

April 13, 2012

Dr. Carolyn Bennett, M.P. St. Paul's St. Paul's Constituency Office 1650 Yonge St., Suite 103, Toronto, Ontario M4T 2A2

Dear Dr. Bennett,

Re: Video Relay Services in Canada

Thank you for our meeting of March 30, 2012 and the opportunity to discuss the proceedings of the CRTC in reviewing the request by Deaf and hard of hearing Canadians for Video Relay Services.

Video Relay Service (VRS) is a form of Telecommunications Relay Service (TRS) that enables culturally Deaf, oral deaf, deafened and hard of hearing people who use American Sign Language (ASL) or la langue des signes québécoise (LSQ) to communicate with spoken language telephone users through video equipment and a TRS operator (called a "communications assistant" or CA), rather than through typed text and relay operators. The VRS user and the CA can see and communicate with each other in signed conversation. Because the conversation between the VRS user and the CA flows much more naturally and quickly than with a text-based TRS call, VRS has become an enormously popular form of TRS.

In June 2009, the CRTC initiated a proceeding to 'address unresolved issues related to the accessibility of telecommunications and broadcasting services to persons with disabilities.' (Public Notice 2008-8) The proceeding reviewed several issues including video relay services. The Canadian Hearing Society provided a submission and presentation to the CRTC in November 2008 emphasizing that "Bell Canada and TCC should introduce Video Relay Service (VRS), a service that would allow a person using sign language and another person using voice to communicate through a relay agent via high-speed Internet and a video camera."

In July 2009 the CRTC determined, in decision 2009-430 (25), that 'the record of this proceeding (2008-8) is insufficient to determine whether TSPs should be required to provide Video Relay." The CRTC ordered Bell and Telus to implement Video Relay trials by December 31, 2011 and produce information that would inform of costs, size of the market, and the projected use. The CRTC also stated, that the information gathered in the trials would inform

the commission 'whether a follow-up proceeding on Video Relay is warranted three years from the date of this Regulatory Policy." (2009-430 [26])

Telus and Sorenson (VRS provider) implemented the Video Relay trial in British Columbia and Alberta from July 2010 to January 2012. Bell opted to conduct a feasibility study as it was of the position that a trial would not provide the information required by the CRTC. The CRTC approved the request of both Telus and Bell providing them with funding from the deferral funds. The reports from both Telus and Bell are now completed and submitted to the CRTC. The CRTC has not made any commitment to hold follow-up proceedings and continues to delay a decision. As it stands, Canada is the only G8 country that does not have any video relay service in part or in its full operations. Both reports recommend the implementation of video relay services, however, refer the issue back to the CRTC for determination of a funding model. The lack of video relay service in Canada, despite the clear advantages that allows for functional equivalency in electronic communication, is disheartening for Deaf Canadians.

Deaf Canadians have overwhelmingly indicated that they prefer video relay services over text relay services because it allows them to communicate with hearing persons in a natural fluid way. According to Lewin et al (2009), video relay is "three to four times faster than basic text relay and offer substantial improvements in terms of natural, fluid conversation and nuanced expression that conveys emotions and helps clarify the intention behind the words." The current text relay is a barrier, in that, communication is slow and does not reflect the natural communication abilities of Deaf Canadians. Lewin et al, found that the text relay is only able to transmit 30 words per minute compared to 150 words per minute in video relay. Video relay is far closer to natural spoken language which is 170 words per minute. Fluidity is critical, for instance, when dealing with computerized telephone answering systems; text relay is not able to provide the speed of responsiveness required to access these systems.

There are some points to consider that support the need for video relay services in Canada:

- 1. Almost 1 in 4 Canadian adults reports having some degree of hearing loss. (CHS Awareness Survey, October 2001)
- 2. Deaf people experience exclusion and discrimination due to the cost of accessible communication.
- 3. 42% of Deaf Canadians are under-employed. (Canadian Association of the Deaf, 1998)
- 4. 37.5% of Deaf Canadians are unemployed compared to the general level of 7.2% (in March 2012). (Canadian Association of the Deaf, 1998).
- 5. The cost of unaided hearing loss in the European Union is estimated to be at \$241 billion (CAD). Applied to Canada, it is \$17.6 billion (CAD) per year.
- 6. The number of Deaf and hard of hearing persons on income assistance in Ontario has increased nearly 70%, increased from 2, 732 (2002) to 4,637 (2011).

According to a report, *Voice Telephony Services for Deaf People* (June 2009), the shortcomings of existing telephone access service contribute to the following for Deaf people:

- 1. Being less productive and suffer greater stress at work.
- 2. Finding it more difficult to find employment.
- 3. Being less able to participate in teleworking.
- 4. Often feeling isolated, both at home and work.
- 5. Being more dependent on others, leading to feelings of inadequacy.

Deaf Canadians want to have the same communication access and levels enjoyed by their hearing counterparts. They have overwhelmingly expressed interest in using use their natural language - sign language. Communication by visual electronic means is an important component of participation and contribution in Canadian society in economic, social, employment, and cultural arenas.

Legal Framework

- 1. <u>The Canadian Charter of Rights and Freedoms [1982]:</u> The Charter is a bill of rights entrenched in the Constitution of Canada. The Charter protects the political and civil rights of all Canadians, and supersedes all provincial human rights codes. The Charter is explicit in its provision for sign language interpreting services during any proceeding in which Deaf Canadians are involved (see Section 14 and 15.1).
- Canadian Human Rights Act [1985]: This Act extends the laws of Canada to uphold the
 principle that "all individuals should have an opportunity equal with other individuals to make for
 themselves the lives that they are able and wish to have and to have their needs
 accommodated...without being hindered in or prevented from doing so by discriminatory
 practices based on...disability."
- 3. **Eldridge v. British Columbia (Attorney General) [1997]**: The Court ruled that it is the responsibility of governments to provide sign language interpreting. While Eldridge dealt specifically with the right to sign language interpreting in the health care system, the principles set out apply more generally to services provided by government, or provided by non-government organizations carrying out specific government objectives.
- 4. **Canadian Association of the Deaf, et. al. v. Her Majesty the Queen [2006]:** This Federal Court of Canada decision requires that all Federal Government programs, offices and services provide sign language interpreting services "upon request." The ruling makes explicit the right of access to government.
- 5. <u>UN Convention of Rights of People with Disabilities (Article 21) Freedom of expression and opinion, and access to information</u>

States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the <u>freedom to</u> seek, receive and impart information and ideas on an equal basis with others and <u>through all forms of communication of their choice</u>, as defined in article 2 of the present Convention, including by:

- a) Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;
- b) Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions;

- c) Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities;
- d) Encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities;
- e) Recognizing and promoting the use of sign language

6. Telecommunications Act

-7. It is hereby affirmed that telecommunications performs an essential role in the maintenance of Canada's identity and sovereignty and that the Canadian telecommunications policy has as its objectives
- (a) to facilitate the orderly development throughout Canada of a <u>telecommunications</u> <u>system that serves to safeguard, enrich and strengthen the social and economic fabric of Canada and its regions;</u>
- (b) to render reliable and affordable telecommunications services of high quality <u>accessible to Canadians</u> in both urban and rural areas in all regions of Canada;
- (e) to promote the use of <u>Canadian transmission facilities</u> for telecommunications within Canada and between Canada and points outside Canada;
- (g) to stimulate research and development in Canada in the field of telecommunications and to encourage innovation in the provision of telecommunications services;
- (h) to <u>respond to the economic and social requirements of users of telecommunications</u> services; and...

Approximately 16 countries including three commonwealth countries (United Kingdom, Australia and New Zealand) offer or are in the process of offering VRS to Deaf people and people with hearing loss. Although significant limitations exist and funding is not guaranteed for VRS in all these countries, it is still important to note that Canada is dramatically behind in the technological advancements available that ensure equal accessibility to information for all citizens. When countries that have similar disability laws and similar views on what constitutes social equality are compared to Canada, it is particularly disheartening to recognize that Canada falls short on these ideals. Canada is behind all of the G8 countries and several countries that do not appear in the top 8 global economies in the world. Access to telecommunications is necessary for an individual's full participation in society. By refusing to allow Deaf and hard of hearing people the accommodation they require to access a basic phone line, that has long been technologically available, creates a very powerful barrier to their ability to participate as citizens.

We urge the CRTC to make a swift and fair decision regarding VRS in Canada immediately. We urge the CRTC to bring Canada's telecommunication environment into the 21st century for all of Canadian citizens regardless of their need for an accommodation. The relay currently offered is no longer sufficient and insists that a group of people be satisfied with limited technology because of their disability; this is ineffective and discriminatory.

We request that the following actions be implemented as soon as possible:

- 1. The CRTC to order the implementation of a mandated national video relay service bilingually (ASL-English and LSQ-French).
- 2. The CRTC be prepared to determine a funding model.
- 3. Other recommendations as outlined in the Bell Canada/Mission Consulting's VRS Feasibility Study Report

Sincerely,

Chris Kenopic

President and CEO

cc: Leonard Katz, Acting Chair, Vice-Chairman, CRTC Telecommunications