



**Unresolved Issues Related to the Accessibility of
Telecommunications and Broadcasting Services to Persons
with Disabilities**

Broadcasting Notice of Public Hearing CRTC 2008-8

**Presentation by
The Canadian Association of Broadcasters**

November 17, 2008

**CAB Vision: The goal of the CAB is to represent and advance the interests of Canada's
private broadcasters in the social, cultural and economic fabric of the country.**

Thank you very much, Mr. Chairman, and good afternoon. My name is Glenn O'Farrell and I am the President and CEO of the Canadian Association of Broadcasters.

I'd like to start off by introducing the colleagues who've joined me here today.

Starting at my far left is

- Susan Wheeler, Vice-President, Regulatory Affairs, Rogers Media Inc..
- Next to her is Jonathan Medline, Vice-President, Regulatory Affairs, CanWest Media Inc..
- Beside Jonathan is Chantale Gagnon, Vice-Présidente, services technique, Les Chaînes Télé Astral.
- Beside me on my immediate left is David Goldstein, Senior Vice-President, Regulatory Affairs, CTVglobemedia Inc.,
- And to my right are Jay Thomson, CAB's Vice President Regulatory and Policy, and Pierre-Louis Smith, CAB's Vice-President, Policy, and Chief Regulatory Officer.

Mr. Chairman, members of the panel, at the outset, I would like to emphasize that the first objective of broadcasters is to serve their audiences, and so, at the core of their business model is the necessity to constantly attract and work to retain their viewers and listeners. They do this by striving to meet the needs of *all* segments of their audience.

We all know that these are very difficult economic times – the most difficult in recent memory – and all sectors of the economy are facing very real business challenges. For broadcasters, as the Commission has recognized, there are also fundamental structural issues that must be addressed. As a result, tough decisions are being made; cut-backs are occurring.

Subsection 3(1)(p) of the Broadcasting Act, as you know, provides that the Canadian broadcasting system should provide “programming accessible by disabled persons *as resources become available* for that purpose.”

When resources *have* been available, it is clear that Canadian broadcasters have stepped up, having pioneered a number of initiatives that have greatly improved accessibility to television programming for Canadians with hearing and vision disabilities.

For example, as part of this process, the CAB commissioned and submitted a first-ever comprehensive study of Described Video in Canada. That study found that, while broadcasters face

a number of challenges in getting programming described – not the least of which is the inordinate cost of doing so – they are nevertheless still committed to meeting their DV obligations..

In terms of closed captioning, Canada's private broadcasters have made significant investments of time, money and personnel in the research, development and implementation of captioning technology and monitoring.

Private broadcasters have led several important initiatives in this area, dating as far back as 1992, including the development of standards and protocols for closed captioning on English-language broadcasts.

More recently, we welcomed the Commission's request to coordinate the establishment of English- and French-language Working Groups on closed captioning. These Working Groups are composed of representatives of private and public television broadcasters, as well as educational broadcasters and representatives of the Canadian Deaf and hard of hearing community.

The English-language Working Group has been focusing its work on updating the voluntary code for private English-language broadcasters. The updated version of the code will become the uniform standard on closed captioning for all private, public and educational English-language television services operating in Canada.

The French-language Group is developing a manual that establishes standards and protocols specifically adapted to the provision of closed captioning in French. These new guidelines will apply to all television services operating in French-language markets.

As requested by the Commission, the Working Groups' reports, and the proposed standards for closed captioning, will be tabled at the end of this month.

Mr. Chairman, as demonstrated in the chart in your package comparing Canada with other countries, the Canadian broadcasting system is a world leader in serving the needs of our citizens with disabilities.

Overall, in terms of both current and forthcoming broadcasting services for the hearing- and vision-disability communities, only the UK, with its very significant public broadcasting focus through the BBC, is comparable to Canada. The US has no described video obligations. Australia has no DV obligations and minimal closed captioning rules. A number of European countries have no accessibility rules for their broadcasters whatsoever.

Moreover, the initiatives adopted by Canadian private broadcasters to serve the disability community go beyond closed captioning and described video. In 2005 the CAB released a report on The

Presence, Portrayal and Participation of Persons with Disabilities in Television Programming. Our industry is proud of its progressive approach to the development and delivery of several important initiatives that stemmed from the extensive research and consultations that formed the basis for this report.

You'll recall, these include:

- a PSA campaign called "Open Your Mind";
- guidelines on language and terminology for use by broadcast news professionals;
- a widely-distributed brochure on employment opportunities aimed at improving the participation of persons with disabilities in the industry; revisions to the CAB's Best Practices for Cultural Diversity to include people with disabilities, with CAB and its larger members filing with the Commission annual reports which describe their diversity initiatives; and
- the CAB's new *Equitable Portrayal Code*, the first of its kind in the world. The revised *Code* is being made available across Canada in 42 languages and in multiple formats.

In addition, on Thursday, November 27th, we'll be offering our English members an online diversity seminar – a 'webinar' if you will – which, amongst other things, will look at common workplace barriers faced by people with disabilities, and look at some basic, cost-effective solutions for employers to address those barriers. A similar webinar for our French members is in the works.

Mr. Chairman, given all these Commission actions and broadcaster initiatives over recent years, it is no surprise that, as we understand it, this current process was originally intended to focus on accessibility issues relating solely to *telecom* services.

It is equally of no surprise that the written submissions of individuals and organizations representing the disability community have also related primarily to telecom issues, as well as to terminal equipment, especially for wireless devices.

To the limited extent they have addressed broadcasting matters, their comments have focused on *augmenting* the services broadcasters already provide, and which I've already described.

While we appreciate where they are coming from, we urge the Commission to appreciate the very real resource issues that broadcasters currently face. You'll hear more details from individual broadcasters in the context of their upcoming licence renewals, but there's no denying the challenging financial state of the industry in the wider context of the current economy.

In this economy, we submit the Commission *must* appreciate that even *maintaining* current levels of service will be challenging.

That being said, we believe there are still ways we can work to enhance the services we provide to Canadians with hearing and vision disabilities.

Mr. Chairman, to that end, we recommend that the English- and French-language Closed Captioning Working Groups remain active beyond their current mandate. This will provide a valuable place for an expert exchange on issues related to closed captioning and will also serve as a solution-driven forum to continue to develop best practices to meet the needs of the Deaf and hearing-impaired community.

We also recommend that participation in these Working Groups should expand to include BDUs. In this way, the Working Groups can continue, for the foreseeable future, to cover issues from one end of the communication chain to the other.

As regards Described Video, we note that one of the key findings of the Study we submitted in this process is that, most viewers simply don't know when DV programming is scheduled.

This is certainly an area where we are prepared to take some decisive steps over the short term.

Specifically, the CAB is prepared to proactively undertake the formation of a multi-stakeholder Working Group, with a 12-month mandate to come up with a plan with specific recommendations to better promote available DV programming.

We expect this initiative, in tandem with the upcoming launch of *The Accessible Channel*, will have a huge impact on consumer awareness regarding when and where described programming is available. As the Commission stated when it licensed *The Accessible Channel*: given that the service will offer 100% open format DV and provide various types of programming to blind and visually impaired Canadians, it will be of exceptional importance to fulfilling the objectives of the Broadcasting Act.

We also hope that, some day, there will be a similar initiative or service in French to address the needs of French-speaking Canadians who are blind or vision-impaired.

In conclusion, it is important to remember, as I stated at the outset, that broadcasters are audience-driven - at the core of our business model is the necessity to constantly attract new viewers and listeners. To put it simply, it's in our best interests, *where resources permit*, to respond decisively to the needs of all segments of our audience.

It's our view that the industry – through its own initiative – has made enormous strides in recent years in serving the needs of Canadians with disabilities.

When it comes to accessibility, Canada's private broadcasters have backed their verbal commitments with substantial investments.

We would be pleased to take your questions.

Summary Grid

Regulatory Obligations Concerning Television Programming Accessibility in Selected Jurisdictions

	<i>Accessibility Obligations</i>		
<i>Country</i>	<i>Described Video</i>	<i>Closed Captioning</i>	<i>Other Services</i>
<i>Canada (private broadcasters)</i>	OTA and specialty service obligations – 4 hrs per week	100 percent of programming for French and English broadcasters	The Accessible Channel to provide open DVS, 24/7
<i>United States</i>	No obligation	100 percent of new programming with some exemptions*	None
<i>U.K.**\</i>	Graduated obligations, up to 10 percent of programming	Graduated obligations, 80 to 100 percent of programming	Programming in sign language (5 percent)
<i>Ireland</i>	1 percent for the main public network	Graduated obligations, 60 to 100 percent of programming, 7:00 a.m. to 1:00 a.m.	Programming in sign language (1 percent for the public network)
<i>France</i>	No obligation	Graduated obligations to 100 percent of programming for public networks by 2010***	Small number of programs in sign language on the public networks
<i>Australia</i>	No obligation	OTA services, 6:00 p.m. – 10:30 p.m.	None

* Exemptions to closed captioning in the U.S. include PSAs and programming scheduled in the 2:00 a.m. to 6:00 a.m. hours. Pre-2006 programming must be 75 percent closed captioned.

** In the U.K., certain programs or services are exempted from accessibility obligations based on factors of cost, level of audience benefit, technical factors and/or audience share.

*** Although required by legislation to achieve 100 percent closed captioning by 2010, most public broadcasters in France have to date reached about 30 percent, noting a cost of 40(€) per minute for captioned programming. Private broadcasters have separate obligations, e.g. TF1 is required to provide 1,000 hour of captioned programming annually and cable/satellite services must provide 20 percent of programming with close captioning by 2010.

A number of other European countries – including Spain, Germany, Denmark and Finland – have no regulatory obligations concerning programming accessibility; access services such as closed captioning can be voluntary and are thus limited to specific services and broadcast hours.

Sources

U.S., Federal Communications Commission, Disability Rights Office,
<http://www.fcc.gov/cgb/dro/ccrules.html>

U.K., Ofcom, *Code on Accessible Television Services*,
<http://www.ofcom.org.uk/tv/ifi/codes/ctas/ctas.pdf>

Ireland, Broadcasting Commission of Ireland,
http://www.bci.ie/documents/access_consult.pdf¹

France, Conseil supérieur de l'audio-visuel
http://www.csa.fr/actualite/dossiers/dossiers_detail.php?id=127347

Australia, Media Access Australia, <http://www.mediaaccess.org.au/>

For additional information on these and other jurisdictions, see *Hear-it.org* <http://www.hear-it.org/page.dsp?page=2917>

¹ The Broadcasting Commission of Ireland adopted the accessibility proposals presented in the *Access Consultation Document* noted.