

**CDBC.VRS-DWCC Comments to CAV’s Answers to CRTC RFI Q1-Q5:
Topic 1: Governance, Structure, and Mandate**

This document from **CDBC.VRS-DWCC** focuses on CAV’s Governance, Structure, and Mandate.

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Executive Summary

ES 1: CDBC.VRS-DWCC considers Governance, Structure, and Mandate an essential component of the VRS review to ensure *SRV Canada VRS* improves its system design. There are a total of three **CDBC.VRS-DWCC** Committee Members (CM) responding to this category.

ES 2: The writing team for this category strongly believes that there needs to be a higher standard providing access to governance and structure information about and from the organization. The reality of language deprivation and communication barriers are compounded by those faced by Deaf-Blind persons, who have specific requirements to enable them to participate in the community where the majority are hearing, sighted, and privileged with education.

ES 3: The CAV's mandate must be expanded to include Deaf-Blind representation and Indigenous Deaf people's representation in Board Director positions and Stakeholder groups involvement. The composition of the Board of Directors needs to be balanced, with more DDBHH weighted.

ES 4: More active education and training for stakeholder groups to become knowledgeable about the CAV's governance, structure, funding, and how it differs from many organizations that DDBHH are more familiar with in their communities. Clear criteria of what a stakeholder must be and do to be involved in the CAV, and what role, if any, do they have in monitoring the activities of CAV and SRV Canada VRS?

ES 5: Regarding the financial information shared in the questions related to Board compensation and deferred investments, our team is not knowledgeable enough to have provided meaningful discussion. That indicates that perhaps more community outreach and sharing of information would help educate the community on the operations of the CAV.

Methodology

1. Three members of **CDBC.VRS-DWCC** participated in this topic of Governance, Structure, and Mandate. The team leaders sent the questions and CAV's responses to each committee member to provide comments from their experiences and perspectives.
2. Each Committee Member (CM) has been assigned a number, and it is their quote that they provide. For example, one member will be labelled and identified as "CM#6." The following Committee numbers participating in this Response are **CM#6, CM#9, and CM#16.**
3. To create a flow between the questions, one Committee member consultant pulled all the answers together and tied up the response for each question, summarizing the answers together for each question in the same numbered Response (R#).

General comments

4. The **CDBC.VRS-DWCC** team emphasizes that the Governance Structure and Mandate topic included documents designed for the population's highly educated and privileged segments. These documents made it challenging to obtain responses from the DDBHH community members. They have experienced language deprivation, communication abuse, and not fully inclusive education in their primary languages of sign - ASL, LSQ, or ISL.
5. Therefore, comments provided in this section were made from being Deaf, sign language users (ASL or LSQ), and having the privilege of higher education, making it possible to read, understand, and analyze concepts for this document.

QUESTION 1

Question 1: File the most recent English and French versions of the CAV's constituting documents, including (i) the CAV's letters patent; (ii) bylaws; (iii) mandate; (iv) stakeholder, member, or Director agreements; and (v) any other relevant corporate documents.

Supplied: Certificate of Incorporation, CAV-ACS Bylaw No. 1, Certificate of Amendment (for Bylaw No.1), and the folder related to Election of Directors for CAV.

Initial Comments on Accessibility of Submitted Documents

6. **CM #6 and CM#9 comments:** As the Accessible Canada Act is in effect for federally regulated programs, industries, and services, we remind the CAV and CRTC that access to information provided for this consultation should have been inclusive. CAV distributed the CAV Bylaw and other critical materials in English and French, but **no ASL/LSQ/ISL versions**, large print versions, or available for all CAV's constituting documents. In addition, **CDBC.VRS** had to make three requests that the documents provided by CAV be made available in Microsoft Word. It is hoped that the CRTC will make it a requirement that written papers be submitted in both Word and PDF for this and all future proceedings.
7. **CAV** provided videos in ASL and LSQ for the RFI questions and many other materials on their YouTube channel. But we do not see the entire critical documents in sign language on their channel.
8. The concern extends to the written materials that require users of the *SRV Canada VRS* to accept the User Agreement and Terms of Usage. These documents are of high literacy levels, with Flesch-Kincaid level 13.5 reading level and 30/100 for readability. If the person is unfamiliar with legal language, what can be done to ensure their complete understanding of the document?
9. **CM #6 comments:** According to Article 9 from the United Nations Convention on the Rights of Persons with Disabilities and relevant articles in the *Accessible Canada Act*, every person with a disability should have the same support and treatment as everyone else. Therefore, we suggest that CAV makes sure that there is an up to date ASL/LSQ/ISL version and large print/Braille accessible version available for all of CAV's constituting documents and bylaws. Every document should also note that these versions are available upon request or through a dedicated website link. This would ensure that everyone who wants to participate or is already participating in CAV's programs and services has full informed consent. Moreover, if the person is not familiar with legal language, we ask that CAV's administration and staff must do everything to ensure a complete understanding of all documents. This effort could extend to providing a Deaf interpreter or someone who can translate legal language into everyday words. In an ideal world, we would also suggest that these documents be made available in a version that is easier to read.

10. The above section is crucial as it shows the need for people to understand the governing documents and the technical ‘stuff’ that can lead to finding information that has been overlooked until this proceeding, as the following parts will show.

Mandate

11. On reading the two key documents from the CRTC related to the mandate of the Canadian Administrator of Video Relay Services, and the amendment made to the CAV’s Bylaw, Community Member #9 noticed something curious. Please read the copied and pasted section from the documents and note the highlighted areas and **bold** text.

Telecom Regulatory Policy CRTC 2014-659, issued December 18, 2014, included the following, on **page 3, MANDATE:**

Commission’s analysis and determinations

12. The Commission considers that education and public awareness will be an essential contribution to the success of VRS and directs the Interim Board to make the following revisions (shown in bold below) to the CAV’s statement of purpose in its Articles of Incorporation:
13. The purposes of the Corporation (the CAV) are to:
 - a. provide in an efficient manner a national video relay service (VRS) in Canada, both in American Sign Language and Langue des Signes Québécoise, to provide telecommunications service, in a manner that is consistent with CRTC determinations, to Deaf, Hard of Hearing, **or speech impaired individuals who use sign language**, and **to promote public awareness and education about the VRS service**; and
 - b. do all things in furtherance of the foregoing.
14. The Commission notes that the Interim Board refers to Deaf and hard of hearing individuals (DHH) throughout the submitted documents but that no reference was made to individuals who are speech impaired and who use sign language. The Commission, therefore, directs the CAV to ensure that the wording it uses in all of its documents includes all individuals who use sign language as their primary language of communication due to a disability. However, to be consistent with the record of this proceeding and to minimize confusion, the Commission will refer to all individuals who use sign language as their primary language of communication due to a disability as “DHH” for this decision.

Direct consequence related to the CAV Bylaws

15. If one is to take the above interpretation of what the Commission intended to include as “DHH,” - then the impact upon the Bylaws’ definitions and related written provisions in this document and other materials are clear:
 - The definition of “DHH” in the Bylaws must be revised to be inclusive of: “all individuals who use sign language as their primary language of communication due to a disability as DHH for this decision.”
 - Deaf-Blind must be included explicitly as it is the current practice in professional and community communications to use “Deaf, Deaf-Blind, and Hard of Hearing” with the acronym “DDBHH.”

16. **CM#9 comments:** We believe that the CRTC’s directive above clearly states which individuals or groups of individuals the CAV should have been serving as clients-customers of the Video Relay Services. These clients include more than just “DHH and speech-impaired individuals who use sign language as their primary language of communication.” We believe that Deaf-Blind individuals who use ASL, LSQ, or the tactile versions of these languages and those who may, due to other types of disabilities, must rely on sign language to communicate with others. For example, people who are technically not Deaf or Hard of Hearing, but who have auditory processing disorders that render understanding spoken communication auditorily impossible, and who use ASL or LSQ as primary or secondary communication, depending on their ability on any given day.

Inclusion or Exclusion?

17. These are but two examples of categories of individuals who have not been specifically listed as potential users of SRV Canada VRS. So, any accommodations of equipment, platform design, training of Video Interpreters, and other essential service provisions have not been taken into account, nor for the specific remediations which could be implemented.

18. Therefore, **CDBC.VRS-DWCC** respectfully requests that the Commission consider any points made from this point onwards related to expanding the mandate and directing which populations can be served. Their input is considered “well overdue.”

QUESTION 2

Question 2: Describe the composition of the Board of Directors and the Director selection process.

19. **CM#6 comments:** We often see complaints on social media among the DDBHH community saying they are unaware of how the CAV Directors are chosen. Some people in the Deaf community think it's a conspiracy of a few people. Although CAV lays out the election process on its website, we feel that the Stakeholders have not been as transparent or as thorough in spreading the word about CAV governance and the representation of the community in CAV governance. Is that due in part to the lack of accessible formats in the CAV communications to the Stakeholders?
20. **CM#16 comments:** The Board's current composition is effectively nine people (voting plus non-voting), of which only three are required to be DHH. This setup is an obvious imbalance of power—the consensus of the **CDBC.VRS-DWCC** team is to increase the representation of Deaf, Deaf-Blind, and hard of hearing sign language users - by adding one Deaf-Blind ASL or LSQ Director and one Indigenous Deaf Director. With two TSP representatives and two interpreter representatives, this will create ten people CAV Board of Directors.
21. Along with others, I don't understand the purpose or the role of "independent" directors who are expected to be "neutral." How can they be either of those things? It would be better to replace them with the composition suggested above.
22. **CM#6 comments:** We see that the bylaws do not mention the inclusion of an Indigenous DHH Director on the Board. We suggest that the CAV should actively include Indigenous in the CAV governance structure. According to the Truth and Reconciliation Commission's Call to Action #92¹, we believe this should be enshrined in the CAV bylaws, especially:

QUESTION 3

Question 3: Provide the amount each Board of Directors receives in compensation and the method used to set this amount.

23. **Note:** The specific individual amounts are redacted as confidential; CAV provides totals only.

¹ [Business and Reconciliation. Government of Canada.](#)

24. **CM#16 comments:** What is the explanation for the wild variance in the total amount of compensation paid from 2016 to 2020? These aren't just small fluctuations yearly; they are proportionately prodigious. Why?
- Who determines the amounts, and how are these 'vetted' by the Board - as they would be the recipients?
 - What criteria are used to allocate amounts to certain directors?

QUESTION 4

Question 4: Describe the role of the CAV's registered stakeholders

25. **CM#6 comments:** I also believe that the DHH Stakeholders mentioned in the bylaws should be renamed to include Indigenous and DB communities so they can feel they can participate as Stakeholders. Secondly, there should be greater efforts to ensure diversity among Stakeholders, such as verifying that all demographics and communities are included. If there is a lack of representativity, we urge that CAV reach out to the missing demographic groups to find out why they are not participating and endeavour to accommodate them.
26. In Article 68 in the CAV's bylaws,² we see that there is no mention of Deaf-Blind and Indigenous communities to be included in advisory roles. We think that Deaf-Blind and Indigenous sign language user communities should be mentioned in this article to ensure that their perspectives will be included along with ASL and LSQ's perspectives in all advisory panels.
27. We find that the Stakeholder registration and election process document explains the Director's election process and the Board composition more clearly than the document submitted in response to CRTC's question #2, which uses a lot of legal languages. The Director selection process information is also available on CAV's website. However, the data needs to be searched on the website. If you go to the website, you'll have to scroll down and click on a button to find info about CAV, which opens another page. There, you need to scroll down until you see the CAV Board. Then you see under the Board picture that there's a section called "Learn how registered stakeholder organizations influence CAV's Board of Directors, consisting of (7) Directors and (2) Permanent Invitees." with a button that leads to a final page. The language used in this specific section is relatively straightforward to understand. However, we would suggest using the same

² Article 68: The Board shall ensure that any advisory panel that it constitutes includes the opportunity for the input of perspectives of both ASL and LSQ user communities as well as other relevant perspectives.

schematic as the Stakeholder registration and election process document for the website, as we feel it makes the process more visual and transparent than with words only. This way, the various communities will better understand how this process works.

28. **CM#16 comments:** How many stakeholder groups are allowed? The bylaw does not appear to have information about this number. Is there no limit?
29. If there is no limit, I would expect many more DHH stakeholders registered than Interpreter and TSP groups, simply because there are way more DHH groups across Canada than interpreter agencies and TSPs. If true, then shouldn't they carry more weight in the elections? This status could be reflected by adding more DHH seats to the Board of Directors.
30. On the other hand, in balancing the stakeholder numbers, there should be limitations on who can become a DHH stakeholder. As someone who worked for a national organization, my preference would be for national DHH groups; provincial/regional DHH groups could be eligible if necessary to balance the numbers against interpreters and TSP stakeholders. I do not think the local groups should be qualified except for LSQ local groups. Most LSQ groups are local, and none are national, hence the exception.
31. As for their role, it appears they have only one task: to elect the ASL and LSQ members of the Board. Shouldn't they also have obligations to disseminate CAV reports, information, public relations, etc., to their communities?
32. **CM#9 comments:** Stakeholder groups, to be effective, should have appropriate information and be updated frequently on the activities of the CAV and of *SRV Canada VRS*. They should be given training in the form of workshops- perhaps online courses - on the structure of CAV, how its operations differ from other organizations and any information that would provide the best understanding of the stakeholder organizations' role in elections in receiving and disseminating information.
33. CAV and the stakeholder organizations are responsible for ensuring when positions are up for election or replacing a Director who leaves before their term ends. All stakeholders should have the opportunity to contribute their nominations and or vote.

QUESTION 5

Question 5: In the process leading to Telecom Decision 2020-394 (the VRS 2021 budget decision), Bell Canada raised concerns about certain aspects of the CAV's budget request for 2021, specifically the CAV's long-term deferred contributions. The CAV noted that its Board of Directors had begun a review to determine the level at which the long-term deferred contributions should be maintained. As set out in the VRS 2021 budget decision, the CAV is required to file a copy of that review, as well as a description of any actions taken in response, on the record of this proceeding.

34. **CM#16** was the only member of the team to comment on this question: "I have no comment on this. Long-term deferred contributions are not an aspect of accounting in which I am an expert."

Conclusion

35. Overall, the **CDBC.VRS-DWCC** team for this Category of Governance, Structure, and Mandate had the strongest opinions on accessibility in terms of information sharing, understanding of the organization's functioning, and equitable representation.
36. Notably missing were two vital sections of the Deaf Canadian community - the Deaf-Blind and Indigenous Deaf People. Other sections of this response will have more to say about these and other critical areas of the Deaf Ecosystem and Community.

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