



Telecom and Broadcasting Notice of Consultation CRTC 2021-69

PDF version

Ottawa, 18 February 2021

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

Call for comments – The *Canadian Radio-television and Telecommunications Commission Accessibility Reporting Regulations*

Deadline for submission of interventions: 22 March 2021

[\[Submit an intervention or view related documents\]](#)

The Commission sets out the content of the Canadian Radio-television and Telecommunications Commission Accessibility Reporting Regulations (the Regulations), to be made under the Accessible Canada Act (ACA) and calls for comments on the text of the draft Regulations. The Regulations will generally establish procedural and manner-and-form requirements associated with the reporting obligations of broadcasting undertakings, Canadian carriers, and telecommunications service providers under the ACA.

Background

1. The *Accessible Canada Act* (ACA or the Act) came into force on 11 July 2019, with the objective of realizing a Canada without barriers for persons with disabilities.
2. One of the ways that the ACA furthers this objective is by requiring entities under federal jurisdiction to fulfill certain reporting obligations, namely the creation and publication of accessibility plans and progress reports, and the institution of a feedback process. These obligations apply to broadcasting undertakings, Canadian telecommunications common carriers (Canadian carriers), and telecommunications service providers (TSPs) [collectively, the regulated entities].
3. The purpose of an accessibility plan is to detail measures aimed at the identification, removal, and prevention of barriers. Accessibility plans are to be prepared in consultation with persons with disabilities, reflect the principles of the ACA, and be periodically updated. The purpose of a progress report is to report on the implementation of the accessibility plan at regular intervals. The purpose of the feedback process is to ensure that the public is able to communicate with the entity regarding accessibility issues. This feedback is then used to inform the content of progress reports.

4. The Commission is empowered to make regulations, generally of a procedural nature, concerning the reporting requirements of the regulated entities under its jurisdiction. The Commission is required to make at least one regulation relating to broadcasting undertakings and at least one regulation relating to Canadian carriers and TSPs by 10 July 2021.
5. The ACA establishes a list of principles for implementing the Act. These include sections 6(e), that laws, policies, programs, services, and structures take into account “the disabilities of persons, the different ways that persons interact with their environments and the multiple and intersecting forms of marginalization and discrimination faced by persons”; 6(f), that “persons with disabilities must be involved in the development and design of laws, policies, programs, services and structures”; and 6(g), that “the making of regulations must be done with the objective of achieving the highest level of accessibility for persons with disabilities.”
6. The Commission published Telecom and Broadcasting Notice of Consultation 2020-124 in the spring of 2020, seeking input on the content and structure of the regulations to be made under the ACA. As part of that notice, the Commission set out a list of specific questions to inform the responses of interested persons, dealing with matters including timing, manner and form of publication, requests for alternative formats, the substance of the feedback process, and potential exemptions.
7. The Commission received interventions in response to the notice from individuals, accessibility and public interest advocacy groups, regulated entities, and organizations representing regulated entities.
8. The Commission now publishes for comment the draft *Canadian Radio-television and Telecommunications Commission Accessibility Reporting Regulations* (the Regulations), which are set out in the Appendix to this notice.

Approach of the Regulations

9. The Regulations mirror the scheme of the ACA by separating out the generally equivalent requirements for regulated entities that operate broadcasting undertakings from those that are Canadian carriers or TSPs.
10. Through the Regulations the Commission is seeking to ensure that the obligations of regulated entities are commensurate with the impact those obligations will have on accessibility. In this way, the Regulations will result in equitable obligations that ultimately serve the public interest and the objects and principles of the ACA.
11. Further, as indicated in Telecom and Broadcasting Notice of Consultation 2020-124, the Commission has followed, and will continue to follow, the consultations and other initiatives undertaken by the Canadian Transportation Agency and the Governor in Council with a view to aligning the Regulations with those of the other regulation-making authorities under the ACA, to the extent that this is possible and appropriate in the circumstances. Such alignment will serve the goals of increased

discoverability and comprehension of reporting materials for the public as well as efficiency for regulated entities.¹

Content of the Regulations

Classes of regulated entities and exemptions

12. The ACA grants the Commission the ability to distinguish between classes of regulated entities in making regulations. It also grants the Commission the power to exempt any regulated entity or class of regulated entity from all or any parts of the reporting requirements under the ACA.
13. Telecom and Broadcasting Notice of Consultation 2020-124 sought comments on whether the Commission should draw distinctions between different classes of entities and, if so, on what basis. It also called for comments on whether the Commission should exempt any regulated entity or class of regulated entities from the reporting obligations at this time and specifically mentioned the exemption criteria of the reseller registration obligation as a potential basis for exemption.²

Positions of parties

14. Certain parties, including Accessible Media Inc. (AMI) and TELUS Communications Inc. (TCI) submitted that no distinctions between classes would be appropriate. Multiple parties, comprising both regulated entities and accessibility groups, considered that such distinctions could legitimately be drawn. However, some of these groups, including the Canadian Association of the Deaf (CAD) et al.³ and Media Access Canada (MAC) argued that such distinctions should not affect the substance of regulatory obligations or should only do so minimally.
15. Many potential bases on which to establish classes were proposed, including on revenues, by CAD et al. and the National Campus and Community Radio Association (NCCRA); on the nature of relationship to the public, by the

¹ Notably, regulated entities subject to the Commission's regulations will also be subject to the regulations to be made by the Governor in Council. In other words, generally speaking, broadcasting undertakings, Canadian carriers, and TSPs will have to report on different aspects of their accessibility practices to two separate regulators, with the Commission generally responsible for entities' reporting on areas including information and communications technologies, procurement, goods, and services, and the Governor in Council generally responsible for entities' reporting in other areas including employment and built environment.

² These criteria are set out in Telecom Regulatory Policy 2019-354. Reseller TSPs are exempt from the obligation to register with the Commission if their services meet at least one of the following criteria: (i) they are offered without an explicit charge, (ii) they are offered on a temporary basis only to individuals located on the reseller's premises, or (iii) they do not allow individuals to engage autonomously in two-way voice telecommunications or to access the Internet autonomously. Coffee shops offering their customers free in-store WiFi and providers of exclusively machine-to-machine telecommunications services would fall under this exemption.

³ CAD et al. comprises CAD; the Deaf Wireless Canada Consultative Committee; the Canadian National Society of the Deaf-Blind, Inc.; and Deafness Advocacy Association Nova Scotia.

Independent Broadcast Group (IBG); or on the number of employees, by the Canadian Association of Broadcasters (CAB) and MAC.

16. Accessibility groups generally opposed any manner of exemption, arguing that this would go against the spirit and objectives of the ACA. ARCH Disability Law Centre (ARCH) submitted that exemptions should not be granted on a class basis and that any exemptions should be reviewed often. MAC submitted that exemptions should not extend to the feedback process. A number of larger regulated entities, including Cogeco Communications inc. (Cogeco), Rogers Communications Canada Inc. (RCCI), Saskatchewan Telecommunications (SaskTel), Shaw Communications Inc. (Shaw), and TCI, also opposed any type of exemption.
17. Many smaller regulated entities proposed broad exemptions of various types, arguing mainly that reporting obligations constituted an undue administrative burden. For instance, Blue Ant Media Inc. and the CAB submitted that all small broadcasters should be exempt. Access Communications Cooperative (Access), Distributel Communications Limited, and TBayTel submitted that all but the largest facilities-based players should be exempt, similar to the application of the Internet-Code. Others proposed that only regulated entities that are consumer-facing or provide retail services should be required to comply. SSi Micro Ltd. and CNIB Foundation opposed exemptions for TSPs falling under the exemption from the reseller registration obligation.

Commission's analysis and determinations

18. As a preliminary matter, it is appropriate for the Regulations to reflect the distinction the ACA draws between regulated private and public sector entities. Further, distinguishing between classes of private regulated entities based on their size is generally consistent with the Commission's regulatory approach in other areas, and would acknowledge that different types of entities have correspondingly different abilities to contribute to legislative and policy objectives.
19. While there are numerous ways that the size of an entity might be measured, the number of employees provides a relatively simple and intuitive basis on which to do so. In this regard, it is appropriate for the Regulations to establish a default class of private regulated entities having 100 or more employees. The Regulations will also establish classes for entities having 1 to 9 employees and 10 to 99 employees.
20. In terms of the types of obligations attached to the different classes, in the areas regulated by the Commission, the class of public sector regulated entities would not have significant membership, and there is no reason at present for the class to have obligations that differ from those of the largest private sector regulated entities.
21. For the smallest private sector entities, with fewer than 10 employees, an exemption from the reporting requirements is appropriate. It is also appropriate to exempt TSPs currently falling under the exemption from the reseller registration obligation. The intent of these exemptions is to strike an appropriate balance between the importance of having the ACA apply as broadly as possible, while recognizing the limited

capacity of very small entities and the limited scope of consumer-facing services offered by some TSPs, and the very limited impact that their participation in these reporting requirements would have on accessibility.

22. In terms of how these exemptions are to be implemented, the most efficient and effective way to proceed is by regulation, rather than by order. Specifically, the Regulations establish multiple classes of regulated entities: four classes for broadcasting entities and five classes for telecommunications entities. The Regulations then fix a day in respect of all of these classes, except those that are to be exempted from the reporting requirements. Fixing a day effectively starts the clock on a regulated entity's reporting requirements. If no day is fixed, the reporting requirements do not come into force for that entity. Proceeding in this manner obviates the need to exempt classes by order and, under this model, the Commission may revise or revisit its approach at any time.
23. The Commission notes the Canadian Communication Systems Alliance's (CCSA) submission that the ACA's reporting requirements would not apply to regulated entities that are currently subject to an exemption order issued pursuant to subsection 9(4) of the *Broadcasting Act*. The Commission wishes to explicitly clarify that this view is mistaken, in order to ensure that all regulated entities that operate broadcasting undertakings understand their obligations. The rules governing reporting requirements and exemptions for regulated entities that operate broadcasting undertakings are found in the ACA and in the Regulations. The Commission's power to make the Regulations is found in subsections 45(1) and 54(1) of the ACA,⁴ which the Commission acknowledged in Telecom and Broadcasting Notice of Consultation 2020-124. As such, there is no automatic ACA exemption for broadcasting undertakings exempt under the *Broadcasting Act*.
24. Where a private sector regulated entity seeks membership in one of the smaller classes, that entity will be required to provide a public attestation as to its employment numbers. In cases where a regulated entity may change its number of employees such that it would move between classes, it will be required to file a public attestation to this effect. In the unlikely event that a regulated entity misrepresents itself in such an attestation, the Commission has the ability to inquire into the matter and take appropriate action.
25. However, where an entity moves into the smallest class of entities after publishing an accessibility plan, that entity will be required to fulfill its obligations with respect to the feedback process and complete the progress reports associated with its current accessibility plan before it is permitted to become a member of that new class.

Timing of publication

26. With respect to publication deadlines, in Telecom and Broadcasting Notice of Consultation 2020-124, the Commission sought comments on when an initial

⁴ And not, for instance, under Part II of the *Broadcasting Act*.

accessibility plan should be published and how often it should be updated, and how frequently progress reports should be required.

Positions of parties

27. Generally speaking, accessibility and public interest advocacy groups were in favour of shorter timelines and more frequent reporting, whereas regulated entities were in favour of longer timelines and less frequent reporting. Timelines ranged from yearly plans and quarterly or even monthly reports, as proposed by parties such as the Broadcast Advocacy Group and CAD et al., to plans and reports on five-year cycles, as proposed by the Canadian Wireless Telecommunications Association (CWTA) and the IBG.
28. With respect to specific dates for publication, parties submitted various dates, including 31 March and 30 November, which correspond to existing dates for telecommunications and broadcasting companies, respectively, to report on various matters to the Commission. Some parties argued that the date should coincide with dates for other reporting obligations for regulated entities, since this would be more administratively efficient; others argued that it should not coincide with any existing date, on the basis that meeting multiple deadlines at once would be too great a burden.

Commission's analysis and determinations

29. Prior to publishing their initial accessibility plans, regulated entities will need to review their operations through an accessibility lens and consult persons with disabilities. This will take time in order to be meaningful and to result in a plan of substance and quality that reflects the necessary statutory principles set out in section 6 of the ACA and may require different time frames for entities of different sizes.
30. In light of this, roughly two years from the coming into force of the Regulations is an appropriate amount of time for the largest private entities (i.e. those with 100 or more employees) and for public sector entities to prepare their first accessibility plans. Likewise, it is appropriate for small-to-medium-sized private entities (i.e. those that have 10 to 99 employees) to have an additional year to publish their initial accessibility plans.
31. The Commission has proposed to fix 1 June as the annual date by which plans and reports must be published. This date corresponds to the annual date upon which reports are required from those entities subject to the *Employment Equity Act* – a reporting obligation with some overlapping considerations. This annual date would be the same for all entities, even those that become regulated entities only after the coming into force of the Regulations.
32. For a person that becomes a regulated entity after the coming into force of the Regulations, the initial accessibility plan must be published by 1 June in the second calendar year after the person becomes a regulated entity. Although this may result

in some entities having less than two years to prepare their initial accessibility plans, the Commission considers that by that point, those entities should already be well aware of the obligation to publish an accessibility plan. Further, there will be existing examples to draw upon, such that smaller entities should not require the additional time to prepare.

33. With respect to progress reports, annual reporting is appropriate for public sector entities and for private sector entities in the largest two categories of broadcasting and telecommunications entities. This interval would be consistent with many other reporting requirements administered by the Commission.⁵ However, it would not be appropriate to require a progress report in a year when an updated accessibility plan must be published.
34. With respect to updated accessibility plans, subsections 42(2) and 51(2) of the ACA provide a default period of three years. No party has persuasively argued that Parliament's preferred interval is inappropriate.
35. In general, while certain parties advocated for shorter or longer intervals than those set out in the Regulations, these requirements will help to ensure that accessibility issues are given regular consideration by regulated entities and that communications regarding these issues are meaningful and transparent. On the other hand, these requirements should not result in regulated entities or the public being inundated with reports for their own sake, where they would have little substantive impact.

Manner and form of publication

36. In Telecom and Broadcasting Notice of Consultation 2020-124, the Commission sought comment on where and how regulated entities should publish their plans and reports, and posed a number of specific questions with respect to, among other things, placement, prominence, and accessibility of the publications. The Commission also asked about how regulated entities should report for their various brands and services (e.g. for their flanker brands).

Positions of parties

37. Accessibility and public interest advocacy groups generally favoured highly prescriptive formats and multiple manners of publication. For instance, ARCH argued that the Commission should read the regulation-making powers in the ACA as granting it the ability to regulate the content of plans and reports, in addition to the manner and form. In its view, this would be consistent with the principles of statutory interpretation by ensuring that the Commission is able to realize the objectives of the ACA.

⁵ For instance, broadcasting annual returns and telecommunications data collection requirements.

38. Most of these groups submitted that publication should be electronic, in prominent places on, for instance, entities' websites and mobile applications. Most groups submitted that electronic publications should be accessible through, for instance, compliance with various levels of the [Web Content Accessibility Guidelines](#) (WCAG) of the World Wide Web Consortium (W3C)⁶ or compatibility with the use of adaptive technology. Many groups advocated for plain-language publications.
39. Some groups also proposed specific non-electronic formats in which plans and reports should have to be published, including large print, Braille, and audio formats. CAD et al. and MAC submitted that plans and reports should be published in the form of sign language videos or that summaries of the publications should be provided in this manner. The Forum for Research and Policy in Communications (FRPC) submitted that publications should be included in bill inserts and should be broadcast on traditional media.
40. Regulated entities and organizations representing them, on the other hand, generally favoured greater flexibility in respect of manner and form of publication out of concern over potential costs of compliance. The CAB submitted that manner and form of publication should be entirely at the discretion of the entity. Other regulated entities, including the CWTA, SaskTel, Shaw, TCI, and the Voice on the Net Coalition, acknowledged that it would at least be appropriate for entities to publish on their websites in a manner compliant with the WCAG. The NCCRA submitted that electronic publication should not be mandatory in all cases.
41. With respect to the various brands and services operated by regulated entities, accessibility and public interest advocacy groups such as the CNIB Foundation and MAC were generally in favour of each brand operated by an entity publishing separately, whereas many regulated entities, including the Canadian Broadcasting Corporation/Société Radio-Canada and TCI, submitted that a regulated entity operating multiple brands should be permitted to publish one report. The Community Media Advocacy Centre (CMAC) submitted that regulated entities should publish separate reports for each brand they operate as well as an overarching report for a corporate family.

Commission's analysis and determinations

42. The Commission must, in exercising its regulatory power, have regard to the objectives and principles of the ACA as set out in sections 5 and 6 of the Act, including the removal of barriers and the inclusion of persons with disabilities in the regulatory process. However, it must also recognize that the power-conferring provisions for regulation making under the ACA are contained in sections 45 and 54.

⁶ The WCAG are a set of dynamic accessibility standards for web content developed by the W3C, the goal of which is to explain how to make web content more accessible to people with disabilities. There are three levels of conformance, with the least prescriptive being Level A, and the most prescriptive being Level AAA. It is not currently possible for certain types of web content to meet Level AAA.

43. A plain reading of these provisions, as well as of the context and scheme of the ACA, confirms that the scope of the Commission's power over plans and reports is confined to making regulations dealing with manner and form, rather than content. Significantly, the content of plans and reports is already prescribed by the ACA itself, at sections 42, 44, 51, and 53. It would at best be duplicative of the Commission to prescribe content where Parliament has already done so. At worst, it would be contrary to legislative intent.
44. In order to reflect the scheme of the ACA properly in this regard, it is appropriate that the Regulations set out the required headings for plans and reports, mirroring the various subjects set out in the ACA that regulated entities are to include. Given that regulated entities must take into account the principles set out in section 6 of the ACA in formulating their plans, it should also be clear from the plans how they have done so.
45. Few parties disputed that electronic and online publication would ensure that plans and reports are broadly and readily accessible. The Commission considers it unreasonable to think that regulated entities would not be able to publish electronically. For instance, even if an entity does not currently have a website, the Commission considers that the minimal cost of obtaining one would be justified in light of the enhanced ease of accessing an electronically published document.
46. In addition, a variety of parties were of the view that it would be appropriate to require electronic publications to meet the WCAG. Given that the WCAG are publicly available in both official languages and that compliance with this standard promotes, among other things, compatibility with adaptive technologies, the Commission considers that WCAG and Level AA compliance are appropriate in the circumstances. Further, publishing in clear, simple, and concise language will further broaden access.
47. Plans and reports must also be conspicuous in order to be readily discoverable. In this regard, they are to be 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.
48. With regard to the suggestion that it is necessary to require multiple manners of publication, the Commission considers that the ability to request alternative formats, as mandated in the ACA, removes the need to prescribe such measures.
49. With respect to entities that operate multiple brands or lines of business, it is important to note that the obligation in the ACA to publish plans and reports is on the regulated entity, rather than on the brand. Accordingly, to the extent that a single regulated entity operates multiple brands, the Act imposes a single reporting requirement.

50. However, the ACA separates out the obligations imposed in respect of regulated entities that operate broadcasting undertakings on the one hand and that are Canadian carriers or TSPs on the other hand. This means that, to the extent that a single person comprises separate broadcasting and telecommunications regulated entities, the ACA imposes separate reporting obligations in respect of each of those regulated entities.
51. The Regulations also separate out the provisions dealing with broadcasting regulated entities from those dealing with telecommunications regulated entities. However, as a practical matter, regulated entities should be encouraged to engage in efficient practices that cut down on unnecessary overlap.
52. As a result, the Commission clarifies that where a single regulated broadcasting or telecommunications entity operates multiple brands, it would satisfy its reporting obligations through the publication of a single document (plan or report, as the case may be) outlining the relevant accessibility considerations for each of those brands. That document should be readily accessible through the digital platform of each of those brands.
53. Where a single person operates multiple regulated entities of various types, it may still be possible for each regulated entity to comply with obligations under both parts of the Regulations by publishing a single plan or report for the various entities if that document (i) clearly sets out the content required by the ACA in respect of each regulated entity, and (ii) is readily accessible through the digital platform of each regulated entity.

Notification of publication to the Commission

54. In Telecom and Broadcasting Notice of Consultation 2020-124, the Commission sought comment on when and how regulated entities should be required to notify the Commission of the publication of a document and what the notice should include.

Positions of parties

55. Most parties agreed that the notification to the Commission should include the URL and a hyperlink that will direct the Commission to the web page where the publication is hosted.
56. In regard to when a regulated entity should be required to notify the Commission of the publication of a document, the Commission received various views, ranging from one to thirty days from publication.

Commission's analysis and determinations

57. Under the ACA, the Commission is empowered to prescribe when and how a regulated entity must notify the Commission of the publication of its accessibility plans, progress reports, and a description of its feedback process.

58. In this regard, the Commission considers that regulated entities should be required to provide electronic notification, and include a hyperlink to the URL of initial and updated accessibility plans, initial and updated progress reports, and descriptions of feedback processes, as the case may be.
59. Electronic notification is simple and expeditious. It is also consistent with the Commission's general practices for receiving documents in other contexts.⁷
60. Given that electronic notification involves minimal effort, the Commission considers that any deadline beyond a day or two after publication would be unjustified. Thus, the Commission determines that the regulated entity must send a notification to the Commission within 48 hours of publication.

Requests for alternative formats

61. In Telecom and Broadcasting Notice of Consultation 2020-124, the Commission sought comments on matters relating to alternative formats that must be provided upon request, including types of format and timelines.

Positions of parties

62. The accessibility and public interest advocacy groups generally favoured a broad, prescriptive, but non-exhaustive list of mandatory alternative formats that would include things like different kinds of Braille (ARCH, CAD et al., the CNIB Foundation, and MAC), sign language videos (ARCH, CAD et al., and MAC), audio (MAC), large print, and various electronic formats.
63. Regulated entities and groups representing them, such as the CAB, the CWTA, RCCI, and TCI, were generally opposed to the notion of prescriptive lists and proposed that the Commission allow some flexibility with regard to the alternative formats or limit them to those already identified in other policies.
64. The CWTA opposed the inclusion of an audio format, and it, along with RCCI and TCI specifically argued that sign language videos should not be included as prescribed alternative formats. They argued that, in the past, the Commission had only required that videos in American Sign Language (ASL) and Langue des signes québécoise (LSQ) be prepared by industry participants in collaboration and with respect to issues affecting the industry as a whole. In general, they argued that applying such a requirement to individual regulated entities would not be an efficient or appropriate use of resources and that it would constitute an undue regulatory burden.

⁷ See, for instance, the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure*, subsection 13(1), and Broadcasting and Telecom Information Bulletin 2010-453. The Commission may provide additional guidance on preferred methods of electronic notification (e.g. GCKey) in the future.

65. In regard to the question as to how much time a regulated entity should be given to provide a document in an alternative format, the Commission received various proposals. Some parties, such as ARCH, the CWTA, and RCCI, were in favour of flexible time frames. Accessibility and public interest advocacy groups generally proposed that entities should be required to provide a document in an alternative format without any delay.
66. A number of parties, such as AMI, CAD et al., the CNIB Foundation, and RCCI, were of the view that the time frame for providing a document in an alternative format would depend on the format requested. Proposals included one to seven business days for plain text or large print (CAD et al.) and from one to two days to one to two weeks for sign language or Braille (AMI and the CNIB Foundation).

Commission's analysis and determinations

67. The Commission must exercise its regulatory power in accordance with the bounds of the ACA. In other contexts, the Commission has adopted a non-exhaustive definition of "alternative format" that sets out certain examples but allows for the possibility of other formats even though those are not expressly included in the language of the provision.⁸ The granting of power in the ACA does not permit this, since the delegation of power to the Commission is simply to prescribe a format.
68. Most parties either agreed with, or did not object to, the notion that a person should be able to request and obtain a document in plain text, print or large print, Braille, or electronic format. While the CWTA objected to the inclusion of an audio format, it did not provide supporting rationale.
69. The Commission is cognizant of the fact that adaptive technologies are always changing. To respond to this, and to be as inclusive as possible, the Regulations include as an alternative format "an electronic format that is compatible with adaptive technology that assists persons with disabilities."
70. Concerning the provision of alternative formats in the form of sign language videos, the Commission acknowledges that this would be an especially resource-intensive exercise for many regulated entities at this time, and has not prescribed such videos as a mandatory alternative format. However, the Commission encourages the largest regulated entities to prepare sign language videos in ASL and LSQ summarizing the highlights of their accessibility plans, progress reports, and feedback processes. The Commission intends to monitor this encouragement closely and may address it further in the future if there is a need to do so.
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.

⁸ See, for instance, Telecom Regulatory Policy 2019-269.

72. It is important to note, though, that there is nothing in the Regulations preventing a request for, or the provision of, additional alternative formats other than those specifically prescribed.
73. Regarding the question of how much time a regulated entity should be given to provide a document in an alternative format, the Commission considers that setting out specific deadlines based on the different formats and classes of entities could add unnecessary complexity to the Regulations and, therefore, has not set out specific deadlines at this time. Instead, the Regulations use a term – “as soon as feasible” – that is already used by other regulators in similar, accessibility-related contexts. While this standard allows for some flexibility, it also provides a strong indication that regulated entities are to consider responding to these requests a priority. If interested persons believe that the inclusion of specific time frames in the Regulations are necessary and can be accomplished in a clear and simple way, they should address this in their interventions. The Commission may consider setting out specific time frames for the provision of alternative formats in the future, either in a guidance document or in the Regulations themselves.

The feedback process

74. In Telecom and Broadcasting Notice of Consultation 2020-124, the Commission invited interested persons to comment on the manner and form of publication of the description of the feedback process. The Commission also invited submissions about more substantive aspects of the feedback process, including what steps would help ensure that members of the disability community have an opportunity to provide meaningful feedback and whether regulated entities should be expected to respond to all feedback they receive.

Positions of parties

75. Regarding timing, most parties favoured publishing a description of the feedback process on the same day as the accessibility plan. Notably, MAC favoured an earlier publication date, submitting that this would assist with input into the initial plan.
76. Regarding publication and notification, most accessibility and public interest advocacy groups submitted that publication should be electronic, use plain language, be easy to find, and be compatible for use with adaptive technologies. A number of parties submitted that the description of the feedback process should also be available in multiple formats. A variety of opinions were submitted regarding how often the feedback process should be updated, ranging from annually to never.
77. Most parties acknowledged the value of a feedback process that is accessible and responsive. ARCH and CAD et al., for example, submitted that in-person engagement may, in some cases, be preferable to written or online feedback. ARCH also submitted that facilitated meetings would be beneficial. CAD et al., the FRPC, the CMAC, and the CNIB Foundation, among others, were in favour of requiring regulated entities to acknowledge and respond to feedback, and to indicate in those responses the actions that the regulated entities will take to address the feedback. The

FRPC added that parties should not be able to reject feedback without an explanation and evidence in support. A number of parties also requested that such a response be required within a prescribed period of time, ranging from five days to three months.

78. There was also broad support across most interventions for designating a single point of contact to receive feedback. A number of accessibility and public interest advocacy groups also recommended that the point of contact be trained in communicating and interacting with persons with disabilities.
79. For their part, regulated entities and industry groups stressed the importance of a flexible approach. While many acknowledged that the description of the process should be easy to find and that it would be useful to designate a specific person to receive feedback, they generally opposed any requirement to receive feedback via telephone or in person. They were also of the view that collective responses to feedback should be permitted.

Commission's analysis and determinations

80. The ACA requires regulated entities to establish and make public a feedback process through which interested persons can communicate with regulated entities regarding the implementation of accessibility plans and regarding any barriers that these persons have encountered in dealing with the entities. It also requires regulated entities to publish a description of that feedback process (in the manner and form prescribed by regulation) and notify the Commission of said publication.
81. The Commission has also been granted the power to make regulations respecting the feedback process required by subsections 43(1) and 52(1) of the ACA.
82. The Commission notes that the requirement under the ACA for regulated entities to develop a process for receiving feedback is distinct from the requirement for them to consult persons with disabilities in the preparation of their accessibility plans and progress reports.
83. The Regulations provide that each class of regulated entity must publish a description of its process for receiving feedback one year before the publication of its initial accessibility plan. In the case of a person or entity that becomes a broadcasting entity after the initial day fixed in the Regulations, the requirement is for them to publish the description by the next 1 June.
84. Although a number of parties were of the view that the description of the feedback process should be published on the same day as the accessibility plan, 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." In order for this latter requirement to be met in a timely manner, the Commission considers that the feedback process should be put in place before the first accessibility plan is published, which, depending on the size of the regulated entity, could be as long as two or three years from the coming into force of the Regulations.

85. The publication and notification requirements for the feedback process mirror the requirements for accessibility plans and progress reports. These requirements also apply to any updates to the feedback process, although updating the feedback process is not required by the Regulations. The Commission considers that applying a uniform approach to these requirements is the best way to facilitate the discoverability of the description while ensuring that the feedback process remains efficient. In addition, the Regulations provide that the description must use clear, simple, and concise language. Many parties considered this to be an important element of an accessible feedback process.
86. A requirement of the feedback process is that regulated entities must receive feedback through any means by which they communicate with the public. This will vary from entity to entity and could include feedback in person, over the telephone, by mail, or by electronic means. This is intended to strike a balance between ensuring that individuals can submit feedback in a manner that is accessible to them and providing regulated entities with the necessary flexibility in developing their feedback processes. In addition, regulated entities must allow for feedback to be received anonymously. Although anyone could take advantage of this option, the intent of this provision is to recognize that some employees may fear reprisal for providing feedback with attribution.
87. The Regulations require that regulated entities designate and publicly identify a specific person who will be responsible for receiving feedback on behalf of the regulated entity. There was broad support from accessibility and public interest advocacy groups and industry players for including a provision of this nature. The objective is to improve the accessibility and responsiveness of the feedback process by having a single point of contact through which the feedback would flow. However, the Commission notes that the designated person does not need to personally respond to every email or answer every telephone call. The intent is simply to designate one person who will ultimately be responsible for the feedback process within the regulated entity.
88. A number of parties stressed that regulated entities should respond to the feedback they receive. To address this, the Regulations require that regulated entities acknowledge receipt of feedback in the same manner in which it was received (unless it was received anonymously). The Regulations do not address the substance or the timing of the response, in part to acknowledge the need for flexibility on the part of the regulated entity. For example, an automated email response may be sufficient. The Commission may set out additional guidance on acknowledging receipt of feedback in the future.
89. The ACA requires that regulated entities set out information in their progress reports concerning the feedback received by the regulated entity through its feedback process and how that feedback was taken into consideration. In light of this, the Regulations do not provide for any additional reporting requirements regarding the feedback process.

90. Finally, the Regulations require regulated entities to ensure that the personal information of a person providing feedback remains confidential, unless the person expressly consents to disclosure.

Call for comments

91. The Commission invites comments on the wording of the proposed Regulations set out in the Appendix to this notice.
92. Further, as noted in Telecom and Broadcasting Notice of Consultation 2020-124, the ACA establishes a set of principles for implementing the Act. These include, at paragraph 6(e), a recognition of “the multiple and intersecting forms of marginalization and discrimination faced by persons.” In the proceeding initiated by that notice, some parties submitted that the Commission should do more to consider this principle as part of its regulation-making process. However, it was not clear from the record of that proceeding how the Commission could best do so. Accordingly, to the extent that interested persons have additional submissions on how the Commission may best take into account this principle in making the Regulations, they are to file them in accordance with the procedures set out below.

Procedure

93. The *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) apply to this proceeding. The Rules of Procedure set out, among other things, the rules for the 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 at www.crtc.gc.ca, 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.
94. The Commission is conducting the current proceeding under the ACA, which does not include a mechanism for awarding costs to participants. However, in Telecom and Broadcasting Notice of Consultation 2020-124-2, the Commission approved a proposal by Bell Canada to use \$125,000 from its deferral account to defray the costs of public interest and accessibility intervener participation in this proceeding and, if any funds remain, in the follow-up proceeding. Therefore, in the event that funds remain following the Commission’s decision with respect to applications received in response to Telecom and Broadcasting Notice of Consultation 2020-124, parties to the current proceeding that would like to request a share of the available funds are to file applications with the Commission within 30 days of the close of record, in accordance with the procedure set out in Telecom and Broadcasting Notice of Consultation 2020-124-2. Parties are reminded that if the total amount of all

approved claims exceeds the available funds, the Commission intends to pro-rate the funds that are distributed to each eligible applicant.

95. Interested persons who wish to become parties to this proceeding must file an intervention with the Commission regarding the above-noted issues by **22 March 2021**. The intervention must be filed in accordance with section 26 of the Rules of Procedure.
96. Parties 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 accompanying cover letter to be filed by parties, can be found in Telecom Information Bulletin 2011-693.
97. All documents required to be served on parties to the proceeding must be served using the contact information contained in the interventions.
98. All parties may file replies to interventions with the Commission by **1 April 2021**.
99. The Commission encourages interested persons and parties to monitor the record of this proceeding, available on the Commission's website at www.crtc.gc.ca, for additional information that they may find useful when preparing their submissions.
100. 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.
101. 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 enable 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.
102. Persons with disabilities who require assistance in filing their interventions may contact the Commission's [Public Hearings](#) group, which can provide individualized assistance to file an intervention.
103. Submissions must be filed by sending them to the Secretary General of the Commission using **only one** of the following means:

by completing the
[\[Intervention form\]](#)

or

by mail to
CRTC, Ottawa, Ontario K1A 0N2

or

by fax to
819-994-0218

104. 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.
105. 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.
106. 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

107. 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 includes all personal information, such as full names, email addresses, postal/street addresses, and telephone and fax numbers.
108. 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.
109. Documents received electronically or otherwise will be posted 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.
110. 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 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

111. Electronic versions of the interventions and other documents referred to in this notice are available on the Commission's website at www.crtc.gc.ca by using the public record number provided at the beginning of this notice or by visiting the "Consultations and hearings – Have your say!" section, then selecting "our applications and processes that are open for comment." Documents can then be accessed by clicking on the links in the "Subject" and "Related Documents" columns associated with this particular notice.

112. Documents are also available at the following address, upon request, during normal business hours.

Les Terrasses de la Chaudière
Central Building
1 Promenade du Portage
Gatineau, Quebec
J8X 4B1
Tel.: 819-997-2429
Fax: 819-994-0218

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

Secretary General

Related documents

- *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*
- *Review of the reseller registration obligation, Telecom Regulatory Policy CRTC 2019-354, 24 October 2019*
- *The Internet Code, Telecom Regulatory Policy CRTC 2019-269, 31 July 2019; as amended by Telecom Regulatory Policy CRTC 2019-269-1, 9 August 2019*
- *Filing submissions for Commission proceedings in accessible formats, Broadcasting and Telecom Information Bulletin CRTC 2015-242, 8 June 2015*
- *Filing of joint supporting interventions, Telecom Information Bulletin CRTC 2011-693, 8 November 2011*

- *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010
- *Obligation relating to the electronic filing of applications and use of Commission forms*, Broadcasting and Telecom Information Bulletin CRTC 2010-453, 5 July 2010; as amended by Broadcasting and Telecom Information Bulletins CRTC 2010-453-1, 23 December 2010; 2010-453-2, 1 April 2011; and 2010-453-3, 20 September 2012

Appendix to Telecom and Broadcasting Notice of Consultation CRTC 2021-69

Canadian Radio-television and Telecommunications Commission Accessibility Reporting Regulations

Definitions

1 The following definitions apply in these Regulations.

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

broadcasting entity means an entity or person included in 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 18. (*entité de télécommunication réglementée*)

telecommunications entity means an entity or person included in one of the classes established under subsection 17(1). (*entité de télécommunication*)

WCAG means the most recent version of the *Web Content Accessibility Guidelines*, published by the World Wide Web Consortium that is available in both English and French, as amended from time to time. (*WCAG*)

PART 1

Broadcasting Entities

Classes

Classes — broadcasting entity

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

- (a) Class B1, which 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, which 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, which 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 stating that it has 10 or more employees but less than 100 employees;
- (d) Class B4, which 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 stating that it has fewer than 10 employees.

Deemed class

(2) If a regulated broadcasting entity submits an attestation stating 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 as 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 their 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 headers in its accessibility plans for each element of the plan that is required under subsections 42(1) and (5) of the Act.

Publication of accessibility plans

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 manner that makes the plan accessible on the digital platform either directly on the homepage or by way of a direct hyperlink from that homepage; and

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

Notice to Commission

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

Alternate format

7 (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 or an electronic format that is compatible with adaptive technology that assists persons with disabilities.

Form and manner of request

(2) The person may make the request through any means by which the regulated broadcasting entity communicates with the public.

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.

Feedback

Feedback process

8 (1) A regulated broadcasting entity must establish, for the purposes of subsection 43(1) of the Act, a process for receiving feedback through any means by which the entity communicates with the public.

Anonymous feedback

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

Designated person 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, in the same manner in which it was received.

Confidentiality

(5) The regulated broadcasting entity must ensure that the personal information of a person providing feedback remains confidential, unless the person consents to the disclosure of their personal information.

Publication of feedback process

9 (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 manner that makes the description accessible on the digital platform either directly on the homepage or by way of a direct hyperlink from 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.

Alternate format

10 (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 or an electronic format that is compatible with adaptive technology that assists persons with disabilities.

Form and manner of request

(2) The person may make the request through any means by which the regulated broadcasting entity communicates with the public.

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.

Notice to Commission

11 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 Uniform Resource Locator of the description or updated description.

Progress Report***Form***

12 A regulated broadcasting entity must include headers 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

13 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 manner that makes the progress report accessible on the digital platform either directly on the homepage or by way of a direct hyperlink from that homepage; and
- (c) in a format that meets the requirements of Level AA conformance that are set out in the WCAG.

Alternate format

14 (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 or an electronic format that is compatible with adaptive technology that assists persons with disabilities.

Form and manner of request

(2) The person may make the request through any means by which the regulated broadcasting entity communicates with the public.

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.

Time limit for publication

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

Notice to Commission

16 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 Uniform Resource Locator of the report.

PART 2

Telecommunications Entities

Classes

Classes — telecomm unications entity

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

- (a) Class T1, which 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, which 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, which 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 stating that it has 10 or more employees but fewer than 100 employees, other than an entity included in Class T5;
- (d) Class T4, which 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 stating that it has fewer than 10 employees, other than an entity included in Class T5; and
- (e) Class T5, which 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 stating 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 as 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

18 (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 their 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

19 A regulated telecommunications entity must include headers in its accessibility plan for each element of the plan that is required under subsections 51(1) and (5) of the Act.

Publication of accessibility plan

20 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 manner that makes the plan accessible on the digital platform either directly on the homepage or by way of a direct hyperlink from that homepage; and
- (c) in a format that meets the requirements of Level AA conformance that are set out in the WCAG.

Notice to Commission

21 A regulated telecommunications entity must, by electronic means, notify the Commission of the publication of each new version of its accessibility plan within 48 hours of publication and include in the notice a hyperlink to the Uniform Resource Locator of the plan.

Alternate format

22 (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 or an electronic format that is compatible with adaptive technology that assists persons with disabilities.

Form and manner of request

(2) The person may make the request through any means by which the regulated telecommunications entity communicates with the public.

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.

Feedback

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 any means by which the entity communicates with the public.

Anonymous feedback

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

Designated person 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, in the same manner in which it was received.

Confidentiality

(5) The regulated telecommunications entity must ensure that the personal information of a person providing feedback remains confidential, unless the person consents to the disclosure of their personal information.

Publication of feedback process

24 (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 manner that makes the description accessible on the digital platform either directly on the homepage or by way of a direct hyperlink from 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 18 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.

Alternate format

25 (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 or an electronic format that is compatible with adaptive technology that assists persons with disabilities.

Form and manner of request

(2) The person may make the request through any means by which the regulated telecommunications entity communicates with the public.

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.

Notice to Commission

26 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 Uniform Resource Locator of the description or updated description.

Progress Report

Form

27 A regulated telecommunications entity must include headers 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

28 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 manner that makes the progress report accessible on the digital platform either directly on the homepage or by way of a direct hyperlink from that homepage; and
- (c) in a format that meets the requirements of Level AA conformance that are set out in the WCAG.

Alternate format

29 (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 or an electronic format that is compatible with adaptive technology that assists persons with disabilities.

Form and manner of request

(2) The person may make the request through any means by which the regulated telecommunications entity communicates with the public.

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.

Time limit for publication

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

Notice to Commission

31 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 Uniform Resource Locator of the report.

Coming into Force

Registration

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