

Canadian Radio-television and Telecommunications Commission

2020–21

REPORT ON ACCESSIBILITY

The Honourable Pablo Rodriguez, P.C., M.P.
Minister of Canadian Heritage

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Minister's message

In 2020-21, the organizations in the Canadian Heritage Portfolio, including the Canadian Radio-television and Telecommunications Commission (CRTC), realized a number of important accomplishments in the fields of broadcasting and telecommunications. The CRTC continued to address issues related to the accessibility of services to persons with disabilities.



The *Accessible Canada Act* (ACA) came into force in July 2019 and declared that all persons, regardless of their disabilities, are to have access to full and equal participation in society and that laws, policies, programs, services and structures are to take into account the disabilities of persons. These principles extend to the CRTC and the industries it regulates.

The CRTC continued to work closely with other organizations responsible for receiving accessibility-related complaints such as the Canadian Human Rights Commission, the Canadian Transportation Agency, the Federal Public Sector Labour Relations and Employment Board to provide an easier experience for persons with disabilities who want to submit complaints.

The CRTC also launched a proceeding to examine how wireless service providers are complying with requirements to offer mobile wireless plans that meet the needs of Canadians with various disabilities and to promote those plans in ways that are accessible. The CRTC will also analyse whether additional regulatory measures are required, and if so, the nature of such measures required to ensure that Canadians with various disabilities have access to plans that meet their needs and enable them to participate more fully in Canada's digital economy.

As Minister of Canadian Heritage, I invite you to have a look at the *Report on Accessibility 2020-21*. You will see that the CRTC has made tremendous efforts to achieve its mission. I would like to thank the Commission for pursuing their efforts.

The Honourable Pablo Rodriguez

Chairperson and Chief Executive Officer's message

It is with great pleasure that I submit the CRTC's *Report on Accessibility 2020-21*. Despite world events, we have continued our efforts to ensure that Canadians have access to a world-class communications system.

Accessibility in communications is key as these are services Canadians rely on and use every day. The report lists the number of formal proceedings conducted by the CRTC that promote the identification, prevention and removal of barriers. In addition, the CRTC not only looked to increase accessibility in the services provided to Canadians by communications service providers, but it also sought to improve accessibility in the way it conducts these consultations.

The *Accessible Canada Act (ACA)* came into force in July 2019. The ACA aims to facilitate the creation of a barrier-free Canada where all persons have access to full and equal participation in society, and to ensure that laws, policies, programs, services and structures take into account the disabilities of persons and involve persons with disabilities in their development and design. These goals extend to the CRTC and the industries it regulates.

In fact, the ACA requires that we establish new regulations relating to accessibility reporting in the broadcasting and telecommunications sectors by July 10, 2021. The Commission has done just that, after consulting on regulatory requirements for the accessibility plans, progress reports and feedback process that companies will have to implement.

The ACA amended the *CRTC Act*, requiring us to report annually on specific accessibility indicators. You will find in this report initiatives completed and progress made around accessibility over the past year.

As Chairperson and Chief Executive Officer, I am proud of what we have accomplished over the past fiscal year. Despite the uncertainty of recent months, and given the growing importance of our communications system in the circumstances, we will continue to deliver our mandate and pursue our regulatory efforts in the public interest.



Ian Scott

Introduction

The [Accessible Canada Act](#) (ACA) came into force in July 2019 and amended the [CRTC Act](#), requiring the Canadian Radio-television and Telecommunications Commission (CRTC) to report annually on specific accessibility indicators with regard to the industries it regulates.¹

In 2020-21, in addition to establishing the reporting framework, the CRTC initiated proceedings – highlighted in this report - that will result in improved accessibility to communications services.

The CRTC has also been improving the accessibility of its public consultation processes by removing barriers to participation and facilitating the participation of persons with disabilities in the policy-making process. These initiatives include the following:

- Allowing the submission of video interventions in American Sign Language (ASL) or *Langue des signes québécoise* (LSQ) for key accessibility-related proceedings ([Review of video relay service](#) and [Review to determine whether mobile wireless service plans meet the needs of Canadians with various disabilities](#));
- Interpreting the Notice of Consultation for the Review of video relay service into ASL and LSQ; and
- Providing closed captioning for the audio feed of the public hearing to renew the Canadian Broadcasting Corporation/Société Radio-Canada (CBC/SRC) broadcasting licence to allow Canadians who are Deaf or hard of hearing to follow it live).

¹ This is the second report the Commission is filing but the first in a standalone format. Last year's report was an appendix to the [Departmental Results Report](#) (DRR).

Results

Broadcasting Act

Measure	Number of Incidences
(a) Inquiries conducted under subsection 12(1) of the <i>Broadcasting Act</i> [i.e., broadcasting proceedings] in relation to the identification, prevention and removal of barriers	3
(b) Inquiries conducted under that subsection in relation to sections 42 to 44 of the <i>Accessible Canada Act</i>	not applicable
(c) Orders made under subsection 12(2) of the <i>Broadcasting Act</i> [i.e., mandatory orders] in relation to the identification, prevention and removal of barriers	nil
(d) Orders made under that subsection in relation to sections 42 to 44 of the <i>Accessible Canada Act</i>	not applicable

Telecommunications Act

Measure	Number of Incidences
(a) Inspections conducted under section 71 of the <i>Telecommunications Act</i> [i.e., by designated inspectors] in relation to compliance with decisions made under that Act in relation to the identification, prevention and removal of barriers	nil
(b) Inspections conducted under that section in relation to compliance with sections 51 to 53 of the <i>Accessible Canada Act</i>	not applicable
(c) Orders made under section 51 of the <i>Telecommunications Act</i> in relation to the identification, prevention and removal of barriers	nil
(d) Orders made under that section in relation to sections 51 to 53 of the <i>Accessible Canada Act</i>	not applicable
(e) Notices of violation issued under section 72.005 of the <i>Telecommunications Act</i> [i.e., by persons designated under the General AMPs regime] in relation to contraventions of decisions made under that Act in relation to the identification, prevention and removal of barriers	nil
(f) Notices of violation issued under that section in relation to contraventions of any of subsections 51(1) to (4) and (7), 52(1) to (3) and 53(1) to (3) and (6) of the <i>Accessible Canada Act</i>	not applicable

(g) Inquiries conducted under subsection 48(1) of the Telecommunications Act [i.e., Telecom proceedings] in relation to the identification, prevention and removal of barriers	7
(h) Inquiries conducted under subsection 48(1.1) of the Telecommunications Act	nil

Miscellaneous

(a) Inquiries in relation to sections 42 to 44 and 51 to 53 of the Accessible Canada Act	2
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Broadcasting Act

As set out in the first table above, the Commission conducted three inquiries under subsection 12(1) of the *Broadcasting Act*:

- Exception to described video (DV) requirement for prime-time programming, and monitoring the impact on persons using DV through regular progress reports

The Commission approved, in October 2020, an exception to the condition of licence for CHCH-DT ([Broadcasting Decision 2020-358](#)), CJON-DT ([Broadcasting Decision 2020-359](#)) and CHEK-DT ([Broadcasting Decision 2020-393](#)) that requires prime-time programming to be broadcast with DV. The exception allows CHCH-DT, CJON-DT and CHEK-DT to broadcast U.S. programming received without DV when it is received less than 24 hours prior to broadcast. This exception was granted because there is not sufficient time for the licensees to produce DV for programming in this short period of time and they may be unable to negotiate the earlier provision of some such programming.

The Commission required the licensees to monitor the impact of the exemption on persons using DV and will review the matter at the next licence renewals. It also encouraged CHCH-DT, CJON-DT and CHEK-DT to consult with DV stakeholders and to engage with the Described Video Working Group formed as a result of Broadcasting Regulatory Policy 2019-392 to see how they can contribute and to report on its participation.

Telecommunications Act

As set out in the second table above, the Commission conducted seven inquiries under subsection 48(1) of the *Telecommunications Act*.

- Review to determine whether mobile wireless service plans meet the needs of Canadians with various disabilities

In June 2020, the Commission initiated a proceeding ([Telecom Notice of Consultation 2020-178](#)) to examine the following:

- how wireless service providers are complying with current requirements and whether differences exist between primary and flanker brands;
- whether the plans currently offered and promoted are sufficient to meet the needs of Canadians with various disabilities; and
- whether additional regulatory measures are required, and if so, the nature of such measures.

The Commission has not yet rendered a decision on this proceeding.

- Funding for video relay service (VRS)

In December 2020, the Commission approved the Canadian Administrator of VRS (CAV), Inc. (CAV)'s application for \$27,251,477 in funding from the National Contribution Fund (NCF) to enable the CAV to continue to offer video relay service in Canada for 2021 ([Telecom Decision 2020-394](#)). This decision will ensure that Canadian VRS is fully funded for 2021 and that, as a result, telecommunications subscribers who are Deaf and use sign language are able to access basic telecommunications services using ASL and LSQ.

- Review of video relay service

In March 2021, the Commission initiated a proceeding ([Telecom Notice of Consultation 2021-102](#)) to examine whether:

- VRS efficiently addresses the needs of Canadians with hearing and speech disabilities;
- there are aspects of the VRS regulatory framework or the service that require modifications or improvements; and
- the CAV's governance structure and funding model and cap remain appropriate.

The Commission has not yet rendered a decision on this proceeding.

- Wireless Code compliance reports

As part of the Review of the Wireless Code ([Telecom Regulatory Policy 2017-200](#)), the Commission directed wireless service providers to submit annual compliance reports by 31 March of each year. The Wireless Code includes protections for Canadians with disabilities, such as longer trial periods, and

contracts and critical information summaries in accessible alternative formats. The reports are available on the [CRTC website](#).

- CRTC Sales Practices Review - Secret Shopper Project

As first announced in the CRTC's *Report on Misleading or Aggressive Communications Retail Sales Practices*, the Secret Shopper Project is a multi-year project whose primary research objective is to better understand how consumers, including Canadians with disabilities, experience the sales process when interacting with front-line employees of wireless mobile service providers. The Project allows the CRTC to proactively address potential barriers that it identifies, which may occur through the initiation of further public proceedings. The CRTC released the *2020 Secret Shopper Project Detailed Findings Report* in April 2020 and completed a request for proposal (RFP) process for a multi-year contract in March 2021.

- Funding to defray costs of public-interest and accessibility intervener participation in CRTC processes

In the context of the proceeding to create new regulations regarding accessibility reporting requirements for broadcasting and telecommunications entities ([Telecom and Broadcasting Notice of Consultation 2020-124](#)), the Commission approved an application to use \$125,000 from the deferral account of Bell Canada to defray the costs of public-interest and accessibility intervener participation in that proceeding and its follow-up proceeding ([Telecom and Broadcasting Notice of Consultation 2020-124-2](#)).

In the context of the follow-up proceeding to call for comments on the wording of the draft Regulations to be made under the ACA ([Telecom and Broadcasting Notice of Consultation 2021-69](#)), the Commission approved² an application to make an additional \$80,300 available from the deferral account of Bell Canada to further defray the costs of public-interest and accessibility intervener participation in this proceeding.

Miscellaneous

The Commission conducted inquiries in relation to sections 42 to 44 and 51 to 53 of the ACA:

² The Commission had not rendered a decision on the matter by the end of the relevant fiscal year, but the application was eventually approved by letter decision dated 22 April 2021.

- As noted above, the Commission initiated two proceedings regarding the creation of new regulations dealing with accessibility reporting requirements under the ACA for broadcasting and telecommunications entities:
 - In the proceeding for Regulations to be made under the ACA ([Telecom and Broadcasting Notice of Consultation 2020-124](#)), the Commission sought comment on the following:
 - how to structure draft reporting regulations under the ACA; and
 - certain procedural requirements of those draft regulations.
 - In the follow-up proceeding on the *CRTC Accessibility Reporting Regulations* ([Telecom and Broadcasting Notice of Consultation 2021-69](#)), the Commission published, for public comment, its draft regulations, generally establishing procedural and manner-and-form requirements associated with the reporting obligations of broadcasting undertakings, Canadian carriers, and telecommunications service providers under the ACA.

Once made, these regulations will require regulated telecommunications and broadcasting entities to create plans to identify, remove and prevent barriers for persons with disabilities with respect to information and communication technologies; the procurement of goods, services and facilities; the design and delivery of programs and services; and communication, insofar as it relates to procurement, programs and services.

This will not only assist in the identification and removal of existing barriers for persons with disabilities but will also help prevent the creation of new barriers.

These proceedings did not take place under the *Broadcasting Act* or *Telecommunications Act*. However, their purpose was to implement the reporting obligations under sections 42-44 and 51-53 of the ACA, which the Commission will be responsible for administering and enforcing under the relevant provisions of the *Broadcasting Act* and *Telecommunications Act* once the regulations are in place.

- “No Wrong Door” Policy

In addition to the specific measures reported above, the CRTC continues to work on its “No Wrong Door” Policy, which responds to the requirement set out in section 122(1) of the ACA.³ The “No Wrong Door” Policy is a collaboration between the CRTC, the Canadian Human Rights Commission, the Canadian

³ s.122 (1) The Accessibility Commissioner, the Canadian Transportation Agency, the Canadian Radio-television and Telecommunications Commission, the Canadian Human Rights Commission and the Federal Public Sector Labour Relations and Employment Board must work together to put in place mechanisms for the efficient and expeditious referral to the appropriate authority of accessibility-related complaints, applications and grievances.

Human Rights Tribunal, the Canadian Transportation Agency, and the Federal Public Service Labour Relations and Employment Board (and will include the Accessibility Commissioner as soon as one is appointed), which will result in the coordinated handling of accessibility-related complaints. The intent of the Policy is to remove barriers to the complaints process by creating a simplified and seamless experience for Canadians who need to file a complaint.

Observations

Based on the results of this annual report, the CRTC provides the following observations:

- The *CRTC Accessibility Reporting Regulations* will require telecommunications and broadcasting entities to actively participate in identifying, removing and preventing barriers for persons with disabilities.
- The proceeding to review whether mobile wireless service plans meet the needs of Canadians with disabilities will enable the CRTC to update its policies on accessible wireless plans to help reduce barriers for Canadians with disabilities.
- VRS, a service mandated by the CRTC, is highly valued and enhances the independence of Canadians who are Deaf or who have a speech disability and whose first language is sign language. Periodic reviews, such as the one currently being conducted, will help identify any persistent barriers and enable work to be done to remove them.