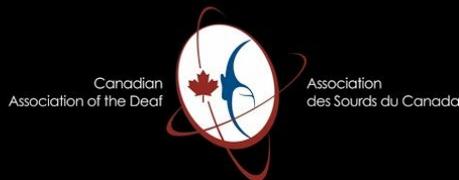


Navigating New Directions to Accessible Communications and Regulations under Accessible Canada Act : Deaf, Deaf-Blind and Hard of Hearing Perspective

*Intervention
for
CRTC 2020-124*



DEAF
WIRELESS
CANADA
COMMITTEE



COMITÉ POUR LES
SERVICES
SANS FIL DES
SOURDS DU
CANADA



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TABLE OF CONTENTS

EXECUTIVE SUMMARY	5
ABOUT THE JOINT PARTIES	6
STATISTICS	8
DEFINITIONS	10
ABOUT DEAF-BLINDNESS	12
DEAF-BLIND COMMUNICATIONS	12
Visual and tactile sign languages	13
Two handed manual alphabet	13
Voice and Lip Reading	13
DEAF-BLIND COMMUNICATION ACCESS	13
Deaf Interpreters	14
Intervenors or Support Service Providers (SSPs)	14
Deaf-Blind Telecommunications Accessibility Key Points	15
EMPLOYMENT STATISTICS	15
FUNCTIONAL EQUIVALENCY	17
UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)...	18
ASL, LSQ and ISL RECOGNITION AS PRIMARY LANGUAGE OF DEAF CANADIANS...	19
POLICY DIRECTION 2019	20
CAPTIONED TELEPHONE	20
TELECOMMUNICATIONS ACCESSIBILITY ISSUES AND CHALLENGES	22
Proceedings	22
Hearings	23
Services	24
BROADCASTING ACCESSIBILITY ISSUES AND CHALLENGES	25
CALL FOR COMMENTS for CRTC 2020-124 - CAD-ASC et al. Response	26
Timing	27
Accessibility plans	27
Progress reports	28
Feedback processes	29
Manner of publication and form of preparation	30

Requests for alternate formats	33
Substance of the feedback process	35
General questions	38
Classes of and possible exemptions for regulated entities	38
Guidance documents	39
Other matters within the Commission's regulation-making authority	43

EXECUTIVE SUMMARY

This Intervention deals with navigating new directions to accessible communications and regulations under the Accessible Canada Act from a Deaf, Deaf-Blind and Hard of Hearing (**DDBHH**) perspective from coast to coast to coast.

When the Commission announces the regulations take effect, initial accessibility plans must be prepared, filed, and published within 12 months of the date the regulations are finalized. These plans are to be updated annually and are due at the same time as other legally mandated annual reports. Separate accessibility plans are to be filed for a brand and all its flanker brands. Not all initial and updated accessibility plans are to be filed on the same calendar date.

Progress reports are to be filed quarterly and start three months after the applicable initial accessibility plans are released. Separate progress plans are to be filed for a brand and all its flanker brands.

Templates for accessibility plans, progress reports and feedback mechanisms must be developed and frequently updated in close collaboration and in conjunction with DDBHH consumers. All regulated entities must use these templates in their reports.

Reports must be made available at no extra cost in various formats to meet individual accessibility needs of all DDBHH consumers.

Feedback processes and procedures are to be released on the same day as initial accessibility plans and are to be updated annually. DDBHH consumers may provide feedback in various ways – not just by telephone and email.

CAD-ASC et al. offers some final comments on other matters within the Commission's regulation-making authority under the ACA that must be addressed in the regulations regarding the establishment of an Accessibility Office.



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CNSDB
The Canadian National Society of the Deaf-Blind, Inc



Mr. Claude Doucet
Secretary General
Canadian Radio-television and Telecommunications Commission (CRTC)
Ottawa, ON KIA ON2

June 12, 2020

Call for comments – Regulations to be made under the Accessible Canada Act, Telecom and Broadcasting Notice of Consultation [CRTC 2020-124](#) (Ottawa, April 14, 2020) - Intervention

Dear Secretary General,

Canadian Association of the Deaf-Association des Sourds du Canada (**CAD-ASC**). Deaf Wireless Canada Consultative Committee-Comité pour les Services Sans fil des Sourds du Canada (**DWCC-CSSSC**), Canadian National Society of the Deaf-Blind (**CNSDB**), and Deafness Advocacy Association Nova Scotia (**DAANS**) [collectively, **CAD-ASC et al.**] hereby participate in the aforementioned proceeding by means of this Intervention to draft regulations ensuring CRTC 's compliance with the Accessible Canada Act (**ACA**).

ABOUT THE JOINT PARTIES

1. CAD-ASC et al. advocates for the full inclusion of diverse members within the Canadian Deaf, DeafBlind and Hard of Hearing (**DDBHH**) community in Canadian society. The spectrum of DDBHH life experiences range from those with cognitive delay, immigrants learning English or French as a second language, those with various degrees of hearing loss, those with the unique “double” disability of DeafBlindness, and finally native ASL/LSQ users.
2. Members of CAD-ASC et al. introduce themselves as follows:

3. **CAD-ASC** is a national information, research and community action organization of Deaf people in Canada. Founded in 1940, CAD-ASC's mandate is to protect and promote the needs, rights, and concerns of Deaf people who use American Sign Language (ASL) and langue des signes québécoise (LSQ) in Canada. We are the national information, research, and community action organization of people who are culturally and linguistically Deaf. We partner with national organizations of persons with other communication disabilities including Deaf-blind, blind, developmentally delayed, intellectually disabled, language deprived, and literacy challenged. We combine the purposes of a research and information centre, advisory council, representative body, self-help society, and community action group. We are the oldest national-level disabled consumers organization in Canada. CAD-ASC is affiliated with the World Federation of the Deaf (**WFD**), and is a United Nations-accredited Non-Governmental Organization (NGO) to the Convention on the Rights of Persons with Disabilities.

4. **DWCC-CSSSC**'s mandate is to advocate for accessible wireless communications equality for DDBHH Canadians including but not limited to:
 - a. Cost reasonable accessible wireless data plans for ASL and LSQ users for two-way video calls.
 - b. Accessible industry-wide promotions of wireless services and products.
 - c. Removal of disparities in costs of the same accessible wireless products and services within each company.
 - d. Provision of functional equivalent wireless products and services including wireless applications (apps).
 - e. Accessible wireless emergency services (including emergency alerts and direct text to 911).
 - f. Nationwide public awareness, education and outreach on current accessible wireless and mobile communication products and services.

5. **CNSDB** was registered in 1985 as a national consumer-run advocacy association dedicated to helping Canadians who are deaf-blind achieve a higher quality of life. We advocate for new and improved services, promote public awareness of deaf-blind issues and gather and distribute information in order to help empower individuals who are deaf-blind to become full participants of society. CNSDB provides expertise in accessibility related to the needs of individuals who are living with the distinct disability of deaf-blindness, which is different from deafness or blindness due to being unable to use one sense in order to compensate for the loss of the other.

6. **DAANS** was founded in 1976 and incorporated in 1978. DAANS works with the public, private and non-profit sectors to remove old barriers and prevent new barriers faced by an estimated 58,000 Deaf, hard of hearing, late deafened and Deafblind Nova Scotians in a variety of areas including communication access, education, employment, health, legal services and recreation.

STATISTICS

7. Reliable statistics on Deaf Canadians are hard to collect, and no two organizations seem to agree on the numbers involved. A standard practice is estimating the number of Deaf Canadians using CAD-ASC's traditional 'one in ten' formula with strong caveats. This formula estimates that there are 357,000 culturally Deaf Canadians and 3.21 million hard of hearing Canadians. It is CAD-ASC's opinion that no fully credible census of Deaf, deafened, and hard of hearing people has ever been conducted in Canada." ([CAD-ASC website](#)).

8. Table 1.2019 Canadian Population: Deaf and Hard of Hearing Statistics Statistics Canada (source: [2020 Quarterly](#))

Province/Territory	Population	Deaf ASL/LSQ based on 0.001	Profoundly Deaf based on 0.01	Hard of Hearing based on 0.1
Canada	37,410,000	37,410	374,100	3,741,000
British Columbia	5,030,000	5,030	50,300	503,000
Alberta	4,360,000	4,360	43,600	436,000
Saskatchewan	1,160,000	1,160	11,600	116,000
Manitoba	1,360,000	1,360	13,600	136,000
Ontario	14,490,000	14,490	144,900	1,449,000
Quebec	8,450,000	8,450	84,500	845,000
Newfoundland and Labrador	522,537	522	5,225	52,253
New Brunswick	773,020	773	7,730	77,302
Prince Edward Island	155,318	155	1,553	15,531

Nova Scotia	966,858	966	9,668	96,685
Yukon	40,208	40	402	4,020
Northwest Territories	44,420	44	444	4,442
Nunavut	39,170	39	391	3,917

Note: For those Deaf individuals using sign language (based on 0.001 of the population). For those profoundly deaf or severe-profound hard of hearing regardless of their communication needs i.e., spoken or signed or both languages ASL-English or LSQ-French (based on 0.01 of the population). For those with some form of hearing loss (based on 0.1 of the population)

9. Table 2: Canadian Demographic Estimates

Demographic Categories	Total
Total 2010 Canadian population	34,100,000
Total population in Canada with some form of hearing loss	3,400,000
Total population identified as profoundly deaf in Canada	340,000
Total sign language users as primary language (ASL and LSQ)	34,000
Total potential ASL VRS users in Canada	26,100
Total potential LSQ VRS users in Canada	7,900
Total reported sign language Interpreters in Canada	782
Total reported ASL interpreters in Canada	599
Total reported LSQ interpreters in Canada	183

Source: In Phase 9 Page 13 Table 2, [page 584](#): Canadian Demographic Estimates. Mission Consulting [Feasibility Study Report \(2012\)](#) commissioned by Bell: Canada/Mission Consulting Inc, they use 0.001 (i.e., 34,000,000 Canadian Population in 2010 x 0.001 for a formula to identify Deaf Canadians who use sign language) in attached Phase 9 of the Final Report of the Feasibility of Video Relay Services (VRS).

10. The Canadian National Society of the Deaf Blind estimates there are 69,700 Deaf-Blind Canadians over the age of 12 living with the dual disability of deafness and blindness or a combination of both vision and hearing losses that limit their everyday activities. The [Canadian Helen Keller Centre](#) provided an estimate of the Deaf-Blind population in an earlier version of its website which is now available on [Junefest](#)

DEFINITIONS

11. **Sign Languages:** a naturally occurring visual gestural language with distinct grammar, syntax and vocabulary that is not based on or derived from a spoken language. In Canada we have

ASL - American Sign Language - is a widely used language in Canada and USA

LSQ - Langue des signes québécoise - is the natural language sign language of the Deaf Francophone community in Canada, regions that use this are: Quebec, New Brunswick, Ottawa National

ISL - Indigenous Sign Languages¹ - is the natural sign language of the Deaf indigenous nations²

12. Excerpted from the Bell-Mission Consulting VRS Feasibility Study Project Phase 3, Consumer Interests and Perspectives, [pages 71-73](#)):

Culturally Deaf ([page 71](#)) - People who identify themselves as culturally Deaf; people who are born deaf or became deaf early in life, usually before language acquisition (i.e. pre-lingual):

- People who are born deaf or become deaf early in life, usually before language acquisition (ie. pre-lingual)
- Rely mainly or have a preference on using sign language to communicate, typically educated in Deaf residential schools or with Sign Languages as first language
- Prefer to use sign language interpreters and visual assistive technology (e.g. Video, text messaging, captioning)
- Deafness is a cultural and linguistic distinction requiring an accommodation, rather than a disability.

¹ Senate of Canada brief by the BC Hummingbird Council of British Columbia - [link](#)

² The Daily Moth blog with all ISL links as resources - [link](#)

13. Oral Deaf - People who are oral deaf or hard of hearing typically do not use sign language, and instead rely on speech and speech-reading abilities to communicate in addition to any residual hearing, aided or unaided and may also be:

- People who are born deaf or become deaf early in life, usually before language acquisition (ie. pre-lingual)
- Educated in the oral method and rely mainly on oral communications (e.g. speaking, speech-reading)
- Generally depend on a visual representation of spoken language (e.g. written text, captioning, speech-reading).
- Typically identify with the hearing culture but may have ties to deaf culture, or choose to be bi-cultural and identify with both.
- As adults may choose to use signed English/French as a supplement to speech-reading.

14. Deafened - People who became deaf post-lingually (after learning speech) and have now lost the ability to understand speech with or without assistive listening devices (e.g. hearing aids, cochlear implants, wireless transmitters, etc.), and are:

- Typically educated in spoken language either in English or French.
- Generally depend on a visual representation of spoken language for communication (e.g. written text, speech-reading, captioning, sign supported English).
- Typically identify with hearing culture, but may have ties to deaf culture or choose to be both

15. Hard of Hearing - People with hearing loss ranging from mild to profound, may have been born with the condition, or developed it later, are able to understand speech with or without assistive listening devices to maximize residual hearing (e.g. Hearing aids, Cochlear implants, wireless transmitters, etc.). Hard of hearing persons may also:

- Primarily rely on auditory communication utilizing any residual hearing. Prefer to use auditory devices to maximize residual hearing (e.g. Hearing aids, amplified telephones, etc.) captioning devices (e.g. captioned telephones, real time captioning services) and may also utilize speech-reading.
- Most identify with hearing culture and very few use any kind of sign language.

16. Deaf-Blind - People who have significant, but not necessarily total, loss of both vision and hearing. Deaf-Blind may also:

- Rely mainly on tactile signing (signing in the palm of the deaf-blind person's hands, close-up. Signing, or close up speechreading.
- May be culturally Deaf, deafened, oral deaf, or hard of hearing and the communication preference will vary accordingly.”

source: [Mission Consulting VRS Feasibility Report, 2012](#)

ABOUT DEAF-BLINDNESS

17. Deaf-Blindness is a dual sensory disability where the loss of hearing and vision is such that the individual cannot use either sense to compensate for the loss of the other. An individual is considered Deaf-Blind if they have both vision and hearing losses that limit their ability to independently communicate, access information, or travel independently. Deaf-Blindness comes in a wide range of hearing and vision losses, from being hard of hearing or totally deaf combined with being low vision or totally blind.

18. Depending on the type of language acquisition of the Deaf-Blind child, if the child was born deaf or hard of hearing but became blind later, they tend to rely on trying to find ways to communicate with the focus on how to compensate for the hearing loss.

19. For those who were born blind, they tend to lean toward tactile senses of communication, perhaps with tactile sign language and then find a way to accommodate their hearing, or not.

20. For those who were born fully Deaf-Blind, tend to rely fully on tactile communications such as sign language communication.

21. The Deaf-Blind face unique challenges due to the loss of both vision and hearing, resulting in being unable to use either sense to make up for the loss of the other. This can cause a major barrier to accessing communication, information and getting help in an emergency.

DEAF-BLIND COMMUNICATIONS

22. Individuals who are Deaf-Blind use a wide range of communication methods, including but not limited to; visual and tactile sign languages, 2 hand manual, voice, lip reading, large print or electronic notes, Braille, object cues.

Visual and tactile sign languages

23. For those who use visual and tactile sign languages, with American Sign Language (ASL) and Langue des Signes du Québec (LSQ) there is also the addition of ProTactile (PT) which supports access to the world that surrounds a DeafBlind person through touch. ProTactile is a whole, rounded approach where both parties exchange information. Protactile is a socio-cultural philosophy that reflects the DeafBlind world, which includes language (ProTactile ASL), the DeafBlind culture, and their community. PT is not one way, PT is a reciprocal language, goes both ways between two people (or more) communicating. Like any other language, ProTactile is constantly evolving. Most importantly, PT encourages inclusion, autonomy, and equal access.

Two handed manual alphabet

24. Two handed manual alphabet is a tactile form of finger spelling. Using this method, one person touches different areas of another person's left hand to indicate letters of the alphabet while spelling out words. Sometimes it is drawing handwritten letters on the palm of the hand. Short forms are used for common words and phrases. This method of communication is less common and is mostly used by people who are blind or very low vision who become deaf or hard of hearing after they have already acquired language.

Voice and Lip Reading

25. If the individual has some useful hearing, they may use hearing aids or cochlear implants and communicate with voice, with people speaking louder, closer up and slowly as needed. If they have some useful vision, they may also use lip reading. Some will use a combination of voice, lip reading and signing.

DEAF-BLIND COMMUNICATION ACCESS

26. Deaf-Blind participating in public events would often require one or more of the following supports:

1. Intervenors or SSPs, sometimes hearing, sometimes Deaf, depending on the individual's preferences and the circumstances.
2. Interpreters, sometimes hearing, sometimes Deaf, depending on the individual's preferences and the circumstances.

Deaf Interpreters

27. Oftentimes members of the Deaf community start out of personal interest to ensure Deaf-Blind are included, and then over time with experience, informal and formal training opportunities they pick up professional interpreting skills and training, become members of the professional interpreting associations to follow and adhere to a strict Code of Ethics and standard of professionalism. In the States, they are formally called Certified Deaf Interpreters (CDI's) but here in Canada, it is still quite fairly new and it is starting to pick up.

28. At public events or workshops, to follow what is being presented, while there is a hearing interpreter standing in front of the audience standing next to the public speaker, in the audience, Deaf-Blind in attendance would have Deaf interpreters. These interpreters are Deaf themselves who take the voice to sign language interpreters message and relay it to the Deaf-Blind through various means of interpreting options:

- a. Sitting close up or at the appropriate distance according to the Deaf-Blind person to sit directly across from while the Deaf interpreter is mirroring what the interpreter on stage or the signing presenter is saying.
- b. Sitting close to the Deaf-Blind person with hand on hand, for visual tactile communication or sign language, or Pro-Tactile, communicating what the presentation message is.

Intervenors or Support Service Providers (SSPs)

29. An Intervenor is a trained professional (in a paid or volunteer capacity) who facilitates access to information and interaction between an individual who is Deaf-Blind, their environment, and other people. Intervenors have expertise in various methods of communication used by individuals who are Deaf-Blind, orientation and mobility techniques, sighted guiding, providing visual, auditory and environmental information, and they possess an understanding of Deaf-Blindness and its impact. Intervenors should have and follow a Code of Ethics and are required to provide confidentiality and respect the culture of the Deaf-Blind community. They strive to offer quality and professional services to every person they support and adapt to meet the individual needs of each person they work with.

30. If going to attend a public event, such as a workshop or public presentation, Deaf-Blind will often request intervenor or SSP services as they need guidance for the following:

- travelling to get to the public presentation or event,
- going to the bathroom during the workshop, for social breaks during the event(s),
- leaving the workshop to travel back home.

31. While shopping, the Deaf-Blind face bigger barriers to interacting with telecom service providers. Some of those include but are not limited to:

- being unable to get to retail stores on their own due to being unable to travel safely and independently and navigate unfamiliar environments,
- being unable to communicate with retail store staff due to not being able to see to write notes or hear to have a voice conversation,
- not seeing or hearing about information that is distributed in mainstream media,
- not being able to make a voice call or a VRS call or a relay call independently due to the combination of deafness and blindness,

having very limited or no access to services that would enable them to do all the above things.

Deaf-Blind Telecommunications Accessibility Key Points

32. The Deaf-Blind have a great need for accessible technology that allows them better access to communication, information and emergency services. Accessible technology, combined with wireless and internet services (data, text, voice) increases independent access to things that are inaccessible in other formats.

33. While the Deaf-Blind faces an even greater need for accessible technology, high costs of internet services, especially data, create huge barriers. Those who have the greater need also face the greater barriers to accessing what they need. The Deaf-Blind face greater barriers to employment, resulting in lower income.

EMPLOYMENT STATISTICS

34. By means of a backgrounder, DDBHH Canadians historically and currently face chronic unemployment and underemployment to a greater extent than their hearing counterparts. CAD-ASC's [position paper on Employment and Employability](#) reads in part as:

“[CAD-ASC] conducted a formal and rigorous data collection project involving more than 1,000 people in the Deaf community. [CAD-ASC] found that only 20% of Deaf Canadians are fully employed; 42% are under-employed; and 38% are unemployed.”

“In 2014-15, once again [CAD-ASC] conducted a formal survey of 365 Deaf Canadians, under the supervision of the retired Chief Statistician of Statistics Canada. This time the number of unemployed Deaf Canadians was 40%, an increase of 2% since 1998. All of the remaining 60% were either self-employed or short-term contract workers, 24% of them part-time.”

35. According to Statistics Canada persons with disabilities (**PWD**) are under-employed. Findings from its [Canadian Survey on Disability \(2017\)](#), include:

“59 per cent of working-age adults with disabilities are employed, compared with 80 percent of adults without disabilities. Among working-age adults with disabilities who are neither employed nor at school, two in five (39 per cent) have the potential to work. This represents nearly 645,000 individuals with disabilities who have the potential to work and are not working.”

36. The Canadian Survey on Disability (2017) also shows that comparatively fewer Deaf and hard of hearing individuals complete secondary or post-secondary education. For example, only 3.1% attain a university degree, compared to 10.2% of the non-disabled population, a figure which falls to 1.7% among those who are profoundly deaf. It is thus not surprising that labour force participation is only 52.1%, compared to 77.9% for non-disabled peers. The inability of Deaf and hard of hearing individuals to fully participate in the labor force incurs heavy human and social costs including but not limited to decreased productivity, increased dependence on need for government assistance, and mental health services.

37. The Canadian Hearing Services' [Position Paper on Challenges and Issues Affecting Access to Post-Secondary Education for Deaf and Hard of Hearing Students](#), reads in part as:

“Barriers to post-secondary education for Deaf and hard of hearing students can be insurmountable. There has been a significant decline in the enrollment of Deaf and hard of hearing Canadians at post-secondary educational institutions since 2000. Factors responsible for this alarming fact include reduced government funding as a result of systemic and policy barriers. During 2013, Gallaudet University and Rochester Institute of Technology - National Technical Institute for the Deaf (RIT/NTID) reported that the number of Deaf and hard of hearing post-secondary students from Canada continued to decline. Disability Services/Access Officers at universities and colleges in several provinces across Canada report that every year the number of Deaf and hard of hearing post-secondary students has declined. One of the most serious repercussions of the steady decline in post-secondary enrolment

among Deaf and hard of hearing students is that educational institutions, health and social service agencies serving Deaf and hard of hearing individuals are experiencing increasing difficulty in recruiting qualified staff who are culturally Deaf, oral deaf, deafened or hard of hearing due to the low numbers of applicants.”

38. Further to this, more highlights of the employment statistics and trends can be seen in this [position paper](#). These unemployment and underemployment statistics are clearly unacceptable and discouraging. The private and public sectors must work with organizations of, for and by DDBHH to remove attitudinal barriers, ableism, and audism thus enabling DDBHH Canadians to fully participate in the labor force. Improved broadcasting and telecommunications regulations, policies, best practices, goods and services as mandated by the ACA will go a long way to improve DDBHH Canadians' employability. Such improvements will be described later in this Intervention.

39. For example, high telecommunications costs are imposed on DDBHH who depend and rely on data plans (especially for videocommunications) more so than their hearing counterparts. These high costs impede DDBHH Canadians' employment and employability. Functional equivalency is one way to efficiently and effectively deal with these high telecommunications costs.

FUNCTIONAL EQUIVALENCY

40. The [National Association of the Deaf \(NAD\)](#) asserts that all telecommunications³ [\[1\]](#) equipment and services must be accessible to and usable by people who are deaf and hard of hearing.⁴ [\[2\]](#) Equal access to telecommunications is absolutely necessary for deaf and hard of hearing individuals to have equal opportunities in education, employment, public and private programs and services, and everyday life. Existing laws⁵ [\[3\]](#) mandate access to telecommunications for deaf people, but it is imperative to update on a periodic basis federal regulations and guidelines to incorporate all existing, new, emerging, and future telecommunications equipment and services to ensure ongoing accessibility. To avoid delays in accessibility and usability as well as possible expensive retrofitting, telecommunications equipment and services should be subject to

³ [\[1\]](#) For purposes of this Position Statement, the term “telecommunications” means all forms of communications through technology including but not limited to telephone and Internet networks.

⁴ [\[2\]](#) The term “deaf” or “deaf and hard of hearing” is to be interpreted to include individuals who are deaf, hard of hearing, late deafened, and deaf-blind.

⁵ [\[3\]](#) The Communications Act of 1934, as amended, and the Americans with Disabilities Act (“ADA”) of 1990, as amended, mandate this full access to telecommunications and equal access to all forms of telecommunications services. This includes, but is not limited to, Section 225 (relay services), Section 255 (accessible telecommunications equipment and services), Section 710 (hearing aid compatibility), Section 716 (access to advanced communications equipment and services), and Section 719 (relay service support for individuals who are deaf-blind) of the Communications Act; the Rehabilitation Act of 1973 and all Titles of the ADA.

universal design principles. Further, where telephone usage is available to individuals who are not deaf, similar access must be afforded for people who are deaf such as in the workplace; in places of lodging; in prisons and jails; and in government and public venues. The NAD appreciates the efforts of the Federal Communications Commission (FCC) to fulfill the telecommunications requirements of the Americans with Disabilities Act (ADA) of 1990, the Telecommunications Act of 1996, and the 21st Century Communications and Video Accessibility Act of 2010, but urges that further steps be taken to go beyond preserving existing services and achieve the goal of functionally equivalent telephone services as well as equal access to all telecommunication services.

41. **Functional equivalency communication** encompasses and details (but is not limited to) regulations, policies, best practices, goods and services DDBHH consumers need to effectively and efficiently participate in the telecommunications and internet marketplaces similar to their hearing counterparts. The word “similar” is used here to illustrate that DDBHH consumers cannot participate in the marketplace exactly the same way as their hearing counterparts. For example the functional equivalent of free voice minutes targeted to hearing consumers for DDBHH consumers is free unlimited data plans that are never throttled.

42. Such unlimited data plans permit:

- 42.1 mobile communications between DDBHH and hearing consumers through video relay service (**VRS** as explained later in this Intervention); and,
- 42.2 zero rated access to mobile video conferencing apps (ex: SRV Canada VRS, Facetime, Skype, and FB Messenger Video) allowing mobile conversations amongst DDBHH consumers.

UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD) Signed and Ratified by the Government of Canada

43. [CRPD Article 2](#) partly reads as “*Language*” includes spoken and signed languages and other forms of non spoken languages.” This means that the CRPD recognizes sign languages as being equal to spoken languages.

44. Canada ratified the [United Nations Convention on the Rights of Persons with Disabilities \(CRPD\)](#) in 2010. [CRPD Article 9](#) partly reads as follows:

“To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical

environment, to transportation, to information and communications, including information and communications technologies and systems ...”

45. [CRPD Article 21](#) reads in part as:

“States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including: “e) Recognizing and promoting the use of sign languages.”

46. [CRPD Article 30](#) partially reads as:

“State parties must also facilitate the learning of Sign language and the promotion of the linguistic identity of Deaf communities, including Sign languages and Deaf culture.”

47. Canada, with the support of all its provinces and territories, [acceded](#) to the Convention’s accompanying [Optional Protocol](#) on December 3, 2018, which establishes procedures to strengthen the implementation of the Convention.

ASL, LSQ and ISL RECOGNITION AS PRIMARY LANGUAGE OF DEAF CANADIANS IN ACCESSIBLE CANADA ACT

48. Canada passed Bill C-81 to create [Accessible Canada Act](#) which reads in part as:
“Clarification

5.1 (1) The area of communication referred to in paragraph 5(c.1)

(a) includes the use of American Sign Language, Quebec Sign Language and Indigenous sign languages; and...

Recognition of sign languages

(2) American Sign Language, Quebec Sign Language and Indigenous sign languages are recognized as the primary languages for communication by deaf persons in Canada.”

49. By passing the Accessible Canada Act in June 2019, Canada became one of over 45 countries to recognize its national sign languages. Canada not only recognized one

but three national Sign languages - American Sign Language (ASL), langue des signes québécoise (LSQ), and Indigenous Sign Languages (ISL) as the primary languages of Deaf people in Canada.

50. Both CRPD and ACA clearly require Canada to remove all barriers and prevent new barriers from affecting all aspects of the daily lives of Deaf persons and people with disabilities. For example, DDBHH individuals and PWD must have access to information and communications technologies at par with other Canadians especially in the area of telecommunications and broadcasting. DDBHH individuals must be able to choose from all communications forms including Sign languages. Both CRPD and ACA mandates appropriate and adequate research in and development of universally designed goods, services and equipment for DDBHH persons and PWD.

POLICY DIRECTION 2019

51. Ministry of ISED's 2019 "[Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives to Promote Competition, Affordability, Consumer Interests and Innovation](#)" instructs the CRTC to consider how its decisions promote competition, affordability, consumer interests and innovation with a special lens to "*iv. enhance and protect the rights of consumers in their relationships with telecommunications service providers, **including rights related to accessibility.***" CRTC must therefore take accessibility into account by protecting the rights of consumers and their relationships with service providers.

52. The Direction's instruction to "*vi. enable innovation in telecommunications services, including new technologies and differentiated service offerings*" obviously is of concern to CAD-ASC et al. To be more specific, there must be DDBHH involvement in the development of regulations, codes, best practices, technology (including but not limited to design, alpha and beta testing), goods and services. There was no such DDBHH involvement in the design and development of the most recent IP Relay app.

CAPTIONED TELEPHONE

53. As another example, the Commission did not mandate the introduction of Captioned Telephone in Canada - a product widely used and widely adopted by millions of hard of hearing consumers in the States. If captioned telephone is adopted in Canada, it could benefit 3.21 million Hard of Hearing consumers in Canada

54. The captioned telephone benefits deaf and hard of hearing consumers who do not sign. The captioned telephone works like an ordinary telephone with one important additional feature – it displays captions on its bright display window. A hard of hearing consumer would hear the other party while reading captions corresponding to whatever the other party is saying. The consumer would then speak into the captioned telephone operator as if it were an ordinary phone.

55. The first instance of CRTC not heeding to the needs of the hard of hearing with regards to captioned telephone appears around the proceeding for CRTC 2008-8 which led to CRTC TRP 2009-430. Groups such as the [Canadian Hard of Hearing Association](#) and the [Canadian Hearing Society](#) (renamed Canadian Hearing Services) have tried numerous times over the years to bring in accessible telephone communications for hard of hearing Canadians to no avail. Several links provide a historical trail, such as [CHS Intervention](#) (2008-8) along with [Petition](#), and [Form](#).

56. [CRTC TRP 2016-496](#) reads in part as:

224. There is no evidence on the record of this proceeding to indicate that there is an insufficient choice of services to fulfill the needs of Canadians with hearing disabilities. Accordingly, it is not appropriate for the Commission to mandate captioned telephone services at this time.

57. A similar rule for the participation in the proceeding, [CRTC TNC 2017-33](#) determined captioned telephones as being out of scope of that proceeding when reviewing text-based relay services in Canada.

58. The implementation of the 2019 Direction and the passage of ACA both mean that there must be hard of hearing involvement of captioned telephone (and DDBHH involvement in the design and development of the most recent IP Relay app). It is worth noting at this point that CAD-ASC receives public inquiries about on average 3-5 times every month, even though captioned telephone is not the technology of choice for most of CAD-ASC's constituency. The demand is certainly there. The relevance is certainly there.

59. Of course, as technology and market forces change over time, there must be meaningful, effective and efficient DDBHH involvement in all aspects of the development of regulations, codes, best practices, technology, goods and services in the telecommunications and broadcasting industries.

BROADCASTING AND TELECOMMUNICATIONS LEGISLATIVE REVIEW

60. The 2018 federal Broadcasting & Telecommunications Legislative Review reviewed Canada's decades-old Broadcasting, Telecommunications and Radiocommunication Acts. This review resulted in recommendations for modernizing these legislation and regulatory frameworks as captured in [Canada's Communications Future: Time to Act](#) released on January 29, 2020.

61. The *Time to Act* recommendations made 60 separate references to the word “accessibility.” The following two recommendations are of interest to CAD-ASC et al. (p.187):

62. **Recommendation 87:** *We recommend that the objectives of the Telecommunications Act and the Broadcasting Act be amended to include accessibility of services covered by the respective Acts by persons with disabilities to recognize the importance of barrier-free access to communications services, and entrench accessibility above and beyond the Accessible Canada Act.*

63. **Recommendation 88:** *We recommend that the CRTC Act be amended to require the CRTC to create and fund participation in an Accessibility Advisory Committee to meet, at a minimum, on an annual basis, and to publish reports on these meetings. We further recommend that a delegate of the Accessibility Advisory Committee be an ex officio member of the Public Interest Committee recommended in [Recommendation 15](#) of this Report.*

64. The *Time to Act* so beautifully succinctly states: “The ACA is an important step in creating a barrier-free Canada. While a number of measures to enhance the accessibility of communications services are in place today, **several barriers continue to exist**. Given the importance of communications services in the daily lives of Canadians, Canada’s communications sector legislation must entrench and promote accessibility of communications services above and beyond the ACA.”

TELECOMMUNICATIONS ACCESSIBILITY ISSUES AND CHALLENGES

Proceedings

65. To date, the practise is that CRTC proceedings are released only in English and French - not in ASL / LSQ which in and of itself poses a language barrier to DDBHH Canadians. ASL is distinct from English with its own grammar, syntax and idiomatic expressions. The same concept also applies to French / LSQ. DDBHH ASL / LSQ users therefore cannot follow or participate in these vital CRTC proceedings at par with their hearing counterparts. They are not able to provide the Commission with a complete record upon which the Commission decides how the telecommunication industry may better serve DDBHH consumers.

66. Given the *Canadian Human Rights Act* and *Accessible Canada Act*'s recognition of ASL, LSQ and ISL as primary languages of Deaf people in Canada, there is a duty to accommodate Deaf persons by having CRTC's Notice of Consultations made available in sign language to allow groups such as CAD-ASC et al. to fully and responsibly participate in Commission proceedings.

Hearings

67. CRTC typically holds public oral proceeding hearings for five consecutive business days. Anyone may attend parts or all of the oral hearings without prior registration. Simultaneous English / French interpretation is provided throughout such hearings. CRTC traditionally provided English / ASL interpreters and Communication Access Real-time Translation (CART) only for the specific half day when DDBHH panelists make their presentations in sign language. DDBHH panelists and interested DDBHH people cannot stay longer or come another day to listen to any other oral presentation simply because no sign language interpretation is provided outside this half day timeslot.

68. CRTC traditionally expected DDBHH Canadians to follow oral hearings by reading English / French transcripts made available the next business day - "after the fact". Problems with this practice include:

- As mentioned earlier, the transcripts are in English and French - not in sign language - the primary languages used by Deaf people in Canada.
- The transcripts do not capture the emotional context behind the words spoken during the oral hearings. DDBHH cannot take this non verbal context into account when preparing subsequent filings (as in "final submissions") for consideration by CRTC.
- The transcripts do not allow DDBHH Canadians to informally approach other panelists after their oral presentations to exchange information or opinions as their hearing counterparts do.
- The transcripts do not allow members of the public to approach DDBHH panelists with their feedback on the information DDBHH panelists brought forward to CRTC.
- The transcripts do not allow DDBHH panelists to track (and respond) in real time how subsequent oral presentations respond to points they made in their earlier oral

presentations .

- CPAC produces and disseminates videos capturing oral presentations without sign language interpretation and captions - vital tools required by interested DDBHH parties.
- Oral (or more accurately, signed) presentations made by interested DDBHH parties are not live captioned on live TV let alone captioned when videos are released after the fact especially for those DDBHH who do not sign.

69. Sign language interpretation, CART and close captioning must be provided throughout oral hearings just as English / French interpretation is provided. These provisions allow DDBHH Canadians to fully participate in CRTC oral hearings on an equal footing with their hearing counterparts and therefore will make the Commission ACA compliant.

Services

70. The public may pose questions, comments or complaints directly to Commission staff in either English or French. The Commission does not have signing staff to receive corresponding calls from DDBHH who use sign language. In contrast, DDBHH Americans have been able (since 2001 and still are) to directly contact Federal Communications Commission (FCC) staff in sign language.

71. As an aside, the Commission for Complaints for Telecom-television Services (CCTS) has exactly the same problem as CRTC. CCTS staff may receive consumer complaints about telecommunications service providers in English and French - but not in sign language.

72. When CRTC and CCTS become ACA compliant by hiring staff fluent in sign language, these service related issues will be eliminated.

73. The Commission became partially ACA compliant when it mandated the publication of the Wireless Code and the Internet Code both in ASL and LSQ. However this ACA compliance was lost when the Commission failed to mandate the availability of produced ASL / LSQ videos in wireless service providers (WSP) or internet service provider (ISP) retail stores wherever English / French versions of the same codes are displayed.

BROADCASTING ACCESSIBILITY ISSUES AND CHALLENGES

74. There are so many outstanding issues and challenges in regard to broadcasting accessibility that we can only mention some of them briefly in a short list. The items are listed at random, not in any order of priority.

1. While Canadian broadcasting is still the most comprehensive on the planet, several licensees fail to take seriously the issue of quality. Their captioning is rarely synchronized to the dialogue even in pre-recorded programming, which is inexcusable. In certain cases, extensive editing and rephrasing have been inflicted upon the captioning in defiance of best practices and the CRTC's standards of quality for captioning of pre-recorded programming; such editing and rephrasing are acceptable only for the captioning of live programming.
2. Another issue of synchronization is fitting in all of the captioning of a program before the broadcaster cuts away to interstitial material. Captioning consumers routinely miss out on the final lines of dialogue. This happens even with newscasts. Again, we are specifying pre-recorded programming, not live programming. These things are not supposed to be happening with pre-recorded programming.
3. Certain licensees, or perhaps certain captionists (we are unable to determine which it is), act as self-appointed censors within the captioning itself. Profanities are excised or euphemized in the captioning, where they are not in the audio. This is completely unacceptable on any level. What non-Deaf people hear on the audio track is what captioning consumers have a right to read in the captioning.
4. Placement of captioning is always treated as subservient to the placement of other on-screen material. The newscasts of COVID-19 by any and all broadcasters is a perfect case in point. The CBC, for example, runs a wide column of bullet points down the left side of the screen, promos for upcoming programming in the bottom right quarter of the screen, up to four large horizontal lines of text and identifiers along the bottom of the screen, and so on, leaving themselves no choice but to plaster the captions across the actual visuals being presented, whether that be a newsreader or a video clip or a split-screen interview. The result is visual pollution and visual overkill that makes it almost impossible for a captioning consumer to take it all in.
5. The COVID-19 crisis has led to laudable efforts to include Sign language interpreters in news presentations. Unfortunately, the results are often deplorable. Live "media statements" from premiers and provincial/national chief health officers are supposed to include the on-stage interpreters, but too often

the interpreters are too far off to the sidelines and can be seen only partially. In other cases, we run into the problem identified above (#4) having so much on-screen clutter that the interpreter feed is reduced to “keyhole” levels that are extremely difficult to follow on the screen.

6. The inclusion of on-screen interpreters is essentially limited to the live presentations by political and health leaders. When clips from those same presentations are then repeated in newscasts and talk shows, the interpreter is always removed. The Commission needs to address this issue immediately by publishing a blunt statement and warning to all broadcasters’ licenses that interpreter feeds are to be treated as an integral part of any and all news clips from such presentations.
7. The newscasts themselves are not accompanied by interpreters. Nor are any of the talk shows. Extremely valuable information and discussions about COVID-19 are thereby rendered inaccessible.
8. There remains the complete lack of any DDBHH personnel on-screen (and off-screen for the most part, too) employed by any of the broadcasters. Today, we are experiencing everywhere the demands for diversity in the media, demands for action to rectify the lack of inclusion of people of colour, differing genders and sexual preferences, etc., and people with disabilities as well. Whenever the latter do get hired, they are almost always the “visibly disabled”. Under the Accessible Canada Act, DDBHH people must become visible on broadcasting and in the industry.

75. As mentioned, this is just a brief overview of some of the outstanding broadcasting issues that must be addressed by the CRTC to bring this industry into compliance with the ACA.

CALL FOR COMMENTS for CRTC 2020-124 - CAD-ASC et al. Response

76. Preface: CAD-ASC et al. has the view that there must be an opportunity for the public, specifically industry stakeholders to respond and reply to the accessibility plan, and any progress reporting issued by the service providers.

For ease of reference, as per CAD-ASC et al.’s participation in this proceeding, the numbering of paragraphs stops so that the responses to proceeding numbered questions is retained as follows from page 20 to the end.

Timing

Accessibility plans

- 21. Comment on how much time regulated entities should be given to prepare and publish their initial plans once the regulations are finalized (e.g. 12, 18, or 24 months). When should entities that become regulated entities after the regulations come into force be required to publish their initial accessibility plans?**

CAD-ASC et al. response: Without exception all regulated entities shall file their initial accessibility plans within 12 months after the finalized regulations take effect as determined in the decision arising from this proceeding.

- 22. Is the three-year default period for publishing updated plans appropriate, or should the regulations prescribe a different interval?**

CAD-ASC et al. response: Plans must be updated and published on an annual basis.

- 23. Should the timing of publication be consistent with that required under any other federal laws, such as the *Employment Equity Act**?**

CAD-ASC et al. response: Publication deadlines for accessibility plans must align with existing deadlines for other mandated annual reports to avoid excessive administrative burden on the part of regulated entities. .

Regulated entities already have proscribed deadlines for their annual reports. For example:

- CAV files its annual reports on or by June 30 (as per [CRTC 2014-659](#)).
- Message relay services file their annual reports on or by January 31 (as per [CRTC 2018 - 466](#))
- CCTS publishes its annual reports within 90 days of its fiscal year end (as per [CRTC 2007-130](#))
- Annual 911 outage reports are published on or by March 30 (as per [CRTC 2017-182](#))
- and so on.

The basic idea is that regulated entities' initial and updated accessibility plans be published on an annual basis at the same time when their other mandated annual reports to the Commission are due. Synchronizing the deadlines is intended to reduce administrative burdens on the regulated entities.

The CRTC's [Communications Monitoring Report](#), which is published annually should include a section on accessibility issues, and the reporting of **all** accessibility initial, updated and progress reports should be timed accordingly so that this information can be included in the CRTC's annual report. To serve as a good example of inclusion of accessibility issues is whereas the CCTS publishes its [accessibility reporting](#).

24. Should all regulated entities be required to publish their initial accessibility plans and updated accessibility plans on the same date?

CAD-ASC et al. response: No. Requiring all regulated entities to publish their initial and updated accessibility plans on the same day do not fit with the recommendations made in response to Question 23 where they file their proscribed annual reports at different times of the year.

25. Should all regulated entities be required to publish initial and updated accessibility plans separately for each brand offered in the retail market, such as 'flanker' brands?

CAD-ASC et al. response: Each regulated entity must be required to independently publish initial and updated accessibility plans. This regulation applies to both major and flanker brands. This regulation avoids potential situations where a major brand but not its flanker brand to create and publish initial and updated accessibility plans.

Progress reports

26. Comment on when the first progress reports related to the accessibility plan should be published. When should entities that become regulated entities after the regulations come into force be required to publish their first progress reports?

CAD-ASC et al. response: Progress reports are to be published every three months as per standard operating practices employed by the federal government. Therefore, a regulated entity's first progress report is due three months after its initial accessibility plan is released according to whenever the applicable regulations come into force.

27. How frequently should progress reports be required thereafter (e.g. every year, every two years, or every three years)?

CAD-ASC et al. response: As mentioned above in Question 26, progress reports are to be published every three months as per standard operating practices employed by the federal government.

28. Should all regulated entities be required to publish progress reports separately for each brand offered in the retail market, such as ‘flanker’ brands?

CAD-ASC et al. response: Yes, an entity and its flanker brands typically have different goods and services at different price points and have different marketing strategies. Canadian consumers typically do not know which company is the regulated entity and which are its flanker brand(s). It is only logical that with such differences, all regulated entities must publish progress reports separately for each brand offered in the retail market. This would allow stakeholder groups to identify where discrepancies if any are in the public perception of accessibility and respond or complain accordingly.

Feedback processes

29. Comment on whether a description of the feedback process should be published on the same date as the initial accessibility plan. When should entities that become regulated entities after the regulations come into force be required to publish such a description?

CAD-ASC et al. response: Yes, instructions for the feedback process and period should be published on the same date as the initial and subsequent accessibility plans. It is CAD-ASC et al.’s view that the regulated entities, when in effect, should be required to publish such a description within a year of the enactment of the regulations.

Accessibility stakeholder groups must be allowed a response period to provide feedback and provide their experiences to keep the reporting agencies accountable. This is similar to the [UN Committee on the Rights of Persons with Disabilities](#) which does the monitoring for the Convention of Persons with Disabilities (CRPD) whereas state parties including government and stakeholder accessibility groups have an opportunity to report back.

30. How frequently should an updated description be required thereafter (e.g. every year, every two years, or every three years)?

CAD-ASC et al. response: An updated description must be required every year. Technology and market forces move rapidly, and subsequent regulations need to be kept in sync.

Manner of publication and form of preparation

31. Comment on what the publication requirements should be. For example:

- a. Should the initial and updated accessibility plans, progress reports, and feedback process descriptions be published in a prominent location, such as on a website, mobile website, or mobile application? In what other ways can the publication requirements ensure that relevant accessible information can be easily around by the public?**

CAD-ASC et al. response: Yes to all of the above, a website, mobile website and mobile application, and in addition to these options, a separate **accessibility microsite** containing exactly the same information must be made available at all times and everywhere. It must be easy to locate and navigate to and from. The Deaf-Blind prefers it to be always found at the same source link, that should not change at any time, whether in a website, a mobile website or an app. Accessibility should be found at the TOP of the page and not in the footer of the pages, which has made us feel like we are second-class citizens, and less of a priority. This information needs to be properly organized and written using easy to understand language and an easily found link to understand, and allows for users to bookmark accessibility links to check back for updates. Embedded videos as well as links to sign language videos (ASL & LSQ) should be clearly placed on the page

The following formats must be made available:

1. ASL and LSQ videos with visual aids to supplement the subject matter
2. Videos are captioned and a separate accessible text transcript of the ASL and LSQ videos that is easy to locate.
3. Simple English
4. Documents available in several formats:
 - a. MS Word without formatting
 - b. plain .txt file
 - c. intact printing on a PDF
 - d. Large print in the individual's preferred font type and size
 - e. Braille embossed in the individual's preference of Uncontracted, Contracted or UEB (Unified English Braille)

- b. Should a telephone number, email address, and a telephone number for TTY/IP Relay be provided, to enable persons with disabilities to contact regulated entities regarding the publications?**

CAD-ASC et al. response: A telephone number dedicated to accessibility issues must be established and maintained. Calls made to this dedicated number from TTY Relay, IP Relay and VRS must be answered within 5 rings. Recalling proceeding CRTC 2017-33, the older group of DB adults still use TTY.

An email address, which is the most preferable way for those who are Deaf-Blind with varying degrees of vision loss, dedicated to accessibility issues must also be established and maintained. Emails sent to this dedicated address must be acknowledged within 24 hours or on the next business day should the email be sent shortly before a holiday or weekend. These emails must be responded to within 3 business days.

[Direct Video Calling \(DVC\)](#) permits two way video communication between a signing regulated entity and a sign language user. DVC allows sign language users to communicate in their native language(s) - that being ASL and or LSQ. Each regulated entity should have such a DVC established and staffed with fluent ASL and LSQ Deaf staff.

This means the accessibility entity would need to undertake the initiative to actually hire people with fluent sign language communication skills so they can deal with the sign language inquiries via a video customer service line, link, providing face to face customer service using a video communication platform. Individuals must be able to contact all regulated entities by live chat - something many businesses already offer their customers.

For example, in Canada, the only example of this is the provisions of direct Customer Service, the first of its kind for our country, is provided by SRV Canada VRS tech support line, customers dial 9050 within the SRV Canada VRS video communication platform to call ASL and LSQ fluent Deaf staff. This Direct Video Customer Service is provided by the IVèS platform company. Therefore, establishing a center for direct customer service through ASL and LSQ for telecom companies is highly recommended.

The dedicated phone number, email address, live chat and DVC must be well promoted in print and on websites and be easy to find.

- c. **Should the Commission prescribe additional formal specifications, such as font size, file type, or others? For example, should electronic publications be required to adhere to generally accepted accessibility guidelines, such as those published by the World Wide Web Consortium?**

CAD-ASC et al. response: The Commission should prescribe additional formal specifications such as the ability to adjust for font size and colour according to user's accessibility preferences. There should be an ability to store the preferences for all of font size, colour, background colour, and language choice so that the user can make changes to your preference(s) anytime. It is essential to provide the documents in formats that can be manipulated and changed, in order to meet the individual's preferred font type, size, boldness, and spacing.

Regarding accessing publications, as for file types, it is essential that they are screen reader and braille readily accessible. They need to be in accessible format; The files need to be in a low vision friendly, screen reader applications, and braille display accessible applications such as Word and plain text documents. Portable Document Files (PDFs) are not accessible documents as the braille devices cannot recognize it PDF files are not reliably screen reader or braille display accessible. Word or Text documents that allow the individuals to change the fonts and other settings are essential.

Notably, it should be recognized that not all persons with disabilities have the socio-economic means to subscribe to PDF software programs.

32. Comment on when and how regulated entities should be required to notify the CRTC of the publication of a document. Should it be on the same day the document is published, by providing the URL and link?

CAD-ASC et al. response: Yes, all regulated entities must notify the CRTC of the publication of a document on the same day it is published by providing the URL and link of the page where the publication is hosted.

There should be an option for subscription to email, and even better, text notifications for these updates so whoever subscribes will get an automated electronic message to advise of the publication of the document from the regulated entities. The rationale for this is many times CAD-ASC et al is not directly notified of the accessibility reporting by any of the entities including the CRTC, and oftentimes the group is caught by surprise, and doesn't have a chance to respond in the allocated feedback time.

Provisions of the links to the documents and resources on the web pages or websites should also be announced on the Facebook and Twitter accounts of the regulated entities as well as CRTC and the federal governments such as the Ministry of Heritage and Innovation, Science and Economic Development Canada (ISED). To just publish it and not notify stakeholders is not justifiable.

33. Comment on whether alternative or additional forms of publication, other than on a website or mobile application, should be required (e.g. for a regulated entity without a website). If so, what would be acceptable alternatives or additional methods of publishing a document?

CAD-ASC et al. response: Putting it in a permanent website location is the preference however, if without a website, simply sending out an email with attached documents to all stakeholders on the date of publication would be an acceptable alternative or additional method of publishing a document. Instructions and guidance of where to find or request this information needs to be put somewhere for those who have visual disabilities.

Requests for alternate formats

34. Comment on what, if any, rules should apply to how a person can request that a document be provided in an alternate format.

CAD-ASC et al. response: Written documents must be automatically available in both PDF and Word formats when released. A number of accessible formats shall also be made readily available on request and at no extra cost to the consumer. Acceptable / appropriate accessible formats include but are not limited to:

- Word documents with customizable features (ex: font type and size, and colour) to best meet consumers' individual accessibility requirements / preferences.
- Plain text files that will display using the individual's default settings that meet their needs.
- Large print in the individual's specified font type and size.
- Braille embossed in the individual's preference of Uncontracted, Contracted or UEB (Unified English Braille)
- Sign language video with captioning and accessible text transcript.
- Audio files

Consumers may request alternate formats from the entity's dedicated one stop Accessibility Department. Contact information (including but not limited to Phone number and email address) for this department shall be prominently displayed and easily found.

35. Comment on whether the Commission should prescribe specific alternate formats that must be provided upon request (e.g. formats that are compatible with adaptive technologies, audio formats, visual formats, etc.).

CAD-ASC et al. response: Please refer to our responses to answers for **question 31**. We emphasize the brief as the following main points:

- a. ASL and LSQ video formats with captioning and visual aids to supplement the information.
- b. While there are standard alternative formats, each individual's needs are unique. The needs of the Deaf-Blind are different from those of the Deaf and the Blind. As such, the Deaf-Blind may need more flexibility in formats in order to meet their specific needs. Standard formats such as those already mentioned should be available, but consideration must be given to special requirements for those that use adaptive technologies, for example, JAWS, Zoomtext, Braille displays, etc.

36. Comment on how much time a regulated entity should be given to provide a document in an alternate format.

CAD-ASC et al. response: Some alternative formats, such as Word and plain text, can easily be produced quickly and should be provided within one business day. Large print in English or French should be available within one day and should be received via mail within three days.

Some other formats, such as audio recordings in English or French with transcripts, sign language videos in ASL or LSQ with captioning and transcripts, and embossed Braille in the individual's preference of Uncontracted, Contracted or UEB, should be provided within three to seven business days.

When an individual who is Deaf-Blind requires alternative formats for information, it is highly likely that they will also need significantly more time in order to complete their response before filing it. Additionally, the individual will often require the support of a third party such as an intervenor or SSP or Interpreter in order to respond. These supports must be booked in advance and are not always easily available. The expenses of these supports should be covered. The individual needs to be able to negotiate a reasonable deadline in which they can file their response.

This is applicable to all CRTC-related processes. The deadlines that are currently established are oftentimes not accessible-friendly. There needs to be a policy review of some deadlines for this reason.

Substance of the feedback process

37. Comment on what steps a regulated entity's feedback process should include to help ensure that persons with disabilities have an opportunity to provide regulated entities with meaningful feedback on their accessibility plans and on the barriers that they have encountered.

CAD-ASC et al. response: Any feedback on (but not limited to) accessibility plans, progress reports on such and any related topics affecting a particular disability grouping must come from consumers with that particular disability group. As an example, only DDBHH consumers and advocates may speak on their behalf on DDBHH issues and concerns. Even within the DDBHH community, only Deaf-Blind consumers and advocates may speak on their behalf on Deaf-Blind issues and concerns. The only exception to this rule are consumer groups of for and by all PWD including the DDBHH such as the Canadian Council of Disabilities (**CCD**). The following national examples of organizations truly representing the needs of the specific groups are: CAD-ASC, CNSDB, and the Canadian Hard of Hearing Association (**CHHA**).

Appropriate accessibility goods and services must be given to DDBHH consumers to permit them to be fully engaged with the feedback process. For example, written, video or audio materials must be provided in whichever accessible formats best meet their individual needs. DDBHH consumers must also choose their own support services as in interpreters, intervenors or SSPs to fully, efficiently and effectively participate in the feedback process. Such required accessibility goods and services shall be provided at no cost to DDBHH consumers.

38. When regulated entities receive feedback, how should they respond, and within what time period? Should regulated entities be able to respond collectively to a common concern? Appendix 3 to this notice sets out additional considerations with respect to the feedback process.

CAD-ASC et al. response: Regulated entities may respond to feedback from DDBHH and PWD with (but are not limited to):

- 1) One-on-one meetings with the entities' accessibility department representative, via teleconference or videoconference, including video relay services, video remote interpreting and / or CART. It must be the choice of the Deaf person or the person with the disability the manner they wish to meet that they are most comfortable with.
- 2) by phone, especially if the entity has no website or reliable internet, or the person with a disability is without internet.

- 3) via e-mail, with the consideration that provisions of the response in MS Word or Text file instead of PDF format, for accessibility purposes.
- 4) via the entity's social media accounts, Facebook or Twitter are the most popular responsive media used by CAD-ASC et al.
- 5) through live chat of the entity's website, with the consideration that direct video communication is available, for those who prefer to communicate in sign language - ASL or LSQ.
- 6) by mail, especially if the entity has no website or reliable internet, or the person with a disability is without internet.

As for time period, the standard 3 to 7 business days are appropriate response times for the regulated entities to respond to the feedback and insight by persons with disabilities or organizations that represent persons with disabilities. If there are braille or further adjustments in accessible formats needed, then the acceptable time frame is 7 to 14 business days.

In addition to the above, it must be made possible, if required a collective response, the formation of a feedback committee made up of representatives of the disability community with the following recommendations:

- 1) government agencies such as the CRTC, CCTS, CAV ⁶and CPAC should have committees that meet **up to four times a year**. This is based on the experience of the [Disability Advisory Committee \(DAC\)](#) that is hosted by the FCC in the States.
- 2) Large telecom or corporate broadcasting entities, such as Rogers, TELUS, Bell, CBC, should **meet twice a year**.
- 3) Small telecommunications companies or broadcasters should meet **once a year**.

Separate meetings shall be held to independently discuss telecommunications and broadcasting present and future issues and challenges. Telecommunications and broadcasting have unique and often contrasting differences in issues and challenges. All attendees both DDBHH and industry representatives shall have equal say in what should be on agendas and such agendas shall be distributed to all attendees ahead of time. Needless to say, all such meetings shall be accessible to all DDBHH and persons with disabilities.

⁶ As an aside, CAD-ASC et al recognizes that this question is directed at only those regulated by CRTC but at the same time, government bodies (ie: the Ministries of Heritage, and **Ministry of Innovation, Science, and Economic Development (ISED)** and CRTC itself) must be subject to exactly the same reporting and feedback obligations described elsewhere in this document.

As for the point of contact, it is important that there is someone in charge of the accessibility reporting and feedback process in each regulation entity and is a Deaf person or a person of disability themselves. It is extremely important that there be people who are persons of disabilities be directly involved and make the point of contact made up of an accessible team. A team that includes a person who is Deaf, Deaf-Blind or Hard of hearing themselves who communicate in ASL or LSQ. It is very important that all regulated entities have a one-stop e-mail address, phone number, that is public, in an easy to find location on the entities' website, and monitored with prompt 3 business day acknowledgement of emails.

On these sites, there should be clear instructions for providing feedback, with step by step visual flow charts in simple language. Such flow charts also need to be readily made available in alternative formats. For accessibility purposes, regulated entities need to make the description easy to find on their websites. At the TOP of the websites and not the bottom, and in clear, easy to find locations in the mobile apps. These documents should be made available to mail to the person if they have no website or internet address.

As for timing, the process should be open to feedback and input twice a year (once every six months/annually) to individuals who are Deaf or persons with disabilities or organizations as stakeholders that represent these Deaf persons or persons with disabilities.

Persons with disabilities or organizations representing such Deaf persons and persons with disabilities need time to read the reports and respond with feedback in appropriate time, and based on our participation with the CRTC, it is recommended to have up to three months' time to respond to the specific published report. There must be assurance that the process is always open for people's comments about barriers they encountered when using the entity's programs or services.

All records of comments must be kept and retained on record until 2040, as set out in the Minister's mandate in the *Accessible Canada Act - An Act to ensure a barrier-free Canada*. There must be a summary of the input that identified the barrier, and track of the complaints, and what they did to address the comments or complaints. A summary of the input received about the accessibility plan and how it is being implemented.

There must be statistical evidence available even at a glance (tables, infographics, charts, graphs) with breakdowns of all complaints by number and type. A summary of the highlights must be made available in ASL and LSQ.

Alternate formats must be made available, even on request to be compatible with adaptive technologies, but initial reports need to be in an acceptable font and large enough for all to have ease to read, ie. 12 or 14 point font.

General questions

Classes of and possible exemptions for regulated entities

39. Comment on whether it would be appropriate for the Commission to distinguish among different classes of regulated entities in its regulations. If so, on what basis (e.g. number of employees, level of revenues, eligibility for exemption from certain other regulatory obligations, etc.)?

CAD-ASC et al. response: It would be appropriate for CRTC to distinguish between different classes of regulated entities in its regulations only when it comes to mandating when they must be ACA compliant as far as reporting and feedback processes go. The maximum “temporary” exemption shall be no more than one year and be awarded by level of revenues as is the Commission’s current standard operating practice. Our examples of classification continues from our response in Question 38 above as follows:

- 1) CRTC regulated entities such as CCTS, CAV, and CPAC⁷.
- 2) Large telecom or broadcasting entities - Rogers, Bell, Telus, all the groups that have market shares based on their revenues that contribute to the CRTC cost processes.
- 3) Smaller telecom or broadcasting entities - This includes flanker and non-flanker.

Under no circumstances is this statement to be interpreted that some regulated entities may be ACA exempt.

40. Comment on whether it would be appropriate for the Commission to issue orders exempting any regulated entity or class of regulated entities from the reporting obligations under the ACA at this time. If so, what entity or classes of entities should be exempted and on what terms?

For example, should any of the broadcasting undertakings currently subject to an exemption order issued under section 9(4) of the *Broadcasting Act* also be exempted under the ACA?

Similarly, should any of the telecommunications service providers currently falling under the scope of the exemption from the reseller

⁷ Ibid

registration obligation established in Telecom Regulatory Policy [2019-354](#) also be exempted under the ACA?

CAD-ASC et al. response: No entities may be exempted from any reporting obligations. However if the Commission so determines as appropriate, the Commission may grant the smaller entities a short reprieve - say a year or two at the most before all entities of all sizes must comply with their reporting obligations as mandated by the ACA.

Guidance documents

41. Comment on whether it would be helpful if the Commission were to provide guidance material to assist in the implementation of planning and reporting obligations and ensure that documents are relevant for persons with disabilities.

CAD-ASC et al. response: The key point here is that any such materials must be developed in collaboration with the organizations of persons with disabilities. We do not want the Commission writing up guidance materials that they think match our needs and rights, then bringing these materials to us for rubber stamping. “Nothing about us without us” means exactly that: do not develop your own ideas about accessibility without including us in its development.

TTY & IP Relay Reporting

In the CRTC’s annual report, *Communications Monitoring Report*, we do not see the inclusion of accessibility reporting, for instance an integration of relay services reporting. In addition to relay services, the public should be able to see the trends of video calls over data networks reporting, and especially in light of the pandemic, it would be good to have a section on video conference data reporting across Canada also included. The usage of video calls over data wireless and wireline networks would be an interesting scope to review. In light of accessibility, it would be good to compare text data with video use data. For an example, the CCTS includes accessibility reporting in their annual report [here](#).

In addition to this, we need to see improved reporting of TTY and IP Relay Service reporting, as much of it is shrouded in redacted documents whereas similar information is reported publicly in the States or Australia. In Canada, there is no competition for TTY and IP Relay, so why is it necessary to redact this information? There is no competitive advantage in it. It is no secret that Bell has exclusive rights to TTY Relay Services, while Telus has the exclusive rights for IP Relay Services (source: [MobileSyrup](#)).

Therefore, their basic data must be public, because accessibility must be transparent. The accessibility services are not the company's right to keep to themselves. Accessible groups have a right to know and understand their own current accessibility trends to help our decision-making and raise relevant issues and challenges with current information, especially when it comes to contributing to policy outcomes. Ultimately, the burden of researching and doing surveys would be taken off consumer groups with the existence of transparent information.

CAD-ASC et al. was astounded to discover that even with confidential redacting and abridging of competitive interests, several countries were still able to produce reports with the overall totals even with some blank columns, as. This is evident with demonstrated examples provided in the document that the DWCC submitted as part of 2017-33, seen on [Page 8](#) of our RFI Response in the proceeding, in addition there is also further information also found on [Page 8](#) in a separate document, in the Resource Appendix for this RFI Response.

There is a need to make available, at the minimum, the generic statistics as follows:

- Total number of users for all TTY Relay Services
- Total number of registrants for all IP Relay Services
- Number of hours of calls daily, weekly, monthly and yearly of usage for TTY Relay Services
- Number of hours of calls daily, weekly, monthly and yearly of usage for IP Relay Services
- Statistical data cross-sectional analysis to see peak times of day usage
- Comparative analysis for province and territory
- Common user inquiry and complaints feedback and input

Should be shared more widely and in an accessibility microsite that collates this information in one place, and yes, including the SRV Canada VRS reporting, which is currently only posted on the [CAV website](#), all the way at the bottom of the page.

Reports on IP / TTY relay and VRS usage as well as other related statistics on how well Codes meet the needs of DDBHH consumers must meet all accessibility standards. Another example of a statistic that needs to be included in reporting, is the numbers or statistics of how many consumers in each company have accessibility plans. The public, including CAD-ASC et al., need to see the numbers of these plans established, so we can critique on the promotions and availability of such plans.

Other Reporting Breakdowns

What would be would be greatly beneficial coming from the regulated entities such as the large and small telecommunications companies is a breakdown of the type of accessibility plans by:

- disability (Deaf, Deaf-Blind, Hard of hearing, Blind, etc.)
- region (province)
- frequency of promotions, and type of promotion

This will help identify, clarify, and spotlight what the needs are for Deaf persons and persons with disabilities, i.e. whether a specific fund is needed, or not. For example, in the States, it became clear that they needed the *National Deaf-Blind Equipment Distribution Program (NDBEDP)*, also known as [iCanConnect](#), which provides equipment needed to make telecommunications, advanced communications, and the Internet accessible to low-income individuals who have both significant vision loss and significant hearing loss.

For reporting, taking into consideration that Deaf people are visual by nature, and appreciate data visualization, instead of confusing numerical information, a better fit would be information presented in infographics, or colourful graphs. Minimal use of tables with numbers is recommended, especially when these tables are unhelpful for the Deaf-Blind. There has to be descriptive text accompanying any table or visual graphs. There are ways to accommodate for accessibility of all DDBHH and persons with disabilities.

These reports must also be prominently displayed and easily found on the Commission's website and e-distributed to interested parties who pre-subscribe to receive such emails and stakeholder groups.

42. Although the use of a template is not mandatory, it can help to promote efficient, consistent reporting and support comparisons by consumers. Consistent templates could reduce the regulatory burden for regulated entities and promote ease of use by individuals and groups interested in understanding and comparing these documents.

See answer in Question 43 below on the next page.

43. Comment on whether you agree with the Commission’s view that it is appropriate to provide templates to regulated entities for reporting on accessibility plans and providing progress reports. If so, provide your comments on the proposed templates for accessibility plans and progress reports, set out in Appendices 1 and 2 respectively.

CAD-ASC et al. response: The Commission is correct to provide templates for all regulated entities when producing / updating accessibility plans and progress reports. This way, comparisons between regulated entities will be straightforward. Templates must be produced only after extensive consultation and collaboration with DBHHH and PWD - an action that strongly adheres to the adage “*Nothing About Us Without Us.*”

The following information must be included in **the Accessibility Plan template as described in Appendix 1:**

1. The frequency, and total number of people in consultation and the breakdown by type of disability
2. What modes of communication were used to discuss the accessibility plan as in but not limited to :
 - a. Relay Services
 - i. TTY Relay
 - ii. IP Relay
 - iii. Video Relay Services
 - b. Email
 - c. Live Chat
 - d. Direct Video Chat two-way Sign Language communication (ASL or LSQ)

The following information must be included in **the Progress Report template as described in Appendix 2:**

3. For the Introduction section, missing information are : the frequency, and total number of people in consultation and the breakdown by type of disability of persons consulted with.
4. For the Progress Updates section, missing information is : What modes of communication were used to discuss the accessibility plan as in but not limited to:
 - a. Relay Services
 - i. TTY Relay
 - ii. IP Relay
 - iii. Video Relay Services

- b. Email
- c. Live Chat
- d. Direct Video Chat using two-way Sign Language communication (ASL or LSQ)

Other matters within the Commission’s regulation-making authority

44. Comment on whether there are any other matters within the Commission’s regulation-making authority under the ACA that should be addressed in the regulations.

CAD-ASC et al. response:

1. Our concern is when people are enlisted to participate in the accessibility proceeding, feedback processes, how will CRTC let the DDBHH and PWD know. There must be increased outreach efforts for promotions and published announcements and awareness.
2. CRTC must establish a *CRTC Accessibility Office* staffed entirely by persons with disabilities including DDBHH. This is to allow direct communication with DDBHH public engagement, especially with live or direct video chat or conferencing or direct video communication with live chat in ASL and LSQ.
3. CAD et al. can clearly see so many “if only...” and part of the challenge is that it is systematic. It starts with CRTC, how can the people establish policies of a regulatory nature, for instance [CRTC 2009-430](#), if the staff or Commissioners themselves do not themselves have a disability to fully understand the experience of the telecommunication accessibility barriers. How can they be sure they are making the right decision if they do not have “one of us” on the inside? There is no disability or accessibility lens on outgoing policies prior to being presented to the public. The true essence of the *Accessible Canada Act* is “*Nothing about us without us*” means exactly that: **do not develop your own ideas about accessibility without including us in the development.**
4. In contrast, in the States, the FCC’s Disability Rights Office, which has been established since 2002, has 16 staff who are Deaf or a person of a disability themselves working from the policy side of things, with knowledgeable lived experience with telecommunications accessibility. While in Canada, the CRTC has yet to establish its own successful Accessibility Office. It is time, it is 2020.

5. This will further resolve numerous current issues, with an oversight and central location of problem-solving and clarification especially with regards to the CAV. There is currently no clear oversight of the CAV, to resolve issues between the CAV and consumers. CRTC has consistently referred people back to CAV and the problems have become endemic and ongoing. Such an Accessibility Office could act as a central place of communication on all telecommunications and broadcasting accessibility issues.
6. As the federal Broadcasting & Telecommunications Legislative Review Panel (BTLRP) wrote in their final report, on [page 182](#): “*some jurisdictions have embedded accessibility expertise within their communications regulator, to proactively provide advice on accessibility-related issues in regulatory policies. For example, the FCC includes a Disability Rights Office (DRO) that provides expert advice and assistance.*”

CAD-ASC et al. appreciates the Commission’s consideration of its Intervention and looks forward to its response. Should you have any questions, please do not hesitate to contact all of us.

Regards,

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