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Multilingual Legal Information: Issues in Development and Delivery

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CLEO

Community Legal Education Ontario
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Introduction

In 2005, Community Legal Education Ontario (CLEO) undertook research to better understand the legal information needs of low-income communities in Ontario who speak neither English nor French. The research considered documentary sources such as Canada Census data and Citizenship and Immigration Canada (CIC) data. It also involved a literature review on multicultural and multilingual outreach, including selected projects from other jurisdictions and fields of work such as methods used in health promotion. CLEO also held consultations with community agencies via semi-structured individual interviews, focus groups and an online survey.

The research culminated in the Linguistic Access Report, completed for CLEO by Yedida Zalik in August 2005. In its conclusion, the Report recommended steps CLEO could take to help meet the legal information needs of low-income communities in Ontario who speak neither official language. Since the production of the Report, CLEO has begun work on implementing the recommendations. In collaboration with frontline workers and many volunteers, CLEO has developed and produced multilingual text and audio materials¹, and other recommendations are being pursued. CLEO also produced a separate report on Aboriginal communities and access to legal information².

CLEO has recently updated and reviewed the research and analysis. The primary goals of this update are to take into account changes in the population of Ontario, to include further studies, to supplement the 2005 consultations with input from several new informants, and to consider what we have learned since the original research was conducted. This update confirms and expands upon the original research and recommendations, as well as suggests new areas for exploration.

The discussion is structured as follows:

Part I **Linguistic communities:** Identification of pressing legal issues faced by linguistic communities in Ontario, description of factors impacting their access to information, and statistical snapshot.

Part II **Development of multilingual materials:** Discussion of cultural adaptation and translation process, as well as efforts to protect legal accuracy. For the purposes of this report, these efforts will be referred to as “due diligence”.

Part III **Delivery:** Discussion of the most effective formats and information channels for reaching linguistic communities with legal information, and the corresponding need for what this paper terms “assisted referrals”.

¹ The upcoming external evaluation of CLEO’s Six Languages Text and Audio Project will assist in refining the processes discussed in this report. The materials produced by that pilot project are available on the CLEO website.

² The executive summary of the report on Aboriginal Peoples and Access to Legal Information is available on the CLEO website. The full report is available from CLEO upon request.

Part IV **Recommendations:** Based on the findings from Parts I through III.

This research builds on CLEO's 2005 report. At that time, CLEO obtained rich feedback from a wide range of respondents with expertise in providing information to linguistically and culturally diverse communities. Appendix A provides the executive summary of CLEO's 2005 Linguistic Access Report; the full report includes a list of interview respondents³.

In 2008, we conducted additional consultations with selected informants known to CLEO as experts on these issues. Many of these informants, who serve a variety of linguistic communities, were not interviewed during the 2005 research. There are many other experts whom we could not consult because of the contained nature of this update. Appendix B lists the informant agencies consulted in 2008. These informants agreed to be identified on the understanding that this report would not attribute responses to any specific individual or agency. The 2008 consultation questions are included as Appendix C; questions were adjusted for individual informants as appropriate.

This report cites feedback from the consultations held in both 2005 and 2008, and updated statistical data that was not available at the time of our original report. It also considers literature that was reviewed both as part of the original research, as well as literature reviewed more recently to support this update. Several studies have been particularly helpful in refining and elaborating the original research. In particular, this report makes extensive use of two comprehensive studies on settlement information in Ontario media. CIC commissioned these studies, one by Professor Karim, the Director of Carleton University's School of Journalism and Communication, and the other by Diversipro Inc., a research firm. Both were completed in 2007.

Part I: Linguistic communities in Ontario

The range of linguistic communities in Ontario is hugely diverse, and recent years have seen an outpouring of literature either directly or tangentially related to these communities. This report does not aim to provide a comprehensive discussion of linguistic communities and the issues that they face. Rather, it seeks to highlight those aspects that are most relevant for CLEO's mandate: to meet the most pressing needs of low-income and disadvantaged communities in Ontario for legal education and information.

During the supplementary consultations held in 2008, many informants identified language as the biggest barrier clients face in accessing legal information and services. This is supported by the CIC research referred to above (Diversipro, 2007; Karim, 2007). Heads of households, in Canada for less than two years, cited language "*as the primary barrier to successfully accessing settlement information*" (Diversipro, 2007, PDF 23).

³ The complete Linguistic Access Report is available from CLEO upon request.

Studies also confirm a correlation between absence of English language ability and low-income (Khosla, 2003). A growing body of literature on “clustering” explains that an initial legal problem places individuals at risk for a spiral of legal problems. For example, marriage breakdown can lead to income problems, can lead to inability to pay the rent, and can lead to eviction. This spiral has now been established through statistical analysis (Currie, 2006). The downward spiral of legal problems demonstrates the need to reach people with legal information early in the cycle, so that this information can play a preventative role.

Part (a) of the following discussion reviews pressing legal issues identified through CLEO’s research. Part (b) discusses relevant factors impacting linguistic needs, and part (c) provides a statistical snapshot for select languages.

(a) Pressing legal issues

The need for legal information is immense and there are a vast number of topics on which materials are required. It is helpful to consider a variety of factors when selecting topics for materials development. CLEO has in place a variety of project selection criteria and works through a number of processes to assist in topic selection.

For example, if other agencies have produced materials on a given topic, it may not be efficient to use resources for new materials in that area. Other factors include the availability of services required for development or use of the materials. Most CLEO publications include information on how to access legal help. Thus CLEO avoids producing materials on a given topic if there are no services available to assist individuals in pursuing their legal rights in that area. As well, in order to safeguard legal accuracy, it is important to identify specialist lawyers to review the materials. However this can be challenging for new and emerging topics, and in some areas may be a deterrent to development. This list of factors is by no means comprehensive and some factors may not apply to all topics.

During CLEO’s consultations in 2005 and 2008, informants identified many areas of law in which information is needed and which may serve as indicia of high need topics. Immigration law is a key concern. According to one informant, legal issues in non-immigration areas generally overlap with immigration law. All their other legal issues were “*pertaining to their particular immigration or refugee status.*”

Specific immigration topics identified included the steps involved in making a refugee claim and sponsorship of family members. There was much discussion of the need for information on sponsorship breakdown, in particular, for seniors.

Informants noted that immigrant communities are aging and there is a need for legal information pertaining to seniors. Seniors who do not speak English or French were frequently identified as a high need group; they need information on pensions, powers of attorney, wills, and elder abuse. Individuals are also concerned about their legal

obligations when a family member dies, such as financial responsibility for burial, and disposal of property.

Informants articulated a need for information on inter-jurisdictional issues. For example, in the area of family law, informants frequently identified foreign jurisdiction marriage and divorce, and the impact of both of these on family sponsorship, as areas in which information is needed. All areas of family law, divorce and subsequent property division, support, custody and access, were identified. Foreign adoption was another issue, as well as interfamilial adoption. Child protection is a major area of concern.

Several informants discussed the need for materials for individuals coping with the mental illness of a family member. They identified the interaction of mental health and the law as an issue increasingly faced by their clients.

Workers' rights and housing rights were mentioned frequently, as well as discrimination in employment, housing and services. Some informants identified a need for materials on taxation issues, and in particular information about child tax benefits. Social assistance was raised less frequently, however, there was some discussion of the need for information on working and receiving social assistance, and the difficulties of disposing of foreign owned-property in order to qualify for social assistance.

Information on accidents and insurance, including workplace and property insurance was identified as a need. One informant commented that the concept of insurance on houses and cars does not exist in some countries, and so materials are needed to explain how this works in Canada. Informants also reported a need for consumer information.

Informants discussed the need for materials on criminal law and related topics, such as youth criminal law, police stops and searches, and school suspensions. Others identified a need for information on hate crime, and police brutality.

Aside from legal topics, information about legal aid and the community legal clinic system was identified as an area of need. Many individuals do not understand the differences between legal aid certificates, community legal clinics, and duty counsel or advice lawyers.

These suggested topics provide a broad overview: the need for specific information on a given issue may vary from community to community. It can therefore be challenging to select content for a given piece. In its Six Languages Text and Audio Project, CLEO has worked with community advisors to prioritize topics and content of materials and has avoided topics that would lead to a duplication of efforts.

(b) Factors contributing to linguistic needs for legal information

Selection criteria may assist in determining priority languages for multilingual materials. As with topic selection, it may be wise to avoid preparing new materials in languages in which many resources are already available. In addition to data on population size, it may

be helpful to consider data on depth and breadth of poverty, and language data for vulnerable groups such as refugee claimants. It will be very difficult to obtain accurate data on undocumented populations, yet these are among the most marginalized individuals. It may be important to prioritize languages spoken by groups facing multiple barriers, for example, racialized communities, women and seniors.

As well, there is likely a profound need for information in American Sign Language: numbers are not an adequate indicator of this. Braille materials must also be considered. Due to the unique considerations with respect to accessibility of these formats and delivery strategies, separate research is required on American Sign Language and Braille materials.

In general, linguistic communities are highly urbanized. Their numbers are growing in Canada's major centres, and especially in Ontario. It makes sense that they would settle in core cities where there is greater access to services and to other individuals from their linguistic or cultural background. However, there are rural pockets where settlement patterns have led to significant needs; for example, the resettlement of large numbers of Karen refugees in Thunder Bay, or migrant farm workers, primarily of Latin American and Caribbean origin, working on southern Ontario farms. The legal information needs of these groups can be quite specific with respect to delivery methods and legal issues.

In Toronto alone, over 100 languages are spoken (Community Social Planning Council, 2005). There are huge service needs in languages other than English or French. For example, in Toronto *"about 50 percent of all community-based agencies that provide programs specifically for youth, offer them languages other than English/French"* (City of Toronto, 2006, PowerPoint slide 9). Many individuals need assistance to utilize English language materials and services. A literacy profile of Ontario's immigrants indicates English is the working language of almost all immigrants in Ontario. Yet according to that report, 67 percent lack the minimum English language literacy level required for adequate function in Canada (Literacy and Basic Skills, 2000).

First language literacy is an important advantage for attaining second or multiple language literacy. This presents an additional challenge for resettled or government assisted refugees, who may have spent years in camps, with limited educational opportunities: *"One quarter of the 1,925 school-aged, government assisted refugees . . . who have arrived in Canada this year as of mid-November had absolutely no formal education, according to figures from CIC"* (Mahoney, Globe and Mail, 2007). These learners may need to achieve basic literacy in their first language, prior to learning English. They will face difficulties in benefiting from print materials, even when provided in their first language.

Refugees must deal with particular issues. The trauma suffered by these individuals has long-term impacts, even for those who succeed in obtaining refugee status. Refugees may include refugee claimants in Canada, former claimants who have been granted refugee status, or government-assisted or resettled refugees, who are identified and accepted as refugees in advance of their arrival in Canada. While *"most refugees in Canada make*

their claims for refugee status from within this country rather than from overseas” (Wayland, 2006, p. 23), those resettled from camps have particular needs, due to long years of isolation and deprivation. During CLEO’s consultations, settlement workers discussed challenges in assisting the large number of Karen refugees recently resettled to Ontario. In previous years, Canada resettled many Afghan refugees.

Resettled or government-sponsored refugees are distinct from refugee claimants. Refugee claimants are less visible but are frequently exploited, and may be more fearful of seeking out services. Failed refugee claimants often enter the ranks of the undocumented, whose lack of status makes them fearful of seeking assistance and who frequently face exploitation by landlords and employers:

“When it comes to settlement information, one of the biggest issues for newcomers is the lack of knowledge on where to get more information about basic things (their rights, responsibilities, etc.). They are easily abused by people within their community who lie to them about the laws of Canada.” (Karim, 2007, p. 19).

Individuals may have lived in Canada for decades, but due to isolation in their home or community, may not have acquired official language proficiency. For example, women and seniors may be less likely to leave their homes because of the difficulty of navigating in an official language, thus they are less likely to encounter information. The isolation of immigrant women who are unable to speak English or French is well documented (MacLeod and Shin, 1994). As a result of language barriers, many women are not even aware of services and resources that may be available to assist them (Khosla, 2003).

Some individuals live in sub-standard conditions in employer-provided accommodation. They have limited access to information about their rights, leaving them vulnerable to employers who mislead them. Many of these people may be undocumented. Fear of discovery by immigration authorities contributes to their vulnerability.

Most newcomers are selected to come to Canada as permanent residents because they are highly educated. Yet due to accreditation barriers they lack access to work in their fields. They are frequently relegated to low-income employment where there is little opportunity for advancement. The barriers are compounded if they are from a racialized community. Recent research confirms not only that many individuals from racialized communities experience low income, but also that poverty levels in these communities are deepening (Galabuzi, 2006). Ornstein (2006), analyzing 2001 Canada Census data for Toronto, explains at pp. 80-81:

“These figures on the extent of poverty represent the average condition of entire communities in Toronto. In a highly individualistic society, it is easier to think about a person or family living in poverty, and often in the context of bad luck. Indeed, research shows that losing a job and dissolution of a family are the events that most often result in a person’s becoming poor. What these tables describe is the quite different idea of an entire community where the average income is very low and many, many people live in poverty. Even ethno-racial groups with the

highest income experience some poverty. Once overall poverty levels in a group reach 20 or 25 percent, it is no longer possible to think of poverty as the unfortunate result of unusual circumstances. Indeed there is a very strong relationship between the incidence of low income and the groups' overall situation, whether that's computed as the mean or the median income or on the basis of families or individuals. In the poorest communities, the levels of what Statistics Canada officially defines as "low income" – but some other definition of a "poverty line" would make no difference – can only result when low income is pervasive.

The poverty and income statistics described in this chapter, describe a community in which the experience of extreme disadvantage is highly racialized. Every one of the twenty poorest ethnoracial groups is non-European."

This discussion of needs and barriers can assist in prioritizing languages for materials. In addition, the complex nature of language influences selection: a variety of factors impact accessibility for a given audience. These include but are not limited to, issues of written and oral usage, variations in regional dialect, and the national effect of official language policies:

"It is important also to recognize that it is not unusual for different languages to be used for speaking and writing within the same community. Hmong people coming from Laos as refugees in the 1980s often spoke the Hmong language at home but were literate, if at all, in Lao, the national language of Laos. Similarly, immigrants from Mexico may speak a Mayan language but read only Spanish. Literary and commercial Arabic is far removed from the spoken varieties of Arabic prevalent among speakers from Cairo, Beirut, or Tunis" (Downing and Bogoslaw, Methods of Translation, 2003, p. 4).

This kind of information is helpful, because, as one informant explained "written language may differ but spoken language is shared". For example, if Punjabi is used in an "oral session or radio program, even those who don't read can understand, especially with languages that have huge crossover". Thus, Karim recommends:

"With respect to choices of languages, rather than adopt solely an approach such as the "top ten languages" in which the translation will be carried out, there needs to be an appreciation of the languages that are most widely understood among immigrant groups. In addition to the mother tongues spoken by large numbers of immigrants, others such as Farsi (widely used in Iran, Afghanistan, Central Asian countries), Kiswahili (East African and Central African countries), and Russian (Russian Federation as well as former republics of the Soviet Union) may not have many first-language speakers but offer the advantage of broad accessibility" (Karim, 2007, p. 94)

For any language, including English, accessibility and diversity are key concerns when material is intended to reach a variety of audiences. A report based upon focus groups with youth from African and Caribbean communities found that:

“Africans spoke many other languages in addition to English. English was not their first language, even if it is the national language of their home countries. The Africans use of English depended on their level of education ‘back home’ and their age. They cited the need for ESL training as the key gap in settlement services for their community. People from the Caribbean also had difficulties with language. While they are unilingual, native English speakers, they speak a dialect of English. This dialect is sufficiently different from standard English that it can lead to mutual incomprehension. Schools dealt with the language difficulties of Caribbean students by placing them in ESL classes. This lowered their self-esteem and contributed to their underachievement” (Scott, 2000, p. 27).

(c) Data

Informants consulted by CLEO in 2008 were asked to identify criteria for prioritizing languages for legal information projects. Almost unanimously informants indicated that data on size should not be considered in isolation. Statistics on depth and breadth of poverty are also important. Some groups with much smaller populations in total number may be among those with the highest rates of poverty. Informants believe CLEO should not overlook newer communities with relatively less access to services in their languages, and, in particular, resettled refugees, refugee claimants, and undocumented people⁴.

CLEO has commissioned statistical information⁵ on language groups and income status after tax⁶ from Statistics Canada based on samples from the 2006 Canada Census for

⁴ CLEO’s Six Languages Text and Audio pilot project attempted to recognize the diversity of Ontario in its selection of target languages: Chinese, Arabic, Tamil, Urdu, Spanish and Somali. Due to CLEO’s mandate to serve low-income and disadvantaged communities, the first five languages were identified through statistical information on language groups and low-income that Legal Aid Ontario commissioned from Statistics Canada based on samples from the 2001 Canada Census (Source: Statistics Canada, 2004. Contract #EO0772. Prepared for Legal Aid Ontario, May 17, 2004). That data provided a breakdown of languages most often spoken at home in private households and low-income status for Ontario legal clinic catchment areas. Somali was chosen as the sixth language because Somalia was the leading birth country for African immigrants to Ontario between 1991 and 2001 (Ministry of Finance, 2003), and over 24,000 people in Ontario spoke Somali at home either exclusively or frequently. In Toronto, at the time of the 2001 census, over half of the Somali community lived below the low-income cut-offs (Ornstein, 2006).

CLEO did not rely exclusively on statistics in determining whether to use Simplified or Traditional script or Mandarin or Cantonese audio. While the numbers of Cantonese speakers appeared statistically higher, Mandarin speakers may be masked in the Chinese “n.o.s.” category. Community partners indicated an ever-increasing influx from mainland China, who are more likely to speak Mandarin and read Simplified Chinese script. These individuals may have access to fewer services than persons who speak Cantonese. Therefore CLEO’s audio materials were prepared in Mandarin, and its text materials in Simplified Chinese.

⁵ Source: Statistics Canada, 2008. Contract #EO1226. Prepared for Community Legal Education Ontario, August 7, 2008.

⁶ The 2006 Census Dictionary states “[m]easures of low income known as low income cut-offs (LICOs) were first introduced in Canada in 1968 based on 1961 Census income data and 1959 family expenditure patterns. At that time, expenditure patterns indicated that Canadian families spent about 50% of their total

Ontario and five census metropolitan areas⁷. In Ontario, in descending order, and excluding English and French, the top twenty languages most often spoken at home without regard to income status are: Chinese n.o.s. (not otherwise specified), Cantonese, Punjabi, Italian, Spanish, Urdu, Tamil, Portuguese, Polish, Arabic, Mandarin, Tagalog, Russian, Farsi, Vietnamese, Korean, German, Gujarati, Serbian, Greek. All of these have populations exceeding 25,000. The first four languages (Chinese n.o.s., Cantonese, Punjabi, and Italian) all have populations exceeding 100,000. The fifth language, Spanish, numbers over 95,000.

The languages most often spoken at home by low-income people⁸ (excluding English and French) are: Chinese n.o.s., Cantonese, Urdu, Arabic, Farsi, Spanish, Korean, Mandarin, Punjabi, Tamil, Russian, Vietnamese, Bengali, Somali, Polish, Portuguese, Gujarati, Italian, Tagalog, and Hindi. The top six (Chinese n.o.s., Cantonese, Urdu, Arabic, Farsi and Spanish) all number more than 20,000. The low-income populations speaking Korean, Mandarin, Punjabi, Tamil, Russian, and Vietnamese all number over 10,000. The rest of these languages number over 6,000, with the exception of Hindi, which is 3,850.

This data from Statistics Canada includes a breakdown of people who reported speaking these languages at home and also reported that they have no knowledge of English or French. Data on people with no official language capability may seem to be a more specific indicator of need. However, this data may actually disguise need because many people who reported some knowledge of English or French probably require information and services in their home language. According to the 2006 Census dictionary, the official language data are based on the informant's assessment of his or her ability to speak the two official languages. *"In 2006, the following instructions were provided to informants in the 2006 Census Guide: "Mark English or French only if the person can carry on a conversation of some length on various topics in that language"*⁹. The ability

income on food, shelter and clothing. It was arbitrarily estimated that families spending 70% or more of their income (20 percentage points more than the average) on these basic necessities would be in 'strained' circumstances. With this assumption, low income cut-off points were set for five different sizes of families. Subsequent to these initial cut-offs, revised low income cut-offs were established based on national family expenditure data from 1969, 1978, 1986 and 1992. The initial LICOs were based upon the total income before tax of families and persons 15 years and over, not in economic families. After a comprehensive review of low income cut-offs completed in 1991, low income cut-offs based upon after-tax income were published for the first time in *Income After Tax, Distributions by Size in Canada, 1990* (Catalogue no. 13-210). In a similar fashion to the derivation of low income cut-offs based upon total income, cut-offs are estimated independently for economic families and persons not in economic families based upon family expenditure and income after tax. Consequently the low income after-tax cut-offs are set at after-tax income levels, differentiated by size of family and area of residence, where families spend 20 percentage points more of their after-tax income than the average family on food, shelter and clothing".

⁷ Area consisting of one or more neighbouring municipalities situated around a major urban core. A census metropolitan area must have a total population of at least 100,000 of which 50,000 or more live in the urban core. A census agglomeration must have an urban core population of at least 10,000 (2006 Census dictionary).

⁸ As a measure of poverty, this data is imperfect. Definitions of "basic needs" differ: Statistics Canada's Low Income Cut Offs (LICO)'s have been criticized for failing to account for housing costs in high rent cities and therefore overlooking need. For some alternate definitions of low-income, see Canadian Council on Social Development website.

⁹ See "Remarks" section in 2006 Census Dictionary under "Knowledge of Official Languages". Reading

to carry on a conversation about the weather would not be equivalent to absorbing information about legal rights.

The top 15 languages spoken by people who speak neither English nor French are Cantonese, Chinese n.o.s., Italian, Punjabi, Portuguese, Spanish, Mandarin, Vietnamese, Tamil, Urdu, Arabic, Farsi, Russian, Korean, Polish. Of these, Cantonese, Chinese n.o.s., Italian, Punjabi, Portuguese, Spanish and Mandarin all have populations over 10,000.

There are 15 languages with low-income populations over 1,000 of people who do not speak any English or French. These are Chinese n.o.s., Cantonese, Mandarin, Spanish, Urdu, Arabic, Korean, Punjabi, Farsi, Russian, Vietnamese, Tamil, Portuguese, Italian and Gujarati. Of these, only Chinese n.o.s. and Cantonese have populations greater than 5,000.

The major linguistic groups vary from municipality to municipality. In Ottawa, the ten languages most often spoken at home by low-income people are Arabic, Somali, Chinese n.o.s., Spanish, Farsi, Urdu, Vietnamese, Mandarin, Bengali and Russian. None of these has populations exceeding 10,000, and Arabic, at 6,905, is the only one exceeding 5,000. In Toronto, there are twelve languages with low-income populations greater than 10,000. In descending order, these are Chinese n.o.s., Cantonese, Urdu, Farsi, Korean, Mandarin, Spanish, Tamil, Punjabi, Russian, and Arabic. The top three (Chinese n.o.s, Cantonese, Urdu) all exceed 25,000. In Hamilton the top ten languages other than English and French with low income populations are Arabic, Chinese n.o.s., Korean, Urdu, Spanish, Vietnamese, Punjabi, Farsi, Mandarin, Italian. The top three (Arabic, Chinese n.o.s., Korean) all exceed 1,000 people¹⁰.

CIC compiles statistics on mother tongue for what CIC terms Canada's annual "intake" of permanent residents¹¹. This is not as useful an indicator as language spoken at home, because mother tongue does not necessarily indicate frequent language use by the informant. Other than English, in 2007, permanent residents in numbers greater than 10,000 identified the following mother tongue languages: Mandarin, Arabic, Spanish, Tagalog and Punjabi. In fact, in the last nine years, Mandarin has been consistently higher than 20,000, and usually over 30,000. From the year 2000 until 2007 (when it dropped to 8,898), Urdu was consistently over 10,000. Other languages present in large numbers (above 5,000 in 2007) were French, Russian, Korean, Farsi, Chinese n.o.s. and Gujarati.

These numbers reflect Canada-wide statistics, rather than Ontario. The data may still be instructive since Ontario is by far the most popular provincial destination for permanent residents, with 47 percent of permanent residents in 2007, as opposed to the next most popular province, Quebec, with only 19.1 percent in 2007. Of Ontario permanent

ability does not appear to be included in this question.

¹⁰ CLEO has access to more detailed data through the Statistics Canada materials. Further analysis of that data could provide insight into specific groups based on age, gender, immigrant status, and educational levels.

¹¹ Citizenship and Immigration Canada, 2008. Facts and Figures, Immigration Overview: Permanent and Temporary Residents, 2007. See page 52, "Permanent Residents by Mother Tongue".

residents, more than half were from Asia and the Pacific. While a significant percentage indicated ability in neither official language (30 percent), more than half reported ability in English. However, as these are “*self-declared indicators of knowledge*”, this reported ability does not accurately reflect capacity to access information and services in English¹².

Countries of origin for refugee claimants may assist in identifying language needs¹³. In 2007, the top ten countries of alleged persecution for Canada’s intake of refugee claimants in descending order were: Mexico, Haiti, Colombia, the People’s Republic of China, the United States, Sri Lanka, Nigeria, India, Israel, Pakistan. The intake from Mexico has steadily increased, reaching 25.4 percent in 2007. The numbers from Colombia have also been increasing. The numbers from Haiti jumped dramatically from 1.9 percent in 2005 to 13.0 percent in 2007. Statistics on what CIC terms the “stock” of refugee claimants on December 1 give another picture of need, with those from Mexico far ahead at 16.3 percent in 2007, followed by China at 7.1 percent. The other countries in the top ten on December 1, 2007 were Haiti, Colombia, Pakistan, India, Sri Lanka, Nigeria, the Democratic Republic of Congo and Zimbabwe. The majority of these claimants came to Ontario, which had 56.9 percent of total refugee entries and 63.8 percent of the December 1 refugee “stock” in 2007.

Although this data may help inform priorities, it should be only one factor in the determination. As one informant commented, it is “*better to consult with people who are working frontline with actual communities. Stats can be misleading, they are just numbers but don’t reflect access and needs*”.

Part II: Development of multilingual materials

When providing information materials, it is crucial to invest time and resources in the development process so that information is easily understood (Diversipro, 2007; Karim, 2007). Recent research found that in Ontario, “*the grade-level of language used in settlement information was often too high for newcomers to fully understand*” (Diversipro, 2007, PDF 6), and goes on to recommend that these materials be “*written or rewritten by journalists*” (Diversipro, 2007, PDF 37). One of these studies states: “[*m*]aterials should not be overwhelmed with information that may be considered “good” for newcomers, but which they will not actually utilize for various reasons” (Karim, 2007, p. 89) and recommends that settlement material be communicated in plain language, in a multiplicity of languages and made culturally accessible.

CLEO English language materials go through a rigorous process of clear language editing and final proofing. The additional processes required to communicate legal information in multiple languages include cultural adaptation as discussed in part (a) below,

¹² See pages 40-41, “Permanent Residents by Province or Territory and Language Ability” and page 43, “Permanent Residents by Province or Territory and Source Area”.

¹³ See page 121, “Total Entries of Refugee Claimants by Top Source Countries”; pages 124-125, “Total Entries of Refugee Claimants by Province or Territory and Urban Area”; page 127, “December 1st Stock of Refugee Claimants by Top Source Countries”, and pages 130-131, “December 1st Stock of Refugee Claimants by Province or Territory and Urban Area”.

translation in part (b), and accuracy checks, which for the purposes of this paper will be described in (c) as “due diligence”. All three of these processes may overlap throughout the development phase.

(a) Cultural adaptation

Legal information projects that focus on only one particular linguistic or cultural community allow for material that is not translated from English, but is developed independently as a unique piece for each cultural and/or linguistic group (Brustin, 1993; Eagly, 1998; McDonald, 2000; Law Courts Education Society, 1994). This is considered most effective for a single linguistic community since content and language developed with the point of view of the target audience in mind is more likely to respond directly to their needs (Broad, 2001). However the strategy is more complex when undertaking a project with a goal of serving several linguistic communities.

The Multilingual Health Care Coalition in Rhode Island provides a model of different cultural and linguistic groups collaborating to produce material. In that project, health education was delivered in six languages (Clabots and Dolphin, 1992). The coalition consisted of three hospitals, one community health centre, and leaders from Hispanic and Southeast Asian communities. Tapes were chosen to demonstrate difficult health concepts; to circumvent literacy concerns; and because all the agencies involved owned VCRs and reported that a large percentage of community members owned VCRs.

Since the budget did not allow for the production of unique tapes for each community, the coalition worked to compromise among the communities regarding topics and issues of cultural sensitivity. Coalition members and agencies received the tapes free of charge but were requested to complete evaluation forms¹⁴. The informants reported that they could use the tapes in a variety of contexts such as clinic waiting rooms, individual teaching situations, staff training and loan to patients for home use. In seven categories dealing with usability on a scale of one through five, where five meant excellent, the evaluations rated the tapes at three or higher.

Following this model, in CLEO’s multilingual pilot project, the first step sought cultural feedback on an English template. The feedback was provided by an advisory group of settlement and community agency staff, who provide services to their communities in the target languages. They played a key role in topic and content selection: identifying high-need information for their communities. The advisors assisted in finding culturally sensitive and appropriate language in English, as well as explanations that are understandable to members of their communities. They also identified places in the text where language needed revision to avoid potential prejudice or harm. Thus, the challenge was to take into account a variety of cultures in one document.

The English document was then translated and the advisory group members provided feedback on the translation. Once the English language materials had been translated, the community advisors were intimately involved in recruiting and facilitating focus groups

¹⁴ Only eight of the additional 25-30 agencies (outside of the coalition members) completed evaluations.

of individuals from each linguistic community. These focus groups provided important feedback, but also involved many challenges and difficulties.

Focus group feedback led to recognition of terminology and areas of the text needing elaboration because of cultural differences. For example, one of the pieces focused on the immigration consequences of criminal charges for non-Canadian citizens. CLEO's goal was to inform individuals in this situation that they need expert legal advice in both criminal and immigration law. The initial draft stated, by way of introduction: "*If you are charged with a crime in Canada, you have a right to a trial in criminal court*". Focus group participants from some language communities reacted strongly to this statement. The reference to a "right" was intended as a positive statement, but the message sounded ominous to people coming from less democratic legal systems for whom a right to a trial sounded like a sure sentence. As a result, more information was included about reasonable doubt, and the implications for a fair trial.

The community advisory group also played and continues to play a crucial role in giving credibility to the information¹⁵. Given their strong role and involvement in the project to date, CLEO expects that they will stand behind the project and act as key disseminators of the materials.

(b) Translation process

Translation is obviously a key component of multilingual projects. However, it is a process whose complexity is often underestimated and which involves intricate considerations. In the interests of accessibility, issues of layout and font must be taken into account. In Roman languages, CLEO is aware of font and spacing issues that affect readability. In non-Roman languages, it may be helpful to look to community newspapers and field-test to identify fonts with which readers are most comfortable. A variety of technical issues, such as software and platform transferability, can complicate the process at the production stage¹⁶. It is preferable that decisions about these issues be made prior to the onset of translation.

The goal of translation is not only to accurately reflect the meaning of the source text, but also to read naturally so that the text appears to have been written from scratch in the target language. Ideally it should not be obvious that the document is a translation. Achieving this goal is time-consuming: a first draft of a translation will be very literal,

¹⁵ For example, advisory group members from a variety of backgrounds indicated that it was important to include information about same sex rights in a piece on family sponsorship. That piece explains that spouses and partners can be sponsored, including same sex spouses. During field-testing, some community members had strong reactions to this information. The community advisors were present, and were able to explain the need for this information, with credibility and sensitivity. The message was received well by the participants, because it came from someone who understood their culture.

¹⁶ Just as accessible fonts are necessary for text materials, in an audio project it will be important to find suitable narrators. Their voices and reading style must sound professional and media friendly. Of equal importance, their accent and speech patterns should be easily understood by a wide variety of listeners from the target language group. However, it is very challenging to recruit appropriate narrators on a limited budget.

and the translator should go through a series of revisions to arrive at a natural sounding translation. Where resources allow, it may be prudent to involve two translators. The role of the second translator is not merely to proofread, but also to identify phrases that still read as direct translation, and adjust accordingly.

It can be helpful if a translator has specific knowledge of and experience in the subject matter of the source text. Thus, for its French translations, CLEO works with the Centre for Legal Translation and Documentation at the University of Ottawa. There is no obvious corresponding centre of legal translation expertise for non-official languages.

Perhaps most importantly, translators should be excellent writers in their target language. Interpreters will not necessarily be good translators:

“Whereas in speech situations meanings are normally negotiated through interaction between the speakers and addressees, in written communication there is generally no opportunity for questions or clarifications. Thus written communication, taking place between writers and readers who are not in contact with each other and have no opportunity for interactive clarification of meaning and intent, demands much more than speech with respect to clarity of intent, content, and the unstated implications of what is said. At the same time, while spoken utterances are retained only in the memories of the hearers, if at all, writing remains a durable record of what has been said, and can be read by any number of people, even over expanses of space and time. If there are errors or misinformation in written materials, it is very difficult to correct them once the materials are distributed. This again shows how important it is that the intent and meaning of written texts be as clear as possible. Writing is a skill generally learned only through formal schooling. Because of this, and because writing typically uses standardized forms of language quite different from the forms of speech, the ability to write effectively is a much rarer skill than is fluent speech and conversational interaction”(Downing and Bogoslaw, *Methods*, 2003, p. 3).

Translators must write for the audience’s reading level, or register, when translating¹⁷. When preparing educational materials, they need to be aware of the target audience for the materials and use everyday language rather than academic or professional vocabulary. This poses particular challenges with legal information, since law is a specialized discourse, and legal meaning is often open to interpretation.

¹⁷ Translation protocols generally involve using qualified professional translators. All too often, because of lack of funding, volunteers are used as translators and interpreters, and they may not have the sufficient skills. Similarly, not all translation services use individuals with the appropriate qualifications. Not only must a translator have sufficient command of both languages, even perfectly bilingual individuals are unlikely to have the specialized knowledge required to produce accurate translations. See J.Puebla Fortier, *Multicultural Health Best Practices Overview*. (California: The California Endowment Multicultural Health Investment Area, 1999). Technically competent translation requires careful treatment of grammatical and syntactical structures, vocabulary and usage, special characters, metaphor, graphics and expansion space as outlined in M. Coe, “Writing for Other Cultures” (1997) *Intercom*. Furthermore, S. Hernando, “Cultural Interpretation: An Issue of Power and Accessibility”(1994) 44/45 *Fireweed* 30, explains that sensitivity to and knowledge of both cultures is needed to produce material that is accurate and readily understood.

Additional issues arise when preparing multilingual legal information. For example, CLEO materials are intended to be gender neutral. But in some languages, gender neutrality leads to complicated sentence structures, and as a result, the information will be less accessible to the audience. However, if adherence to gender neutrality is relinquished, there is a risk that legal accuracy will be affected; that it will not be clear that the law in question applies to both genders. Achieving this balance is complex: it is not always possible to identify a single guideline for addressing gender issues in each language. In some cases, it may be necessary to analyze specific instances of gender as they arise. Furthermore, the method that best addresses the gender problem in a text piece may not be appropriate for an audio script: conventions such as brackets or slashes will not be obvious when the material is read aloud.

Once the initial translation is complete, it may be advisable to include a community review component. *“This type of review focuses primarily on assessing how clear, understandable, and otherwise appropriate the translation is to the target audience”* (Downing and Bogoslaw, *Translation as a Strategy for Effective Communication with Patients and Clients*, 2003, p. 11). An American report on translation in health settings recommends that:

“[c]ommunity reviewers, usually three or more native speakers of the target language, are selected with an eye to diversity in age, gender, and dialect or region of birth. The reviewers may be provided only with a copy of the target-language text; however, to gauge better the accuracy of the translation, bilingual reviewers should be selected and provided with copies of both the source and target texts. After reading the documents on their own—and perhaps taking notes on problem areas—the reviewers meet to share their opinions. This meeting is in effect a focus group, and should therefore be facilitated by a separate person who is familiar with both the source and target languages. The facilitator should also prepare a written report on the review panel’s findings and present it to the translator(s) or project manager. If possible, a similar group of monolingual speakers of the target language should be convened to provide their own feedback. The management of the community review can be delegated to a community organization that is part of the translation team.” (Downing and Bogoslaw, 2003, p. 11).

In order to reach the widest possible audience, this review can search for terms and phrases that are widely understood across the different cultures and regions that use a given language. In CLEO’s project the focus groups described earlier were intended to assist with this search. In another Toronto project by Hong Fook Mental Health Association for East and Southeast Asian women, it was found that:

“translation of terms that expressed the same meaning appropriately among the various native languages and English has posed the most fundamental challenges. Further to the problem of literal versus cultural translation, there are also regional differences in dialect and word/phrase usage for different communities

within the same language, for example Taiwanese Mandarin and Mainland Mandarin and Cantonese, North and South Vietnam, and North and South Korea. In trying to balance the complexity of translating our project information, research question guides, focus group and interview transcripts, and social marketing print material, we had to work with a number of individuals from each community” (Wong et al, 2003, p.19).

In a multilingual project, this phase is extremely labour-intensive, and requires either compensation for the reviewers or a tremendous amount of dedication by volunteers. CLEO relied primarily on its advisory group for this task: the time required was considerable and the tasks were extremely demanding due to the detailed nature of the work. CLEO continues to explore alternate models for this phase, both through trial and error and by learning from the work of other agencies. For example, the Ontario Council of Agencies Serving Immigrants (OCASI) is currently developing a new website that will identify and translate key settlement information. Division of labour is built into their work plan: OCASI has recruited an advisory committee for general input as well as independent, language-specific groups of settlement workers for translation feedback¹⁸. An external evaluator is working with OCASI on this project: their findings may also be helpful for CLEO’s work.

(c) Due diligence

These many layers of feedback and review can result in changes that impact the legal accuracy of information materials. Translation checks, while critical, have their limitations. As the experience of developing clear language multilingual information increases, CLEO and others engaged in this work, may develop more secure systems for protecting accuracy. Until then, it is more accurate to refer to these checks as “due diligence” than as “accuracy checks”, due to the imperfections inherent in the current processes.

CLEO has benefited from volunteer efforts by lawyers, practicing in Ontario, fluent in both English and the target language. These lawyers compared the source text and the target text, making changes where necessary so that the target text accurately reflected the legal meaning of the source text. For example, there is a risk that if the English text states, “*you may be able to*” it could be translated as “*you can*” or “*you will be able*”. But this is not a legally accurate reflection of the source text, and could cause prejudice in situations where the law does not guarantee that ability.

CLEO relied on the volunteer lawyers, who gave generously and significantly of their time, to identify and correct these problems. Their work is not a guarantee of accuracy. Ideally the volunteer lawyers would have practiced in the areas covered by the materials. However, since many of the lawyers did not practice in these areas, they may not have recognized all the nuances in the English document. In future, it may be worthwhile to

¹⁸ The evaluation report on CLEO’s six languages pilot may recommend this division of labour for future projects.

provide the lawyers with a half-day orientation around the legal issues that may arise in specific documents, as well as specific recognition or remuneration so that they can find time for these activities.

Some funding agencies require a read-back or back translation into English as the due diligence step, rather than a check by professionals fluent in both languages. However, back translation has limitations. For example, one of the lawyers in our project revised the translation to clarify that the document was addressed to both men and women; that the “you” form was inclusive. It is unlikely that an English-speaking lawyer reading a back-translation or listening to a read-back would have identified this ambiguity:

“ . . . back-translation is perhaps most useful for assessing whether there are any glaring omissions or additions in a translated text. It can also identify some mistranslations or misunderstandings of the original text, but can let some overly literal translations slip by; errors in accuracy can more reliably be flagged by an editor or consultant who is a native speaker of the target language. Finally, back-translation is quite ineffective in assessing how naturally the translation reads in the target language; stylistic naturalness is best judged by not just one but several native speakers of the target language”. (Downing and Bogoslaw, *Methods of Translation*, 2003, pp. 16 -17).

In addition to the lawyer’s check, there are other steps involved in due diligence. Someone must check whether errors have turned up in the text once it is laid out in a design. This requires a proofread by an individual who is fluent in the target language and who, ideally, did not lay out the piece¹⁹. Another check includes a comparison of the English layout to the layout of the target language. This check may identify whether information is changed or missing; for example, missing or extra bullet points may indicate the absence or addition of information. As CLEO’s multilingual work progresses, additional or alternative steps may be identified and the order of these steps may be rearranged. It may be helpful to develop a checklist of steps as CLEO production of multilingual materials moves forward.

Part III: Delivery

CLEO’s earlier research included a review of relevant literature in health promotion, which indicates that a variety of methods must be used in combination for successful delivery of multilingual information (Eagly, 1998²⁰; Rouboudi and Bowles, 1995; Sy and Chodin, 1993). As it is often not feasible to develop unique materials from scratch in each language, Osbourne (2000) and Puebla Fortier (1999) suggest alternatives for health promotion. Osbourne provides the following guidelines: (1) acknowledge culture as well as language; (2) collaborate with bicultural/bilingual people in the community; (3) test

¹⁹ If the materials are produced in audio format, further checks are required. In addition to the narrator, a second person fluent in the language should be present during recording. This person will provide direction and check for errors. In CLEO’s pilot project, advisory group members attended at the recording studio.

²⁰ Eagly offers details and tips on legal information delivery through media campaigns, education materials, training for social service providers and workshops for community members.

materials with the audience for whom they are intended; and (4) budget for multiple ways to disseminate information. Osbourne suggests treating print as the basis for other types of materials and interactions; thus budgets should include funds for alternate formats to print, and for ongoing testing, to monitor achievement of intended outcomes.

Puebla Fortier's suggestions include: (1) supporting development of a centralized database of translated materials that include regular review and updating, ideally online; (2) supporting consensus development, adoption and dissemination of glossaries and dictionaries that attempt to standardize terminology, especially for small language groups; (3) supporting certificate training programs for community-based interpreters/translators, especially from small language groups; and (4) promoting adoption of translation protocols.

This section begins with a brief discussion of formats in part (a). Part (b) considers methods of delivery to linguistic communities. Finally, part (c) examines referrals to legal services. Referral in the multilingual context is far from simple. At a minimum, appropriate referrals should lead to an initial level of service in the target language, otherwise the search for assistance may be long and arduous, and ultimately result in frustration. CLEO is relying on what this paper will describe as "assisted referral" in order to address this issue.

(a) Formats

CLEO's 2005 research identified print materials as the most popular tool in providing information. This is supported by research from British Columbia: "*Printed material remains one of the best ways to relay legal information*" (Legal Services Society, 2007, p. 24). However, the importance of supplementing print was emphasized both in CLEO's 2005 Report and the British Columbia study, which explains:

"Whether materials are published in print or online, word of mouth and/or face-to-face support make a big difference to client outcomes. . . . The systems that support the materials are as important as the materials themselves. This relationship is the key to success. Personal contact and LSS-arranged conferences aid intermediaries in understanding and using our materials."
(Legal Services Society, 2007, p. 22)

Providing the same message in a variety of formats allows more opportunity for reception and retention. Audio materials, if broadcast on the radio, may be more likely to reach individuals who are homebound, as well as those who cannot read. They can also be played by settlement agencies in their waiting rooms or on their phone lines, and used in ESL classes. Educaloï, the Quebec legal information agency, in partnership with Aboriginal agencies, developed online audio materials, available in English, French and Aboriginal languages. The audio version was initially broadcast on community radio channels, allowing the information to enter homes and reach individuals who might not access print information. The scripts were also made available online. CLEO adopted a similar approach with its multilingual audio pieces.

Community organizations are increasingly using audio-visual formats to provide information. New tools and online applications have made it more feasible for community organizations to develop and deliver information online or through video-conferencing. Several informants identified YouTube as an important avenue for reaching youth²¹. One informant suggested that a relatively inexpensive way to improve upon CLEO's audio project would be to videotape the narrator speaking during the recording session. She explained that since a large element of language includes non-verbal cues, the opportunity to view the speaker increases accessibility to the variety of people who speak a given language or dialects of a language. CLEO may wish to explore the possibility of such a "talking head" video component.

CLEO's 2005 research recommended that multilingual material 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. There were several reasons for this recommendation. Change in the legal world occurs constantly and rapidly, much more so than in other areas, for example, health promotion, where information need not be updated so regularly. In contrast, legal changes happen frequently, and information that is out of date can prejudice the recipient. Given the significant time involved in developing multilingual materials, it is important to create sustainable materials that require less updating to remain current.

CLEO also hoped that by keeping the content for each topic to two sides of a letter-size page, community workers would be more likely to download, copy, and distribute the materials. The Metropolitan Action Committee on Violence Against Women and Children (METRAC) pioneered this idea with multilingual legal pamphlets that relied upon community and settlement workers as their main vehicle for distribution. METRAC's materials were produced in black and white, on a double-sided page, either legal or letter size. One page incorporated an entire topic and could fold into a brochure. These were provided to community agencies, which could make as many copies as needed. CLEO's multilingual materials are available online for community workers to download, print, photocopy and distribute as the need arises. CLEO also hopes that the materials will be reproduced in community newspapers, if not as advertisements then as discrete articles or columns.

Most informants to the 2008 research preferred brief materials, because in their opinion basic information is more likely to be absorbed. Informants indicated that workers need materials to validate what they are saying and support client learning. They commented that clients need a brochure that is *"as simple as possible with as little detail as possible because they will not read the whole thing, but it will authenticate what I'm telling them"*.

One informant, in describing the package given to permanent residents upon airport entry stated: *"it [the package] is given to newcomers who may have passed the English exam,*

²¹ OCASI is piloting kiosks at school board assessment and reception centres, which will play multilingual videos on topics such as education and finding a job.

but often they can't read the material to be honest. And it is overwhelming because they are given too much material." This package does not include CLEO information and is not multilingual. Another informant recommended the package include a piece with many languages all on one page. This piece would give simple information on where to get legal help. Nonetheless, there would be many complexities involved in providing even brief multilingual information within the space constraints of one page.

Some informants advised that CLEO's lengthier core materials, currently available in English and French, are needed in more languages. One of these informants commented that CLEO's core materials provide a *"good basic overview, some things are complicated and can't be made short"* and clients *"need [detail] to take away to refer to"*. This informant does not find shorter materials useful because they do not provide enough information for the clients of that agency. The informant notes that *"[m]ore people are coming in because of language barriers, because they can't access info. They would be capable to access it themselves if available in their language"*.

As explained above, the 2005 research concluded that shorter materials would be the most effective and efficient way for CLEO to meet its mandate. It may be that shorter materials are necessary for orientation and preventative information, whereas longer materials may be needed once an individual is already aware that they are facing a legal problem²²:

"Since immigrants to Ontario are very diverse, a singular and rigid approach for all will not work. The design of information systems have to account for the varying needs and forms of accessibility" (Karim, 2007, p. 88).

If CLEO were to explore adapting core materials, the following questions arise:

"Is the source text in fact appropriate for the intended purpose and audience, if translated? Are the reading level and the content, genre, and style appropriate? Can it or must it be adapted and, if so, in what ways?" (Downing and Bogoslaw, Methods, 2003, p. 12).

Community advisors remain crucial to assist in answering these questions, and perhaps for subsequent field-testing.

(b) Information channels

Information has been described as

"a key component of social inclusion. The ways in which newcomers and immigrant communities locate and access content in forms that are understandable and usable to them is essential to their integration into society . . . In the case of new immigrants to Canada, not only do many tend to lack a strong

²² See discussion of Gorman's framework of survival learning, struggle learning and resistance learning as applied to legal education and information in McDonald, 2004.

command of English, they are also less likely to be familiar with local institutions and practices relating to the flow of useful information” (Caidi and Allard, 2005, pp. 5-6).

During CLEO’s 2005 research, informants working in and with non-English and non-French linguistic communities identified community radio, community television, community newspapers, online materials, and ESL instruction as good channels for delivering information. There are consistent research findings on how newcomers obtain settlement information, including legal information. This is summarized in a recent report commissioned by CIC:

“Prior to their move to Canada, new immigrants may get information from the Canadian government offices and/or from their networks of friends or relatives who know about Canada. On arrival, the newcomers are provided with information packages at the airports or border crossings. On their immediate arrival at their destination outside the airport, newcomers often receive help from their social networks, who may direct them to settlement services familiar to them. After a few days in the country, the newcomer may get information about settlement services from a variety of sources ranging from the media to formal organizations such as settlement agencies and religious organizations. Networks of friends and relatives continue to be the most important sources of information” (Diversipro, 2007, PDF 26).

One study with African newcomers notes that:

“Although most African newcomers rely on friends and relatives, they pointed out that this was only for a brief initial period because the resources and generosity of friends and relatives are very limited and tend to run out quickly. After that newcomers relied mostly on their own ingenuity and knowledge of the settlement service system. Many newcomers complained that they waste a lot of time in the initial period trying to figure out Ontario’s systems” (George, 1999, p. 27)

Research with Arabic-speaking newcomers found that service providers repeat information many times, because newcomers are fatigued by the challenges of learning the new system. Similarly, during its 2005 consultations, CLEO heard that service providers had to repeat information several times, even when providing it in the first language of highly educated clients. Overwhelmingly, informants to the 2008 consultations echoed this view. Their experience is supported by academic research, which suggests that individuals under stress have difficulty retaining information²³.

The discussion above suggests the immense challenges for individuals who do not speak English or French in obtaining legal information. First of all, they face the language barrier. As they cope with a new environment, they must combat the impacts of stress

²³ There has been some recognition of the impact of trauma on learning. McDonald (2000) provides a summary of this literature.

and fatigue in their ability to retain this information. For some, trauma may impact cognitive skills. They may experience systemic discrimination as a barrier to access to information. In some cases, abusive family members, employers or landlords may bar some individuals from access to information. Fear of discovery may further hamper the information search for individuals who have less than full status. Literacy challenges, including computer and Internet literacy may be another barrier. Finally, specific legal information needs may be in rapid flux:

“[A]nother aspect of the problem is the dynamic nature of the immigration process, where informational needs can change over time as immigrants pass through various stages of integration and familiarity with their adopted country” (Caidi and Allard, 2005, p. 2).

Access to legal information by members of these communities is integral to their safety, and for those who are newcomers, to their settlement. Individuals are at risk of being misled and exploited because they lack legal information. For example, many workers do not have immigration status, and may not know that they nevertheless can access some protection as workers under the law. Conversely, individuals assume that they have certain protections when in fact they do not. Frontline workers report that, as a result of misinformation or inaccurate assumptions, many tenants think that they cannot be evicted in winter. As well, many people pay for legal assistance, sometimes sub-standard, because they are unaware of free services available to them. They may also rely on inaccurate or out-dated information from family or friends:

“Immigrants have substantial difficulties in obtaining timely updates on changes in laws, regulations, rules etc. . . . All this causes dependence on elements who may provide incorrect and misleading information knowingly or unknowingly” (Karim, 2007, pp. 85-86).

The need for legal information does not occur in a vacuum. Legal information is one critical link within the web of information that individuals require. By way of example, consider the situation of an immigrant woman leaving an abusive relationship. Her legal information needs may be intricate: she may need information on immigration law, child custody and criminal law. But this information must be supplemented by non-legal or quasi-legal information about safety planning, available social supports including interpreter or accompaniment services, housing information, and health information, particularly if she has been injured.

A recent report from British Columbia defines services as empowering and useful when they address this multiplicity of needs. The report identifies several elements of empowering services, in particular, elements that break down language barriers.

“Services that helped women break through language barriers had a significant impact not only on their ability to leave an abusive relationship but also on their ability to keep themselves safe and healthy and to realize their rights” (Justice Institute of British Columbia, 2007, p. 2).

Most people may not be motivated to seek legal information until they realize that they have a legal problem, but this can come too late. Many problems are not obviously legal in nature, in particular, issues related to poverty and low income. Administrative law regulates social assistance, health issues, school attendance; but many people, whether new to Canada or Canadian-born, will not recognize these as problems with legal dimensions. Therefore, empowering services use a proactive approach:

“taking proactive steps to provide women with information; anticipating their needs; coming to them rather than always expecting them to come to the services; linking them to other services . . .” (Justice Institute of British Columbia, 2007, p. 4)

Recent literature and CLEO’s consultations point consistently toward several key outreach strategies to newcomer communities. Creating useful and accessible materials includes not only development of multilingual material, but also

“going into the community to meet with community members and appropriate mediators, organizing orientation sessions and information literacy programs, providing assistance to immigrant groups and agencies with the selecting and organizing of materials and resources that are relevant to the needs of their constituency” (Caidi and Allard, 2005, p. 8).

Diversipro recommends:

“To make it useful, make it available in different platforms (different languages, in print, on air and on Internet, allow readers/viewers to ask questions or comment)” (Diversipro, 2007, PDF 17)

The following sections describe these channels in more detail, starting with (i) media outreach, and continuing with (ii) Internet, (iii) intermediaries, and finally, (iv) English as a Second Language resources.

(i) Media outreach

CLEO’s 2005 research found that text materials, radio, television and newspapers in the specific language, are effective ways to reach linguistic communities. The importance of community media cannot be underestimated as is suggested not only by the informants to CLEO’s 2005 and 2008 consultations, but also by the recent studies commissioned by CIC (Karim, 2007; Diversipro, 2007):

“For example, according to the National Ethnic Press and Media Council of Canada, ethnic newspapers now serve over three million Canadians. An independent research study indicates that 75% of Chinese and South Asian Canadians over the age of 15 (Canada’s two largest immigrant groups) used at least one ethnic radio or TV station, or ethnic newspaper in the seven days prior to the survey. Several studies show that ethnic broadcast media is the most

effective vehicle to reach communities with limited English or French language skills including those who may be at home feeling isolated from the larger community; for example, senior citizens, women who do not work outside the home, pre-school children, victims of abuse or trauma, etc.”(Diversipro, 2007, PDF 201).

CLEO’s consultations suggest that television and radio have less impact outside major centres, in part because there are fewer language-specific radio and television stations in those areas. As well, the advent of satellite international channels may lead to fewer viewers for local television; thus radio would be a more effective medium. The research commissioned by CIC explains:

“Ethnic media in Ontario constitute a steadily expanding universe. Since a license from CRTC is not needed to establish a print medium, scores of ethnic newspapers exist in Ontario. Some of these have a distinguished history and others disappear within months of beginning operations – only to be replaced by new publications. Whereas there do exist a handful of daily ethnic newspapers in the province, most tend to be weeklies; some of them also publish on a bi-monthly or monthly basis. Ethnic radio programming is most extensively present in southern Ontario and the Ottawa region. It is disseminated in a number of ways that include time slots procured in the schedules of mainstream, community, and campus stations as well as 24-hour ethnic broadcasters. The availability of sub-carrier frequencies has allowed the emergence of radio stations in several non-official languages. Ethnic television programming of varying quantity and quality is also present in most places in the province. Ethnic TV programming is to be found on community cable stations and time slots bought on local and national channels, as well as on OMNI1 and OMNI2. Several specialty ethnic channels have become available through satellite and cable services over the last decade” (Karim, 2007, p. 7).

There are:

“more than 200 ethnocultural publications in the GTA, including eight daily newspapers and several radio and television stations” (Diversipro, 2007, p. 3).

Informants in both 2005 and 2008 emphasized the value of community newspapers, flyers and bulletin boards in grocery stores and TTC ads as information channels. These would all be good vehicles for distribution of text materials. Lee echoed this in a 2006 report from British Columbia, identifying printed materials, community radio, community newspapers, community TV, and ESL programs as the most useful ways to provide legal information to non-official language communities (Lee, 2006). Hong Fook’s project to promote mental health among East and Southeast Asian women also found social marketing through television and 30-second radio public service announcements effective, particularly when accompanied by a phone line for follow-up (Wong et al, 2003).

Several informants talked about a spike in callers to their agency after staff spoke on either radio or television. This can be particularly helpful in reaching listeners who then call in with questions. Some individuals may be more comfortable calling a radio station with questions rather than meeting with a worker in person. There may be a variety of reasons for this, including lack of freedom to leave the home, so it is easier to call a phone-in show. Others prefer to remain anonymous rather than discussing their personal problems face to face with a settlement worker or lawyer.

CLEO prepared its multilingual text and audio materials so that usage and delivery methods could be flexible. This included designing the materials so that community media could pick them up. But it is not clear that media will actually use these materials. The media studies referred to above point to a systemic problem. The research teams involved in these two studies looked for settlement information in media throughout Ontario using content analysis, literature reviews, interviews with media personnel, focus groups and discussions with community members. The conclusions of both studies were remarkably similar: while they conclude that the media is a good way to reach newcomers, both found limited provision of settlement information in the media. In fact,

“nearly 40 percent of the ethnocultural media practitioners who responded to questionnaires could not recall any specific examples of settlement coverage they had carried” (Diversipro, 2007, PDF 4).

Both studies included legal information within the list of sub-topics examined under settlement information. Karim’s study, which coded the information categories, scored legal services content at only 4.5 percent (Karim, 2007, p. 38). Diversipro indicates:

“at best, only half of the ethnocultural media regularly feature settlement information in some categories, and there are categories such as legal services, health, and housing that fewer than one-third of those media regularly cover” (Diversipro, 2007, PDF 49).

The studies identify several reasons for this, including that:

“media strategies have focused on social cohesion, assimilation and acculturation, but have missed the important role of providing settlement information such as how to enter the job market, and how to attain citizenship” (Diversipro, 2007, p. 4)

Karim (2007) found that mainstream and multicultural broadcast media focus on entertainment instead of information. The Director of CHIN Radio programming indicated that:

“information about language training, employment, legal services is provided to listeners in different languages, but there is no set format in how this information is delivered as the announcers have leeway in how such information is presented”

(Diversipro, 2007, PDF 202)

In general,

“it is more likely that a radio program, for example, may invite a guest to talk about an aspect of settlement, to the extent that the topic is of current interest, and that it fits into the overall mandate of the particular program. This is true of both mainstream and ethnic media” (Diversipro, 2007, PDF 196).

Smaller multicultural media:

“tend to be transitory due to significant difficulties in maintaining reliable funding, appropriate personnel and volunteer help”

A 2006 report from Ryerson University for the Publications Assistance Program of the Department of Canadian Heritage, surveyed over 100 publishers and editors of multicultural media:

“More than one-third (37%) said they either lost money or made no money.

Many publishers/editors founded their papers, and spend more than 40 hours a week working on them – an impressive dedication, given the little money they earn from them. Fewer than half of the publishers said their paper is self-supported by advertising, indicating that they either have had to go into debt or need to work at other jobs to sustain it. Many have small staffs and cannot afford to pay freelancers for articles. Nearly half (43%) had no previous business or journalism training. Despite this, there seems to be a desire to publish more settlement information. Eighty two percent of the ethnocultural media surveyed for the CIC project said they’d like to carry more in each category. When asked why there isn’t more information provided for newcomers, 67 percent of the ethnocultural media said ‘lack of advertising support’, followed by 37 percent that cited other factors – mainly lack of material provided in their language, lack of government advertising or lack of reporting resources. Only 8 percent said ‘lack of interest’.” (Diversipro, 2007, PDF 49)

As a result, both CIC-commissioned studies found that multicultural media *“include very large proportions of advertising at the expense of non-commercial information”* (Karim, 2007, pp. 86-87). In fact, one study found that *“more than three-quarters of the newspaper content on settlement information consisted of advertising”* (Karim, 2007, p. 74) and more than half of the radio programs analyzed contained advertisements:

“Given that 85.9 percent of the sample is drawn from ethnic media, this clearly indicates a heavy reliance of ethnic programming on commercials.” (Karim, 2007, p. 63).

The heavy reliance on advertising could increase the vulnerability of linguistically isolated individuals, who may pay for information and services that they might have received free of charge:

“Advertising appears to be an important channel of communication for some immigrants. Some private advertisers give settlement information as part of their advertisements. It appears to be one effective way for newcomers to find out what services are available in law, medicine, real estate and government departments” (Diversipro, 2007, PDF 56).

Settlement agencies contacted by Diversipro believed in the benefit of providing information through the media but lacked funds to do so. This is particularly challenging for CLEO because of its provincial mandate. A small non-profit does not have the resources to access space and time in the vast network of multilingual media throughout Ontario. Increased access to funding by CLEO and other agencies may be needed to enable them to pay for multicultural media.

Karim found that there are many opportunities for inclusion of information, for example, as supplements or articles in multicultural newspapers, or broadcasts on TV and radio. He recommends that government *“provide ready-made articles for insertion in print media”* (Karim, 2007, p. 28) including commuter papers as well as mainstream and multicultural media. CLEO has already developed articles through its multilingual project, but both Karim and Diversipro suggest that sponsorship is required for this strategy to succeed, and recommend CIC take a leadership in supporting such sponsorship:

“Many ethnocultural periodicals cite financial reasons for not offering more settlement information. Most are distributed for free, and must rely on advertising for 100 percent of their revenue. This suggests that supporting settlement information with paid advertising might be an important incentive” (Diversipro, 2007, PDF 51)

Diversipro indicates that these practitioners lack the resources to pay to translate these materials themselves. Karim explains:

“The main problem identified in the research is the inability to translate government information into the respective languages. A dedicated approach to facilitating the availability of settlement material in multiple languages would help address this issue” (Karim, 2007, p. 92).

CLEO may wish to monitor CIC’s response to this recommendation, and be proactive in taking advantage of opportunities to contribute materials. CLEO may also wish to bring the Karim and Diversipro research to the attention of institutions interested in linguistic access to legal information. Finally, CLEO might collaborate with sister agencies in obtaining media coverage, as the media survey conducted by Diversipro identified a

“duplication of effort in getting information published or broadcast” (Diversipro, 2007, PDF 17). One settlement agency recommended *“a collaborative effort, where national advertising take place, benefiting all the agencies”* (Diversipro, 2007, PDF 188). Grant-making organizations could consider funding the purchase of airtime or print space to be shared between the legal information projects that they support. The media may well be receptive to such a strategy:

“A common desire we heard from editors at ethnocultural media was to have one place where they can go to get settlement information for dissemination to newcomers and other (newspaper) readers” (Diversipro, 2007, PDF 5)²⁴.

(ii) Internet

The 2005 research recommended using CLEONet to create a portal for a centralized, online collection of legal information materials in languages other than English and French. In part, this idea was based on the work of an advisory group in British Columbia, which oversaw the creation of Multilingolegal.ca, an online inventory of selected legal information materials, in nine languages. An initial group of advisors assisted with the planning stage, and another group, including some of the same individuals, with the implementation stage. The materials were not prepared specifically for the online inventory; they were existing translations or adaptations by reputable organizations that were print and web-friendly. When materials in the target languages were unavailable, the advisory group advocated for more materials, but did not produce them itself. Similarly Puebla Fortier recommends development of a centralized online database of translated materials with regular review and updating.

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. Collections like these are even more important when searching for multilingual information. The Consumer Health Information Diversity Project in Mississauga identified, evaluated and provided training in accessing materials because:

“Consumer health information is very difficult to find in a number of languages. Many Web sites contain varied amounts of health information, but none is comprehensive. It is often necessary to explore five or six sites to find the language required, and even then, you may not find the topic desired. The majority of the interfaces are in English. Referring a non-English-speaking client

²⁴ *“A regular service that distributes information in various languages to ethnic media would provide a coherent structure for the frequent transmission of settlement content. There was in existence for 50 years (1951-2001) a service called Canadian Scene. It provided articles free-of-charge to ethnic media outlets in up to 13 languages. The operating costs were in the range of \$100,000 a year, and it was overseen by a board of directors. Of the various items that it regularly supplied to the ethnic media, the two most used were Qs & As on Citizenship & Immigration and Getting to Know Canada (covering issues such as shelter, food, employment, Aboriginal peoples etc.). This service closed down due to lack of funding”* (Karim, 2007, p. 94). OCASI’s “In my language” project has the potential to assume this role in the online era.

to these sites, therefore, is not an option. These same difficulties arise with hard copy resources. The odd newly translated resource shows up from time to time. To keep on top of the new arrivals, one must constantly be checking” (Muir and Miller, 2007, p. 97).

A multilingual legal information portal could maximize resources and prevent duplication where high quality multilingual resources already exist. Once such materials have been identified, this information will help assess the relative availability of high-quality legal information between language groups. This would assist CLEO and other agencies in determining needs and gaps when selecting target languages and topics in future projects. CLEONet has already made significant steps towards serving as a central, online clearinghouse of legal information resources produced in non-official languages. Currently, CLEONet has over 700 materials in close to 60 languages other than English and French.

OCASI, on the request of CIC, has begun work on the “In my language” website. The goal of this project is to make high quality settlement materials available in 11 languages in a format that provides easy access for people working with newcomers. Legal information is one of the areas to be covered. CLEONet and OCASI will want to consult in order to avoid duplication.

Currently, CLEONet is intended as a vehicle for community workers. Informants in 2008 indicated that youth and young adults are very likely to access Internet information: those familiar with a younger demographic prominently mentioned social networking and other sites. Yet, there is a fear that as with other sources of information, clients receive incorrect online information, but may be more likely to consider online information as “official”. There was also concern that the Internet is not a viable way to disseminate information to the most marginalized of users, who may lack access, computer literacy or privacy. This is supported by recent studies on the digital divide, which indicate that the literacy skills required for Internet access have the potential to further marginalize people who have had less opportunity for skills development. Studies show a high likelihood that literacy and computer use are linked to higher incomes:

“not only do non-users face a digital divide but this is built on top of the gap in literacy skills . . . the group with the lowest skills continues to lose out . . . this is particularly the case with the Internet where benefits include easier access to government services, lower prices and the like” (Veenhof et al, 2005, p. 14).

Further consultations are needed to determine the most helpful format for accessing multilingual resources on the CLEO or CLEONet websites. For example, Lee (2006) recommends that the British Columbia Legal Services Society website include multilingual links to assist members of the general public who do not read an official language. But another British Columbia report indicates that capacity to use online materials is not yet established with respect to the:

“extent the Internet is used by British Columbians who speak languages other than English or French, or whether they use it to resolve legal issues” (Legal Services Society, 2007, p. 24).

Similarly, Karim found that *“many immigrants are unable to search certain kinds of settlement information independently”* (Karim, 2007, p. 86). OCASI will be examining these issues as it moves forward with “In my language” and CLEO will want to keep abreast of their learnings, as well as experiences gained through CLEONet.

(iii) Intermediaries

Both documentary and anecdotal reports recognize settlement workers as a major information conduit. For this reason, some treat the availability of intermediaries to deliver materials as one criterion for selecting target languages for translation (Lee, 2006). Settlement workers are particularly important for newcomers who lack literacy in their first language:

“For this group, the most accessible source of information is friends, relatives and service providers who meet with them face to face. The obvious implication is that newcomers must first link up with these people before they can get relevant information” (Geronimo et al, 2001, p. 47).

Assisting settlement workers in this task is an important function. One informant noted that:

“at settlement service organizations, many organizations’ staff are immigrants themselves, many are new immigrants so learning takes place on the job, often it is their first job in Canada and not many know CLEO is there, so I see CLEO’s role as coming out to organizations and talking to settlement staff, telling them in one hour, every six months, we have this, that, find it here, just to let staff know. Staff reacts to clients that come in rather than appointments and we have to deal with them immediately so you are running around the office trying to find info or calling 211. I think CLEO should be a leader in coming out to service organizations, for one hour’s instruction, to say this is our stuff, this is how to find it, who to call, it would be very useful.”

CLEO’s multilingual materials are intended to support settlement workers in several respects. The text materials are intended to be easily accessed, printed and distributed by workers. In addition, use of the materials by workers has been encouraged through the use of outreach and capacity building workshops, to introduce the materials to these workers. This was based on the strategy used by METRAC to promote its legal information materials. Although this kind of outreach is new to CLEO, the 2008 consultations emphasized its importance. Workers spoke time and again of the need for professional development in the areas in which the law impacts their work. In fact, provision of staff training workshops was the condition upon which Findhelp Information Services agreed to provide a toll-free pilot line for CLEO’s multilingual materials.

This outreach has several functions. It brings CLEO materials and their use to the attention of busy settlement workers. This is recommended by research from British Columbia which notes that the “*distribution system needs to take into account that intermediary agencies lack resources to be proactive in ensuring materials regularly re-ordered*” (Lee, 2006, p. 3). As well, it helps workers develop confidence in using the materials. It also helps workers avoid providing misinformation, which could have serious implications. To quote one informant:

“Training is very important for non-legal professionals, not for giving legal advice, but to dissect the issue from legal to non-legal and refer if the boundary is blurry. That is vital. Some places have filled out a PIF [Personal Information Form] for clients and it became a detriment for the client. This may be for a myriad of reasons, and then the case comes to hearing and things are pretty bad for the client. There is a need for more preventative work rather than trying to intervene at the last minute”.

As a small, non-profit agency with a limited number of staff, CLEO lacks the capacity to provide in-person professional development for community workers located throughout the province. Yet CLEO has the expertise and connections to provide the kind of training needed by intermediaries: through its reputation for producing accessible legal information, its many partnerships and collaborations with intermediary agencies, and its in-depth understanding of the distinction between legal information and legal advice.

In the past, attempts to provide this kind of training at a provincial level would have stretched capacity. However, the advent of the Internet and CLEONet provides a unique opportunity. CLEO could host annual or bi-annual trainings, featuring guest speakers on topics related to new or updated CLEO publications, including the distinction between legal information and legal advice, and appropriate referrals. While only a limited number of workers could attend the trainings in-person, many more could benefit by accessing videos of the training on CLEONet. If these trainings feature new or updated CLEO publications as their focus, they can also be used as a way to promote the publications, and to remind busy community agencies to re-order CLEO materials and replace outdated publications with newer editions.

Some informants requested specialist lawyers to deliver workshops to community members, free of charge, and on a regular basis, at which time the lawyers would be available to answer questions from the audience. This touches upon a resource issue that is beyond CLEO’s scope. Given the topics of interest mentioned above, it is likely to be difficult to find lawyers with both the expertise and time to offer such sessions. Lawyers and community legal workers from legal clinics, with expertise in housing, social assistance and sometimes employment and immigration law, offer workshops as part of their mandate. Private bar lawyers taking legal aid cases in criminal, family, and immigration law, are unlikely to have time to offer such sessions. Private bar practitioners who are looking for volunteer opportunities may not be familiar with the

areas of law in which low-income and disadvantaged clients need information, or understand the needs of that audience.

The Consumer Health Information Diversity Project of the Trillium Health Centre (2007) has organized information sessions:

“The sessions are taking longer to organize than originally anticipated because of the degree of input required by the community agencies. Although we continue to strive for the greatest level of community involvement in this process, we must acknowledge that it is time-consuming. Because the original responses during the focus groups varied, it did not feel appropriate to deliver a pre-designed presentation to different groups from different cultural backgrounds. Also, some participants want a formal presentation; others prefer an informal one. We continue to work closely with the community agency staff to ensure that we address their clients’ concerns. As we invest in this segment of the project, some questions have arisen as to whether we are addressing this particular need in the most effective way. Do we have the staff to continue providing resource-intensive information sessions? Would providing information to leaders in the community ensure that the information reaches those in need? Our hope is that involvement in these sessions will soon highlight some common threads that may lead to a pre-designed presentation, developed hand-in-hand with our community partners. Potentially, this presentation could be given without our staff” (Muir and Miller, 2007, p. 98).

CLEO, with its province-wide mandate, would certainly face similar resource constraints if it tried to organize information sessions for clients and community members. However, as suggested above, CLEO could develop tools to assist agencies in providing these sessions themselves. One agency suggested that they would like to collaborate with CLEO to develop tools such as power point slides and supporting materials so that their staff can deliver legal information workshops for newcomers. The agency already provides an existing series of workshops on settlement-related topics, and would like to include a workshop on legal issues.

These workshop tools, if accompanied by user support, could facilitate peer outreach, in addition to outreach by agency staff. Peers have been identified as important intermediaries:

“While newcomers do seem to access information from more formal sources, it is the informal channels that seem to be the most utilized for a variety of settlement tasks” (Diversipro, 2007, PDF 174).

McDonald developed a peer-training model for providing legal information to Spanish-speaking women. This model inspired further initiatives, demonstrating its success (McDonald, 2000). Peer leadership training and peer-to-peer community outreach was also a component of Hong Fook Mental Health Association’s project for East and Southeast Asian women, mentioned above (Wong et al, 2003).

One informant commented, “if CLEO can provide training to peer leaders to provide a workshop, it is a very effective way” because “people need to understand the issue, not just have written materials”. Another informant explained that “the first line of info is past neighbours and relatives; we immigrants are all running settlement agencies in our homes.” However, many considerations are involved in providing peer training on legal issues. Challenges include the need to train peers to recognize and observe the boundaries between legal information and legal advice, as well as the necessity of keeping information current²⁵.

(iv) English as a Second Language classes and curriculum

English as a Second Language (ESL) curriculum is an additional platform for presenting legal information to those with access to classes:

“Access to federally-funded English as a Second Language adult programs is limited to permanent residents and Convention refugees. Refugee claimants, those awaiting residency status, and Canadian citizens are not eligible, though they may qualify for some provincial programs” (Wayland, 2006, p. 13).

In general, individuals without status are unlikely to be able to access ESL classes. As well, individuals who are working may not be able to attend classes. Nonetheless, informants to CLEO’s 2005 research indicated that ESL instructors could be a powerful medium through which to reach newcomers. An ESL instructor occupies a unique position as an information professional that sees the same individuals daily over a period of time. The instructor may be in a position to learn of student problems and prevent them from reaching a crisis point.

In its 2005 research report, CLEO described the ESL program of the People’s Law School in British Columbia. The People’s Law School developed a manual on legal topics for ESL instructors to use in their classes. There is an ESL instructor on staff who visits classes around the province to teach topics from the manual. In 2006 CLEO held a consultation with professionals working in LINC (Language Instruction for Newcomers to Canada) programs. These professionals indicated such materials would be widely used by ESL and LINC instructors and would be of great benefit to their students if focused on the substantive legal topics most needed by newcomers; family, employment, and housing. These three topics are also among the most popular in the Peoples’ Law School curriculum.

The LINC professionals consulted indicated that current CLEO materials provide an excellent foundation for developing lesson plans at intermediate and advanced ESL and LINC levels. They recommended that the English version of CLEO’s multilingual materials be adapted into activities for lower level and literacy ESL and LINC classes. As a result, CLEO has retained an experienced ESL instructor to develop lesson plans and

²⁵ Peer training for health promotion is well established. But unlike health information, legal information changes constantly, and the boundaries between information and advice can be quite blurry.

activities based on CLEO materials, for both literacy and beginner classes as well as for intermediate and advanced learners. After the initial lesson plans have been drafted, they will be field-tested and revised based on feedback from instructors and students. The materials will then be made available online, for easy viewing, printing and downloading by ESL teachers. The ESL instructor will create a reference tool linking the lesson plans/activities to both the federal LINC and provincial ESL curriculum guidelines, so ESL instructors can easily identify integration points for the lesson plans/activities.

The need for these materials is supported by a recent report which states that:

“Accessing appropriate instructional materials is another issue facing instructors of ESL literacy students. This may be due in part to the uneven distribution of materials. Some school boards have the ability to provide a greater volume of materials, and furthermore to have experienced ESL literacy instructors mentor those with less experience, even providing them with materials they have prepared during their own time. Again, we can trace the increased workload of an instructor’s preparation time not only to lack of formal education to address ESL literacy student instructional needs, but also to the general lack of appropriate materials. As well, access to published and instructor-created materials, particularly for the more isolated instructors is an issue for practitioners” (Ontario Literacy Coalition, 2007, p. 5 online draft document).

The ESL professionals also advised that CLEO publications could include visuals to make materials more accessible. ESL professionals explained that if the visual is duplicated on every level of material dealing with a particular topic, the repetition creates a spiral. This spiral helps students to build on what they have already learned. CLEO is exploring the use of illustrations through the ESL materials and CLEO will consult community partners to ensure these are culturally sensitive.

Once the ESL materials are prepared, CLEO plans promotion through LINC and ESL networks. Diversipro’s research identified:

“a gap that CIC could fill by supporting existing media programs (or creating new ones) that provide specific services such as conversational language training for newcomers whose first language is not English or French” (Diversipro, 2007, PDF 39).

CLEO may wish to offer the ESL modules for use in this kind of programming as well.

(c) Assisted referral

Information on how to access legal help is almost always included at the conclusion of CLEO materials. CLEO is less likely to produce materials on a given topic if there are no services available to assist individuals in pursuing their legal rights in that area. Legal information is only a means to an end: exercising or protecting one’s rights or, ideally, preventing a legal problem from arising or escalating.

Once individuals are embroiled in a legal problem, legal information is likely not enough. They usually will need legal advice, and, in many cases, representation. In the face of a justiciable issue, it is important for a lawyer or legal worker who is knowledgeable in the subject matter to work with the individual in determining their legal options, and to explain the possible consequences of pursuing a particular course of action. As one informant commented:

“People really couldn’t care less if they have info; they just want someone to deal with their issue and deal with it effectively. It is a question of how to access the system and lawyers, not in terms of technicalities of law, but the most efficient, effective way to resolve problems. If you are poor, it means you face lots of issues, especially if you are an immigrant, racialized . . . You are treated as criminals to start with, it is so complicated. Yes, information is important, but also the process of facilitating access to professionals and legal services that can actually deliver positive results for them.”

The referral issue is further complicated when the target audience does not speak an official language. There are a host of agencies throughout the province that provide multilingual service for a variety of issues; but in a brief pamphlet it is not clear which is most likely to connect linguistically isolated individuals with legal services. Several recent initiatives highlight this need. For example, Professor Michael Trebilcock indicated in his recent report that Legal Aid Ontario (LAO):

“is currently exploring proposals to develop capacity for internet-based legal aid services and is in the early stages of developing a legal aid hotline.”

Professor Trebilcock suggests:

“that LAO, PBLO and CLEO work together to consider developing a toll-free telephone legal information line that could deliver multi-lingual legal information in the most needed areas of law, such as family, domestic violence, criminal, immigration/refugee, landlord/tenant, and human rights” (Trebilcock, 2008, p. 96).

Throughout his report Professor Trebilcock recommends piloting holistic services to address the many overlaps between legal, social and health concerns. This suggests the importance of individualized assistance, rather than recorded messages. Many informants to both CLEO’s 2005 and 2008 research discouraged the use of recorded information lines. Comments included *“people don’t react well to recorded messages”* and *“they press zero”*. The studies commissioned by CIC also found frustration with automated information systems (Karim, 2007, p. 86).

Since the release of Professor Trebilcock’s report, the Ministry of the Attorney General has introduced a multilingual Justice Ontario hotline. The scope of the service includes referrals, but does not appear to include an assessment component, which can be crucial

in assisting callers who may not have clarity as to the specific nature of the legal problem that they face. In the words of one informant, newcomers *“have to be taught how to access services in Canada, what might seem self-explanatory in a pamphlet no matter how good it is, they need to be walked through, we tell them you must make an appointment, this is what might happen at the legal clinic, etc.”* It was also explained that *“people don’t understand the difference between legal aid certificates, clinics, advice lawyers; we have to breakdown for them, what does a legal clinic do, what does legal aid do, what does the advice lawyer do.”*

Similarly, CLEO’s community advisors indicated a need for a legal referral service, beyond the phone number for LAO and the toll-free Lawyer Referral Service (LRS) of the Law Society of Upper Canada. These numbers may not provide fully multilingual service. In addition, Advisory Group members and other informants indicated a host of problems with referrals via those numbers. These include technical difficulties and long waits on hold. For example, the LRS is apparently only accessible from Bell landlines. Many low-income people may be more likely to have access to cell phones. Further, LRS and LAO referral numbers were viewed as frequent sources of inappropriate referrals. Informants indicated that lawyers contacted through the LRS might not practice in the area of law required by the caller. As well, the six-dollar fee to use the lawyer referral service is a significant expense for many low-income callers.

Toronto-based community advisors recommended 211 as the central referral for CLEO’s multilingual materials. This service is available in Toronto and some other centres in Ontario. It is not available provincially at this time and although a provincial rollout is anticipated, its timeline is not established. Findhelp Information Services (Findhelp) operates the 211 line in Toronto, as well as other help lines. Findhelp agreed on a pilot basis to provide a toll-free number for CLEO’s multilingual materials²⁶; it is hoped that support will be found to make this pilot permanent. Calls are answered 24 hours a day by information and referral specialists, many of whom speak additional languages, and who access three-way interpretation for languages that they do not speak. The call-staff provide holistic assessment of caller needs. Findhelp has developed standards for information and referral, is committed to professional development of its call-staff, promoting professional standards and best practices in information and referral and actively engaging in information and referral networks throughout North America.

Once a referral service is in place, the problem is not solved. Significant service gaps remain. Informants repeatedly commented on the lack of free legal help in family,

²⁶ Hong Fook’s Health Communication Campaign in Toronto proves the usefulness of combining an information campaign with a follow-up telephone line. In that campaign, a Holistic Health Infoline for Women was set up to provide information and referral in the five languages specific to the project communities:

“A comparison of the number of the intake calls received 3 months prior to and 3 months during/immediately after the media activities in May 2001 and March 2002 showed that there was an increase of calls by 46% and 34% respectively. Further comparison of the total number of calls between 2001 and 2002 showed that there was a total increase of 45.5%.”(Wong et al, 2003, p. A-5).

immigration and employment law problems. This was described as a “*weakness*” in the legal aid system. Only select community legal clinics assist with immigration and employment matters, and the certificate system, which provides some immigration, criminal and family law services, is not comprehensive. Informants also noted that many legal service providers lack cultural sensitivity, creating further barriers to access. Others commented that cultural insensitivity in other services, such as schools, child protection and social service agencies, can cause legal problems to escalate. Such services could also benefit from training on cultural diversity.

Part IV: Recommendations

This section is presented in two parts. Firstly, recommended guidelines have been distilled from this report. Secondly, specific items are suggested for future action. These action items are based upon the recommended guidelines, in combination with recognition of CLEO’s mandate and expertise.

(a) Recommended guidelines

- (1) Collaboration is required to ensure that materials are culturally appropriate and that translated material is field-tested and adapted for each culture. Due diligence procedures need to be in place to provide some safeguards for translated and adapted material. Further trials are needed to arrive at the most efficient and effective process for implementing the steps involved in developing multilingual materials.
- (2) CLEO’s work is likely to benefit an increasing number of diverse audiences if it employs a variety of formats for text materials. Where possible, text material should be supplemented with audio and visual formats.
- (3) Media, such as newspapers, radio and television, are important vehicles for reaching non-official language communities.
- (4) Settlement and community workers, ESL instructors and peer trainers can be key conduits for legal information. Delivery strategies are enhanced by supports for these intermediaries.
- (5) A centralized online collection of materials available in non-official languages would help to maximize resources and avoid duplication. CLEONet is already starting to serve this function; CLEO and OCASI need to consult to ensure such a collection housed on CLEONet would complement rather than duplicate “In my language”.
- (6) Research and consultation may be helpful to increase understanding of the accessibility needs for multilingual information on both the CLEO and CLEONet websites.
- (7) The purpose of multilingual legal information is undermined if language and other barriers prevent access to legal advice and representation: “*All of these efforts help*

educate newcomers about their rights, but they cannot replace a comprehensive, secure legal aid system” (Wayland, 2006, p. 21).

(b) Possible action items for consideration by CLEO

At present, CLEO lacks capacity to move forward with all or many of the items suggested below. As a small non-profit with a provincial mandate, CLEO risks spreading resources too thinly if it expands significantly or quickly without an infusion of resources.

Item 1: Future multilingual initiatives can build upon learnings from CLEO’s recent multilingual project. A checklist of essential steps might assist CLEO and other agencies producing multilingual legal information. CLEO should review the upcoming evaluation report of that project and consult with community partners prior to pursuing new directions.

Item 2: CLEO might consider identifying one or two of its core publications for translation and adaptation, to assist clients who are already in the midst of a legal dilemma.

Item 3: CLEO could also explore shorter materials that promote an individual key message. Thus, CLEO could create posters based on the text of public service announcements developed for its audio project; each poster might feature the text in a number of languages. A reduced version of the poster might also be appropriate for community newspapers. Initiatives relating to media usage require significant resources. On its own or as part of a consortium, CLEO might encourage funding bodies to support requests for sponsorship of block media spaces for legal information.

Item 4: CLEO should consult with community partners, and in particular OCASI, as it considers directions for the further development of CLEONet’s multilingual portal. CLEO could field-test mock-ups to determine the optimum design for accessing multilingual materials on the CLEO or CLEONet website.

Item 5: CLEO could explore provision of intermediary training modules through CLEONet. These modules would address appropriate referrals in high need legal areas, and the distinction between legal information and legal advice. The intermediary training could include an outreach component, allowing for live annual or bi-annual training and introduction of new CLEO publications; these could be video-recorded and then posted on CLEONet. Note: CLEO has already begun work on this action item.

Item 6: CLEO could develop workshop kits to assist intermediaries in delivering workshops. CLEO could collaborate with community partners to develop and field-test workshop kits. Note: CLEO has already begun work on this action item.

Item 7: CLEO could create and field-test lesson plans and activities for ESL and LINC classes and pilot use of visuals through the ESL project. Note: CLEO has already begun work on this action item.

Item 8: There is a need for information in American Sign Language and Braille materials. Due to the unique considerations with respect to accessibility of formats and delivery strategies for such materials, CLEO needs to conduct further research in this area.

Item 9: CLEO should advocate for improved linguistic access to legal referrals and legal services, and participate in networks on these issues as appropriate.

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Appendix A

Linguistic Access Report: Executive Summary, August 2005

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 informants 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 informants 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 informants. Some informants 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 informants 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 informants 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 informants favored one medium over others. However, since informants generally indicated that both print and audio might 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 (informants 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 informants 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 informants: 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 meeting this 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 informant 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.

Appendix B

Consultations in 2008

Cynthia Pay, Parkdale Community Legal Services

Debbie Douglas, Executive Director, Ontario Council of Agencies Serving Immigrants (OCASI) and Uzma Shakir, Atkinson Fellow

COSTI Immigrant Services

Farishta Dinshaw

Lyudmyla Galeeva

Josie Di Zio

Angela Girardo

Findhelp Information Services

Angela Finateri

Luisa Cappellaro

Mary Steen

Newcomer Information Centre

Natalia Koroleva, Downtown office

Karine Shynkarenko, North York office

Tatiana Nigay, Downtown office

Matan Zilver, North York office

Helen Yang, Scarborough office

Settlement.Org/ OCASI

Anna Finch

Paulina Bermeo

Six Languages Advisory Group

Huda Bukhari, Arab Community Centre

Bai Zhang, Catholic Cross Cultural Services

Consuelo Rubio, Centre for Spanish Speaking Peoples Legal Clinic

Sadiya Noor, Midaynta Community Services

Atulya Sharman, South Asian Legal Clinic of Ontario

Shankari Balendra, Access Alliance Multicultural Health and Community Services

Faduma Abdurahman, Catholic Immigration Centre

Siham Rammo, New Canadians' Centre of Excellence Inc.

Iris Iskander, Centre for Information and Community Services

Appendix C

Consultation questions

Community Legal Education Ontario (CLEO) is a community legal clinic with a mandate to provide legal education and information in clear language to low-income people in Ontario. CLEO does not give legal advice or represent people who have legal problems. CLEO's materials give people information about their legal rights and how to exercise them.

Confidentiality and Circulation

Only persons working on the project will have access to the interview notes. The report will be drafted so that responses cannot be attributed to you. We may wish to publish the report. In the final report, we would like to list persons and agencies who assisted us. May we include your name and the name of your agency on that list and in any reports for publication or circulation to funders?

Background information: What is your role at the agency?

Which communities do you serve? (linguistic, youth/women/elderly, etc.)

Which languages do you use to provide services and information?

What kinds of services do you provide? (health, legal, etc.)

Other than information about your services, what kind of information does your agency provide to community members?

What materials or programs have you used to get this information into the community/communities you serve? (brochures/flyers, web-based, audio/video, workshops)

How do these materials or programs reach people? Are there existing pathways?

Which materials, programs, pathways do you consider most effective? Why?

Has your agency had opportunities to study or evaluate any of these methods or to study how community members use the information? What were the results of the evaluation? Would you be willing to share a copy with CLEO?

CLEO is currently developing:

- **Brief text and audio materials in selected languages**
- **ESL curriculum based on CLEO materials**
- **A multilingual portal for CLEONet (Target audience: community workers)**

Things CLEO might be able to do:

- **CLEO does not generally conduct workshops for the public on substantive legal topics. It usually provides materials to support workshops conducted by other**

agencies. However CLEO could explore conducting workshops relating to developing and providing public legal education and information materials.

- **CLEO recognizes that video can be an effective tool for providing information. Due to the resources and expenses involved, CLEO would need to conduct extensive research and consultation before considering a video project.**

Things that CLEO cannot do:

- **CLEO is not a funding agency for legal information materials.**

In addition to the projects mentioned above, are there other things that CLEO could do to provide communities that do not speak English or French with information about their legal rights? Ways that CLEO could assist community agencies in doing so?

Based on your work, what do you consider to be the most critical needs with respect to legal information faced by communities that do not speak English or French? Please be as specific as possible, for example, for family law, specify divorce, child support, etc.

Based on your work, what do you consider the most pressing criteria for prioritizing languages for projects (e.g. size of linguistic community, poverty level within community, resettled refugees, etc.)? Why?

CLEO does not provide legal services, but rather information about legal rights. But we need to be able to refer people to services so that they can exercise those rights. Based on your work, what do you consider to be the most serious gaps in legal services for people who do not speak English or French?

What would be the most effective way to provide these services?

Concluding Questions

Any other comments?

May we contact you again?