



**The Canadian Association of the Deaf/Association des Sourds du
Canada**

THE CANADIAN HEARING SOCIETY
LA SOCIÉTÉ CANADIENNE DE L'OUÏE 

FOR IMMEDIATE RELEASE
August 14, 2006

Landmark federal court decision for Deaf, deafened, and hard of hearing Canadians

Ottawa, ON – On Friday, August 12, 2006, the Federal Court of Canada released a decision that has significant implications for access of deaf, deafened, deaf-blind and hard of hearing Canadians to the federal government. The Canadian Association of the Deaf (CAD) and four other Deaf Canadians hired Deaf lawyer Scott Simser to take the federal government to court over failures to provide meaningful access to Deaf Canadians who were invited to participate in government decision-making.

“As Canadians, deaf persons are entitled to be full participants in the democratic process and functioning of government,” states the Honourable Mr. Justice Mosley in his written judgment. “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.”

The court issued three declarations:

- a) Where a deaf or hard of hearing person receives services or participates in programs administered by the Government of Canada, sign language interpreters are to be provided.
- b) Where the Government of Canada engages in public or private consultations with non-governmental organizations in the development of policy and programs in which the deaf and hard of hearing have identifiable interests, sign language interpreters must be provided where organizations of deaf and hard of hearing people wish to be involved.
- c) In the above circumstances, the Government of Canada is responsible for the cost of access.

The Federal Court, citing *Eldridge*, a 1997 decision of the Supreme Court of Canada with regard to sign language interpreters in services to Deaf persons by hospitals, ruled that CAD, and Deaf individuals James Roots, Gary Malkowski, Barbara Lagrange and Mary Lou Cassie were denied the services of sign language interpreters during access

to the policy development process; opportunities to contract with the federal government; and, participate in the Statistics Canada Labour Force survey. The judgment of the court was a victory for the deaf, deafened, deaf-blind and hard of hearing communities.

"This is vindication for the equality of Deaf people," proclaimed Sheila Carlin, President of CAD which represents 300,000 Deaf people. "The Federal Court has said unequivocally that we are entitled to equal treatment. Now we want to see all levels of government live up to that truth."

"The court's message strikes a victory for Deaf persons as to our fundamental expectations of access to government. We should no longer have to re-litigate *Eldridge*," said Jim Roots, Executive Director, CAD. "This decision sends a clear, direct statement that governments everywhere in Canada have to provide full and timely access to Deaf and hard of hearing Canadians, and not just in services, but also with respect to the democratic process."

"For Deaf, Deafened, Deaf-Blind and Hard of Hearing individuals, this is a tremendous victory," says Kelly Duffin, President and CEO, The Canadian Hearing Society. "This is a decision that supports equal citizenship and enforces the right of Deaf Canadians to linguistic services. We are also extremely pleased to see the inclusion of written and electronic media which presumably would extend to captioning, a text accommodation often required by deafened and hard of hearing Canadians who don't use sign language."

"It feels like the end of the Berlin Wall: the barriers are about to start coming down," says Gary Malkowski, Special Advisor to President and CEO, Public Affairs, The Canadian Hearing Society. "For too long, Deaf, deafened, deaf-blind and hard of hearing people have been denied access to the democratic process and participation in policy development on public services that affect the lives of everyone – education, training, health care, social services,"

- 30 -

Contacts:

Sheila Carlin, President
Canadian Association of the Deaf
(204) 284-9373 (TTY)
(204) 284-0802 (Voice)
scarlin@mobility.blackberry.net

Adrienne Clarke, Manager, Public
Relations
The Canadian Hearing Society
(416) 928-2500, Ext 284 (Voice)
(416) 964-0023 (TTY)
aclarke@chs.ca

Scott Simser, Lawyer
simser@rogers.blackberry.net (pager)
scott@simserconsulting.com (e-mail)

The Canadian Association of the Deaf (www.cad.ca): Founded in 1940 by the three regional associations of the Deaf, the Canadian Association of the Deaf (CAD) is the national consumer organization of Canada's 300,000 Deaf citizens. The CAD provides consultation and information on Deaf needs and interests to the public, business, media, educators, governments and others. The Association conducts research and collects data regarding Deaf issues; issue reports on these studies; and provide expertise on

them; develop and implement pilot programs. CAD offers assistance to Deaf organizations and service agencies across the country, and also provides a major library and resource centre on deafness at our office in Ottawa, Ontario.

The Canadian Hearing Society (www.chs.ca): Established in 1940, The Canadian Hearing Society (CHS) is the largest agency of its kind in Canada, employing approximately 440 people who deliver 17 programs, from Employment Counseling and Hearing Health Care to Hearing Aids and Communication Devices, through 28 regional and area offices. CHS provides programs and services that enhance the independence of deaf, deafened and hard of hearing people, and that encourage prevention of hearing loss.