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SANS FIL DES  
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**November 1, 2024**

Mr. Marc Morin  
Secretary-General  
Canadian Radio-telecommunications and Telecommunications Commission (CRTC)  
[sec-gen@crtc.gc.ca](mailto:sec-gen@crtc.gc.ca)

**VIA EMAIL DISTRIBUTION and GC KEY**

**Re: BNC CRTC 2024-137: Development of a regulatory policy for closed captioning provided by online streaming undertakings**

1. The Deaf Wireless Canada Consultative Committee - Comité pour les Services Sans fil des Sourds du Canada (DWCC - CSSSC or "DWCC"), Canadian National Society of Deaf-Blind (CNSDB), and Deaf-Blind Planning Committee (DBPC), as well as a number of francophone and LSQ organizations for Deaf, Deaf-Blind and Hard of Hearing (DDBHH) organizations for Deaf, Deaf-Blind and Hard of hearing (DDBHH) going forward as "DWCC et al.," hereby submit its intervention and declares its wish and interest in participating in the proceeding.

**Table of Contents**

<b>Introductions and Descriptions</b>	<b>1</b>
<b>Availability of closed captioning</b>	<b>4</b>
<b>Quality of closed captioning</b>	<b>5</b>
<b>Reporting and compliance</b>	<b>7</b>
<b>Addressing complaints</b>	<b>9</b>
<b>Implementation</b>	<b>13</b>
<b>Participation in the proceeding</b>	<b>13</b>

**Introductions and Descriptions**

2. DWCC-CSSSC 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, including those that are Indigenous and 2SLGBTQIA+, and range from those with cognitive delay or have neurodiversity,

immigrants learning English or French as a second language, those with various degrees of hearing loss, those with the unique “double” disability as Deaf-Blind, and finally native ASL/LSQ users. Additionally, DWCC supports that Indigenous have the right to ask for support, including requesting Indigenous Sign Language interpreters. When DWCC writes DDBHH, it is inclusive of all those with intersectional identities.

3. DWCC's mandate is to advocate for accessible wireless communications equity 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 currently accessible wireless and mobile communication products and services.

4. The Canadian National Society of the Deaf-Blind (**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. The CNSDB advocates for new and improved services, promotes public awareness of deaf-blind issues, and disseminates information in order to empower individuals who are deaf-blind to become full participants of society. The CNSDB provides expertise in accessibility related to the needs of individuals who are living with the distinct disability of DeafBlindness, 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. The organization has been involved in CRTC proceedings as a collaborator since 2016.

5. The Deaf-Blind Planning Committee (**DBPC**) established in 2012, represents a **particular, specific, and distinct subset/group** of Deaf-Blind Canadians dedicated to raising awareness of issues faced by persons who are Deaf-Blind at the local, provincial, and national levels. This includes:

- a. promoting the establishment of Intervenor Services for persons who are Deaf-Blind in BC, where none is currently provided,

- b. assisting persons who are Deaf-Blind to improve their quality of life,
- c. supporting persons who are Deaf-Blind by providing social and networking opportunities and
- d. collaborating with other organizations to achieve the above purposes

The DBPC was involved for the first time in a CRTC proceeding with the Review of Video Relay Services (TNC 2021-102).

6. The DWCC-CSSSC has been in touch with three francophone and LSQ organizations that serve Deaf, Deaf-Blind and hard of hearing Quebec residents, they have collaborated and provided their input with the survey questions providing their perspectives where the gaps were to ensure all groups were inclusive in the process and they have read the intervention and offered their perspectives and requested to have comments added to include their perspectives but for socio-political reasons have decided they do not want to be named in the documents. The DWCC-CSSSC values the diverse input from francophone, LSQ, Deaf, Deaf-Blind, and hard-of-hearing organizations, who, for socio-political reasons, have requested anonymity. Their collaboration represents a unified perspective, yet some have opted not to be named to ensure their capacity to participate openly without external pressures.

7. Rest assured there have been five organizations collaborating with these documents. It has been a true collaboration between francophone, LSQ, sourd-avegule, Deaf-Blind and one hard of hearing organization for the contributions as DWCC et al. This document reflects their perspectives, and their decision to remain anonymous highlights the importance of an inclusive and respectful process.

8. The DWCC et al. welcomes the Commission's initiative to develop a regulatory policy regarding closed captioning for programs provided by online streaming undertakings operating in Canada. It is DWCC's view that the crucial goal is to ensure accessibility for Deaf, Deaf-Blind, and Hard of Hearing individuals by promoting inclusivity and equal access to information, entertainment, and educational content. DWCC believes in communication equity putting DDBHH Canadians at par with the general hearing population, which includes caption quality.

9. The Commission has called for comments towards a regulatory policy "for closed captioning". The DWCC et al. submit that this is unnecessarily, discriminatorily, and restrictively phrased. The regulatory policy should not be limited only to closed captioning; it should explicitly include other options for making streaming and broadcasting content fully accessible to people who have differing disabilities. This would include on-screen Sign language interpretation, visual description, **open**

captioning, and other means of providing access. We suggest that the regulatory policy should be termed “communication accessibility” rather than “closed captioning.”

10. [Footnote #3](#) of the Notice defines closed captioning. DWCC et al. recommend that this definition be slightly expanded by the addition of the following sentence: “Captioning is not to be confused with subtitling, which provides on-screen textual representation of dialogue *only*, i.e., not sound effects or other non-speech contextual information.” There is still widespread assumption that subtitles and captioning are interchangeable terms; the experience of the viewing public that needs captioning is greatly diminished when only subtitles are used. In this submission of comments, our own use of the term “closed captioning” should be taken to be inclusive of other means of providing communication accessibility.

## **Availability of closed captioning**

**Q1: What should the Commission consider when deciding which online streaming undertakings should be subject to the regulatory policy on closed captioning?**

11. The DWCC et al. respond that the proposed policy must apply to all undertakings, regardless of size, revenues, or other factors. If an undertaking is deemed acceptable to potential and existing audiences which do not need captioning to access the offerings, then it must be made acceptable to potential and existing audiences which do need captioning to access the offerings. How else can it be equitable to both?

**Q2: Should the Commission require online streaming undertakings to provide closed captioning for 100% of English- and French-language pre-recorded programs in their inventories?**

12. Of course it should be required for pre-recorded programming. There is no excuse, either financially or technologically, for anything less. DWCC et al. ask in counter whether the Commission will also debate requiring such undertakings to provide audio tracks for 100% of its pre-recorded programs?

**Q3: Is it feasible and appropriate for the Commission to require online streaming undertakings to provide closed captioning for 100% of English- and French-language live programs?**

13. DWCC et al.’s answer is yes, with only the caveat that French-language captioning for streaming undertakings should be set in tandem with the French-language

captioning requirements for traditional television platforms – neither less nor more, on the same timeframe towards achieving 100%.

**Q4: What factors should the Commission take into consideration that specifically relate to the online broadcasting environment? (e.g.) are there challenges or obstacles related to technology, resources, acquired content, etc.)?**

14. DWCC et al. are not aware of any particular challenges unique to the streaming process. In the past, traditional television entities reported difficulties in transitioning the captioning of programs from their traditional medium (i.e., television via cable, satellite or antenna) to online platforms; for example, the CBC reported that the captioning feed of their newscasts from traditional cable/antenna distribution was incompatible with the CBC's own website video technology. This, however, occurred several years ago, and at the present time anecdotal observation suggests that the traditional television undertakings have by and large resolved the problem.

15. Online streaming platforms may not be technologically identical to such transitioning situations; nonetheless, since the traditional undertakings have solved the challenges, it is reasonable to expect the streaming undertakings to solve their unique challenges, such as may exist, within a short timeframe.

16. Some current difficulties manifest in streaming content may be self-inflicted. The DWCC et al. refer, as an example, to the streaming undertakings' habit of extremely abruptly inserting commercials into the midst of their programming. Not only are these insertions jolting for the viewer, they are never captioned. The streaming undertakings should be directed to provide signifying pauses before and after the insertion of any and all interstitial material; such pauses will also allow the proper initiating of captioning for the material.

## **Quality of closed captioning**

**Q5: Keeping in mind the nature of pre-recorded content, why would 100% accuracy rate not be appropriate for English- and French-language pre-recorded programs?**

17. The question is confusingly structured. In our opinion, anything *less* than 100% accuracy would not be appropriate. The term "pre-recorded" by its very nature affirms that there is enough opportunity to provide 100% accuracy in captioning before the program is distributed.

18. The DWCC et al. is aware that occasionally a program will be delivered to the broadcasting undertaking quite close to airtime, but it is still pre-recorded and must therefore be captioned with 100% accuracy before airing. If it is not ready in time, then it must not be aired or distributed.

**Q6: How should captioning accuracy be measured for live programs?**

19. The DWCC et al. are perplexed as to why the Commission is asking this question. The Commission has already implemented the NER system for measuring captioning accuracy for live programs. If the Commission has doubts that the NER system is adequate or efficient enough for the task, then it should call a separate proceeding on that point.

20. For a complete response to this question, please reference the Canadian Association of the Deaf's report *Understanding User Responses to Live Closed Captioning in Canada*, published September 2018.<sup>1</sup>

**a) What should be the captioning accuracy rate for live programs?**

21. Again, the DWCC et al. refers the Commission to the existing rates set in relation to NER. There is no reason why the NER system should not be applied to streaming undertakings.

**b) Does there need to be a different captioning accuracy rate for English-language and French-language live programs?**

22. It is our understanding that the Commission already has in place different captioning accuracy rates for English- and French-language live programs. The goal of the French-language captioning policy and regulations has always been to encourage the achievement of near-100% accuracy but to allow a longer period of time for such achievement, given the challenges of French-language captioning.

**Q7: Should there be standards related to quality measures other than accuracy, such as lag time, on-screen positioning, speed and captioning format for pre-recorded and live programs?**

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<sup>1</sup> *Understanding User Responses to Live Closed Captioning in Canada*, September 2018, link: [https://www.livecaptioningcanada.ca/assets/User\\_Responses\\_Survey\\_Key\\_Findings\\_FINAL.pdf](https://www.livecaptioningcanada.ca/assets/User_Responses_Survey_Key_Findings_FINAL.pdf)

23. The DWCC et al. is aware of, and some of our own members are involved in, research into these other measures; based upon this involvement, we note that almost all of the measures mentioned in this question are subjective preferences on the part of the viewer and are therefore very difficult to standardize into regulations. Perhaps the Commission could consider establishing policy requirements rather than regulations in this regard.

24. As an example, there is currently a standard that establishes 10 seconds as the maximum acceptable lag time for live programming; this should obviously be applicable equally to streaming undertakings as to traditional undertakings. The Commission could similarly establish a policy explicating that all undertakings must ensure at all times that captions are not positioned in a way that would obscure important visual components (such as action in live sports, or “ticker-tape” feeds of headline information and news).

25. Certain other possible measures, such as captioning format (e.g., font, colour, size), are not so much in the control of broadcasting undertakings as they are in the control of the manufacturers of screens and remotes; in this case, the Commission’s policy should express strong recommendations that the manufacturers target maximum accessibility measures.

26. The DWCC et al. commends British programming in particular (e.g., BritBox) for utilizing different colours for different speakers in their captioning; this is a model that all undertakings should adopt, and which manufacturers should ensure are easily activated in the screens and technology they build (i.e., a simple and easily found menu by which the viewer can activate colour fonts).

27. These colour adjustments are a substantial consideration for the full accessibility for those who are Deaf-Blind and need to adjust settings according to their visual disabilities.

## **Reporting and compliance**

**Q8: Should online streaming undertakings be required to calculate or assess the accuracy of the closed captioning on a regular basis?**

**(a) Should these assessments only be conducted for live programs, or for pre-recorded programs as well?**

**(b) Should these assessments be for certain types of programs (e.g., for live news programming)?**

**(c) How often should these assessments be completed?**

28. The DWCC et al. believe that accuracy must be measured and reported for *all* programming, whether live or pre-recorded, using the NER system for consistency with the measurements and reports from traditional broadcasters.

29. The DWCC et al. believe, in addition, that the consumer voice must be included in the measuring and the reporting processes. While NER is essentially objective and neutral, the fact is that it does not experience captioning quality the same way that the DDBHH consumer experiences it. Adding the voice of consumers will moreover increase the credibility and trustworthiness of the reports.

30. Assessments from streaming undertakings should be reported on the same schedule as those from traditional broadcasters. Again, this is necessary for consistency and comparability of data across platforms and across undertakings.

**Q9: Should online streaming undertakings be required to submit regular reports describing their efforts to improve their closed captioning accuracy rates? If so, how often?**

31. As above, reporting requirements applied to traditional undertakings should be equally applicable to streaming undertakings.

32. For the record, DWCC et al. support annual reports, not biennial reports.

**Q10: What other approaches to monitoring and verifying compliance should be considered by the Commission?**

33. DWCC et al. strongly advocate for a permanent council or committee to be composed entirely of captioning consumers, i.e., DDBHH Canadians, and that it be provided with the resources to properly monitor compliance from the perspective of the target audience for captioning. There has always been little if any inclusion of DDBHH persons in the actual undertakings themselves, in positions where they can truly impact upon the captioning policies and implementation by “the industry itself.” With the Accessible Canada Act, it is time to change this narrative.



34. In addition to the Accessible Canada Act, consideration should be made with the new Ministry of Industry, Science and Economic Development *Order Issuing a Direction to the CRTC on a Renewed Approach to Telecommunications Policy*<sup>2</sup>, items 2d. in the Key objectives and 17c., where it explicitly mentions accessibility must be firmly entrenched in CRTC's work.

**Q11: How should cases of non-compliance generally be addressed by the Commission?**

35. The Commission already has a policy for responding to non-compliance among traditional undertakings; this same policy should be extended to streaming undertakings.

## **Addressing complaints**

Q12: How should complaints about closed captioning of programs provided by online streaming undertakings be addressed?

**(a) Do online streaming undertakings have a method for viewers to file a complaint about closed captioning?**

36. In our experience, it is almost impossible for the viewer to know or to find out how to complain directly to online streaming undertakings.

37. Streaming is a mass of menus, inhospitable utensils (e.g., having to type out a program title by laboriously searching out and clicking on a grid of letters, one character at a time), circular avenues for contacting, and in general navigational mazes that are designed to intimidate and discourage direct contact from viewers.

**(b) Should there be standards with respect to addressing these types of complaints?**

38. The Commission should require streaming undertakings to adopt one-step complaint procedures across all platforms, including websites, social media, and

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<sup>2</sup> ISED 2023 Policy Direction *Order Issuing a Direction to the CRTC on a Renewed Approach to Telecommunications Policy*, link: <https://ised-isde.canada.ca/site/mobile-plans/en/order-issuing-direction-crtc-renewed-approach-telecommunications-policy>

on-screen options. Consideration should be made for the accessibility of complaint processes.

39. The Complaint Service departments need to have Deaf, Deaf-Blind and Hard of hearing individuals employed to provide direct communication equity. Written formats of complaints such as forms, and text responses should not be the only options, instead there should be addition of the availability and accessibility of ASL and LSQ communication methods to submit complaints.

40. There should be a similar set up as the [Commission for Complaints for Telecom-television Services \(CCTS\)](#), however the body would be more devoted to complaints related to captioning and described video. However it needs to be more accessible than it currently is.

41. The model and methodology for resolving complaints and system should be duplicated from the CCTS but with much more accessible options for accessing the complaint services, such as with online direct ASL and LSQ customer support provided by companies such as [360 Direct Video](#). Customer agents conducting customer service intake of the complaints should conduct communications in either ASL or LSQ. There should not be complex written-only options for filing complaints but agents that can do the systematic forms and submissions.

42. The telecommunications industry has the [Canadian Telecommunications Association](#), serving as the clearinghouse for the phone companies, our group wonders where is the equivalent of that organisation as a clearinghouse for the Broadcasting companies and industry. That should be a consideration.

### **(c) How can the complaints processes be made as transparent as possible?**

43. With regards to how complaints should be addressed, and how the processes should be made transparent, and when the Commission should intervene, we repeat that policies currently applied to traditional undertakings should be applied equally to streaming undertakings.

44. Sharing reports and statistics with graphics that show the type of complaints is a form of transparency. Our joint group would like to ensure that a chart and graph outlines the types of accessibility complaints including captioning on online streaming platforms and include the following information for reporting and analysis:

- availability of closed captioning;
- quality of closed captioning;

- reporting and compliance;
- Synchronization issues (captions do not keep pace with on-screen action)
- Missing captions (missed or no words)
- Censoring captions but could be heard (blocking swear or bad words)
- Poor translation (not accurate)
- Flow of captioning (smooth easy to read or not)
- Speed of captioning (too fast or too slow)
- Limited customization option settings (colour and size of captions)
- Other captioning issues: [text]
- It is also important to include information about how the complaints are addressed and if there were any consultations with Deaf and hard of hearing communities;

**(d) When should the Commission intervene, if at all?**

45. The DWCC et al. reiterate that independent consumer monitoring councils need to be established by the streaming undertakings to review complaints and ensure the responses are prompt, useful, and constructive.

46. Rather than require each undertaking to establish their own such council, we recommend that a national council be collectively supported. This national council could consist of an English/ASL sub-council and a French/LSQ sub-council, which would collaborate and work together in partnership and which would report collaboratively to the Commission. There should be ASL and LSQ members on each of these councils who will represent the voice of the Deaf, Deaf-Blind and Hard of hearing consumers for captioning and accessibility issues.

**Q13: Should online streaming undertakings be required to retain copies of captioned programs for the purposes of addressing complaints?**

47. Yes, a copy of the file of where the error took place, the video file or the screenshot of the file should be kept on record.

48. Again, the regulations and requirements that apply to traditional undertakings should be equally applicable to streaming undertakings. Such regulations and requirements must apply across the board, e.g., they apply after the content has been removed from the platforms.

**Consultations with Deaf and hard of hearing communities**

**Q14: Should online streaming undertakings be required to consult individuals and groups in Deaf and hard of hearing communities about closed captioning policies and practices on a regular basis?**

49. In question 12d., our response above in this document paragraph 44 and 45, we recommend a national council of consumers to monitor complaints. This same council should also act as the consultation body for policies and practices. Meetings should be held at least quarterly.

50. As per the Accessible Canada Act: “Nothing about us without us.” Of course these undertakings must consult with the relevant communities!

51. There must be consultation with members of Deaf, Deaf-Blind and hard of hearing communities, they must be included in the spirit of inclusion. The concept of Inclusion, Diversity, Equity and Accessibility (IDEA) must be incorporated throughout the consultation process. The Deaf community consists of a broad spectrum of intersectionality, those originating from diverse groups, multicultural, those in the LGBTIQA+ community as well as those with additional disabilities such as neurodiversity. Representatives from DDBHH and other disability consumer groups or organizations need to be paid appropriate and fair consultative fees for contributions of their lived experience as expertise.

52. The DWCC et al. further suggest that the streaming undertakings embrace the opportunities offered by their own technology and their own online reach to hold open online town-hall meetings via live video (e.g., Zoom) that could be attended virtually by captioning consumers, during which the undertakings could interact with their DDBHH viewers for an “unadulterated” discussion of their captioning work. These town-hall meetings should be held at least annually.

## **Implementation**

**Q15: What approach should the Commission take to implement the new regulatory policy?**

*Should the Commission take a phased approach that grants online streaming undertakings time to build towards or ramp up to any new conditions of service? If so, please comment on how such a ramp-up would work.*

53. DWCC et al. supports a one-year ramp-up period. Progress reports must be filed at least quarterly. The technology is such that there is no need for long drawn-out

ramp-up periods such as were required for traditional undertakings back in time when the captioning technology was in a comparatively primitive development stage.

**Q16: Should smaller streaming undertakings be given more time for implementation than larger platforms?**

54. DWCC et al. does not believe this is necessary. As stated above, the technology is such that there is no need for slower ramp-up periods even if an undertaking does not have the same financial or human resources as larger platforms. One need only glance at Youtube videos to realize that even penniless private individuals are able to provide captioning for their streaming content. Captioning creation and dissemination are truly tools that anyone can utilize at virtually no cost to provide accessibility to their content.

**Participation in the proceeding**

55. DWCC and partnering organizations, as DWCC et al., will have a more fulsome response to the 16 questions with the addition of 44 questions in a survey, which proceeding participants can see in the attached document. The aim is to gather up to 250 DDBHH perspectives and experiences to give an ample perspective coming from those who utilize captioning on online streaming platforms in Canada. We look forward to contributing our documents to this critical proceeding and participating in the reply phase.

56. DWCC et al. trusts it will accumulate sufficient evidence, concerning its accessibility group to significantly and meaningfully contribute to the CRTC proceeding BNC 2024-137: Call for comments – Development of a regulatory policy for closed captioning provided by online streaming undertakings.

57. DWCC et al. appreciate the Commission’s consideration of its Interventions and documents submitted thereafter. Should you have any questions, please do not hesitate to contact all of us.

Best regards,

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