



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 12.2.1
Executive Standing Committee
December 17, 2018

TO: Mayor Savage and Members of the Executive Standing Committee

SUBMITTED BY: **ORIGINAL SIGNED**

Patricia Gates, Chair, Advisory Committee for Accessibility in HRM

DATE: October 22, 2018

SUBJECT: Municipal Services for the Deaf and Hard of Hearing

ORIGIN

October 15, 2018 meeting of the Advisory Committee for Accessibility in HRM, Item No. 7.1.1.

LEGISLATIVE AUTHORITY

Administrative Order 2017-005-GOV, respecting the Advisory Committee for Accessibility in the Halifax Regional Municipality section 6 (b):

Duties of the Committee

6. The Committee shall advise Council, through the Executive Standing Committee, on matters related to persons with disabilities as follows:

(b) identify and advise on the accessibility of existing and proposed municipal services and facilities;

RECOMMENDATION

The Advisory Committee for Accessibility in HRM recommends that the Executive Standing Committee request a staff report on the following:

1. The development and implementation of a municipal wide policy providing HRM residents of all ages with appropriate support services (sign language interpreters, notetakers, and / or CART) when accessing any HRM recreational programs including day camps.
2. The use of professional sign language interpretation of televised HRM City Hall meetings where interpreters will be shown in split screen as opposed to PIP ("picture in picture").

BACKGROUND

A presentation from Elliott Richman, Executive Director, Deafness Advocacy Association of Nova Scotia regarding Municipal Services for the Deaf and Hard of Hearing was before the Advisory Committee for Accessibility in HRM for consideration at its meeting held on October 15, 2018.

For further information, please refer to attachment one.

DISCUSSION

The Advisory Committee for Accessibility in HRM received the presentation from Elliot Richman at its meeting held on October 15, 2018 and forwarded the recommendation to the Executive Standing Committee as outlined in this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report. If approved, staff will evaluate the financial implications associated with the Committee's recommendation in the requested staff report.

RISK CONSIDERATION

None identified.

COMMUNITY ENGAGEMENT

Meeting of the Advisory Committee for Accessibility in HRM are open to public attendance. The agenda, reports and minutes of the Community Planning & Economic Development Standing Committee are posted on Halifax.ca.

ENVIRONMENTAL IMPLICATIONS

None identified.

ALTERNATIVES

The Advisory Committee for Accessibility in HRM did not discuss alternative recommendations.

ATTACHMENTS

1. Presentation Outline - Making the Deaf and Hard of Hearing welcome at HRM

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Liam MacSween, Legislative Assistant, 902.490.6521

FIRST ISSUE: HRM currently does not provide sign language interpreters at its recreational programs including day camps.

Good afternoon everyone, I am here because my organization became aware of a young Deaf HRM resident who was not able to access HRM's day camp when HRM did not provide professional sign language interpreters. My organization received a response from HRM's Manager of Recreation Programs which reads in part as:

"Over the past number of years, [HRM] staff have seen an increasing demand for access and inclusion support for children, youth and adults. This has created significant budget pressures."

Let's focus on two words - "budget pressures" and those two words alone. I will now talk about why legal precedents, human rights legislation and a treaty Canada ratified (which I will expand on shortly) do not allow any Canadian municipality to use "budget pressures" as excuses for not providing interpreters.

1. Firstly the [Eldridge v. British Columbia \(Attorney General\), \[1997\] 3 S.C.R. 624](#) Supreme Court of Canada (SCC) decision mandates all public (including municipal) programs and services to be accessible to Deaf Canadians. To make a long story short, three Deaf appellants - Robin Eldridge and John and Linda Warren were denied interpreters when communicating with their doctors - increasing their risk of misdiagnosis and ineffective treatment.

The SCC held that once a government undertakes to provide a benefit to the general population, it is required by s. 15(1) of the *Canadian Charter of Rights and Freedoms* to ensure that the disadvantaged members of society listed in s. 15(1) have the resources to take full advantage of that benefit.

2. Secondly the [Nova Scotia Human Rights Act](#) has only one reference to "undue hardship" - in the context of employment. However in [Council of Canadians with Disabilities v VIA Rail 2007 SCC 15](#), the SCC used the "undue hardship" test to conclude that Via Rail must modify a number of rail cars to become wheelchair accessible. The SCC applied the "undue hardship" test to something not related to employment, therefore the same "undue hardship" test applies to rest of the [Nova Scotia Human Rights Act](#).

On [April 24, 2018, CBC reported](#) that the HRM Council approved its 2018-2019 budget including \$760.6 million for operating and \$128.5 million for capital projects. Even if HRM were to spend \$250,000 (I'm picking this number completely out of the air) on interpreter costs for its recreational programs, that would amount to about 0.032% of the operating budget – that is 3.2% of 1% of the operating budget. That's hardly a drop in the bucket and definitely not an "undue hardship."

3. Thirdly and lastly, Canada ratified the [Convention on the Rights of Persons with Disabilities \(CRPD\)](#) on March 11, 2010. Article 30(4) and 30(4d) of that Convention reads as follows (with emphasis added):

Article 30 - Participation in cultural life, recreation, leisure and sport

4. Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture.

- 5. With a view to enabling persons with disabilities to **participate on an equal basis** with others in recreational, leisure and sporting activities, States Parties shall take appropriate measures:*
- d. To ensure that children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities, including those activities in the school system;*

In summary, the Eldridge SCC case, the Nova Scotia Human Rights Act along with the Council of Canadians with Disabilities v VIA Rail SCC case, and Canada's ratifying the CRPD all indicate HRM cannot and must not decline requests for interpreters and / or CART services from its Deaf and hard of hearing residents who want to partake in the city's recreational programs including day camps.

DESIRED OUTCOMES

All we are asking for are that:

- a) HRM develops a city wide policy providing HRM residents of all ages with appropriate support services (sign language interpreters, notetakers, and / or CART) when accessing any HRM recreational programs including day camps.
- b) This policy is to be posted on HRM's website.

SECOND ISSUE: Absence of professional sign language interpreters at televised HRM Council meetings.

The Eldridge SCC decision and the Nova Scotia Human Rights Act along with the Council of Canadians with Disabilities v VIA Rail SCC decision described earlier can also be used to mandate the HRM City Council to interpret its televised Council meetings.

Without interpreters, I cannot follow Council meetings and will not be able to exercise my civic right to engage the Councillors who represent me with my feedback, concerns or suggestions.

The absence of televised interpreted Council meetings is equivalent to taxation without representation.

DESIRED OUTCOMES

All we are asking for are that:

- a) HRM arranges for professional sign language interpretation of its televised HRM City Hall meetings
- b) Interpreters will be shown in split screen as opposed to PIP ("picture in picture") as in a bubble on the television's lower right corner.

Sincerely yours,

Elliott Richman
Executive Director
Deafness Advocacy Association Nova Scotia