

# Accessibility in Brief

The Newsletter of the Ontario Courts Accessibility Committee

## At Their Service

You're at a family case conference. The maternal grandmother, whom you've never met, arrives at the meeting with a medium-sized dog. She is not blind and shows no signs of having a disability. The dog is not wearing a harness and does not have any other markings indicating it is a service animal. Is this a service animal or has the woman brought her pet to the courthouse. What would you do?

Besides guiding people who are blind or identifying sounds for people who are deaf or hard of hearing, service animals perform a wide variety of tasks for people with disabilities. These include carrying or fetching items, opening doors, ringing doorbells, activating elevator buttons or helping someone get up after a fall. Some are seizure-response animals that warn of an impending seizure or may stand guard over the person during a seizure.



Jason Mitschele, a Crown counsel with the Public Prosecution Service of Canada, enters court with his guide dog, Boris.

Children with autism might have a service animal to keep them from running into danger. Other animals may provide assistance such as triggering an alert button or a suicide hotline, turning on lights, fetching medication or barking for help in an emergency.

*(Continued on page 2)*

**Accessibility in Brief** is published twice yearly by the Ontario Courts Accessibility Committee. If you have any questions or suggestions for the newsletter, please send them to: [OCAC@ontario.ca](mailto:OCAC@ontario.ca). **For more information on accessible services in Ontario Courts, visit the Ministry of the Attorney General's website at:** [www.attorneygeneral.jus.gov.on.ca/english/about/commitment\\_to\\_accessibility.asp](http://www.attorneygeneral.jus.gov.on.ca/english/about/commitment_to_accessibility.asp).

### In this issue:

|  |   |
|--|---|
| When Communication Means More than Spoken Words..... | 3 |
| Captioning Equals Relief for OCAC Member.....        | 5 |
| Top Tips: Working with CART in the Courts.....       | 7 |
| Are You Ready?.....                                  | 8 |

(Continued from page 1)

Two Ontario laws address the use of service animals:

- The Blind Persons' Rights Act addresses guide dogs. [http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90b07\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90b07_e.htm)
- The Accessibility Standards for Customer Service, Ontario Regulation 429/07 addresses service animals including guide dogs. <http://www.search.e-laws.gov.on.ca/en/isysquery/31e2d6df-9159-4784-b52f-6cf8038c403a/1/doc/?search=browseStatutes&context=#hit1>

Under the Accessibility Standards for Customer Service Regulation, a person can be accompanied by their guide dog or service animal in areas open to the public or other third parties, unless the animal is otherwise excluded by law from the premises.

The regulation does not require the animal to be formally trained or registered. While some service animals wear special equipment such as a harness, collar or backpack, this is not a requirement under the regulation.

If it is not obvious from the animal's appearance or activity that it is in service, the person with a disability can be asked to show a letter from a doctor or nurse confirming the animal's use is needed because of a disability. In the scenario above, a service provider could ask the woman if the dog is a service animal and if necessary, ask to see a letter confirming the need for the service animal.

We have all heard: "Don't pet a guide dog." This is a top request by people with disabilities because they need the animal's attention focused at all times.

Jason Mitschele, a Crown counsel with the Public Prosecution Service of Canada and companion to a guide dog named Boris, agrees.

"From time to time I do allow people to pet Boris as long as they ask first," he said. "Since I often deal with the public, I feel I have a responsibility to educate the public about service animals, and this includes providing the chance to say hello to Boris when it's appropriate."

*Jeanette Parsons is the Director, Office of the Dean and Vice Provost, School of Graduate Studies, Queen's University*



Crown counsel Jason Mitschele leaves court with his guide dog Boris.

# When Communication Means More than Spoken Words

Members of the Ontario Courts Accessibility Committee listen intently as Barbara Collier, Executive Director of Augmentative Communication Community Partnerships Canada (ACCPC), tells the story of John\* and his experience testifying against a personal attendant.

Collier explains that John, in his 30s at the time of this story, uses an electric wheelchair which he controls with a switch mounted on his head. He cannot speak and does not have use of his hands.



Barbara Collier

He relies on attendants for all his personal activities. John communicates by looking at a picture in a block of images that addresses his daily needs and he looks down and to the left to signal “no,” Collier explained.

One day, John, who lives in an institution, was told a specific caregiver would be on duty over the weekend. John signalled no repeatedly and became distraught.

“It was clear to staff that something was wrong,” said Collier.

Police were eventually called, but John had difficulty communicating with them due to his limited picture vocabulary of about 200 words.

Collier, a speech language pathologist by profession and a specialist in augmentative communication, was asked to assist. She realized that John didn’t

have the pictures to communicate what he wanted to say. It took some time to give John a range of pictures that included body parts, sexual words and feelings so that he could tell his story. One of his attendants was eventually charged with sexual assault and convicted.

During the months it took for the attendant’s case to reach trial, John continued to live in the same institution where some staff didn’t believe him or blamed him for the caregiver’s dismissal.

“It was a very difficult time for John,” Collier said.

She explained that John was able to testify using the new vocabulary and with the assistance of a speech facilitator who had to be trained to understand John’s communication methods.

According to Collier, research shows that people with physical disabilities who also have severe speech disabilities are two to six times more likely to suffer abuse and the abuse is often likely to be repeated, yet they may not be able to tell anyone

*(Continued on page 4)*

## Augmentative and Alternative Communication

Augmentative and Alternative Communication (AAC) is the use of methods other than speech to communicate such as using facial expressions, vocalizations, gestures, symbol or word boards, or electronic devices. Augmentative communication refers to using other methods in addition to speech and alternative communication refers to using other methods instead of speech.

\**(Not his real name)*

(Continued from page 3)

about it or to access the justice system. Collier explains, “Communication accessibility supports are highly personal based on the abilities of each individual. Many people who have significant communication disabilities require assistance so that they can effectively communicate with a police officer, legal professional or in court.”

Collier offers a unique combination of elegance and animation, passion and practicality as she describes what she learned from John’s experience.

“There are huge gaps in the supports needed by this community,” she said. “John required a communication assistant to facilitate his communication in court, yet there are few trained individuals available to play the role. There is little expertise, no training or governing body, and no standards as there are for sign language interpreters. It’s a profession in need of practitioners, educational resources, standards and the funding to get it off the ground.”

Augmentative Communication Community Partnerships Canada (ACCPC) is a non-profit organization that works with people, such as John, who have significant difficulty with communication due to disabilities such as cerebral palsy, traumatic brain injury, developmental delay, autism and stroke. Since John’s case and others like it, Collier’s organization has sought funding for projects on access to justice for people with communication disabilities.

They recently launched a new website with funding from the Department of Justice Canada called Communication Access to Justice ([www.access-to-justice.org](http://www.access-to-justice.org)). The site is for justice professionals, people who have communication disabilities and people who support them.

For general information on communication disabilities and AAC, visit the Augmentative Communication Community Partnerships CANADA (ACCPC) website at [www.accpc.ca](http://www.accpc.ca).

*Laurie McEvoy, is a senior policy and business analyst with the Accessibility Unit of the Ministry of the Attorney General.*

The Communication Access to Justice website, [www.access-to-justice.org](http://www.access-to-justice.org), offers a wealth of information and webinars for justice professionals, including the following practical tools:

- Recording evidence and testimony from people who use AAC
- Negotiating communication supports
- Telephone contact with a client who has a communication disability



OCAC member Mary Louise Dickson, Q.C., right, listens as Barbara Collier, Executive Director of Augmentative Communication Community Partnerships Canada, addresses the committee.

## Captioning Equals Relief for OCAC Member

Ontario Courts Accessibility Committee (OCAC) newsletter subcommittee teleconferences all start with the same friendly reminder:

“Remember to say your name before you speak so the captionist can identify you.”

In a Toronto boardroom, a Communication Access Realtime Translation (CART) provider, often referred to as a captionist, quickly and skilfully stenotypes what is being said during the teleconference.

In Kingston, Jeanette Parsons, an OCAC member who is deafened, sits logged into her computer and reads the words being spoken on her computer screen. The lag between the spoken words and Parson’s seeing them on the screen is usually only a second or two. She provides her own comments by phone.



Jeanette Parsons, Director, Office of the Dean and Vice Provost, School of Graduate Studies, Queen’s University, listens as well as reads the captioning of a meeting in Toronto.

CART services, also referred to as real-time captioning, can be used in a variety of situations from meetings and conferences to training sessions, classes and court proceedings. It can also be used remotely through an Internet connection. The service accommodates people who are Deaf, deafened or hard of hearing as well as people with other disabilities. A person with an aural-processing learning disability or concentration issues may find captioning accommodates their needs if reading is an effective communication method for them.

CART is not everyone’s access solution. Other accommodation methods such as standard amplification, an assistive listening device (an amplification system that sends sound directly to a personal listening device such as a hearing aid or cochlear implant), sign language or oral interpretation will better meet the needs of some individuals. Still others might need to use other accommodation methods in tandem with CART services.

When asked what captioning means to her Parsons says: “Relief – a huge weight off my shoulders. I don’t have to worry about whether I have missed something. Having the kind of hearing loss that I have means it takes a lot of energy to focus on hearing, a lot of watching, thinking and your constant attention, so it can be very tiring. Worse is being in a situation where you know communication is happening and you are not understanding what is being said – it’s very anxiety provoking.”

Parsons, who is Director in the Office of the Dean with the School of Graduate Studies at Queen’s University in Kingston, stumbled across CART services at a municipal meeting on accessibility.

*(Continued on page 6)*

(Continued from page 5)

“I walked in not knowing what to expect or how I was going to manage,” she said. “Then there was everything that was being said, projected on this big screen word-for-word. It was fabulous!”

A member of the Ontario Courts Accessibility Committee since its inception in 2007, Parsons is also a member of the subcommittee that produces this Accessibility in Brief newsletter. A longstanding member of the board of the Canadian Hearing Society and formerly an accessibility co-ordinator for Queen’s University, Parsons brings practical and personal experience in disability and accessibility to her OCAC membership.

There is warmth and flavour in Parson’s voice. It speaks to her roots in a small out-port community in Newfoundland, her experience as a family therapist, and also to her experience with hearing loss.

“Before I got my cochlear implant, my hearing had deteriorated to a profound loss,” she said. “With that amount of hearing loss, you are dependent on other people’s behaviour to make a situation good or bad for you. Many, many times people would forget the tips for communicating with me, such as looking at me when speaking or they would become frustrated. As a result of my hearing loss, I think I have an instinct for sensing the challenges people with disabilities experience. I pick up very easily when others are struggling or feeling vulnerable because I’ve been there.”

“The cochlear implants have improved what I can hear tremendously, but real-time captioning and assistive listening devices are tools that I need to use in certain situations so I can participate equally.”

*Laurie McEvoy is a senior policy and business analyst with the Accessibility Unit of the Ministry of the Attorney General.*

## Did You Know?

The Ministry of the Attorney General courthouse Accessibility Coordinators received more than 35 requests for Communication Access Realtime Translation (CART) services, or real-time captioning services between January 2009 and May 2010.

You can make a request for CART services or other accommodations by contacting the Accessibility Coordinator in the courthouse you are using. For more information on Accessibility Coordinators, please visit the Ministry of the Attorney General’s website at:

[http://www.attorneygeneral.jus.gov.on.ca/english/about/commitment\\_to\\_accessibility.asp](http://www.attorneygeneral.jus.gov.on.ca/english/about/commitment_to_accessibility.asp)

### Cochlear Implant

A cochlear implant is a medical device that bypasses damaged structures in the inner ear and directly stimulates the auditory nerve to allow some individuals who are

severely hard of hearing or deaf to learn to hear and interpret sounds and speech. They do not restore hearing and will not benefit every person with hearing loss.



Cochlear Implant. Photo courtesy of Ydomusch.

## Top Tips: Working with CART in the Courts

While court reporters and Communication Access Realtime Translation (CART) providers share many of the same skills and some of the same equipment, there are differences.

Court reporters use a stenotype machine to type short-form notes and transcribe them later, correcting errors and producing a typed transcript. CART is the instant translation of the spoken word into text by a CART reporter using a stenotype machine, notebook computer and real-time transcription software. The text is then displayed on a computer monitor or other display so it can be read by the CART user.

“Transcribing spoken words in real-time, correcting errors while listening for new information, transcribing with the user watching and without the opportunity to review your transcription later does take some additional skills,” said Gemme Masse, a CART provider with Neeson and Associates Court Reporting and Captioning Inc.

Masse, who decided on a CART career while doing a practicum during her two-year court reporting college program, explains what attracted her to the field.



Gemme Masse, CART provider with Neeson and Associates Court Reporting and Captioning Inc.

“I was shadowing a CART provider for a student in university,” she said. “It dawned on me that CART was a benefit to all the students in the class because a very intelligent student with a hearing loss was able to share his insights and contribute to the class. Everyone benefited from his being there. CART simply includes individuals who need to participate in a different way.”

Masse suggests the following tips for working with CART in court and other situations.

### Be aware that:

- Many people who could benefit from CART may never have seen it or used it before.
- CART providers need to build names or new words into codes in the software translation dictionary before they start. It’s important to allow time for this or provide names, key information or specialty words in advance.
- It’s important for CART providers to see the key speakers. It might be helpful for them to review room setup in advance.
- CART text can be displayed on laptop computer screens, on large screens or confidentially to a remote location across the Internet.

*(Continued on page 8)*

(Continued from page 7)

- There is a delay of a second or two before spoken and transcribed words appear on screen. Depending on the speaker, CART might be a sentence or more behind the spoken word.
- Speak at a standard rate of speech.
- Only one person can speak at a time. It's not possible to transcribe two people at once.
- Some people might not be able to read as fast as the CART text appears and may need breaks to catch up.
- The line of text is moving on the screen, which can make it more difficult to read. It comes across the screen at the bottom and then moves up. Once the line reaches the top, it disappears from the screen but is captured in memory.
- If asked a question, some CART users might need time to finish reading the text or need time to review what has been said before they can answer.
- While some CART providers need an occasional break to clear their heads and give their wrists and hands a rest, taking a break is also important for the person using CART services. It can be very tiring to concentrate on reading for an extended period of time.
- CART might also be useful for people with other disabilities. If reading is already an effective skill, people with specific oral-processing learning disabilities or concentration issues related to a disability or medications may also benefit from CART.



Gemme Masse captioning.

## Are You Ready?

Ontario's private sector organizations that provide goods or services and have at least one employee, including those in the legal community, will need to comply with the Accessibility Standards for Customer Service by January 1, 2012.

### The Law

You can search for the Accessibility Standards for Customer Service, O. Reg. 429/07 and related regulation, Exemption from Reporting Requirements, O. Reg. 430/07, on the Ontario e-Laws website at [www.e-Laws.gov.on.ca](http://www.e-Laws.gov.on.ca)

### Resources

The Accessibility Directorate of Ontario offers resources to assist you at:

<http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/customerService/>