

CRTC Launches Two New Public Consultations on Accessible Programming by Online Streaming Services

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The Canadian Radio-television and Telecommunications Commission (CRTC) is moving full speed ahead in its efforts to modernize Canada's broadcasting framework following the passage of the *Online Streaming Act*. On June 25, 2024, the CRTC announced that it has opened two new public consultations related to the provision of accessible programming by broadcasters that operate in Canada. Since the passage of the *Online Streaming Act*, the classes of broadcasting undertakings have been expanded to include online streaming services. These consultations therefore serve as further examples of how the passage of the *Online Streaming Act* presents new requirements and considerations for online streaming services operating in Canada.

The CRTC's Regulatory Plan & The New Consultations

As discussed in our [previous Cassels Comment](#), the *Online Streaming Act* received royal assent in April 2023, providing Canada's *Broadcasting Act* with its most expansive refresh in over 30 years. One of the most important amendments made to the *Broadcasting Act* was to expand the classes of "broadcasting undertakings" subject to regulation to include a new class of "online undertakings", more commonly known as online streaming services. As a result, the CRTC is now charged with the regulation of online streaming services, including any regulatory payment obligations of those services, in addition to the CRTC's pre-existing regulatory power over traditional broadcasters.

Shortly after the *Online Streaming Act* came into effect, the CRTC released a [regulatory plan](#) providing details on the steps it plans to take to develop and implement a new framework for the modernization of Canada's broadcasting system. As part of that regulatory plan, the CRTC has announced numerous public consultations that will address a wide range of topics relating to how online streaming services should be regulated, how Canada's production and broadcasting industries can best be supported, and how to best provide Canadians with access to a diverse and inclusive range of programming. Some of these consultations, including those that relate to the requirement for online streaming services to register with the CRTC, pay broadcasting fees, and make financial contributions to support Canada's domestic broadcasting industry, have already taken place. The remaining consultations are planned to take place over the next several years, with consultations currently scheduled until Spring 2026.

On June 25, 2024, the CRTC opened two of those remaining planned consultations, both of which seek

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comments on what the CRTC should consider when developing regulatory policies aimed at ensuring that broadcasters, including online streaming services, are providing programming that is accessible to all Canadians without barriers. The first consultation seeks comments on the **closed captioning services** that online streaming services operating in Canada provide for their programming, while the second seeks comments on the **described video or audio descriptions** that broadcasters, including online streaming services, in Canada provide for their programming.

In both consultations, the CRTC specifically seeks comments on the types of barriers that affected Canadians (including deaf or hard-of-hearing individuals for the first consultation, and blind or partially sighted individuals for the second consultation) face when accessing online programming. These consultations also seek stakeholder and public input on possible solutions for removing or preventing those barriers; what standards of quality (if any) should be imposed on online streaming services for the closed captioning or described video and audio descriptions of programming; and how the CRTC should handle the reporting, monitoring, and complaint process for those standards.

Both consultations are open to stakeholders and all interested members of the public. The CRTC has specifically encouraged affected Canadians and broadcasting undertakings operating in Canada to participate in these consultations. The closed captioning consultation closes on **August 19, 2024**, and the described video or audio descriptions consultation closes on **August 26, 2024**. Interventions for both consultations can be submitted online.

Key Takeaways

While these new consultations are just two of the steps in the CRTC's overall regulatory plan to modernize Canada's broadcasting regulatory framework following the passage of the *Online Streaming Act*, they provide further examples of the rapidly changing system under which online streaming services, including foreign streaming services, must now operate in Canada. Prior to the *Online Streaming Act*, most operators of online streaming services would have been fully exempt from these types of regulatory requirements. However, now that both domestic and foreign streaming services fall under the regulatory purview of the CRTC, the way those streaming services offer programming in Canada is directly affected by CRTC regulatory instruments. In this case, while many online streaming services already offer at least some closed captioning and described video or audio services for their programming, the CRTC regulatory policies that emerge from the present consultations may vary the technical requirements of closed captioning and described video and audio services; especially in a bilingual domestic Canadian marketplace. This may affect the cost of providing those domestic and foreign streaming services in Canada and attendant downstream consumer pricing of those services in the event that the streaming services elect to pass on those costs to their customers.

The Cassels [Entertainment & Sports Group](#) has extensive experience advising businesses on the impact of

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the *Online Streaming Act* and assisting interested stakeholders in making submissions as part of the CRTC's public consultations. If you have any questions about the specific consultations discussed in this article or the *Online Streaming Act* generally, please do not hesitate to contact any member of our team.

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