



# Telecom and Broadcasting Regulatory Policy CRTC 2021-215

PDF version

References: 2020-124; 2020-124-1; 2020-124-2; and 2021-69

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*Public record: 1011-NOC2020-0124 and 1011-NOC2021-0069*

## **The *Canadian Radio-television and Telecommunications Commission Accessibility Reporting Regulations***

The Commission announces that it has made the *Canadian Radio-television and Telecommunications Commission Accessibility Reporting Regulations* (the Regulations), with certain amendments. These Regulations, made under the *Accessible Canada Act* (the ACA), generally establish procedural requirements relating to the reporting obligations of broadcasting undertakings, Canadian telecommunications common carriers, and telecommunications service providers under the ACA.

The Regulations will be published in the *Canada Gazette*, Part II, and are in force as of the date of their registration.

### **Introduction**

1. The Commission announces that it has made the *Canadian Radio-television and Telecommunications Commission Accessibility Reporting Regulations* (the Regulations) set out in the appendix to this regulatory policy.
2. These Regulations fulfill the Commission's obligation to make at least one regulation relating to broadcasting undertakings and at least one regulation relating to Canadian telecommunications common carriers (Canadian carriers) and telecommunications service providers (TSPs) under sections 45 and 54 of the *Accessible Canada Act* (the ACA) within two years of the ACA's coming into force. The Regulations generally establish procedural requirements relating to the reporting obligations of broadcasting undertakings, Canadian carriers, and TSPs under the ACA. In general, these regulations concern the manner and form of accessibility plans, feedback processes, and progress reports under the ACA.
3. The Regulations will be published in the *Canada Gazette*, Part II, and are in force as of the date of their registration for publication. A copy of the Regulations is provided in the appendix to this regulatory policy.
4. As part of the regulation-making process, the Commission sought input on the content and structure of potential regulations in Telecom and Broadcasting Notice of Consultation 2020-124. Following that proceeding, the Commission published

Telecom and Broadcasting Notice of Consultation 2021-69 (the notice), which contained key policy determinations and a draft of the proposed Regulations that reflected those determinations. Interested parties were invited to comment on the extent to which the draft reflected the Commission's policy intent.

5. Throughout the regulation-making process, the Commission has maintained that wherever possible and appropriate, the Regulations should be aligned with those of the other ACA regulators, and in particular the Governor in Council, to reduce duplication for regulated entities and to make accessibility reporting easier for stakeholders to understand.
6. The Commission received submissions from 34 parties on a number of matters, including on the following key issues:
  - Revisiting policy determinations
  - Accessibility plans
  - Requests for alternative formats
  - Feedback process
  - Other matters
7. The Commission has made several amendments to the Regulations from the draft version in order to address comments made on the record, increase clarity, and more closely align with the Governor in Council's approach, as articulated in the draft *Accessible Canada Regulations*.<sup>1</sup> The present regulatory policy sets out the Commission's determinations on the key issues above, as well as its interpretation of certain sections of the Regulations. The Commission has also made minor amendments to the Regulations that were needed to conform to regulatory drafting conventions and to ensure harmonization between the Regulation's equally authoritative English and French versions.

## **Revisiting policy determinations**

### **Positions of parties**

8. Parties generally supported the draft Regulations. Where parties objected to specific provisions in the Regulations, the basis for their disagreement was frequently the policy underlying the provision, rather than the wording of the provision itself.
9. Both regulated entities and public interest and accessibility interveners took issue with matters the Commission had already determined in the notice. For example,

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<sup>1</sup> The Governor in Council published its draft *Accessible Canada Regulations* in the *Canada Gazette*, Part I, on 13 February 2021.

public interest and accessibility groups generally favoured shorter timeframes to file accessibility plans, fewer exemptions, and requirements for regulated entities to provide sign language formats and a substantive response to feedback. Conversely, some regulated entities favoured additional time to file initial accessibility plans, broader exemptions, and fewer required alternative formats.

10. Some parties, including both accessibility groups and regulated entities, proposed amendments that are beyond the scope of the Commission's regulation-making powers under the ACA. In some cases, these proposals also recalled arguments already rejected by the Commission in the notice.

### **Commission's analysis and determinations**

11. In general, it would not be appropriate to revisit the Commission's policy determinations made in the notice. Although some parties made submissions of a policy nature, in most cases they did not raise new arguments or evidence that would call into question the appropriateness of the Commission's determinations. Except to the extent set out below, the Commission has not considered it appropriate to modify its policy determinations.

### **Accessibility plans**

#### **Positions of parties**

12. Many accessibility and public interest interveners, including ARCH Disability Law Centre (ARCH) and Community Media Advocacy Centre (CMAC), submitted that the Commission should take further steps to ensure that the reporting obligations of regulated entities, including accessibility plans, reflect the statutory principles set out at section 6 of the ACA.

### **Commission's analysis and determinations**

13. Section 6 of the ACA establishes a list of principles for its implementation. They include, among other things, the principle that regulated entities take into account peoples' disabilities, the ways that people interact with their environments, and the multiple and intersecting forms of marginalization and discrimination that they face.
14. The requirement that regulated entities take those principles into account when they prepare an accessibility plan is set out at subsections 42(9) and 51(9) of the ACA. The Commission considers that the Regulations should place a greater emphasis on this requirement, and that it is possible to do so without prescribing content for plans beyond what the ACA already establishes.
15. In particular, sections 4 and 20 of the Regulations have been amended to require that new and updated accessibility plans include a heading that references the provision of the ACA that obligates the regulated entity to take into account the principles in section 6. In addition to emphasizing the need for regulated entities to explain how

their plans take the section 6 principles into account, this measure will also help to address the issue of intersectionality, as it is recognized at paragraph 6(e) of the ACA.

16. The Commission has also introduced new provisions in the Regulations with respect to dates for preparing and publishing updated accessibility plans. The ACA's default publication deadline is no later than the third anniversary of the plan's last publication day, unless a different date is prescribed by regulation. The new provisions in sections 6 and 22 of the Regulations prescribe a publication date for the updated plan that is three years from most recent plan's due date. In the absence of this amendment, updated plans would be due three years from whenever an entity last published a plan, regardless of whether they did so on time. This amendment will introduce greater certainty for all.

## **Requests for alternative formats**

### **Positions of parties**

17. A number of parties argued for changes to the provisions dealing with alternative formats. While certain accessibility groups advocated for a longer list of explicitly required formats, some regulated entities and industry groups requested a shorter list.
18. In addition, several regulated entities, especially larger entities such as Bell Canada and Rogers Communications Canada Inc. (RCCI), submitted that the draft Regulations were too broad with respect to how requests for alternative formats are made. According to these interveners, the large number of available communications platforms means that accepting requests "through any means by which the [entity] communicates with the public" could result in requests being missed, and is therefore too broad to be a workable standard. These parties submitted that they should be permitted to establish how alternative formats may be requested, similar to the approach set out in the draft Governor in Council regulations.
19. Conversely, certain accessibility groups, including ARCH and the Deafness Advocacy Association Nova Scotia, Newfoundland and Labrador Association of the Deaf, and Ontario Association of the Deaf, supported the wording in the draft Regulations because it offered the fullest range of methods for requests. In general, these groups were concerned that if the methods of request were limited to those designated by regulated entities, they may be insufficiently accessible.
20. Many parties also commented on the language in the draft Regulations requiring regulated entities to provide a response to alternative format requests "as soon as feasible." While the National Campus and Community Radio Association supported this approach, both accessibility groups and regulated entities supported introducing deadlines to increase clarity and certainty. Regulated entities tended to favour the timelines set out in the Governor in Council's draft regulations (between 15 and 45 days), whereas accessibility groups tended to favour timelines of two days to three weeks, depending on the format requested.

## **Commission's analysis and determinations**

21. The Commission indicated in the notice that nothing in the Regulations would prevent parties from requesting or providing copies of plans in alternative formats beyond those specifically prescribed. The Commission opted not to include an explicit provision to this effect in the draft Regulations. However, it is clear that such an addition has the potential to broaden access to additional formats for people with disabilities, while appropriately balancing the cost to regulated entities.
22. Accordingly, the Commission has amended the Regulations to include the words, "or any other format that the person and the entity agree upon and for which there is proof of the agreement" in the relevant provisions dealing with requests for alternative formats at subsections 8(1), 11(1), 15(1), 24(1), 27(1) and 31(1) of the Regulations.
23. While the Commission acknowledges that the approach in the draft Governor in Council regulations requires the request be made "in a manner specified by the regulated entity and that it uses to communicate with the public," the Commission has decided to prescribe a list of methods for such requests in the Regulations themselves, while still allowing for the possibility that other methods may be developed.
24. Specifically, the Commission has amended subsections 8(2), 11(2), 15(2), 24(2), 27(2) and 31(2) of the Regulations to indicate that requests are to be made to the main telephone number or email address that a regulated entity uses to communicate with the public, while permitting the regulated entity to identify an alternative phone number and email address if it chooses. Requests may also be made via web form on a regulated entity's website or other main digital platform if one is provided, or through any other means designated by the entity for this purpose. In this way, the Regulations aim to ensure that the request mechanism is both accessible and effective. For instance, the mandatory inclusion of a telephone number will permit sign language users to make their requests using video relay service.
25. The Commission expects that, at a minimum, regulated entities will prominently publish their designated methods for requesting alternative formats in the same manner and place that they publish their accessibility plans, progress reports, and descriptions of their feedback processes, as well as in those texts themselves. If regulated entities do not designate any methods, in the Commission's view it would then be reasonable for a person to consider that a telephone number or email address listed or linked to on the entity's website, social media profiles, or promotional materials is the appropriate method for submitting requests for materials in alternative formats.
26. Further, the Commission encourages entities to offer as many methods for submitting requests to the public as are practicable, and expects entities to make all reasonable efforts to respond to requests even if they are submitted by a method not set out in the Regulations.

27. With respect to time periods for responses, the Commission acknowledged in the notice that setting out specific periods for the provision of alternative formats could be appropriate, even though it did not do so at that time. In the circumstances, the Commission considers that prescribing these in the Regulations would provide greater clarity to regulated entities and certainty to people requesting alternative formats.
28. Accordingly, while the Regulations still indicate that alternative formats are to be made available “as soon as feasible,” the Commission has amended subsections 8(3), 11(3), 15(3), 24(3), 27(3) and 31(3), to establish response deadlines that vary based on the type of entity and format requested. In particular, a regulated entity must make the plans available in braille or audio format by the 45th day after the day on which the request is received. In the case of all other required alternative formats, Class B1, B2, T1 and T2 entities must make the plan available by the 15th day after the day on which the request is received, and Class B3 and T3 entities must make the plan available by the 20th day after the day on which the request is received.
29. This context-sensitive model is consistent with the structure of the Regulations as a whole, as well as with the approach set out in the draft Governor in Council regulations.

## **Feedback process**

### **Positions of parties**

30. Many regulated entities and industry groups, including the Canadian Association of Broadcasters and RCCI, submitted that the Regulations should align with the draft Governor in Council regulations with respect to the deadline for publishing the description of the feedback process. In particular, they argued that the Commission should make its deadline the same day as the deadline for publication of the initial accessibility plan. RCCI raised an argument questioning the Commission’s jurisdiction to impose differing deadlines.
31. With respect to the prescribed methods of receiving feedback, many regulated entities made similar arguments to the ones they made with respect to requests for alternative formats (i.e. that they should have control over establishing those methods). The accessibility groups that opposed the entities’ position on alternative formats were similarly opposed in this case.

### **Commission’s analysis and determinations**

32. The draft Regulations indicated that the description of the feedback process was to be published one year before the initial accessibility plans (i.e. on the days fixed under Parts 1 and 2 of the Regulations). This publication deadline is earlier than the publication deadline for the initial accessibility plan, and earlier than the corresponding deadline in the draft Governor in Council regulations. The Commission has not amended the provisions of the Regulations setting this deadline, namely, subsections 10(2) and 26(2).

33. This deadline reflects the fact that, according to paragraphs 43(1)(b) and 52(1)(b) of the ACA, one of the purposes of the feedback process is to allow the public to communicate barriers encountered by persons who deal with the regulated entity. In order for this purpose to be served in a timely manner, the Commission considers that the feedback process should be put in place sooner rather than later.
34. With respect to RCCI's argument, the Commission's regulation-making authority under paragraphs 45(1)(b.1) and 54(1)(b.1) of the ACA includes the ability to make regulations respecting the feedback process. The Commission considers that this authority must include the ability to establish such a deadline, otherwise the Commission could not establish when the description is to be published, which would clearly frustrate implementation of this aspect of the ACA and its associated reporting obligations.
35. Regarding methods for the receipt of feedback, the same considerations that apply for receiving requests for alternative formats apply in this context, and the Commission has therefore amended subsections 9(1) and 25(1) accordingly. In particular, the Regulations now provide that regulated entities must allow the reception of feedback through: the main telephone number and email address an entity uses to communicate with the public, unless the entity designates a different number or email address for this purpose; an online form on the entity's main digital platform, if the entity provides one; and any other means the entity designates for receiving feedback. This amendment ensures that the feedback processes remain accessible and effective.
36. The Commission has also made a related amendment regarding acknowledgement of feedback. The requirement to acknowledge reception of all feedback (except that which is submitted confidentially) still applies; however, subsections 9(4) and 25(4) of the Regulations have been amended to remove the words "in the same manner in which it was received." Retaining those words in light of the other amendments made (for instance, in the case of feedback submitted via web form) could introduce confusion for regulated entities and members of the public.
37. The Commission expects that regulated entities will prominently publish key information relating to their feedback process in their accessibility plans and progress reports, in addition to publishing descriptions of their feedback process as required by the Regulations.
38. As with requests for alternative formats, if regulated entities do not designate any methods for feedback, it would be reasonable for a person to consider that a telephone number or email address publicized by the entity is its main telephone number or email address for submitting feedback. Regulated entities are encouraged to offer methods for feedback beyond those explicitly set out in the Regulations and are expected to make all reasonable efforts to receive and acknowledge feedback no matter how it is submitted.

## Other Matters

39. The definition of the term “WCAG” set out in section 1 of the draft Regulations incorporated by reference “the most recent version” of the [Web Content Accessibility Guidelines](#) “that is available in both English and French.” In order to clarify the Commission’s intent without changing the effect of the Regulations, the Commission has amended section 1.
40. In particular, the Commission has removed the words “the most recent version of” and “that is available in both English and French” from the definition of WCAG and introduced a new subsection 1(2), which states: “In these Regulations, if a document that is available in both official languages is incorporated by reference as amended from time to time, any amendment to that document is incorporated only when the amendment is available in both official languages.”
41. With respect to manner of publication, a number of accessibility groups, including ARCH, Barrier-Free Canada, and the Council of Canadians with Disabilities, submitted that the Commission should prescribe a specific plain-language standard, rather than requiring the language of publication to be “clear, simple and concise.” However, these parties also acknowledged that Accessibility Standards Canada (ASC) is in the process of developing its own plain-language standard.
42. ASC is an organization established by the ACA for the express purpose of developing accessibility standards. Accordingly, the Commission does not consider it appropriate to duplicate these efforts while the ASC is conducting its work, and at this time has not amended the Regulations with respect to plain-language standards.
43. However, the Commission has amended the provisions dealing with the manner of publication. The amendments provide additional direction to regulated entities that their plans, feedback process descriptions, and progress reports must be easily discoverable. Paragraphs 5(b), 10(1)(b), 14(b), 21(b), 26(1)(b) and 30(b) now indicate that a regulated entity must electronically publish its accessibility plans, progress reports, and feedback process descriptions, “in a conspicuous manner that makes the plan accessible on the digital platform either directly on the homepage or by way of a hyperlink on that homepage.”
44. With respect to feedback, any personal information contained in feedback must be kept confidential by regulated entities unless they obtain the express consent to disclose from the person providing the feedback. The Commission has amended subsections 9(5) and 25(5) of the Regulations, which set out this requirement, so that they begin with: “Subject to the *Personal Information Protection and Electronic Documents Act* and the *Privacy Act* [...]” The added references to those Acts clarifies that they take precedence over the Regulations, where applicable. While any violations of these Regulations would be enforced by the Commission, using its enforcement powers under the *Broadcasting Act* and the *Telecommunications Act*, this addition should also help to ensure that no potential conflicts arise with respect to

the role of the Privacy Commissioner, who enforces the *Privacy Act* and the *Personal Information Protection and Electronic Documents Act*.

45. With respect to the publication of progress reports, the Commission has amended sections 16 and 32 of the Regulations to remove the word “calendar” in reference to a year. This amendment will allow Class B1 and T1 regulated entities to publish their reports on 31 December of a given calendar year. This date will satisfy the reporting requirements of the Governor in Council for that calendar year, as well as the Commission’s Regulations for the following calendar year, under which these entities have until 1 June of the next calendar year to publish.<sup>2</sup>
46. A number of regulated entities and industry groups, including Bell Canada and the Canadian Wireless Telecommunications Association, voiced their preference to be able to create a single plan that could satisfy both the Commission’s Regulations and the Governor in Council’s requirements. The Commission cannot comment on compliance with another regulator’s obligations, however, it encourages regulated entities to adopt efficient practices that cut down on unnecessary overlap and make relevant information easily discoverable.
47. Several accessibility groups, including the Alliance for Equality of Blind Canadians and ARCH, argued that the Commission should introduce document retention obligations into its Regulations. Some also questioned the lack of provisions regarding administrative monetary penalties. Provisions of these types appear in the draft Governor in Council regulations; however, the Governor in Council’s regulation-making authority is broader than the Commission’s. For instance, the ACA does not grant the Commission general powers over document retention or administrative monetary penalties.
48. Regarding document retention, the Commission notes that regulated entities would already be retaining most relevant documents under the Governor in Council’s draft regulations; further, entities must demonstrate how they have taken feedback into account in every progress report. In these circumstances, the Commission expects that previous plans and reports will remain publicly available once new plans and reports are published, and that regulated entities will retain records of feedback in order to meet those requirements.
49. Regarding penalties, the Commission’s enforcement powers relating to accessibility are found under the *Broadcasting Act* and the *Telecommunications Act*, and in the case of the latter includes certain powers to impose administrative monetary penalties. Accordingly, the Commission would apply the relevant frameworks under those Acts if it were necessary to use its enforcement powers for accessibility-related compliance, including compliance with the Regulations.

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<sup>2</sup> Section 37 of the *Interpretation Act* indicates that, unless otherwise specified, a reference to “year” refers to a given twelve month period (rather than, for example, to a calendar year).

50. Throughout the course of the regulation-making process, many accessibility and public-interest groups have participated in a meaningful and substantive way. At the same time, some parties have raised concerns that the Commission should take further steps to solicit diverse points of view on matters relating to accessibility. On this subject, the Commission notes CMAC's suggestion that a list of accessibility stakeholders should be made publicly available to assist regulated entities in undertaking the consultation required by the ACA.
51. The Commission acknowledges that engaging with Canadians with disabilities and civil societies representing disability communities is necessary for both regulators and regulated entities, to advance the ACA's objectives. The Commission and its staff will continue to engage with all of its stakeholders on issues related to accessibility, and welcomes input from interested persons on key issues and innovative engagement methods.
52. Regarding the lack of a formal mechanism to award costs under the ACA, the Commission notes that funding has been made available to participants throughout the regulation-making process through the deferral account mechanism.<sup>3</sup>
53. Future accessibility-related proceedings will take place under the *Broadcasting Act* or the *Telecommunications Act* (or both), rather than under the ACA. Apart from the regulation-making power exercised in this proceeding, the Commission's powers with respect to accessibility are generally found under those two Acts. This means that the existing mechanisms intended to make costs of participation available to public interest interveners (applications for costs awards under the *Telecommunications Act* and the Broadcast Participation Fund under the *Broadcasting Act*) would be available in accessibility-related proceedings under those Acts to the same extent as in other types of proceedings under those Acts.

## Conclusion

54. In light of the foregoing, the Commission announces the making and publication of the *Canadian Radio-television and Telecommunications Commission Accessibility Reporting Regulations*, which will come into effect on the date of their registration. A copy of these Regulations is provided in the appendix to this regulatory policy and will be published in the *Canada Gazette*, Part II.

Secretary General

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<sup>3</sup> See Telecom and Broadcasting Notice of Consultation 2020-124-2 and the [Commission letter addressed to Bell Canada and CMAC](#) dated 22 April 2021.

## **Related documents**

- *Call for comments – The Canadian Radio-television and Telecommunications Commission Accessibility Reporting Regulations, Telecom and Broadcasting Notice of Consultation CRTC 2021-69, 18 February 2021*
- *Call for comments – Regulations to be made under the Accessible Canada Act, Telecom and Broadcasting Notice of Consultation CRTC 2020-124, 14 April 2020; as amended by Telecom and Broadcasting Notices of Consultation CRTC 2020-124-1, 13 May 2020; and 2020-124-2, 4 June 2020.*

# Appendix to Telecom and Broadcasting Regulatory Policy CRTC 2021-215

## Canadian Radio-television and Telecommunications Commission Accessibility Reporting Regulations

### Interpretation

#### Definitions

**1 (1)** The following definitions apply in these Regulations.

*Act* means the *Accessible Canada Act*. (*Loi*)

*broadcasting entity* means an entity or person that is a member of one of the classes established under subsection 2(1). (*entité de radiodiffusion*)

*Commission* means the Canadian Radio-television and Telecommunications Commission. (*Conseil*)

*employee* means a person employed by a regulated entity referred to in paragraph 7(1)(e) or (f) of the Act and includes a *dependent contractor*, as defined in subsection 3(1) of the *Canada Labour Code*, but does not include

(a) a person employed under a program designated by the employer as a student employment program; and

(b) a student employed solely during their vacation periods. (*employé*)

*regulated broadcasting entity* means a broadcasting entity in respect of which a day has been fixed under section 3. (*entité de radiodiffusion réglementée*)

*regulated telecommunications entity* means a telecommunications entity in respect of which a day has been fixed under section 19. (*entité de télécommunication réglementée*)

*telecommunications entity* means an entity or person that is a member of one of the classes established under subsection 18(1). (*entité de télécommunication*)

*WCAG* means the *Web Content Accessibility Guidelines*, published by the World Wide Web Consortium, as amended from time to time. (*WCAG*)

#### Interpretation of document incorporated by reference

**(2)** In these Regulations, if a document that is available in both official languages is incorporated by reference as amended from time to time, any amendment to that document is incorporated only when the amendment is available in both official languages.

## **PART 1**

### **Broadcasting Entities**

#### **Classes**

##### ***Classes — broadcasting entity***

**2 (1)** For the purposes of this Part, the following classes are established:

**(a)** Class B1 is a class that consists of every regulated entity referred to in any of paragraphs 7(1)(a) to (c) of the Act that carries on a broadcasting undertaking;

**(b)** Class B2 is a class that consists of every regulated entity referred to in paragraph 7(1)(e) or (f) of the Act that carries on a broadcasting undertaking and is not a member of any other class;

**(c)** Class B3 is a class that consists of every regulated entity referred to in paragraph 7(1)(e) or (f) of the Act that carries on a broadcasting undertaking and has submitted an attestation to the Commission that it has 10 or more employees but fewer than 100 employees;

**(d)** Class B4 is a class that consists of every regulated entity referred to in paragraph 7(1)(e) or (f) of the Act that carries on a broadcasting undertaking and has submitted an attestation to the Commission that it has fewer than 10 employees.

##### ***Deemed class***

**(2)** If a regulated broadcasting entity submits an attestation that it employs a quantity of employees that qualifies it as a member of a particular class, that entity is deemed to have always been a member of that class and has the obligations of entities in that class.

##### ***Obligations before deemed change***

**(3)** Despite subsection (2), if a regulated broadcasting entity published an accessibility plan while it was a member of a particular class, it must fulfill its obligations relating to the feedback process and progress report with respect to that accessibility plan as though it were still a member of that class.

##### ***Day fixed — broadcasting entity***

**3 (1)** Subject to subsection (2), for the purposes of subsection 42(1) of the Act, the day fixed is

**(a)** in respect of a Class B1 regulated entity, June 1, 2022;

**(b)** in respect of a Class B2 regulated entity, June 1, 2022; and

**(c)** in respect of a Class B3 regulated entity, June 1, 2023.

### ***New broadcasting entity***

(2) If an entity or person qualifies as a Class B1, Class B2 or Class B3 broadcasting entity on a day after the day fixed under subsection (1) for that class, the day fixed for the purposes of subsection 42(1) of the Act in respect of that entity or person is June 1 of the calendar year after the calendar year in which the entity or person qualified.

### **Accessibility Plans**

#### ***Form***

4 A regulated broadcasting entity must include a header in its accessibility plan for each element of the plan that is required under subsections 42(1), (5) and (9) of the Act.

#### ***Publication of accessibility plan***

5 A regulated broadcasting entity must electronically publish its most recent accessibility plan in clear, simple and concise language

(a) on the main digital platform that the entity owns, operates or controls and that it uses to communicate information to the public;

(b) in a conspicuous manner that makes the plan accessible on the digital platform either directly on the homepage or by way of a hyperlink on that homepage; and

(c) in a format that meets the requirements of Level AA conformance that are set out in the WCAG.

#### ***Publication of updated accessibility plan***

6 A regulated broadcasting entity must prepare and publish an updated version of its accessibility plan no later than the third anniversary of the day on which the plan was last required to be published.

#### ***Notice to Commission***

7 A regulated broadcasting entity must, by electronic means, notify the Commission of the publication of each version of its accessibility plan within 48 hours of publication and include in the notice a hyperlink to the URL of the plan.

#### ***Alternative formats***

8 (1) A person may make a request that a regulated broadcasting entity make its accessibility plan available to them in print, large print, braille, audio format, electronic format that is compatible with adaptive technology that is intended to assist persons with disabilities, or any other format that the person and the entity agree upon and for which there is proof of the agreement.

### ***Form and manner of request***

**(2)** The request must be made

**(a)** by calling the main telephone number that the entity uses to communicate with the public or, if any, the telephone number designated by the entity for the receipt of requests;

**(b)** by sending an email to the main email address that the entity uses to communicate with the public or, if any, the email address designated by the entity for the receipt of requests;

**(c)** by completing the online form, if any, that is available on the main digital platform that the entity owns, operates or controls and that it uses to communicate information to the public; or

**(d)** by any other means that is designated by the entity for the receipt of requests.

### ***Response time***

**(3)** The regulated broadcasting entity must make its accessibility plan available to the person in the requested format as soon as feasible after the request is received, but at the latest,

**(a)** in the case of a request for a plan in braille or an audio format, on the 45th day after the day on which the request is received; and

**(b)** in the case of a request for a plan in any other format,

**(i)** for Class B1 and B2 regulated entities, on the 15th day after the day on which the request is received, and

**(ii)** for Class B3 regulated entities, on the 20th day after the day on which the request is received.

### ***Feedback***

#### ***Feedback process***

**9 (1)** For the purposes of subsection 43(1) of the Act, a regulated broadcasting entity must allow the receipt of feedback that is provided

**(a)** by calling the main telephone number that the entity uses to communicate with the public or, if any, the telephone number designated by the entity for the receipt of feedback;

**(b)** by sending an email to the main email address that the entity uses to communicate with the public or, if any, the email address designated by the entity for the receipt of feedback;

(c) by completing the online form, if any, that is available on the main digital platform that the entity owns, operates or controls and that it uses to communicate information to the public; or

(d) by any other means that is designated by the entity for the receipt of feedback.

***Anonymous feedback***

(2) The regulated broadcasting entity must allow feedback to be provided anonymously.

***Person designated to receive feedback***

(3) The regulated broadcasting entity must designate and publicly identify a person to be responsible for receiving feedback on behalf of the entity.

***Acknowledgement of feedback***

(4) The regulated broadcasting entity must acknowledge receipt of feedback, other than anonymous feedback.

***Confidentiality***

(5) Subject to the *Personal Information Protection and Electronic Documents Act* and the *Privacy Act*, the regulated broadcasting entity must ensure that the personal information of a person who provides feedback remains confidential, unless the person consents to the disclosure of their personal information.

***Publication of feedback process***

**10 (1)** A regulated broadcasting entity must, for the purposes of subsection 43(2) of the Act, electronically publish a description of its process for receiving feedback, in clear, simple and concise language

(a) on the main digital platform that the entity owns, operates or controls and that it uses to communicate information to the public;

(b) in a conspicuous manner that makes the description accessible on the digital platform either directly on the homepage or by way of a hyperlink on that homepage; and

(c) in a format that meets the requirements of Level AA conformance that are set out in the WCAG.

***Time limit for publication***

(2) The regulated broadcasting entity must publish the description of its feedback process before the end of the day fixed under section 3 in respect of that entity.

### ***Updated feedback process***

**(3)** If the regulated broadcasting entity updates its feedback process, it must publish an updated description of its feedback process in the manner set out in subsection (1) as soon as feasible.

### ***Alternative formats***

**11 (1)** A person may make a request that a regulated broadcasting entity make the description of its feedback process available to them in print, large print, braille, audio format, electronic format that is compatible with adaptive technology that is intended to assist persons with disabilities, or any other format that the person and the entity agree upon and for which there is proof of the agreement.

### ***Form and manner of request***

**(2)** The request must be made

**(a)** by calling the main telephone number that the entity uses to communicate with the public or, if any, the telephone number designated by the entity for the receipt of requests;

**(b)** by sending an email to the main email address that the entity uses to communicate with the public or, if any, the email address designated by the entity for the receipt of requests;

**(c)** by completing the online form, if any, that is available on the main digital platform that the entity owns, operates or controls and that it uses to communicate information to the public; or

**(d)** by any other means that is designated by the entity for the receipt of requests.

### ***Response time***

**(3)** The regulated broadcasting entity must make the description of its feedback process available to the person in the requested format as soon as feasible after the request is received, but at the latest,

**(a)** in the case of a request for a description in braille or an audio format, on the 45th day after the day on which the request is received; and

**(b)** in the case of a request for a description in any other format,

**(i)** for Class B1 and B2 regulated entities, on the 15th day after the day on which the request is received, and

**(ii)** for Class B3 regulated entities, on the 20th day after the day on which the request is received.

### ***Notice to Commission***

**12** A regulated broadcasting entity must, by electronic means, notify the Commission of the publication of the description of its feedback process or the publication of an updated description of its feedback process within 48 hours of publication and include in the notice a hyperlink to the URL of the description or updated description.

### **Progress Report**

#### ***Form***

**13** A regulated broadcasting entity must include a header in its progress report for each element set out in subsections 42(1) and 44(4) and (5) of the Act.

#### ***Publication of progress report***

**14** A regulated broadcasting entity must, for the purposes of subsection 44(1) of the Act, electronically publish its most recent progress report in clear, simple and concise language

(a) on the main digital platform that the entity owns, operates or controls and that it uses to communicate information to the public;

(b) in a conspicuous manner that makes the progress report accessible on the digital platform either directly on the homepage or by way of a hyperlink on that homepage; and

(c) in a format that meets the requirements of Level AA conformance that are set out in the WCAG.

#### ***Alternative formats***

**15 (1)** A person may make a request that a regulated broadcasting entity make its progress report available to the person in print, large print, braille, audio format, electronic format that is compatible with adaptive technology that is intended to assist persons with disabilities, or any other format that the person and the entity agree upon and for which there is proof of the agreement.

#### ***Form and manner of request***

(2) The request must be made

(a) by calling the main telephone number that the entity uses to communicate with the public or, if any, the telephone number designated by the entity for the receipt of requests;

(b) by sending an email to the main email address that the entity uses to communicate with the public or, if any, the email address designated by the entity for the receipt of requests;

(c) by completing the online form, if any, that is available on the main digital platform that the entity owns, operates or controls and that it uses to communicate information to the public; or

(d) by any other means that is designated by the entity for the receipt of requests.

***Response time***

(3) The regulated broadcasting entity must make its progress report available to the person in the requested format as soon as feasible after the request is received but, at the latest,

(a) in the case of a request for a progress report in braille or an audio format, on the 45th day after the day on which the request is received; and

(b) in the case of a request for a progress report in any other format,

(i) for Class B1 and B2 regulated entities, on the 15th day after the day on which the request is received, and

(ii) for Class B3 regulated entities, on the 20th day after the day on which the request is received.

***Time limit for publication***

16 A regulated broadcasting entity must publish a progress report by June 1 in each year in which it is not required to publish an accessibility plan.

***Notice to Commission***

17 A regulated broadcasting entity must, by electronic means, notify the Commission of the publication of its progress report within 48 hours of publication and include in the notice a hyperlink to the URL of the report.

**PART 2**

**Telecommunications Entities**

**Classes**

***Classes — telecommunications entity***

18 (1) For the purposes of this Part, the following classes are established:

(a) Class T1 is a class that consists of every regulated entity referred to in any of paragraphs 7(1)(a) to (c) of the Act that is a Canadian carrier or telecommunications service provider;

**(b)** Class T2 is a class that consists of every regulated entity referred to in paragraph 7(1)(e) or (f) of the Act that is a Canadian carrier or telecommunications service provider and is not a member of any other class;

**(c)** Class T3 is a class that consists of every regulated entity referred to in paragraph 7(1)(e) or (f) of the Act that is a Canadian carrier or telecommunications service provider and has submitted an attestation to the Commission that it has 10 or more employees but fewer than 100 employees, other than an entity that is a member of Class T5;

**(d)** Class T4 is a class that consists of every regulated entity referred to in paragraph 7(1)(e) or (f) of the Act that is a Canadian carrier or telecommunications service provider and has submitted an attestation to the Commission that it has fewer than 10 employees, other than an entity that is a member of Class T5;

**(e)** Class T5 is a class that consists of every regulated entity referred to in paragraph 7(1)(e) or (f) of the Act that is a telecommunications service provider whose telecommunications service is limited to

**(i)** a service that is offered without an explicit charge,

**(ii)** a service that is offered on a temporary basis only to individuals located on the entity's premises, or

**(iii)** a service that does not allow individuals to engage autonomously in two-way voice telecommunications or to access the Internet autonomously.

***Deemed class***

**(2)** If a regulated telecommunications entity submits an attestation that it employs a quantity of employees that qualifies it as a member of a particular class, that entity is deemed to have always been a member of that class and has the obligations of entities in that class.

***Obligations before deemed change***

**(3)** Despite subsection (2), if a regulated telecommunications entity published an accessibility plan while it was a member of a particular class, it must fulfill its obligations relating to the feedback process and progress report with respect to that accessibility plan as though it were still a member of that class.

***Day fixed — telecommunications entity***

**19 (1)** Subject to subsection (2), for the purposes of subsection 51(1) of the Act, the day fixed is

**(a)** in respect of a Class T1 regulated entity, June 1, 2022;

**(b)** in respect of a Class T2 regulated entity, June 1, 2022; and

(c) in respect of a Class T3 regulated entity, June 1, 2023.

***New telecommunications entity***

(2) If an entity or person qualifies as a Class T1, Class T2 or Class T3 telecommunications entity on a day after the day fixed under subsection (1) for that class, the day fixed for the purposes of subsection 51(1) of the Act in respect of that entity or person is June 1 of the calendar year after the calendar year in which the entity or person qualified.

**Accessibility Plans**

***Form***

**20** A regulated telecommunications entity must include a header in its accessibility plan for each element of the plan that is required under subsections 51(1), (5) and (9) of the Act.

***Publication of accessibility plan***

**21** A regulated telecommunications entity must electronically publish its most recent accessibility plan in clear, simple and concise language

(a) on the main digital platform that the entity owns, operates or controls and that it uses to communicate information to the public;

(b) in a conspicuous manner that makes the plan accessible on the digital platform either directly on the homepage or by way of a hyperlink on that homepage; and

(c) in a format that meets the requirements of Level AA conformance that are set out in the WCAG.

***Publication of updated accessibility plan***

**22** A regulated telecommunications entity must prepare and publish an updated version of its accessibility plan no later than the third anniversary of the day on which the plan was last required to be published.

***Notice to Commission***

**23** A regulated telecommunications entity must, by electronic means, notify the Commission of the publication of each version of its accessibility plan within 48 hours of publication and include in the notice a hyperlink to the URL of the plan.

***Alternative formats***

**24 (1)** A person may make a request that a regulated telecommunications entity make its accessibility plan available to them in print, large print, braille, audio format, electronic format that is compatible with adaptive technology that is intended to assist persons with

disabilities, or any other format that the person and the entity agree upon and for which there is proof of the agreement.

***Form and manner of request***

(2) The request must be made

(a) by calling the main telephone number that the entity uses to communicate with the public or, if any, the telephone number designated by the entity for the receipt of requests;

(b) by sending an email to the main email address that the entity uses to communicate with the public or, if any, the email address designated by the entity for the receipt of requests;

(c) by completing the online form, if any, that is available on the main digital platform that the entity owns, operates or controls and that it uses to communicate information to the public; or

(d) by any other means that is designated by the entity for the receipt of requests.

***Response time***

(3) The regulated telecommunications entity must make its accessibility plan available to the person in the requested format as soon as feasible after the request is received, but at the latest,

(a) in the case of a request for a plan in braille or an audio format, on the 45th day after the day on which the request is received; and

(b) in the case of a request for a plan in any other format,

(i) for Class T1 and T2 regulated entities, on the 15th day after the day on which the request is received, and

(ii) for Class T3 regulated entities, on the 20th day after the day on which the request is received.

***Feedback***

***Feedback process***

**25 (1)** For the purposes of subsection 52(1) of the Act, a regulated telecommunications entity must allow the receipt of feedback that is provided

(a) by calling the main telephone number that the entity uses to communicate with the public or, if any, the telephone number designated by the entity for the receipt of feedback;

(b) by sending an email to the main email address that the entity uses to communicate with the public or, if any, the email address designated by the entity for the receipt of feedback;

(c) by completing the online form, if any, that is available on the main digital platform that the entity owns, operates or controls and that it uses to communicate information to the public; or

(d) by any other means that is designated by the entity for the receipt of feedback.

***Anonymous feedback***

(2) The regulated telecommunications entity must allow feedback to be provided anonymously.

***Person designated to receive feedback***

(3) The regulated telecommunications entity must designate and publicly identify a person to be responsible for receiving feedback on behalf of the entity.

***Acknowledgement of feedback***

(4) The regulated telecommunications entity must acknowledge receipt of feedback, other than anonymous feedback.

***Confidentiality***

(5) Subject to the *Personal Information Protection and Electronic Documents Act* and the *Privacy Act*, the regulated telecommunications entity must ensure that the personal information of a person who provides feedback remains confidential, unless the person consents to the disclosure of their personal information.

***Publication of feedback process***

**26 (1)** A regulated telecommunications entity must, for the purposes of subsection 52(2) of the Act, electronically publish a description of its process for receiving feedback, in clear, simple and concise language

(a) on the main digital platform that the entity owns, operates or controls and that it uses to communicate information to the public;

(b) in a conspicuous manner that makes the description accessible on the digital platform either directly on the homepage or by way of a hyperlink on that homepage; and

(c) in a format that meets the requirements of Level AA conformance that are set out in the WCAG.

### ***Time limit for publication***

(2) The regulated telecommunications entity must publish the description of its feedback process before the end of the day fixed under section 19 in respect of that entity.

### ***Updated feedback process***

(3) If the regulated telecommunications entity updates its feedback process, it must publish an updated description of its feedback process in the manner set out in subsection (1) as soon as feasible.

### ***Alternative formats***

**27 (1)** A person may make a request that a regulated telecommunications entity make the description of its feedback process available to them in print, large print, braille, audio format, electronic format that is compatible with adaptive technology that is intended to assist persons with disabilities, or any other format that the person and the entity agree upon and for which there is proof of the agreement.

### ***Form and manner of request***

(2) The request must be made

(a) by calling the main telephone number that the entity uses to communicate with the public or, if any, the telephone number designated by the entity for the receipt of requests;

(b) by sending an email to the main email address that the entity uses to communicate with the public or, if any, the email address designated by the entity for the receipt of requests;

(c) by completing the online form, if any, that is available on the main digital platform that the entity owns, operates or controls and that it uses to communicate information to the public; or

(d) by any other means that is designated by the entity for the receipt of requests.

### ***Response time***

(3) The regulated telecommunications entity must make the description of its feedback process available to the person in the requested format as soon as feasible after the request is received but, at the latest,

(a) in the case of a request for a description in braille or an audio format, on the 45th day after the day on which the request is received; and

(b) in the case of a request for a description in any other format,

(i) for Class T1 and T2 regulated entities, on the 15th day after the day on which the request is received, and

(ii) for Class T3 regulated entities, on the 20th day after the day on which the request is received.

### ***Notice to Commission***

**28** A regulated telecommunications entity must, by electronic means, notify the Commission of the publication of the description of its feedback process or the publication of an updated description of its feedback process within 48 hours of publication and include in the notice a hyperlink to the URL of the description or updated description.

### **Progress Report**

#### ***Form***

**29** A regulated telecommunications entity must include a header in its progress report for each element set out in subsections 51(1) and 53(4) and (5) of the Act.

#### ***Publication of progress report***

**30** A regulated telecommunications entity must, for the purposes of subsection 53(1) of the Act, electronically publish its most recent progress report in clear, simple and concise language

(a) on the main digital platform that the entity owns, operates or controls and that it uses to communicate information to the public;

(b) in a conspicuous manner that makes the progress report accessible on the digital platform either directly on the homepage or by way of a hyperlink on that homepage; and

(c) in a format that meets the requirements of Level AA conformance that are set out in the WCAG.

#### ***Alternative formats***

**31 (1)** A person may make a request that a regulated telecommunications entity make its progress report available to them in print, large print, braille, audio format, electronic format that is compatible with adaptive technology that is intended to assist persons with disabilities, or any other format that the person and the entity agree upon and for which there is proof of the agreement.

#### ***Form and manner of request***

(2) The request must be made

(a) by calling the main telephone number that the entity uses to communicate with the public or, if any, the telephone number designated by the entity for the receipt of requests;

(b) by sending an email to the main email address that the entity uses to communicate with the public or, if any, the email address designated by the entity for the receipt of requests;

(c) by completing the online form, if any, that is available on the main digital platform that the entity owns, operates or controls and that it uses to communicate information to the public; or

(d) by any other means that is designated by the entity for the receipt of requests.

### ***Response time***

(3) The regulated telecommunications entity must make its progress report available to the person in the requested format as soon as feasible after the request is received but, at the latest,

(a) in the case of a request for a progress report in braille or an audio format, on the 45th day after the day on which the request is received; and

(b) in the case of a request for a progress report in any other format,

(i) for Class T1 and T2 regulated entities, on the 15th day after the day on which the request is received, and

(ii) for Class T3 regulated entities, on the 20th day after the day on which the request is received.

### ***Time limit for publication***

32 A regulated telecommunications entity must publish a progress report by June 1 in each year in which it is not required to publish an accessibility plan.

### ***Notice to Commission***

33 A regulated telecommunications entity must, by electronic means, notify the Commission of the publication of its progress report within 48 hours of publication and include in the notice a hyperlink to the URL of the report.

### **Coming into Force**

#### **Registration**

34 These Regulations come into force on the day on which they are registered.