



Telecom Notice of Consultation CRTC 2020-178

PDF version

Ottawa, 1 June 2020

Public record: 1011-NOC2020-0178

Call for comments – Accessibility – Mobile wireless service plans that meet the needs of Canadians with various disabilities

Deadline for wireless service providers to submit information about plans they offer: 2 July 2020

Deadline for interested persons to submit an intervention on the information submitted by wireless service providers: 31 August 2020

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

The existing regulatory framework requires retail wireless service providers to offer mobile wireless plans that meet the needs of Canadians with various disabilities and to promote those plans in ways that are accessible (including through stores, websites, and customer service representatives).

The Commission is launching this proceeding to examine (i) how wireless service providers are complying with these requirements and whether differences exist between primary and flanker brands; (ii) whether the plans currently offered and promoted are sufficient to meet the needs of Canadians with various disabilities; and (iii) whether additional regulatory measures are required, and if so, the nature of such measures required to ensure that Canadians with various disabilities have access to plans that meet their needs and enable them to participate more fully in Canada's digital economy.

Introduction

1. The Commission currently requires retail wireless service providers to offer and promote retail mobile wireless service plans that meet the needs of Canadians with disabilities (accessible wireless plans).¹ These accessible wireless plans must be based on consultations with Canadians with disabilities.

¹ See Appendix 3 to this notice for more information on those requirements, which are set out in Telecom Regulatory Policy 2017-200, Telecom Regulatory Policy 2016-496, and Telecom Regulatory Policy 2009-430. Wireless plans are a broad category that could include contracts and services with or without discounts, add-ons, other promotions, etc. Accessible wireless plans may include plans designed for users with disabilities or general wireless plans that are determined to meet the needs of users with disabilities.

2. In several proceedings, including Telecom and Broadcasting Notice of Consultation 2018-246 (which led to the Commission's *Report on Misleading or Aggressive Communications Retail Sales Practices*) and Telecom Notice of Consultation 2019-57 (the Commission's ongoing review of mobile wireless services), the Commission has noted a certain level of dissatisfaction and concern from Canadians with disabilities regarding the accessible wireless plans currently available. Many have expressed the view that accessible wireless plans are neither sufficient to meet their needs nor sufficiently promoted. Moreover, Canadians with disabilities (i) have argued that customer service representatives are not sufficiently knowledgeable about accessible wireless plans and (ii) have raised concerns related to the availability and accuracy of information being communicated regarding the technology, speed, data allowances, pricing, and discounts.
3. In responding to these concerns, some wireless service providers appear to question whether the obligations imposed on all wireless service providers to offer and promote accessible wireless plans apply to all of their brands and subsidiaries.²

Call for comments

4. The Commission hereby initiates a public proceeding under the *Telecommunications Act* (the Act) to examine the offer and promotion of accessible wireless plans by wireless service providers and the extent to which these plans meet the needs of Canadians with disabilities.
5. In this proceeding, wireless service providers will submit information on the accessible wireless plans they currently offer. They will also provide information about how they promote the availability of those plans and how they train their customer service representatives to help persons with disabilities select products and services that meet their needs.

² Wireless brands may be marketed as primary brands, flanker brands, white label brands, or other brands. A primary brand is generally the brand that is most recognizable by consumers and is directly associated with the parent company that owns and operates the facilities to provide services. A flanker brand, also referred to as an extension or a secondary brand, is separately marketed under distinct logos and other branding and is used by the primary brand wireless service provider to offer varying services and plans to consumers. The primary brand's network is used to provide services under the flanker brand. Virgin Mobile Canada Ltd. (parent company Bell Canada), Lucky Mobile (Bell Canada), Koodo Mobile (TELUS Communications Inc.), and Fido Solutions Inc. (Rogers Communications Canada Inc.) are examples of flanker brands.

6. Currently, wireless service providers are required to (a) offer accessible wireless plans that meet the needs of Canadians with various disabilities and (b) promote such plans through accessible channels. In light of these requirements, the Commission is seeking comments on the following issues:
 - (i) Should these requirements apply to each brand and subsidiary operated by a wireless service provider? If so, why? If not, why not?
 - (ii) Are the accessible wireless plans currently offered in the marketplace sufficient to meet the needs of Canadians with various disabilities? If not, where are the gaps?
 - (iii) Are the accessible wireless plans currently offered in the marketplace sufficiently promoted? If not, how can these plans be better promoted?
 - (iv) Are additional regulatory measures required, and if so, what types of measures are required to ensure that Canadians with various disabilities have access to wireless accessibility plans that meet their needs?
7. The Commission is of the **preliminary view** that, unless explicitly noted otherwise, where it imposes a requirement on all wireless service providers, such as the requirement to offer accessible wireless service plans as set out in Telecom Regulatory Policy 2016-496, this requirement is imposed on all the brands operated by a wireless service provider and that each brand must independently comply with any requirements.
8. Wireless service providers are directed to comment on the questions set out in Appendix 1 to this notice by **2 July 2020**. Interested persons who wish to become parties to this proceeding, including Canadians with disabilities and disability advocacy organizations, are invited to answer the questions set out in Appendix 2 to this notice by **31 August 2020**.
9. All documents must be submitted in an accessible format. For more information on accessible formats, see paragraph 29 of this notice.
10. It should be noted that this proceeding will not address issues related to other telecommunications or broadcasting services (e.g. home phone, home Internet, television).

Background

11. For an overview of Commission policy decisions relevant to this proceeding, see Appendix 3 to this notice.

Legal framework

12. As a regulatory tribunal, the Commission must exercise its powers to implement the policy objectives set out in the Act. The Commission must also act in a manner that is consistent with the *Canadian Charter of Rights and Freedoms*.
13. Given the breadth of the telecommunications policy objectives contained in section 7 of the Act, regulation of the telecommunications system necessarily involves the balancing of competing objectives. These objectives include (i) 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; (ii) 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 (iii) to respond to the economic and social requirements of users of telecommunications services.³
14. Under section 24 of the Act, 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. Further, as required under section 24.1(d), the offering and provision of any telecommunications service by any person other than a Canadian carrier are subject to any conditions imposed by the Commission, including those relating to access to telecommunications services by persons with disabilities.
15. Under section 47 of the Act, the Commission must exercise its powers in accordance with the policy directions issued by the Governor in Council.
 - The 2006 Policy Direction⁴ requires the Commission to implement the policy objectives of the Act in accordance with specific terms and criteria, including relying on market forces to the maximum extent feasible. When relying on regulation, the Direction requires that the Commission use measures that are efficient and proportionate, and that interfere minimally with competitive market forces. The Commission considers that persons with disabilities generally are not able to influence the market sufficiently to obtain accessible telecommunications products and services. As a result, the Commission has used measures to promote accessibility that are efficient and proportionate, and that interfere with the operation of competitive market forces to the minimum extent necessary to meet the policy objective.

³ Respectively sections 7(a), (b), and (h) of the Act.

⁴ *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives*, SOR/2006-355, 14 December 2006

- The 2019 Policy Direction⁵ requires the Commission, in exercising its powers and performing its duties under the Act, to consider how its decisions can promote competition, affordability, consumer interests, and innovation, and in particular the extent to which they enhance and protect the rights of consumers in their relationships with telecommunications service providers, including rights related to accessibility.
16. The Commission notes that the *Accessible Canada Act* (ACA) received Royal Assent on 21 July 2019. The ACA aims to achieve a barrier-free Canada for people with disabilities. It creates an enabling framework for the proactive and systemic elimination of barriers to accessibility in society, wherever Canadians interact with areas that are under federal jurisdiction. While the Commission will continue to be responsible for the accessibility of broadcasting and telecommunications services, it gains new regulation-making and enforcement powers to administer requirements imposed by the ACA on Canada’s broadcasting undertakings and telecommunications service providers.

Procedure

17. The *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) apply to this proceeding. The Rules of Procedure 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.
18. The following wireless service providers are made parties to this proceeding: Bell Canada, Brooke Telecom Co-operative Ltd., Bruce Telecom Ontario Inc.; Bragg Communications Incorporated, carrying on business as Eastlink; Execulink Telecom Inc.; Hay Communications Co-operative Limited; Huron Telecommunications Co-operative Limited; Ice Wireless Inc.; Mornington Communications Co-operative Limited; Petro Canada Mobility; Quadro Communications Co-operative Inc.; Rogers Cable Communications Inc.; Saskatchewan Telecommunications; Shaw Cablesystems Limited; Sogetel inc.; TBayTel; TELUS Communications Inc.; Tuckersmith Communications Co-operative Limited; Videotron Ltd.; Xplornet Communications Inc.; and Wightman Telecom Ltd. These parties may file interventions with the Commission by **31 August 2020**.

⁵ *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives to Promote Competition, Affordability, Consumer Interests and Innovation*, SOR/2019-227, 17 June 2019

19. The accessible wireless plans that were developed by wireless service providers and filed on the record of the proceeding that led to Telecom Regulatory Policy 2016-496 are included as part of the public record of this notice of consultation.⁶
20. Relevant submissions received from accessibility groups and/or individuals on the record of the Telecom Notice of Consultation 2019-57 proceeding are also included as part of the [public record](#) of this notice of consultation.
21. The wireless service providers that have been made parties to this proceeding are to respond to the requests for information set out in Appendix 1 by **2 July 2020**. The responses will be added to the public record of this proceeding.
22. Interested persons who wish to become parties to this proceeding, including but not limited to Canadian consumers of communications services, consumer groups, and accessibility groups, must file an intervention with the Commission regarding the above-noted issues and may comment on the responses to requests for information filed by other parties by **31 August 2020**.
23. Interventions must be filed in accordance with section 26 of the Rules of Procedure.
24. Parties are permitted to coordinate, organize, and file, in a single submission, interventions by other interested persons who share their position. 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.
25. All documents required to be served on parties to the proceeding must be served using the contact information contained in the interventions.
26. All parties may file replies to interventions with the Commission by **29 September 2020**.
27. 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.
28. 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.

⁶ The submissions regarding accessible wireless plans from WSPs and disability advocacy organizations can be found on the record of Telecom Notice of Consultation 2015-134, under the heading "[Follow-up to Telecom Regulatory Policy 2016-496 - Accessibility](#)" in the format and language used by these parties.

29. 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.
30. Persons with disabilities who require assistance in filing their interventions may contact the Commission's [Public Hearings](#) group, which can provide individualized assistance to file an intervention.
31. 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

32. Parties who send documents electronically must ensure that they will be able to prove, upon Commission request, that filing, or where required, service 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 or served. The Commission advises parties who file or 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.
33. 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.
34. 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

35. All information that parties provide as part of this public process, except information designated confidential, whether sent by postal mail, fax, email, 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.
36. 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.
37. 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.
38. 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.

Availability of documents

39. 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 "Consultations and hearings – Have your say!" section, then selecting "our applications and processes that are open for comment". Documents can then be accessed by clicking on the links in the "Subject" and "Related Documents" columns associated with this particular notice.
40. 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 TTY: 1-877-909-2782

Secretary General

Related documents

- *Review of mobile wireless services*, Telecom Notice of Consultation CRTC 2019-57, 28 February 2019; as amended by Telecom Notices of Consultation CRTC 2019-57-1, 28 October 2019 and 2019-57-2, 20 March 2020
- *Report regarding the retail sales practices of Canada's large telecommunications carriers*, Telecom and Broadcasting Notice of Consultation CRTC 2018-246, 16 July 2018; as amended by Telecom and Broadcasting Notice of Consultation CRTC 2018-246-1, 16 October 2018
- *Review of the Wireless Code*, Telecom Regulatory Policy CRTC 2017-200, 15 June 2017
- *Modern telecommunications services – The path forward for Canada's digital economy*, Telecom Regulatory Policy CRTC 2016-496, 21 December 2016
- *Filing submissions for Commission proceedings in accessible formats*, Broadcasting and Telecom Information Bulletin CRTC 2015-242, 8 June 2015
- *Review of basic telecommunications services*, Telecom Notice of Consultation CRTC 2015-134, 9 April 2016; as amended by Telecom Notices of Consultation CRTC 2015-134-1, 3 June 2015; 2015-134-2, 22 December 2015; 2015-134-3, 14 January 2016; 2015-134-4, 9 March 2016; and 2015-134-5, 28 April 2016
- *Filing of joint supporting interventions*, Telecom Information Bulletin CRTC 2011-693, 8 November 2011
- *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010
- *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009; as amended by Broadcasting and Telecom Regulatory Policy CRTC 2009-430-1, 17 December 2009

Appendix 1 to Telecom Notice of Consultation CRTC 2020-178

Questions for wireless service providers

The wireless service providers that are made parties to this proceeding in paragraph 18 of this notice are directed to respond to these questions by **2 July 2020**.

Wireless service providers are directed to respond separately for each of their brands and/or subsidiaries.

Availability

In the proceeding that led to Telecom Regulatory Policy 2016-496, the Commission imposed new obligations on wireless service providers regarding the availability of plans that meet the needs of Canadians with disabilities:

212. ...the Commission directs all [wireless service providers] to offer mobile wireless service packages that meet the needs of Canadians with disabilities. These include people who are Deaf or hard of hearing, and primarily use video to communicate, as well as people with visual disabilities who use way-finding and Global Positioning System (GPS) apps. [Wireless service providers] must make these packages available no later than six months from the date of this decision. These packages must include access to 9-1-1 service and be based on consultations with Canadians with disabilities.

214. ...the Commission directs all [wireless service providers] to publicize all of their disability-specific products/services on their websites, and expects them to use other methods to publicize this information, such as through call centres, no later than six months from the date of this decision.

Accessible wireless plans for Canadians with various disabilities

1. Notwithstanding the fact that needs may vary by customer and that a customer may have multiple disabilities, when Canadians who self-identify as having a disability ask about the plans you offer that may meet their needs, which plan(s) out of those that you currently offer do you recommend to Canadians with the following disabilities:

- a) a hearing disability,
- b) a vision disability,
- c) a speech disability,
- d) a physical disability (mobility and/or dexterity),
- e) a cognitive disability,
- f) multiple disabilities, and
- g) another disability, as applicable (please specify).

For each plan, provide an overview of the specific features or functions that you consider make these plans accessible to the user groups you identified and why.

Accessible wireless plans by brand/subsidiary

2. Fill out the table below by listing the names of your accessible wireless plans, identifying which brand or subsidiary offers these plans, providing a link to where customers can learn more about the specific features of the plan, and confirming that the plan provides access to 9-1-1 (as required by Telecom Regulatory Policy 2016-496).

Table 1: List of Accessible Wireless Plans by Brand or Subsidiary

Plan name	Offered by	Link to plan ⁷	Does the plan provide access to 9-1-1? (Answer Yes or No)
-	-	-	-

Consultations

3. Describe the consultations you have done with disability advocacy organizations and/or Canadians with various disabilities since 2017. In your response,

- provide the names of specific organizations you consulted with and the dates of each consultation;
- provide an overview of how these consultations have informed your business practices and service offerings related to meeting the needs of Canadians with disabilities;
- if applicable, provide an overview of any additional research you have undertaken on this matter; and
- if applicable, describe any other relevant actions involving Canadians with disabilities that have informed how you design accessible wireless plans that meet their needs.

Training

4. What training have you provided to your customer service representatives since 2017 with respect to the accessible wireless plans that you offer? In your response, provide

- any relevant training documents,
- an overview of how you ensure that customer service representatives are sufficiently knowledgeable to help customers with disabilities to assess their needs and determine which plans best meet those needs, and
- an overview of key differences, if any, in training provided to internal customer service staff and third-party customer service representatives.

⁷ Provide a link to the web page where customers can find detailed information about this plan.

Promotion

5. Provide an overview of the methods you use to promote your accessible wireless plans listed in table 1. In your response, provide

- a list of the channels you use to promote information to Canadians who may or may not have disabilities about your accessible wireless plans, and
- copies of the marketing material you used in 2019 to promote your accessible wireless plans.

6. Fill out the following table to describe actions taken to promote each of the accessible wireless plans you identified in question 2.

Table 2: Promotion of Accessible Wireless Plans

Plan name	Offered by	Briefly describe actions taken to promote this specific plan during your last fiscal year.
-	-	-

Appendix 2 to Telecom Notice of Consultation CRTC 2020-178

Questions for interested persons who wish to become parties to this proceeding, including but not limited to Canadian consumers of communications services, consumer groups, and accessibility groups

The deadline for interested persons to submit responses to these questions as part of their intervention is **31 August 2020**.

Availability

In your answers, refer to the submissions by wireless service providers on the record of this proceeding, and focus on your recent experience (e.g. from the last five years) where appropriate.

1. When looking for an accessible wireless plan, what communications channels (e.g. website, in store, over the phone) are easier or more difficult to use and why?
2. What elements or features of typical mobile wireless plans create barriers for you and why? Please provide examples. (Note: This could include features that are typically included in or excluded from wireless plans.)
3. With respect to the barriers you identified in question 2 above, what elements or features of an accessible wireless plan help to minimize or eliminate such barriers? Are you aware of any wireless service provider offering plan elements or features that minimize or eliminate those barriers?
4. Are there costs associated with accessing plans or features that help minimize or eliminate barriers? If so, please provide examples.
5. Comment on the accessible wireless plans that the wireless service providers have identified in response to the questions asked by the Commission. Do you consider those plans to be generally sufficient to meet the needs of most Canadians with specific disabilities, taking into account the experiences of Canadians with disabilities and noting that each individual's needs may vary? If not, why not, and how could they be improved? You may choose to address the following aspects of wireless plans in your answer, if applicable.
 - (i) Key contract terms as defined in the Wireless Code:
 - a. the services included in the contract, such as voice, text, and data services, that the customer agreed to upon entering into the contract and will receive for the duration of the contract, and any limits on the use of those services that could trigger overage charges or additional fees;
 - b. the minimum monthly charge for services included in the contract;
 - c. the commitment period, including the end date of the contract;

- d. if applicable, the total early cancellation fee; and
- e. whether a subsidized device is provided as part of the contract.

(ii) Other contract terms as defined in the Wireless Code:

- a. an explanation of all related documents, including privacy policies and fair use policies;
- b. all one-time costs, itemized separately;
- c. the trial period for the contract, including the associated limits on use;
- d. rates for optional services selected by the customer at the time the contract is agreed to;
- e. whether the contract will be extended automatically on a month-to-month basis when it expires, and, if so, starting on what date;
- f. whether upgrading the device or otherwise amending a contract term or condition would extend the customer's commitment period or change any other aspect of the contract;
- g. if applicable, the amount of any security deposit and any applicable conditions, including the conditions for return of the deposit; and
- h. where customers can find information about
 - rates for optional and pay-per-use services;
 - the device manufacturer's warranty;
 - tools to help customers manage their bills, including notifications on data usage and roaming, data caps, and usage monitoring tools;
 - the service provider's service coverage area, including how to access complete service coverage maps;
 - how to contact the service provider's customer service department;
 - how to make a complaint about wireless services, including contact information for the Commission for Complaints for Telecom-Television Services Inc. (CCTS); and
 - the Wireless Code.

Consultations

- 6. Comment on the steps that wireless service providers have taken to consult with Canadians with disabilities and/or disability advocacy organizations.

7. Have you been involved in consultations undertaken by wireless service providers regarding their accessibility wireless plans? If so, how was your experience? What was discussed? Was that consultation useful? Do you feel that wireless service providers considered your input in a meaningful way? If you think that the consultations were insufficient, why, and how could they be improved?

Training

8. Comment on the steps that wireless service providers have taken to ensure that their customer service representatives are knowledgeable about the plans they offer to meet the needs of Canadians with disabilities.
9. Comment on whether you consider the training approaches to be sufficient, taking into account the experience of Canadians with disabilities in interacting with sales representatives. If you do not consider the training approach to be sufficient, why not, and how could it be improved?

Promotion

10. Comment on the steps that wireless service providers have taken to promote the plans they offer to meet the needs of Canadians with disabilities, including the channels through which these plans are promoted (for example, websites, stores, or customer service representatives).
11. Comment on whether you consider the promotion of plans designed to meet the needs of Canadians with disabilities is sufficient. If not, why not, and how could it be improved?

Appendix 3 to Telecom Notice of Consultation CRTC 2020-178

Context of existing requirements to offer and promote accessible wireless plans

This section provides an overview of previous Commission decisions and reports relevant to this proceeding.

The Basic Telecommunications Services (BTS) Decision

In Telecom Regulatory Policy 2016-496 (the BTS Decision), the Commission stated:

Modern telecommunications services are fundamental to Canada's future economic prosperity, global competitiveness, social development, and democratic discourse. In particular, fixed and mobile wireless broadband Internet access services are catalysts for innovation and underpin a vibrant, creative, interactive world that connects Canadians across vast distances and with the rest of the world.

Canadians are using these services to find jobs, manage their investments, conduct business, further their education, keep informed on matters of public concern, consult with health care professionals, and interact with all levels of government. In general, fixed and mobile wireless broadband Internet access services improve the quality of life for Canadians and empower them as citizens, creators, and consumers.

The Commission also noted:

25. Almost all parties in this proceeding, whether individuals, [telecommunications service providers], governments, or non-governmental organizations (e.g. accessibility groups and consumer associations), submitted that Canadians need broadband Internet access services to participate in Canada's digital economy. Individual Canadians, business representatives, and governments submitted that they anticipate that their needs will grow rapidly and that reliable broadband Internet access services significantly decrease barriers to accessing health services, jobs, and education.

Accordingly, in the BTS Decision, the Commission expanded the definition of basic telecommunications services, such that it now includes retail mobile wireless voice and data services.

With respect to the plans that meet the needs of Canadians with disabilities, the Commission stated:

49. Beyond the gap in the availability of high-quality broadband Internet access services, the record of this proceeding has identified other gaps, including the affordability of these services, the accessibility of these services for persons with

disabilities, and digital literacy skill levels. These gaps prevent many Canadians from benefiting from the digital economy.

The Commission went on:

220. The Commission acknowledges the progress that some [telecommunications service providers] have made in advancing accessibility efforts, as reflected on the record of this proceeding. However, the Commission reiterates that the inclusion in the communication system of all Canadians is in the public interest and that accessibility needs to be an integral part of the corporate structure of any organization.

In the BTS Decision, the Commission established new regulatory measures to address issues related to accessibility for persons with disabilities. These measures are set out in paragraphs 205-223 of that decision, under the heading “Availability and awareness of accessibility products and services”. These new measures expand on the Commission’s existing requirements for the promotion and availability of accessible services, as set out in Broadcasting and Telecom Regulatory Policy 2009-430 (the Accessibility Policy).

In its determinations in that decision with respect to the availability and promotion of mobile wireless plans that meet the needs of Canadians with disabilities, the Commission stated:

211. The record of this proceeding demonstrates that some [wireless service providers] offer packages tailored to customers with disabilities; however, this does not appear to be a common practice among all [wireless service providers]. Canadians with disabilities should have equitable choices in the marketplace that meet their needs.

212. Accordingly, the Commission directs all [wireless service providers] to offer mobile wireless service packages that meet the needs of Canadians with disabilities. These include people who are Deaf or hard of hearing, and primarily use video to communicate, as well as people with visual disabilities who use way-finding and Global Positioning System (GPS) apps. [Wireless service providers] must make these packages available no later than six months from the date of this decision. These packages must include access to 9-1-1 service and be based on consultations with Canadians with disabilities.

213. While Broadcasting and Telecom Regulatory Policy 2009-430 provided flexibility regarding how disability-specific wireless products/services are promoted, the record of this proceeding demonstrates that this approach does not ensure that Canadians with disabilities are aware of suitable options. Canadians generally use the [wireless service providers’] websites as the initial and primary source of information, prior to engaging a customer service representative, for choosing suitable products/services. Therefore, these options must be clearly stated on [wireless service providers’] websites.

214. Accordingly, the Commission directs all [wireless service providers] to publicize all of their disability-specific products/services on their websites, and expects them to use other methods to publicize this information, such as through call centres, no later than six months from the date of this decision.

Follow-up to the BTS Decision

The following reports are available on the Commission's website at [Follow-up to Telecom Regulatory Policy 2016-496 – Accessibility](#).

Review of the Wireless Code

In Telecom Regulatory Policy 2017-200, the Commission required wireless service providers to offer a 30-day trial period for Canadians with disabilities, with usage limits of at least the usage included in a full monthly billing cycle, to provide those customers with an opportunity to test the functionality of their device and the quality of service. The [Wireless Code](#) also requires wireless service providers to provide, among other things, contracts, related documents, and critical information summaries in alternative formats, upon request and at no charge, at any time during the commitment period.

Report on misleading or aggressive communications retail sales practices

In the Commission's [Report on Misleading or Aggressive Communications Retail Sales Practices](#) (2018), the Commission stated:

In this report, the CRTC sets out an expectation regarding best practices for service offerings affecting Canadians with disabilities, lays out the actions it intends to pursue, suggests best practices for service providers, and identifies areas that need further investigation and action.

First, the CRTC sets out an expectation on an issue raised during the public process by the community of Canadians with disabilities that is of concern to the CRTC. There were reports that some service providers offer mobile wireless service packages designed to meet the needs of Canadians with disabilities at special rates that are not known by salespersons and that cannot be combined, or are inconsistently combined, with other general promotions and offers. Canadians with disabilities commented on the record that this practice is unfair. The CRTC finds that offering these types of packages at reduced prices is a best practice that is in the public interest, and it expects these discounts to be offered in addition to any other offer or promotion, not instead of it.

In the report, the Commission further stated:

The CRTC is suggesting a set of best practices for service providers, including:...considering how Canadians who may be more vulnerable due to their age, a disability, or a language barrier could be better empowered to make informed decisions about the services they purchase through the approaches used by service providers. This best practice may include solutions such as service

providers ensuring that their store fronts and kiosks are equipped with tablets preloaded with sign language videos that explain key concepts, and/or providing training to their sales staff about how to better serve these customers.

The Commission went on to note:

Consumer and disability advocacy organizations explained how many consumers struggle with comparison shopping for telecommunications services. They described how this difficulty is exacerbated for people with disabilities who may (a) be limited in the specific sales channels they can readily access (for example, in store, online, or over the telephone) in order to discuss the accessibility of products and services with a knowledgeable representative or (b) need to take additional, time-consuming steps to obtain accessible information, which may not be available in all sales channels. These factors can limit their ability to obtain time-sensitive promotional offers.

The Deaf Wireless Canada Consultative Committee, the Canadian Association of the Deaf, the Canadian National Society of the Deaf-Blind, and Deafness Access Advocacy Nova Scotia (DAANS), collectively referred to as DWCC et al., is a group representing Deaf, Deaf-Blind, and Hard of Hearing Canadians. DWCC et al. conducted a survey that found that where in-store sign language services are not obviously available, Canadians who are Deaf, Deaf-Blind, or Hard of Hearing have difficulty obtaining clear information about plans designed to meet their needs (for example, an accessibility plan) or other information about plans that may interest them in a relevant, accessible, and timely manner (for example, limited-time promotions).

DWCC et al. raised further concerns, which were echoed in part by other parties, that mobile wireless service packages at discounted prices that meet the needs of Canadians with disabilities are infrequently offered, poorly promoted, and inconsistently applied. They testified that some sales agents stated that they do not stack the accessibility plan rates with additional discounts or promotional prices otherwise offered or advertised, meaning that Canadians with a disability are not able to take advantage of offers made to other Canadians. They also expressed concerns regarding salespersons who were not aware of, or not authorized to sell, the packages designed for Canadians with disabilities.

Review of mobile wireless services

In Telecom Notice of Consultation 2019-57, the Commission has found it necessary to investigate whether or not to intervene further in the retail market to address competitive issues, settle disputes, address issues of choice and affordability, and fill market gaps because of concerns that this market may not be meeting the needs of Canadians. As part of the review, interveners have the opportunity to make submissions regarding (i) the definition of the retail market and (ii) whether the retail mobile wireless services currently offered by wireless service providers are meeting the needs of Canadians, including Canadians with disabilities, and achieving the policy objectives of the Act.