

Guidance on the *Accessible Canada Regulations*

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About Us

The Canadian Association of Broadcasters (CAB) is the national voice of Canada's private broadcasters. Our goal is to represent and advance the interests of Canada's private radio and TV broadcasters in the social, cultural and economic fabric of the country.

About This Guidance

This document was prepared by the CAB to assist our members in fulfilling their accessibility obligations under the *Accessible Canada Act*. The document is not prescriptive, and the sample plan may need to be modified to reflect your entity's unique needs and resources.

Relevant Legislation and Regulations

- [Accessible Canada Act](#)
- [Canadian Radio-television and Telecommunications Commission Accessibility Reporting Regulations SOR/2021-160](#)
- [Accessible Canada Regulations SOR/2021-241](#)

Additional resources are listed in Part III of this document.

Disclaimer

This document is provided for general information only. Each entity is responsible for understanding and complying with its legal obligations and for developing its own policies, procedures, and materials. This document does not include or constitute legal or professional advice from the CAB. Users are encouraged to seek independent advice to ensure compliance with legislative obligations.

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Part I

Introduction

In 2019, the *Accessible Canada Act* (ACA) came into force. Its purpose is to make Canada barrier-free by January 1, 2040, by identifying and removing barriers – anything that prevents persons with disabilities from fully and equally participating in Canadian society – and preventing new ones. The Act applies certain requirements to federally regulated entities, including the broadcasting sector by way of the Canadian Radio-television and Telecommunications Commission (CRTC).

In July 2021, the CRTC published regulations governing the accessibility reporting requirements for broadcasting entities. In December 2021, the Government issued a general regulation for all federal entities. While the two regulations are aligned, the general Governor in Council regulation applies to all federally regulated sectors and focuses on entities as employers. The regulation from the CRTC applies only to entities in the broadcasting and telecommunications sectors and focuses on their role as employers as well as service providers. Broadcasting entities are subject to both regulations, which prescribe similar requirements to ensure compliance with the ACA.

Therefore, in addition to the regulations set out in the *CRTC Accessibility Reporting Regulations*, broadcasting providers are reminded of their complementary obligations, including notification obligations, under the *Accessible Canada Regulations*, which are administered by the Accessibility Commissioner to the Canadian Human Rights Commission.

The regulations require broadcasting entities to:

1. Publish a feedback process to receive and respond to feedback from the public
2. Prepare, publish, and regularly update an accessibility plan
3. Prepare and publish annual progress reports on the accessibility plan
4. Conduct consultations with persons with disabilities to inform and update the accessibility plan and progress reports
5. Notify the CRTC and the Human Rights Commission when these documents are made public

Each of these obligations are described in the sections that follow. Further details on these obligations are also set out in the Government's [Summary of the Accessible Canada Regulations](#) and on the [CRTC website](#).

Application and Timelines

The accessibility regulations apply to broadcasting entities with 10 employees or more.

| Phase | 100+ employees | 10-99 employees* |
|--|--|--|
| 1) Publish the description of entity's feedback process | June 1, 2022 | June 1, 2023 |
| 2) Publish the entity's first accessibility plan | June 1, 2023 | June 1, 2024 |
| 3) Publish entity's progress report | June 1 of each year when an updated accessibility plan is not required (2024, 2025) | June 1 of each year when an updated accessibility plan is not required (2025, 2026) |
| 4) Publish an updated version of entity's accessibility plan | Every 3 years (June 1, 2026) | Every 3 years (June 1, 2027) |

*Entities with fewer than 100 employees must have filed an attestation with the CRTC by **June 1, 2022**, to qualify for the later publishing deadlines.

*Entities with fewer than 10 employees must have filed an attestation with the CRTC by **June 1, 2022**, to be exempted from publishing accessibility materials.

Even if your number of employees has changed (bringing you into a different "class"), you must meet the reporting requirements established above for this year. You may file a revised attestation, and the new reporting requirements will apply as of the following year. See [CRTC Information Bulletin 2022-117](#) for additional information about filing deadlines and submitting or amending attestations.

Attestations must be completed by an authorized individual of the entity (e.g., owner, officer, or director) and submitted through the [CRTC's Data Collection System](#). More information about the attestation process (form 860) can be found in the [guidance letter from the CRTC dated April 22, 2022](#) and on the CRTC's website.

Key Reporting Requirements

As set out in the table on the previous page, broadcasting entities have three main reporting obligations:

1. Feedback process descriptions

Under the *Accessible Canada Act* (ACA), broadcasters are required to establish a feedback process that permits consumers to identify accessibility issues and particularly any barriers they may have faced in dealing with the broadcaster. Broadcasters must also publish a description of their feedback process and notify both the CRTC and the Accessibility Commissioner when it has been published.

Entities with more than 100 employees and entities with between 10 and 99 employees should have already published their feedback process descriptions.

2. Accessibility plan

While there is no definition of an accessibility plan provided in the ACA or the regulations, the Government's [Guidance on Accessibility Plans](#) describes an accessibility plan as "a document respecting your organization's policies, programs, practices, and services in relation to the identification and removal of barriers, as well as to the prevention of new barriers from emerging."

When preparing your accessibility plan, you must consult with persons with disabilities and take into consideration the [principles](#) set out in the ACA. Plans must be updated every three years and include feedback from persons with disabilities.

Entities with more than 100 employees should have already filed their first accessibility plans. Smaller entities (10 to 99 employees) must file their plans by **June 1, 2024**. A sample accessibility plan template is set out in Part II of this document.

3. Progress reports

The ACA requires regulated service providers to create and publish progress reports on the implementation of their accessibility plan. The providers must also notify the CRTC and Accessibility Commissioner when those progress reports are available on their websites.

The first progress report deadline, which is for entities with more than 100 employees, is **June 1, 2024**.

Principles of Accessibility

Broadcasting entities must prepare or update an accessibility plan while recognizing and accounting for the following principles from [Section 6 of the ACA](#):

- a) All persons must be treated with dignity regardless of their disabilities;
- b) All persons must have the same opportunity to make for themselves the lives that they are able and wish to have regardless of their disabilities;
- c) All persons must have barrier-free access to full and equal participation in society, regardless of their disabilities;
- d) All persons must have meaningful options and be free to make their own choices, with support if they desire, regardless of their disabilities;
- e) Laws, policies, programs, services and structures must 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;
- f) Persons with disabilities must be involved in the development and design of laws, policies, programs, services and structures; and,
- g) The development and revision of accessibility standards and the making of regulations must be done with the objective of achieving the highest level of accessibility for persons with disabilities.

Publication Obligations

A broadcasting entity is required to make the most recent accessibility plan and progress report publicly available, as well as provide information on their feedback process:

- In clear, simple, and concise language
- Electronically:
 - On the main digital platform where you communicate with the public
 - From the homepage or by way of a hyperlink on that homepage
 - In a conspicuous manner
 - In a format that meets Level AA conformance in the [Web Content Accessibility Guidelines](#) published by the World Wide Web Consortium

Notifying the CRTC and Accessibility Commissioner

Your entity is required to notify the CRTC and the Accessibility Commissioner about publication of:

- The description of the feedback process
- Any updated description of the feedback process
- Each version of the accessibility plan
- The most recent progress report

Notifications must:

- Be submitted electronically
- Be completed within 48 hours of the publication
- Include a hyperlink to the URL with the published document

The CRTC expects notification of publications or updates to be filed using the entity's **My CRTC Account (GC Key)**. Further information about how to format and submit the notification is available in [CRTC Information Bulletin 2022-227](#) and on the CRTC's website.

The Accessibility Commissioner has its own platform, [My Accessibility Portal](#), where you can create a profile, exchange information with the commissioner, notify on the progress of your accessibility plan, and monitor the status of notifications.

Feedback Process

Your entity must designate a person responsible for receiving feedback on its behalf.

The entity must have a process for receiving feedback about:

- How your entity is implementing its accessibility plan
- The barriers encountered by persons dealing with your entity

The process must be available:

- In clear, simple, and concise language
- Electronically:
 - On the main digital platform where you communicate with the public
 - From the homepage or by way of a hyperlink on that homepage
 - In a conspicuous manner
 - In a format that meets Level AA conformance in the [Web Content Accessibility Guidelines](#) published by the World Wide Web Consortium

Feedback:

- Can be received by phone, email, through an online form, or any other means designated by the entity
- Can be submitted anonymously
- Must be acknowledged when it is not anonymous
- Must maintain privacy and confidentiality of personal information, unless consent for disclosure is obtained
- Must be retained for seven years since the day of receipt

Consultations

Your entity must consult with persons with disabilities in:

- The preparation of the accessibility plan
- Every updated version of the accessibility plan
- The preparation of the progress report

The accessibility plan and progress report must include a description of the methods used for consultation.

Document Retention

Your entity must maintain each published version of its accessibility plan and progress reports accessible to the public on its digital platform for seven years from the date on which the document was required to be published. This means that older documents that are replaced by more current versions must remain publicly accessible until seven years after they were initially published.

Your entity is only required to have the most recent description of your feedback process publicly available for seven years.

Request for Documentation

A person may request a copy of the accessibility plan or progress report in an accessible format (including print, large print, braille, or other audio or electronic format), and the entity has a prescribed number of days to fulfill the request depending on the requested format.

Part II

Sample – Accessibility Plan and Progress Report

This sample can be used to generate an accessibility plan or progress report. The headings indicate whether the content in each section is required by the regulations or recommended. You may also wish to refer to the Government’s [Guidance on Accessibility Plans](#), which also includes a template.

1. General (required)

- Position title of the person designated to receive feedback about accessibility
- Contact information for the public to communicate with the broadcasting entity, including:
 - Mailing address
 - Phone number
 - Email address

Note: This contact may be used by the public for matters including requesting the entity’s accessibility plan or feedback process description in alternate formats and providing feedback.

2. Executive Summary (recommended)

- Short summary of the accessibility plan (one page or less)
- Provide an overview of:
 - Major barriers identified
 - Steps taken to remove and prevent them
 - A summary of consultations

3. Accessibility Summary (recommended)

- Short description of how accessibility aligns with your entity’s goals, operations and activities (one page or less)

4. Areas of Accessibility (required)

4.1. Provisions of any regulations made under subsection 10(1) of the *Broadcasting Act*

- Describe the provisions of any regulations that relate to the identification and removal of barriers and the prevention of new barriers

4.2. Barriers by area

Describe the entity’s policies, programs, practices, and services in relation to the identification and removal of barriers and the prevention of new barriers in the following areas:

- a) Employment
- b) The built environment
- c) Information and communication technologies (ICT)

- d) Communications other than ICT
- e) The procurement of goods, services, and facilities
- f) The design and delivery of programs and services
- g) Transportation

Notes:

i. For each area of accessibility, consider:

- Identification of barriers identified by employees, clients, consultation participants, and others
- Actions you have taken or will take to remove and/or prevent those barriers
- The timeline for addressing identified barriers
- The roles and responsibilities of those involved in taking action to address barriers
- Determining and tracking intended outcomes
- The accessibility principles set out in [Section 6 of the ACA](#)

ii. As appropriate, consider how communication in American Sign Language, Quebec Sign Language and Indigenous sign languages relates to removing and identifying barriers and preventing new barriers.

iii. If the area does not have any identified barriers, or if that area is not relevant to your operations, this can be noted under the heading.

iv. You should use consultations with persons with disabilities to seek information and advice about barriers within these areas.

v. Additional headings for areas that are not listed here but may be applicable to your entity may be added.

4.3. Licence conditions under Part II of the *Broadcasting Act*

- Describe any licence conditions that relate to the identification and removal of barriers and the prevention of new barriers

4.4. Provisions of any exemption order made under subsection 9(4) of the *Broadcasting Act*

- Describe the provisions of any exemption order that relate to the identification and removal of barriers and the prevention of new barriers

5. Consultations (required)

Describe the manner for conducting consultations with persons with disabilities in the preparation of the document. This may include:

- A list of who you consulted (respecting individual participants' privacy)
- What you consulted on

- An explanation of how those responses informed your plan
- When you consulted, including dates or time periods during which the consultation(s) occurred
- The consultation process and activities (e.g., in-person events, virtual meetings, group discussions, digital surveys, etc.)
- An explanation of why you chose that process and those activities
- What your entity did to ensure the consultations were accessible
- What data and information you received from consultation(s) and how it was taken into consideration or will be acted on. (*Note: this is required under the “Feedback” heading – see below.*)

6. Feedback (required for progress reports only)

- Summarize what comments or data you received
- Explain how the comments or data received was taken into consideration

Note: Although the “Feedback” heading is only required for progress reports, you may wish to maintain this section in your accessibility plan as well.

7. Budget and Resources (recommended)

- Describe any resources (e.g., financial, human, etc.) for accessibility improvements

8. Training (recommended)

- Describe accessibility-related training that has been or will be provided to staff

9. Glossary (recommended)

- Define key terms, abbreviations, specialized words, or technical expressions used in the document

Part III

Useful Links

Government of Canada Resources and Guidance:

- Summary of the *Accessible Canada Act* – <https://www.canada.ca/en/employment-social-development/programs/accessible-canada/act-summary.html>
- Summary of the *Accessible Canada Regulations* – <https://www.canada.ca/en/employment-social-development/programs/accessible-canada/regulations-summary-act.html>
- Accessibility Standards Canada – <https://accessible.canada.ca/>
- Canadian Human Rights Commission Accessibility Unit – <https://www.accessibilitychrc.ca/en>
- Guidance on Accessibility Plans – <https://www.canada.ca/en/employment-social-development/programs/accessible-canada-regulations-guidance/accessibility-plans.html>
- Guidance on the *Accessible Canada Regulations*: Sample Accessibility Plan Template – <https://www.canada.ca/en/employment-social-development/programs/accessible-canada-regulations-guidance/accessibility-plans/template.html>

CRTC Resources and Guidance:

- Obligations of regulated entities under the *Accessible Canada Act* and the CRTC *Accessibility Reporting Regulations* – <https://crtc.gc.ca/eng/industr/acces/index.htm>
- Telecom and Broadcasting Regulatory Policy CRTC 2021-215: The CRTC *Accessibility Reporting Regulations* – <https://crtc.gc.ca/eng/archive/2021/2021-215.htm>
- Information Bulletin 2022-117: Attestation under the CRTC *Accessibility Reporting Regulations* – <https://crtc.gc.ca/eng/archive/2022/2022-117.htm>
- Information Bulletin 2022-227: Guidance on notification under the CRTC *Accessibility Reporting Regulations* – <https://crtc.gc.ca/eng/archive/2022/2022-227.htm>
- CRTC Staff letter – 22 April 2022: Guidance to regulated entities on submitting attestations to the CRTC – <https://crtc.gc.ca/eng/archive/2022/lt220422.htm>
- CRTC Staff letter – 27 April 2022: Guidance for notifying the CRTC when you publish documents required under the *Accessible Canada Act* and the CRTC *Accessibility Reporting Regulations* – <https://crtc.gc.ca/eng/archive/2022/lt220427a.htm>
- CRTC Staff letter – 24 April 2024: Upcoming deadlines [for entities with between 10 and 99 employees] related to the *Accessible Canada Act* and the CRTC *Accessibility Reporting Regulations* – <https://crtc.gc.ca/eng/archive/2023/lt230424.htm>