



# Telecom and Broadcasting Information Bulletin CRTC 2022-117

PDF version

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## **Attestation under the *Canadian Radio-television and Telecommunications Commission Accessibility Reporting Regulations***

The Commission provides guidance to broadcasting undertakings, Canadian carriers, and telecommunications service providers for submitting attestations to the Commission under the *Canadian Radio-television and Telecommunications Commission Accessibility Reporting Regulations*.

### **Purpose**

1. The purpose of this Information Bulletin is to provide guidance to broadcasting undertakings, Canadian carriers, and telecommunications service providers (TSPs) for submitting attestations to the Commission under the *Canadian Radio-television and Telecommunications Commission Accessibility Reporting Regulations* (the Regulations).

### **Background**

2. In Telecom and Broadcasting Regulatory Policy 2021-215, the Commission announced that it had made the Regulations under the *Accessible Canada Act* (ACA). The Regulations were registered as SOR/2021-160 on 23 June 2021.
3. The Regulations set out the requirements that apply to the planning and reporting obligations imposed by the ACA<sup>1</sup> on various classes of regulated broadcasting and telecommunications entities, regarding
  - feedback processes and descriptions;
  - accessibility plans; and
  - progress reports.

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<sup>1</sup> More specifically, sections 42, 43, 44, 51, 52, and 53.

## Classes of regulated entities

4. The Regulations establish the classes of regulated entities<sup>2</sup> in the table below and fix the dates (i.e., the deadlines) by which the different classes must publish each of the obligations listed in paragraph 3.

Class B1 and Class T1 <sup>3</sup>	Consist of federal governmental/Crown entities <sup>4</sup>
Class B2 and Class T2	Consist of private sector entities that have 100 or more employees
Class B3 and Class T3	Consist of private sector entities that have 10 or more employees but fewer than 100 employees
Class B4 and Class T4	Consist of private sector entities that have fewer than 10 employees
Class T5	<p>Consist of TSPs whose telecommunications service is limited to</p> <ul style="list-style-type: none"><li>• a service offered without an explicit charge;</li><li>• a service offered on a temporary basis only to individuals located on the entity's premises; or</li><li>• a service that does not allow individuals to engage autonomously in two-way voice telecommunications or to access the Internet autonomously.</li></ul> <p>Class T5 captures the entities that are exempt from the Commission's reseller registration requirement.<sup>5</sup></p>

5. Certain classes of entities can have later publishing dates for their obligations, or be exempt of these obligations, upon submitting an attestation to the Commission. The first obligation is the feedback process and description.<sup>6</sup>

## Publishing dates for feedback process and description

6. The publishing dates for the feedback process and description by class are
- **1 June 2022** for classes B1/T1 and B2/T2;
  - **1 June 2023** for classes B3/T3 (upon attestation to the Commission);
  - **Exempt** for classes B4/T4 (upon attestation to the Commission); and

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<sup>2</sup> See subsections 2(1) and 18(1) of the Regulations.

<sup>3</sup> "B" refers to regulated entities that carry-on broadcasting undertakings. "T" refers to regulated entities that are Canadian carriers or TSPs.

<sup>4</sup> Because the ACA is a federal legislation, provincial Crown corporations would not fall into these classes. Rather, they would be treated like private sector entities for the purposes of the Regulations.

<sup>5</sup> See Telecom Regulatory Policy 2019-354.

<sup>6</sup> The feedback process and description is a mechanism for stakeholders to provide feedback to the entity about how it is implementing its accessibility plan and the barriers encountered by people with disabilities in dealing with the entity.

- **Exempt** for class T5.
7. Accordingly, by **1 June 2022** members of classes B1/T1 and B2/T2 (the largest private entities) will need to have a process in place to receive feedback relating to accessibility and publish a description of this process on their websites.
  8. The later publishing date of **1 June 2023** is granted to smaller B3 and T3 entities (between 10 and 99 employees) upon attestation to the Commission, and allows more time for these entities to meet the obligation.
  9. Classes B4/T4 (fewer than 10 employees) and T5 (limited service offerings) have no planning and reporting obligations and are effectively exempt.
  10. Publishing deadlines for all obligations by class are provided in paragraph 21 for reference.

### **Attestation to the Commission**

11. A regulated entity that could qualify as a member of classes B3/T3 or B4/T4 (i.e., that has a number of employees within the relevant range) must submit an attestation to the Commission in order to be treated as a member of that class under the Regulations. Consequently, if a regulated entity filed an attestation as a member of classes B3/T3, it would be required to publish a feedback process and description by **1 June 2023**. If a regulated entity filed an attestation as a member of classes B4/T4, it would be exempt from having to publish a feedback process and description.
12. A regulated entity that could qualify as a member of classes B3/T3 or B4/T4 but does not submit an attestation will be treated, by default, as a member of either class B1/T1 or B2/T2, as appropriate. As a consequence, that regulated entity would be required to publish a feedback process and description by **1 June 2022**.
13. With this in mind, a regulated entity that could otherwise qualify as a member of classes B3/T3 or B4/T4 would need to file its attestation prior to **1 June 2022** in order to benefit from the additional flexibility and time associated with these classes. For efficiency and accuracy of compliance efforts, entities are encouraged to submit their attestations to the Commission as soon as feasible.
14. An entity that meets the conditions of classes B1/T1, B2/T2, or T5 is not required to submit an attestation.
15. Entities can revise their attestations should their circumstances change (i.e., should their employment levels fluctuate such that they would qualify for membership in another class). Filing a revised attestation voids any previous attestations filed by that regulated entity.
16. If a regulated entity changes classes and becomes a class B4 or T4 entity, its reporting obligations do not change until the end of a given reporting cycle.<sup>7</sup> This situation is illustrated by the following example:

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<sup>7</sup> See subsections 2(3) and 18(3) of the Regulations.

- Regulated Entity X has 12 employees; on 15 May 2022, it files an attestation indicating that it qualifies as a member of class B3.
  - By 1 June 2023, it publishes its feedback process and description.
  - It then publishes its initial accessibility plan by 1 June 2024.
  - On 1 January 2025, it files an attestation indicating that it now has 8 employees and so qualifies as a member of class B4.
  - Regulated Entity X must still file its first progress report by 1 June 2025 and its second progress report by 1 June 2026; it must also maintain its feedback process until that date. After that, it would have no further obligations relating to feedback processes and descriptions, accessibility plans, or progress reports.
17. If a regulated entity changes classes and stops being a class B4 or T4 entity, its reporting obligations begin in June of the next calendar year.<sup>8</sup> This situation is illustrated by the following example:
- Regulated Entity Y has 8 employees; on 15 May 2022, it files an attestation indicating that it qualifies as a member of class B4.
  - It is therefore not required to publish a feedback process and description or accessibility plan.
  - On 1 January 2025, it files an attestation indicating that it now has 12 employees and so qualifies as a member of class B3.
  - Regulated Entity Y must publish its feedback process and description by 1 June 2026, its accessibility plan by 1 June 2027, and its progress reports by 1 June 2028 and 1 June 2029.

### **How to submit an attestation to the Commission**

18. A form entitled “Attestation under CRTC Accessibility Reporting Regulations” can be accessed via the Commission’s [Data Collection - Specific Privacy Notice Statement](#) web page. The form provides instructions for its completion.
19. An attestation must be completed by an individual with the authority to bind the regulated entity on behalf of which it is filed, for instance an officer or director. It is a statement affirming that the regulated entity qualifies as a member of a relevant class by having a number of employees within the relevant range. Filing a false attestation can have serious consequences, including a finding that the entity is in non-compliance with its regulatory obligations. In such cases, the Commission may consider whether the imposition of administrative monetary penalties is an appropriate way to promote regulatory compliance.
20. Consistent with Telecom and Broadcasting Notice of Consultation 2021-69, attestations will be made public through the Commission’s website. This will allow

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<sup>8</sup> See subsections 3(2) and 19(2) of the Regulations.

for greater transparency in the administration of the ACA and further its important public policy goals.

### List of publishing deadlines

21. The publishing deadlines for the ACA planning and reporting obligations are provided below for reference.

- Classes B1/T1 and B2/T2:
  - Feedback process and description: by **1 June 2022**
  - Initial accessibility plan: by **1 June 2023**
  - First progress report: by **1 June 2024**
  - Second progress report: by **1 June 2025**
  - The cycle repeats for subsequent accessibility plans and progress reports.<sup>9</sup>
- Classes B3/T3 (upon submission of an attestation):
  - Feedback process and description: by **1 June 2023**
  - Initial accessibility plan: by **1 June 2024**
  - First progress report: by **1 June 2025**
  - Second progress report: by **1 June 2026**
  - The cycle repeats for subsequent accessibility plans and progress reports.<sup>10</sup>

### Other matters

22. In preparing and publishing their plans and reports, regulated broadcasting and telecommunications entities should be aware that the Regulations apply to areas within the Commission's purview. Entities may also have additional planning and reporting obligations under the *Accessible Canada Regulations*,<sup>11</sup> made by the Governor in Council under the ACA. Any such obligations would not be enforced by the Commission. Additional information on the *Accessible Canada Regulations* is available through the Income Security and Social Development Branch of Employment and Social Development Canada.

Secretary General

### Related documents

- *The Canadian Radio-television and Telecommunications Commission Accessibility Reporting Regulations, Telecom and Broadcasting Regulatory Policy CRTC 2021-215, 7 July 2021*

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<sup>9</sup> See sections 42 to 44 and 51 to 53 of the ACA and sections 3, 10, 16, 19, 26, and 32 of the Regulations.

<sup>10</sup> Ibid.

<sup>11</sup> *Accessible Canada Regulations*, SOR/2021-241, 13 December 2021

- *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*
- *Review of the reseller registration obligation, Telecom Regulatory Policy CRTC 2019-354, 24 October 2019*