



OKANAGAN VALLEY ASSOCIATION OF THE DEAF HUMAN RIGHTS COMPLAINT AGAINST ST. JOHN AMBULANCE

BACKGROUND

Who?

The Okanagan Valley Association of the Deaf (OVAD) – OVAD (the Complainant) is a not-for-profit society based in Kelowna. It has been advocating for and supporting the Deaf community in the Southern Interior of BC for over 30 years.

St. John Ambulance: St. John Ambulance - Canada ("SJA-Canada") is part of a worldwide group of affiliated charitable organizations that use the trade name "St. John Ambulance." SJA-Canada is a leading provider of commercial first aid training in Canada. It is federated and administers its programs on a regional level through provincial and territorial councils. OVAD's human rights complaint names as respondents both SJA-Canada and the provincial council representing British Columbia.

This is a class complaint

OVAD is not only advancing this case on its own behalf. Rather, it seeks to represent a class of people in its human rights complaint – specifically, all Deaf British Columbians who have been harmed by SJA's refusal to fund Sign language interpretation where needed to accommodate Deaf students.

Glossary

Please see the Canadian Association of the Deaf's glossary, attached. Terms from this glossary which are used in our complaint include:

- **deaf (with lower case D):** A medical/audiological term referring to those people who have little or no functional hearing. May also be used as a collective noun ("the deaf") to refer to people who are medically deaf but who do not necessarily identify with the Deaf community.
- **Deaf (with capital D):** A sociological term referring to those individuals who are medically deaf or hard of hearing, who identify with and participate in the culture, society, and language of Deaf people, which is based on Sign language. Their preferred mode of communication is Sign.

- **Sign language:** The official language of the Deaf community. Should always be capitalized, just as “English” and “French” are capitalized, because all three are legitimate languages.

Right to Sign language interpretation

Under the *BC Human Rights Code*, both public and private service providers, including charities, are obligated to make their services accessible to Deaf people unless it causes undue hardship. Service providers must meet a high threshold to establish that the monetary cost of accommodating Deaf people causes undue hardship: *Dunkley v UBC and another*, 2015 BCHRT 100.

The right to Sign language interpretation is well-established under both the *BC Human Rights Code* and the *Canadian Charter of Rights and Freedoms*:

- **1993:** *Howard v. University of British Columbia*, (1993) 18 C.H.R.R. D/37 – the BC Council of Human Rights (a predecessor to the BC Human Rights Tribunal) ruled that the University of British Columbia was required to fund Sign language interpretation for Deaf students in its classes.
- **1997:** *Eldridge v British Columbia (Attorney General)*, [1997] 3 S.C.R. 624 – the Supreme Court of Canada ruled that, pursuant to the equality rights provisions of the *Charter*, the BC government must fund Sign language interpretation for Deaf people accessing health care services.
- **2006:** *Canadian Association of the Deaf v. Canada*, 2006 FC 971 – the Federal Court of Canada ruled that, pursuant to the equality rights provisions of the *Charter*, all federal government programs, offices, and services must provide Sign language interpretation “upon request.”
- **2015:** *Dunkley v UBC and another*, 2015 BCHRT 100 – The BC Human Rights Tribunal ruled that, pursuant to the *BC Human Rights Code*, the University of British Columbia and St. Paul’s Hospital discriminated against Dr. Dunkley by refusing to fund Sign language interpretation for her residency program. The Tribunal rejected the respondents’ argument that the cost of the interpretation would cause them undue hardship. The BC Supreme Court confirmed the Tribunal’s decision.