



Mr. Claude Doucet
Secretary General
Canadian Radio-television and Telecommunications Commission (CRTC)
Ottawa, ON K1A 0N2

March 22, 2021

Call for comments – The Canadian Radio-television and Telecommunications Commission Accessibility Reporting Regulations, Telecom and Broadcasting Notice of Consultation CRTC 2021-69 (Ottawa, February 18, 2021) - Intervention

Dear Secretary General,

1. 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**), and Canadian National Society of the Deaf-Blind (**CNSDB**) [collectively, **CAD-ASC et al.**] hereby participate in the aforementioned proceeding by means of this Intervention to comment on the drafted regulations ensuring CRTC 's compliance with the Accessible Canada Act (**ACA**).
2. CAD-ASC et al. advocates for the full inclusion of diverse members within the Canadian Deaf, Deaf-Blind 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 deaf blindness, and finally native ASL/LSQ users. To review the three organizations' mandates, please refer to page 7 of CAD-ASC et al. 2020-124 intervention to the Commission “Call for comments - Regulations to be made under the Accessible Canada Act”.¹
3. For clarification purposes, the Deaf Advocacy Association of Nova Scotia (DAANS) is not part of this joint group since they decided to establish a separate provincial coalition that represents Nova Scotia along with other two Deaf provincial associations that represent Ontario and Newfoundland, specifically the Ontario

¹ CAD-ASC et al. (June, 2019) Page 7, *Navigating New Directions to Accessible Communications and Regulations under Accessible Canada Act: Deaf, Deaf-Blind and Hard of Hearing Perspective* - <https://bit.ly/38pmqUj>

Association of the Deaf (OAD) and the Newfoundland Association of the Deaf (NLAD) consecutively.

4. CAD-ASC et al. reviewed Telecom and Broadcasting Notice of Consultation 2021-69, Commission Accessibility Reporting Regulations; Background, Approach of the Regulations, and the Commission's analysis and determinations with respect to classes of regulated entities and exemptions, the timing of publication, manner and form of publication, notification of publication to the Commission, requests for alternative formats, and the feedback process.
5. In reference to the published proceeding, corrections must be made. In paragraph 14 of the proceeding, whereas the Commission introduced the Canadian Association of the Deaf, the wording of the organization was incorrectly stated. The organization's name is, in fact, the Canadian Association of the Deaf-Association des Sourds du Canada. It must be expanded in either published language, English or French, and always abbreviated in its bilingual lettering, CAD-ASC / ASC-CAD. From now on, the CAD-ASC et al. would ask that the Commission use no less than CAD-ASC as the full name. In all proceedings, where the organization leading, the lead organization is named first, as in this specific proceeding, CAD-ASC is the lead, the joint group is referenced going forward as **CAD-ASC et al.**
6. For more information about DDBHH Statistics, United Nations Convention on the Rights of People with Disabilities (UN-CRPD), Accessible Canada Act (ACA), as well as American Sign Language (ASL) and Langue des Signes Québécoise (LSQ), please refer to CAD-ASC et al. 2020-124 intervention to the Commission "Call for comments - Regulations to be made under the Accessible Canada Act"²
7. Both the United Nations Convention on the Rights of People with Disabilities (UN-CRPD) and the Accessible Canada Act (ACA) - Bill C-81 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. Deaf, Deaf-Blind, and Hard of Hearing (DDBHH) individuals must be able to choose from all communication forms including Sign languages.

² CAD-ASC et al. (June, 2019) Page 8-10, and 18-20. *Navigating New Directions to Accessible Communications and Regulations under Accessible Canada Act: Deaf, Deaf-Blind and Hard of Hearing Perspective* - <https://bit.ly/38pmqUj>

American Sign Language (ASL) and Langue des Signes Québécoise (LSQ)

8. In the United Nations Convention for the Rights of Persons with Disabilities (UNCRPD) Sign - Sign language and Deaf culture are mentioned 8 times in 5 different articles:
 - **Article 2:** Definition
 - **Article 9:** Accessibility
 - **Article 21:** Freedom of expression and opinion, and access to information
 - **Article 24:** Education
 - **Article 30:** Participation in cultural life, recreation, leisure and sport³

9. The Accessible Canada Act, clearly establishes that sign language is recognized as the primary language of Deaf persons in Canada for ASL, and LSQ, for which resources are available, in mention in the Act, in point 5.1.1, as follows:
 - **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.

10. Therefore, **the CRTC is required to mandate that broadcasting undertakings, Canadian carriers, and telecommunications service providers [the entities] accessibility plans, progress reports, and feedback processes be at least summarized in ASL or LSQ.** Deaf, Deaf-Blind, and Hard of hearing persons in Canada cannot be ignored in this process. By not mandating this, you are therefore excluding this accessibility group as a whole and this in itself contravenes the ultimate objective of the ACA which is “An Act to **ensure a barrier-free** Canada”.

11. CAD-ASC et al. agree, in reference to paragraph number 29, with that “through an accessibility lens and consultation with persons with disabilities” must be applied before publishing their initial accessibility plans. CAD-ASC et al. are aware of the established accessibility departments or offices at the large telecommunications service providers, such as Telus, Rogers, and Bell. While this step is appreciated, proper internal hiring and employment of persons with disabilities in the entities’ in-house accessibility departments would need to take place, to bring on board experts

³ Murray, Joseph (2011). *The UNCRPD and Deaf People* - https://conference.usu.edu/SYSTEM/Uploads/pdfs/15233_1967JosephMurray.pdf

who are Deaf, Deaf-Blind or Hard of Hearing.

12. There have been no telecom consultative meetings since 2019. These consultations need to be re-established, there is no barrier to hosting consultations during the pandemic, considering that numerous meetings and webinars have been conducted utilizing Zoom successfully with both ASL and LSQ interpreters, and even live captioning.

Classes of regulated entities and exemptions

13. CAD-ASC et al are concerned with why Classification B4, T4 and T5 are not appearing with fixed dates of classification as a Class entity. This shows that the intention is not to have them certified, and instead exempt. No entities should be exempt. If there is an exception, the abrasive vein of systematic oppression of persons with disabilities that remains unchanged to this day will continue. Regardless of the size of employees/company, it is our perspective that accountability should be in place.
14. CAD-ASC et al. advises and encourages that those companies with less than 99 employees and less than 10 employees are to be encouraged to seek funds to be able to provide accessible reports. Two suggested solutions are: 1) the smaller undertakings or service providers could request the assistance of the bigger companies, or; 2) a pool of funds be created by the CRTC to support the smaller entities specifically for accessibility purposes.

Timing of publication

15. CAD-ASC et al. agree with the establishment of June 1st as the annual date on which plans and reports must be published. CAD-ASC et al. are also satisfied with up to two years from the coming to force of the Regulations. However, it is CAD-ASC et al's recommendation that these reports include information of statistical and numerical data with regard to each of the specific relay service provisions for persons with disabilities in Canada. This information is critical because there still remains the question of whether Deaf-Blind and senior citizens need additional support and funding for their needs/accessibility. Without this information, the potential to increase the accessibility of the marginalized group is overlooked.

Manner and form of publication

16. It is the CAD-ASC view and agreement that it is not unreasonable that any groups would not be able to publish electronically. As long as the reports are uploaded into a central place such as the CRTC, they can be counted as reported. It is agreed that

these reports and files should be easily accessible and discoverable, especially for those who identify as Deaf-Blind or Blind. There is a simplicity with electronic communications and notifications but these posted URL links must be easy to locate and the webpage/website is laid out with ease of use and files are easy to find.

Notification of publication to the Commission

17. For the Deaf-Blind and Blind, if the website is not set up very well and the files are not easily accessible, it will be conducive to ensure an extra step is taken and notification of postings be sent in email with the option of the accessible formats in the attachment. Many people are often unaware of updates or notifications, and that being said, there should be an option to subscribe to these notifications, through websites to enroll into listservs for email blasts.

Requests for alternative formats

18. PDF files that have been scanned as graphic pages are inaccessible for the Deaf-Blind and Blind who use screen readers or Braille displays or read visually. Unlike text, graphics cannot be read effectively via a screen reader or Braille display and are visually difficult or impossible to read for most low vision users.

19. It must be re-emphasized that PDFs are not accessible as they cannot be effectively edited in order to manipulate the font type, size, colour, boldness, spacing and background colour to allow a low vision Deaf-Blind or Blind person to visually read them. There is no visual PDF standard that can reasonably be set because every individual's visual reading needs are very different. Microsoft Word (.docx) files allow for easily changing the above-mentioned visual settings to meet the user's reading needs. Text based Microsoft Word documents are also accessible for screen reader and Braille display users.

20. Word documents (.docx) are an extremely commonly used file format. It is a very simple to quickly convert text based PDF files to Word (.docx) files and send both options electronically. In addition to Word (docx) files, other alternative formats should be provided:

- Large Print in user's preference of font type, size and boldness
- Braille (Contracted, Uncontracted, UEB)
- Audio
- ASL / LSQ videos

21. CAD-ASC et al. advise that the CRTC requires the entities, in their accessibility plan reports, or feedback reports, to provide instructions, simply and clearly, for the process to request alternative formats of such documents, which includes ASL and

LSQ videos. For accessibility purposes, it is crucial that regulated entities designate and publicly identify a specific person who will be responsible for receiving feedback on behalf of the regulated entity. This provides the public, especially the Deaf-Blind and Blind, with clarity on steps for Deaf persons and persons of disabilities to request the alternative format.

The feedback process

22. Most importantly, wherein CRTC's analysis and determination, under paragraph number 86, CRTC overlooks an additional clarification that is for the accessibility of those who are Deaf, Deaf-Blind or Hard of hearing and use signing where the wording is mentioned: "*in person, over the telephone, by mail, or by electronic means.*" It seems to be forgotten that there is also the option of submission of feedback through video submissions, such as video emails, completing video questionnaires, complaint forms, and **video calling**. This allows them to submit in the languages they are most comfortable with.
23. The Deaf, Deaf-Blind, and Hard of hearing Canadian should have an option to provide feedback by, not through the relay services, but face to face in their primary languages of ASL or LSQ through **direct video calls**. The option must be made available to be able to make video calls directly to the entities' Accessibility offices or departments. And, yes this means directly employing people fluent in these languages in those locations, preferably those who are Deaf, Deaf-Blind or Hard of hearing themselves. Communication Services for the Deaf (CSD) explains this process in detail with their Connect Direct services.⁴ Only with the inclusion of direct video calling, then the statement will be true: "*This is intended to strike a balance between ensuring that individuals can submit feedback in a manner that is accessible to them and providing regulated entities with the necessary flexibility in developing their feedback processes.*"

Final Comments

24. CAD-ASC et al. would recommend that the first accessibility plan is published within two years, not three. Two years is plenty of time to get information organized for reporting after the coming into force of the Regulations.
25. Applying the search function to filter the proceeding of TBNC 2021-69, CAD-ASC et al. find that the proposed regulations have been repeatedly using the word choice of "may". This specific word concerns us with regard to strengthening the regulation of

⁴ Connect Direct, Customer Service Departments: <https://www.csd.org/impact/direct/>

accessibility to meet ACA's ultimate goal. CAD-ASC et al. believe that CRTC should mandate, impose, and apply stricter regulations in order to consistently remove barriers. It is unfortunate to read through and to find that the regulations' outlines don't seem to have apparent enforcement on the entities. The cornerstone of the Accessible Canada Act was that it had teeth for enforcement with regulations established and this is not reflected in the Notice.

26. Aside from our comments, CAD-ASC agrees with the rest of the proposed drafts of regulations by the Commission.

27. 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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