries in the $50,000 range.[[1]](#footnote-1)

Similar to other fields, graduation from a training program does not mean the individual is certified. This must be undertaken separately.

**5. Reliance on the certification system of non-Canadian countries**

Upon graduation, individuals usually seek to become certified in the field. While some professional shorthand and court reporter Canadian associations have undertaken testing in the past, it seems more are relying solely on the National Court Reporters Association (NCRA.org) testing and certification services located in the US. NCRA offers 10 different certification programs including Certified CART Provider (CCP). This certification requires a written test of knowledge and a skills test which to pass requires accurately writing realtime for five minutes at 96% accuracy from professionally recorded literary material at the speed of 180 words per minute.

There is no professional association for CART providers. However membership in associations where graduates obtain credentials is required to maintain their professional standing. In Canada, CART providers may also belong to the shorthand or court reporter associations in Alberta, British Columbia and Ontario.

**6. Lack of legislation or inadequate language in government policy to affirm access rights in the form of CART services for those needing it**

For the most part, all levels of government across Canada have been slow to adopt CART services as an effective accessible communication approach for individuals with a hearing loss who do not understand signed languages. In the US, it was the impetus of the Americans with Disabilities Act (ADA) and years of judicial challenges that eventually enforced the need for accessibility. In Canada, only two provinces have accessibility legislation: in Ontario, the Accessibility for Ontarians with Disabilities Act (AODA) and in Manitoba, the Accessibility for Manitobans with Disabilities Act (AMOA). Even with the AODA in place in Ontario, it will take time for the provision of services to be integrated into the everyday operations of the public and private sectors. Until then, Canadians who are denied services are compelled to make their case to federal, provincial and territorial human rights’ tribunals.

⏹ **Collaborative and Coordinated Response**

Collaboration and coordinated, targeted action is necessary to ensure deaf and hard of hearing consumers receive qualified professional services that meet the legal and moral requirements of non-discrimination, and ensure consumers are provided with the highest quality of CART services throughout Canada.

The following stakeholders need to work together to find solutions to resolve these crucial issues:

* Legislators and regulators
* All levels of government (municipal, provincial, territorial and federal)
* CART providers and agencies offering CART services
* Trainers/educators preparing students to become CART providers
* National and/or provincial organizations representing CART providers
* Deaf and hard of hearing individuals who use CART services

The objectives of the collaboration should be:

* To provide public education activities that clearly define the service and clarify the qualifications and availability of Canadian of CART providers
* To develop and deliver education activities that increase the awareness of consumers who may need the service and explain approaches that can be undertaken if their access rights are being denied
* To establish public funding for the delivery of CART services for one-on-one interactions such as medical appointments with physicians and lawyers
* To establish mechanisms to enforce standards and best practices for CART services in educational, community, medical and legal settings (e.g., professional designation, protected title, regulated profession)
* To establish effective ways to schedule CART services; to explore the use of technology and other tools to maximize coverage in each region across the country
* To increase the pool of certified/qualified CART providers in Canada
* To monitor the impact of telephone and TV captioning services on the provision of CART services, including recruitment, retention, work incentives, etc.
* To establish national and provincial mentorship programs to strengthen the skills of CART providers and retain them in the field
* To support an increase in accredited post-secondary opportunities to ensure the pool of qualified CART providers can meet the increasing demand
* To create a venue for consumers and CART providers to collaborate to increase the understanding of each other’s needs, challenges and opportunities

⏹**Relevant Resources**

In addition to clear moral and ethical grounds, existing legislation, significant legal decisions, and independent research reports support CHS’s position. In brief, they are as follows: 2 [[2]](#footnote-2)

*United Nations Convention on the Rights of Persons with Disabilities [2014]*

Canada and 130 other Member States and the European Community signed and ratified this landmark new convention at the United Nations. The treaty aims to eradicate discrimination against persons with disabilities in all areas of life including employment, education, health services, transportation and access to justice. The Convention requires States Parties to acknowledge sign language, promote the linguistic identity of the Deaf community, and provide sign language interpreters among other issues relating to people who are Deaf.

*The Canadian Charter of Rights and Freedoms [1982]:* The Charter is a bill of rights entrenched in the Constitution of Canada. The Charter protects the political and civil rights of all Canadians, and supercedes all provincial human rights codes. The Charter is explicit in its provision for sign language interpreting services during any proceeding in which Deaf Canadians are involved (see Section 14 and 15.1).

*Canadian Human Rights Act [1985]:* This Act extends the laws of Canada to uphold the principle that “all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated...without being hindered in or prevented from doing so by discriminatory practices based on...disability."

*Eldridge v. British Columbia (Attorney General) [1997]:* The Court ruled that it is the responsibility of governments to provide sign language interpreting. While Eldridge dealt specifically with the right to sign language interpreting in the health care system, the principles set out apply more generally to services provided by government, or provided by non-government organizations carrying out specific government objectives.

*Canadian Association of the Deaf, et. al. v. Her Majesty the Queen [2006]:* This most recent Federal Court of Canada decision requires that all Federal Government programs, offices and services provide sign language interpreting services "upon request." The ruling makes explicit the right of access to government.

*Ontario Human Rights Commission's Policy and Guidelines on Disability and the Duty to Accommodate [2000]:*The Ontario Human Rights Code explicitly states that everyone has the right to be free from discrimination. The Policy and Guidelines outline the details and give practical measures for workplaces, public transit, health services, restaurants, shops, and housing to provide Ontarians with disabilities equal treatment and barrier-free access.

*Accessibility for Ontarians with Disabilities Act [2005]:* Passed unanimously in the Ontario Legislature, this Act commits the government of Ontario to create, implement, and enforce standards of accessibility with respect to goods, services, facilities, accommodation, employment, buildings, structures and premises for the 16 per cent of Ontarians with disabilities, including people who are culturally Deaf, oral deaf, deafened, and hard of hearing.

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 [www.chs.ca](http://www.chs.ca).

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1. NAIT Graduate Satisfaction and Employment Survey Graduate Employment Rates by Fulltime program: http://www.nait.ca/program\_home\_76345.HTM. [↑](#footnote-ref-1)
2. 2. For links to these and other resources on accessibility and the duty to accommodate, please visit our website at [www.chs.ca](http://www.chs.ca) [↑](#footnote-ref-2)