

## **COMMUNICATION**

### **Purpose**

Siskinds LLP (“Siskinds”) is committed to communicating with people with disabilities in ways that take the nature of their disability into account. The purpose of this procedure is to provide information about how to communicate with people with various types of disabilities when accessing our legal services.

### **Scope**

This procedure applies to every person with a disability. This procedure also applies to every person interacting with members of the public or other third parties on behalf of Siskinds, whether a partner, lawyer, employee or independent contractor.

### **Definitions**

Disability means:

- a) Any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,
- b) A condition of mental impairment or a developmental disability,
- c) A learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
- d) A mental disorder, or
- e) An injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997.

The foregoing definition includes disabilities of differing severity, whether visible or non-visible and whether temporary or permanent in nature.

### **Procedure**

At Siskinds, we communicate with clients in many different ways, including face-to-face, telephone, e-mail and in writing. We strive to communicate with all clients, including those with disabilities, in the most effective manner possible. Some forms of communication will be more effective than others when interacting with certain people with disabilities due to the nature of the disability and it is, therefore, important to identify if communication may be an issue.

## **General Tips for Providing Accessible Services**

There are many types and degrees of disabilities. Not all disabilities are visible or easy to distinguish and, as such, it may be difficult to identify a person with a disability.

However, when you know or have reason to suspect that a person has a disability, you should keep the following Service **PACTT** in mind to help that person access our legal services:

### **Pay calm, individual attention to the person**

- Avoid making assumptions about a person's capabilities.
- Adjust posture / sit down as needed for face-to-face service.
- Direct communication towards the person – not the support person assisting them.

### **Ask “How May I Help You?”**

- Usually a person with a disability knows what method of communication works best.
- Understand the various methods of communication available at Siskinds
- Before ending your interaction, ask “Does this information answer your question?”

### **Communicate clearly and patiently to ensure shared understanding**

- Allow the person to finish what he/she is saying without interrupting.
- Provide one piece of information at a time; repeat or rephrase as necessary.
- If you do not understand what is being said, don't pretend, ask again.
- As needed, ask if another method of communication would be easier – e.g. written, electronic -- always have a pen and paper available.
- Be patient. Communication may take longer.

### **Treat the person with respect**

- Focus on the person as a unique individual.
- Pay attention to the person's dignity, independence, sense of integration and equality.
- Use “disabled”, not “handicapped” or “impaired”.
- Put the person first. It is proper to say “the person with a vision loss”, rather than “the blind person”.

### **Try to see the world in terms of accessibility**

- Take into account the ways the person with a disability experiences our legal services.
- Know the location of nearby ramps, elevators, automatic doors, accessible washrooms, etc.

## **Specific Tips for Interacting with Persons with Various Types of Disabilities**

### **1. Physical Disabilities**

There are many types and degrees of physical disability. Some people may use assistive devices. Others may have conditions such as arthritis or heart or lung conditions and may have difficulty with moving, standing, or sitting for long periods.

#### **When communicating or otherwise interacting with a person with a physical disability:**

- Ask the person before providing help. Persons with physical disabilities often have their own way of doing things.
- Wheelchairs and other mobility devices are part of a person's personal space, don't touch, move or lean on them, without permission.
- If you have permission to move a person in a wheelchair or other mobility device, avoid leaving the person in an awkward position, such as facing a wall.
- If the person uses a wheelchair or scooter, sit down beside him/her to enable eye contact and reduce neck strain for longer interactions.
- Provide information about physically accessible features of the immediate environment if appropriate (e.g. automatic doors, ramps, disabled parking, accessible washrooms, etc.). Keep ramps and corridors free of clutter.
- If a counter is too high or wide, step around it to provide service.
- Offer preferential seating, especially for those who cannot stand in line.

### **2. Hearing Loss**

Like other disabilities, hearing loss has a wide variety of degrees. Hearing loss can cause problems in distinguishing certain frequencies, sounds or words. A person who is hard of hearing, deafened, deaf or Deaf may be unable to:

- Use a public telephone.
- Understand speech in noisy environments.
- Pronounce words clearly enough to be understood by strangers.

Persons with hearing loss may require assistive devices when communicating. Persons who are deafened or hard of hearing may use devices such as hearing aids, cochlear implants, or FM systems; they may also rely on lip reading. A person with little or no functional hearing may use sign language.

#### **When communicating with a person with hearing loss:**

- Ensure you have his/her attention before speaking. The best way is a gentle touch on the shoulder or discreetly waving your hand.

- Reduce background noise.
- Ensure the area is well-lit so faces are visible for lip-reading.
- Face the person and keep your hands and other objects away from your face and mouth.
- Speak clearly, pacing your speech and pauses normally. Don't shout or over-pronounce your words.
- Be clear and precise when giving directions, and repeat or rephrase if necessary. Make sure you have been understood.
- Any confidential (e.g. financial; legal) matters should be discussed in a private room to avoid other people overhearing.
- If the person is using a sign language interpreter to communicate – always direct your attention to the person – not the interpreter.
- Offer to communicate in writing (i.e. pen and paper; e-mail; etc.) as needed.

### **3. Vision Loss**

Vision loss reduces a person's ability to see clearly. Few people with vision loss are totally blind. Many have limited vision such as tunnel vision, where a person has a loss of peripheral or side vision, or a lack of central vision, which means they cannot see straight ahead. Some can see the outline of objects, while others can see the direction of light.

Vision loss may result in:

- Difficulty reading or seeing faces.
- Difficulty maneuvering in unfamiliar places.
- Inability to differentiate colours or distances.
- A narrow field of vision.
- The need for bright light, or contrast.
- Night blindness.

In some cases, it may be difficult to tell if a person has vision loss, while others may use a guide dog and/or white cane.

When communicating with a person with vision loss:

- Don't assume the person cannot see you.
- Identify yourself when you approach the person and speak directly to them.
- Speak normally and clearly.
- Never touch the person without asking permission, unless it's an emergency.

- When offering to guide the person, hold out your elbow. Identify landmarks or other details to orient the person to the surroundings. Never leave the person in the middle of a room. Show them to a chair or other comfortable location.
- If you are giving directions or verbal information, be precise and clear.
- Ask the person in which format he/she would like to receive information. When providing printed information, offer to read, summarize or describe it.
- Don't be afraid to use words such as "see", "read", or "look".
- Don't walk away without saying good-bye.

#### **4. Deafblind**

People who are deafblind have a combination of vision and hearing loss. Deaf-blindness interferes with communication, learning, orientation and mobility. People who are deaf-blind communicate using various sign language systems, Braille, telephone devices, communication boards and any combination thereof. Many people who are deaf-blind use the services of an Intervener, who relays information and facilitates auditory and visual information and acts as sighted guides.

##### When communicating with a person with deaf-blindness:

- Do not assume what the person can or cannot do. Some people who are deaf-blind have some sight or hearing, while others have neither.
- Ask the person what will help the two of you to communicate.
- Many people who are deaf-blind will explain how to communicate with them, perhaps giving you an assistance card or a note.
- Never touch the person suddenly or without permission, unless it's an emergency
- Understand that communication can take some time - be patient.
- If the person is using an intervenor to communicate – always direct your attention to the person – not the intervenor.

#### **5. Speech or Language Disabilities**

Speech or language disabilities involve the partial or total loss of the ability to express oneself, or understand written or spoken language. The person may have problems with:

- Pronunciation
- Pitch and loudness
- Hoarseness or breathiness
- Stuttering or slurring

##### When communicating with a person with a speech or language disability:

- Don't assume that a person who has difficulty speaking also has an intellectual or developmental disability.
- Where possible, communicate in a quiet environment.
- Don't interrupt or finish the person's sentences.
- If you don't understand, ask the person to repeat as necessary, or attempt another form of communication (e.g. write their message).
- If you are able, ask questions that can be answered 'yes' or 'no'.
- If the person uses a communication board, symbols or cards, follow the person's lead.

## **6. Intellectual or Developmental Disabilities**

People with intellectual or developmental disabilities may have difficulty doing things that most of us take for granted. These disabilities can mildly or profoundly limit a person's ability to learn, communicate, think and reason. They may be caused by genetic factors such as Down Syndrome, exposure to environmental toxins such as Fetal Alcohol Syndrome, brain trauma or psychiatric disorders.

A person with an intellectual or developmental disability may have difficulty with:

- Understanding spoken and written information
- Conceptual information
- Perception of sensory information
- Memory

As with many types of disabilities, intellectual or developmental disabilities are not always obvious. You may not be able to know that someone has an intellectual or developmental disability unless you are told, or you notice the way the person acts, asks questions or uses body language.

When communicating with a person with an intellectual or developmental disability:

- As much as possible, treat the person like anyone else. Do not assume what the person can or cannot do. The person may understand more than you think, and they will appreciate being treated with respect.
- Speak slowly, in short sentences, and use plain language.
- Provide one piece of information at a time.
- Be prepared to explain and provide examples if necessary.
- Speak directly to the person – not to the companion or attendant.
- Verify your understanding. If you can't understand, don't pretend. Just ask again.
- Verify that the person understands. Ask "Is this clear?" to check communication.

## **7. Learning Disabilities**

Learning disabilities are generally invisible, and include a broad range of disorders that affect verbal and non-verbal information acquisition, retention, understanding and processing. Persons with learning disabilities may have problems with reading and language-based learning, organizing ideas when speaking and writing, working with visual-spatial information, or carrying out calculations or other problem solving tasks quickly. Having a learning disability does not mean a person is incapable of learning. Rather it means that the person takes in and processes information, and expresses knowledge, in different ways.

A person with a learning disability may have difficulty with:

- Reading
- Problem solving
- Time management
- Way finding
- Processing information

When communicating with a person with a learning disability:

- Ask how the person would like to receive information. For example, if you have written material, offer to read the information aloud.
- Speak normally and clearly, and directly to the person.
- Be willing to explain something again, and allow extra time to complete a task. People with some kinds of learning disabilities may take a little longer to understand and respond.
- Patience and willingness to find a way to communicate are your best tools

## **8. Mental Health Disabilities**

Mental health disabilities are also often invisible, and including a broad range of disorders that can cause changes in a person's thinking, emotional state and behaviour, and can disrupt the person's ability to work. These changes may also affect the way the person communicates and interacts with others. With most mental health problems, the symptoms are not static, and can improve or worsen over time.

When communicating with a person with a mental health disability:

- Ask what would make him/her the most comfortable and respect his/her needs to the maximum extent possible.
- Try to reduce stress and anxiety in situations. A person with a mental health disability may have difficulty concentrating.
- Be patient and respectful, even if the person exhibits unusual behavior. Focus on the legal services they need and how you can help.

- Do not assume a therapeutic role. If you are concerned about the person's mental health or emotional well-being, refer the person to the appropriate local mental health service.
- If the person appears to be in crisis and you are concerned about the person's safety, your safety, or the safety of a third party, immediately contact the Human Resource Department.