

DWCC et al. Recommendations for BNC CRTC 2024-137

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Recommendations in Response to Q1

The DWCC et al. recommend that the Commission adopt a policy that includes the following principles

1.1 Universal Applicability The policy must apply to all platforms to ensure equal access, regardless of the undertaking's subscriber numbers, revenue, or market share.

1.2 Equity in Accessibility Captioning is as essential as volume control for ensuring inclusive access to content. Every platform must meet the same baseline standards to provide equitable access.

1.3 Adaptability and Customization Platforms must offer customizable captions to accommodate diverse user preferences, including font size, color, and background.

1.4 Accountability All undertakings must adhere to clear standards for captioning quality and provide accessible complaint mechanisms, including ASL/LSQ video submissions.

1.4.1 By ensuring universal applicability, the Commission can uphold the principles of equity and inclusivity, guaranteeing that all Canadians, including those who are Deaf, Deaf-Blind, and Hard of Hearing, have equal access to online streaming content.

Q1 Recommendations Conclusion

By ensuring universal applicability, the Commission can uphold the principles of equity and inclusivity, guaranteeing that all Canadians, including those who are Deaf, Deaf-Blind, and Hard of Hearing, have equal access to online streaming content.

Recommendations in Response to Q2

The DWCC et al. recommend that the Commission adopt a policy that includes the following principles

2.1 Mandatory 100% Captioning The Commission must require online streaming undertakings to provide closed captioning for 100% of their English- and French-language pre-recorded programs. This is a non-negotiable standard for accessibility and equity.

2.2 Consistency and Quality Standards Captioning must meet high-quality standards, including synchronization, accuracy, and readability. Platforms should be required to periodically review and update captions to ensure ongoing compliance.

2.3 Accountability Mechanisms Undertakings must be held accountable for captioning compliance, with clear enforcement measures and penalties for non-compliance.

2.4 Expanded Accessibility Standards As DWCC et al. noted in their intervention, the Commission should also consider requiring audio tracks for all pre-recorded programs, ensuring full accessibility for all users.

Q2 Recommendations Conclusion By mandating 100% closed captioning for pre-recorded programs, the Commission can uphold its commitment to accessibility, equity, and inclusivity. This requirement is a vital step toward removing barriers for DDBHH Canadians and ensuring their full participation in society

Recommendations in Response to Q3

3.1 Mandate 100% Live Captioning The Commission should require all online streaming platforms to provide 100% captioning for live programs in both English and French, ensuring consistency with traditional television standards

3.2 Establish Quality Standards Mandate clear synchronization and readability standards for live captions, with mechanisms for real-time quality improvement.

3.3 Invest in Technology Encourage streaming undertakings to adopt advanced live captioning technologies, such as ASR, while supplementing it with human oversight for greater accuracy.

3.4 Support French-Language Accessibility Align French-language live captioning requirements for streaming platforms with those of traditional television to maintain fairness and equity.

Q3 Recommendations Conclusion

By requiring 100% live captioning with consistent quality and alignment across languages and platforms, the Commission can significantly advance accessibility and inclusivity for DDBHH Canadians and other users.

Recommendations in Response to Q4

4.1 Technological Challenges

4.1.1 Improve Captioning Quality and Consistency Platforms must invest in technologies like AI, ASR, and machine learning to address synchronization issues and inconsistent caption speed. Hybrid captioning models combining automated and human oversight should be adopted for live programming to ensure accuracy and real-time captions.

4.1.2 Mandate Accessibility Standards Across All Platforms Platforms should provide captioning for all content, including ads, commercial breaks, and interstitials, ensuring that there are no gaps in accessibility. Customizable captioning features, such as font size and colour, should be available across all devices to ensure accessibility for DDBHH users. This means that the Commission will ensure universal captioning for all content.

4.2 Standardize Technological Solutions:

4.2.1 Streaming platforms should adopt uniform standards for captioning synchronization, speed, and readability. These standards must be rigorously enforced to eliminate variability and ensure consistency across platforms.

4.3 Resource Challenges

4.3.1 Support Smaller Platforms A phased approach should be introduced for smaller platforms, allowing them more time to comply with accessibility standards. Financial support options, such as grants, cost-sharing models, or government incentives, should be provided to help reduce the financial burden of implementing necessary accessibility tools. This will help the smaller platforms meet accessibility standards without undue burden.

4.3.2. Enhance Accessibility for All Users Platforms should prioritize the integration of advanced assistive technologies, including screen readers and braille displays, to ensure that Deaf-Blind and other diverse users can access content seamlessly. This may require investment in specific tools or collaborations with specialized tech providers.

4.4 Address Acquired Content Challenges

4.4.1 Platforms should implement clear standards and timelines for retrofitting older and acquired content with high-quality captions. They should work collaboratively with content providers to ensure third-party content adheres to captioning standards, ensuring that DDBHH audiences are not underserved by older or external content.

4.5 Proactive Issue Resolution

4.5.1 As DWCC et al. noted, traditional television undertakings resolved many challenges related to transitioning captioning technologies. Streaming undertakings should similarly be required to resolve their unique challenges within a short timeframe, with clear regulatory oversight and enforcement.

Q4 Recommendations Conclusion

By addressing these technological and operational challenges, the Commission can ensure that online streaming platforms provide an equitable, accessible environment for all Canadians, including the DDBHH community

Recommendations in Response to Q5

5.1 Mandate 100% Accuracy for Pre-Recorded Content

DWCC maintains that 100% accuracy for pre-recorded content is both achievable and necessary to ensure equitable access for DDBHH Canadians. Therefore, a clear regulatory framework should be developed to mandate 100% captioning accuracy for all pre-recorded programs, leveraging the time available for editing, error correction, and

quality control to meet accessibility expectations

5.2 Address Acquired Content Challenges

5.2.1 Recognizing that certain types of content, such as older or acquired programs, may present unique challenges, regulatory bodies could allow for transitional flexibility. For example, a revised benchmark, such as 90% accuracy, could be applied to older content during a phased transition to full compliance. This would provide a balanced approach to addressing content with legacy issues while still progressing toward 100% accuracy over time.

5.2.2. This would incorporate flexibility in transition periods for acquired or older content and Introduce compliance timelines for retrofitting older or acquired content with high-quality captions, supported by third-party collaboration.

5.3 Leverage Technological Advancements with Human Oversight

5.3.1 DWCC advocates for the integration of advanced captioning technologies like AI, ASR, and machine learning tools, complemented by human oversight. Platforms should be encouraged to adopt these technologies to increase accuracy while ensuring that human review remains a key part of the captioning process. This combination of technology and human expertise makes achieving 100% accuracy practical and efficient.

5.3.2 Platforms should invest in AI, ASR, and machine learning solutions, ensuring human oversight for accuracy. It is suggested to implement mandatory quality assurance checks to ensure captions meet benchmarks before content distribution.

5.4 Promote Collaboration Between Platforms and Content Providers

5.4.1 To address concerns over resource limitations and acquired content complexities, platforms could be encouraged to collaborate with content providers, ensuring that captioning requirements are clearly defined at the point of distribution. Regulatory timelines should also be implemented to ensure that older programs meet the same accessibility standards, helping platforms overcome technical and financial hurdles.

5.4.2 For smaller platforms a solution would be to offer financial and technical resources, such as government grants or cost-sharing models, to help smaller platforms meet captioning requirements

Q5 Recommendations Conclusion

By mandating 100% accuracy for pre-recorded programs, the Commission can ensure equitable access for DDBHH Canadians and uphold the principles of accessibility and inclusivity.

Recommendations in Response to Q6

6.1 Retain and Enhance the NER System

6.1.1 Continue using the NER system as the primary tool for measuring live captioning accuracy, ensuring consistency across platforms.

6.1.2 Periodically review the NER system to maintain its relevance and effectiveness.

6.2 Set Clear Accuracy Benchmarks

6.2.1 Set a 98% accuracy rate for English-language live captions.

6.2.2 Maintain an 85% accuracy rate for French-language live captions, with clear timelines and strategies for improvement.

6.2.3 Apply these benchmarks uniformly across all live programming, including streaming platforms, to ensure equal accessibility..

6.3 Leverage Technology and Human Oversight

6.3.1 Encourage the adoption of advanced tools like ASR and machine learning to enhance captioning efficiency.

6.3.2 Ensure human oversight to maintain synchronization, contextual accuracy, and speaker identification.

6.3.3 Conduct regular audits and spot-checks to assess synchronization, speed, and overall accuracy of live captions.

6.4 Prioritize Stakeholder and Consumer Engagement and Feedback

6.4.1 Actively involve DDBHH organizations, captioning providers, and consumers in consultations to inform policy and benchmark adjustments.

6.4.2 Integrate DDBHH user feedback and regular audits into assessments to address real-world accessibility challenges.

6.4.3 Invest in resources tailored to French-language captioning to address regional and linguistic complexities, ensuring equitable accessibility.

6.5 Support French-Language Accessibility

6.5.1 Provide targeted investments in tools and resources tailored to French-language captioning needs, addressing regional and linguistic challenges.

Q6 Recommendations Conclusion By implementing these recommendations, the Commission can enhance live captioning quality and consistency, ensuring accessibility for all Canadians, particularly the DDBHH community.

Recommendations in Response to Q7

Establish Policy Requirements for Lag Time and Positioning

7.1 Set a maximum lag time of 10 seconds for live programming and ensure captions are never positioned in a way that obstructs critical visual elements. These standards should be equally applicable to traditional and streaming platforms.

Encourage Customizability in Captioning Format

7.2 Require platforms to offer user-friendly options for adjusting caption font, size, color, and background to accommodate diverse accessibility needs. Deaf-Blind respondents' reliance on customizable formats must be a priority.

Promote Best Practices for Speaker Differentiation

7.3 Encourage platforms to adopt captioning formats that differentiate speakers using unique colours or styles, as seen in British programming. This measure significantly enhances accessibility and comprehension.

Collaborate with Manufacturers

7.4 Develop policies that strongly recommend device manufacturers prioritize accessibility features, such as easily navigable menus for adjusting caption settings. Collaborative efforts between the Commission and manufacturers will ensure consistency across devices.

Monitor and Refine Captioning Speed Standards

7.5 Adopt standards for captioning speed that maintain a balance between readability and synchronization with spoken dialogue. Regular evaluations should be conducted to refine these benchmarks.

Deaf-Blind Accessibility Considerations

7.6 Policies should address the unique needs of Deaf-Blind individuals, ensuring captioning options include high-contrast text, refreshable braille compatibility, and other tailored features.

Q7 Recommendations Conclusion By implementing these recommendations, the Commission can address the diverse accessibility needs of DDBHH Canadians, ensuring a more inclusive online broadcasting environment.

Recommendations in Response to Q8

Mandatory Regular Assessments

8.1 Require streaming undertakings to calculate and report captioning accuracy for all programming, including live and pre-recorded content, using the NER system.

Incorporate Consumer Feedback

8.2 Integrate feedback from DDBHH audiences into the assessment process to ensure evaluations reflect real-world experiences.

Prioritize High-Impact Programming

8.3 Emphasize assessments for live news, emergency broadcasts, sports, and civic programming to address accessibility gaps in critical content.

Adopt Consistent Reporting Schedules

8.4 Align assessment and reporting schedules with those of traditional broadcasters to ensure comparability and equity.

Publish Transparent Reports

8.5 Require undertakings to publish detailed annual reports on captioning quality and accessibility, fostering trust and accountability.

Q8 Recommendations Conclusion By implementing these measures, the Commission can ensure that captioning quality remains consistent and accessible across all platforms, meeting the needs of DDBHH Canadians.

Recommendations in Response to Q9

Mandatory Annual Reporting

9.1 Require online streaming undertakings to submit annual reports detailing their efforts to improve closed captioning accuracy rates for both live and pre-recorded content.

Align Reporting with Traditional Broadcasters

9.2 Ensure that reporting schedules and requirements for streaming undertakings are consistent with those for traditional broadcasters, fostering equity across platforms.

Incorporate Consumer Feedback

9.3 Mandate that reports include data derived from DDBHH user feedback and real-world experiences to provide a holistic view of accessibility performance.

Public Transparency

9.4 Require reports to be publicly available to ensure transparency and accountability, allowing consumers to evaluate the accessibility efforts of streaming undertakings.

Use Reports to Inform Policy Development

9.5 Leverage the data collected in these reports to inform future policy decisions, ensuring that accessibility measures evolve in response to technological advancements and user needs.

Q9 Recommendations Conclusion

By requiring annual reporting and aligning standards with traditional broadcasters, the Commission can drive meaningful improvements in captioning accuracy and accessibility, ensuring that the DDBHH community has equitable access to online streaming platforms.

Recommendations in Response to Q10

Establish a Permanent Consumer-Led Council

10.1 Create a dedicated council of DDBHH Canadians to oversee and evaluate compliance with captioning policies. This body should be empowered to provide recommendations, monitor performance, and report directly to the CRTC.

Integrate User Feedback into Monitoring

10.2 Require regular input from DDBHH consumers through surveys, focus groups, and open forums to ensure real-world experiences are reflected in compliance evaluations.

Leverage Accessible Canada Act and ISED Policy Direction

10.3 Use the Accessible Canada Act and ISED's renewed approach to telecommunications policy as foundational frameworks for implementing consumer-driven compliance mechanisms.

Develop Transparent Reporting Systems

10.4 Establish mechanisms for publicly reporting compliance data, including user-reported issues and resolutions. Transparency will build trust and drive accountability among streaming undertakings.

Pilot Community-Based Monitoring Programs

10.5 Launch pilot programs where DDBHH consumers actively participate in assessing captioning quality and compliance. These programs can serve as models for broader implementation.

6. Enhanced Oversight Through Collaboration

10.6 Encourage collaboration between the CRTC, consumer-led councils, and accessibility advocacy organizations to ensure a unified approach to monitoring and compliance.

Q10 Recommendations Conclusion By creating a consumer-led compliance monitoring framework and leveraging existing legislative and policy mandates, the Commission can ensure that accessibility measures are both effective and meaningful for the DDBHH community.

Recommendations in Response to Q11

Extend Existing Policies to Streaming Undertakings

11.1 Apply the Commission’s established policy for addressing non-compliance among traditional broadcasters to streaming platforms. This ensures consistency and signals that accessibility is a regulatory priority across all content providers.

Enforce Penalties for Non-Compliance

11.2 Introduce clear penalties for streaming undertakings that fail to meet captioning standards, including fines or restrictions on operations. Penalties should be proportional to the severity of non-compliance.

Mandate Corrective Action Plans

11.3 Require non-compliant platforms to submit detailed corrective action plans, including timelines and specific measures to address accessibility gaps.

Enhance Complaint Mechanisms

11.4 Simplify and enhance the process for filing complaints about non-compliance, including direct ASL/LSQ communication options. Ensure all complaints are resolved within a defined timeframe to prevent prolonged inaccessibility.

Public Reporting on Compliance

11.5 Publish annual reports on non-compliance cases and resolutions to ensure transparency and accountability. Public data on accessibility performance would incentivize platforms to prioritize compliance.

Collaborate with Consumer-Led Councils

11.6 Involve a consumer-led council, as recommended in the response to Q10, to monitor and verify compliance efforts, ensuring that enforcement actions reflect real-world accessibility needs.

Q11 Recommendations Conclusion

By adopting these measures, the Commission can ensure that non-compliance is addressed effectively and consistently, improving accessibility for DDBHH Canadians and fostering accountability among streaming platforms.

Recommendations in Response to Q12

Mandate Accessible Complaint Processes

12.1 Require streaming undertakings to provide direct ASL/LSQ communication options for filing complaints and ensure simple, one-step processes across all platforms.

Create a Specialized Complaint Body

12.2 Establish a centralized organization modelled on the CCTS but focused on accessibility complaints related to captioning and described video. This body should include ASL/LSQ-trained staff and easy-to-navigate systems. Alternatively, the complaint mechanism should be moved under the CCTS body.

Mandate the CCTS to manage captioning complaints

12.3 DWCC et al. recommend the establishment of a formal complaint mechanism within the **Commission for Complaints for Telecom-television Services (CCTS)** to address accessibility concerns related to captioning and other communication barriers. This mechanism must include direct ASL and LSQ customer service support, ensuring that Deaf, DeafBlind, and Hard of Hearing individuals can communicate directly in their preferred language. Additionally, ASL and LSQ support should be available to assist complainants in filling out forms and navigating the complaint process, ensuring full language and communication accessibility.

How can the complaints processes be made as transparent as possible?

12.4 Transparency in complaint processes can be achieved by mandating public reporting of complaint statistics and resolutions, along with consumer feedback on the effectiveness of these systems.

Publish Annual Complaint Reports

12.5 Require streaming undertakings to release annual public reports with comprehensive metrics and visual representations (e.g., charts and graphs) of accessibility complaints and resolutions.

Include Consumer Consultation

12.6 Mandate consultation with DDBHH communities to evaluate the effectiveness of complaint processes and identify areas for improvement.

Create a National Consumer Council

12.7 Establish a national council supported collectively by streaming undertakings to monitor complaints. This council should include DDBHH members to represent consumer perspectives effectively.

Intervene in Cases of Persistent Non-Compliance

12.8 The Commission should intervene when streaming undertakings fail to address complaints within a reasonable timeframe or if systemic accessibility issues are identified.

Collaborative Reporting to the Commission

12.9 Require the national council to provide regular reports to the Commission, ensuring transparency and enabling timely intervention when necessary.

Q12 Recommendations Conclusion

By adopting these measures, the Commission can ensure that complaint processes are accessible, transparent, and effective, fostering accountability and equitable access for DDBHH Canadians.

Recommendations in Response to Q13

Mandatory Retention of Captioned Programs

13.1 Require online streaming undertakings to retain copies of captioned programs for a specified period to address complaints effectively. This should include both the video file and a record of the associated captions.

Retention Periods Aligned with Complaint Timelines

13.2 Establish a minimum retention period, such as one year, to allow sufficient time for users to file complaints and for the undertakings to resolve them.

Application Beyond Removed Content

13.3 Ensure that the requirement applies to programs even after they are removed from platforms, ensuring that accessibility concerns can still be addressed for archived content.

Accessible Review Process

13.4 Require streaming undertakings to make retained copies available to the DDBHH community upon request, allowing users to participate in the review process and ensure

complaints are handled transparently.

Alignment with Traditional Broadcasters

13.5 Apply the same regulations and requirements for content retention to streaming undertakings to maintain consistency across platforms.

Q13 Recommendations Conclusion

By requiring streaming undertakings to retain copies of captioned programs, the Commission can ensure that complaints are resolved effectively and transparently, improving accessibility for DDBHH Canadians.

Consultations with Deaf and hard of hearing communities

Recommendations in Response to Q14

Establish a National Consumer Council

14.1 Create a national council composed of representatives from DDBHH communities to serve as the primary consultation body for captioning policies and practices. This council should meet quarterly and represent the diverse perspectives within the DDBHH community.

Hold Regular Consultations

14.2 Require streaming undertakings to consult with DDBHH groups at least quarterly to ensure ongoing dialogue about accessibility challenges and improvements.

Incorporate IDEA Principles

14.3 Ensure that consultations reflect the principles of Inclusion, Diversity, Equity, and Accessibility. Undertakings should actively engage representatives from DDBHH, multicultural, LGBTIQ+, and neurodiverse communities, as well as those with additional disabilities.

Compensate Participants Fairly

14.4 Mandate that streaming undertakings provide fair and appropriate compensation to DDBHH individuals and groups participating in consultations, recognizing the value of their lived experiences as expertise.

Host Annual Online Town Halls

14.5 Encourage streaming undertakings to host annual virtual town hall meetings using platforms like Zoom or their own technologies. These events should be open to all captioning consumers and provide opportunities for direct interaction between undertakings and DDBHH viewers.

Report on Consultation Outcomes

14.6 Require undertakings to publish annual reports detailing the outcomes of consultations, including how consumer feedback has been integrated into policy and practice changes.

Q14 Recommendations Conclusion

By requiring regular, inclusive, and transparent consultations with DDBHH communities, the Commission can ensure that closed captioning policies and practices reflect the needs of all Canadians, fostering a more equitable and accessible digital landscape.

Recommendations in Response to Q15

Adopt a One-Year Ramp-Up Period

15.1 Require online streaming undertakings to achieve full compliance with the new regulatory policy within one year. This timeframe reflects the current capabilities of captioning technology.

Require Quarterly Progress Reports

15.2 Mandate quarterly progress reports during the ramp-up period to monitor advancements, identify challenges, and ensure undertakings are on track to meet compliance deadlines.

Set Clear Phased Milestones

15.3 Establish phased benchmarks within the one-year period, such a

15.3.1 First three months Implement 100% captioning accuracy for pre-recorded content.

15.3.2 Next three months Ensure captioning synchronization and customization options are functional.

15.3.3 Final six months Address live programming challenges and fine-tune captioning for all content types.

Incorporate Consumer Feedback

15.4 Require undertakings to gather feedback from DDBHH consumers during the ramp-up period to address real-world accessibility challenges and make necessary adjustments.

Enforce Timely Compliance

15.5 At the end of the one-year period, the Commission should enforce compliance through penalties for undertakings that fail to meet the regulatory requirements.

Q15 Recommendations Conclusion

By implementing a one-year ramp-up period with quarterly progress reports and clear milestones, the Commission can ensure a timely and effective transition to the new regulatory policy, providing equitable access for DDBHH Canadians.

Recommendations in Response to Q16

No Extended Timelines for Smaller Platforms

16.1 Apply the same implementation timelines to all streaming undertakings, regardless of size. Advances in captioning technology have made accessibility tools universally accessible and affordable.

Encourage Use of Cost-Effective Tools

16.2 Provide guidance to smaller platforms on leveraging cost-effective captioning tools, such as automated captioning software, to meet regulatory requirements within the standard timeframe.

Maintain Consistency in Standards

16.4 Ensure that all platforms, regardless of size, are held to the same accessibility standards. Uniform implementation timelines prevent disparities and ensure equitable access for DDBHH users.

Provide Resources and Support

16.5 Offer resources, such as training or technical assistance, to smaller platforms to help them meet captioning requirements efficiently without extending the implementation period.

Q16 Recommendations Conclusion

By maintaining uniform implementation timelines and standards across all platforms, the Commission can ensure that DDBHH Canadians have equitable access to streaming content, regardless of the undertaking's size.

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