

Sign language ruling by the Federal Court of Canada

On August 11, 2006 the Honourable Mr. Justice Richard Mosley of the Federal Court of Canada ruled that all government services must be accessible, free of charge, to Deaf citizens. This ruling will enable Deaf persons whose first language is Sign Language to more easily use government services such as the Passport Office, RCMP Detachments, border crossings and other federal establishments.

Justice Mosley states that “as Canadians, deaf persons are entitled to be full participants in the democratic process and functioning of government.” He also wrote that “It is fundamental to an inclusive society that those with disabilities be accommodated when interacting with the institutions of government.” While this ruling is a positive step forward for the Deaf community of Canada (approximately 260,000 Canadians), this ruling does not assist in any way Canadians who are hard of hearing, a group conservatively estimated at 3 million, who use speech to communicate, bolstered by strategies and supports such as speech reading, print interpretation, hearing aids and assistive listening devices.

The vast majority of Canadians who identify as hard of hearing, with a loss ranging from mild to profound, do not use or understand sign language. In difficult listening environments, they derive the most benefit from another form of visual communication - print interpretation. This ranges from the open or closed captioning available on television, to notetaking in learning situations and, most importantly, Real Time Captioning (also known as CART, computer-assisted realtime). This is a necessary tool that allows hard of hearing people to participate comfortably in court situations and many other government and public services.

The Canadian Hard of Hearing Association (CHHA), a national consumer organization representing hard of hearing Canadians, is very pleased for Deaf Canadians on their hard-fought victory; however, this ruling offers no direct benefit to the vast majority of Canadians with hearing loss who do not ‘sign’. CHHA hopes to work with the federal government to ensure equal access for all Canadians with hearing loss.

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