

August 29, 2006

The Honourable Vic Toews  
Minister,  
Justice Canada  
239 Kent Street, 306 Justice building  
Ottawa, Ontario K1A 0A6

Dear Mr. Minister:

**Subject: The Federal Court of Canada Decision on the Provision of Sign Language**

*(The Canadian Association of the Deaf, James Roots, Gary Malkowski, Barbara LaGrange and Mary Lou Cassie vs. The Queen, 2006 FC 971)*

On August 11, 2006, the Honourable Mr. Justice Mosley of the Federal Court of Canada rendered a judgment regarding access to government by persons who use sign language. The Canadian Hard of Hearing Association (CHHA) supports the decision of the court and congratulates the applicants. This decision will benefit the approximately 300,000 Canadians who are Deaf who use sign language (for example, ASL or LSQ) as their principal means of communication. For these Canadians, the Federal Court's decision is clearly a positive step in regard of the provision of visual interpretation (i.e., professional sign language interpretation) when these persons need to access the services of the Government of Canada in some way.

It is however important to understand that the court's decision does not recognize the people of Canada who live with hearing loss and who face communication barriers, but who do not use a sign language as their primary means of communication. Persons who are hard of hearing or deafened require assistive listening devices and print interpretation services (e.g., Communications Access Realtime Translation [CART], captioning and realtime print reporting technologies).

The needs of Canadians who are hard of hearing or deafened were not at issue before the court.

The Canadian Hard of Hearing Association works closely with government and the private sector and depends on technology to allow their participation at various events and presentations. The decision rendered by Justice Mosley is indeed a breakthrough for persons in the community of the Deaf, however it is of no benefit for the over three million Canadians who are hard of hearing or deafened and continue to work on advancing towards full access and full citizenship in Canada.

In evaluating the impact of this decision, it is necessary to define the difference in identity and access needs between persons who are Deaf and persons who are hard of hearing or late-deafened. It is not about the degree of hearing loss but rather about the person's choice of language and communication skills. Persons who are Deaf may use sign language as their primary language; whereas, people who are

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hard of hearing or late-deafened primarily use the spoken language (e.g., English or French) and technological strategies to receive communication.

People who are hard of hearing or late-deafened seek equal access to effective communication and to be part of Canada's mainstream society. In other words, it is part of their identity that they be an integral element of Canada's social fabric as are all citizens in Canadian society. Persons who are hard of hearing or late-deafened do live with hearing loss, but they do not use sign language as a primary language for communication. Many do not use or understand signing in any form and thus depend on other avenues for accessing communication.

The Federal Court's ruling deals only with sign language interpretation, because this was the only issue brought to the court's attention by the Applicants. It does not deal with the training of personnel in communicating with persons who are hard of hearing or deafened, nor does it deal with the technological supports needed for effective communication with persons who are hard of hearing.

There is much confusion in the media, the public and among Canadians with hearing loss as to the potential impact of the Federal Court's decision. The Canadian Hard of Hearing Association is pleased for the court's recognition of the 1% of Canadians who are Deaf. However three million Canadians with hearing loss, who are hard of hearing or late-deafened and who do not rely on sign language should also be considered and dealt with in a positive manner by the Government of Canada. We ask for your understanding and support to ensure that the community of persons who are hard of hearing and late-deafened are also included when putting this very important decision into action.

Your attention to this matter is requested and appreciated. Should you wish to view information Canada's only national bilingual consumer-based organization representing people who are hard of hearing and late-deafened, please consult the Canadian Hard of Hearing Association's website is [www.chha.ca](http://www.chha.ca). In the event that you or your officials would like to discuss this matter I would be pleased to assist.

Yours truly,

Janice McNamara  
CHHA National  
Executive Director

c.c. Hon. Stephen Harper, Prime Minister of Canada  
Hon. Diane Finley, Minister of Human Resources and Social Development  
Mr. Steven Fletcher, M.P. Parliamentary Secretary on Health  
Mr. David McGuinty, M.P. Ottawa South  
Mr. Ian Hamilton, CHHA National Vice-president  
Mr. Colin Cantlie, CHHA National External Government Relations Chairperson