

This summary provides an overview of the intermediary scheme in Canada in 2025. It may not capture all the differences in intermediary work across Canada, neither does it offer a critique of intermediary schemes' compliance with the UN Convention on the Rights of Persons with Disabilities ([UN Convention on the Rights of Persons with Disabilities](#)). This summary was created for [The Access to Justice Knowledge Hub](#)

Canada

Introduction

The role of Communication Intermediaries (CIs) in Canada was first introduced in 2007 by Communication Disabilities Access Canada (CDAC), an organization dedicated to ensuring access to goods and services for people with communication disabilities. Barbara Collier, CDAC's Executive Director, along with the board of directors, spent years developing the CI program.

In 2021, CDAC supported the establishment of a new non-profit organization called Communication Access to Justice (CAJust). CAJust continues CDAC's work in advancing "access to police, legal, and justice services for victims, witnesses, and accused persons with communication disabilities". CAJust is responsible for training and supporting CIs, as well as educating police, legal, and justice professionals on the use of CIs to ensure access to justice for individuals with communication disabilities.

The use of CIs within the justice system varies across Canadian provinces and territories, with Ontario having the highest number of working CIs. Recent judicial decisions in Ontario in 2022 regarding the use of CIs (see *5. Legal Basis for Communication Intermediaries*) have generated increased interest in the role, with the hope that these decisions will set a precedent and contribute to a growing body of case law on the use of CIs in Canada.

Defining Communication Intermediaries

Communication Intermediaries (CIs) are Speech-Language Pathologists (SLPs) who have received specialized training to facilitate two-way communication between individuals with speech, language, and/or cognitive-communication disabilities and police/justice professionals. They provide necessary accommodations to ensure equitable access to legal, police, corrections, and justice services in Canada for individuals with communication disabilities.

CIs are guided by the CI Code of Practice and Code of Ethics, which were adapted by CAJust from similar codes used for Registered Intermediaries in the United Kingdom. The role of a CI is neutral, similar to that of a language translator; they are not a support person, an advocate, or a second investigator.

CIs can be involved at any stage of the policing and justice system, including initial police interviews, child and youth advocacy center interviews, during court proceedings, and after court proceedings (e.g., restorative justice, meetings with probation officers).

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Communication Intermediary Process

Referral and Hiring

Anyone can refer an individual to a CI. However, the CI is hired and paid for by the "End User," which can include the Police, RCMP, or the Court. An individual with a communication disability (or their representative) can self-identify their disability to a police or justice official. Alternatively, if a police or justice professional suspects the presence of a communication disability, they can refer the individual to a CI. Access to a CI in Canada requires that an individual presents with a communication disability.

Assessment and Report

Once a CI agrees to take on a case, they request relevant documents from the End User, such as medical, psychological, or educational reports. The CI must remind the End User not to share any privileged information, as the CI's report will be provided to the Crown, Defense Counsel, and the Court, regardless of who hired the CI.

The CI then meets with the individual with the communication disability to explain the CI's role and obtain consent to complete the assessment and provide services. While the End User is encouraged to attend these assessment sessions, in practice, this rarely occurs due to their stated lack of availability.

The CI conducts their assessment, which may require more than one session. Following the assessment, the CI writes a report to confirm the presence of a communication disability and to detail any necessary accommodations for accurate two-way communication between the individual and the police, legal, or justice professional. The CI then meets with the End User to explain the recommended accommodations and answer any questions.

Court Application and Proceedings

If the individual with a communication disability will be testifying in court, counsel (either the government Crown lawyer or defense counsel) applies to the court to use the Communication Intermediary's accommodations during the trial. This application typically leads to a *Voire Dire* (ground rules hearing), where the court decides whether a CI will be permitted, often with opposing counsel contesting the motion.

If approved, this hearing also determines the specific accommodations (including any visuals) and the exact process for providing these accommodations (e.g., the CI raising their hand when an accommodation is needed, being acknowledged by the court, and then providing the accommodation). The CI is usually required to testify at this hearing to describe their qualifications, assessment process, and recommendations.

Assuming the court approves the use of the CI, the CI will attend all necessary proceedings to provide accommodations for the individual with the communication disability.

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Declining Service

A CI may decline petitions for service due to reasons such as lack of time, insufficient knowledge or expertise with an individual's specific communication disability, or lack of availability.

Terminology

In Canada, the terms "Communication Intermediary" and "Communication Assistant" cannot be used interchangeably. As previously noted, Communication Intermediaries are qualified Speech-Language Pathologists with additional training to work in police and justice settings, serving as neutral officers of the court to support two-way communication.

In contrast, a "communication assistant" can be any family member, friend, or support person who assists an individual with communication in non-critical, non-justice situations.

Legal Basis for Communication Intermediaries

There is no specific legislation solely dedicated to communication intermediaries in Canada. However, the legal foundation for the use of CIs is largely based on provincial and federal accessibility laws, including the Accessible Canada Act, the Canada Evidence Act, and the Charter of Rights and Freedoms.

The duty to accommodate people with disabilities is widely recognized in Canadian human rights legislation and in provincial and territorial laws. The Accessible Canada Act identifies communication as a priority in its accessibility legislation.

The Canada Evidence Act, applicable in criminal cases, recognizes the right to "any means" to give "intelligible evidence" to persons with communication disabilities. While CIs are not explicitly mentioned, their role is covered under Section 6 of this Act. In a recent provincial court decision in Ontario (Doncel, 2022) Justice Fraser detailed

A significant challenge in Canada is the lack of awareness regarding an individual's right to request and utilize CI services as an accommodation to access the justice system.

Training for Communication Intermediaries

CI training is administered by CAJust and is open to any qualified speech pathologist with over two years of clinical work experience. CAJust has updated the training originally developed by CDAC, and a full day training program is now completed by CIs. Some CIs also pursue additional training, such as becoming international members of Intermediaries for Justice (IfJ).

CAJust maintains a registry of trained CIs, allowing individuals to select a CI based on proximity and specialization. However, CDAC holds no responsibility for a CI's service delivery or payment, as CIs operate as independent practitioners. While there is no formal

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mentoring or practicum required to practice as a CI, CAJust encourages and provides informal mentoring.

Pressing Issues and Future Perspectives

Funding

Sustainable funding for CAJust remains an ongoing challenge. CAJust was established with financial support from CDAC, and ongoing grant applications are made to sustain its work and development. The Executive Director and Board of CAJust fulfill their roles on a voluntary basis while managing other work demands.

Awareness

Adequate information about CI services is not always readily available. Victims, witnesses, and defendants are often unaware of their right to access justice, reasonable accommodations, and support. There is also a need to raise awareness among legal professionals regarding the availability of CIs and their role in proceedings.

Training

CAJust aims to further develop additional and ongoing training for CIs. Some CIs have limited opportunities to implement their training or for the ongoing development of their skills.

Useful Documentation and References

Further information on the functioning of CIs in Canada, including examples of accommodations and reports, can be found on the Communication Access to Justice website ([cajust.ca](#)).

Relevant Laws

- Canada Evidence Act, RSC 1985 c C-5, s 6
 - Subsection 1: Allows for a witness with a physical disability to give evidence by any intelligible means if communication is difficult.
 - Subsection 2: Allows for a witness with a mental disability (determined to have capacity under s.16) to give evidence by any intelligible means if communication is difficult.
 - Subsection 3: Permits the court to conduct an inquiry to determine the necessity and reliability of the means by which a witness may give evidence.
- Provincial and Territorial Accessibility Legislation
- Accessible Canada Act
- Charter of Rights and Freedoms

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Court Decisions

- R. v. Doncel, 2022 ONCJ 143
 - Written decision providing legal basis for use of CI
 - There are some concerns with this judgment including the process Justice Fraser recommends using for the CI during the trial, that the individual with a communication disability was asked to prove her capacity without a CI (section 16 hearing), and that Justice Fraser only allowed the CI to provide support for comprehension.
- R. v. Pelton [2018] O.J. 7213
 - Oral decision and application for the use of a CI was not contested

Canadian Literature

- Ashley Rees, You Can't Know What You Don't Know That You Don't Know: The Dilemma of Communication Disabilities and Charter Rights, 2024 12-1 Canadian Journal of Human Rights 1, 2024 CanLIIDocs 2925, <<https://canlii.ca/t/7nj4l>>, retrieved on 2025-06-29
- Communication Intermediaries in the Canadian Criminal Justice System: A Scoping Review <https://seheath.com/wp-content/uploads/2023/12/Communication-Intermediaries-in-the-Canadian-Criminal-Justice-System.pdf>
- Benedet, J., & Grant, I. (2012). Taking the stand: Access to justice for witnesses with mental disabilities in sexual assault cases. Osgoode Hall LJ, 50, 1-32.