

**Ensuring Equivalence of Access and Choice for
Persons with Disabilities
in
Telecommunication Markets**

Consultation Document

Feedback from the Jamaica Association for the Deaf

General Feedback:

Page 7: Glossary:

- #2: Replace hearing impairment with Deaf and Hard of Hearing (do this throughout the document)
- Add list of disabilities with reference

Section 3: Types of Disabilities

3.2.2. Replace the second sentence with Persons who are Deaf and Hard of Hearing may have challenges communicating with hearing persons due to the communication barrier. D/HH persons may be unable to communicate by voice telephony....

Politically correctness terminologies needed to be explained:

- a. **Hearing loss** is a bio-medical term used for the purpose of assessment of one's hearing status in terms of one's decibel degrees, indicating mild, moderate, severe and profound inability to hear certain sounds.
- b. The term **hearing loss**, is unfortunately a poor choice of word to describe the hearing status of someone who was born prelingually severely profoundly deaf. "How can someone lose what he/she never had". Herein gives rise to the concept of **Deaf Culture**, where being Deaf is not synonymous to a loss, curse, disease, or to being social outcasts.
- c. **Deaf and Hard-of Hearing** are two terminologies acceptable in this 21st century era. Hearing impaired is considered offensive, when used loosely to imply that something is missing.
- d. **Deaf and Hard of Hearing** persons depending on several factors will have communication access needs that are somewhat similar, or somewhat different from each other .and so, special kinds of features are warranted. This is important so that a society can be realized where everyone can fit nicely in his/her spot within the telecommunication puzzle.

Page 20:

3.3.2. Could consider including: Unavailability of trained and specialised personnel to include Jamaican Sign Language Interpreters or staff who are able to use sign language.

Page 60: Accessibility Features for the ~~Hearing Impaired~~ Deaf and Hard of Hearing

It may be useful to differentiate those that are used by D/HH persons who use a hearing aid or a cochlear implant vs those who do not.

Chapter 5: Measures to Improve Equivalence of Access and Choice

Proposal I

1. Subject to subscribers receiving the required certification of disability by the designated entity(ies), service providers shall make available to subscribers with disabilities, service plans that are suited to their needs. The offers should be such that PWDs pay only for the services they are able to use.
2. Subject to 1 above, all service providers shall make available to PWDs post-paid and prepaid base plans. The composition of the base plans should be similar to that of a standard plan with the difference being that the services are accessible to persons with a particular disability(ies).

Feedback:

1. The certification however must be simple, no cost and fool-proof.
2. Considerations must be made for the Deaf who are likely not to need voice-based plans but high volume of internet data
3. Licensees (like Digicel, Flow and marketers of Smart Phones) will need to take account of the differences in the manner that certain telecommunications services are used by diversities of needs of persons who are deaf and Hard of hearing.
4. Telecommunication marketers must not charge Deaf telephone users for features the Deaf user (him/herself) may never benefit them (e.g. voice messages). In the same vein, they must not be made to endure undue financial hardships for features that are their "birth rights" (videoconferencing features).
5. There should be easily available telecommunication devices that are *compatible* with other adaptive devices and implants deemed helpful for the Deaf and Hard-of-Hearing.
6. There should be text to sign and sign to text features on telecommunication devices

5.3 Provision of Accessible Devices

Proposal II

1. Service providers shall ensure that their own or third party distribution channels, make available and promote to their customer base a selection of handsets and devices with embedded or preloaded accessibility features and applications which support users with various types of disability.
2. Mobile service providers shall make any applications they develop or preload on the devices they sell to customers accessible to PWDs and ensure that their own app store is accessible.
3. Service providers which sell telecommunications devices shall:
 - a. Make available an in-store testing facility which allows PWDs to test devices in advance of purchase. Such a facility would allow end-users with disabilities to purchase devices with

the knowledge and confidence that the equipment could be used by them before they make the purchase.

- b. Ensure that the testing facility is supported by on-site staff that are readily accessible and trained in the use of the devices. The staff should be adequately equipped to address any queries raised by PWDs in advance of purchase.

In the interim, while the testing facility and staff is being prepared, service providers should implement a returns policy which allows PWDs (once certification of disability is provided by the designated entity(ies) to return devices which have not been tested in advance of purchase if the devices do not meet their specific needs.

Feedback:

1. Service providers must demonstrate to Deaf persons the benefits of certain their devices and services. For example, Is this phone compatible with the baby monitor? Will this tablet be useful for grandfather who is Deaf?
2. It is also important that PWDs have a chance to test devices offered by service providers before purchasing
3. Service providers must make available an in-store testing facility which allows Deaf persons to test devices in advance of purchase. Example: A demonstration room showing an app that can translate English to Jamaican Sign Language
4. Staff must be trained in JSL or have easy and ready access to a Jamaican Sign Language interpreter

5.4 Provision of Bills and Contracts in Accessible Format

Proposal III

1. Service providers shall be required to provide bills and contracts to PWDs in a format that is reasonably acceptable to the subscriber. It is not sufficient for service providers to merely provide the service, they must also make consumers aware of this service and it must be readily accessible.
2. Service providers shall provide PWDs with the opportunity to register their alternative billing medium requirement with their service provider. This will ensure that service providers can meet the particular billing needs of their subscribers who have disabilities.

Feedback:

1. Keep terms and conditions simple.
2. Keep bill statements clear and simple using terms and jargons that are Deaf friendly
3. Deaf and Hard of Hearing must have the facilities to query bills in an easily accessible medium

5.5 Provision of General Information on Services in Accessible Format

Proposal IV

1. Service providers shall ensure that:

- a. Information regarding their products and services, including that which is available to the majority of end-users, is accessible to users with disabilities.
The information shall be provided, free of charge, and in a format that is appropriate to the needs of the particular PWD.
- b. Their online facilities including websites comply with the Web Content Accessibility Guidelines (WCAG) published by the World Wide Web Consortium (W3C) and at least conforms to WCAG 2.1 Level AA Standard.
- c. Their websites have a Disability Section which is accessible by one-click access from the home page. This section of the websites shall contain:
 - Comprehensive and up to date information about the products and services it provides which are of particular interest and relevance to people with disabilities;
 - Terms and conditions governing provision of service, including notifications in respect to any modification to those conditions; and
 - Information about their complaints handling procedures.

Feedback:

1. It is important to note the specifics of the need of the end users who are PWDs. For example, Deaf and Hard of hearing must have information presented simply, videos must have closed captioning and/or sign language insets. This applies to all forms of advertisements.
2. Electronic bill boards can be used to advertise products and services offered by telecommunication providers. They must have a universal appeal so that there is Deaf inclusion as indicated by interpreter and closed caption thereon. Electronic bill boards in Half Way Tree, Cross Road, Naggo Head for instance, does not have advertisement in sign language. So Deaf feels excluded.

5.6 Provision of Information to PWDs on the Products and Services Suitable for Them
Proposal V

1. Licensees shall make available to PWDs, information on the products and services that they provide which are suitable for the needs of different categories of PWDs. At a minimum, this would require the publication of information as well as the provision of accurate advice to customers over the telephone as well as in stores.

Feedback:

1. It is important to note the specifics of the need of the end users who are PWDs. For example, Deaf and Hard of hearing must have information presented simply, videos must have closed captioning and/or sign language insets. This applies to all forms of advertisements.

5.7 Accessible Customer Support Services
Proposal VI

1. Service providers shall:

- a. Provide end-users with disabilities with an accessible means to lodge complaints and/or to make enquiries. This would include having a dedicated customer support facility for PWDs at call centres and in stores.
- b. Ensure that staff dealing with PWDs are adequately trained to address their requirements and that they are able to assist PWDs in accessing the services and devices designed for them.
- c. Ensure that staff dealing with PWDs allow adequate time to address their requirements.

Feedback:

This needs to be clear as to what it looks like for each disability grouping as the needs may differ. For example, to be able to address the needs of clients who are Deaf or Hard of Hearing, staff must be able to use Jamaican Sign Language or ready access to JSL interpreters at the customer service locations.

5.8 Accessible Directory Assistance Services

Proposal VII

1. Licensees shall provide subscribers that have a vision impairment and/or have difficulty reading the printed phone directory, with access to a free directory assistance service subject to subscribers meeting the required certification of disability by the designated entity(ies). There shall be no limit on the number of times that such subscribers can access the service.

5.9 Accessible Emergency Services

Proposal VIII

1. All service providers shall ensure that their subscribers are able to terminate SMS to the emergency call centres, unless it is technically infeasible. In keeping with section 48 of the Act the facility shall be provided at no cost to their subscribers.

Feedback:

Will the emergency centres be able to respond to the PWD who is texting for help for further details such as to identify their location, cause of distress etc. What if person is illiterate and cannot read very well? Or has dexterity issues

5.10 Third Party Bill Management & Fault Notification

Proposal IX

1. Service providers shall allow PWDs to nominate a person to receive copies of bills and correspondence relating to bills, without the third party becoming liable to pay the bill. The third party would have to consent to this role.
2. Service providers shall allow PWDs to nominate a person to make fault notifications on their behalf.

5.11 Facility for Subscribers with Disabilities to Register Requirements

Proposal X

Every service provider shall establish and maintain a system or enhance and maintain their existing system to enable subscribers who are PWDs to register their requirements (for billing, third party notification, etc.). The system used for registration of PWDs must be able at a minimum to record, subject to the PWD subscriber's consent, the information listed at 5.11.1.

5.12 Timeline for Implementation of Measures

- 5.12.1 The OUR is aware that the requirements proposed, will necessitate changes to several areas of licensees' operations and that some measures will require more time for implementation than others. The OUR therefore proposes to stagger the implementation of the measures as follows:

Feedback:

1. It is important to ensure the process is timely and completed within a reasonable time frame. The Disability Community is hopeful of this. However, there needs to be consideration for training of staff in the needs of PWDs. For example, persons who are Deaf will need to have access to staff or contracted personnel who are competent in Jamaican Sign Language. PWDs need to be also kept abreast of progress and/or challenges.

Chapter 6: ICT Accessibility Recommendations

6.2 Formalization of the Certification of Disability Process

Recommendation I

Facilities should be made available for the certification of disabilities. These certification facilities should be made available in major towns of each parish to ensure accessibility by persons with disabilities across Jamaica.

Feedback:

1. Facilities should be made available for the certification of Hearing Status . These certification facilities should be made available in major towns of each parish to ensure accessibility by persons who are Deaf and Hard of Hearing across Jamaica.
2. Deafness and "Hard of Hearing" are invisible special need situations that some persons are unwilling to let others know about. However, Deaf persons have a responsibility to admit the need for special consideration, so that, equivalence of access and choice can be theirs too.

3. Permanently Deaf and Hard of Hearing persons must not be required to pay for Certification of Deafness, every time they need a new phone or computer or a new compatible communication aid to buy.
4. Organizations, schools and vocational centres interfacing with Deaf people should be certification centres.

Recommendation II

A national classification/definition scheme should be created for the different types of disabilities.

Feedback:

1. **Facts:** Jamaica Council for Persons With Disabilities (JCPD) has a registry of persons with Disability. JCPD is responsible for issuing Disability ID cards. Due to Covid-19 situation, Deaf and Hard of Hearing persons can take a passport size photograph, their outdated JCPD ID card and \$400 to JCPD to be processed for the rebranded version of JCPD Disability ID card. This approach is simple and quick.

6.3 Inclusive Public Procurement Policy

Recommendation III

It is recommended that Jamaica adopts an inclusive public procurement policy in order to promote equivalence within the ICT market for end-users with disabilities.

Feedback:

An inventory/audit must be done to identify who are the Deaf people who will benefit best, better and somewhat from this device versus that device, on the telecommunication market. In other words, procure according to needs. Procurement must take diversity of needs within the Deaf community

6.4 Creation and Promotion of Public Accessible Telecommunication/ICT Policies and Facilities

Recommendation VI

Entities providing publicly available ICT equipment/devices should ensure that the ICT equipment/devices and the facilities in which they are housed are accessible and available on an equivalent basis to PWDs.

Feedback:

1. Promoting awareness of accessible public access facilities among Deaf persons : Such promotion would include the use of appropriate signage to advertise that these public access facilities are accessible.
2. Ensuring that emergency communications and exits provided in public access facilities are accessible for Deaf and Hard of Hearing persons.

6.5 Creation of Public Awareness Programme

Recommendation V

A national public outreach programme should be created to raise awareness of the benefits of ICTs for PWDs, existing ICT accessibility policies and accessible offerings that PWDs can access in an equivalent manner. The campaign should be developed by the Ministry with responsibility for ICTs in collaboration with the Ministry with responsibility for PWDs, ICT regulators, disability organizations and private sector stakeholders. The information that is made available to the public through these campaigns should be provided in accessible formats with the input and involvement of persons with disabilities and their organizational representatives.

Feedback:

1. Outreach, public education efforts must be *consistent and* inclusive Deaf persons contribution to such programmes.
2. Use Deaf persons on television and YouTube to demonstration to the universe the tremendous benefits telecommunication devices made specially for them.
3. Outreach programmes though must include the knowledge, skills and expertise of Deaf and Hard of Hearing persons. For example: CVM and TVJ could demonstrate how Deaf persons can deliver the news to the nation, while non-deaf people listen to background voice interpretation, or read reliable closed captions. All this being done using devices tailor made for them.

6.6 Development of a Universal Service Disability Programme/Project

Recommendation VI

An ICT Accessibility Programme funded by the Universal Service Fund should be developed to address the ICT accessibility needs of PWDs.

Feedback

Agree!