

Canadian
Association of the Deaf



Association
des Sourds du Canada

***Review of the Canadian Communications
Legislative Framework: Accessible Broadcasting
and Telecommunications for Deaf Canadians***

Submitted to:

***The Broadcasting and Telecommunications Legislative Review Panel
c/o Innovation, Science and Economic Development Canada
235 Queen Street, 1st Floor
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INTRODUCTION

The Canadian Association of the Deaf - Association des Sourds du Canada (**CAD-ASC**) is a national not-for-profit organization that promotes human rights and accessibility for Deaf people who uses American Sign Language (ASL) and la langue des signes québécoise (LSQ). Founded in 1940, CAD-ASC is a national information, research and community action of Deaf people in Canada where it provides consultation and information on Deaf issues to the public, business, media, educators, governments and others; conduct research and collects data.

The CAD-ASC is affiliated with the World Federation of the Deaf (WFD), an international non-profit and non-governmental organization of Deaf associations around the world. CAD-ASC is a United Nations-accredited Non-Governmental Organization (NGO) to the Convention on the Rights of Persons with Disabilities.

This is a summary of the views of the Canadian Association of the Deaf - Association des Sourds du Canada (**CAD-ASC**) submitted to the Broadcasting and Telecommunications Legislative Review Panel in response to the Panel's request for comments on the issues raised.

The CAD-ASC commends the Panel for its work so far on identifying these issues on broadcasting and telecommunications and accessibility is very critical to the development of policy objectives and an appropriate regulatory frameworks for broadcasting and telecommunications in Canada. The CAD-ASC is pleased to provide its views on these accessibility issues concerning Deaf people in Canada within its expertise.

STATISTICS ON DEAF CANADIANS

The reliable statistics on Deaf Canadians are hard to collect, and no two organizations seem to agree on the numbers involved. CAD-ASC's standard practice uses the traditional 'one in ten' formula for estimating statistics, with strong disclaimers. This formula estimates that there are 357,000 culturally Deaf Canadians and 3.21 million hard of hearing Canadians. It is CAD-ASC's opinion that *no fully credible census of Deaf, deafened, and hard of hearing people has ever been conducted in Canada.* ([CAD-ASC website](#)).

LEGAL FRAMEWORK CONTEXT

REGULATORY INSTITUTIONS

The Canadian Radio-television and Telecommunications Commission (CRTC) is an independent agency, which regulates both the broadcasting industry and the telecommunications industry. Also, the CRTC is an administrative tribunal and reports to Parliament through the Minister of Canadian Heritage and and Multiculturalism.

The federal government has exclusive jurisdiction over broadcasting (radio, television and their distribution, including some Internet activity) and telecommunications. The *Canadian Radio-television and Telecommunications Act* establishes the Canadian Radio-television and

Telecommunications Commission (CRTC) as Canada's broadcasting (pursuant to the *Broadcasting Act*) and telecommunications (pursuant to the *Telecommunications Act*) regulator. The Ministry of Innovation, Science and Economic Development and its department have certain regulatory powers over spectrum management and radio apparatus pursuant to the *Radiocommunication Act*.

The CRTC is charged under the *Broadcasting Act* with regulating and supervising all aspects of the Canadian broadcasting system with a view to implementing the policy outlined in the legislation. The *Telecommunications Act* is administered by the CRTC and requires the Commission to promote certain telecommunications policy objectives. Much of Canada's broadcasting and telecommunications policies are developed by the CRTC through regulatory hearings and decisions.

UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

Canada ratified the [United Nations Convention on the Rights of Persons with Disabilities \(CRPD\)](#) in 2010, which the Convention recognizes sign languages as equal to spoken languages. It requires State parties to progressively strengthen the implementation of the Convention in different fields of their lives of Deaf persons and people with disabilities. These steps are necessary to respect, protect and promote the right to dignity, equality, and freedom of expression. In addition, the Convention's position on human and civil rights, and civic participation are outlined in several different Articles. These rights include:

- the right to food, clothing and shelter;
- the right to dignity and respect;
- the right to quality education to the highest level desired;
- the right to communication and information;
- the right to the language of their choice, including Sign languages (ASL and LSQ);
- the right to freedom and justice;
- the right to equality and access.

Specifically, Article 9 partly reads as follows:

To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems ...

This means persons with disabilities and Deaf people to have access to information and communications technologies on an equal basis with other Canadians and through all forms of communications of their choice, including the use of Sign languages. State parties must also facilitate the learning of Sign language and the promotion of the linguistic identity of Deaf communities, including Sign languages and Deaf culture.

It is critical when comes to the provisions of information and communication as a part of true accessibility for DDBHH Canadians as a human right because it highlights clear benefits in terms of improved access to information and services, especially in the area of telecommunications. In addition, the Convention ensures that Deaf persons and people with disabilities must have equal rights and access to information, communications, technology and media. This will able to promote the research, development, availability of universally designed goods, services and equipments for Deaf persons and people with disabilities.

On May 8, 2017, the UN Committee on the Rights of Persons with Disabilities released its [Concluding Observation on the initial report of Canada](#), which is stated in reference to **Article 21- Freedom of expression and opinion and access to information** reads as:

The Committee is concerned by:

(a) The lack of official recognition of sign languages and that the training programmes for sign language interpreters do not meet minimum requirements to provide a high quality of interpretation;

The Committee recommends that the State party:

(a) Recognize, in consultation with organizations of deaf persons, American Sign Language and Quebec Sign Language (Langue des signes Québécoise) as official languages and their use in schools and establish jointly with organizations of deaf persons a mechanism to certify the quality of interpretation services and ensure that opportunities for continuous training are provided for sign language interpreters.

The UN Committee on the Rights of Persons with Disabilities clearly states that the recognition of Sign Languages ensures the rights to access information, communications and services as outlined in the Convention. Over 45 countries already recognized Sign Languages through their federal legislations. Canada has not yet recognized its two national Sign languages - American Sign Language (**ASL**) and langue des signes québécoise (**LSQ**) as official languages of Deaf people in Canada.

On 3 December 2018, Canada, with the support of all provinces and territories, [acceded](#) to the Convention's accompanying [Optional Protocol](#), which establishes procedures to strengthen the implementation of the Convention.

BILL C-81- ACCESSIBLE CANADA ACT

On June 20, 2018, the Accessible Canada Act was introduced in the House of Commons. The Accessible Canada Act, also known by its full title as An Act to ensure a barrier-free Canada, which the purpose of the Accessible Canada Act is to identify, remove and prevent barriers in:

- employment;
- the built environment;
- information and communication technologies;
- the procurement of goods and services;

- the delivery of programs and services;
- transportation;
- communications;

Among other aspects, as indicated by its title, Bill C-81 would enact the Accessible Canada Act, with the stated objective of enhancing the “full and equal” participation of all Canadians who are disabilities and Deaf people, in society. On November 27, 2018, Bill C-81, the proposed Accessible Canada Act, passed third reading in the House of Commons.

The third reading resulted in Bill C-81 receiving certain changes. For instance, it granted the CRTC additional powers, making that organization responsible for, among other things, inspections conducted under section 71 of the *Telecommunications Act* and under subsection 12(1) of the *Broadcasting Act* with regard to compliance with decisions made under that Act. Those inspections would be conducted to correspond to the Act’s goal of the identification, prevention and removal of barriers for persons with disabilities.

CAD-ASC believe that Bill C-81 should introduce greater clarity with regard to the compliance and complaints mechanisms. It would be reasonable to have the Accessibility Commissioner designated as the single body responsible for dealing with compliance with accessibility standards, as well as with the resolution of complaints. At this moment, the legislation fails to institute a single main authority to handle complaints and compliance processes. In contrast with that, such authority is shared between various bodies, such as the Accessibility Commissioner, Canadian Transportation Agency, the Federal Public Sector Labour Relations, CRTC, and the Employment Board.

Moreover, due to the fact that various bodies are authorized to deal with the accessibility complaints, there is a risk of selective and irregular enforcement of the Act’s provisions because different bodies have different rules that enable them to handle such complaints. To sum up, CAD-ASC believe it would be reasonable to empower the Accessibility Commissioner with the sole complaint resolution and compliance monitoring authority. This move would eliminate unnecessary duplication of authority at various levels; it would introduce more clarity and administrative cohesion.

In addition, the Canadian Accessibility Standards Organization (CADSO) will have these roles within the CRTC. Much like the fact that Bill C-81 authorizes multiple agencies to deal with the compliance and complaints mechanisms, it also empowers various actors to set up accessibility requirements. For instance, the Canadian Radio-Television and Telecommunications Commission has authority to enforce accessibility standards in various areas. These powers are mirrored by the Canadian Accessibility Standards Organization (CASDO). Other federal agencies would also have authority to put forward their own accessibility standards.

CAD-ASC believes that Bill C-81 could be significantly improved by leaving CASDO as a single authority to create, develop, and disseminate accessibility standards in corresponding areas. In addition, CASDO’s central body could be further empowered by adding representatives of all those organizations that are currently allowed to create accessibility standards.

Their reservoir of experience would not only ameliorate CASDO's knowledge in the areas where such organizations have the most experience, but also create a unified and coherent administrative structure. This structure would prevent complicated and disjointed process of various agencies trying to speak with the same voice. It would also create space where duplicating ideas could be eliminated, and the same approaches verified at different levels.

ASL AND LSQ RECOGNITION

To achieve full accessibility for Deaf people in Canada, ASL and LSQ are the first languages of Deaf people in Canada, which is the ultimate goal to ensure that there is an amendment in the current Bill C-81: Accessible Canada Act where ASL and LSQ will be recognized as official languages of Deaf people in Canada because these two languages are critical for full accessibility, language rights and civic participation of Deaf communities in Canada. This will make a dramatic improvement in the lives of Deaf Canadians to have their ASL and LSQ recognized as being equal to English and French. This will give these Canadians equal access to the federal government through information, communications, and services that are made accessible to the Deaf community through the use of ASL and LSQ.

Such recognition in Canada ensures the removal of barriers and ensuring equal access, which is an important step towards to become an inclusive and accessible Canada as we integrate into both English and French societies. This means Deaf people in Canada will finally have equal access to federal government information and services, which these examples are:

- Production of accessible videos on federal government websites;
- Provision of ASL and LSQ video interpreting at federal government services; and
- Provision of picture-in-picture ASL and LSQ interpretation services through broadcast television and digital communications such as federal leaders debates or emergency alert announcements, and many other accessibility services.

One example of this true full accessibility which it means the full removal of barriers for Deaf Canadians in regards to telecommunications and broadcasting sectors will able to ensure an access to the information in ASL and LSQ where Deaf people are able to watch federal political party leaders' debates with Sign language interpretation in English debates for ASL interpreters and French debates for LSQ interpreters, picture in picture on screen, and closed captioning in English and French as well too, so we as Deaf people can participate and be privy to what's happening during the debate, to have a good understanding of the different platforms that the candidates have.

For this very important reason, CAD-ASC strongly believes that an amendment in the Bill C-81 that will recognize ASL and LSQ as official languages of Deaf people in Canada, which does actually improve the legal framework in Telecommunications Act and Broadcasting Act in the line with the United Nations Convention on the Rights of Persons with Disabilities because there are many different accessibility issues that must be addressed in order to improve the functional equivalency for Deaf people in Canada.

BROADCASTING: ACCESSIBILITY ISSUES & CHALLENGES

The broadcasting definitions must promote full accessibility to all Canadians including Deaf people in official languages, in addition to our first languages are ASL and LSQ must be included as part of the recognition for all platforms in an open and shifting landscape across the country.

Specifically, section 3(1) of the statute requires that the Canadian broadcasting system be effectively owned and controlled by Canadians, and states that it should safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada. Another key element of the broadcasting policy set out in section 3(1) of the *Broadcasting Act* is the “creation and presentation of Canadian programming” and the “maximum use and in no case less than predominant use, of Canadian creative and other resources.”

As with all other Canadians, it is our view that Deaf persons are often behind in information on broadcasting system due to its lack of ability to receive information through our first languages (ASL and LSQ) are not available to them. Thus, accessibility is not enriched as part of the broadcasting system yet which it requires in the new Broadcasting Act to ensure the accessibility and equality and full civic participation as functional equivalency which is in line with the United Nations Convention on the Rights of Persons with Disabilities.

UNIVERSAL ACCESS, CONSUMER PROTECTION, RIGHTS AND ACCESSIBILITY

The new Broadcasting Act must include clear sections requiring full and equal access to all Canadian programming that requires the equality of accessibility includes quality of accessibility. It is critical that Deaf people does not want to see poor captioning is not better than no captioning because it is equally inaccessible to captioning customers. Actually, Deaf people want to see a high good quality captioning because it is a right, not a privilege. It is critical to ensure that closed captioning must be provided equally and accessible for all Deaf Canadians in the broadcasting system.

Where the *Broadcasting Act* emphasizes the importance of allocating resources to Canadian programming; however, there is no allocating resources to Canadian programming for Deaf people in ASL and LSQ. For example, in United Kingdom, the British Sign Language Broadcasting Trust (BSLBT) was established in 2008 to provide television programmes made in British Sign Language (BSL) by Deaf people for Deaf people, which is the part of the regulatory duty to provide programming in BSL. In addition, the Panel will need to take a look at New Zealand where it offers sign language interpretation for these significant events such as Prime Minister’s announcement, the Budget Statement by the Minister of Finance, and speeches from these party leaders through the broadcast television but it has not happened yet in Canada.

In Canada, there are these issues regarding the Cable Public Affairs Channel (CPAC) where it does not provide picture in picture with ASL and LSQ on screen along with closed captioning in English and French on various platforms and videos are archived on CPAC website and social media does not include closed captioning in English and French that is inaccessible to Deaf people, which it is supposed to safeguard, enrich and strengthen the cultural, political,

social and economic fabric of Canada. Therefore, CPAC will need to be more innovation approach in supporting full accessibility for Deaf people to provide broadcasting programming that includes picture in picture with ASL and LSQ on screen along with closed captioning in English and French so that Deaf people can participate with the same equal participation as their fellow Canadians.

In order to provide the full equality of accessibility for Deaf people, it is critical to include online programming and social media content from providers and services that are under the jurisdiction of the Act, including the federal government to ensure accessible broadcasting such as picture in picture with ASL and LSQ on screen along with closed captioning in English and French and also, the CRTC must regulate the Internet in the new Broadcasting Act because it includes the content of the websites of the same broadcasters that it licences for television (TV) where the broadcasters does run the same programming on television (TV) and on their websites as well too.

Also, it is critical to ensure that universal access and deployment must included in the new Broadcasting Act to ensure a big and bold statement that full accessibility applies universally. It means that there will be no exempt involved from the CPAC, Members of Parliament (MPs), and Senators to provide the accessibility for Deaf people so that it can ensure full participation in our society including picture in picture with ASL and LSQ on screen along with closed captioning in English and French as well too. In addition, social media from these sources subject to the Act cannot be also exempted as well too.

Regarding Consumer Protection, Rights and Accessibility, the proposed Accessible Canada Act states that accessibility complaints on broadcasting and telecommunication issues will be referred to the CRTC because thee CRTC already has a compliant commission. It is our concerns that the CRTC's Complaints Commission will not accept complaints about accessibility. Thus, it is critical to ensure that the CRTC has a responsibility to establish a distinct procedure and support services for accessibility complaints, separately from the Complaints Commission and separately from consumer participation in CRTC public proceedings such as broadcasting license renewal.

COMPETITION, INNOVATION AND AFFORDABILITY

Affordable broadcasting services are very important for Deaf people and persons with disabilities, particularly to the many who live in poverty. The CRTC needs to regulate the broadcasting providers in such as a manner that Deaf people and persons with disabilities have access to the services and products that need to be at an affordable cost. It is critical to ensure that there must be genuinely competitive services packages among Internet providers to give affordable prices to Deaf people and persons with disabilities.

From personal and anecdotal experiences, it shows that the different needs of Deaf people and persons with disabilities can cost us an extra \$250 or more per month compared to other Canadians who are not disabilities, which is a discriminatory because it lacks the ability to ensure the functional equivalency for providing full accessibility where Deaf people and persons with disabilities have a specific needs to access to these Internet services such as

Deaf people requires a good quality of video communications through Internet services that can able to enjoy the full conservations like other Canadians.

SAFETY, SECURITY AND PRIVACY

The new Act must ensure that safety, security and privacy apply across all media where it requires the mandate full and equal accessibility across all platforms from licenced broadcasters and Internet service providers. Safety and security issues are not limited to emergency alerts; Deaf people must be able to access ongoing information in ASL and LSQ about threatening and dangerous events as they are happening, which just the same way people without disabilities can access ongoing information by watching live television programming as an example.

When a tornado, an earthquake, a hurricane, a flood, a forest fire, a terrorist attack in Canada, or an amber alert occurs in Canada, how do Canadians find out what to do? In an emergency, people get information from a variety of sources:

- Television announcements
- Radio announcements
- Social media platforms
- Alert messages through Wireless Services Providers (WSPs)

Deaf people does have very limited access to these critical emergency information sources. In an emergency, Deaf people experience fear and frustration where there are no ASL and LSQ provided that will lead to uninformed information about the nature or scope of the emergency. This approach toward to the distribution of public alerts through the national altering system must be included in full accessibility for Deaf people where public safety issues is of utmost importance for these emergency alerts are an essential way for Deaf people to obtain critical information through public information venues, which would be provided through mainstream media in Canada.

Thus, all broadcasters will need to provide critical information about an emergency through picture-in-picture on screen with sign language interpretation (ASL and LSQ) and closed captioning in the broadcast television and social media, such as:

- Specific details about the areas that will be affected by the emergency.
- Evacuation orders, detailed descriptions of the exact areas to be evacuated,
- specific evacuation routes.
- Approved shelters, how to take shelter in your home, instructions on how to protect your property and possessions, road closures, how to obtain relief assistance.

FUNDING

Currently, the CRTC establishes two different funds that are available for Deaf people and persons with disabilities to get involved which are Broadcasting Accessibility Fund and the Broadcasting Participation Fund. It is our understanding that both funds will be close in the

year 2020 or 2021 and CAD-ASC is concerned about where will be the funding available to support for Deaf persons and people with disabilities.

Thus, CAD-ASC recommends that the new Broadcasting Act must include a set-up of a permanent accessibility fund to provide for consumer research and participation for accessibility, and the costs of making CRTC proceedings to be fully accessible at all times so that will be in the line with the new proposed Accessible Canada Act and the United Nations Convention on the Rights of Persons with Disabilities.

PROPOSED AMENDMENTS

The CAD-ASC is recommending that the new Broadcasting must include an amendment in the broadcasting policy objectives for monitoring and enforcement of accessibility standards to increase the equal access to modern broadcasting for ensuring full equivalency.

The Section 3 of the Broadcasting Act must be amended as the following:

Declaration

- **3 (1)** *It is hereby declared as the broadcasting policy for Canada that*
 - **(a)** *the Canadian broadcasting system shall be effectively owned and controlled by Canadians including Deaf persons and people with disabilities;*
 - **(b)** *the Canadian broadcasting system, operating primarily in the English and French languages, ASL and LSQ and comprising public, private and community elements that are public property and provides, through its programming, a public service essential to the maintenance and enhancement of national identity and cultural sovereignty;*

(d) *the Canadian broadcasting system should*

- **(i)** *to enhance reliable and affordable broadcasting services of high accessibility standards that serves to safeguard, enrich, and strengthen functional equivalency and equal access for Deaf persons and people with disabilities through full participation on cultural, political, social and economic fabric of Canada and its regions;*

TELECOMMUNICATIONS: ACCESSIBILITY ISSUES & CHALLENGES

The telecommunications policy objectives requires a review to include the accessibility for Deaf persons and people with disabilities that will ensure to achieve other policy objectives with practical guidance in the exercise of its power of the overall telecommunications policy objectives that reliable and affordable telecommunication services of high-quality should be accessible to all Canadians, including Deaf people and persons with disabilities.

In order to have most effective forum to advance the interest of Deaf persons and people with disabilities to address the capacity of accessible telecommunications will require a

comprehensive manner where all of these key players must be present to incorporate accessibility solutions directly into the regulatory framework as it furthers the objectives of Canadian telecommunications policy.

The 1993 Telecommunications Act recognizes that telecommunications have “an essential role in the maintenance of Canada's identity and sovereignty” to laid out federal legislation on governing the telecommunications sector. The importance of telecommunications are reflected in the key areas of impact as the following:

- Telecommunications does provides a technological foundation for societal communications, which plays a central role in the fundamental operations of a society from business to government to families;
- Telecommunications enables an increasingly vital role in enabling the participation and development of people in communities across Canada; and
- Telecommunications provides vital infrastructure roles for safety, security and privacy such as emergency alerting system.

A perfect example to take a look at the Twenty-First Century Communications and Video Accessibility Act (CVAA) in United States. The U.S. legislation ensures that an older federal telecommunications legislation took into account more modern innovations (i.e. new digital, broadband, and mobile technology). Under the CVAA, for example, “advanced” communications services and products, including video conferencing, text messaging, which are required to be accessible. This has not yet happened in Canada where it requires a better modern innovations and advanced communication services and products.

UNIVERSAL ACCESS, CONSUMER PROTECTION, RIGHTS AND ACCESSIBILITY

Canada’s Telecommunications Policy does not directly address the needs of Deaf persons and people with disabilities due to several accessibility issues that must be addressed in order to improve a better telecommunications policy objectives for the amendment in the new Telecommunications Act.

As you know that the CRTC has mandated as basic telecommunications services relay services such as TTY, IP relay and Video Relay Service. There are [Message Relay Services \(MRS\)](#) that are available in Canada, which are text-to-voice services that enable people with a hearing or speech disability to make and receive telephone calls.

The CRTC currently requires wireline telephone service providers to offer two types of MRS: Teletypewriter (TTY) and Internet Protocol (IP) relay services. There is one accessibility issue with regards on the IP Relay Service where accessibility groups are still advocating for a better telecommunications services on IP Relay App through relay services in Canada, which will able to accommodate for many accessibility groups including Deaf-Blind members but unfortunately, the CRTC does not support this. Another issue is about the Text with 911 that the system is very flawed where it was based on only 27 trail participants chosen from a provincial auditory-verbal organization rather than our accessibility groups representing Deaf people. As a result from this trial on Text with 911, CAD-ASC was dismayed to find there are

delays in response time, where in Canada the response time could take up to 2 minutes, compared to the United States, it takes dispatchers at only 11 to 18 seconds to respond.

In addition, telecommunications services must ensure accessibility for Deaf persons and people with disabilities where there are many different retail stores across Canada is not accessible to ensure functional equivalency for telecommunications like other Canadians. When Deaf people walk into the retail stores where there are no ASL and LSQ videos are available so the full information is not provided. It requires to safeguards their rights and responsibilities for Deaf people to understand the full information on equal footing with other Canadians.

The challenges is when it comes with Deaf people who would like to have these questions about telecommunications services regarding their accessibility barriers that are faced with. The fact is that not all companies have designated department phone numbers and email addresses to field the issues that are delivered. Phoning to the generic 1-866 numbers has created so much confusion and strife for Deaf customers, with phone trees that are not accessible with relay services. There need to be people who have the lived experience, such as those who are Deaf themselves in the departments, running the departments and answering the front-line responses with empathetic and knowledgeable responses because they understand the Deaf experience themselves.

The telecommunication service providers companies needs to establish a proper Accessibility services including a designated Accessible flagship stores in major metropolitan cities identified as “Accessibility Centres of Excellence” with the provisions of:

- Deaf staff persons who are fluent ASL or LSQ
- Sign language interpreters at the designated stores available on regularly scheduled days and times, with more than one option per week provided to DDBHH customers.
- Video Remote Interpreting options to be available.

This includes provisions of information and communication as a part of true accessibility for Deaf Canadians as a human right, when received on the equal basis like other Canadians, especially providing telecommunications services. It is critical when it comes to the provisions for their accessibility needs including Sign language interpretation services or having Deaf sale agents at the retail stores to ensure that communication is provided to Deaf Canadians before making an independent decision.

COMPETITION, INNOVATION, AND AFFORDABILITY

Affordable telecommunications services are very important for Deaf people and persons with disabilities, particularly to the many who live in poverty. The CRTC needs to regulate the telecommunications providers in such as manner that Deaf persons and people with disabilities to have an access to the services and products that need to be at an affordable costs. Therefore, it is critical to ensure that there must be genuinely competitive services packages among wireless service providers to give affordable prices to Deaf people and persons with disabilities.

From personal and anecdotal experiences, it shows that the different needs of Deaf people and persons with disabilities can cost us an extra \$250 or more per month compared to other Canadians who are not disabilities, which is a discriminatory because it lacks the ability to ensure the functional equivalency for providing full accessibility where Deaf people and persons with disabilities have a specific needs to access to these Internet services such as Deaf people requires a good quality of video communications through Internet services that can able to enjoy the full conservations like other Canadians.

One example is that accessibility groups including CAD-ASC are advocating for a better accessibility plans to support our accessibility needs for Deaf persons and people with disabilities in Canada. Currently, accessibility plans are offered with more data for less. Deaf people does have more data because of the important for video communications to ensure the full accessibility and functionally equivalent to other Canadians so that Deaf people should not be be forced to pay for an additional data package offerings if it cannot benefit for them.

FUNDING

As you know that the Broadcasting Accessibility Fund has been established to advance accessibility to broadcasting content. Therefore, it is important to recognize that telecommunications sector does have a key role in shaping society where CAD-ASC recommends that the CRTC must establish the Telecommunications Accessibility Fund must mandated to advance accessibility to telecommunications content for Deaf Canadians and people with disabilities because this fund should also conduct targeted outreach campaigns to increase public awareness and support these innovations through communications services and its products that will be accessible.

PROPOSED AMENDMENTS

The accessibility of telecommunications in Canada must be aligned with the Bill C-81 to make sure that accessibility standards and regulations to be established for this significant roles of in the social and economic lives of Canadians including Deaf persons and people with disabilities for communication, connection and culture on digital technologies, media and the relationships with these telecommunications sectors. CAD-ASC recommends to include an amendment that must include monitoring and enforcement of accessibility standards to increase the equal access to modern communications for ensuring full equivalency in telecommunications.

Section 7 of the Telecommunications Act must be amended with the following:

-- (j) to enhance reliable and affordable telecommunication services of high accessibility standards that serves to safeguard, enrich, and strengthen functional equalivency and equal access for Deaf persons and people with disabilities through full participation on cultural, political, social and economic fabric of Canada and its regions. --

CAD-ASC believes that new arrangements are required to achieve these goals, as well as to protect human rights of Deaf persons and people with disabilities. This will enhance Canada's overall telecommunications policy as telecommunications markets become more innovative

and competitive in a key infrastructure of economic and social activities in telecommunications access.

BROADCASTING & TELECOMMUNICATIONS: GOVERNANCE AND ADMINISTRATION

The Minister of Innovation, Science and Economic Development Canada (ISED) must work with the Minister of Public Services, Procurement and Accessibility to include full consultations and participation with Deaf persons and people with disabilities in ensuring accessibility requirements in Canada's broadcasting and telecommunications policies and regulatory framework, which formulates policies, recommendations, regulations and legislation that govern and promote the development, efficient operation and competitiveness of the telecommunications services to be required.

Currently, the Social and Consumer Policy at the CRTC handles everything from diversity to accessibility. The Social and Consumer Policy Department is tiny and overwhelmed with their responsibilities and are not staffed by Deaf persons and people with disabilities. Since 2006, CAD-ASC and other accessibility groups have been repeatedly requested that the CRTC to establish an Accessibility Office to ensure there is an accessibility and human rights lens into the policy-making and decision-making process for all telecommunications and broadcasting services related.

Our American counterpart, the Federal Communications Commission (FCC) has established [Disability Rights Office](#) (DRO) since 1990 and why not as well in Canada? Therefore, the CAD-ASC strongly recommends that the CRTC must establish an Accessibility Office to employ Deaf persons and people with disabilities for enforcement of accessibility requirements in telecommunication sectors including its authority to perform inspections and impose administrative penalties.

In addition, CRTC must also establish an Accessibility Advisory Committee to ensure Deaf people and persons with disabilities, and our representative organizations, must also fully participate in the monitoring of accessibility issues within broadcasting and telecommunication services in Canada, which the CRTC must provide an annual reporting of empirical information about accessibility including numbers of complaints and the outcomes of investigations of these complaints.

There are telecommunications policy branch and broadcasting policy branch at these federal government departments. Therefore, it is critical to create an Accessibility office to employ Deaf persons and people with disabilities for developing policy and providing advice to the Minister of Innovation, Science and Economic Development, Minister of Canadian Heritage and Multiculturalism, Minister of Public Services and Accessibility, and the federal cabinet in relation to the Government of Canada's responsibilities under the Broadcasting Act and Telecommunications Act.

Lastly, CAD-ASC recommends that the Broadcasting Act, the Telecommunications Act, and the Radio-telecommunications Act should be folded into a single act in order to enhance Canada's overall broadcasting and telecommunications policies as modern communications markets become more innovative and competitive in a key infrastructure of economic and

social activities in full accessibility and functional equivalency for Deaf people through broadcasting and telecommunications access.

CONCLUSION

Accessibility is a human rights which is in accordance with the Canadian Human Rights Act (CHRA), telecommunications providers and broadcasters have a legal obligation not to discriminate in the provision of their goods and services.

The CRTC is obliged to discharge its responsibilities in a way that conforms to the values and principles of the CHRA and the Charter of Rights and Freedoms. For example, the CRTC has an obligation to interpret the Canadian broadcasting and telecommunications policies objectives in a way consistent with the Charter, the CHRA, the proposed Accessible Canada Act and the United Nations Convention on the Rights of Persons with Disabilities.

Deaf people doesn't have constant access to evolving and changing information and often miss out because the information was not in their own first languages which are ASL and LSQ, with English and French as their second languages. Therefore, Deaf people need to have an access to information in sign language, Canada's two national sign languages: American Sign Language (ASL) and langue des signes québécoise (LSQ).

The technologies used for broadcasting and telecommunications have changed greatly over the last 50 years. Mr. Jean-Pierre Blais, CRTC Chairperson said that "in 2017, I see the CRTC as an institution that is trusted by Canadians. They trust us to ensure that Canada maintains and develops a world-class communication system. They trust us to defend their interests as citizens, as creators and as consumers." Therefore, broadcasting and telecommunications become more important throughout the economy, these telecom companies can help transform modern digital communications by ensuring functional equivalency and accessibility in areas of the broadcasting and telecommunications sectors through the use of innovative and inclusive technologies that support Deaf persons and people with disabilities in Canada.

It is critical to share this important quote as the following:

"Accessibility must be a first thought, not an afterthought" by Mr. Tom Wheeler, who was Chairman of the Federal Communications Commission (FCC) in 2015.

This quote from Mr. Tom Wheeler means that it is time for Canada to actually address these important accessibility issues, which an inclusive and accessible Canada will include 3.5 million Deaf, Deaf-Blind and Hard of Hearing Canadians to ensure they have equal rights to participate in Canadian society. It will allow Canada to better meet its human rights obligations under the United Nations Convention on the Rights of Persons with Disabilities (CRPD).

BIOGRAPHIES

Panelist Presenters

Frank Folino was born Deaf and is a lifelong Toronto resident. He is the President of the Canadian Association of the Deaf – Association des Sourds du Canada (CAD-ASC), a national not-for-profit organization that promotes accessibility and human rights for Deaf people who uses American Sign Language (ASL) and langue des signes québécoise (LSQ). CAD-ASC is affiliated with the World Federation of the Deaf (WFD), and CAD-ASC is a United Nations-accredited Non-Governmental Organization (NGO) to the Convention on the Rights of Persons with Disabilities.

Frank served as member of the Interim Board of Directors for the Canadian Administrator of Video Relay Services, the new not-for-profit corporation that was mandated by the Canadian Radio-Television and Telecommunications Commission (CRTC) to design, implement and oversee the delivery of Video Relay Service (VRS) in Canada. VRS enables Deaf Canadians who uses ASL or LSQ to make telephone calls via Internet-based videoconferencing technology to connect to a Sign language interpreter, who provides real-time interpretation of telephone conversations.

He currently serves in professional and leadership roles on numerous federal government advisory groups in Canada such as Elections Canada, Canadian Transportation Agency, Service Canada, Canadian Wireless and Telecommunications Association's Accessibility Advisory Committee, and Canadian Radio-television and Telecommunication Commission's Emergency Service Working Group. Frank represents the CAD-ASC with the Canadian Association of Sign Language Interpreters and the Council of Canadians with Disabilities as Member-at-Large on Executive Committee.

In addition, he sits on the North America Advisory Committee for the World Association of Sign Language Interpreters. He has been representing Canada at the international level with organizations such as the World Federation of the Deaf and has attended many meetings related to the United Nations on Convention on the Rights of Persons with Disabilities (CRPD). Also, Frank is currently involved as a Steering Committee Member on the Civil Society Coordination Mechanism for the Conference of States Parties to the CRPD.

Frank has received several awards over the years, from Festivals and Events of Ontario (FEO) in 2009, an organization that promotes economic tourism in Ontario; the Ontario Volunteer Service Award from the Ontario Ministry of Citizenship and Immigration in 2010, recognizing his volunteer contributions in the Province of Ontario. His most recent honour was the Queen Elizabeth II Diamond Jubilee Medal in December 2012 for his volunteer efforts in Canada.

Frank Folino holds an Honours Bachelor of Arts (BA) in Political Science from York University. His research fields focused on the political economy and political power in Canadian federalism.

James Roots has been a leader in national disability rights for over 30 years. He is Executive Director of the Canadian Association of the Deaf-Association des Sourds du Canada, and he is the author of *The Politics of Visual Language: Deafness, Language Choice, and Political Socialization*, co-author of *The Employment and Employability of Deaf Canadians*, and writer-producer-director of the Sign language version of the United Nations Convention on the Rights of Persons with Disabilities and a similar version of the Canadian Human Rights Commission complaints procedure, for which he won a Special Recognition Award.

As a private educational advocate, he has assisted several families in obtaining appropriate educational placement and support services. He was plaintiff in three law cases affirming the accessibility rights of Deaf Canadians. His academic achievements include a Master's degree in Political Science, a Bachelor of Arts in English, a Diploma in Book Editing and Design, and certificates in Project Management, Fundraising Management, and Dispute Resolution.

Document Collaborator

Pavel Chernousov has a Bachelor's degree in International Relations from the Moscow State University of International Affairs (MGIMO) and a Master's degree in Political Science from the University of Ottawa. His work history includes climate change assignments with the United Nations, the Moscow Carnegie Centre, and research and teaching positions at the University of Ottawa. Pavel has a strong academic background in government programs and international development.

While in the United States on his exchange program, he received the President's Volunteer Service Award and letters of recognition from the US Ministry of Defence, the state of Tennessee, and the commonwealth of Kentucky. He was a volunteer at Saint-Vincent Hospital and Elizabeth Bruyère Hospital in Ottawa working with senior and disabled patients.

During his teen years, Pavel was a volunteer at the orphanage house in Russia working with orphan children.