

Effective Communication: What is It?

According to the Americans with Disabilities Act (ADA), effective communication means that any conversation between a person with hearing loss and the organization/agency must be clearly understood.

Title II of the ADA applies to state and local government agencies, such as the Pennsylvania Department of Labor & Industry or an appointment you may have with your local township. Title III of the ADA applies to organizations that provide services to the public, such as a physician's office, a concert, or a college class. Both titles are required to take steps to ensure that communication between people with hearing loss and without a hearing loss is equivalent to communication between people with no hearing loss. They are also required to furnish appropriate auxiliary aids and services where necessary to ensure effective communication occurs.

To ensure effective communication occurs, reasonable accommodations or auxiliary aids and services should be considered and made available. Some examples are: Assistive Listening Systems (ALDs), Brailled materials, Video Remote Interpreting (VRI), qualified sign language interpreters, Computer Assisted Real-time Transcription (CART), or documents printed in large print or written notes. These are only few examples of ways to accommodate a person with hearing loss and/or vision loss to ensure effective communication takes place.

Title II requires state and local governmental agencies to provide the requested accommodation. For example, an individual who is hard of hearing may request an assistive listening device (ALD) for hearing with a local magistrate judge. The use of the ALD will ensure effective communication occurs during the proceeding. In another example, an individual who is deaf may request a qualified sign language interpreter for a hearing with a local magistrate judge. The use of a sign language interpreter will ensure effective communication occurs during the proceeding. In both instances the court is responsible to provide the ALD and the interpreter. In addition, in both examples, the setting (court) is the same; however each person needs a different accommodation to ensure effective communication.

Title III requires organizations who offer services to the public to discuss effective communication options with the person who is deaf or hard of hearing. In the end, the organization decides the method to provide effective communication. This is why it is important for a person who is deaf or hard of hearing to request an accommodation for effective communication and explain their reason for it. For example, under Title III (Public Accommodations) an individual who is late-deafened may request to utilize written notes when communicating with doctors and nurses during an appointment. These are acceptable means to provide effective communication as long as it is agreed upon by all parties. In another example, an individual who is deaf may request a state-registered sign language interpreter for a workshop offered by the local community college. The individual who is deaf may need to explain that American Sign Language (ASL) is his first or native language and in order to fully comprehend the workshop, he needs a state-registered interpreter which will satisfy the ADA and the PA interpreter law.

To access the Americans with Disabilities Act, Titles II and III, please visit the following links:

ADA, Title II:

www.ada.gov/regs2010/titleII_2010/titleII_2010_withbold.htm

ADA, Title III:

www.ada.gov/regs2010/titleIII_2010/titleIII_2010_withbold.htm

If you have questions about the ADA and/or effective communication, please contact ODHH.