

RELAY COMMUNICATION ASSISTANTS AND VIDEO INTERPRETERS:

ROLE, ETHICS AND CONFIDENTIALITY

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All telecommunication relay services depend on the intervention of specially trained third party personnel, such as communication assistants and video interpreters, who relay telephone conversations back and forth between two or more parties.

The U.N. Convention on the Rights of Persons with Disabilities recognizes the right of persons with disabilities to autonomy, independence, and the freedom to make their own choices. The U.N. Convention also stipulates that no person with disabilities shall be subjected to arbitrary or unlawful interference with his or her privacy...”

People who are deaf, hard of hearing, deaf-blind, or speech-disabled are extremely dependent on relay services to maintain independence, friendships, and employability; to handle their personal affairs, make plans, address their needs pertaining to health and wellness, and be contributing members of society. This is equally true of every single person on the other side of the relayed conversations.

Although relay services have reached a sophisticated level of development in the U.S. and some countries in Europe, there are still many countries where the service is non-existent. The developments in the U.S. and Europe have gone through different processes in establishing the current relay services. The relay services in the U.S. are based on the American with Disabilities Act (ADA). The few relay services in Europe are based on the very diverse national legal rules and regulations. Therefore this presentation is divided in a section on the U.S. and a section on Europe.

In Europe and the U.S. different terminology is used for relay services. In the U.S. relay services mean to provide equal access to the telephone. The message is being relayed by the interpreter between two parties who are each in a different place. In Europe the term ‘remote interpreting’¹ is mostly being used for this concept.

The purpose of this presentation is to examine how relay services must be conducted to ensure privacy and confidentiality for consumers who depend on such service. People who are deaf who use sign language interpreters have come to understand and accept that interpreters conduct themselves according to professional standards that require

¹ ‘Remote interpreting’ in the U.S. is used for the situation when the two parties communicating together are in one room together and the interpreter calls in from a different location to provide the interpreting services.

confidentiality. In the more developed relay services, this trust by consumers has transferred to a similar expectation of confidentiality amongst communication assistants. This is exemplified in both the role and the business practices of the relay providers.

EUROPE

The European Forum of Sign Language Interpreters (efsli) is currently investigating the status of relay services in the respective European countries. The investigation is carried out by an online survey which all national association of sign language interpreters and individual members of efsli received. From this survey we can give you the first preliminary findings.

In the survey efsli focuses on remote interpreting services by sign language interpreters. The results from the survey so far show that only a few countries have formally remote interpreting services available: UK, Finland, Sweden, Germany, Denmark, France, Czech Republic, and Spain. Some countries also offer ad hoc services, provided by interpreters from their homes, such as in the Netherlands.

The main outcome from the survey is that there is little to no experience in remote interpreting services in the European countries. The majority of the respondents shows a great interest in the development of this service, but is unsure if this will be successful in their country.

Twenty two percent of the respondents received a special training to work as a remote sign language interpreter. This training varied from 30 minutes to a maximum of two weeks.

Very few interpreters (9 percent) replied that they have a special professional code of conduct for working as a remote interpreter. Even interpreters from the same nationality responded very differently to this question. Some said they had a different code of conduct, others said they had not. This can be explained by the business or organisation they work for. Their national interpreter association might not have established a special code of conduct, but the business they work for might have.

Interestingly the majority of the respondents say that they do not think a special code for working as a remote interpreter is needed. In addition, most respondents do not expect different ethical dilemma's when working as a remote interpreter. Only a few expect issues with confidentiality or issues related to the possibility that the interpreting can be video or audio taped.

UNITED STATES

Role of the communication assistant/video interpreter

Communication assistants (CAs), which by implication henceforth also includes sign language interpreters, are conduits of communication and are personally not involved in

the conversations. They do not interject personal opinions or comments. Their qualifications include demonstrated ability to meet diverse communication needs of relay users. They must have excellent typing speed, grammar, and diction. They should be tested in each of these skills before being employed, and re-tested periodically thereafter.

CAs must keep each party fully informed of the progress of the call: the status (phone ring, busy signal, wrong number dialed) gender of the speaker, and exactly what is said by each party. The locus of control rests entirely with the two parties in the conversation.

Work environment of each communication assistant

Communication assistants work in call centers with individual work stations. These are separated by soundproof partitions so that adjacent CAs, and the persons they are relaying calls for, cannot hear conversations being conducted nearby.

Access to the work areas, and to the call center itself, must be strictly controlled and secure. Screens at each work station are not visible to others walking by. Call centers should not permit communication assistants to carry pens, pencils, hand-held PDAs and cell phones into the work area. (This means they cannot copy credit card numbers and other personal information they encounter in the course of relaying conversations.)

Although a few providers of relay services have considered setting up communication assistants to work from home, this concept is strongly frowned upon by relay users due to the lack of immediate supervision and controls for confidentiality.

Each communication assistant and video interpreter has a personal identification number which is given at the beginning and the end of each relay call. This number can then be referred to by relay users who wish to file a complaint (or a compliment!). CA names are never used.

Best practices: California Relay Service (CRS)

In the U.S., each state administers its own relay service for telephone calls between parties who are within the State. In California, the relay service is administered by the California Public Utilities Commission which oversees all telephone communications in the State. Its rules on Confidentiality are a model for all of the other States:

1. Total Confidentiality: All calls made through CRS shall be totally confidential, with no written or electronic script kept beyond the duration of the call (except temporarily for speech-to-speech relay service). CAs and supervisory personnel shall not reveal information about any call, except for any minimum information that may be necessary for billing purposes (originating telephone number, terminating telephone number, call duration).

2. Pledge of Confidentiality: All Relay Provider staff who relay CRS user conversations or have access to CRS user data, e.g., relay CAs, supervisors, customer service staff, et

cetera, shall be required to sign a pledge of confidentiality, promising not to disclose the identity of any callers or fellow relay CAs or any information learned during the course of handling or relaying calls, handling complaints, or accessing customer information, either during the period of employment as a CA or after termination of employment. See Appendix for example of Pledge of Confidentiality which must be conspicuously posted. The Relay Provider shall make available to all staff with access to CRS user data or CRS user conversations, lockers or equivalent lockable storage located outside of the relay work area. These lockers shall allow staff to temporarily store personal pens, pencils and any other personal recording devices while they are in the relay work area.

3. Discussion of Calls: CAs shall not discuss among themselves, with their supervisors, or with others any names or specifics of any relay call, except in instances of resolving a complaint or as required by law. CAs may discuss the general situation they need assistance with in order to clarify how to process a particular type of relay call. CAs shall be trained to ask questions about procedures without revealing specific information that will identify the parties on the call.

4. Emergencies: If a user is in an emergency or life-threatening situation or causes an emergency situation to exist by threatening the CA or the relay center, names and specific information may be disclosed by the CA to a supervisor to expeditiously address the situation.

5. Monitoring of calls: Watching or listening to actual calls by anyone other than the relay CA is prohibited, except for training or monitoring purposes or other purposes specifically authorized by the Federal Communications Commission, the California Public Utilities Commission or by these specifications. Watching or listening of relay calls by others for training or monitoring purposes shall not be allowed as a general practice for all calls, but shall be restricted to discrete calls for temporary purposes. Therefore, announcements to callers that say, for example “Your call may be monitored for training purposes,” shall not be deployed de facto to all calls. Recording of calls is prohibited except as allowed for speech-to-speech calls and for handling voice mail and/or interactive type messages, and all recordings and electronic capture of a portion of a call shall be immediately deleted at the completion of the call.

6. Confidentiality Policy: Providers must develop a written Confidentiality Policy, covering the above points at a minimum. A copy of the Confidentiality Policy shall be provided to a user upon request.

7. Termination for Violation of Confidentiality: A CA, customer services representative or supervisor who, after investigation, is found to have violated the confidentiality rules and regulations shall receive immediate disciplinary action, which may include termination.

Appendix 1

**California Relay Service
Confidentiality Agreement**

I _____ do hereby recognize the serious and confidential nature of the California Relay Service. I recognize the responsibility this places upon me and its bearing on my continued employment. By agreeing to employment in a Communications Assistant, supervisor or customer service role, I agree to the following conditions:

1. I will not disclose to any individual, including fellow Communication Assistants (CAs) Customer Service Representatives and supervisors, the identity of any caller or information I may acquire about a caller while relaying his/her conversation, except if the user is in life threatening circumstances or causes an emergency situation, or in instances of resolving a complaint.
2. Under no circumstances will I act upon any information I may acquire while relaying conversations.
3. I will not allow any individual to watch or listen while processing actual calls, except for authorized training and quality monitoring purposes.
4. Except when performing Speech -to-Speech relay, I will not bring any recording devices, including but not limited to, pens, pencils and Personal Digital Assistants (PDAs), into relay workspace. I will not keep any written or electronic form of a conversation beyond the duration of the call, except as allowed for Speech -to-Speech Relay service.
5. Except for any information necessary for billing purposes or gathering caller preference or 711 information when requested by the caller, I will not collect nor use a caller's personal information.
6. I will not register my company as the caller's CRS relay provider of choice without the expressed permission of the caller. When explaining about a caller's choice of relay providers I will strive to ensure that the caller receives a clear, accurate and forthright understanding of his or her options and of the registration process. I will not engage in deceptive practices that result in obtaining a caller's permission deceitfully.
7. Under no circumstances will I reveal my relay operator number in conjunction with my name, or disclose to anyone the names, schedules or personal information of any fellow CA or supervisor working at the relay service.
8. I understand that the FCC requires me to relay everything that is said by either party even if portions of the conversation are offensive to me personally.
9. In the event of my resignation or termination of my employment, I will continue to hold in strictest confidence all information related to the work I have performed as a relay operator.

I understand further that any of the above breaches in confidentiality will lead to disciplinary action up to and including immediate dismissal.

Signature: _____

Print Name: _____

Position: _____ Date: _____

