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Communication Disabilities Access Canada

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**Brief for Senate Social Affairs, Science and Technology Committee on Bill C-81**

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Communication Disabilities Access Canada (CDAC) is a non-profit, disability organization dedicated to advancing access to services for people who have speech, language and communication disabilities, that are not primarily caused by Deafness or significant hearing loss.

CDAC supports this Bill and wants to see it have Royal Assent as soon as possible. In October 2018, we were honored to present to the HUMA Standing Committee and as a result, Bill C-81 was amended to include communication as a priority area for accessibility. In doing so, Bill C-81 has the potential to be the first piece of legislation in Canada and internationally, that includes the communication access needs of people who have physical, neurological, cognitive, learning, and intellectual disabilities. People who have disabilities that affect communication, and who do not have significant hearing loss, may have life-long disabilities, such as cerebral palsy, autism spectrum disorder, Down syndrome, learning disability, or cognitive disability. Other people may have acquired disabilities, such as traumatic brain injury, aphasia after a stroke, dementia, Amyotrophic Lateral Sclerosis (or ALS), Parkinson’s disease, and Multiple Sclerosis. Having a communication disability can affect one or more areas of a person’s ability to speak, understand what others are saying, read and / or write.

The Accessible Canada Act provides a unique opportunity for Canada to play a significant leadership role in developing inclusive communication access standards that recognizes the half-million Canadians who have speech and language disabilities. Canada recently signed the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities (CRPD) which endorses the rights of people with communication disabilities to access and participate equally in society. At this time, provincial/territorial and international accessibility legislation and guidelines tend to focus on the provision of accessible websites and alternate formats. To date, the accessibility needs for people who have unclear speech, or who use a picture, symbol or letter board or a speech generating device have not been addressed and there is little or no representation of people with speech and language disabilities on accessibility committees.

We believe that communication access is as important as physical access to a building or space. Therefore, we recommend ways to strengthen Bill C-81 to more meaningfully address communication access. Our suggestions are shown here in italics.

# # 5.1 Clarification

The area of communication referred to in paragraph 5(c.1*) is a two-way, interactive process in which people give and receive information and express themselves, using a range of communication methods in face-to-face interactions, over the telephone, online and via reading and writing*. It does not include broadcasting as defined in sub-section 2(1) of the Broadcasting Act or telecommunications as defined in subsection 2(1) of the Telecommunications Act.

Rationale: Typically, accessibility guidelines that focus on information and communications are limited to (a) how people get information, for example, large font or plain language, and (b) the provision of sign language and captioning services. A broader definition of communication is required that describes communication as a two-way process of expression and comprehension between two or more people either in person, over the telephone or via written communication. By including “expressive communication” this definition highlights the needs of people who have little or no speech and who use augmentative and alternative communication methods such as picture, symbol and letter boards, speech

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generating devices as well as ASL/LSQ/ISL interpreting, captioning, informal and formal communication assistance.

# # 6 Principals

*(g) All persons must have the right to communicate using their preferred communication method(s) which includes speech, writing, picture, symbol and letter boards, speech-generating devices and human services such as ASL/LSQ/ISL interpreting, captioning, informal and formal communication assistance.*

Rationale: Similar to the CRPD, this Bill will be strengthened by acknowledging that people communicate in many different ways and that they have a right to use the communication methods that best suit their needs, the needs of the person with whom they are communicating and the context. By including a principal that acknowledges this right, Canadians who use ways other than speech to communicate will see themselves reflected in the legislation.

The following recommendations relate to implementation of the Bill:

# # 5 - Develop generic, inclusive, baseline communication standards before other sector-specific standards.

Rationale: Generic, baseline communication standards must be developed first because, like built-environment standards, communication access applies to all jurisdictions. Establishing a baseline for communication access will form the foundation for sector-specific standards. Service providers need to know what they are expected to do in order to make their services accessible for people with a wide range of disabilities that affect their communication. Inclusive baseline communication standards should be developed at all points of service provision and be tailored for specific contexts. Examples include:

• **Face-to-face, telephone and group interactions**. Training is required for all service providers who interact with the public within these contexts, so that they have the knowledge and skills to interact with people who communicate in ways other than speech. They need to know how to make telephone services accessible and how to make meetings and public forums inclusive for people who have communication disabilities. People with disabilities that affect their communication must be employed as the primary trainers.

• **Communication supports**. Service providers need information about how and when to provide and work with communication assistants, intermediaries, sign language interpreters and other formal communication support services.

• **Reading and writing**. Service providers need information and resources to provide documents in plain language and alternate formats. They need to know how to provide and use non-technical communication tools and how to make websites and social media accessible. They also need to know how to make forms accessible and how to negotiate alternative signatures.

• **Environmental accommodations**. Services need guidelines on creating accessible signage, counter spaces, and elevators.

• **Policies** are required to address communication in emergency evacuation situations, as well as authentic communication assistance in critical contexts, including medical assistance in dying, police, legal and justice settings.

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We recommend that the Canadian Accessibility Standards Development Organization (CASDO) establish an advisory committee dedicated to developing specific communication standards that address these areas. This advisory committee should include people or organizations that represent individuals who have speech, language and communication disabilities; people who are Deaf, deafened and hard of hearing; people who are Deafblind, blind or have significant vision loss.

Following the development of generic baseline standards, sector-specific communication standards could be developed. An example of a generic baseline communication standard would be mandatory training for all service providers on how to communicate with a person who has unclear speech or who uses a communication device. An example of a sector-specific communication standard would be that federal courts must provide appropriate and trained communication support services when required by victims, witnesses or accused persons who have disabilities that affect their communication.

# #5 - Add Diversity, Equity and Inclusion as a priority theme.

Rationale: This priority theme would set the stage for training on the values and principles of inclusion, dignity, respect, autonomy, non-discrimination practices, human rights and accessibility rights for all government employees across all jurisdictions. These topics should be addressed separately from communication as they apply to all people with disabilities, regardless of their communication support needs.

**#16** - The Minister must make every reasonable effort to collaborate with provincial or territorial authorities with a view to coordinating efforts in relation to matters relating to accessibility ***including ways to ensure that people have the assistive devices and supports they need in order to access all services across the country, gain employment and participate fully in society.***

Rationale: Without access to the assistive devices people need, such as computers, and speech-generating devices, people with communication disabilities cannot access services and employment opportunities at a local, provincial, territorial or federal level. Many provinces have little or no government funding for communication assistive devices. In addition, many people who have speech and language disabilities require human communication supports and these services are significantly underdeveloped. We see an important role for the Minister in collaborating and working with provincial and territorial governments to ensure that people have the communication services and devices they need to effectively interact with service providers.

**New item: Funding is required to increase awareness of communication access rights and develop resources for how to negotiate accessibility requirements for people who have disabilities that affect their communication.**

As Glenda Watson Hyatt, a woman who uses a device to communicate, notes: “*As a woman with a disability, I was always very aware of my rights to access a building. However, I had never considered my communication rights. This is an area that we need to know about.*”

Communication access rights, for people who have speech and language disabilities, are relatively new. The majority of people who have speech and language disabilities are not aware of having any rights when using services. In addition, they need resources to guide them in communicating about their accessibility needs to a service provider.

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