



Telecom and Broadcasting Notice of Consultation CRTC 2018-246

PDF version

Ottawa, 16 July 2018

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Notice of hearing

22 October 2018

Gatineau, Quebec

Report regarding the retail sales practices of Canada's large telecommunications carriers

Deadline for submission of interventions: 30 August 2018

[\[Submit an intervention or view related documents\]](#)

The Commission will hold a public hearing, beginning on **22 October 2018 at 9:00 a.m.**, at the **Conference Centre, Phase IV, 140 Promenade du Portage**, in **Gatineau, Quebec**.

[Attend the hearing or listen to it online.](#)

The Governor in Council has issued an Order in Council requiring the Commission to make a report, by no later than 28 February 2019, regarding the retail sales practices of Canada's large telecommunications carriers. The Commission hereby initiates a proceeding to examine the matters identified in the Order in Council and the related questions set out in Appendix 2 to this notice.

The Commission is seeking comments from Canadians on their personal experiences with any misleading or aggressive retail sales practices of large telecommunications carriers and third parties who offer the telecommunications services of those carriers for sale (collectively, the service providers), including comments from consumers who are vulnerable due to their age, a disability, or a language barrier, as well as from current and former employees of the service providers. The Commission is also seeking comments from large telecommunications carriers, the Commission for Complaints for Telecom-television Services, public interest organizations, research groups, and any other interested persons.

The Commission intends to hold a public oral hearing, starting 22 October 2018, to explore these issues with Canadians and stakeholders. The Commission will also use

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various additional means, which may include a public opinion survey, online consultations, and focus groups, to better understand the views of Canadians. The information obtained via these means will be included on the record of this proceeding.

Introduction

1. The Governor in Council issued Order in Council P.C. 2018-0685 (the OIC), dated 6 June 2018, a copy of which is set out in Appendix 1 to this notice. The OIC was issued pursuant to section 14 of the *Telecommunications Act* (the Act), which provides that the Governor in Council may require the Commission to make a report on any matter within its jurisdiction under the Act or any special Act.
2. The OIC noted that Canada's large telecommunications carriers offer their telecommunications services for sale through various persons, including their employees and third parties. It noted that Canadians have expressed substantial concern regarding the practices used by those persons when offering the telecommunications services of those carriers for sale. It also noted that there have been reports that those persons sometimes use misleading or aggressive sales practices, which can cause stress, confusion, and frustration, and can lead to the price paid by Canadians for telecommunications services being sometimes unfair, unpredictable, or higher than they expected. The OIC further noted that vulnerable Canadians, such as those who are vulnerable due to their age, a disability, or a language barrier, are more likely to be impacted by those practices. In the Governor in Council's view, Canadians deserve a competitive marketplace where consumers are treated fairly.
3. In addition, the OIC referred to the Commission's mandate as expressed under paragraphs 7(a), (b), and (c), sections 24 and 47, and subsection 27(2) of the Act, and identified the following considerations:
 - telecommunications services are commonly offered with other services in packages referred to in the marketplace as "bundles";
 - the Commission has in certain cases rendered codes of conduct, including the Deposit and Disconnection Code and the Wireless Code, to encourage fair treatment of consumers and to empower consumers to make informed decisions with respect to their communications services; and
 - the views of Canadians, the employees of Canada's large telecommunications carriers, and the third parties who offer the telecommunications services of those carriers for sale, as well as the sales guidelines set by those carriers, are among the important sources of information to be considered in evaluating the retail sales practices of those carriers.
4. In light of all the above, the Governor in Council required the Commission to make a report, by no later than 28 February 2019, on the following matters:

- whether the large telecommunications carriers offer their telecommunications services for sale by engaging, either through their employees or third parties, in misleading or aggressive sales practices, such as providing consumers with incomplete, unclear, or misleading information regarding service terms and conditions or selling them telecommunications services that are unsuitable for them, and, if so, the prevalence of those practices;
- the measures or controls that those carriers have in place to monitor, identify, and mitigate the risks that consumers are subject to misleading or aggressive sales practices;
- the consumer protections respecting retail sales practices and contracts for telecommunications services that are currently in place to empower consumers to make informed decisions with respect to their telecommunications services and promote the fair treatment of consumers in their relationships with telecommunications carriers; and
- the most feasible and effective ways to strengthen or expand the scope of existing consumer protections such as those contained in the Commission's codes of conduct, or to create new consumer protections, including codes of conduct relating to new subjects, in order to further empower consumers to make informed decisions with respect to their telecommunications services and to further promote the fair treatment of consumers in their relationships with telecommunications carriers.

Context

5. The Commission notes that section 14 of the Act specifies that reports are made on any matter within the Commission's jurisdiction under the Act or any special Act. Pursuant to this provision, the Governor in Council has tasked the Commission with reporting to it on the matters set out in the OIC. These matters relate to the retail sales practices of Canada's large telecommunications carriers and the third parties who offer the telecommunications services of those carriers for sale (collectively, the service providers). The Commission wishes to focus its inquiry on the issues identified in the OIC while being mindful of the authority set out in section 14 of the Act.
6. The OIC states that telecommunications services are commonly offered with other services in packages referred to in the marketplace as "bundles." Those other services may include broadcasting services like cable, satellite, or Internet Protocol television services. As a result, the Commission considers it to be in the public interest to examine, in accordance with its authority under section 18 of the *Broadcasting Act*, the service providers' practices in respect of the service bundles that include both broadcasting and telecommunications services. The Commission will examine and report on these matters to the extent that they relate to the matters referred to in the OIC.

Call for comments

7. The Commission hereby initiates a public proceeding to inquire into the retail sales practices of Canada's large telecommunications carriers.
8. In order to guide interested persons and parties in their submissions and to have a complete record on which to base its report, the Commission has outlined a series of detailed questions in Appendix 2 to this notice. The Commission invites interested persons and parties to respond to those questions that are relevant to their circumstances.
9. While the Commission has identified a number of issues in Appendix 2, interested persons and parties can comment on other issues and concerns related to matters raised in the OIC. For instance, although issues such as service quality (e.g. Internet traffic management practices), privacy, and the availability and specific features of certain services and/or bundles of services are out of scope of this consultation, comments about interactions with sales or customer service representatives related to these issues would be considered in scope.
10. The Commission invites comments from Canadians and stakeholders, including the specific persons and groups identified below. Comments are to be submitted no later than **30 August 2018**.

Large telecommunications carriers

11. The Commission identifies the following carriers, including all their subsidiaries, as large telecommunications carriers for the purposes of this proceeding: Bell Canada; Bragg Communications Incorporated, carrying on business as Eastlink (Eastlink); Cogeco Connexion Inc. (Cogeco); Northwestel Inc. (Northwestel); Rogers Communications Canada Inc. (RCCI); Saskatchewan Telecommunications (SaskTel); Shaw Communications Inc. (Shaw); TBayTel; TekSavvy Solutions Inc. (TekSavvy); TELUS Communications Inc. (TCI); Videotron Ltd. (Videotron); and Xplornet Communications Inc. (Xplornet).

Commission for Complaints for Telecom-television Services

12. The Commission considers that it will be important to have the views of the Commission for Complaints for Telecom-television Services (CCTS) on the record. The CCTS is an independent organization dedicated to resolving customer complaints about telecommunications and television services and administering the Commission's codes of conduct.

Consumers

13. To better understand the prevalence of misleading or aggressive retail sales practices in the Canadian marketplace and identify which ones harm or risk harming consumers, the Commission is seeking comments from Canadians on their personal

experiences with such practices, including comments from people who are vulnerable due to their age, a disability, or a language barrier.

14. Comments provided to the Commission regarding consumers' personal experiences should identify, where applicable,
 - the service provider and service in question;
 - when and how the sales interaction occurred (e.g. in person, on the phone, etc.);
 - the nature of the sales practice used and why the consumer views it as misleading or aggressive; and
 - avenues that the consumer used to address those sales practices and the results of the consumer's attempt to rectify the situation, if any, as well as whether the consumer was aware of any other recourse available to them.
15. Consumers are reminded that in their interventions, they should provide supporting rationale and all the evidence upon which their comments are based.

Current or former sales or customer service representatives of the service providers

16. The Commission is seeking comments from individuals who work or have recently worked as sales or customer service representatives of the service providers. In particular, these individuals are invited to comment about (i) their personal experiences with the guidelines surrounding these types of retail sales practices and (ii) the current measures or controls set in place by the service providers to monitor, identify, and mitigate the risk of harm to consumers resulting from these types of practices.
17. Any interested person or party concerned about the confidentiality of information they submit to the Commission is encouraged to learn about and make use of the Commission's rules and procedures for dealing with confidential information, as discussed below in the section entitled "Important notice regarding confidentiality."

Other stakeholders

18. The Commission also invites comments from public interest organizations, research groups, and any other interested persons.
19. In their interventions, all parties must provide supporting rationale and all evidence on which they rely to formulate their positions.

Specific procedural matters in relation to this proceeding

20. The Commission will be issuing requests for information to the large telecommunications carriers identified in this notice. This information will be placed on the public record of this proceeding, subject to any claims of confidentiality that may be made in accordance with the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure).
21. In addition, in view of the deadline of 28 February 2019 for the Commission to make its report, this proceeding will necessarily be conducted in an expeditious and efficient manner while ensuring fair participatory rights to all interested persons and parties. The timeline of this proceeding was developed to maximize the opportunities for appropriate public participation while giving the Commission sufficient time to properly assess the submissions and make its report.
22. In this context, interested persons and parties are notified that the Commission does not intend to grant any requests for extensions of time. Procedural requests for extensions in this proceeding may be granted only for truly exceptional cases.

Procedure

23. The Rules of Procedure apply to this proceeding. They set out, among other things, the rules for the content, format, filing, and service of interventions, answers, replies, and requests for information; the procedure for filing confidential information and requesting its disclosure; and the conduct of public hearings. Accordingly, the procedure set out below must be read in conjunction with the Rules of Procedure and related documents, which can be found on the Commission's website at www.crtc.gc.ca, under "[Statutes and regulations](#)." The guidelines set out in Broadcasting and Telecom Information Bulletin 2010-959 provide information to help interested persons and parties understand the Rules of Procedure so that they can more effectively participate in Commission proceedings.
24. The Commission will hold a public hearing, beginning on **22 October 2018** at **9:00 a.m.**, at the **Conference Centre, Phase IV, 140 Promenade du Portage** in **Gatineau, Quebec**.
25. Bell Canada, Cogeco, Eastlink, Northwestel, RCCI, SaskTel, Shaw, TBayTel, TekSavvy, TCI, Videotron, Xplornet, and the CCTS are made parties to this proceeding and may file interventions with the Commission by **30 August 2018**. They are requested to appear at the hearing.
26. Interested persons who wish to become parties to this proceeding must file an intervention with the Commission regarding the above-noted issues by **30 August 2018**. The intervention must be filed in accordance with section 26 of the Rules of Procedure and must include one of the following statements in either the first or the last paragraph:
 - I request to appear at the public hearing.

- I do not want to appear at the public hearing.
27. Parties are permitted to coordinate, organize, and file, in a single submission, interventions by other interested persons who share their position but do not wish to appear at the hearing. Information on how to file this type of submission, known as a joint supporting intervention, as well as a [template](#) for the accompanying cover letter to be filed by parties, can be found in Telecom Information Bulletin 2011-693.
 28. All documents required to be served on parties to the proceeding must be served using the contact information contained in the interventions.
 29. Parties who wish to appear at the public hearing must provide reasons why their written intervention is not sufficient and why an appearance is necessary. In addition, parties requiring communications support must state their request for such support on the first page of their intervention.
 30. Only those parties whose requests to appear have been granted will be contacted by the Commission and invited to appear at the hearing. An organization and conduct letter, providing directions on procedure with respect to the public hearing, will be issued before the hearing begins.
 31. Although the public hearing will be held in **Gatineau, Quebec**, the Commission will consider providing videoconference or teleconference links should it receive requests to do so.
 32. Persons requiring communications support, such as assistive listening devices and sign language interpretation, are requested to confirm with the Commission at least **20 days** before the commencement of the public hearing so that the necessary arrangements can be made.
 33. All parties may file replies to interventions with the Commission by **14 September 2018**.
 34. Following the hearing, all parties may file final submissions with the Commission on any matter within the scope of this proceeding by **9 November 2018**. Final submissions, including an executive summary, are not to exceed 10 pages.
 35. Pursuant to Broadcasting and Telecom Information Bulletin 2015-242, the Commission expects incorporated entities and associations, and encourages all Canadians, to file submissions for Commission proceedings in accessible formats (for example, text-based file formats that enable text to be enlarged or modified, or read by screen readers). To provide assistance in this regard, the Commission has posted on its website [guidelines](#) for preparing documents in accessible formats.
 36. The Commission encourages interested persons and parties to monitor the record of this proceeding, available on the Commission's website at www.crtc.gc.ca, for additional information that they may find useful when preparing their submissions.

37. Submissions longer than five pages should include a summary. Each paragraph of all submissions should be numbered, and the line *****End of document***** should follow the last paragraph. This will help the Commission verify that the document has not been damaged during electronic transmission.
38. Submissions must be filed by sending them to the Secretary General of the Commission using **only one** of the following means:

by completing the
[\[Intervention form\]](#)

or

by mail to
CRTC, Ottawa, Ontario K1A 0N2

or

by fax to
819-994-0218

or

by using the secured service
[My CRTC Account](#) (GCKey) for confidential information

39. Parties who send documents electronically must ensure that they will be able to prove, upon Commission request, that filing of a particular document was completed. Accordingly, parties must keep proof of the sending and receipt of each document for 180 days after the date on which the document is filed. The Commission advises parties who file and serve documents by electronic means to exercise caution when using email for the service of documents, as it may be difficult to establish that service has occurred.
40. In accordance with the Rules of Procedure, a document must be received by the Commission and all relevant parties by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. Parties are responsible for ensuring the timely delivery of their submissions and will not be notified if their submissions are received after the deadline. Late submissions, including those due to postal delays, will not be considered by the Commission and will not be made part of the public record.
41. The Commission will not formally acknowledge submissions. It will, however, fully consider all submissions, which will form part of the public record of the proceeding, provided that the procedure for filing set out above has been followed.

Important notice regarding confidentiality

42. All information that parties provide as part of this public process, except information designated confidential in accordance with the Act and the Rules of Procedure, whether sent by postal mail, fax, email, GCKey, or through the Commission's website at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's website. This includes all personal information, such as full names, email addresses, postal/street addresses, and telephone and fax numbers.
43. The personal information that parties provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.
44. Documents received electronically or otherwise will be posted on the Commission's website in their entirety exactly as received, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.
45. The information that parties provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of the Commission's website with the help of either its search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.
46. Information designated as confidential must be submitted and will be processed according to the Act and the Commission's procedures. All parties are encouraged to consult the Act, the Rules of Procedure, and Broadcasting and Telecom Information Bulletin 2010-961 for further details. For further information regarding confidentiality procedures, interested persons and parties may contact the Commission in various ways, as explained in the "Contact us" section of the Commission's website at www.crtc.gc.ca.
47. According to the Act, a person submitting information to the Commission may designate the following types of information as confidential:
 - information that is a trade secret;
 - financial, commercial, scientific, or technical information that is confidential and that is treated consistently in a confidential manner by the person who submitted it; or
 - information the disclosure of which could reasonably be expected
 - to result in material financial loss or gain to any person,
 - to prejudice the competitive position of any person, or

- to affect contractual or other negotiations of any person.
48. The person designating information as confidential must also provide reasons why the disclosure of the information would not be in the public interest, including the specific and direct harm that would likely result from the disclosure, and provide any supporting documents.

Availability of documents

49. Electronic versions of the interventions and other documents referred to in this notice are available on the Commission's website at www.crtc.gc.ca by using the public record number provided at the beginning of this notice or by visiting the "Have your say!" section, then selecting "our open processes." Documents can then be accessed by clicking on the links in the "Subject" and "Related Documents" columns associated with this particular notice.
50. Documents are also available at the following address, upon request, during normal business hours:

Les Terrasses de la Chaudière
Central Building
1 Promenade du Portage
Gatineau, Quebec
J8X 4B1
Tel.: 819-997-2429
Fax: 819-994-0218

Toll-free telephone: 1-877-249-2782
Toll-free TDD: 1-877-909-2782

Secretary General

Related documents

- *Review of the Wireless Code*, Telecom Regulatory Policy CRTC 2017-200, 15 June 2017
- *Quebecor Media Inc. – Prohibition of 30-day cancellation policies – Application regarding pro-rated refunds for cancelled services*, Telecom Decision CRTC 2016-171, 5 May 2016
- *TELUS Communications Company – Prohibition of 30-day cancellation policies – Application regarding liquidated damages*, Telecom Decision CRTC 2016-170, 5 May 2016
- *The Television Service Provider Code*, Broadcasting Regulatory Policy CRTC 2016-1, 7 January 2016

- *Filing submissions for Commission proceedings in accessible formats*, Broadcasting and Telecom Information Bulletin CRTC 2015-242, 8 June 2015
- *Prohibition of 30-day cancellation policies*, Broadcasting and Telecom Regulatory Policy CRTC 2014-576, 6 November 2014
- *CISC non-consensus report – Draft Deposit and Disconnection Code*, Telecom Decision CRTC 2011-702, 14 November 2011
- *Filing of joint supporting interventions*, Telecom Information Bulletin CRTC 2011-693, 8 November 2011
- *Procedures for filing confidential information and requesting its disclosure in Commission proceedings*, Broadcasting and Telecom Information Bulletin CRTC 2010-961, 23 December 2010, as amended by Broadcasting and Telecom Information Bulletin CRTC 2010-961-1, 26 October 2012
- *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010

Appendix 1 to Telecom and Broadcasting Notice of Consultation CRTC 2018-246

Order in Council by the Governor in Council

P.C. 2018-0685

6 June 2018

Whereas Canada's large telecommunications carriers offer their telecommunications services for sale through various persons, including their employees and third parties;

Whereas Canadians have expressed substantial concern regarding the practices used by those persons when offering the telecommunications services of those carriers for sale;

Whereas there have been reports that those persons sometimes use misleading or aggressive sales practices when they offer those telecommunications services for sale;

Whereas there have been reports that the misleading sales practices include failing to provide the information that is necessary for consumers to make informed decisions to enter into contracts for telecommunications services, including by providing incomplete, vague or misleading information;

Whereas there have been reports that the aggressive sales practices include offering for sale to consumers telecommunication services that are unsuitable for them;

Whereas those misleading or aggressive sales practices may include the abuse of information asymmetries by Canada's large telecommunications carriers in order to benefit those carriers;

Whereas there have been reports that those misleading or aggressive sales practices harm or risk harming consumers, including with respect to finances or by causing stress, confusion and frustration;

Whereas there have been reports that vulnerable Canadians, such as those who are vulnerable due to their age, a disability or a language barrier, are more likely to be impacted by those practices;

Whereas there have been reports that, because of those misleading or aggressive sales practices, the price paid by Canadians for telecommunications services is sometimes unfair, unpredictable or higher than they expected;

Whereas the government has monitored the number and type of complaints filed by Canadians with the Commission for Complaints for Telecom-television Services for landline telephone, mobile wireless, Internet access and television services;

Whereas the government considers that Canadians deserve a competitive marketplace where consumers are treated fairly;

Whereas section 7 of the *Telecommunications Act* (“the Act”) declares the following objectives, among others, as the Canadian telecommunications policy objectives:

- (a) to facilitate the orderly development throughout Canada of a telecommunications system that serves to safeguard, enrich and strengthen the social and economic fabric of Canada and its regions;
- (b) to render reliable and affordable telecommunications services of high quality accessible to Canadians in both urban and rural areas in all regions of Canada; and
- (c) to respond to the economic and social requirements of users of telecommunications services;

Whereas section 47 of the Act provides, in part, that the Canadian Radio-television and Telecommunications Commission (“the Commission”) shall exercise its powers and perform its duties under the Act with a view to implementing the Canadian telecommunications policy objectives;

Whereas subsection 27(2) of the Act provides that no Canadian carrier shall, in relation to the provision of a telecommunications service or the charging of a rate for it, unjustly discriminate or give an undue or unreasonable preference toward any person, including itself, or subject any person to an undue or unreasonable disadvantage;

Whereas section 24 of the Act provides that the offering and provision of any telecommunications service by a Canadian carrier are subject to any conditions imposed by the Commission or included in a tariff approved by the Commission;

Whereas the Commission has in certain cases rendered codes of conduct, including the Deposit and Disconnection Code and the Wireless Code, to encourage fair treatment of consumers and to empower consumers to make informed decisions with respect to their communications services;

Whereas telecommunications services are commonly offered with other services in packages referred to in the marketplace as “bundles”;

Whereas section 14 of the Act provides that the Governor in Council may require the Commission to make a report on any matter within the jurisdiction of the Commission under the Act;

And whereas the Governor in Council considers the views of Canadians, the employees of Canada’s large telecommunications carriers and the third parties who offer the telecommunications services of those carriers for sale as well as the sales guidelines set by those carriers to be among the important sources of information to be considered in evaluating the retail sales practices of those carriers;

Therefore, Her Excellency the Governor General in Council, on the recommendation of the Minister of Industry, pursuant to section 14 of the *Telecommunications Act*, requires the Commission to make a report, by no later than February 28, 2019, regarding the retail sales practices of Canada's large telecommunications carriers and the harm to consumers or the possibility of such harm caused by those practices and considers that it is material to the inquiry that the Commission consider the following:

- (a) whether the large telecommunications carriers offer their telecommunications services for sale by engaging, either through their employees or third parties, in misleading or aggressive sales practices, such as providing consumers with incomplete, unclear or misleading information regarding service terms and conditions or selling them telecommunications services that are unsuitable for them, and, if so, the prevalence of those practices;
- (b) the measures or controls that those carriers have in place to monitor, identify and mitigate the risks that consumers are subject to misleading or aggressive sales practices;
- (c) the consumer protections respecting retail sales practices and contracts for telecommunications services that are currently in place to empower consumers to make informed decisions with respect to their telecommunications services and promote the fair treatment of consumers in their relationships with telecommunications carriers;
- (d) the most feasible and effective ways to strengthen or expand the scope of existing consumer protections such as those contained in the Commission's codes of conduct, or to create new consumer protections, including codes of conduct relating to new subjects, in order to further empower consumers to make informed decisions with respect to their telecommunications services and to further promote the fair treatment of consumers in their relationships with telecommunications carriers.

Appendix 2 to Telecom and Broadcasting Notice of Consultation CRTC 2018-246

Questions for discussion in this proceeding

1. The Commission invites detailed comments, with supporting rationale, on the following issues referred to in the OIC in respect of the service providers:
 - whether the large telecommunications carriers offer their telecommunications services for sale by engaging, either through their employees or third parties, in misleading or aggressive sales practices, such as providing consumers with incomplete, unclear or misleading information regarding service terms and conditions or selling them telecommunications services that are unsuitable for them, and, if so, the prevalence of those practices;
 - the measures or controls that those carriers have in place to monitor, identify and mitigate the risks that consumers are subject to misleading or aggressive sales practices;
 - the consumer protections respecting retail sales practices and contracts for telecommunications services that are currently in place to empower consumers to make informed decisions with respect to their telecommunications services and promote the fair treatment of consumers in their relationships with telecommunications carriers;
 - the most feasible and effective ways to strengthen or expand the scope of existing consumer protections such as those contained in the Commission's codes of conduct, or to create new consumer protections, including codes of conduct relating to new subjects, in order to further empower consumers to make informed decisions with respect to their telecommunications services and to further promote the fair treatment of consumers in their relationships with telecommunications carriers.

Misleading or aggressive sales practices

2. The OIC described misleading or aggressive sales practices as including providing consumers with incomplete, unclear or misleading information regarding service terms and conditions or selling them telecommunications services that are unsuitable for them.
 - Q1. In your interaction with a service provider, do you think the service provider used plain language that was easy to understand?
 - Q2. Have you experienced misleading or aggressive sales practices from a service provider? If so, provide details about that experience, including the service provider and service in question, when and how the sales interaction occurred,

the nature of the sales practice used, and what avenues you may have used to address the sales practice.

- Q3. In your opinion, are bundles of services, and any associated discounts, a source of confusion? Why? What telecommunications and/or television services were included or offered to be included in the bundle?

Additional questions for Canadians who may be particularly vulnerable to misleading or aggressive sales practices

3. The OIC noted that vulnerable Canadians, such as those who are vulnerable due to their age, a disability, or a language barrier, are more likely to be impacted by misleading or aggressive sales practices.
- Q4. As a Canadian with a disability, did you find that the service provider accommodated your needs to ensure that you were able to make an informed decision about the telecommunications and/or television services sold or offered for sale? If so, how? If not, what else do you think could have been done to help you to make an informed decision in respect of the sales interaction?
- Q5. As an older Canadian, did you find that the service provider made an effort to ensure that you were able to make an informed decision about the telecommunications and/or television services sold or offered for sale? If so, how? If not, what else do you think could have been done to help you to make an informed decision in respect of the sales interaction?
- Q6. As a Canadian with a language barrier, did you find that the service provider made an effort to ensure that you were able to make an informed decision about the telecommunications and/or television services sold or offered for sale? If so, how? If not, what else do you think could have been done to help you to make an informed decision in respect of the sales interaction?

Current and former employees of service providers

4. The OIC stipulated that the views of the employees of the service providers, as well as the sales guidelines set by the service providers, are among the important sources of information to be considered in evaluating the retail sales practices of the service providers. Interested persons are encouraged to review the section of this notice entitled “Current or former sales or customer service representatives of the service providers,” which provides further information in this regard.
- Q7. Which service provider do you or did you work for and in what capacity? During what time frame did you work for this service provider?
- Q8. Did you have sales guidelines or procedures you had to follow or were encouraged to follow? Provide a copy if possible. What did they say about misleading or aggressive sales practices?

- Q9. In your own personal experience, were the sales guidelines or procedures followed? What were the impacts of the sales guidelines or procedures on your approach to sales interactions with consumers? Were there incentives that you felt encouraged you to ignore sales guidelines or procedures to your personal benefit as an employee? Were you ever encouraged or threatened by your management in a way that you believe encouraged you to disregard any sales guidelines or procedures?
- Q10. What is your personal experience of the actual impact of misleading or aggressive sales practices on consumers and employees, if any?

Measures put in place to monitor, identify, and mitigate risks to consumers

5. The OIC required the Commission to report on measures or controls that carriers have in place to monitor, identify, and mitigate the risks that consumers are subject to misleading or aggressive sales practices.
- Q11. Does the structure of the service provider's remuneration package contribute to the use of misleading or aggressive sales practices? If so, how?
- Q12. Identify and describe the measures, if any, that the service provider has put in place to monitor, identify, and mitigate harm or risks of harm to consumers in respect of retail sales practices.
- Q13. Are the measures put in place by service providers sufficient or effective to ensure that Canadian consumers are treated fairly in sales interactions? Why or why not?

Existing consumer protections

6. The Commission has, in certain cases, rendered codes of conduct, including the Deposit and Disconnection Code (see Telecom Decision 2011-702), the Wireless Code (see Telecom Regulatory Policy 2017-200), the Television Service Provider Code (see Broadcasting Regulatory Policy 2016-1), and the Prohibition of 30-day cancellation policies (see Broadcasting and Telecom Regulatory Policy 2014-576 and Telecom Decisions 2016-170 and 2016-171), to encourage fair treatment of consumers and to empower consumers to make informed decisions with respect to their communications services. Some provincial governments have also put in place consumer protection initiatives specifically relating to the sale or offering for sale of telecommunications services.
- Q14. Are existing consumer protections sufficient to ensure that Canadian consumers are treated fairly in respect of retail sales practices? If so, how? If not, why not?
- Q15. What are the main gaps, if any, in existing consumer protections when it comes to the retail sale of telecommunications services or bundles of telecommunications services and television services?

7. The CCTS is an independent organization dedicated to working with customers and service providers to resolve complaints about telephone, Internet, and wireless services, as well as certain aspects of television services. Its structure and mandate are approved by the Commission.

Q16. Are you aware of the CCTS and its services to help customers resolve complaints about service providers?

Q17. How did you come to hear about the CCTS?

8. The Competition Bureau, the federal government agency responsible for the *Competition Act*, investigates anti-competitive activities including false or misleading representations, tied selling, deceptive telemarketing, and deceptive marketing practices.

Q18. Are you aware of the role of the Competition Bureau in investigating deceptive marketing practices like misleading sales practices?

Feasible and effective ways to strengthen or expand existing consumer protections

Q19. What should be the Commission's role, if any, in addressing the misleading or aggressive retail sales practices of service providers?

Q20. Who else, if any other authority, should be involved in the creation or strengthening of consumer protections? What should their role be?

Q21. Should the Commission consider the creation of further codes of conduct or the review of existing codes of conduct? If so, what would be the objective and scope of these codes?

Q22. Should the CCTS's role be expanded to help customers resolve complaints about their broader communications services, including sales practices? If so, please describe what that role should be. If not, please justify.