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Financial Institutions Division

Financial Sector Policy Branch
Department of Finance Canada
90 Elgin Street
Ottawa, Canada K1A 0G5

Via email: LegislativeReview-ExamenLegislatif@canada.ca

Re: Positioning Canada's Financial Sector for the Future

On behalf of CNIB and the several contributors to this submission, please find herein our comments regarding a "Review of the Federal Financial Sector Framework". We appreciate yet another opportunity to share the perspective of the clients we serve within the policy objective of utility, through the ability to meet the financial needs of an array of consumers including Canadians who are blind, deaf-blind or who have significant sight loss. Throughout this document we will refer to this population as Canadians who are blind.

We have no concern as to having this submission included in the public record provided that the entire document is made available.

As one of Canada's oldest charities, CNIB passionately provides community-based support, knowledge and a national voice to ensure Canadians who are blind or partially sighted have the confidence, skills and opportunities to fully participate in life.

To do that, our dedicated specialists work with people of all ages in their own homes, communities or local CNIB offices – providing the personalized rehabilitation support they need to see beyond vision loss, build their independence and lead the lives they want.

In addition to our community-based services, we also work alongside Canadians who are blind or partially sighted to advocate for a barrier-free society, while striving to eliminate avoidable sight loss with world-class research and by promoting the importance of vision health through public education.

Over the next twenty years, Canada will experience an unprecedented growth in the number of people who may not be able to read conventional print. This is due to an irrefutable demographic reality; an aging population. The

discussion paper at the root of this consultation recognizes this fundamental shift acknowledging that for the first time in 2015 there were more people over the age of 65 than there were under the age of 15.

We know first-hand as Canada's primary provider of vision rehabilitation services, that as society ages so will the number of people who will acquire vision loss or other disabilities. These people however will live in a society where many more aspects of their consumer and financial lives require them to have increased accessibility to information in a variety of digital and other formats. As more and more information and transactions are delivered online by financial, utility, and consumer organizations there is a need for strong Federal rules in ensuring that these organizations are providing access to information in formats which can be easily accessed. Thus, in order for the financial sector to meet the changing needs of consumers, including those who are blind, the policy backdrop will require major realignment.

Our comments via this submission will represent our third foray into Finance Canada's consultative processes, the prior two being:

- Improving Canada's Financial Consumer Protection Framework – February 2014, and
- Balancing Oversight and Innovation in the Ways We Pay – June 2015

Our recommendations as set out in the above discussion documents remain consistent; that is that Canada's financial service markets must be accessible to all Canadians regardless of ability. The principles set out in our prior submissions include the following:

1. Canadians who are blind must receive correspondence such as statements or transaction confirmations in accessible formats;
2. Websites and mobile apps must be made accessible;
3. Point of sale terminals need to be made accessible;
4. Automated teller machines (ATMs), including "white label" machines, must be accessible;
5. Retail locations must be accessible; and
6. Staff providing advice or retail services must receive sensitivity training.

Recognizing Successes Achieved Thus Far

1. Canadians who are blind must receive correspondence such as statements or transaction confirmations in accessible formats

Following a 1991 complaint under the Canadian Human Rights Act, the provision of alternate format materials such as braille bank statements became practice throughout Canada's chartered banks. ⁱ While celebrated widely throughout Canada, Canadians unable to read print due to a physical, visual or cognitive impairment continue to be marginalized due to a lack of universal access to accessible correspondence.

While still a work in progress, in that many financial institutions such as life insurance, property and casualty underwriters as well as smaller institutions do not provide alternate format materials, conversations are ongoing and provincial legislation such as the Accessibility for Ontarians with Disabilities Act (AODA) will hopefully see increased proliferation of accessible bank statements, correspondence and financial literature.

While CNIB commends the efforts of Canada's chartered banks, a significant gap remains. Access to alternate format materials should not depend on which regulatory framework a financial institution is governed.

While basic account statements have been made readily available from Canada's chartered banks, collateral materials such as product catalogues continue to be illusive with respect to their accessibility. Financial literacy is a core principle within our country's financial system, but consumers who are blind will lack essential information if the products and services they contemplate purchasing are left to sales representatives to explain. Our view is that when documents exchange hands between a financial institution and a prospective client, those documents must be made accessible in a format usable by the prospective client. These formats should include, at minimum, braille and large print and accessible electronic statements. CNIB has published resources such as our "Clear Print Guidelines which provide guidance as to point size etc. which will make documents accessible to broad audiences. ⁱⁱ

We are hopeful that under Canada's current consultations on accessibility legislation, that this and the other expectations outlined below will be realized.

2. Websites and mobile apps must be made accessible

Again, the major federally regulated financial institutions have taken significant steps forward in this realm.

International standards on accessible websites are slowly becoming incorporated into the design of online banking.ⁱⁱⁱ Yet, once within the online environment, many of the services offered by banks continue to pose accessibility barriers. Examples include personal finance trackers, stock or investment screeners as well as online statements. Simply adopting best practices on accessible websites is not enough. To reference an industry principle, “know your customer”, financial institutions must expect that some of their customers will likely be blind, and as such will require online services such as those referenced above to be accessible. It is short-sighted to assume that customers who are blind will simply want to verify account balances and pay utility bills online.

The world of mobile computing has not left any corner of modern society untouched and this is particularly true of financial services. With in-depth resources made freely available by both Apple and Google, there is no longer a justifiable reason why all mobile apps cannot be accessible to users who are blind.^{iv} We are of the opinion that if an app, or for that matter a website, touches Canada’s financial services networks, it must be usable by all Canadians regardless of ability. Failure to subscribe to such a principle is discriminatory.

3. Point of sale terminals need to be made accessible

This recommendation, put forward by CNIB in our two prior submissions, represents the area of least progress. Canada, like every other developed nation, does not have a solution to the barrier created by point of sale terminals, which are not usable without sight. We do not have a solution to this issue, but believe that with the right stakeholders at the table, a solution can be found. It is our hope that Finance Canada will undertake to bring all stakeholders together with the specific goal of defining a solution to this pressing matter within the timeframe of this regulatory review. Given that this conversation has been taking place for several years, without any tangible results, that before the new regulatory framework comes into force – before 2018 – that key stakeholders, including Canadians who are blind, have collaborated with one another to define a solution.

We are hopeful that in the meantime, no Canadian consumer unable to independently access a point of sale terminal due to a disability is compromised; either intentionally or otherwise.

4. Automated teller machines (ATMs), including “white label” machines, must be accessible

Shortly following the Human Rights decision referenced above, Canada became the first country in the world to introduce accessible ATMs at their retail outlets. Given the rapid change taking place in transaction processing, the emerging payment landscape has completely omitted to factor in the needs of clients who may not be able-bodied. The CSA standards referenced in this document reflect extensive consultation with end users that has resulted in usable accessible ATMs.

Mobile payment systems represent the next accessibility barrier to be mitigated. Reiterating our earlier recommendation, if mobile payment solutions such as Apple Pay are permitted to access Canadian regulated networks, then these apps, as with ATMs, must adhere to universal design principles. Again, facilitating access to Canadian networks by systems, which, in essence, bar Canada’s largest minority is not only poor business practice but also discriminatory.

5. Retail locations must be accessible

It is extremely unlikely that any commercial enterprise in Canada would intentionally erect barriers preventing their customers from doing business. Yet, without a concerted effort to ensure that facilities and retail premises are fully inclusive, this is exactly the end result when accessibility is left to chance.

Fortunately, there are an abundance of resources that the building profession has ready access to. One of these is CNIB’s “Clearing our Path”, an online resource containing guidelines on making the built environment accessible to people who are blind. The website, available in both English and French, can be found at www.clearingourpath.ca.

While beyond the scope of this regulatory review, we would be remiss were we not to mention the dismal employment realities facing people who are blind. This goes well beyond the financial regulatory framework, but warrants mention here. Financial institutions will continue to adopt regressive business practices such as inaccessible websites, documents which are not accessible and customer service practices if their work force is not representative of the customer base they so desire to attract and maintain. Placing the voice of Canadians who are blind at all levels within the financial services sector will, in time, bring about a culture of inclusivity as the policy makers will have a colleague who is blind amongst their peers.

We would strongly encourage all stakeholders to adopt property management strategies as well as human resource practices, which will transform their facilities and work places into truly inclusive settings.

6. Staff providing advice or retail services must receive sensitivity training

Many of Canada's chartered banks have already embraced diversity in their workplaces. These institutions have realized that customers will gravitate to organizations wherein they are reflected and served by peers. However, this principle, remains conspicuously absent from the majority of retail financial institutions when it comes to addressing the needs of customers who are blind.

An informal survey conducted by the primary author of this submission found that senior bank officers at a main branch had no idea as to the presence of accessible ATMs located just outside their main door. Thus, despite well intentioned and likely effective programs and services, if front line staff are unaware as to their existence, all is for not.

The questions at hand

1. What are your views on the trends and challenges identified in this paper? Are there other trends or challenges that you expect to significantly influence the financial sector going forward?

Canada's financial services sector has become a player in markets outside our borders; all be it to a relatively small extent. In entering these markets, financial institutions have been expected to comply with domestic laws within the countries they have entered. Yet, at home, due in part to Canada's currently silent legislation on accessibility, financial institutions serving Canadian customers abroad are doing so more robustly than they are domestically. Examples of this include the Americans with Disabilities Act (ADA) and the European Union inclusive legislation, both of which require a more significant effort and accommodations in meeting the needs of customers who are blind. The ADA, for example, contains provisions which can assess punitive judgements against organizations which fail to meet accessibility requirements. While punitive judgements would not be considered "Canadian", there must be stronger expectations placed on financial institutions, regardless of their jurisdictional domain to address the needs of their customers who are blind.

Of the emerging trends facing Canada's financial services industry, the demographic shift has not been adequately addressed through existing legislation. Customers who are blind will very quickly become a non-silent minority. The future needs of customers who are blind should not be dismissed as many of them, today, are living without disability. As this population ages, more and more Canadians will begin to request accessible correspondence, usable ATMs, accessible websites and apps, and retail outlets without accessibility barriers.

Over the preceding generations, many accessibility accommodations were introduced by Canadian banks, including large print cheques and signature guides. We understand and embrace emerging technology due in part because technology has the potential of leveling the playing field for Canadians. Yet, to abandon practices such as large print or tactile cheques has no doubt placed many customers who may not be able to use regular cheques at a disadvantage. Discontinuance of this disability accommodation, which was not brought about easily, compromises the independence and dignity of customers who are blind.

We would strongly encourage a new regulatory framework to ensure that any disability accommodations not be discarded until the obstacle no longer exists. In the above mentioned example, this would manifest as follows; large print or tactile cheques are readily available as long as cheques are present in the financial sphere.

Within the timeframe of this regulatory review, Canada will, for the first time, likely see federal legislation which speaks to accessibility. ^v CNIB along with many organizations and individuals with disabilities are actively contributing to the numerous consultations taking place over the coming months, and we are optimistic they will result in meaningful legislation that will bring about economic and social change. The changes referenced regarding access to financial services should be incorporated into the provisions of the Canadians with Disabilities Act so that individuals and organizations providing support and advocacy for individuals who are blind or visually impaired can easily locate and monitor their rights. It is anticipated that this legislation will be approved before the end of the present Parliament. Our hope is that the regulatory review of Canada's financial sector is not undertaken in isolation of an Accessible Canada.

2. How well does the financial sector framework currently balance trade-offs between the three core policy objectives of stability, efficiency and utility?

Within the specific context of the population with which CNIB is concerned, we, unfortunately, must give this a D grade. Canada's financial sectors are well regulated, efficient and profitable. All customers, both retail and commercial can be confident that their funds and transactions are managed and processed effectively.

Yet, no code of practice exists that speaks to the protection and rights of retail customers. Merchants are provided a modicum of protection through codes of practice such as "the Code of Conduct for the Credit and Debit Card Industry". However, the entry point to this highly efficient labyrinth, the retail customer, has little if any protection. For instance, white label ATMs may comply with back end data processing requirements, but fail to adhere to any accessibility guidelines. In fact, the cards themselves rarely contain any accessibility accommodations, which can make them unnecessarily difficult to use. Several examples exist throughout the world, the most recent is a program launched by the Australian and New Zealand Bank group. Prompted through an online petition, spearheaded by a young man who is blind, the bank introduced debit and credit cards with tactile features facilitating the cards usability.^{vi} The cards include two raised dots that show which end should be inserted into the machine, larger font, and high-visibility edges to also help with inserting the card properly.

The Royal Bank of Scotland has also introduced a similar accommodation, providing both tactile markings and large print phone numbers. ^{vii}A simple accommodation such as placing a tactile marking on the card or using appropriate colour contrast or large print phone numbers means customers who are blind are able to use the card independently without unnecessary frustration or embarrassment.

How many other customers would this benefit; we believe the number would not be trivial.

Throughout Canada's retail landscape, point of sale terminals do not have consistent interfaces, and are difficult to use in dark or poorly lit environments. With the introduction of more touch screen interfaces, this is placing Canadians who are blind at greater risk of having their security compromised. Touch screen interfaces void of accessibility features are practically unusable by customers who are blind. In 2016, touch screens do not need to pose barriers as robust protocols have been well defined by mobile device manufactures. With a concerted effort on the part of point of

sale terminals, we are confident that these same protocols could easily be adopted there by eliminating barriers posed by touch screens absent of accessibility accommodations.

In parallel to this reality, the primary stakeholders responsible for 93 per cent of Canada's financial activities – the chartered banks – hold a significant financial interest in the networks to which these terminals connect. While it is extremely likely that access to financial processing networks comes with well-defined and enforced protocols, no such expectations exist on the front end of the terminals. These same institutional players have adopted and deployed ATMs that closely adhere to Canadian standards such as the Canadian Standards Association's "CAN CSA-B651.2-07 accessible kiosks".^{viii} Therefore, we find it puzzling that most ATMs across Canada are useable by blind customers, yet point of sale terminals operated by, or connecting to, those very same networks are not.

We have, in each of the prior submissions referenced earlier, referred to this inequity. Our hope is that within the timeframe of this consultation, stakeholders, amongst which must be Canadians who are blind, will be brought together to begin addressing this serious barrier.

3. Are there lessons that can be learned from other jurisdictions to inform how to address emerging trends and challenges?

Of the six accessibility barriers referenced in this and CNIB's prior submissions, Canada's financial sector falls within the average when speaking to accessibility for customers who are blind. Alternate/accessible format correspondence is readily available from the chartered banks, accessible ATMs exist throughout Canada and social issues around inclusion continue to be addressed. This is by no means a *fait accompli* as many consumers, particularly those who acquire disability later in life, lack the awareness as to what accommodations their financial institutions offer.

As mentioned above, not even SENIOR bank employees are aware of key accommodations, which literally CAN BE FOUND right outside their offices.

Globally speaking, there is a complete absence of point of sale terminals with accessibility features. In recognizing this unfortunate reality, Canada has an opportunity to demonstrate leadership by engaging with relevant stakeholders in finding a solution that will work for everyone. As with the introduction of accessible ATMs almost a generation ago, a concerted effort on the part of industry, governments and disability groups such as CNIB, was made and a solution was found, which today is readily available around the world.

Repeating our earlier suggestion, Finance Canada as the primary regulator must act by bringing together all stakeholders including Canadians who are blind to address this unnecessary barrier. This should happen quickly with the goal of achieving or defining a solution within the next two to three years.

4. What actions could be taken to strengthen the financial sector framework and promote economic growth, including with respect to the identified themes? How should those actions be prioritized?

Conspicuously absent within Canada's financial sector's regulatory oversight bodies are the perspectives of Canadians with disabilities. Even "The Financial Consumer Agency of Canada" is void of any representation from Canadians with disabilities. At the same time, regardless of which statistical analysis is being utilized, Canadians with disabilities are the largest minority group in Canada. Estimates as to the number of Canadians with some form of disability range from 14 to 17 per cent of the general population, depending on which region of Canada is being discussed.

Federal financial sector regulatory oversight bodies cannot ensure that utility for all customers is attained without the perspective and voice of this minority at the table. Evidence supports that an absence of a key minority voice will result in a system void of policy frameworks which address the needs of consumers who are blind; the current regulatory landscape. There exists no reason whatsoever that the voice of Canadians who are blind or who have other disabilities cannot be at the table with other stakeholders.

At the end of the day, Canadians with disabilities will continue to be a prevalent minority in Canada. They will likely influence or control larger sums of money and, as such, failing to address the fundamental issues around accessibility will not be in their, or Canada's, best interest.

5. What other actions should be taken to ensure the financial sector framework remains modern and technically sound?

We place considerable trust in the institutions at the core of Canada's financial sector. Thus far, these institutions have been operating in a well-regulated and efficient landscape, and have served us well. Yet, failure to apply a disability lens to future policy or regulatory frameworks will result in Canadians with disabilities being poorly served by the financial sector. This is untenable and can be easily avoided.

Consultations such as this will shape Canada's future direction with respect to the financial sector; if acted upon. But, without the voice of this country's largest minority, persons with disabilities, future regulatory reforms will miss the mark.

Conclusion

Significant strides have taken place over the past generation which address accessibility challenges for Canadians who are blind. Many federally regulated institutions are providing accessible alternate format statements, online banking at a basic level is accessible, retail locations are generally accessible and society is much more aware of the needs of persons who are blind. Yet, while we celebrate these milestones, they are not yet universally available. Alternate format materials rarely exist within non-banking financial institutions, websites not designed with users who may not be abled body pose significant barriers to a growing segment of Canadian society, touch screen devices lacking any accessibility considerations are emerging rapidly and awareness amongst financial services representatives of the needs of clients who are blind are lacking.

Point of sale terminals and mobile payment apps are increasingly becoming widely disbursed yet little effort seems to exist in ensuring that these devices and apps are usable and accessible by everyone. There is no solution which CNIB can point to which will address these and other accessibility challenges. Yet, business as usual, is not the answer and we encourage Finance Canada to adopt a disability lens while this regulatory review moves forward.

Canada's pending accessibility legislation will provide a backdrop against which future regulations can be measured. We encourage Finance Canada and all stakeholders to monitor these discussions.

CNIB along with the following individuals would like to thank Finance Canada for the opportunity to share our perspective. We look forward to future collaboration.

- Diane Bergerone, Executive Director, Strategic Relations and Engagement, CNIB
- Fran Cutler, O.C., Ottawa
- Sam Fulton, Ottawa
- Rob Sleath, Vancouver
- Chris Stark, Ottawa

Prepared by: Lui Greco, National Manager of Advocacy – CNIB

“In 1991, two banking customers, Chris and Marie Stark, were frustrated when they could not access important information about their mortgage and other bank services. Since they were both blind, the Starks could not read banking information that was only available in printed brochures.

The Starks filed a complaint under the *Canadian Human Rights Act*. The complaint was accepted by the Canadian Human Rights Commission. It was resolved in an out-of-court settlement in **1996**.”

In 1997, Canada became the first country in the world to offer talking ATM machines to better serve people who are blind or partially sighted.

ⁱ Milestones under Canada’s Human Rights Act

<http://www.chrc-ccdp.gc.ca/eng/content/milestones-human-rights-canada>

Retrieved November 2016

ⁱⁱ <http://www.cnib.ca/en/services/resources/Clearprint/Documents/Clear Print Full Review.do> c

ⁱⁱⁱ <http://www.w3.org/TR/WCAG20/>

^{iv} Google provides extensive resources on developing apps for the Android platform to be accessible.

<https://developer.android.com/guide/topics/ui/accessibility/index.html>

Apple, who has been at the forefront of incorporating assistive technology directly into their products regardless of who the customer is literally revolutionized assistive technology being incorporated directly into their mainstream products.

accessible

<http://www.apple.com/accessibility/>

^v Announced in June of 2016, consultations are ongoing across Canada.

<http://news.gc.ca/web/article-en.do?nid=1089179>

^{vi} <http://www.canberratimes.com.au/business/banking-and-finance/new-cards-extend-banking-options-for-visionimpaired-customers-20161028-gsdcbc.html>

Retrieved November 2016

^{vii} <http://personal.rbs.co.uk/personal/current-accounts/accessible-debit-card.html>

A notch has been carved out of the side, so you can work out which way to insert your card into a cash machine or card reader.

The card has a series of raised dots, so you'll know whether it is your debit or savings card.

On the back of the card, telephone numbers have been increased in size by 50%.

^{viii} <http://shop.csa.ca/en/canada/accessibility/canca-b6512-07-r2012/invt/27026262007>

Retrieved November 2016