



Broadcasting Notice of Consultation CRTC 2024-138

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Ottawa, 25 June 2024

Public record: 1011-NOC2024-0138

Call for comments – Development of a regulatory policy for the distribution of described video and audio description

Summary

When the *Online Streaming Act* came into force, it amended the *Broadcasting Act* to include, as a policy objective, that programs should be accessible without barriers to persons with disabilities. Pursuant to paragraph 3(1)(p.1) of the *Broadcasting Act*, programming that is accessible without barriers to persons with disabilities should be provided within the Canadian broadcasting system, including without limitation, described video services to assist persons who are blind or partially sighted.¹

Described video and audio description enable persons who are blind or partially sighted to have full access to the visual content. Described video provides a narration of important visual details and information about actions, characters, scene changes and on-screen text. Audio description is often used for information programs, including news programming, and provides a voice-over description of key elements such as text and graphics that appear on screen.

Canadians who use described video and audio description should have access to the highest possible quality of described video and audio description, regardless of whether they are accessing programming online or through traditional television services.

In this public proceeding, the Commission wishes to identify, remove and prevent barriers to access to programming for persons who are blind or partially sighted by seeking comments on the establishment of a regulatory policy regarding described video and audio description of programs provided by traditional and online platforms. This proceeding will help make the broadcasting system more accessible and further the policy objectives of the *Broadcasting Act*. It will also be consistent with the purposes of the *Accessible Canada Act* to make Canada free from barriers for persons with disabilities by 2040.

The deadline for the receipt of comments is **26 August 2024**. Only parties who file comments may file a reply to matters raised during the comment phase. The deadline for the filing of replies is **25 September 2024**.

¹ In the *Broadcasting Act*, these individuals are referred to as persons living with a visual impairment.

Background

1. On 27 April 2023, the *Online Streaming Act* came into force.² This Act includes, among other things, amendments to the *Broadcasting Act* that reinforce the importance of providing programs that are accessible without barriers to persons with disabilities. Pursuant to paragraph 3(1)(p.1) of the *Broadcasting Act*, programming that is accessible without barriers to persons with disabilities should be provided within the Canadian broadcasting system, including without limitation, described video and audio description services available to assist persons who are blind or partially sighted.
2. Described video and audio description describe important visual details that cannot be understood from the main soundtrack alone. They enable persons who are blind or partially sighted to have full access to the visual content. They provide information about actions, characters, scene changes, on-screen text and other visual content. Described video supplements the regular audio track of a program and is usually added during pauses in dialogue.
3. Audio description is used for information programs, including news programming.³ Audio description relies on a program host or announcer to provide a voice-over by reading aloud or describing key elements of programming, such as text and graphics that appear on the screen.
4. The Commission is of the view that Canadians who use and rely on described video and audio description should have broad access to the highest possible quality of described video and audio description, regardless of whether they are accessing that content online or through traditional television services. This will help make the broadcasting system more accessible and further the policy objectives of the *Broadcasting Act*. It will also be consistent with the goal of the *Accessible Canada Act* to make Canada free from barriers for persons with disabilities by 2040, as well as with principles of that Act that all persons are to have barrier-free access to full and equal participation in society, that policies must take into account the disabilities of persons and that persons with disabilities must be involved in the development of those policies.

Sustainable and Equitable Broadcasting Regulatory Framework

5. On 22 November 2023, the Government of Canada published an *Order Issuing Directions to the CRTC (Sustainable and Equitable Broadcasting Regulatory Framework)*,⁴ a policy direction that guides the Commission in its implementation of

² *An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts*, SC 2023, c 8.

³ In the United States, the term “audio description” is used differently. In that jurisdiction, the term refers to the technique called “described video” in Canada. In this notice, the term carries the Canadian meaning.

⁴ *Order Issuing Directions to the CRTC (Sustainable and Equitable Broadcasting Regulatory Framework)*, SOR/2023-239, 9 November 2023.

the amended *Broadcasting Act*. Among other requirements, it directs the Commission to regulate and supervise the Canadian broadcasting system to support the provision of programming that is accessible without barriers to persons with disabilities.

Call for comments

6. To identify, remove and prevent barriers to access to programming for persons who are blind or partially sighted, the Commission will develop a new regulatory policy for described video and audio description in the Canadian broadcasting system. This regulatory policy would apply regardless of the platform on which programming appears. This could result in the imposition of new regulatory obligations on broadcasting services.
7. Accordingly, the Commission is seeking comments on the following issues:
 - described video on foreign and domestic online streaming undertakings;
 - described video on on-demand services;
 - maintaining the described video exception for some programming from the United States broadcast on traditional television stations;
 - barriers to discoverability;
 - quality standards and reporting; and
 - addressing complaints.

Online streaming undertakings

8. The *Broadcasting Act* defines an online undertaking as an undertaking for the transmission or retransmission of programs over the Internet for reception by the public by means of broadcasting receiving apparatus.
9. Online streaming undertakings are not required to provide described video and audio description. However, it appears that most do so to different degrees.
10. In light of the above, the Commission seeks comments on the following:
 - Q1. Are there any barriers to described video practices? How can those barriers be addressed?
 - Q2. If the Commission were to require online streaming undertakings to provide described video for English- and French-language programs:
 - (a) What percentage of their programs in their inventories should online streaming undertakings provide with described video?

(b) What would be an appropriate timeline to implement such a requirement?

Q3. If the Commission were to require online streaming undertakings to provide audio description for English- and French-language programming:

(a) What percentage of information programming should online streaming undertakings be required to provide with audio description?

(b) What would be an appropriate timeline to implement such a requirement?

Q4. What are the challenges or obstacles, if any, for online streaming undertakings in providing described video and/or audio description for English- or French-language content?

Q5. How is programming with described video or audio description identified on services offered by online streaming undertakings?

Q6. Which online undertakings should be subject to the regulatory policy, and any conditions of service, on described video and audio description? For example, should it be based on subscriber numbers, or some other criteria?

On-demand services

11. On-demand services capture two types of services:

- pay-per-view services are scheduled programming services provided to subscribers on a pay-per-view basis; and
- video-on-demand services are programming services that offer inventories of programming, from which subscribers can choose to watch programs at any time.

12. On-demand services are not currently required to offer described video. However, the Commission has set out, in Broadcasting Regulatory Policy 2015-104, an expectation that all content offered with described video at some point in the broadcasting system be offered with described video when rebroadcast. Moreover, as set out in Broadcasting Regulatory Policy 2017-138, the Commission expects on-demand services to acquire and make available described versions of programming, where possible.

13. In Broadcasting Decision 2023-287, the Commission stated that when on-demand services enter into arrangements with programmers without requiring the provision of described video tracks, this does not fulfill these expectations.

14. In light of the above, the Commission seeks comments on the following:

Q7. Are there any barriers to described video practices for on-demand programming? How can those barriers be addressed?

Q8. If the Commission were to require on-demand services to provide described video for English- and French-language programs:

(a) What percentage of their program inventories should on-demand services provide with described video?

(b) What would be an appropriate timeline to implement such a requirement?

Q9. If the Commission were to require on-demand services to provide audio description for English- and French-language programming:

(a) What percentage of their information programming should on-demand services provide with audio description?

(b) What would be an appropriate timeline to implement such a requirement?

Q10. How is programming with described video or audio description identified on on-demand services?

Q11. What are the challenges and obstacles, if any, for on-demand services in providing described video and/or audio description in English or French?

Traditional television stations

15. Currently, traditional television broadcasters that are part of large ownership groups must provide described video for all programming broadcast during prime time (that is, between 7:00 p.m. and 11:00 p.m.) and that is from the following program categories: 2(b) Long-form documentary, 7 Drama and comedy, 9 Variety, 11(a) General entertainment and human interest, 11(b) Reality television, and/or is programming targeting preschool children (0-5 years of age) and children (6-12 years of age).

16. In Broadcasting Decision 2019-392, the Commission approved an application by Bell Media Inc., Corus Entertainment Inc., and Rogers Media Inc. to amend this requirement so they were not required to provide described video for programming from the United States received without described video less than 24 hours before air. The Commission considered it was too little time to produce described video tracks. The same flexibility was granted to some licensees of independent conventional television stations in later decisions.

17. In July 2023, a bill to enact the *Communications, Video, and Technology Accessibility Act* was introduced in the United States Congress. This bill would require described video on all television programming in the United States, and on television programming broadcast over the Internet in the United States. The United States Federal Communications Commission's current described video requirement is 87.5 hours per quarter. This is equivalent to one hour per day.

18. In light of the above, the Commission seeks comments on the following:

Q12. What impact has the exception for described video for programming from the United States, as noted above, had on Canadians who rely on described video?

Q13. Is the exception still appropriate?

19. The Commission notes that, apart from the exception for programming from the United States, it does not seek to examine the current described video and audio description obligations for traditional television broadcasters (that is, the amount of described video provided) where those obligations already exist. Comments related to this will be considered out of scope of this proceeding.

Barriers to the discoverability of content with described video and audio description

20. The Commission acknowledges individuals who are blind or partially sighted may experience barriers to finding content that offers described video or audio description. In light of this, the Commission seeks comments on the following:

Q14. How can individuals who rely on described video or audio description find the content that offers described video or audio description, especially when content libraries can be large? How can someone filter their search? Please provide examples.

Quality standards and reporting

21. While the Commission has approved quality standards for English- and French-language closed captioning services, it has no quality standards for described video or audio description. However, the Commission notes that Accessible Media Inc. and the Canadian Association of Broadcasters have developed best practices for described video. Parties are invited to refer to [those practices](#) and comment on them as part of this proceeding.

22. In light of the above, the Commission seeks comments on the following:

Q15. Should quality standards be developed for described video and audio description? If so, who should be responsible for developing those quality standards?

Q16. Should broadcasting undertakings report to the Commission on the quantity and/or quality of described video programming that they offer? If so, how often and in what format?

Addressing complaints

23. Addressing and responding to complaints about described video and audio description is critical to ensuring their quality and reliability for those who need them.
24. The Commission currently accepts complaints on described video and audio description, and it acts based on those complaints. In general, when the Commission

receives a complaint, it requests a response from the broadcaster and shares the response with the complainant.

25. In light of the above, the Commission seeks comments on the following:

Q17. How should complaints about described video or audio description provided by online streaming undertakings be addressed?

(a) Do online streaming undertakings have a method to file a complaint about described video or audio description?

(b) Should there be standards on addressing these types of complaints?

(c) How can complaints processes be as transparent as possible?

(d) When should the Commission intervene, if at all?

Q18. Should online streaming undertakings retain copies of programs with described video to address complaints, particularly after the content has been removed from their platforms? If so, for how long?

Consultation with blind and partially sighted communities

26. The perspectives and views of individuals and groups in blind and partially sighted communities are crucial to this proceeding.

27. The Commission encourages traditional broadcasters to consult persons who are blind or partially sighted on reducing accessibility barriers to described video and hold regular consultations with described video stakeholders.

28. The Commission considers that it could also be important to make sure that online streaming undertakings consult directly with individuals and groups in blind and partially sighted communities on an ongoing basis. This could help to support the meaningful implementation of any regulatory policy and to make sure that described video technology continues to benefit persons with disabilities as technology continues to evolve.

29. In light of the above, the Commission seeks comments on the following:

Q19. Should online streaming undertakings consult individuals and groups in blind or partially sighted communities about described video policies and practices regularly? If so, how, and how often should these consultations take place?

Additional information added to the record of this proceeding

30. On 18 December 2023, Commission staff sent requests for information to certain online streaming undertakings and to on-demand services to gather information about

their described video and audio description practices. The questions related to the following topics:

- the English- and French-language programming offered with described video;
- the approach to described video and quality standards;
- the acquisition and creation of programming with described video; and
- the feedback mechanisms and information channels for described video users.

31. The responses to these requests for information are added to the public record of this proceeding. Where respondents designated portions of their responses as confidential, the abridged version of their responses is added. The Commission also invites parties to comment on these responses in their interventions.

Procedure

32. The *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) apply to the present proceeding. The Rules of Procedure set out, among other things, the rules for 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 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.

33. The Commission invites comments that address the issues and questions set out above. The Commission will accept comments that it receives on or before **26 August 2024**. Only parties who file comments may file a reply to matters raised during the comment period. The deadline for the filing of replies is **25 September 2024**.

34. Interested persons who wish to request accommodations to facilitate their participation or who require assistance submitting comments can contact the Commission's Public Hearings group at hearing@crtc.gc.ca for individualized assistance.

35. Interested persons 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 covering letter to be filed by the parties, can be found in Broadcasting Information Bulletin 2010-28-1.

36. The Commission encourages interested persons and parties to monitor the record of the proceeding, available on the Commission’s website, for additional information that they may find useful when preparing their submissions.
37. Submissions longer than five pages should include a summary. Each paragraph of all submissions should be numbered, and the line *****End of document***** should follow the last paragraph. This will help the Commission verify that the document has not been damaged during electronic transmission.
38. 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 allow 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.
39. Please use the following naming convention when submitting your document(s):
- for a single document: “Company name – brand name (if applicable) – Described video – Response – Language (FR or EN) – Date (YYYY-MM-DD)”; and
 - for multiple documents: “Company name – brand name (if applicable) – Described video – Response – Title of document (e.g., Cover letter or appendix) – Language (FR or EN) – Confidentiality status (i.e., Abridged or confidential, if applicable) – Date (YYYY-MM-DD)”.
40. Submissions must be filed by sending them to the Secretary General of the Commission using **only one** of the following means:

by completing the
[\[Intervention/comment/answer form\]](#)

or

by mail to
CRTC, Ottawa, Ontario K1A 0N2

or

by fax at
819-994-0218

41. 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.

42. 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.
43. 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

44. 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 information includes personal information, such as full names, email addresses, postal/street addresses, telephone and fax numbers.
45. 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.
46. Documents received electronically or otherwise will be put 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.
47. 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 own 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

48. Links to interventions, replies and final replies filed for this proceeding, as well as other documents referred to in this notice, are available on the Commission's "[Consultations and hearings: have your say](#)" page.
49. Documents are available upon request during normal business hours by contacting:

Documentation Centre
Examinationroom@crtc.gc.ca
Tel.: 819-997-4389
Fax: 819-994-0218

Client Services
Toll-free telephone: 1-877-249-2782
Toll-free TTY: 1-877-909-2782

Secretary General

Related documents

- *Cogeco On Demand – Licence renewal*, Broadcasting Decision CRTC 2023-287, 25 August 2023
- *Amendment proposed by Bell Media Inc., Corus Entertainment Inc. and Rogers Media Inc. to their condition of licence that requires prime time programming to be broadcast with described video*, Broadcasting Regulatory Policy CRTC 2019-392, 3 December 2019
- *Standard requirements for on-demand services*, Broadcasting Regulatory Policy CRTC 2017-138, 10 May 2017
- *Filing submissions for Commission proceedings in accessible formats*, Broadcasting and Telecom Information Bulletin CRTC 2015-242, 8 June 2015
- *Let's Talk TV – Navigating the Road Ahead – Making informed choices about television providers and improving accessibility to television programming*, Broadcasting Regulatory Policy CRTC 2015-104, 26 March 2015
- *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010
- *Changes to certain practices for filing interventions – Expansion of filing practices to include the filing of joint supporting comments for broadcasting policy proceedings*, Broadcasting Information Bulletin CRTC 2010-28-1, 10 December 2010