

ITU-T Workshop

**"The impact of the United Nations Convention on the Rights of
Persons with Disabilities on the work of the ITU-T"**

Geneva, 2 November 2009

**Achieving Functional Equivalency
in a Modernized Relay Environment**

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Americans with Disabilities Act: A Mandate for Functional Equivalency

- FCC: Communications Assistant (CA) is a “transparent conduit”
 - CA must relay “without censorship or monitoring functions”
 - CA must relay verbatim in real-time
 - CA may not intentionally alter content
 - CA may not disclose conversation content
 - Provider may not keep records beyond duration of call

Relay Service = “Dial Tone”

Practical Examples

- HIPAA disclosures (health care info)
- *Germano vs. International Profit Association*: employment case
 - Statements made by relay are admissible
 - CA is no more than a “language conduit”
 - CA only has random connection to caller
 - CA has no motive to mislead, distort
 - CA qualifications are set by government

Advancements in Relay Technology

- Video Relay Service
 - Natural, real-time, emotional context
 - Need not alert receiving party how call is being handled
- Captioned Telephone Relay Service
 - Calls dialed directly to called party
 - No CA intervention or interruptions
 - Natural flow - like conventional voice calls

Goal: Achieving Transparency

■ Challenges

- ➔ Increased hang-ups – fraudulent purchases, prank calls
- ➔ Laws prohibiting eavesdropping, monitoring

■ Transparency Solutions

- ➔ Give users choice to announce relay
- ➔ New numbering system – for direct dialing of IP calls in both directions
- ➔ Education of general public

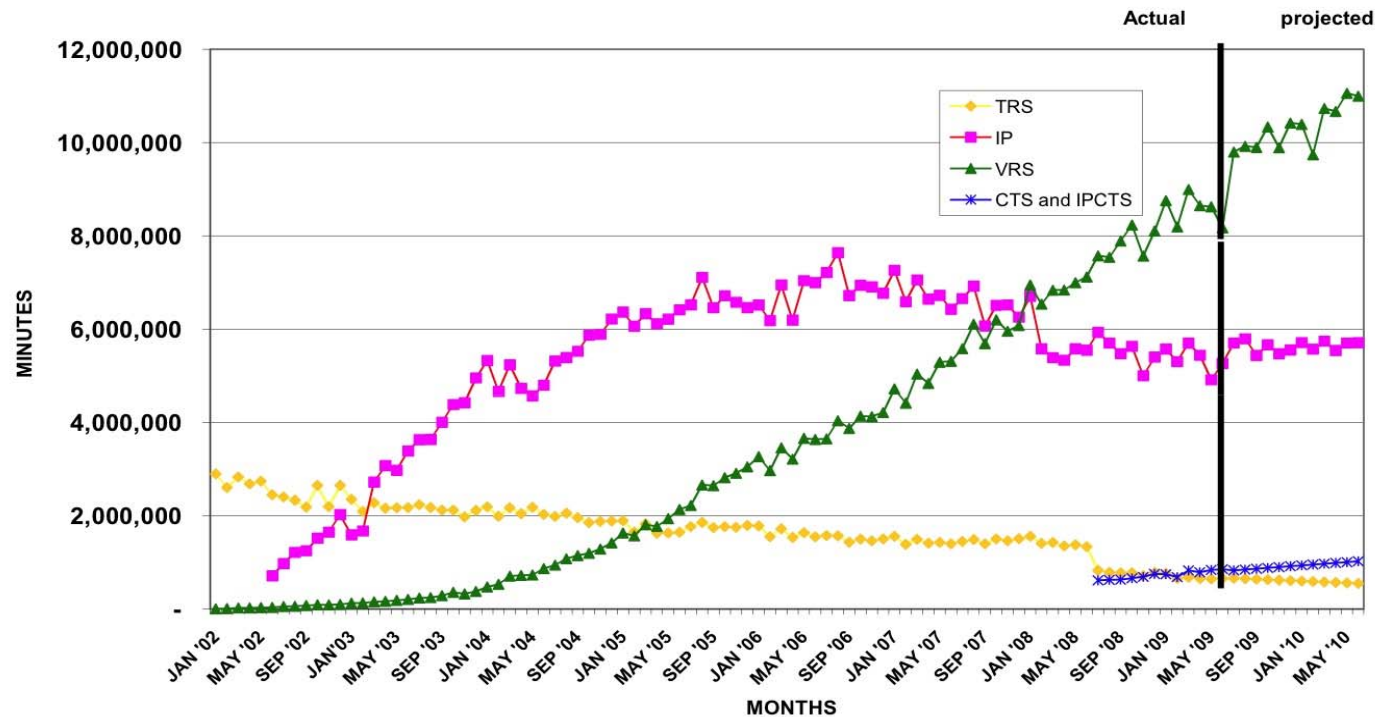
Relay to Relay: A New Dilemma

- 1990: ADA only covers text-to-voice relay services
- Now: Various relay technologies:
 - Video relay, speech-to-speech, captioned telephone, voice carryover, hearing carryover, Internet protocol text, and “traditional” relay
 - FCC policy – Relay is between person with a hearing/speech disability and hearing person: functionally equivalent?

Relay Growth in the U.S.

Source: National Exchange Carriers Association

INTERSTATE TRS, INTERNET, CAPTEL, AND VRS MINUTES
ACTUALS JANUARY 2002 - JUNE 2009
PROJECTION JULY 2009 - JUNE 2010



Video Communications

- Direct peer-to-peer calls
- Video relay calls
- Natural, flowing conversations for:
 - Sign language users – in use now in U.S.
 - People with hearing loss who lipread
 - People with speech disabilities who want to use gestures to enhance communication

Video Communications

The video equipment marketplace: consumer choice and variety



Video User Equipment

- Currently: “Silos” for each video relay provider
- Equipment interoperability
 - Is standardization necessary?
 - Should there be a migration path to SIP and successor technologies?
 - Should the policy be open access?
- Role of government in providing affordable equipment

U.S. Federal Legal Mandates for Video Communication in the Federal Government

- **Rehabilitation Act of 1973: Sections 501, 503, 504, 508**
- **Telecommunications Accessibility Enhancement Act of 1988**
- **Americans with Disabilities Act (functional equivalency guidelines)**

Potential Barriers and Other Considerations for Video Communications

- Cost
- Security
- Confidentiality
- Numbering/Registration
- Emergency Access

Papers Submitted to ITU-T Workshop

- Transparency and Functional Equivalency: Core Principles of U.S. Relay Policy
- Videotelephony and Video Relay Service Policies Affecting U.S. Employees with Communication Disabilities: An Analysis