

## **CNIB Recommendations for Improving Canada's Financial Consumer Protection Framework**

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February 28, 2014

## Introduction

The following comments are submitted on behalf of CNIB. CNIB (the Canadian National Institute for the Blind) is a registered charity that provides community-based support, knowledge, and a national voice to ensure that Canadians who are blind or partially sighted have the skills, confidence, and opportunities to fully participate in life.

We appreciate the opportunity to provide comments on the development of a comprehensive financial consumer code. Though the issues to be addressed during this consultation affect many facets of the financial protection of consumers, CNIB will focus its comments on those aspects that directly influence the ability of Canadians who are blind or partially sighted to access financial products and services and make responsible financial decisions.

### **What should be included in a set of principles that would form the basis for financial consumer protection?**

Any set of principles aimed at securing financial consumer protection – particularly for vulnerable Canadians – should include a principle on accessibility for consumers with disabilities. CNIB recommends that the following general principle be included in the comprehensive financial consumer code.

**Accessibility for consumers with disabilities:** Financial institutions have an obligation to ensure that the products and services they offer, the buildings out of which they operate, and the information they provide, are accessible to consumers with disabilities.

Such a principle would clearly state the responsibility financial institutions have to ensure the accessibility of their products and services along with any

related information. This principle, however, must be supplemented with specific rules and guidelines that can be used to determine if the principle is being met. CNIB offers recommendations for more precise requirements below.

## **What are the unique challenges faced by vulnerable populations and how should the consumer code address these challenges?**

### **1. Alternative Formats:**

The overarching barrier that affects people with vision loss is the ability to access information. Because so much information is presented only visually, people who are blind or partially sighted are forced to make decisions with incomplete information. Making responsible financial decisions requires one to have accurate and complete records of financial transactions, agreements, product and service offerings, and so on. This information is not always accessible to people with vision loss, and this lack of information leaves them particularly vulnerable when it comes to financial decision making.

Some financial institutions offer certain accessible formats to customers who are blind or partially sighted. However, the types of formats offered, whether an additional charge is associated with the alternative format, and the accuracy of the transcription can all differ from one financial institution to another.

To address this issue, CNIB recommends that clear requirements be set out for financial institutions concerning the provision of accessible formats. Specifically, federally regulated financial institutions should be required to provide important financial documents in a variety of alternative formats – including braille, large print, and audio – upon request. The ability to access important financial documents will ensure that Canadians with vision loss can make responsible decisions concerning their finances.

## **2. Accessible Websites:**

The Internet affords unprecedented opportunities for people who are blind or partially sighted to access information. Software exists that can convert text on a computer screen into synthesized speech or refreshable braille – making it accessible to individuals with vision loss. Today's financial institutions rely on tools such as websites and mobile phone applications to enable customers to transact business, manage existing accounts, and purchase products and services. These tools may not only increase convenience for people with vision loss, but may make such interactions more accessible than at any time in the past.

However, the way a website is coded and the way a mobile application is designed determines whether customers who rely on assistive technologies can access the information or not. The right coding and design are the equivalent of ramps that provide access for wheelchair users. Without them, people who are blind or partially sighted are left out.

Fortunately, significant work has been done to develop standards that, when followed, ensure accessibility of web content to the widest variety of users possible. It is crucial for financial institutions to adopt these standards. CNIB recommends that guidelines be developed to ensure that the websites of financial institutions meet the standards developed by the Web Content Accessibility Guidelines (WCAG) 2.0 level AA compliance.<sup>1</sup> International standards do not yet exist concerning the design of mobile applications; however, software platforms such as Apple's iPhone Operating System (IOS) and Google's Android Operating System offer accessibility guidelines that can assist a developer to design an accessible application. Financial institutions that offer mobile applications should be required to have regard to accessibility when designing or redesigning their mobile applications.

## **3. Accessible Point of Sale Terminals:**

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<sup>1</sup> The WCAG 2.0 standard is available at <http://www.w3.org/TR/WCAG20/>

The use of cash by Canadian consumers to make many of their purchases has declined over the last two decades.<sup>2</sup> Instead, consumers have turned to using debit and credit cards along with online shopping to purchase goods. Banks are some of the biggest providers of point of sale (POS) terminals that are used to process debit and credit card purchases.<sup>3</sup>

POS terminals present significant challenges to consumers with vision loss. For example, some POS terminals employ touch screens that operate by having the consumer touch a finger to a flat surface. Such terminals are completely inaccessible to someone who lacks enough vision to see the images and characters on the screen. These devices entirely remove the ability of a person with vision loss to independently make purchases using debit or credit cards.

Many POS terminals, however, have tactile keypads that allow most individuals who are blind or partially sighted to enter in a personal identification number (PIN) independently. Unfortunately, the lack of audio output means that consumers with vision loss must rely on a third party – sometimes a family member or friend but often a complete stranger – to verify the purchase amount before the PIN is entered. This reliance on third parties to confirm purchase amounts leaves consumers with vision loss highly vulnerable to financial abuse – both intended and accidental.

In 2007, the Canadian Standards Association (CSA) published CAN/CSA-B651.2-7, “Accessible design for self-service interactive devices.”<sup>4</sup> This standard specifies minimum accessibility and usability requirements for self-service interactive devices – including POS terminals – intended for public use. The issues that prevent consumers who are blind or partially sighted

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<sup>2</sup> Arango, C. (2012). “The Changing Landscape for Retail Payments in Canada and the Implications for the Demand for Cash”. Bank of Canada Review. Available at <http://www.bankofcanada.ca/wp-content/uploads/2012/11/boc-review-autumn12-arango.pdf>

<sup>3</sup> Taylor, M. (2013). “In Pictures: The Major Point of Sale Providers in Canada”. The Globe and Mail. Available at <http://www.theglobeandmail.com/report-on-business/small-business/sb-money/cash-flow/in-pictures-the-major-point-of-sale-providers-in-canada/article13021806/>

<sup>4</sup> B651.1-07 is available for purchase at <http://shop.csa.ca/en/canada/accessibility/canca-b6512-07-r2012/invt/27026262007>

from independently carrying out financial transactions using a POS terminal could be addressed if the specification in this standard were met.

CNIB recommends that banks be required to ensure that – starting January 1, 2017 – all new POS terminals provided by federally-regulated banks meet the relevant specifications identified in CAN/CSA-B651.2. In addition, beginning January 1, 2017, banks should be required to begin implementing a plan to replace inaccessible POS terminals with accessible ones over a reasonable period of time.

By giving banks until 2017 to begin complying with this requirement, it provides banks with a reasonable amount of time to take whatever steps are necessary to ensure compliance. At the same time, it sets a concrete and measurable date by which consumers with vision loss can begin to enjoy access and security that is equal to their sighted counterparts. Without setting a specific compliance date, consumers who are blind or partially sighted are likely to continue experiencing financial vulnerability resulting from inaccessible POS terminals. The solutions are laid out clearly in the CSA standard. What is needed now is regulation to ensure consumers with vision loss are able to conveniently and securely conduct debit and credit card purchases.

#### **4. Accessible Automated Banking Machines:**

The automated banking machine (ABM) is a convenient way to withdraw funds and perform other transactions with a financial institution. For some individuals with vision loss, however, travel can be difficult, and getting to the nearest bank branch may not be possible. Thus an ABM may be more than a matter of convenience for consumers who are blind or partially sighted; it may be their only practical option for conducting financial transactions with a bank.

For individuals with vision loss to be able to use an ABM, however, it must include certain hardware and software features. Accessible ABMs have existed for nearly 20 years. The Canadian Standards Association (CSA) published B651.1-09, "Barrier-Free Design for Automated Banking Machines", in 2001 and revised it in 2009.<sup>5</sup> Despite these facts, consumers who are blind or partially sighted routinely encounter ABMs owned by federally-regulated banks that are not accessible. If individuals with vision loss must perform transactions on inaccessible machines, they have no choice but to trust a friend or family member to assist them – possibly leading to unwanted disclosure of financial information and leaving them vulnerable to financial abuse.

What is needed to address this problem is a requirement that whenever new ABMs are brought into service, they are accessible to consumers with vision loss. In addition, ABMs that are taken out of service for significant repairs should be upgraded to become accessible. Finally, banks should be required – over a reasonable period of time – to steadily replace existing inaccessible ABMs with accessible ones. These requirements would ensure that consumers who are blind or partially sighted could securely conduct transactions with the same degree of convenience enjoyed by sighted consumers.

## **5. Accessible Design of Brick and Mortar Locations:**

Despite the growing popularity of conducting financial transactions at ABMs, over the telephone, online, and so on, there are still occasions where it is either necessary or preferable to visit actual bank branches and other financial institutions to conduct business. This is why it is important to ensure that physical locations are designed to be accessible to a wide variety of customers. In the case of individuals who are blind or partially sighted, accessible signage, colour contrast, appropriate lighting, and other factors can all make a visit to a financial institution a significantly more accessible experience.

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<sup>5</sup> B651.1-09 is available for purchase at <http://shop.csa.ca/en/canada/accessibility/b6511-09/invt/27013202009>

The CSA has developed a standard on accessible design of the built environment, B651-12.<sup>6</sup> This standard provides guidance on how to design buildings so that they may be accessed by a wide variety of individuals. CNIB recommends that financial institutions be required to ensure that their physical locations meet the relevant standards set out in CSA B651-12.

#### **6. Training for Staff:**

A financial institution may have excellent policies when it comes to accessibility, but if staff are not aware of these policies, if they lack knowledge of how to assist consumers with disabilities, then such policies have very little meaning. It is important to ensure that staff that deal with the public are trained on how to assist people with disabilities.

CNIB recommends that financial institutions be required to train staff on the provision of products and services to consumers with disabilities. Moreover, financial institutions should be required to prepare a document describing the training policy – including a summary of the contents and details of when the training is to be provided. Lastly, financial institutions should be required to keep records on the training – including the dates on which it is provided and the number of individuals to whom it is provided. These requirements mirror those set out in Section 6 of the Accessibility Standards for Customer Service of the Accessibility for Ontarians with Disabilities Act (AODA).<sup>7</sup> Every provider of goods or services with at least 20 employees in Ontario is already required to comply with these requirements. Including them in the financial consumer protection framework would simply ensure that all Canadians with disabilities could benefit from appropriate staff training.

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<sup>6</sup> B651-12 is available for purchase at <http://shop.csa.ca/en/canada/accessibility/b651-12/invt/27021232012>

<sup>7</sup> See Section 6 of the Accessibility Standards for Customer Service of the AODA available at [http://www.e-laws.gov.on.ca/html/source/regs/english/2007/elaws\\_src\\_regs\\_r07429\\_e.htm#BK5](http://www.e-laws.gov.on.ca/html/source/regs/english/2007/elaws_src_regs_r07429_e.htm#BK5)

## **7. Additional Accessibility Guidelines:**

The above recommendations are nearly all specific to consumers with vision loss – as this is the constituency CNIB serves. A comprehensive consumer code should include rules and guidelines related to individuals with disabilities other than vision loss. The Neil Squire Society is conducting a survey concerning the accessibility of financial transactions.<sup>8</sup> The results of this survey could be very helpful for determining what other sorts of guidelines should be included in the accessibility section of the financial consumer code.

## **How should financial institutions' business practices be evaluated to ensure that they are meeting their responsibilities to consumers?**

Without a mechanism for measuring whether financial institutions are meeting the proposed guidelines, the principles and the code itself will not be of much use. In order to monitor compliance with the accessibility requirements of the code, CNIB recommends that the government adopt the model used by the Canadian Transportation Agency (CTA).

In its “Code of Practice: Removing Communication Barriers for Travelers with Disabilities”,<sup>9</sup> the CTA sets out a mechanism for monitoring compliance with the code. The CTA surveys those organizations expected to adhere to the code concerning their compliance with the code. The results of the survey are randomly verified, and the results of the survey and the verification process are made available to the public through regular reports.

Concerning the financial code, the government could adopt a similar mechanism. Federally-regulated financial institutions could be surveyed on their compliance with the accessibility requirements contained in the code. The results could be verified, and both the survey and verification results

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<sup>8</sup> The survey is available at <http://www.neilsquire.ca/financial-transaction-survey/>

<sup>9</sup> The code of practice, including the monitoring process, are available at <http://www.otc-cta.gc.ca/eng/removing-communication-barriers>

could be published in periodic reports. Where it is deemed that the requirements of the code are being ignored, the monitoring body must have recourse to impose a penalty on the non-complying financial institution. Without this authority, the code cannot effectively be enforced.

**Should the government consider mechanisms for enhancing engagement among stakeholders in regulatory, supervisory and compliance processes related to consumer protection, and how could consumers and consumer groups best contribute to these processes, and what might their role be?**

If it is determined that consumers and consumer groups should play more of a role in regulatory, supervisory, and compliance processes, CNIB recommends that groups representing consumers with disabilities be invited and encouraged to participate in whatever mechanism is developed. The barriers facing people with disabilities are often only identified by people with disabilities themselves. People with disabilities are best positioned to assess whether regulatory provisions are meeting the needs of people with disabilities and whether financial institutions are adhering to the principle of accessibility for consumers with disabilities. Therefore, groups representing people with disabilities need to be included in any regulatory, supervisory, and compliance processes.

## **Conclusion**

CNIB applauds the proactive approach to addressing financial consumer protection that is demonstrated by this consultation process. As should now be clear – given the comments above – consumers with vision loss face unique barriers to their ability to make responsible financial decisions. They are also often put in vulnerable situations when forced to rely on assistance from others to carry out basic financial transactions. These barriers need not exist, and there alternatives to the inaccessible products that force reliance on third parties. In short, the solutions are known; CNIB sincerely hopes that our recommendations will be taken seriously and ultimately adopted.

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