



March 22, 2021

Mr. Claude Doucet
Secretary General
Canadian Radio-television and Telecommunications Commission
Ottawa Ontario K1A 0N2

VIA GCKEY

CRTC File #: 1011-NOC2020-0124 and 1011-NOC2021-0069

Dear Mr. Doucet:

Re: Call for comments – The *Canadian Radio-television and Telecommunications Commission Accessibility Reporting Regulations (TNC 2021-69)*

1. The Canadian Wireless Telecommunications Association (“CWTA”) is the authority on wireless issues, developments and trends in Canada. Its membership is comprised of companies that provide services and products across the wireless industry, including wireless carriers and manufacturers of wireless equipment. CWTA-member wireless services providers, who combine to deliver Canada’s world-class, facilities-based wireless services (an important foundation of Canada’s digital and data-driven economy), may also provide internet and broadcast distribution services.
2. CWTA is pleased to submit the following comments to the Canadian Radio-television Telecommunications Commission (the “Commission” or the “CRTC”) on behalf of CWTA members and Cogeco Communications Inc. (together as the “CWTA Interveners”).

Introduction

3. CWTA commends the work undertaken by Employment and Social Development Canada (ESDC) and the CRTC to provide a harmonized approach to the regulations proposed under the *Accessible Canada Act*. Harmonization provides a clear understanding of expectations for regulated entities, as well as for people with disabilities. Harmonization is particularly crucial for entities like the CWTA interveners who will be subject to two sets of regulations and whose accessibility plans will have to address different aspects of their accessibility practices.
4. Previous CWTA submissions highlighted that regulations should facilitate a workable and efficient approach that ensures both effective input from those with accessibility needs and the ability of

companies to develop and manage plans in a manner that is efficient and does not impose an excessive administration burden.

5. Consistent with this approach, we have identified areas where additional consideration may be necessary in order to gain the expected results, both in terms of removing barriers and in streamlining processes.
6. Comments provided in this submission are specific to the proposed CRTC regulations. Where helpful to illustrate differences, CWTA has referenced the regulations put forward by ESDC (the “Accessible Canada Regulations”). CWTA intends to participate in the ESDC consultation as well.

Accessibility Plans and Progress Reports

7. We have interpreted the Commission’s guidance in TNC 2021-69 as stating that an entity may publish one accessibility plan and one progress report that is sufficient to satisfy both the CRTC regulations as well as the regulations published by ESDC.
8. Should this be consistent with the views of ESDC and CRTC, additional guidance will be necessary:
 - to identify how the plans should be structured; and
 - to address expectations in relation to instances where specific requirements are not fully aligned across both sets of regulations. For example, the timing for the development of the feedback process currently differs across the two regulations.

Feedback

9. CWTA Interveners acknowledge and appreciate that the Commission has identified that the requirement to develop a process for receiving feedback is distinct from the requirement to consult persons with disabilities in the preparation of accessibility plans and progress reports.

Feedback process

10. The proposed CRTC regulations contemplate that an entity must establish a process for receiving feedback through any means by which the entity communicates with the public. Entities are also required to acknowledge the feedback through the same manner in which it was received.
11. From a practical perspective, this approach could be interpreted to mean that a person could provide feedback through any method, including social media interactions (Twitter, Facebook, etc.), interactions (including in-person) with staff at various levels, as well as through websites and other more formal mechanisms.
12. CWTA Interveners believe the proposed approach to be overly broad, difficult to administer reliably in a manner to ensure effective compliance, and confusing for consumers.

13. Even though the proposed regulations require an entity to designate and publicly identify a person within their organization who is charged with responsibility for receiving feedback on behalf of the entity, the proposed approach makes it extremely difficult for entities to ensure that feedback reaches the person identified as being responsible in a timely manner. Indeed, while the proposed approach is described as a feedback *process*, it is so broad as to prevent the implementation of any efficient and effective process for addressing such feedback.
14. CWTA Interveners are of the view that a more defined approach is necessary, and preferable, in order to ensure that:
- the public understands the feedback process (including the specific mechanism(s) that are to be used), what they are asked to do to engage that process, and what they are asked to provide (in instances where specific or more detailed information may be required);
 - the public understands the expectations of how their feedback will be managed internally;
 - the entity is better able to appropriately acknowledge, track and consider the feedback that is provided; and
 - the entity is better able to meet confidentiality, and document retention requirements (Accessible Canada Regulations).
15. Further, each entity should be permitted to include in the descriptions of their feedback process the specific means by which feedback can be furnished, provided that such means are widely available and accessible to people with disabilities. This process would be identified to the public in the manner identified by regulation: in clear, simple, and concise language and published on a regulated entity's main digital platform (e.g. website or mobile application), either directly on the home page or no more than one click away from the home page.
16. Ultimately, feedback provided through a clearly defined process will be more valuable to the entity for purposes of identifying barriers, and in determining its progress.
17. CWTA proposes the following revision to replace what is currently proposed for sections 23(1) of the draft regulations:

Feedback process

23 (1) A regulated telecommunications entity must establish, for the purposes of subsection 52(1) of the Act, a process for receiving feedback through the means specified by the entity and by which it communicates with the public.

18. Allowing entities to build a structured and defined feedback process will better ensure that the feedback of consumers is received in a timely manner, acknowledged appropriately as required under the proposed regulations, and reaches the accountable person at the entity, while also minimizing confusion and administrative burden.

Time limit for publication

19. As noted earlier in this submission, CRTC regulations concerning the timing of the publication of the feedback process do not align with those included in the Accessible Canada Regulations. CRTC draft regulations contemplate the publication of an entity's description of the feedback process a year earlier than that proposed by ESDC.
20. CRTC has identified, at paragraph 84 in TNC 2021-69, that "the earlier publication date reflects the fact that feedback is about more than just addressing the manner in which a regulated entity is implementing its accessibility plan. As set out in paragraphs 43(1)(b) and 52(1)(b) of the ACA, feedback is also intended to allow the public to communicate "barriers encountered by persons that deal with the regulated entity.""
21. The proposed requirement for an entity to publish its feedback process is a year earlier than that contemplated by ESDC and appears to be unrelated to the preparation and execution of plans in the context of the ACA. As it stands, the requirement that CRTC-regulated entities publish a feedback process well in advance of ACA requirements will cause confusion, and remove the ability to consider appropriate feedback processes in a context that embraces both day-to-day issues as well as those related to an entity's accessibility plan. Moreover, the CRTC has not provided a public policy rationale that would justify it establishing a publication deadline that does not align with the regulations contemplated by ESDC.
22. CWTA respectfully submits that the publication of an entity's description of its feedback process should occur in parallel with the publication of its first accessibility plan to harmonize with ESDC's proposed approach.
23. CWTA proposes the following revision to replace what is currently proposed for sections 24(2) of the draft regulations:

Time limit for publication

(2) The regulated telecommunications entity must publish the description of its feedback process at the same time as the regulated entity publishes its initial accessibility plan

24. The requirement for regulated entities to consult with people with disabilities in the development of their accessibility plans will ensure that regulated entities are incorporating relevant input in to their plans.

Alternative Formats

25. At paragraph 71 of TNC 2021-69, the CRTC identifies the expectations placed on entities in relation to the nature of mandatory alternative formats, and the manner in which the request for alternate formats may be made.

71. In light of the above, the Regulations set out that, upon request, a regulated entity is required to make its accessibility plans, progress reports, and description of the feedback

process available in print, large print, Braille, audio format, and an electronic format that is compatible with adaptive technologies that assist persons with disabilities. **The Regulations provide that a person may make the request through any means by which the regulated entity communicates with the public. [Emphasis added]**

26. CWTA Interveners appreciate the specificity provided with the identification of alternative formats. However, CWTA Interveners would note concerns regarding the method by which the requests can be made similar to those identified earlier in this submission in relation to the provision of feedback.
27. In order to ensure that the request for an alternative format can be properly actioned, it is important that the request be provided to entity using defined processes.
28. Paragraph 8 (1) and 17(1) of the Accessible Canada Regulations allow a regulated entity to identify the manner in which the request can be made. Mirroring this approach within the CRTC regulations would simplify the approach for entities and allow for clearer communication with the public.
29. CWTA proposes the following revision to replace what is currently proposed for sections 22(2), 25(2), and 29(2):

Form and manner of request

(2) The person may make the request to the regulated telecommunications entity in a manner specified by the entity and that it uses to communicate with the public.

Conclusion

30. CWTA appreciates the ongoing consultations and the work being done across various regulatory bodies to harmonize efforts. We recognise that this requires significant teamwork, and time.
31. We remain supportive of approaches that provide clear and manageable regulatory requirements. A collaborative, well-functioning and efficient approach to addressing accessibility needs and barriers will be of benefit to all Canadians.

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