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Ontario court interpreters protest 'borderline racism' of low pay and precarious work

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Freelance court interpreters in Ontario are refusing assignments as they demand better working conditions, more stability and increased pay after receiving no wage increase from the Ministry of the Attorney General for a decade.

“Our complaints have fallen on deaf ears,” said Genaro Hernandez, a long-time Spanish interpreter in Toronto, adding that he and many of his colleagues are simply fed up after years of inaction by the province.

The Star recently spoke with interpreters from three Ontario organizations who have been pushing for an increase in hourly rate from \$30 per hour for a maximum of six hours a day, to \$60 an hour, a raise they say is both desperately needed to retain good interpreters and fair, given the high skill level required and they precariousness of working on trials that are often cancelled on short notice.

A court interpreter in Ontario can earn between \$15,000 to \$45,000 a year, but the average — according to one organization, the Court Interpreters’ Associa-

tion of Ontario — is about \$25,000, less than full-time hours at minimum wage.

“I would say it’s borderline racism,” said Shahla Husain, another longtime court interpreter in Toronto, who noted that most interpreters are immigrants.

“I don’t get why, for the life of me, when (the ministry) keeps saying that we are an integral part of the system and nothing can be done without us and Charter rights are defended by us... everything is dismissed or ignored.”

The vast majority of court interpreters in the province — about 700 — are freelancers accredited by the ministry, or are conditionally accredited for simple court hearings. Where an accused person doesn’t speak English, an interpreter must translate the entire trial. When a witness doesn’t speak English, they’re relied upon to translate both the questions from the lawyers and answers from the witness.

This often requires translating legal jargon, technical medical evidence and nuanced statements for several hours a day. And the stakes are high — incorrect

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translation can result in serious consequences for the outcome of a case, even mistrials.

“The responsibility of a court interpreter to ensure justice is administered fairly and comprehensively is a tremendous one,” the ministry handbook for interpreters states.

Defence lawyer Michelle Johal agrees. The importance of a good court interpreter cannot be underestimated, especially given how crucial assessing credibility is in court, she said.

“Interpreters are offering more than a service, they are ensuring that Charter rights are not violated,” she said.

Simply being bilingual doesn’t make someone an interpreter, Husain said, adding: “That’s like telling someone you’ve got two legs and therefore you can run a marathon. It just doesn’t work that way.”

The job can also be traumatic — many criminal trials require interpreters to see and listen to and repeat disturbing or emotional evidence and to work closely with people accused of or who have admitted to heinous crimes. But freelance interpreters have no access to any benefits or sick days, let alone coverage for therapy or other mental health supports. (A few courthouses such as Brampton have a small number of full-time staff court interpreters. One estimated he made on average \$52,000 a year with consistent hours, holiday time and other benefits.)

“We have no voice,” said Hernandez, who is a co-founder of one of the freelancer groups, the United Court Interpreters of Ontario (UCIO). “They tell us we are freelancers but the only thing we can do is say, ‘I’m sorry, I won’t take that assignment.’”

In response to questions from the Star, the ministry has said it is “prioritizing a review of its court interpretation policies, including fees, travel and scheduling. The ministry is in the process of analyzing information and input received from court interpreters and other justice stakeholders. Once this analysis is complete, the ministry will determine next steps.”

Hernandez says many interpreters have been afraid that speaking out publicly will mean they will be denied future assignments, but frustrations have boiled over. A third group, the Professional Court Interpreters of Ontario (PCIO), recently protested outside the Brampton courthouse.

At this rate “we can’t depend on this job to make a good living. That’s why we need a rate that’s sustainable,” said

PCIO’s Dave Duhre, noting that their counterparts in British Columbia, Alberta and Quebec are paid more.

The lack of stability is a key grievance. Per the ministry’s handbook, the cancellation policy is that an interpreter is only paid \$90 (the equivalent of three hours’ work) for each lost day, up to a maximum of three days, regardless of whether the interpreter had been booked for a full six-hour day. When a long trial — which could be set for weeks — is cancelled, the interpreter can be left with no assignment, scrambling to find other work to fill the gap.

One result is that several interpreters are refusing to take on trials that last more than a few days, or to commit to working long trials, with senior and experienced interpreters opting instead for easier and more reliable assignments like traffic court.

To offset their losses when court cases or suddenly cancelled, PCIO members have said they won’t be accepting assignments that paid for less than three hours’ work. The organization is also recommending that interpreters only interpret at trials if assigned with another accredited interpreter who can cover when the first needs a break.

Some interpreters now say they won’t accept assignments unless they are paid \$60 an hour — a demand that they say has been successful, but must be approved on a case-by-case basis.

“We feel we are discriminated against because we are immigrants, because we speak English with an accent,” said Cecilia Arce-Conover, who has been working as an interpreter since 1984. She and others say in their view the ministry is exploiting a pool of workers who are

new to Canada, need employment and are less likely to complain.

The pandemic has only made working conditions worse, they say. Not only has work evaporated for months on end, interpreters have also had to worry about the added expenses required for virtual court, including high-speed internet and a quiet space to work

Hernandez and his group want an organization that will bargain with the ministry to set better rates. Others are hoping the ministry will finally do the right thing.

“There is a deep-seated feeling that we are never heard,” Husain said. “And that is emotionally very depleting for people.”

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