

LINGUISTIC ACCESS REPORT

Executive Summary August 2005

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Community Legal Education Ontario (CLEO) faces significant challenges in meeting the public legal education needs of low-income audiences who speak neither English nor French. In Toronto alone, over 100 languages are spoken and there are 14 languages other than English or French with low-income populations of more than 10 000 people in Ontario. Each linguistic community may need information on specific legal issues of particular concern to their community. In addition to needing information in their own language, each linguistic community has specific preferences for information formats, and its own channels for delivery of information. Many of these communities are served by a number of ethno-specific agencies: linkages with such agencies are important for identifying needs, as well as for developing and distributing materials.

This project suggests steps CLEO can take to help meet the public legal education needs of low-income communities in Ontario who speak neither French nor English. Recognizing the unique status of Aboriginal communities, a separate report will be dedicated to Aboriginal access to PLEI (public legal education and information). That research is currently in its final stages and CLEO plans to release that report this autumn.

There were several key components of the linguistic access project, employing a variety of research strategies:

Part I **Language and literacy:** documentary research to obtain background information on low-income non-English, non-French and non-Aboriginal linguistic communities in Ontario.

Part II **Multilingual and multicultural communication methods:** review of the literature on multicultural and multilingual outreach, semi-structured individual interviews and one focus group with agencies that have experience in education outreach, in particular in a multilingual and/or multicultural context.

Part III **Specific linguistic communities:** a second set of semi-structured individual interviews and two focus groups with agencies working within specific linguistic or cultural communities to elicit information on communication methods most effective in those communities and on the most pressing legal issues in those communities, and an online survey for individuals and agencies from whom interviews were not requested.

Part IV **Recommendations:** based on the conclusions from Parts I, II and III.

In combination, the interviews, focus groups and online survey canvassed the views of over 130 individuals from over 100 agencies.

Part I: Language and literacy

The purpose of this part of the research was to identify appropriate target languages for PLEI pilot projects. The research was conducted by using census, immigration and literacy data and relevant reports to obtain background information, including the extent to which non-English, non-French and non-Aboriginal languages are spoken and read in Ontario, and the prevalence of low income within those linguistic communities.

There is no obvious way to select target languages. In part, this is because of the vast number of linguistic groups in Ontario with high numbers of people living in poverty. Population size is not the only determining factor. Some groups with much smaller populations in total number are among those with the highest rates of poverty. Arguably, smaller and less established groups may have a higher need for PLEI than larger groups with more legal and social services available in their language.

As well, although there are many sources of information, certain key data is not available. This includes data on literacy in home language, and knowledge of English and/or French in addition to home language. More specific information on literacy levels may become available with the release of the Ontario-specific International Adult Literacy Survey (IALS) results in autumn 2005.

According to a report that Legal Aid Ontario (LAO) commissioned from Statistics Canada using data from the 2001 Canada Census, there are at least 14 home languages other than English and French with populations of more than 10 000 below Statistics Canada's low-income cut-offs in Ontario. Those languages are Cantonese, Arabic, Tamil, Urdu, Spanish, Italian, Farsi, Korean, Mandarin, Russian, Punjabi, Portuguese, Polish and Vietnamese. A pilot project should carefully select target languages, and could expand if evaluation of the pilot was positive.

Based on a review of the data, the following six languages are suggested for a pilot: Chinese, Arabic, Tamil, Urdu, Spanish, and Somali. The first five represent the largest language groups based on numbers of low-income people in Ontario. Although not represented in the LAO data, Somali is a community with a high poverty rate, and is the top country of birth of African immigrants to Ontario. Thus it should be included in any pilot efforts.

In combination, the number of low-income Chinese n.o.s., Cantonese and Mandarin speakers is 90 855, far above the next highest language, Arabic, with 25 250 low-income people, and also vastly outnumbering French, with 38 735 low-income people. Given the extremely large population of low-income Chinese, the needs of this group could be addressed separately from initiatives for other linguistic communities.

Part II: Multilingual and multicultural communication methods

This part of the project canvassed methods of providing substantive education and information in order to identify effective methods for meeting the needs of several language groups. The research and interviews focused on agencies with expertise in

providing information to a multitude of linguistic groups. While the emphasis was on print materials, other methods were also of interest and the reports and interview respondents did not exclusively focus on print. The research was conducted through a review of the literature, as well as through a set of interviews and one focus group. In addition to PLEI, both the literature and the interviews included research on methods used in health promotion and other areas of community education. However, since legal information changes constantly, the need to update information is a much more significant factor when developing PLEI materials.

Where the goal is to produce material for many language groups, the literature and interviews have suggested several guidelines. Projects should recognize diversity through collaborations involving community members, and translations should be field-tested to ensure cultural sensitivity and accessibility across dialects. Translation involves a specialized skill set; thus qualified professional translators should be used. Translated material should focus on crucial points that are unlikely to change over time, informing people that they have a legal right or an obligation which they should investigate further. Key English terms may assist the audience in using the material. Where possible, print material should be supplemented with alternate formats. An online database of multilingual materials allows sharing of resources and prevents duplication. Agencies producing multilingual material should participate in advocacy for improved resources for their work.

Part III: Specific linguistic communities

In this part of the research another set of interviews was conducted to seek input from respondents working primarily within specific non-French, non-English and non-Aboriginal linguistic and cultural communities throughout the province. The purpose of these interviews included supplementing the first set of interviews from Part II with information on communication methods most effective in each specific linguistic community, obtaining a snapshot of current legal information needs in that community, and starting to identify organizations for ongoing linkages.

Semi-structured interviews were solicited from a variety of respondents. Some respondents work in languages spoken by large numbers of low-income people, while others work in smaller communities with high rates of poverty. Representatives of 32 agencies were interviewed, including four specialty legal clinics and representatives from two settlement agencies assisting the general immigrant population at centers near the US border.

An online survey was available for other individuals/agencies who wished to give input. The survey received 58 complete responses, primarily from individuals working in non-English, non-French and non-Aboriginal communities.

The large number of participants yielded a variety of responses. Nonetheless, there were several areas of commonality.

Radio, television and newspapers in the specific language, translation of existing materials, and online resources are generally considered effective ways to reach specific linguistic communities. ESL provides a helpful venue for presenting legal information to those with access to classes.

Use of community newspapers should be pursued as a large majority of the respondents indicated that newspapers are highly effective in reaching their communities. Although not as popular as community newspapers, radio is also important because of the need to reach individuals who cannot read or are homebound. Community radio has the potential to accomplish this in a cost-effective way. As well, individuals under stress need to receive information repeatedly over time. Thus methods should be chosen that allow information to be disseminated in a variety of ways, and a combination of print distribution and audio broadcast could support this strategy.

The respondents identified many pressing legal issues. However as the language communities recommended for a pilot have broad agreement on what those issues are, it should be possible to produce similar material that can be adapted for different languages.

Part IV: Recommendations

The research suggested principles to guide us in formulating recommendations. These principles underlie the recommendations, in combination with recognition of CLEO's mandate, resources and expertise. The principles may be summarized as follows:

- (1) Recommendations should recognize the diversity of Ontario, while at the same time carefully selecting the number of languages for translation. New initiatives require significant learning, and ample opportunities to build credibility and undertake evaluation.
- (2) Collaboration is required to ensure that materials are culturally appropriate and that translated material is field-tested and adapted for each culture.
- (3) Multilingual material should focus on crucial points that are unlikely to change over time, informing people that they have a legal right or an obligation which they should investigate further.
- (4) Where possible, print material should be supplemented with alternate formats.
- (5) Since multilingual materials will not be available in all languages, alternatives, such as visual representations, should be explored.
- (6) Recommendations should maximize resources and avoid duplication. This can be facilitated through a centralized online collection of materials.

FIRST STEPS

Item 1: Seek funding and community advisors for multilingual text and audio project for non-English, non-French and non-Aboriginal linguistic communities

Target languages: The project should start by developing an English master for translation and adaptation into Chinese, Arabic, Tamil, Urdu, Spanish and Somali. If sufficient funding is obtained, additional languages may be considered. The first five languages represent the top home languages based on number of low-income people according to the LAO data. The sixth language, Somali, is the language of the top country of birth of African immigrants to Ontario, is a community with a high poverty rate, and ensures representation of an African language.

Community Advisors: A coalition of community advisors should be developed with membership drawn from agencies representing each target language. Agencies that serve a large variety of language groups could also be included. Support should be sought from ethno-specific legal clinics; some might be willing and able to serve as community advisors.

Topics: CLEO should work with the community advisors to determine five to ten topics (exact number will depend on funding obtained). CLEO should consult with the Centre for Equality Rights in Accommodation (CERA), the Metropolitan Action Committee on Violence Against Women and Children (METRAC) and other relevant agencies to avoid duplication. The materials should deal with legal principles that are unlikely to change substantially over time so that they are sustainable. The advisors should report to CLEO periodically on changing legal information needs in their communities.

Method: For each topic, CLEO should produce online material in both text and audio formats. The materials should deal with one or two important points that are unlikely to change. The goal is to inform the audience that they have a right, and that they should seek more information on that right. Some interview respondents favored one medium over others. However, since respondents generally indicated that both print and audio may be effective, it is recommended that both formats be available for all the target language groups.

The text versions should be no more than one page, which could be downloaded, photocopied and distributed by community agencies. The overleaf could contain the English version, and/or key words highlighted both in English and the target language, as well as local referral information. The format of the text versions should be appropriate for placement in community newspapers.

The audio version should also be available online, from where it could be downloaded and listened to. The audio version should also be put on tapes or CDs for broadcast on community radio, both to supplement the text version and to reach individuals without access to the text version. CLEO could consult with the community advisors to consider whether culturally appropriate music would enhance the audio version.

Production: CLEO should work with the community advisors to develop an English master and a design compatible with the characters for each target language. CLEO should work with the advisors so that the English master is culturally appropriate for all six communities to the greatest degree possible. Since CLEO's expertise is in text publications, the print-friendly text versions should be developed initially, and then reviewed to assess how to make them appropriate for audio.

Qualified professional translators should be hired to prepare translations in each target language (respondents based in Toronto recommended translation services that they use). Community advisors should assist in finding participants, including recent newcomers to Canada, for focus groups to field-test the translations. Based on the focus group feedback, the materials may be adapted in some of the languages, if necessary, to ensure that they are culturally appropriate. Thus there may be some differences between the materials for each language group.

Distribution: In addition to CLEO's existing distribution network, community advisors should be asked to initiate contacts with radio, newspaper and other community media. With the assistance of the community advisors, CLEO should seek strategic publication of the materials in community newspapers in the target languages. Interview and survey respondents indicated that these newspapers have a wide readership. As with newspaper, the community advisors should be asked to assist CLEO in developing relationships and seeking broadcast with appropriate radio stations. The audio version could also be played as a recorded message on information phone lines. Thus the same message will be available in methods popular with the interview and survey respondents: online, print, and radio.

Workshops to introduce the materials to settlement and social workers in agencies working in the target languages could encourage and support distribution. The workshops should give the workers context for the materials and discuss proper use, distinguishing between legal advice and legal information.

Evaluation: CLEO should explore how to evaluate this project, and budget for evaluation. If the evaluation is positive, additional funding could be sought to expand to other languages and topics.

Item 2: Online collection

CLEO should use CLEONet to create a portal for a centralized, online collection of legal information materials in languages other than English and French, following the model referred to earlier in the report. In addition to the target languages for Item 1, above, CLEO should select additional languages, considering the LAO data.

An advisory committee may be helpful in developing criteria for materials to be included in the portal, and provide another way to monitor emerging legal issues in non-English and non-French linguistic communities.

CLEONet has developed practices for maintaining a high-quality collection of resources. For example, CLEONet works to identify organizations with known expertise and credibility in the production of legal education materials for their communities. CLEO should consult either with an advisory committee or with individuals with relevant experience and expertise to adopt these practices for the multilingual context, and to find and select multilingual resources which meet this high standard.

In addition to maximizing resources and preventing duplication, the portal will allow for inclusion of language groups and agencies not represented in the multilingual text and audio project. It can be used as a vehicle to ensure that the multilingual text and audio project does not replicate already existing resources where those are already of high quality. There should be coordination between the text and audio project and the online portal project. Supplementary funding must be sought to support this new component of CLEONet.

Once materials have been identified for the portal, these should be used to assess the relative availability of high-quality legal information between language groups. Thus future projects can select target languages on other criteria in addition to population size.

Item 3: Explore pilot Chinese translations and adaptations of selected CLEO pamphlets

Given the relative size of the Chinese population (Chinese n.o.s, Cantonese and Mandarin), CLEO should consider collaborating with Metro Chinese and Southeast Asian Legal Clinic regarding possible print adaptations of existing CLEO materials. These materials could be translated and adapted to ensure they are culturally sensitive and appropriate. This might offer a point of comparison with the pilot development and adaptation project. CLEO could explore whether such a comparison would lend itself to evaluation. CLEO would also need to seek funding for such an initiative.

NEXT STEPS

Item 4: Explore pilot ESL project

CLEO should identify appropriate ESL networks for discussions regarding possible collaboration. Agencies hosting Language Instruction for Newcomers to Canada (LINC) programs are a source of such networks. CLEO could provide members of these networks with information on the ESL teacher outreach program in another province and discuss with them the application of a similar program in Ontario. Another possibility that was suggested by one respondent would be a newsletter for ESL teachers. Evaluation should be built into any initiatives. In addition, CLEO could request collaboration from ESL beginner-level teachers on the visual-only project (Item 5) referred to below.

Item 5: Visual-only project

Using video effectively to reach low-income people has many challenges. However, CLEO should monitor the possible production of a video without spoken words or subtitles, currently under consideration by a PLEI organization in another province. In the meantime, CLEO should seek funding to develop picture-only posters on basic Canadian legal concepts addressing issues such as the importance of documents, equality between men and women, or child discipline. This would require advisors from a variety of cultural communities to ensure appropriate colours, symbols and sensitivity to the newcomer experience. ESL teachers with experience in beginner level classes should also be sought as advisors. Evaluation methods should be investigated.

ONGOING MONITORING

Item 6: Monitor needs and developments in linguistic communities and new multilingual communication strategies

Advisors from the multilingual text and audio project and the online portal project should be asked to update CLEO as pressing legal issues in their communities change over time. In addition, CLEO needs to periodically update its knowledge of developments such as changing numbers in the linguistic communities, changing rates of poverty, top immigration source countries and new information on literacy levels. LINC could be an additional source of this information. CLEO should monitor sources of this information annually. In particular, CLEO should examine the Ontario-specific results of the IALS to be released this autumn.

CLEO should take an active role in developments relevant to linguistic access to legal information and be open to pursuing or participating in timely initiatives in addition to these recommendations. For example, CLEO could participate in current discussions regarding PLEI on the issue of Ontario family arbitration. While CLEO will need to analyze whether other agencies may be better placed to lead such initiatives, CLEO could initiate dialogue on these issues. As well, CLEO should consider participating in new or existing networks advocating for improved linguistic access. These groups may provide a network for monitoring shifts in demand for particular languages.