

Providing Barrier-Free Legal Services
to Deaf and Hard of Hearing Clients
whose Language is a Signed Language

LANGUAGE & COMMUNICATION ACCESS CHECKLIST



CHS | SCO

CANADIAN HEARING SOCIETY
SOCIÉTÉ CANADIENNE DE L'OUÏE



The Law Foundation of Ontario
Building a better foundation for justice in Ontario

The Canadian Hearing Society
gratefully acknowledges
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The Canadian Hearing Society

Founded in 1940, The Canadian Hearing Society (CHS) is the leading provider of services, products, and information that remove barriers to communication, advance hearing health, and promote equity for people who are culturally Deaf, oral deaf, deafened, and hard of hearing. CHS is a not-for-profit organization governed by a board of directors, the majority of whom are deaf, deafened, or hard of hearing.

Unique in North America, CHS offers a complete roster of essential services through a network of 28 offices. Services include a complete menu of **Accessibility Services** – interpreting, CART, consulting, communication devices; a wide range of **Counselling** – employment consulting, outreach and counselling to older adults, general and mental health counselling, addiction and court diversion services; **Education** – sign language instruction, literacy, and information and public awareness; and holistic **Hearing Healthcare** – hearing testing, hearing aid sales and counselling support.

Experts in accessibility, CHS offer products, services, assessments, information and training to provide your accessibility solutions.



OIS on-site interpreting

Ontario Interpreting Services (OIS) and CART

Established in 1981, **Ontario Interpreting Services (OIS)** provides quality American Sign Language (ASL) – English interpreting services across Ontario, and la langue des signes québécoise (LSQ) – French interpreting services in some regions of Ontario. We accept pre-booked, last minute/urgent and emergency interpreting requests. On-site or video remote interpreting (VRI) services are available. VRI enables Deaf and hearing people to communicate through an interpreter at a distant location via video conferencing technology.

Note: We will try our best to fill your request however, due to an interpreter shortage; we may not always be able to secure interpreters to meet your request.

Our interpreters adhere to a strict professional code of conduct, are internally screened, insured, undergo a security check and are experienced in delivering service in a variety of community settings. They participate in on-going professional development and training to support their skills development.

Communication Access Realtime Translation (CART) is the professional word-for-word transcription of speech to text in real time and provides Deaf, hard of hearing and deafened people full access to the spoken word.

CHS CART services can be provided on-site or remotely. On-site CART services have a CART writer at the location where the meeting is taking place. Remote CART services involve the Deaf or hard of hearing person logging into a secure website that carries the CART transmission.

Users can access remote CART service from either one or multiple locations. CART transmissions can be displayed on individual laptop computers, large monitors or LCD projectors for the benefit of ALL participants in the meeting.

All CHS CART writers are affiliated with their professional association and transcribe at 180 to 225 words per minute and meet a 98% verbatim accuracy rate.



Legal Practitioners

Legal practitioners are responsible for providing the accommodations needed to communicate effectively with Deaf and hard of hearing clients. A legal practitioner who fails to provide accessible communications with a client is not meeting his or her duty of competent and zealous representation under the Law Society of Upper Canada's Rule of Professional Conduct. Furthermore, legal practitioners have a legal duty to accommodate Deaf persons and people with hearing loss by providing accessible and effective communication under the Ontario Human Rights Code and Ontario Human Rights Commission Policy and Guidelines on Duty to Accommodate Persons with Disabilities (<http://www.ohrc.on.ca/en/issues/disability>):

Many barriers to the equal participation of members of Francophone, Aboriginal and equality-seeking communities in the legal profession exist because of inadvertence or lack of awareness of special needs, and not because people have deliberately sought to discriminate. Law firms and the legal profession have the responsibility to remove barriers and to adopt proactive measures to attain equality and inclusiveness. The Ontario Human Rights Code (the Code) and the Rules of Professional Conduct require these changes in order to give meaning to the rights to equality and freedom from discrimination. The duty to accommodate applies to all the grounds enumerated in the Code. However, in the context of employment and the provision of services, the most common requests for accommodation are based on disability, family responsibilities, pregnancy and/or creed.

Historically, persons with disabilities have borne virtually all the costs, both financial and personal, of their special needs. Providing effective accommodation means that law firms should adopt a proactive approach in undertaking systemic accessibility audits, developing action plans and implementing the necessary changes to make facilities, procedures and services accessible to members, staff and clients with disabilities. Accommodation can also be understood as a means of removing the barriers that prevent persons with disabilities from enjoying equality of opportunity in a way that is sensitive to their individual circumstances so that we all may benefit from their active participation in the community.

The Ontario Human Rights Code (the Code) provides for equal rights and opportunities, and freedom from discrimination. The Code recognizes the dignity and worth of every person in Ontario. It applies to the areas of employment, housing, facilities and services, contracts, and memberships in unions, trade or professional associations. In other words, the inability to communicate directly with a Deaf or hard of hearing person in mutually understood language does not automatically preclude the lawyer's representation of that Deaf or hard of hearing person. It is important to provide adequate legal services; there must be an effective communication access provision.



On-site interpreting services and CART provide access for this video conference

Definitions

OIS Interpreter: Proficient in American Sign Language (ASL) and English, or la langue des signes québécoise (LSQ) and French. Professional OIS interpreters are knowledgeable in the language and culture of Deaf and hearing people and provide communication in both a signed language and a spoken language ensuring that the message is interpreted in a culturally appropriate manner. See CHS Ontario Interpreting Services, page 5.

OIS Deaf Interpreter: Professionally trained OIS Deaf interpreters are fluent in ASL or LSQ (native language users) as well as non-standard forms of ASL or LSQ. Deaf interpreters are invaluable in that they are members of the same cultural community as your Deaf client.

Deaf and non-Deaf interpreters (hearing interpreters) work together as a professional team to facilitate the communication process. The following are situations where expertise of Deaf interpreters maybe required:

- 1) when Deaf children are involved
- 2) when the Deaf person uses a non-standard form of a signed language
- 3) when the Deaf person is extremely ill or has physical restrictions or cognitive limitations
- 4) during mental health assessments and/or treatment; and
- 5) during police, court and other legal settings

Video Remote Interpreting (VRI)

CHS VRI Services enable Deaf and hearing people in the same room to communicate through an interpreter who is located off-site via video conferencing technology. Trained OIS interpreters provide service from private and secure individual suites.

When on-site interpreting is not available, VRI may be an option.

CHS Communication Access Realtime Translation (CART): CART is the professional word-for-word transcription of speech to text in real time and provides Deaf, hard of hearing and deafened people full access to the spoken word. See CHS CART services, page 5.



OIS VRI Services

Language and Communication Access Checklist

As a system:

- Does your legal clinic/law firm have a policy in place regarding the Duty to Accommodate Deaf and Hard of hearing people in the contexts in which you work?
- Does your legal clinic/law firm have established protocols and procedures for securing professional interpreting services?
- Does your legal clinic/law firm provide employee awareness training for working with Deaf or hard of hearing individuals?
- Are there processes in place for Deaf and hard of hearing people to file a complaint and/or appeal when communication supports and interpreting services have not been provided in accordance with the Duty to Accommodate?
- Have you created a tracking system for logging all efforts for accommodation including grievances and follow-up efforts?

Before events take place with Deaf people:

- Have you determined the accommodations needed for effective communication? If the client is Deaf or hard of hearing, does he or she communicate in a signed or spoken language, are the accommodations human resources or technology or both?
- Have you determined whether the person uses American Sign Language or another signed language (e.g., la langue des signes québécoise)?
- Have you contacted CHS Ontario Interpreting Services (OIS) and CART that can provide professional and impartial interpreting services and Communication Access Realtime Translation (CART) services?
- Have you planned for accommodation needs ahead of time for meetings? Some access resources require booking in advance.
- Do you have a policy/procedure in place to videotape/record all interviews with Deaf or hard of hearing individuals who use signed language interpreters or CART? Have you informed the interpreters and CART writers of intentions to record?
- Have you reviewed 'Working Effectively with an Interpreter' from The Canadian Hearing Society, Ontario Interpreting Services (OIS)?
- Have you made the connections for VRI or remote CART and made sure that you are connected?

During meeting with Deaf participants:

- Have you reviewed all written materials with the Deaf or hard of hearing individuals in order to ensure that they are able to access and understand these materials?
- Do you monitor employee interaction to ensure that Deaf or hard of hearing individuals are not being marginalized, isolated, or treated with disrespect? Keep in mind that legal settings communication is often spoken and all parties need to be sensitive and consider those with hearing loss when accessing and providing information.
- Do you communicate with and to the Deaf or hard of hearing client directly and not about the client to the interpreter or CART writer?
- Do you have a facilitator or chairperson to recognize speakers before they speak so that one person is speaking at a time? If different people respond quickly back and forth, the interpreters do not have time to identify who is speaking or to fully interpret what is being said. There is a "lag" time in interpretation and with CART as the interpreter and CART writer first see or hear the discussion and then interpret/type. They also need to have time to finish interpreting or typing the previous speaker's comments before the next speaker is recognized. This means that the Deaf or hard of hearing person does not lose the opportunity to participate.
- Are you avoiding side conversations that are not accessible?

After meetings:

- Have you followed policy and procedures to accept and manage complaints about access and accommodations?
- Have you provided a 'Client feedback form' for them to evaluate the meeting including the communication access

How to book an OIS Interpreter:

- Call or email The Canadian Hearing Society (CHS) office nearest you, and ask for an OIS Assignment Coordinator. You can locate the office information on our website at chs.ca
- Give the OIS Assignment Coordinator the following information:
 - Name and telephone number of the consumers
 - Date, time and location of appointment
 - Name and phone number of contact person for the interpreter
 - The purpose of the appointment
 - The number of people who will be present
 - Special circumstances such as video recording, media coverage, etc
- Call or email at least 2 weeks before your appointment. OIS needs as much notice as possible to book an interpreter for you
- For emergency requests, call the Call Centre at Phone: 1-866-256-5142 or TTY: 1-866-831-4657; Email: ois@answerplus.ca
- For Video Remote Interpreting (VRI) requests, contact vri@chs.ca
- Any assignment that is longer than two hours, or is complex, requires two interpreters
- A Deaf interpreter may be booked if necessary

Ontario Interpreting Service is located in the following CHS offices across Ontario

Belleville/Kingston	oisbelleville@chs.ca
Durham/Peterborough	oisdurham@chs.ca
Hamilton	oishamilton@chs.ca
Chatham/London/Sarnia	oislondon@chs.ca
Ottawa	oisottawa@chs.ca
Mississauga/Halton	oispeel@chs.ca
Sault Ste. Marie	oissaultstmarie@chs.ca
Simcoe York Region	ois york@chs.ca
Sudbury	oissudbury@chs.ca
Sudbury/Ottawa French & LSQ service	siosudbury@chs.ca
Thunder Bay	ois thunder bay@chs.ca
Toronto	ois toronto@chs.ca
Waterloo	ois waterloo@chs.ca
Windsor	ois windsor@chs.ca



Mission

The Canadian Hearing Society (CHS) is the leading provider of services, products, and information that remove barriers to communication, advance hearing health, and promote equity for people who are culturally Deaf, oral deaf, deafened, and hard of hearing.

Vision

A society where all people are respected, have full access to communication, and are able to participate without social, economic, or emotional barriers.

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