



An Coimisiún um  
**Rialáil Cumarsáide**  
Commission for  
**Communications Regulation**

# **Equivalent access to and choice of Electronic Communications Services (ECS) for people with Disabilities**

## **Submissions Document**

### **Submissions to Call for Inputs**

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**An Coimisiún um Rialáil Cumarsáide**  
**Commission for Communications Regulation**

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| Call for Inputs; Review Measures to support equivalent access to and choice of Electronic Communications Services (ECS) for people with Disabilities                   | 23/80           |
| Summary of Call for Inputs:<br><br>Review Measures to support equivalent access to and choice of Electronic Communications Services (ECS) for people with Disabilities | 23/80a          |

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# 1 Business Carrier Coalition (BCC)

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Sent by email to [retailconsult@comreg.ie](mailto:retailconsult@comreg.ie)

Re: Submission re ComReg 23/80 – “Call for Inputs: Review of Measures to ensure equivalent access to and choice of Electronic Communications Services (ECS) for end-users with Disabilities”

Dear Sir/Madam,

The Business Carrier Coalition (“BCC”) is an industry coalition which represents the interests of a number of international telecommunications providers comprised of AT&T, COLT Technology Services, Orange Business and Verizon Enterprise Solutions. The BCC provides a vehicle for issues of common interest to its members to be raised and presented to relevant regulatory stakeholders across Europe, the Middle-East and Africa.

The members of the BCC provide predominantly large business users with advanced electronic communications services across Ireland, Europe and the rest of the world.

None of the BCC members provide services to consumers, and so BCC members face challenges when they come up against specific bespoke national obligations that have been designed specifically to deal with consumer protection issues. BCC members would therefore strongly caution ComReg against expanding consumer orientated provisions to services offered by non-consumer-facing providers.

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## **Response to consultation<sup>1</sup>**

ComReg is reviewing the existing interventions that are in place in order to facilitate the equivalence of access and choice for disabled end-users as to their effectiveness. While we commend ComReg's work to ensure equivalent access and choice and support the intention of the interventions, it is clear that providers who exclusively offer services to business customers (“B2B providers”) should not be included in the scope of this requirement, and should be granted a clear exemption.

Firstly, ComReg needs to take account of the of the differences in operations of B2B providers and therefore failed to fully assess the proportionality of applying regulation in line with three of the six principles, these being Necessity, Effectiveness and Proportionality. B2B providers, such as BCC members, who serve large enterprise and wholesale businesses based on individually-negotiated contracts. These customers tend to procure bespoke communications services for multiple sites, often in multiple jurisdictions that will be used by a large number of employees. These large business customers, to whom B2B providers provide services, cannot themselves be considered to be an “end- user with disabilities”. As such, there is no relationship (contractual or otherwise) between the B2B

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<sup>1</sup> <https://www.comreg.ie/media/2023/09/ComReg-2380.pdf>

provider and the needs of the individual employees that use these services. This leads us to two major considerations:

- 1) **Employer obligations to its employees** – Ultimately, the employer (i.e. the business customer) is responsible for ensuring that its employees are provided with the appropriate work tools to accommodate their disabilities (e.g. devices, software, etc). Should the business customer consider that a particular service is necessary to be delivered to meet the needs of its employees, then it would make that clear in any RFP or order with its provider.
- 2) **An obligation on B2B providers would not facilitate access and choice** – As B2B providers are not in the business of selling services to individual consumers or users, but rather to a business customer, requiring B2B providers to provide the interventions would not facilitate access and choice for end-users with disabilities as these services are not sold for use by an individual.

Given the above, we consider that if requirements related to end-users with disabilities were placed on B2B providers, it would add an unnecessary layer of extra burden, with no benefit for the enterprises/wholesale businesses or the disabled end-users in question.

We therefore strongly urge ComReg to distinguish between consumer-facing and non-consumer-facing providers, granting an exemption to the latter or otherwise making clear that this updated regulation does not apply to them.

Respectfully submitted on 13 November 2023.

**[For more information, please contact:](#)**

- AT&T
- Colt Technology Services
- Orange Business
- Verizon Ireland

## 2 Chambers Ireland



**Chambers Ireland Submission to the Commission of  
Communications Regulation**

**on the Review of Measures to ensure equivalent access to and  
choice of Electronic Communications Services (ECS) for end-users  
with Disabilities**

**November 2023**



## 1.1 About Chambers Ireland

Chambers Ireland, the voice of business throughout Ireland, is an all-island organisation with a unique geographical reach. Our members are the Chambers of Commerce in the cities and towns throughout the country – active in every constituency. Each of our member Chambers is central to their local business community and all seek to promote thriving local economies that can support sustainable cities and communities.

In September 2019, our network pledged to advocate for and support the advancement of the Sustainable Development Goals. In doing so, we use the Goals as a framework to identify policy priorities and communicate our recommendations, and we have a particular focus on five of the goals encompassing decent work and economic growth (SDG 8), sustainable cities and communities (SDG 11), advancement in gender equality (SDG 5), viable industries, innovation, and infrastructure (SDG 9) and progress in climate action (SDG 13).<sup>1</sup>

In the context of the current consultation, decent work, and economic growth (SDG 8) and industry, innovation, and infrastructure (SDG 9) are the most relevant sustainable development goals. Having accessible Electronic Communications Services (ECS) for end-users with Disabilities increases economic productivity, promotes inclusive growth, full employment, and decent work for all. It also ensures the development of quality infrastructure to support economic growth and promotes inclusive industrialisation. It is for these reasons that we are submitting a response to this consultation.

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<sup>1</sup> The Chambers Ireland SDGs. Available at <https://www.chambers.ie/policy/sustainable-development-goals/chambers-ireland-sdgs/>

## 1.2 Chambers Ireland's Perspective

Chambers Ireland welcomes the open consultative process and the broad engagement with stakeholders on the review of Measures to ensure equivalent access to and choice of Electronic Communications Services (ECS) for end-users with Disabilities.

### Low Levels of Employment

The main concern of our network is the low employment rate of people with disabilities in Ireland. This stems from the barriers to entry that people with disabilities still face while accessing digital services.

According to a European Disability Forum (EDF) report, Ireland has the worst rate in Europe for people with disabilities in employment. The average rate of employment for people with disabilities in the EU (European Union) is 51%. However, in Ireland, the rate is just 32.6%, the joint-worst in Europe alongside Greece.

According to the Eurostat figures, Ireland also has the EU's largest disability employment gap, of 38.6%, which is the biggest difference in percentage points between the employment rates of persons with and without disabilities. Only 15% of women with disabilities are in full-time employment.

A separate EDF study from 2020 found that the risk of poverty and social exclusion for people with disabilities in Ireland was higher than anywhere else in Western Europe. 38% of people with disabilities in Ireland are at a risk of poverty and social exclusion, according to the report.

### Inaccessibility of Digital services

The lack of accessibility to digital services and overall lack of digital infrastructure. This is not only creating a gap in digital/educational skills between people with and without disabilities, but it is also excluding many available workers from the workforce. And this is a big cost for businesses and a major opportunity that is being missed. It is imperative to minimize these gaps.

A lack of supports for disabled young people to progress from second to third level, and from education into employment, are contributing to one of the highest unemployment levels among disabled people in Europe, a report published by Economic and Social Research Institute (ESRI) warns. The report says that only 36 per cent of working-age disabled people are working.

According to the Central Statistical Organisation (CSO), in April 2022, over 1.1 million people in Ireland i.e., 22% of the population reported having experienced at least one long-lasting condition or difficulty and that number will continue to grow due to an ageing population. If we do not work diligently to improve digital accessibility, we risk blocking 1.1 million people from participating in everyday activities, including tasks such as taking classes online, staying connected with friends and family through social media or accessing valuable information about their own healthcare or financial management. Simply put, digital accessibility is important since numerous people rely on the web for critical day-to-day activities.

Technology has changed how we live and has afforded us the ability to work, shop, bank, arrange housing, engage friends, study, train and manage our healthcare from the comfort of our home. Unfortunately, 1.1 million Irish people have difficulty in carrying out all those activities. This is because many of our websites, apps and such technology do not meet clearly established EU standards which enables someone with a disability to effectively use it to study, work and do all the things that technology has given us the freedom to do online.

The Web Accessibility Directive (Directive [EU] 2016/2102) has been in force since 22<sup>nd</sup> December 2016 and requires all websites and applications of public sector bodies to meet specific accessibility standards; exceptions include public broadcasters and live streaming.

And yet, two third of major websites in Ireland are inaccessible according to research by Inclusion and Accessibility Labs DAC and the National Council for the Blind of Ireland.

The report<sup>2</sup> says that only 28% of our leading private companies have improved their digital accessibility. There is considerable room for improvement in the private sector. The industry

<sup>2</sup> See <https://ialabs.ie/wp-content/uploads/2022/04/DAI-2022.pdf>

with the highest percentage of accessibility was the technology and communications industry. The industries with the lowest levels of accessibility were the retail, construction, and property industries. Ireland's top five grocery retailers and Ireland's top ten real estate and housing association websites all failed the IA Labs digital accessibility tests. This report highlights disappointing accessibility levels in our education and healthcare websites and apps. IA Labs audited 28 websites from Ireland's leading universities, private and public secondary schools. All failed the digital accessibility tests. Out of the twenty leading public and private hospitals in our healthcare system, this report shows that only one of their websites passed the accessibility test. One of the most worrying findings in this report is that only one out of nine of Ireland's leading job search websites passed the accessibility test.

### **Digital Accessibility as a Boost for Businesses**

There are over five million people in Ireland and 1.1 million are people living with disabilities. Those 1.1 million people with disabilities have significant spending power. In the United States, people with disabilities of working age control nearly 500 billion worth of disposable income. Those people are much more likely to spend their money on businesses with easily accessible platforms. The same is true in Ireland and Europe. It is not just consumers with disabilities, a total of 70% of millennials actively consider a company's values when making a purchase. Therefore, digital accessibility is not only good for the world but makes a business smart, thereby benefiting it.

## Questions for Consideration

### **1.2.1 Q1 Do you have any comments on the trends and developments set out above? Do you have any comments on the impact of trends and developments on accessing and using ECS services and related information for people with disabilities? Please give details in your answer, if possible.**

22% of the population having one long lasting condition means that having accessible infrastructure in Ireland is imperative. Lack of such infrastructure can impact employability of people with disabilities which is also a huge cost to businesses as they lose out of employing Irish workers and may have to either work with smaller teams or hire talent from abroad which can be complicated and expensive.

People with disabilities are still facing considerable challenges, although support is being enhanced. Ireland has one of the lowest employment rates for people with disabilities in the EU (26.2 % compared to 48.1 % in the EU in 2017) and one of the highest gaps between people with and without disabilities (45.1 percentage points).

A Cross-Government approach is required to address the issues. To solve this issue, there needs to be increased physical infrastructure for people with disabilities, increased digital accessibility and increased hiring. ComReg needs to take an active role in this, not only by providing accessible digital services but also engaging with other Government bodies to run awareness campaigns regarding the availability of accessible services and mandating organisations to provide these digital accessible services.

Mobile subscription, users have increased in Ireland. This means that people can work from home which allows greater participation of women in the workforce and people with disabilities who would otherwise find it difficult to commute to work. Covid-19 has impacted and increased Internet and broadband use in Ireland and shifting the mindset of companies towards accepting remote work which gives an opportunity to people with disabilities to participate in the workforce.

But this has highlighted the issue of the reach of these services in remote parts of the country. It is great to see usage increase in Dublin, Cork, and other cities but it is most useful when it is also replicated in other regions of the country so to reduce the burden (housing/traffic etc.) on bigger cities and allow for business to boom in smaller towns/cities.

As much as Internet usage has increased, there are also complaints about service providers w.r.t. to overcharge, quality of service etc. This has a huge impact on the user experience, it is especially harder for people with disabilities to identify the lack of adequate service, overcharge and then also be able to lodge a complaint and see that it is followed through on.

There are still barriers to entry when it comes to accessing digital services, people with disabilities need to access websites, apps, and technology to arrange education, housing, healthcare, and grocery shopping.

The most significant is the audit of nine job search websites to test their digital accessibility. Only one passed. If an employer refused to hire someone because of their disability, it would be illegal. But what if the person with the disability cannot even apply for the job in the first place because their disability prevents them from using a mouse to click on the job application link?

Simple design changes to technology so that links can be clicked by pressing a key on the keyboard suddenly opens up several new opportunities for a person with a disability.

**1.2.2 Q2 Are you aware of any market-led or technical developments to help people with disabilities access and use ECS services and related information? Please give details in your answer, if possible.**

Yes, our government department websites where 89% are now accessible. Only three of our political party websites in Dail Eireann passed the digital accessibility tests. Whilst an improvement year on year, five out of eight of our political parties still have websites that are inaccessible to those with a disability. The private sector is beginning to embrace digital accessibility with 28% of our leading companies having improved their digital accessibility.

There is considerable room for improvement in the private sector. The industry with the highest percentage of accessibility was the technology and communications industry.



However, two thirds of major websites in Ireland are inaccessible to over one million people with disabilities according to research by Inclusion & Accessibility and the National Council for the Blind of Ireland.

3 out of 5 most popular social media platforms are not digitally accessible. People with disability are severely limited in the service websites that they could use, and they struggle to carry out basic, menial tasks online.

An entire customer base is prevented from accessing websites and this has clear ramifications for businesses.

The EU Web Accessibility Directive and European Accessibility Act list crucial steps in creating digital and online experiences that are accessible for all.

In September 2020, Ireland transposed the Web Accessibility Directive into Irish law under S.I. No. 358/2020. The Directive necessitates the Irish public sector to comply with the WCAG 2.1, Level AA. In 2019, the Directive (EU) 2019/882 (the European Accessibility Act [EAA]) was adopted with the aim to introduce harmonised rules regarding accessibility for private sector products and services in the EU.

**1.2.3 Q3 Do you agree that the Measure ‘accessible complaints procedure’ is needed to make sure people with disabilities have access to customer services and complaints procedures (to make a complaint or an enquiry)? Please provide reasons to support your view.**

Yes, it is necessary to have an ‘accessible complaints procedure’. ComReg needs to set a deadline for companies that do not already have this measure and follow up on this deadline. ComReg should also ensure that service providers are offering the 3 methods of contact so that people experiencing different disabilities can choose the mode they are most comfortable with.

**1.2.4 Q5 Do you agree that the Measure ‘accessible directory enquiries’ (196 service) is needed to give people with disabilities access to a directory of subscribers or directory information services? Please give reasons for your answer.**

Yes, the measure ‘accessible directory requires’ is needed for people with disabilities. It should continue to be free of charge for users that are visually impaired otherwise it might discourage them from seeking this service at all. This will also allow older users to be able to use these facilities with ease.

We have concerns surrounding the registration process for this service. Currently you either have to call a tollfree number or fill in a registration form. Both methods may be difficult to use for older users and users with disabilities, especially filling out forms. So, an easier way to use these services should be considered for this measure. There is an opportunity to incorporate ChatGPT and use it to understand the exact issues the customer is facing.

**1.2.5 Q11 Do you agree that the Measure ‘facility to test compatibility of terminal equipment or appropriate returns policy’ to facilitate end-users with disabilities access to ECS is needed? Please provide reasons to support your answer.**

Yes, the measure ‘facility to test compatibility of terminal equipment or appropriate returns policy’ is needed to facilitate end-users with disabilities access to ECS and this measure should be continued.

ComReg should schedule regular check-ins to check if the measure is being implemented and customer feedback to see the quality of service and devices that are being provided.

**1.2.6 Q12 Are there changes that should be made to the Measure ‘facility to test compatibility of terminal equipment or appropriate returns policy’? Please give details in your answer if possible**

ComReg should also add an ‘exchange policy’ which can allow for faulty equipment to be exchanged for working equipment upon testing.

**1.2.7 Q13 Do you agree that the Measure ‘facility for customers with disabilities to register requirements with their service provider’ is needed to support customers with disabilities: (a) when choosing and using ECS and, (b) when dealing with their service provider? Please give reasons for your answer.**  
Q.

Yes, the measure ‘facility for customers with disabilities to register requirements with their service provider’ is required but target end-users are not aware of this facility and its usefulness to them. So ComReg in collaboration with service providers needs to carry awareness campaigns in multiple forms. Self-reporting also needs to be made easier.

**1.2.8 Q15. Do you agree that the Measure ‘Text Relay Service’ is needed so people with disabilities can access ECS and related information? Please give reasons for your answer.**

Yes, the measure ‘Text Relay Service’ is needed. However, ComReg needs to improve on the challenges that end-users are facing in accessing this facility. That is, service providers need to educate/train older users to access the mobile app, improve on the quality of this service by ensuring reduced cases of call dropping. The information on ITRS needs to be simplified and explained to users when they sign the mobile contract.

**1.2.9 Q17 Do you agree that the Measure ‘accessible information’ is needed to facilitate all end-users with disabilities access to information on ECS products and services (access to key information, in an accessible format and through appropriate channels)? Please provide reasons to support your answer.**

End-users should be able to make informed decisions about which provider they want to choose for their electronic communications services and products, and which of these companies meet their needs best and allow for a smooth transition to another provider if and when required.

**1.2.10 Q19. Do you agree that the Measure ‘accessibility statement’ is needed to ensure that end-users with disabilities can find and access information regarding the specific services and support available to end-users with disabilities? Please provide reasons to support your view.**

Yes, it is required, however, it should be noted and made sure that this information is available in all formats for people experiencing a range of disabilities. ComReg, in collaboration with service providers, needs to carry out awareness campaigns in order to inform people of the services that are available for them.

All information on the ECS services provided, contractual information and the complaints handling procedures including the code of practice should be made accessible for end-users to be able to take an informed decision.

**1.2.11 Q21. Do you think the Measures for people with disabilities as listed are helpful to make sure people with disabilities enjoy the same access to and choice of ECS as most people? Please give reasons for your answer.**

Yes, the measures listed help people with disabilities, but the registration process should be made easier and an alternative for filling out a physical form should be identified to help older users.

**1.2.12 Q22. Can you think of other factors that are relevant to consider in making sure people with disabilities enjoy the same access to and choice of ECS as most people? Please give details in your answer, if relevant.**

Other factors that should be considered to make sure people with disabilities enjoy the same access to and choice of ECS as most people is affordability of these services and development of digital skills.

People with disabilities are already incurring various costs pertaining to equipment they need to help them with their specific disabilities. Therefore, it is imperative that these ECS and other services provided specific to their needs are affordable to them so that it does not become an added cost for them.

They should also be given free trainings to develop Digital skills so that they are not left behind in the skill development as compared to people without disabilities. Therefore, compiling the

EU's digitalisation motives but keeping in mind that it is a just and all-inclusive movement towards digitalisation. And it is not restricted to a certain section of society.

## 3 Chime



**Chime Submission**  
to  
**ComReg's Call for Inputs**  
**Review of Measures to ensure equivalent access to**  
**choice of Electronic Communications Services (ECS)**  
**for end-users with Disabilities**

**Q. 1 October 2023**

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Registered in Dublin No 21627 as National Association for the Deaf

## Introduction

Chime is the National Charity for Deaf and Hard of Hearing people. Chime was founded in 1964 and is dedicated to a society where deafness or hearing loss does not limit individual potential, personal choice or quality of life. Chime works to achieve this through advocating for a more accessible and inclusive society and providing a range of personal support services for Deaf and Hard of Hearing people. Chime's services entail a holistic approach, addressing the person's social, technological and emotional needs.

A significant portion of the population is affected by deafness or hearing loss. Approximately 200 children are diagnosed each year with hearing loss, with the majority diagnosed within a few months of birth. The Deaf community has approximately 5,000 members whose primary language is Irish Sign Language (ISL). Those who have acquired a hearing loss in adulthood are a much larger group. The HSE estimates that 8% of all adults (approximately 300,000 people) have a moderate or greater hearing loss and require audiological support. The prevalence of hearing loss increases greatly in later life, so that by the age of 70 approximately 50% of the population have acquired a significant hearing loss.

Chime welcomes ComReg's Call for Inputs on the Review of Measures to ensure equivalent access to and choice of Electronic Communications Services (ECS), as these Measures enable many Deaf and Hard of Hearing people to not only access ECS services, but to live their lives with increased independence and empowerment – as envisaged by the UNCRPD which has now been adopted by the Irish government.

The format of this submission addresses the questions posed by ComReg in their Call for Inputs document (ComReg 23/80). We also use the term 'provider' within this submission when referring to ECS service providers.

## Section 1: Trends and developments

***Q. 1 (A) Do you have any comments on the trends and developments set out above? (B) Do you have any comments on the impact of trends and developments on accessing and using ECS services and related information for people with disabilities.***

Chime largely agrees with the narrative as set out by ComReg and notes that people have more access to and depend more on technology. This makes it all the more important that people with disabilities, including Deaf and Hard of Hearing people, have “choice and equivalent access” to electronic communications (ECS).

***Q. 2 Are you aware of any market-led or technical developments to help people with disabilities access and use ECS services and related information? Please give details in your answer, if possible.***

In the past few months Chime has become aware of a ‘Live Captions’ feature that is available on Apple 11 iPhones onwards. This feature provides a very high quality real-time translation from voice to text when using the smart device for a variety of functions, e.g. watching a video or making a phone call. Currently the ‘Live Captions’ feature is only available on iPhones 11 and later models and is only available in a ‘US English’ version – but this quality of voice to text feature has the potential in future to enable people who currently can’t make phone calls due to hearing loss, to do so independently if this becomes a standard feature on smart devices.

## Section 2: Review of the Measures: Accessible Complaints Procedure

***Q. 3 Do you agree that the Measure ‘accessible complaints procedure’ is needed to make sure people with disabilities have access to customer services and complaints procedures (to make a complaint or an enquiry)?***

Yes. Generally it is quite difficult and time-consuming for anyone to make a complaint. Also, the various providers have differing and complex complaints processes that are typically merged into their general customer query channels. Also, we couldn’t find a provider that explains their complaints procedures in ISL.

***Q. 4 Are there changes which should be made to the Measure ‘accessible complaints procedure’?***

Yes. Providers should be required to “have a specific service available to support end-users with disabilities access customer services and complaints procedures, equivalent to that experienced by most end-users” (Page 34, ComReg 23/80). Given the range of challenges that people with disabilities face in accessing services generally, this measure

is necessary in our view. We also believe that this Measure is either not in place or not displayed prominently on many provider websites.

### Section 3: Review of the Measures: Accessible Directory Enquiries

***Q. 5 Do you agree that the Measure ‘accessible directory enquiries’ (196 service) is needed to give people with disabilities access to a directory of subscribers or directory information services?***

Chime agrees that this measure is needed by people who are blind or have visual impairment, as without it, some people would not have equivalent access to ECS.

***Q. 6 Are there changes that should be made to the Measure ‘accessible directory enquiries’ (196 service) Measure?***

Chime is not in a position to provide an informed opinion on this question.

### Section 4: Review of the Measures: Accessible top-up facility

***Q. 7 Do you agree that the Measure ‘accessible top-up facility for pre-paid mobile users’ is needed to give people with disabilities access to mobile services?***

Yes. Without this measure many Deaf and Hard of Hearing people who use pre-paid phones could not upload pre-paid credit independently.

***Q. 8 Are there changes that should be made to the accessible top-up facility for pre-paid mobile users Measure?***

Chime currently no changes to propose on this measure.

### Section 5: Review of the Measures: Accessible Billing

***Q. 9 Do you agree that the Measure ‘Accessible Billing’ is required to facilitate end-users with disabilities access their bills and related information?***



Yes. This measure is required to ensure people with disabilities can access their billing details on an equivalent basis.

***Q. 10 Are there changes that should be made to the Measure ‘Accessible Billing’?***

Chime currently has no changes to propose to the current measure.

## **Section 6: Review of the Measures: Facility to Test Terminal Equipment**

***Q. 11 Do you agree that the Measure ‘Facility to Test Compatibility of Terminal Equipment or Appropriate Returns Policy’ to facilitate end-users with Call for Inputs – Review of the Measures for end-users with disabilities ComReg 20/80.***

Yes. Many phones are not compatible with hearing aids or cochlear implants, so this measure is essential for Deaf and Hard of Hearing people who use such technology when they are purchasing phones.

***Q. 12 Are there changes that should be made to the Measure ‘Facility to Test Compatibility of Terminal Equipment or Appropriate Returns Policy’?***

Chime does not currently have any proposed changes to make in regard to this measure.

## **Section 7: Review of the Measures: facility to register requirements.**

***Q. 13 Do you agree that the ‘facility for customers with disabilities to register requirements with their service provider’ is needed to support customers with disabilities: (a) when choosing and using ECS and, (b) when dealing with their service provider?***

Yes. While measures should exist to enable as many people as possible to access services independently, this measure is important for people who may struggle to look after their own affairs, such as those with intellectual challenges or cognitive decline through ageing.

***Q. 14 Are there changes which should be made to the Measure ‘facility for customers with disabilities to register their requirements with their service provider’?***

Yes. Chime believes that many people who could benefit from this service are not aware of it. Chime believes that service providers should be required to inform customers directly of this facility every year or bi-annually, so that they can avail of it if their circumstances change over time.

## Section 8: Review of the Measures: Text Relay Services

### ***Q. 15 Do you agree that the Measure ‘Text Relay Service’ is needed so people with disabilities can access ECS?***

Yes, Chime agrees with ComReg that “this measure supports end-users with disabilities to have access and choice concerning ECS and services, the same as those without disabilities” (ComReg 23/80)

### ***Q. 16 Are there changes which should be made to the Measure ‘Text Relay Service’?***

Yes. While this Measure currently provides a level of access and choice, it does not do so on an equivalent basis, as it is only available for certain hours, i.e. less than 50% of the time. Chime believes that this Measure should be available 24/7 in order to provide equivalent access. It is a measure that is not only beneficial to users for planned use, but also in unplanned or crisis situations, e.g. contacting a relative in an emergency.

There are also still some ongoing issues with the quality of the Text Relay Service which Chime has outlined to ComReg and other stakeholders on many previous occasions.

## Section 9: Review of the Measures: Accessible Information

### ***Q. 17 Do you agree that the Measure ‘Accessible Information’ is needed to facilitate all end-users with disabilities access to information on ECS products and services (i.e., access to key information, in an accessible format and through appropriate channels)?***

Yes, as many people with disabilities are unaware of the Accessibility Measures that should be in place.

### ***Q. 18 Are there changes that should be made to the Measure ‘Accessible Information’?***

The primary change that is required in this matter is that there is robust auditing of the provision of Telecoms in this regard. While Chime is not an expert on website accessibility

or the Measures that should be in place, in Chime's opinion only one of the 'Big 3' providers could be considered to be in compliance with the 'Accessible Information' Measure.

Our 'mini-audit' examined two aspects of this measure: one-click access from the homepage to the 'Disability Section' of the website (if it even existed!), and information on services that are required under the Measures to Ensure Equivalence, namely the facility to test terminal equipment. In our view none of the three big telecom providers conformed fully with these two aspects of the Measures, and in one case we could not locate any accessibility statement.

Furthermore, we could find no information on Accessible Information on any of these provider's websites in ISL, which means that current arrangements under 'alternative formats' does not "ensure that all customers are able to access required information in a format that is suitable for them", e.g. Deaf people.

Given that ISL is now Ireland's third official language, that it is essential for Deaf people to be able to access information and services, and that equivalent access to information for Deaf people can only be ensured through ISL, we believe that information in ISL should be required under accessible information arrangements.

## Section 10: Accessibility Statement

***Q. 19 Do you agree that the Measure 'Accessibility Statement' is needed to ensure that end-users with disabilities can find and access information regarding the specific services and support available to end-users with disabilities?***

Yes. Many people with disabilities are unaware of the Measures in place, and accessibility statements can help address this – especially if they are positioned prominently on provider's websites and other areas such as retail outlets.

***Q. 20 Are there any changes which could be made to the Measure 'Accessibility Statement'?***

Yes. See response to Q 18. Also, providers should be required to provide and display this information in their retail outlets.

## Section 11: Summary Questions

***Q. 21 See paragraph 10, (a)–(i) for the full list of Measures. Do you think Measures for people with disabilities as listed are helpful to make sure people with disabilities enjoy the same access to and choice of ECS as most people?***

Yes. The Measures, particularly the ‘service focussed’ Measures, are essential on a daily basis for many Deaf and Hard of Hearing people to access ECS, particularly the accessible top-up facility, text relay service and facility to test terminal equipment.

***Q. 22 Can you think of other factors that are relevant to consider in making sure people with disabilities enjoy the same access to and choice of ECS as most people?***

Yes. Technological advances can have potential to improve access and choice, particularly in the areas of Apps. One development we believe that has particular potential is the ‘Live Captions’ feature on new Apple iPhones, as this feature seems to deliver a very high level of accuracy in translating speech to text in realtime. If this feature became widely available, it could enhance ECS access for Deaf and Hard of Hearing people into the future. (See response to Question 2).

Submitted to ComReg on 17<sup>th</sup> October 2023.

For further information on this submission contact:

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## 4 Eir

15 November 2023

eir's Response to ComReg Call for Inputs – Review of Measures to Ensure Equivalent Access to and Choice Of Electronic Communications Services (ECS) for End-Users with Disabilities

ComReg Document: ComReg 23/80



|                |                                  |
|----------------|----------------------------------|
| Document name  | eir response to ComReg CFI 23/80 |
| Document Owner | eir                              |
| Status         | Non-Confidential                 |

## DOCUMENT CONTROL

Outlined below is eir's response to ComReg's Call for Inputs 23/80 on a Review of Measures to Ensure Equivalent Access to and Choice of Electronic Communications Services (ECS) for End-Users with Disabilities.

The comments submitted in response to this consultation document are those of Eircom Limited and Meteor Mobile Communications Limited (trading as 'eir' and 'open eir'), collectively referred to as 'eir Group' or 'eir'.

### **Response to consultation**

Please note that, for the purposes of the Freedom of Information Act 2014 and the Communications Regulation Act 2002 (as amended) and in the context of the eir Group's general rights and obligations, information supplied by the eir Group to you may contain confidential, commercially sensitive or price sensitive information consisting of financial, commercial, technical or other information, whose disclosure to a third party could result in financial loss to the eir Group, could prejudice the competitive position of the eir Group in the conduct of its business, or could otherwise prejudice the conduct or outcome of contractual or other negotiations to which the eir Group is a party.

### **Summary of response**

Accordingly, you are requested to contact a member of eir Group's Regulatory Strategy Team where there is a request by any party to have access to records which may contain any of the information herein and not to furnish any information before the eir Group has had an opportunity to consider the matter.

1. eir welcomes the opportunity to respond to this Call for Input on a review of measures for end-users with disabilities. eir notes its response to the Call for Inputs is based on available information, without evidence of the needs of end-users with disabilities<sup>1</sup> when using electronic communication services.
2. eir considers the consultation procedure on measures for end-users with disabilities in recent years has not been coherent, leading to a lack of transparency for providers and end-users on potential changes to the measures.

3. ComReg has also not fully considered the impact of the European Accessibility Act when transposed in Ireland, on both the measures for end-users with disabilities, and the timing of this Call for Inputs and any formal consultation process.
4. If ComReg undertakes a formal review of the current measures for end-users with a disability, to ensure this is an effective review, eir considers that ComReg must:
  - Complete a holistic review of the measures that includes options available to best assist end-users with disabilities to use electronic communications services, which may be outside of the remit of ComReg.
  - Base any proposed changes to the measures on clear evidence and ensure they are proportional towards industry. This is to ensure that any measures can operate as effectively as possible to assist end-users with a disability.

eir has used the term “end-users with disabilities” based on the phrasing in the Code and S.I. No. 444/2022.

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## **Response**

### **Introduction**

eir has not answered all the questions as set out in the Call for Inputs document as we do not currently have any recommendations for changes to the measures for end-users with disabilities based on available information. In addition, eir cannot answer the questions on the needs of end-users with a disability regarding the current measures.

Below eir has commented on the consultation process, and relevant questions in the Call for Inputs.

### **Approach to Consultation**

5. eir considers ComReg's approach to consultation on measures for end-users with disabilities since 2017:
  - is incoherent and not transparent;
  - has not utilised the time and resources of industry; and
  - is based on outdated evidence.
6. It is unclear why ComReg consulted in 2017 on measures for end-users with disabilities (ComReg 17/71) and failed to communicate to industry that it would not respond to consultation until six years later. ComReg attribute this delay to waiting for the transposition of the Code, Directive (EU) 2016/2102 and the European Accessibility Act (paragraph 36). However, ComReg would have had some indication when it issued the 2017 consultation that the Code may have an impact on any measures, and Directive (EU) 2016/2102 is related to the accessibility of public sector websites. ComReg has also not fully incorporated potential impacts of the European Accessibility Act in this Call for Inputs as discussed below. eir is unclear on why it used its resources and time to respond to a consultation in 2017 that had no outcome. This approach to reviewing the accessibility measures creates uncertainty and a lack of transparency for both industry and end-users.
7. eir is also unclear on why a Call for Inputs has been used as an "*initial step in the consultation process*" (paragraph 14). eir notes that ComReg has just reviewed its consultation procedures, and did not outline that a Call for Inputs could be used as part of the consultation process or the reasons for using a Call for Inputs. This adds to the lack of transparency regarding the review of the measures. If changes are proposed following this Call for Inputs, eir must have the opportunity to respond to a formal consultation on any proposed changes to the measures for end-users with disabilities.
8. eir also considers that the Call for Input is based on outdated evidence. ComReg is relying on information sought from industry four years ago in December 2019. ComReg recognises the fast pace of change in the sector in paragraph 41 when referencing this information request, "[t]he request for information was considering a rapidly changing electronic communications market, technological developments, potential changes in end-user requirements and potential changes arising from the Code." It is not clear how this outdated data can be used effectively in an initial part of a consultation process. Therefore, up-to-date information should be used as the evidence-basis in any formal consultation that may follow this Call for Inputs.



9. The Call for Inputs does not include all required evidence to fully assess the measures. eir considers that ComReg should have established the needs of end-users with disabilities regarding the disability measures, prior to considering whether any changes should be made to the measures. It is not possible for eir to fully assess if changes need to be made to the measures, if the needs of end-users with a disability are not clear.
10. ComReg has not fully considered the impact of the forthcoming transposition of the European Accessibility Act (EAA) on measures for end-users with a disability. The electronic communications sector is specified in the EAA and eir considers that the impact of this Act should be incorporated when considering whether any changes are required to the measures. In addition, ComReg should clarify the timing of this Call for Input and any formal consultation in the context that the EAA will apply from 2025. eir notes some of the potential impacts of the EAA could result from provisions regarding harmonisation of accessibility standards and measures on disproportionate burdens that may affect the future provision of disability measures.

#### **Response to select consultation questions**

##### **Q. 1 (A) Do you have any comments on the trends and developments set out above?**

11. eir has no comments on the broad trends that ComReg has set out in the Call for Inputs. However, ComReg has overlooked some relevant trends that may influence the need for any changes to the measures.
12. For instance, ComReg has not considered the trends in the use of the measures, which means ComReg's assessment of the need for the measures is incomplete. eir notes the decline in use of Irish Text Relay Services (ITRS); calls to 196 directory enquiries and the number of customers that require braille bills. Although a decline in use might not negate the need for such services, ComReg should assess the extent of decline in use of the services as a trend, and the reasons for the decline in use, which may signal a need for a change in the delivery of the measures.

13. eir notes that ComReg outlines the trends in ITRS use from January to June 2023 in the ITRS section of consultation document. However, to fully assess the use of ITRS this should be considered in the review of trends and reviewed over a longer period of time. The most recent publication of *Irish Text Relay Service Measures for disabled end-users - Take up and usage statistics publication* [ComReg 23/66]<sup>2</sup> outlines the use of Irish Text Relay Services has declined for both text into voice (“TTV”) and voice into text (“VTT”). ComReg notes in paragraph 16 that TTV calls in general are declining since Q3 2021 (after the website was refreshed), and declined from 4,090 in 2020 to, 3,249 in 2022 (21% decline). Additionally, VTT calls declined in 2022 (from 240 in 2021 to 130).
14. [✂]
15. eir highlights that ComReg may in the future need to consider the long-term viability of the 196 service if usage volumes continue to decline, and alternative options to provide this service.

<https://www.comreg.ie/irish-text-relay-service-report/> <sup>2</sup>

16. eir notes that ComReg has included the use of OTTs as a trend, finding usage is lower among end-users with a disability according to its “Mobile Consumer Experience Survey 2022” survey. However, it would be useful for ComReg to also consider the trends in the functionality of accessible technology where relevant such as OTT apps for instance. eir notes the results of this survey regarding end-users with a disability are not published or attached to the consultation. It would be useful for review and transparent, if survey results for end-users with disabilities are published for stakeholders to review, and particularly if used as evidence for any future changes to the current measures.

**Q. 22 Can you think of other factors that are relevant to consider in making sure people with disabilities enjoy the same access to and choice of ECS as most people? Please give details in your answer, if relevant.**

17. eir considers that if ComReg is to review the current measures for end-users with a disability, it should complete a holistic review of the measures. This should include all the options available to best assist end-users with disabilities to use electronic communications services, which may be outside of the remit of ComReg.
18. In order for measures to be as effective as possible in assisting end-users with a disability, ComReg must base any changes to the measures on clear evidence.
19. ComReg must ensure that any changes to the measures are proportionate towards industry, and provide an adequate lead time for industry to implement any changes that may be proposed in a formal consultation. This is to ensure that any measures can operate as effectively as possible to assist end-users with a disability. eir highlights Recital 297 of the Code in this regard, *“In order to avoid creating an excessive burden on service providers competent authorities should verify, whether the objectives of equivalent access and choice can be achieved without such measures.”*
20. ComReg must ensure any proposed changes to the disability measures are in compliance with data protection obligations. In particular, regarding any possible requirement to retain data on customer disabilities.

# 5 Irish Deaf Society (IDS)

Irish Deaf Society Submission to

## ComReg: Review of Service Provider Accessibility Requirements

Submitted on 27<sup>th</sup> October 2023

### Introduction

This document is a response to ComReg's Review of Service Provider Accessibility Requirements and is submitted by the Irish Deaf Society (IDS). The IDS is the only national Deaf-led representative organisation of the Deaf, and it serves the interests and welfare of the Deaf community. It provides a number of education, personal and social services to Deaf children, adults, and their families.

The Irish Deaf Society is recognised as a Disabled Peoples Organisation (DPO) under the UN Convention on the Rights of Persons with Disabilities (CRPD). IDS are members of the World Federation of the Deaf and the European Union of the Deaf and have consulted with international Deaf representative bodies in relation to a number of societal issues that impact on Deaf people.

The Irish Deaf Society leads the Irish Sign Language (ISL) Act Cross Community Group, which is a group of National organisations and service providers working in the Deaf community. We consult with this group in relation to topics of interest to Deaf people including the ISL Act and the topics discussed in this submission. This group includes the following members: Bridge Interpreting, Centre for Deaf Studies (CDS) TCD, Chime, Council of ISL Interpreters of Ireland (CISLI), Council of ISL Teachers (CISLT), Greenbow LGBTQ+, Irish Deaf Research Network (IDRN), Irish Deaf Youth Association (IDYA), National Deaf Women of Ireland (NDWI), Sign Language Interpreting Service (SLIS), Deaf Reach Services and Deaf Sports Ireland (DSI).

There are no accurate statistics on the size of the Deaf community in Ireland, but it is estimated that 5,000 people communicate in Irish Sign Language (ISL) as their primary language together with a community of an estimated 40,000 including family, friends and those working in the Deaf community. The most recent data from the central statistics office show there are over 188,000 people who are deaf and hard of hearing in Ireland. However, not all communicate in ISL as their primary language, or many may not consider themselves to be part of the Deaf community. The IDS use the term Deaf to cover all Deaf people, regardless of the degree of hearing they have.

This document will highlight some constructive observations and our suggestions for improvement.

## Q. 2 Points to be considered

- Question 1 in the review asks about recent developments in using Electronic Communications Services (ECS). One noticeable trend that the IDS has observed is that some service providers are making Deaf customers register for specific accessible services. For example, services like the 112 Emergency text service or RTE Player's ISL programs previously required users to sign up or create an account before they can use them. This extra step was not needed for hearing users. ComReg then announced that this step was to be removed and Deaf people would no longer need to register in advance, however, there have still been instances where registration is required. An example of this is if using the RTE Player App on some Smart TVs the user is required to register to access the ISL programmes. It is our recommendation that any updates made need to be made consistently across all apps and methods of accessing the player as this inconsistency results in people having a varying level of access.
- Question 3 focuses on the complaints procedure, and it is the view of the IDS that the complaints procedure is not very accessible for Deaf people. Our Advocacy service often helps clients with their complaints to service providers and through this work we have noticed that these complaints often do not get a response, and clients do not receive any further updates or follow up. This makes clients feel like complaining is a waste of time and keeps the service inaccessible. Another issue is that it is not clear who is responsible for handling complaints about specific service providers. We are often unclear about whether clients should complain directly to their service providers, the broadcasting station, to ComReg, or to the Broadcasting Authority of Ireland (BAI). To make things more accessible, ISL users should be able to submit their complaints in ISL instead of English. The current process can be overwhelming for those who are not confident with their level of English.
- When it comes to complaints, majority of the issues the IDS hear about regarding ECS relates to subtitles. The quality and consistency of subtitles on different platforms vary widely, causing a significant problem. The IDS believe there should be better regulations for subtitles, ensuring a higher standard across all platforms. Usually, when people complain about subtitles, the response they receive is that it is the platform's responsibility, or they are

informed that a subtitling issue led to a program being aired without subtitles. This response is seen as unacceptable, as if there was a problem with the audio in a program, it would never be broadcast. We think it is crucial to treat Deaf people's access needs with the same importance as other access requirements. The issue of inconsistent subtitles has been something we have raised with relevant bodies for many years, and we are disappointed to see that there still has not been any work done to improve this issue.

In terms of monitoring and assessing the quality of subtitles there has been too much reliance on customer complaints from the Deaf community. It is critical that platforms conduct their own internal quality assurance to confirm they are meeting and exceeding minimum requirements not only for provision of accessible programming but also that the quality is at an acceptable level. Many programmes with subtitles that are counted in terms of broadcasters quota do not meet acceptable quality standards and as mentioned above, complaint handling creates barriers to effective feedback from the community on this point, notwithstanding that quality control should be a function of the broadcaster and not the intended audience.

- Under the ISL Act, RTE as the state broadcaster has a responsibility to provide a percentage of their programmes in Irish Sign Language. These programmes are often only accessible on the RTE Player or are shown on different channels to the mainstream version of the show. An example of this is the Late Late Toy Show having their ISL version on the RTE News Now channel rather than with the normal broadcast on RTE1. It would be best if there could be an option to have ISL on the screen or not, similar to how one can opt in or out for subtitles. It is unacceptable that these programmes are only available on specific platforms, and this further marginalises ISL users. It also should be the case that Deaf presenters and interpreters are more commonly seen on mainstream TV, and this should be across all broadcasters, not just the state broadcaster.

When ISL translation is provided for a programme it is vital that this is done with the support and consultation of Deaf ISL monitors, interpreters and Deaf presenters. It is also more accessible to have the ISL interpreter in-vision. Often on the News there may be an interpreter behind a speaker that is partly shown – for example we saw this during the Covid-19 Updates. Sometimes in these scenarios the camera pans or does not focus on the interpreter therefore making the information unintelligible for a Deaf person watching. These situations are then put towards RTE's quota for percentage of programmes shown in ISL, however this should not be the case as they do not provide full access. This system needs to be reviewed with a priority being made to ensure better quality ISL is available for a bigger variety of programmes.

- Question 9 refers to accessible billing for service users. One point the IDS would like to cover on this is the process of topping up a mobile when credit is paid for in a shop. We understand that there are alternative options such as topping up online, or via your banking app, however it is our experience that many people in the Deaf community are not aware of these alternative options and use the method of topping up by purchasing credit in their local shop which then requires a phone call to be made which results in the Deaf person requiring extra support. We believe information about alternative accessible methods needs to be widespread and more accessible to ensure that Deaf people know that option is there for them.
- The IDS fully supports the measure mentioned in Question 13, which involves creating a system for disabled people to communicate their specific needs to their service providers. This measure holds great promise for the Deaf community, as it addresses a frequent problem they encounter when dealing with service providers. The issue of inaccessibility often arises because many service providers do not fully understand the requirements of Deaf people, which often leads to a complicated communication process. For example, while the Irish Remote Interpreting Service (IRIS) allows Deaf people to communicate with their service providers through ISL interpreters, it is common for service providers to request additional permission from Deaf customers before accepting calls through a third-party ISL interpreter. This extra step causes delays and inconvenience for Deaf customers. To streamline this process and ensure a smoother experience, it is essential to establish a way for Deaf people to specify their requirements and preferred communication methods from the beginning. However, a problem that our members have often encountered is that not all service provider staff are consistent in implementing this policy. Some staff members readily accept ISL interpreters, while others refuse to engage with anyone other than the account holder. To address this issue, it is crucial to have a clear and consistently communicated policy that all staff members within the service providers follow. This would improve the experience for Deaf customers and make the interaction with service providers more uniform and fairer.
- It is also important to note that the GDPR and Data Protection Act 2018 does not prevent or prohibit the use of a sign language interpreter, a Text Relay Service or other similar system where a Deaf person needs to use these services when engaging with a service provider. Service providers have an obligation to put appropriate security measures in place to protect the integrity and confidentiality of customers' personal data. However, these measures must not disproportionately disadvantage those who need to use a ISL interpreter or a form of text service.

- As made evident from the two above points, lack of Deaf awareness is a key challenge facing people when accessing service providers, and it is crucial that this is addressed by ComReg. Many service providers have limited understanding of the needs of Deaf people, which can lead to discrimination and a lack of access in communication.

Many service providers will provide Disability awareness training to their staff; however, they often do not provide Deaf Awareness Training. Deaf awareness training is important as it focuses specifically on the unique needs and experiences of Deaf people, which may not be addressed in more general disability awareness training. It helps ensure that staff are aware of these needs and are equipped to provide appropriate support when contacted by a Deaf customer. It also provides information on the ISL Act 2017 and supports staff in learning their obligations to Deaf people under that act, such as accepting a call from a Deaf person through an ISL interpreter. Providing separate Deaf awareness training is necessary to provide effective and inclusive support to Deaf customers.

- Questions 15 and 16 concern the 'Text Relay Service' and its role in improving access. The existing service, the Irish Text Relay Service (ITRS), does not meet the expected standards. Unfortunately, few Deaf people use ITRS because it is not a great system, and the education system has left many Deaf individuals with lower literacy levels. On the other hand, IRIS is more popular because it is delivered through ISL, which is more accessible.

People who have used ITRS have shared the following concerns with us:

- The ITRS website is confusing, and it would be easier with a simple mobile app.
- Sometimes, the service does not come across as very professional. People have overheard operators having private conversations in the background while they are on hold.

If ITRS were to improve, IDS would be happy to promote it. However, for now, we cannot endorse ITRS because it is not very efficient or accessible.

- The use of minicom and fax are mentioned in the draft review. It is important to note that these modes of communication are no longer used by Deaf people as mobile phones and IRIS have replaced them as the most popular means of communication.



- Question 17 refers to accessible information. On this, the IDS states that it is crucial that all communications made by service providers are done in plain English and would be most accessible with an ISL translation available. If there are updates or changes made that will specifically affect Deaf people, it is necessary that these updates are shared directly with Deaf people, with any information being targeted that way. This information must be clear and in both ISL and English to ensure accessibility for all Deaf people.
- Consultation with Deaf people is a crucial action, as it allows for the development of policies and programs that are informed by the experiences and perspectives of Deaf people themselves. This is in line with the UNCRPD, which emphasises the importance of consultation with DPOs and other representative groups in the development of policies and programs that affect them. By consulting with Deaf people and organisations, ComReg can ensure that service providers are inclusive and responsive to the needs of all individuals, including those who are Deaf or have other disabilities.

## Conclusion

In conclusion, this document provides vital insights on improving ECS accessibility for Deaf people. Key themes include the need for streamlined registration processes, better regulations for subtitles, tailored Deaf awareness training for service providers, and enhancements to the Text Relay Service (ITRS). Clear, plain English communication with ISL translation is emphasised, alongside the essential consultation with Deaf people and organisations to ensure inclusive policies. These recommendations aim to create a more accessible communication landscape for Deaf individuals and those with disabilities.

Throughout this response we refer to the importance of providing ISL translations for English information that is being shared. This involves preparing ISL videos for English content and IDS can be contacted for further information that relates to best practice and services in this area.

The IDS would be happy to support ComReg further with this review and if any further information regarding the information stated above is required, we welcome you to contact the Irish Deaf Society Advocacy Service at [advocacy@irishdeafsociety.ie](mailto:advocacy@irishdeafsociety.ie) or 01 860 1878.

## Supporting Documents

1. Irish Sign Language Act 2017:

<https://www.irishstatutebook.ie/eli/2017/act/40/enacted/en/html>

2. Data Protection Commision – Guidance: <https://www.dataprotection.ie/en/dpc-guidance/blogs/can-i-talk-account-holder-contactinghttps://www.dataprotection.ie/en/dpc-guidance/blogs/can-i-talk-account-holder-contacting-organisations-behalf-someone-elseorganisations-behalf-someone-else>
3. National Disability Authority – EU Web Accessibility Directive: <https://nda.ie/monitoring/eu-web-accessibility-directive>
4. UNCRPD – Article 4.3: <https://www.gov.ie/en/campaigns/dd23e-uncrpd-awareness-campaigns/?referrer=http://www.gov.ie/uncrpd/>

# 6 Individual Response 1

Submission Date: 11.11.2023

## **Measures to support equivalent access to and choice of Electronic Communications Services (ECS) for people with Disabilities – A summary of Call for Inputs**

**Reference: ComReg Document 23/80a, Publication 04/09/2023**

Thank you for the opportunity to have some input into ComReg's most recent position paper as named above.

The following comments reflect contents of earlier submissions sent to ComReg given that they remain relevant in relation to the subject of this current consultation. These were: the Public Consultation on the ECN/ECS Strategy Statement 2023 – 2025 (22/109b) sent on 9<sup>th</sup> February 2023 <https://es-ireland.com/2020/12/03/submission-to-the-joint-committee-on-disability-matters-houses-of-the-oireachtas-november-2020/> and the Framework for the Migration from Legacy Infrastructure to Modern Infrastructure 2022 (22/13) sent in May 2022

<https://es-ireland.com/framework-for-the-migration-from-legacy-infrastructure-to-modern-infrastructure-2022-submission-8th-may/>.

A further submission sent to the Joint Committee on Disability Matters, Houses of the Oireachtas in November 2020 is also pertinent in relation to this consultation.

<https://es-ireland.com/2020/12/03/submission-to-the-joint-committee-on-disability-matters-houses-of-the-oireachtas-november-2020/>

These submissions are relevant in that they refer to the estimated 5% of the population who suffer from Microwave Sickness/Electrohypersensitivity. See: *Digitalisation: Challenges for Europe*, European Economic and Social Committee, page 85. [https://www.eesc.europa.eu/sites/default/files/files/qe-01-19-295-en-n.pdf?fbclid=IwAR3ozMC1Oz5FIAKiTYI856GbZQHs9upYYC5fLDEF\\_4yzKd5AbwgRkkphJ2l](https://www.eesc.europa.eu/sites/default/files/files/qe-01-19-295-en-n.pdf?fbclid=IwAR3ozMC1Oz5FIAKiTYI856GbZQHs9upYYC5fLDEF_4yzKd5AbwgRkkphJ2l)

Electrohypersensitivity/Microwave sickness is an environmental impairment caused by over-exposure to pulsed microwave Radiofrequency non-ionising radiation (RFR) emitted from Masts, Antennae, and wireless enabled devices. Use of this technology is quite new in human experience and biological effects were not anticipated, however current scientific studies provide clear evidence of the potential health effects of pulsed RFR on all living things, even well below the guidelines (ICNIRP) that are currently being used by our Government and Authorities. The science used by the ICNIRP is not supported by current science and is now acknowledged as being based upon false assumptions. The conclusion is that the ICNIRP guidelines do not protect people, or living things, or the environment.

The international Commission on the Biological Effects of Electromagnetic Fields explains this in more depth: <https://ehjournal.biomedcentral.com/articles/10.1186/s12940-022-00900-9>

Evidence regarding the negative health effects of exposure to RFR is contained in The BioInitiative Report (2012) ([www.bioinitiative.org](http://www.bioinitiative.org)), a study that is based on the evaluation of research papers by a group of world-renowned independent scientists and medical experts.

Clear evidence of harm is also demonstrated in the largest study undertaken to date i.e. The National Toxicology Program, by the U.S. National Institute of Environmental Health Sciences (NIEHS).

(<https://ntp.niehs.nih.gov/whatwestudy/topics/cellphones/index.html>). This study contains evidence of the link between mobile phone radiation and cancer as well as DNA damage.

The findings of the NTP are mirrored in a report published by the Ramazzini Institute, Italy (2018) on exposure to RFR generated by mobile phone base stations. ([https://www.sciencedirect.com/science/article/abs/pii/S0013935118300367#:~:text=The%20Ramazzini%20Institute%20\(RI\)%20performed,base%20stations%20of%20mobile%20phone.](https://www.sciencedirect.com/science/article/abs/pii/S0013935118300367#:~:text=The%20Ramazzini%20Institute%20(RI)%20performed,base%20stations%20of%20mobile%20phone.)

Key points emphasized in ComReg's ECS position paper are the needs of people with disabilities regarding Choice, Access and use of Electronic Communications Services and the protection of their interests as consumers. ComReg's ECS paper is therefore a very valuable and positive process.

## **CHOICE:**

Choice implies the opportunity to choose between more than one achievable possibility. Inherent in the expression is the notion of free will and capacity to make decisions. Informed choice is a more complex process and is based upon having, not just promotional information from service providers but also requires the sharing of information regarding the potential pros and cons of infrastructure, energy source, and equipment used for these services, including possible health effects.

To date the encouragement of this process imparted by the EU Parliament in 2011 through Resolution 1815 has been ignored along with all appeals and submissions sent to Authorities over many years.

<https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17994>

The people who suffer from Microwave Sickness/Electrohypersensitivity will be most seriously affected by the imposition of technological gadgets that emit pulsed microwave RFR in their home environment, especially in addition to the accumulation of pulsed microwaves already polluting their homes from outside sources. For these there is no choice whether they want to be exposed to this invasion or not.

Closely connected to this is the probable event of the removal of our National copper legacy infrastructure which includes landline phones. For those who cannot use RFR emitting devices access to emergency services will become problematic. The move away from National copper network infrastructure to Private infrastructure also raises questions about who holds responsibility should someone fail to make contact with emergency services in the event of an electrical power cut (which by all accounts we are to expect more of), or the Internet being 'down'.

## **PROTECTION OF CONSUMER**

ComReg's ECS paper draws attention to their acceptance of responsibility to protect consumers in the area of Product Safety and compliance enforcement. This provides some comfort as it has been clearly established that having the Telecommunications companies ensure safety compliance of their own products in relation to emissions of RFR has not worked.

Despite ComReg's stated responsibility and EU Directive 2014/53/EC, no market surveillance body has been set up as yet in Ireland to assess devices using RFR. In the EU, French Authorities currently undertake this work in an independent laboratory, particularly in relation to mobile phones. The French National Agency of Frequencies discovered that 9 out of 10 mobile phones emit more radiation than the EU regulatory threshold of 2W/kg. Mobile phones were also being measured as if the public were holding them at least 5mm from their bodies, as directed by the Telecommunications industry in the terms and conditions of use contained on all phones. At present 45 models of mobile phones have been found to violate limit values for

radiation. <https://phonegatealert.org/en/list-of-mobile-phones-with-non-compliant-sars-removed-or-updated-in-france-2/>. Monitoring of other devices using RFR may highlight similar issues.

## **Conclusion**

The worthwhile aspirations of choice and access in ComReg's ECS position paper appears to be fraught with underlying dangers that have not yet been openly discussed or addressed. These points are briefly summarized as follows:

### **(1) Science**

The ICNIRP guidelines currently used to monitor RFR are considered to be scientifically obsolete and based on false assumptions. Current science regarding pulsed RFR needs to be taken into account – urgently.

### **(2) Choice**

It is difficult for anyone to make an informed choice regarding ECS without having the full information, including potential health effects. ComReg need to recognise that there are groups who cannot use RFR emitting devices and therefore have no choice.

### **(3) Protection of consumers**

An additional Measure is recommended here i.e. that of providing a service through which RFR enabled devices, particularly mobile phones, can be monitored for adherence to EU regulations. An independent laboratory, where no conflict of interest exists, should manage such a measure.

### **(4) Who holds responsibility?**

Decisions as to where responsibility lies should be broken down into specific areas with clearly identifiable places of contact for the public e.g. under protection of consumers and/or for health effects linked to RFR.

ComRegs Public Consultation regarding the Measures to support equivalent choice of and access to Electronic Communications Services (ECS) for people with Disabilities (23/80a) is a very worthwhile aspiration, however issues identified here need to be addressed. As it stands the ECS paper fails to recognise the reality that there are some groups who cannot use RFR emitting ECS's or devices. It also fails to recognise current science regarding RFR Guidelines, and science regarding potential health effects caused by exposure to RFR. For those with Microwave Sickness/Electrohypersensitivity, the replacement of our National copper network infrastructure by private networks using pulsed microwave RFR will be devastating and potentially result in serious isolation and ill health. It also means that the public will be completely dependent upon private telecommunication companies.

To finish, a review in the journal *Reviews on Environmental Health* presents most, if not all of the points raised above but in a more focussed way:

**The European assessments of radiofrequency radiation health risks – another hard nut to crack (Review)** <https://www.degruyter.com/document/doi/10.1515/reveh-2023-0046/html>

Thanking you,

**Member of Electromagnetic Sense Ireland**

<https://www.es-ireland.com>

News just in: <https://www.theguardian.com/business/2023/nov/08/half-of-australia-left-without-internet-or-phone-as-optus-crashes>

Half of Australia left without internet or phone as Optus crashes

**10 million people are cut off, train systems fall down and businesses cannot make sales in outage lasting hours**

Nearly half the Australian population were left without internet or phone service on Wednesday, when the country's second largest telecommunications provider crashed and cut off 10 million people from Sydney to Perth and all points in between.

The company suggested that customers should think about "finding a family member or neighbour with an alternative device", not always easy to do in a country where many people live in remote areas where the next house can be a long drive away.

## 7 Individual Response 2

IAs a person with disabilities and a stakeholder I would like to have an input in the following document being prepared.

Review of Measures to support equivalent access to and choice of electronic communications services (ECS) for people with Disabilities..

Q21.Do you think the measures for people with disabilities as listed are helpful to make sure people with disabilities enjoy the same access to and choice of electronic communications services as mos people? Give reasons for your answer.

A.21. Whilst the measures listed for people with disabilities are helpful in general terms, referring to the blind and deaf, no mention is made of the microwave radiation sickness/electrohypersensitivity disability (MRS/ES) group who cannot access wireless ECS because of the adverse health effects they experience from exposure to pulsed manmade microwave radiation, which powers most of the technology in use. For the following reasons the document is therefore flawed:

1. By failing to reference/mention our disability group the document is non-inclusive and therefore in breach of current disability legislation.and EU. law.

2. By failing to mention measures which would allow our disability group to enjoy equal access to and equal choice of ECS as most other people, the document is discriminating against our disability group and as such , is in breach of Equality and Disability legislation both in Ireland and the E.U.

Q22.Can you think of other factors relevant to consider in making sure people with disabilities enjoy the same access to and choice of ECS as most other people? Give details in answers if relevant.

MRS/ES is a poorly understood condition, and over the decades the MRS/ES disability group is one which has been discriminated against, excluded, ignored and marginalised.

In the 50 years since the mobile phone was first used, there have always been people whose sensitivity to manmade pulsed microwave radiation is such that they experience adverse health effects from exposure to this energy form, and cannot use nor even be near such devices We need to be listened to now in order that correct measures can be t, as is our legal right.

The following factors need to be considered:

1. Retention of traditional copper landlines so that our landline phones can work independently of a router/modem.

Reason. To prevent social isolation and illness from having to use a landline plugged into routers. The majority of modems/routers have a wireless chip inbuilt, which cannot be removed. Even though this has been disabled by customers, it invariably switches back on to the default setting which is wifi on if it is unplugged and then switched on again... Many people with MRS/ES have to turn off all the electric fuses at night, so everything is switched off and plugged out. In case emergency services are needed during the night the only way the landline phone will work (according to the new measures) is if it remains connected to the router, which necessitates the router being left on and plugged in all night. Therefore this means that our disability group would no longer be able to use the landline phone. The chronic isolation of our group would be further intensified as the last link to the outside world would be severed, as would be access to emergency services in the event of needing an ambulance.

2. The need for our disability group to be listened to.

Reason. Our voice, the voice of the MRS/ES disabled, has been silenced for many years. We have lost jobs, careers, livelihoods, social connection to community and family, all gone, caused by involuntary pollution of our homes with microwave radiation (MWR).. For many of us the copper landline, working independently of routers/modems, is our last social connection to the outside world and to family and friends whose homes we can no longer visit because they are heavily polluted with MWR.

An exemption/exception needs to be made for our disability group in this instance, acknowledging our legal rights to continue accessing ECS in the traditional way so that we do not lose this very last link we currently have with the outside world..



## 8 Individual Response 3

### Response to Call for Inputs (ComReg 23/80)

I am writing with regard to the current review which ComReg is undertaking on the obligations on service providers to ensure that people with disabilities can choose and use phone and internet services with confidence. In the light of proposals to switch off the copper landline network, I am very concerned particularly about people who are vulnerable and have disabilities, that their circumstances and requirements are not being catered for in relation to the plan to switch off the copper landline network in Ireland both for personal reasons and other serious reasons.

One of my main concerns is that like a minority of others, I suffer from Electrohypersensitivity (EHS) and therefore can't tolerate wireless internet due to the adverse effects it has on me. It means I don't have wi-fi in my home and I use the internet on a wired ethernet connection to my computer for limited periods of time only and I also don't have a mobile phone or any other device operating with wireless technology. So I rely on my landline as essential to make phone calls. A complete switchover to high speed fibre optic internet/VoIP network would seriously disadvantage and isolate suffers of Electrohypersensitivity (EHS). There are reports also from some people with EHS of increased symptoms where high speed fibreoptic broadband is installed.

It is very important that people generally should have the choice to continue having the facility of traditional landlines but especially for people like me and other vulnerable people. I have included some links below with more information on this disability.

Why Do Fiber Optic Installations Increase Electrical Sensitivity?

<https://www.emfanalysis.com/fiber-optics-increasing-electrical-sensitivity/>

Electrohypersensitivity as a newly identified and characterised neurologic pathological disorder:

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7139347/>

Approximately 3,800 peer-reviewed studies on the adverse biological effects of even low-level electromagnetic fields/RF/wi-fi:

[https://bioinitiative.org/wp-content/uploads/pdfs/sec01\\_2012\\_summary\\_for\\_public.pdf](https://bioinitiative.org/wp-content/uploads/pdfs/sec01_2012_summary_for_public.pdf)

The planned copper switch-off would also seriously disadvantage and isolate my elderly mother and others like her who live alone and also rely on their landlines. She doesn't have an internet connection in her home and is unable to use a mobile phone due to her severe arthritic condition which means the joints in her fingers are painful and swollen. She is hard of hearing and needs the clearer reception and sound quality of her landline and also relies on her landline for her emergency health pendant alarm system which alerts the family in the case of a fall/accident or other emergency. This system relies on the use of the copper network which would not work with a broadband enabled landline if there is a power cut or the internet goes down. Vulnerable or disabled people like my mother would not be able to call for help in this situation or call 999 and family members would also not be able to make contact. A changeover would also impact burglar alarms and other systems connected to landlines.

This point was proven very recently in Australia when half of the country was left without internet or phone as the Optus system crashed. Matt Tett, the managing director of the network analysis company Enex TestLab, said that "The reason why it brought down not just the internet but also landline and mobile services... was because networks were now IP-based and when the internet protocol network had an issue, absolutely, it will take down all the systems".

<https://www.theguardian.com/business/2023/nov/08/half-of-australia-left-without-internet-or-phone-as-optus-crashes>

We should absolutely not be left at the mercy of the possibility of this happening in Ireland and vulnerable/disabled people being cut off especially in emergencies. In the Australian case it was caused by a system failure but other possible risks include sabotage, hacking or major weather events, which due to climate change are becoming more frequent. In any of these events, a broadband-reliant system would not work even to call 999 or emergency numbers, whereas copper landlines have more often than not stayed working during power outages as they are independent of home/premises and the main electricity grid and have their own exchange and power generators.

It's very important to have the option of turning off electrical appliances, including our internet routers (and wifi) at night or when not in use, as a safety measure and to avoid wastage of energy. The proposed new system would mean either that when people turn off their routers, they would also be turning off their home phone and personal alarm systems, or there would be no option to turn it off at all, neither of which is acceptable.

It is vital that after your review is complete that you ensure that people with disabilities retain access to their traditional landlines.

Thank you for reading my submission.

## 9 Individual Response 4

**Re: Measures to support equivalent access to and choice of Electronic Communications Services (ECS) for people with Disabilities – A summary of Call for Inputs**

**Reference:**

**ComReg Document 23/80a, Publication 04/09/2023**

Thank you for the opportunity to send an input for this consultation. This is a general reply rather than response to individual questions.

It is of course important that people with disabilities have equal access to and choice of electronic communications services, telephone lines and broadband.

As ComReg are aware, there are a growing number of people who are disabled by many aspects of electronic communications, eg wireless mobile and broadband technologies.

Due to many painful symptoms, many of us do not use smartphones, smart devices, wifi, and can not spend time in areas with mobile phone masts, base stations, wifi without suffering ill effects. Some people with EHS intolerance are also affected by electric and magnetic fields and electrical interference and have to find measures to reduce and mitigate exposure to these in order to ease much discomfort, including turning of electrical devices when not using them, and especially at night time.

## **Copper Switch Off**

I do not use a smart phone or any wireless devices and thankfully have a hardwired computer connected to copper/fibre network and a landline telephone connected to the very reliable copper network.

I wish to express my deep concern with plans to switch off of the copper landline network. This will mean that to use my landline telephone, make and receive calls, I will have to have fibreoptic broadband installed and the modem on all the time. I always have the power to the modem turned off when I am not using the internet and I would never leave it on at night.

So in anticipation of an emergency, a call in the day or night from a family member or friend, people have to keep the broadband switched on all the time, which doesn't make sense when we are being told to conserve electricity. This of course will impact vulnerable and elderly people also. If there is a powercut or the internet is down, which is increasingly more likely for so many reasons these days, we have no access to telephone services, unless we source our own battery backups, or have charged up mobile phones, paid for on contract (even if we don't use them).

Only last week, Australia's second largest telecommunications network, Optus, crashed. Their network is fibreoptic internet protocol based, including landline network, so not only did their mobile and broadband network go down, but all the landlines on their network did not work either. We know that this is less likely to happen with copper landline networks which have more often than not worked during power cuts and outages for decades.  
<https://www.abc.net.au/news/2023-11-08/optus-outage-mobile-phones-internet-what-happened/103077180>

Furthermore, there are also reports of, and I have heard from people with EHS, experiencing increased problems when fibreoptic broadband has been installed. You can read about it here <https://www.emfanalysis.com/fiber-optics-increasing-electrical-sensitivity/>

Those of us who are already disadvantaged and disabled from many aspects of electronic and digital communications services ask to at least be afforded the choice to keep our landline telephones on the Copper network and not be forced to get fibreoptic broadband installed.

Regards

# 10 National Disability Authority (NDA)



## **NDA submission to ComReg on**

### **Review of Measures to ensure equivalent access to and choice of Electronic Communications Services (ECS) for end-users with Disabilities**

November 2023

#### **Q. 3 Introduction**

The National Disability Authority (NDA), as an independent statutory body, provides information and advice to the Government on policy and practice relevant to the lives of persons with disabilities. We have a role to assist the Minister for Children, Equality, Disability, Integration and Youth in the co-ordination of disability policy. We work through our [Centre for Excellence in Universal Design](#) to promote universal design in the creation of digital and physical environments including services and systems so that they can be easily accessed, understood and used by everyone, including persons with disabilities.

The NDA wishes to make a submission in respect of ComReg's Review of Measures to ensure equivalent access to and choice of Electronic Communications Services (ECS) for end-users with Disabilities which is currently open for public consultation. Given the increased reliance by all end-users on Electronic Communications Services (ECS), it is imperative that persons with disabilities enjoy an equivalence of access and choice to their non-disabled peers.

We have structured our responses below in a manner which addresses all questions posed by ComReg. We trust that the material presented is clear, however we would be delighted to meet with ComReg to discuss any matters arising from this submission.

## Answers to Questions

### **1.3 Q. 1 (A) Do you have any comments on the trends and developments set out above?**

As noted in the consultation document, recent data published by the CSO shows a marked increase in those reporting a disability or long-term condition which can, and frequently does, have an impact on how they access the products and services under discussion. The Covid pandemic has highlighted the need to ensure that persons with disabilities can access all facets of electronic communications in an equivalent manner to those who do not identify as living with a disability. Whether for work, education, daily-living, or leisure, the ubiquitous nature of both the devices and the products and services built upon them means that it is imperative that persons with disabilities are not excluded and/or left behind. The NDA, therefore, welcomes the fact that ComReg are undertaking this exercise to ensure that the measures guaranteeing “equivalent access to ECS in terms of choice, price, and quality” are maintained.

### **1.4 (b) Do you have any comments on the impact of trends and developments on accessing and using ECS services and related information for people with disabilities? Please give details in your answer, if possible.**

As noted in Chapter 3 of the consultation document, the forthcoming implementation of the European Accessibility Act (EAA) will have a significant impact on the lives of persons with disabilities. As is also pointed out, this directive is rooted in market-surveillance rather than in disability-rights and will affect both public and private-sector organisations. Measures contained in the EAA have the potential to widen access for persons with disabilities to a broad range of products and services under ComReg’s remit. Of particular note are the measures which guarantee access to answering of the emergency number (112). To ensure this equivalence of access, significant work will need to be undertaken in respect of:

- Network infrastructure
- Awareness across relevant bodies to guarantee that operators have the knowledge to use newly developed systems.
- Awareness among consumers to ensure that they are cognisant that equivalence of access exists in respect of answering of the emergency number (112).

Whilst there are other aspects of the EAA which have been clearly identified in the consultation document, the NDA notes that this specific aspect was not mentioned. We therefore advise that, as this represents a significant shift in requirements for equivalence of access and choice, that due care and attention is given to its implementation.

## **1.5 Q. 2 Are you aware of any market-led or technical developments to help people with disabilities access and use ECS services and related information? Please give details in your answer, if possible.**

Over the past number of years, the capabilities of devices such as smartphones and tablets have evolved to the point where they are now indispensable in the lives of many persons with disabilities. It is impossible to provide in-depth coverage of all such developments. Therefore, some highlights are presented below. The NDA would be pleased to engage in further bilateral conversations on this topic, with a view to providing further information, and where appropriate providing practical demonstrations of some technological advances.

### **1.5.1 Total conversation service**

Total Conversation Service is a multimedia real time conversation service that allows simultaneous video, voice, and real time text service in telecommunications. Total conversation enables people in two or more locations to:

- see each other
- hear each other
- conduct a text interaction (real time text) with each other
- choose to communicate with any combination of those three modes and to do so in real time.

The increased capabilities to communicate using these multiple modalities has created a range of opportunities for persons with disabilities. As alluded to above, the availability of Total Conversation Services means that (when implemented) access to emergency services, as well as a whole host of other products and services, will be available for persons with disabilities who have not previously been able to access them.

### **1.5.2 Artificial Intelligence (AI)**

As with all other areas of technology, the rise in the power and availability of AI-based systems has created significant opportunities for persons with disabilities. Access to information is now available in a manner which was not previously possible. One example of this use is in the case of detailed image descriptions. A significant problem presents itself for blind and vision-impaired people when images are utilised with no accompanying textual (alt text) descriptions. Now, there are apps freely available on mobile phones that can accurately describe this content. Recent developments now leverage Chat GPT to provide rich content descriptors which go far beyond anything which we have previously encountered.<sup>1</sup>

We must point out, however, that AI-based systems are also fraught with problems for persons with disabilities. AI-based chatbots are frequently inaccessible, and persons with disabilities are often excluded from training and/or other data used in the development of

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<sup>1</sup> Two specific apps which use this approach are Seeing AI from Microsoft, and Envision AI from Let's Envision



such systems. This results in exclusion of persons with disabilities where automated decision-making occurs. Caution should therefore be exercised in their use across organisations under ComReg's remit. This is particularly relevant to equivalence of access and choice, as operators are now using AI-based systems in lieu of front-line helpdesk staff. The first port-of-call is typically an automated system, resulting in difficulties for persons with disabilities in accessing human helpdesk operators.

**1.6 Q. 3 Do you agree that the Measure 'accessible complaints procedure' is needed to make sure people with disabilities have access to customer services and complaints procedures (to make a complaint or an enquiry)? Please provide reasons to support your view.**

As with all consumers, it is essential that persons with disabilities have equivalence of choice in respect of accessing complaints and redress procedures. The NDA therefore considers that the measures already established are maintained to guarantee that persons with disabilities can address issues which arise from time-to-time. The measures here have considered various modalities, which appear to cover most disabilities. We advise consideration of the specific case of persons with Intellectual Disabilities (ID) and autistic people who may need highly specific and specialised forms of interaction. For example, are complaints procedures available in easy-to-read formats? Have operators been trained in appropriate language etc. which should be used when interacting with persons with Intellectual Disabilities and autistic people? Examination of the measures currently in place suggest a focus on sensory disabilities, and the NDA advises that due care and attention is directed to those with intellectual disabilities as well as persons with neurodiverse conditions including autism. We wish to draw ComReg's attention to the Assisted Decision-making (Capacity) act (2015) which fully commenced on 26<sup>th</sup> April 2023. This Act recognises that, as far as possible, all adults have the right to play an active role in decisions that affect them. Complaints mechanisms should therefore be designed to be cognisant of this act. Furthermore, we advise that, when dealing with a person with a disability, the default should be that said individual has the capacity to engage in the Complaints process, and has the ability to do so in a manner which suits their personal requirements. Training for staff in this regard is important, as we have heard from those with lived experience of disability that a supposition often exists that, by virtue of living with a disability, the individual in question needs additional supports. This infantilisation of those with disabilities, or an unwanted characterisation of vulnerability, can result in interactions with, or provision of information for, the individual in a manner which is both disrespectful and unsuitable. Please refer to our answer to Q8 (below) for further discussion on vulnerability. To assist ComReg in providing input to Service Providers, we are pleased to advise that, in 2022, we published [Participation Matters: Guidelines on implementing the obligation to meaningfully engage with disabled people in public decision making](#). Whilst this document was created to assist public officials in meeting their obligations to meaningfully consult with persons with disabilities under the UN Convention on the Rights of Persons with Disabilities, it contains practical guidance for any organisation which engages with persons with disabilities and older people. We would be happy to continue further discussions with ComReg around this topic should this be considered desirable.

**1.7 Q. 4 Are there changes which should be made to the Measure ‘accessible complaints procedure’? Please give details in you answer, if possible.**

As noted above, careful thought should be given to the impact of these measures on those with a range of disabilities. Since they were put in place, there has been an increased recognition of the exclusion of persons with Intellectual and neurodiverse conditions such as autism. It is also imperative that systems such as webchat are fully tested to ensure that they have been designed and implemented based on guidelines such as WCAG and EN 301549. Furthermore, we advise that the design and implementation of any such systems take account of the Assisted Decision-Making(Capacity) act (2015), which has significant implications for people with disabilities and older people. As this form of interaction with Service Providers gains in popularity, we consider it essential that persons with disabilities are not excluded owing to poorly designed online systems.

**1.8 Q. 5 Do you agree that the Measure ‘accessible directory enquiries’ (196 service) is needed to give people with disabilities access to a directory of subscribers or directory information services? Please give reasons for your answer.**

The NDA is pleased to concur with ComReg’s assessment that the accessible directory services is required to provide access to directory services for those who are blind, vision-impaired, or who otherwise cannot read/access the online directory. For many older people and persons with disabilities, locating and accessing directory services online poses difficulties, so the NDA welcomes the continuation of this service.

**1.9 Q. 6 Are there changes that should be made to the Measure ‘accessible directory enquiries’ (196 service) Measure? Please give details in your answer, if possible.**

We note that access to the service (available by dialling 196) is available only at specific times. This can pose a problem for people who rely on it. For example, in the scenario where a person with a visual disability required the phone number for an out-of-hours doctor in the middle of the night, the accessible directory service would not be available. We therefore advise a focused consultation on this specific topic to ascertain whether extending the times when the service is available, would be beneficial. Secondly, we advise that the online directory (available at <https://phonebook.ie>) be checked to ensure that it is designed and implemented in accordance with relevant accessibility guidelines.

**1.10 Q. 7 Do you agree that the Measure ‘accessible top-up facility for pre-paid mobile users’ is needed to give people with disabilities access to mobile services? Please give reasons for your answer.**

We are pleased to concur that the service to provide an accessible mechanism for topping up pre-paid mobiles would appear to be operating effectively and should be retained. We note that this service is particularly beneficial for older people. Given that many older people have low technical literacy, and that a significant number do not avail of smart-

devices, we consider that this service represents an essential tool to help them maintain independence.

**1.11 Q. 8 Are there changes that should be made to the accessible top-up facility for pre-paid mobile users Measure? Please give details in your answer, if possible.**

We do not propose any changes or alterations to the service at this time. However, we advise that relevant Disabled Persons Organisations (DPOs), and older people are regularly consulted to ensure that it continues to meet the needs of the intended demographic.

**1.12 Q. 9 Do you agree that the Measure 'Accessible Billing' is required to facilitate end-users with disabilities access their bills and related information? Please provide reasons to support your answer.**

We consider that providing bills in a range of formats, and free of charge, is essential to ensuring equivalence of access and choice for persons with disabilities. There are many instances where a person with disabilities does not wish to provide a third-party with access to their private billing data, and as such ensuring that everyone can access their bills independently should be considered as a basic right.

**1.13 Q. 10 Are there changes that should be made to the Measure 'Accessible Billing'? Please give details in your answer if possible.**

The Department of Public Expenditure, NDP Delivery and Reform in April 2023, in collaboration with the NDA launched a revised version of [the Customer Communications Toolkit for Services to the Public - A Universal Design Approach](#). This document provides details on how best to communicate with all users, including persons with disabilities, in a manner which is effective and respectful. We advise that Service Providers are made aware that this document has been updated. Furthermore, we advise that Service Providers are encouraged to consider the accessibility of their bills; particularly those which are provided online and in PDF. Anecdotal evidence would suggest that many bills available in PDF are inaccessible; particularly when viewed on mobile phones. Notwithstanding the laudable provision of bills in alternative formats (such as those outlined in the document under discussion) we advise that true equivalence of access can only be afforded when persons with disabilities have equal access to the information available to their non-disabled peers. Regrettably, this is not currently the situation in the case of digital bills available online, and accessed using either laptops, tablets, or smartphones.

**1.14 Q. 11 Do you agree that the Measure 'Facility to Test Compatibility of Terminal Equipment or Appropriate Returns Policy' to facilitate end-users with disabilities access to ECS is needed? Please provide reasons to support your answer.**

Whilst broadly defined classifications of disability exist (for example, the word 'blind' is used to indicate an individual with no residual vision) the needs of persons with disabilities

are highly individualised. Life experience can, and often does, play a significant part in the type of device used by a person with disabilities, and how it is best configured to suit their own specific use cases. On this basis, we consider that the opportunity to test a device for an extended time, and to return it if it is deemed unsuitable, is both welcome and essential. Given the ubiquitous nature and availability of smart-devices, and the wide-ranging impact of disabilities, we consider it important to attempt to capture why a user might not continue to use the device long-term. Therefore, we suggest that instruments are designed to capture the reasons why users are returning the device. This should be simple and easy to administer and should not place an undue burden on either the user returning the device or the Service Provider. Capturing this information could inform future iterations of design, and ultimately render the device more usable for persons with disabilities.

**1.15 Q. 12 Are there changes that should be made to the Measure ‘Facility to Test Compatibility of Terminal Equipment or Appropriate Returns Policy’? Please give details in your answer if possible.**

At present, the opportunity to avail of, and test devices is available to persons with specific disabilities. The document notes that “Under the Measure “Accessible Facility to Test Compatibility of Terminal Equipment or appropriate returns policy”, Service Providers selling terminal equipment must make accessible facilities available for end-users with disabilities who use a hearing aid or have a cochlear implant, once certification of disability is provided by a registered medical practitioner or, by an appropriate agent.” We advise that this facility is extended to persons with other disabilities. As the range of smartphones, operating systems, and the associated customisations increase, we advise that persons with other sensory disabilities, as well as persons with intellectual and neurodiverse disabilities such as autistic people, are afforded the same equivalence of access as those specifically mentioned in the extract cited above. Purely as an illustrative example, consider the scenario of a blind user who wishes to switch from an Apple iPhone to an Android device. Both iOS and Android implement accessibility features in analogous, though very different ways. Providing the blind person with extended access to the new Android device would:

- Afford them the opportunity to investigate the efficacy of accessibility features on the new device, and to investigate customisation options to suit their individual needs.
- Afford them the time to become used to those features, and to verify that they suited (or did not suit as the case might be) their needs.
- Afford them the time to explore third-party apps to find alternatives which provide analogous access to products and services which they previously used on their old device.

This is also true for persons with other sensory, physical, and intellectual disabilities including autistic people. There are a range of communication, and access modalities available on smartphones and tables which provide access to the functions of the device. Provision of access to extended testing and returns would ensure that persons with

disabilities could be confident that the device they are acquiring meets their need, both in terms of accessibility and other more general usability.

**1.16 Q. 13 Do you agree that the ‘facility for customers with disabilities to register requirements with their service provider’ is needed to support customers with disabilities: (a) when choosing and using ECS and, (b) when dealing with their service provider? Please give reasons for your answer.**

We concur that the facility to register requirements is needed and note with regret that uptake is somewhat low. We also acknowledge with appreciation that ComReg has indicated in its document a lack of awareness on the part of end-users that the facility is available, and that Service Providers should clearly indicate that persons with disabilities do have the facility to register their requirements. We note the importance of adequate staff training in respect of how best to communicate with persons with disabilities when they contact a Service Provider to register their requirements. If we consider, as an illustrative example, a scenario where a person with a disability, who uses sign language and cannot communicate verbally, contacts a Service Provider to register their needs, and the staff-member insists on communicating verbally with said individual rather than a designated third-party. Under the Irish Sign Language Act 2017 there is now a requirement to provide alternative means of communication by service providers for people who use Sign Language. Without these alternative approaches being available they have the potential to create a negative impact on the individual seeking to register their needs, and could cause them to end the contact and not do so. We advise and recommend that all services are designed following a Universal Design Approach, which recommends that a product or services is designed so that it may be used by the widest range of users possible, irrespective of age, size, ability or disability. Following this approach will ensure that all users can register their requirements in a manner which is respectful of their rights and dignity.

**1.17 Q. 14 Are there changes which should be made to the Measure ‘facility for customers with disabilities to register their requirements with their service provider’? Please give details in your answer, if possible.**

Whilst uptake is low, we note that the service seems to be operational. We would add one caveat, however. We advise that Service Providers are encouraged not to associate a decision by a person with disability to register their requirements as an indication of vulnerability. Many persons with disabilities do not see themselves as vulnerable, and we posit that uptake of this service could be attributed to a desire on the part of the cohort not to be perceived as such. Stereotyping should be avoided, and availing of the service should simply be seen as requiring communications in alternative formats etc. rather than a statement of vulnerability.

**1.18 Q. 15 Do you agree that the Measure ‘Text Relay Service’ is needed so people with disabilities can access ECS? Please give reasons for your answer.**

The NDA is pleased to concur with ComReg’s assessment of need in respect of the continuation of this service. The data provided shows that it is used by those who need it.

**1.19 Q. 16 Are there changes which should be made to the Measure ‘Text Relay Service’? Please give details in your answer, if possible.**

We have no changes to recommend at this time.

**1.20 Q. 17 Do you agree that the Measure ‘Accessible Information’ is needed to facilitate all end-users with disabilities access to information on ECS products and services (i.e., access to key information, in an accessible format and through appropriate channels)? Please provide reasons to support your answer.**

As with all end-users, persons with disabilities have a right to access information relevant to the products and services they wish to purchase or have purchased. We therefore wish to state unequivocally that access to information, in a manner which best suits the needs of persons with disabilities is essential. Article 21 of the UN Convention on the Rights of Persons with Disabilities states:

“States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by:

- a) Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;
- b) Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions;
- c) Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities;
- d) Encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities;
- e) Recognizing and promoting the use of sign languages.”

Article 9(1)(B) specifically provides for the accessibility of “Information, communications and other services, including electronic services and emergency services.”, and Article



9(2)(B) highlights the need for "...private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility".

As Ireland has ratified the UN Convention on the Rights of Persons with Disabilities, access to information should be viewed as a right for all citizens, including persons with disabilities. Therefore, this equivalence of access and choice should be prioritised.

**1.21 Q. 18 Are there changes that should be made to the Measure 'Accessible Information' ? Please give details in your answer, if possible.**

The impending transposition of the European Accessibility Act will bring new and more stringent obligations for operators providing a range of products and services. We therefore advise that Service Providers are made aware of their obligations under this legislation once transposition has been completed. Furthermore, we advise that continued auditing of relevant Service Provider websites, including all user journeys, takes place on a regular basis to ensure that persons with disabilities can access all relevant information. We note that specific pages, or sections of providers' websites are dedicated to the needs of persons with disabilities. It should be made clear to relevant organisations that a Universal Design approach to the design of digital environments recommends that they are designed such that they can be used by all people. Thus, ensuring that the relevant section of the website on which specific disability-related information is located, is not the only portion of the platform which must be made accessible. For example, persons with disabilities should have equivalent access to eCommerce facilities, as well as billing and/or other relevant customer-focussed information.

**1.22 Q. 19 Do you agree that the Measure ‘Accessibility Statement’ is needed to ensure that end-users with disabilities can find and access information regarding the specific services and support available to end-users with disabilities? Please provide reasons to support your view.**

We consider that provision of an Accessibility Statement is important for persons with disabilities to determine what products and services are available to them in a manner which suits their needs. We further note that providing this information in a standardised and centralised location ensures that persons with disabilities only need to look in one specific location, rather than having to search through an entire website for information located in a variety of places.

**1.23 Q. 20 Are there any changes which could be made to the Measure ‘Accessibility Statement’? Please provide reasons to support your view.**

We note that, in the document under discussion here, a variety of alternative formats are specified. As noted in the Department of Public Expenditure, NDP Delivery and Reform and NDA’s revised [Customer Communications Toolkit for Services to the Public - A Universal Design Approach](#), provision of information in a format which best-suits the individual should be accommodated where possible. As an illustrative example, PDF can often pose difficulties for those using Assistive Technologies. Therefore, if a version of the information is requested in Word, this should be accommodated. In short, therefore, the list of alternative formats provided should be less proscriptive and should focus more on the requirements of the user rather than listing specific document-formats which should be provided.

**1.24 Q. 21 See paragraph 10, (a)–(i) for the full list of Measures. Do you think Measures for people with disabilities as listed are helpful to make sure people with disabilities enjoy the same access to and choice of ECS as most people? Please give reasons for your answer.**

The measures listed in paragraph 10, (a)–(i) represent equivalence of access and choice for persons with disabilities. In our preceding answers, we have highlighted (where appropriate) suggestions as to how the measures can be adapted, to ensure that persons with disabilities can continue to enjoy equality with their non-disabled peers. We would advise, however, that the measures listed in Paragraph 10, (a) –(i) are not seen as an exhaustive list, and that it may need to grow over time. As products and services evolve, and the requirements of persons with disabilities change, it is important to bear in mind that a list such as that under discussion here should also expand to cater for the more diverse needs of the population.

### **Concluding Remarks**

The NDA notes with appreciation the extensive work carried out by ComReg across its various channels and initiatives to promote the inclusion of persons with disabilities. We



are happy to meet with ComReg to discuss this submission, and to clarify any of the points raised. The NDA is looking forward to continuing to work with ComReg, through its Consumer Advisory Panel (and other forums) to develop and implement its proposals for equivalence of access and choice, and other important initiatives going forward.

11 Three Ireland

# **Submissions to ComReg**

## **Document No.23/80**



**Three.ie**

## **1. Introduction**

Three welcomes the opportunity to contribute to ComReg's Call for Inputs into Measures to support equivalent access to and choice of Electronic Communications Services (ECS) for people with Disabilities. Three believes that this Call for Inputs is an essential and positive action being taken by ComReg, to ensure end-users' with disabilities continue to enjoy the same access and choice to telecommunications services as all other end-users.

Three understands the societal significance of this subject and is committed to contributing positively to this Call for Inputs and relaying relevant and factual experience of its engagement with customers and for the purpose of this submission, customers with disabilities. Three believes that all our customers should get the best out of our network and services, whatever their age, needs and abilities. Three remains committed to increasing the range of services and support provided online and in-store, and many of our customers' product or service requirements can be supported through a number of channels: our self-service mobile app, our landing page online, email, customer care on the phone, and webchat.

## **2. Summary**

ComReg put measures in place in 2014 and 2015, to meet the needs of consumers with disabilities to choose and use ECS with confidence.

Since then, there have been no reviews of those measures. ComReg are now reviewing the measures to assess whether they remain effective for end-users with disabilities when accessing and using ECS.

On the 1 September 2023 a 'Call for Inputs' (Consultation Document 23/80) was published which contained its observations on the functioning of the measures in place. ComReg has posed a series of 22 questions and is seeking input into all or any of those questions. We expect this will be an iterative process so we are only responding to questions on the areas where we have comments to make at this time. We look forward to seeing how the broader consultation develops and so we reserve our position on areas not covered at this time.

## **3. Background**

ComReg observes that in the time since the Measures have been implemented, the following has happened:

- The electronic communications sector has continued to evolve in terms of market and technological advance,
- The European Electronic Communications Code (EECC or the Code) brought a change to the legal framework governing ECS and ECN,
- The Department of Environment, Climate and Communications published the Electronic Communications Code Regulations 2022 (the ECC Regulations). This means that these regulations are part of our national law in Ireland from 9 June 2023. An objective of the ECC Regulations is to ensure equivalent access and choice of ECS and ECN for people with disabilities.

#### 4. Three's Submission

***Q2: Are you aware of any market-led or technical developments to help people with disabilities access and use ECS services and related information? Please give details in your answer, if possible.***

##### Response to Question 2:

Three Ireland are currently working with our ECAS provider and Device manufactures to extend and improve the support for people with disabilities. One feature we are currently scoping is the addition of RTT (Real Time Text) for hearing impaired users who contact emergency services. Information can be shared over real time text in addition to existing voice services.

Three notes that the implementation of RTT, not only for emergency communications but also for non-emergency communications for all users, is likely to be required under the implementing legislation for Directive (EU) 2019/882 ("The European Accessibility Act").

Directive (EU) 2019/882 also requires the implementation, both for emergency and non-emergency communications for all users, of "Total Conversation Service" where video, real time text and voice communications are provided synchronously.

Three is in the early stages of scoping a project to comply with these requirements, subject to consideration of such requirements as may be included in the domestic implementing legislation. We note that requirements under the Accessibility Act will be cross-sectoral, so we would caution that it would not be ideal to develop solutions in the Electronic Communications sector that are inconsistent with those developed in other sectors.

We have a direct working relationship with the main device manufactures and are continuously seeking areas to improve support for our customers. Advances in the capability of terminal devices can help resolve some accessibility issues for end users e.g. speech to text and text to speech conversion. These developments can evolve and change relatively quickly in comparison to many of the adaptations that service providers might have to implement to improve accessibility. They might be a more effective means to improve accessibility in many cases and might also be preferable to end users. ComReg should factor this into any considerations.

##### Response to Questions 13 and 14:

***Q13, Do you agree that the Measure 'facility for customers with disabilities to register requirements with their service provider' is needed to support customers with disabilities when choosing and using ECS and when dealing with their service provider? Please give reasons for your answer.***

***Q14 Are there be changes which should be made to the Measure 'facility for customers with disabilities to register their requirements with their service provider'? Please give details in your answer, if possible***

Three has remained committed to ensuring that our customers can present in store, online, or on the phone and can raise their accessibility requirements with us and have them

acknowledged and responded to in the appropriate manner so that they may enjoy all of our services and products in the same manner as customers who do not have accessibility requirements.

Three notes that details of a customer's disability status are likely to be "Special Category Personal Data" (formerly "Sensitive Personal Data") as defined by Data Protection law, and as such their processing by Data Controllers such as telecommunication operators is limited. Any requirement with regard to registration should therefore relate solely to the requirements of customers and should not compel operators to process personal data containing detail of customers' health or disability.

Three is in the early stages of scoping a project to modify its CRM system which will more efficiently flag customers who have accessibility requirements, to better facilitate the provision of these requirements.

***Q15 Do you agree that the Measure 'Text Relay Service' is needed so people with disabilities can access ECS and related information? Please give reasons for your answer.***

***Q16 Are there changes which should be made to the Measure 'Text Relay Service'? Please give details in your answer, if possible.***

Response to Questions 15 and 16:

We note that ComReg Information Notice 22/67 shows that "the number of TTV calls via ITRS have increased month on month, reaching 385 in June 2022". This indicates that at this time the demand/requirement for this service remains, although it seems to have a relatively small user base overall. Three Ireland will continue support the existence and functioning of this service as long as it is so required by customers with disabilities and until it is superseded by more effective solutions.

## 12 Virgin Media Ireland

### **Virgin Media response to:**

ComReg's Call for Inputs to "Review of Measures to ensure equivalent access to and choice of Electronic Communications Services (ECS) for end-users with Disabilities".

**9 November 2023**

## Introduction

Virgin Media Ireland Limited ('Virgin Media') welcomes the opportunity to respond to ComReg's Consultation/call for inputs Document 23/80 to *"Review of Measures to ensure equivalent access to and choice of Electronic Communications Services (ECS) for end-users with Disabilities"*.

It is timely for ComReg to review/reflect on the existing Measures to ensure equivalent access and choice for end users with disabilities, considering developments in technology and legislation, the European Union (Electronic Communications Code) Regulation 2022 and the European Accessibility Act.

Virgin Media is appreciative of continued work by ComReg in facilitating the Equivalence of Access & Choice Forum meetings and workshops. Virgin Media has participated in ComReg's workshops and finds that the Forum has great value in terms sharing insights/feedback amongst stakeholders on key aspects of the Measures supporting equivalent access to and choice.

In general Virgin Media is very supportive of the current measures in place to ensure equivalent access to and choice. In some instances, in our response, we have provided practical insights which ComReg may find of value when reviewing the call to input feedback.

Please find set out below Virgin Media's response to the specific questions asked in ComReg's consultation paper.

Q. 1 (A) Do you have any comments on the trends and developments set out above?  
(B) Do you have any comments on the impact of trends and developments on accessing and using ECS services and related information for people with disabilities? Please give details in your answer, if possible.

Q. 2 Are you aware of any market-led or technical developments to help people with disabilities access and use ECS services and related information? Please give details in your answer, if possible.

Virgin Media Response to Q1(A). ComReg makes a good assessment of the impact of recent trends and developments on accessing and using ECS services and related information for people with accessibility needs. Ireland's population is also aging, which will undoubtedly lead to further increases in the number of people with accessibility needs into the future.

Virgin Media Response to Q2. Advancements in technology creates more opportunities and pathways for the inclusion of people with accessibility needs. We note, that for example both Apple (IOS)<sup>1</sup> and Google (Android)<sup>2</sup> continue the trend to enhance device assistive technology and accessibility/usability tools and features. The Digi ID programme<sup>3</sup> was designed to help address digital inclusion/literacy offering basic training in for example how to set up email, an online meeting, a social media account and WhatsApp.

We recognise the increasing demand for online communication methods, as well as having chat and social media, Virgin Media has improved its service by expanding its online contact options to include a customer Contact query form. The query form can also be used by non-customers who can engage with us should they wish.

Q3. Do you agree that the Measure 'accessible complaints procedure' is needed to make sure people with disabilities have access to customer services and complaints procedures (to make a complaint or an enquiry)? Please provide reasons to support your view.

Q4. Are there changes which should be made to the Measure 'accessible complaints procedure'? Please give details in your answer, if possible.

Virgin Media Response to Q3. Yes, Virgin Media agrees that the Measure 'accessible complaint procedure' is appropriate and important to ensure that customers with

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<sup>1</sup> [Accessibility Support - Official Apple Support](#)

<sup>2</sup> [Android Accessibility Help \(google.com\)](#)

<sup>3</sup> [Overcoming the challenge of digital inclusion for adults with intellectual disability - News & Events | Trinity College Dublin \(tcd.ie\)](#)  
[Digi Academy \(digi-academy.org\)](#)



accessibility needs have access to complaints procedures. Virgin Media believes we already meet this requirement as customers have many options to contact us to make complaint. This includes by freephone 1908, online form and by letter in the post. In addition, we offer the facility for all customers to nominate an authorised contact on their account. We also have other channels for customers to get in touch via online query, chat and social media.

Virgin Media Response to Q4. Virgin Media continues to lead on customer service for our customers. We have the lowest number of complaints in the fixed market, as evidenced yet again in ComReg's Consumer Care Statistics Reports for Q3 in 2023. Virgin Media does not believe that any changes are needed to accessible complaints procedure at this time. As noted above, we already offer wide and flexible range of options for all of our customers to contact us for either to address a query they have or to raise a complaint.

Q5. Do you agree that the Measure 'accessible directory enquiries' (196 service) is needed to give people with disabilities access to a directory of subscribers or directory information services? Please give reasons for your answer.

Q.6 Are there changes that should be made to the Measure 'accessible directory enquiries' (196 service)? Please give details in your answer, if possible.

Virgin Media Response to Q5. Virgin Media agrees that the Measure for 'accessible directory enquiries' is still needed. We agree with ComReg's assessment, we believe that the service is still warranted and remains relevant in the context of usage of the service. The cost of general direct directory enquiries is high and maintaining this service ensures continuity of a free means of access to directory services, to support elderly users and users without, or who do not use online facilities.

Virgin Media Response to Q6. Virgin Media does not believe that any further changes are needed for 'accessible directory enquiries' at this time, other than it should continue to remain available in its current form.

Q. 7 Do you agree that the Measure 'accessible top-up facility for pre-paid mobile users' is needed to give people with disabilities access to mobile services? Please give reasons for your answer.

Q. 8 Are there changes that should be made to the Measure 'accessible top-up facility for pre-paid mobile users'? Please give details in your answer, if possible.

Virgin Media Response to Q7/8. Virgin Media does not currently offer prepay mobile services and cannot provide further input/comment.

Q. 9 Do you agree that the Measure 'accessible billing' is required to facilitate end users with disabilities access their bills and related information? Please provide reasons to support your answer.

Q. 10 Are there changes that should be made to the Measure 'accessible billing'? Please give details in your answer if possible.

Virgin Media Response to Q9. Virgin Media Response to Q9. Virgin Media agrees that the Measure ‘accessible billing’ is required to facilitate end users with disabilities access their bills and related information. Virgin Media is happy to facilitate customer requests for accessible bill formats.

Virgin Media Response to Q10. Virgin Media does not believe that any further changes are needed for ‘accessible billing’ at this time. We believe that the facility for an e-billing option is positive in this regard, where bills can be read aloud /text to speech via apps/device accessibility features.

At the present time, we have no customer requests to receive bills in a particular accessible format.

Q. 11 Do you agree that the Measure ‘facility to test compatibility of terminal equipment or appropriate returns policy’ to facilitate end-users with disabilities access to ECS is needed? Please provide reasons to support your answer.

Q. 12 Are there changes that should be made to the Measure ‘facility to test compatibility of terminal equipment or appropriate returns policy’? Please give details in your answer if possible.

Virgin Media Response to Q11. Virgin Media agrees that the Measure ‘facility to test compatibility of terminal equipment or appropriate returns policy’ is still needed.

Virgin Media Response to Q12. Virgin Media does not believe that any further changes are needed for this Measure.

Q. 13 Do you agree that the Measure ‘facility for customers with disabilities to register requirements with their service provider’ is needed to support customers with disabilities: (a) when choosing and using ECS and, (b) when dealing with their service provider? Please give reasons for your answer.

Q. 14 Are there changes which should be made to the Measure ‘facility for customers with disabilities to register their requirements’ with their service provider? Please give details in your answer, if possible.

Virgin Media Response to Q13. Virgin Media agrees that the Measure ‘facility for customers with disabilities to register requirements with their service provider’ is needed.

Virgin Media Response to Q14. Virgin Media offers the facility to register requirements and does not believe that any further changes are needed for this Measure.

Q. 15 Do you agree that the Measure ‘Text Relay Service’ is needed so people with disabilities can access ECS and related information? Please give reasons for your answer.

Q. 16 Are there changes which should be made to the Measure ‘Text Relay Service’? Please give details in your answer, if possible.

Virgin Media Response to Q15. Virgin Media along with eir, Sky, Three, Vodafone and Tesco Mobile provide funding for the ITRS service and agrees that the Measure ‘Text Relay Service’ is important and is needed.

Virgin Media Response to Q16. The ITRS website was upgraded last year in 2022. Virgin Media does not believe that any further changes are needed for this Measure. Virgin Media would be happy to review/take on board suggestions arising from the call to input feedback.

Q. 17 Do you agree that the Measure ‘accessible information’ is needed to facilitate all end-users with disabilities access to information on ECS products and services (access to key information, in an accessible format and through appropriate channels)? Please provide reasons to support your answer.

Q. 18 Are there changes that should be made to the Measure ‘accessible information’? Please give details in your answer, if possible

Virgin Media Response to Q17. Virgin Media agrees that the Measure ‘accessible information’ is needed to facilitate access to key information about services or information that can inform decisions.

Virgin Media Response to Q18. Virgin Media does not believe that any further changes are needed for this Measure.

Q. 19 Do you agree that the Measure ‘accessibility statement’ is needed to ensure that end-users with disabilities can find and access information regarding the specific services and support available to end-users with disabilities? Please provide reasons to support your view.

Q. 20 Are there any changes which could be made to the Measure ‘accessibility statement’? Please provide reasons to support you view

Virgin Media Response to Q19. Virgin Media agrees that the Measure ‘accessibility statement’ is needed, it provides a very important means of support and information point for our customers. The Accessibility Statement is located on the footer of our website, and we receive an average of 300 visits per month to this webpage, which highlights its importance.

Virgin Media Response to Q20. Virgin Media would be happy to review/take on board suggestions arising from the call to input feedback on any changes/additional information/content that would be of useful and of value and benefit to visitors and customers to our webpage.

Q. 21 See paragraph 10, (a)–(I) for the full list of Measures. Do you think the Measures for people with disabilities as listed are helpful to make sure people with disabilities enjoy the same access to and choice of ECS as most people? Please give reasons for your answer.

Q. 22 Can you think of other factors that are relevant to consider in making sure people with disabilities enjoy the same access to and choice of ECS as most people? Please give details in your answer, if relevant.

Virgin Media Response to Q21. Absolutely, the Measures in place are helpful to support people with accessibility needs enjoy the same access to and choice of ECS.

Virgin Media Response to Q22. Virgin Media would very interested in hearing about other relevant factors or improvement suggestions arising from the call to input.

## 13 Vision Ireland

Measures to support equivalent access to and choice of Electronic Communications Services

Vision Ireland response (formally NCBI)

Q1 (a) Do you have any comments on the trends and developments set out above?

(b) Do you have any comments on the impact of trends and developments on accessing and using ECS services and related information for people disabilities? Please give details in your answer, if possible – Vision Ireland feels the numbers of people needing access services is likely to continue to grow with the aging population. Age related sight loss is on the rise and this is expected to continue.

Q2 Are you aware of any market-led or technical developments to help people with disabilities access and use ECS services and related information? Please give details in your answer, if possible. – No.

Q3 Do you agree that the Measure 'accessible complaints procedure' is needed to make sure people with disabilities have access to customer services and complaints procedures (to make a complaint or an enquiry)? Please provide reasons to support your view. – Yes this is essential to ensure access is granted and it provides a remedy path to resolve issues that arise.

Q4 Are there changes which should be made to the Measure 'accessible complaints procedure'? Please give details in your answer, if possible – Vision Ireland is not proposing any changes.

Q5 Do you agree that the Measure 'accessible directory enquiries' (196 service) is needed to give people with disabilities access to a directory of subscribers or directory information services? Please give reasons for your answer – Yes this is essential in the view of Vision Ireland as blind or vision impaired people face challenges in accessing printed materials and for some online access can be challenging.

Q6 Are there changes that should be made to the Measure 'accessible directory enquiries' (196 service)? Please give details in your answer, if possible – Vision Ireland feels the current system is working well and as such is not proposing changes.

Q7 Do you agree that the Measure 'accessible top-up facility for pre-paid mobile users' is needed to give people with disabilities access to mobile services? Please give reasons for your answer. – Vision Ireland believes this is necessary.

Q8 Are there changes that should be made to the Measure 'accessible top-up facility for pre-paid mobile users'? Please give details in your answer, if possible. – Vision Ireland not proposing any changes.

Q9 Do you agree that the Measure 'accessible billing' is needed to facilitate end-users with disabilities access their bills and related information? Please provide

reasons to support your answer. – Yes, Vision Ireland believes this is essential to allow people who are blind and vision impaired be able to manage their finances independently and monitor usage.

Q10 Are there changes that should be made to the Measure 'accessible billing'?

Please give details in your answer if possible. – Vision Ireland not proposing any changes.

Q11 Do you agree that the Measure 'facility to test compatibility of terminal equipment or appropriate returns policy' is needed to facilitate end-users with

disabilities access to ECS? Please provide reasons to support your answer. – Vision Ireland agrees with the above statement.

Q12 Are there changes that should be made to the Measure 'facility to test compatibility of terminal equipment or appropriate returns policy'? Please give

details in your answer if possible. – Vision Ireland not proposing changes.

Q13 Do you agree that the Measure 'facility for customers with disabilities to register requirements with their service provider' is needed to support customers with disabilities when choosing and using ECS and when dealing with their service

provider? Please give reasons for your answer. – Vision Ireland agrees that this registration service is required. It provides info to the company to how best support the disabled customer. It also saves the disabled customer having to explain their access needs each time they contact the company.

Q14 Are there be changes which should be made to the Measure 'facility for customers with disabilities to register their requirements with their service

provider'? Please give details in your answer, if possible. – Vision Ireland not proposing any changes to this area.

Q15 Do you agree that the Measure 'Text Relay Service' is needed so people with disabilities can access ECS and related information? Please give reasons for your

answer. – Vision Ireland believes this is necessary.

Q16 Are there changes which should be made to the Measure 'Text Relay

Service'? Please give details in your answer, if possible. – Vision Ireland not proposing any changes however, feel input from organisations that support people who need this service should be followed.

Q17 Do you agree that the Measure 'accessible information' is needed to facilitate all end-users with disabilities access to information on ECS products and services (in an accessible format and through appropriate channels)? Please provide

reasons to support your answer. – Vision Ireland feels this is required.

Q18 Are there changes that should be made to the Measure 'accessible

information'? Please give details in your answer, if possible – Vision Ireland not proposing changes.

Q19 Do you agree that the Measure 'accessibility statement' is needed to ensure that end-users with disabilities can find and access information regarding the specific services and support available to end-users with disabilities? Please

provide reasons to support your view – Vision Ireland believes this is essential as it provides comfort and it sets out what the disabled customer can expect to receive in terms of support.

Q20 Are there any changes which could be made to the Measure 'accessibility statement'? Please provide reasons to support your view. – Vision Ireland not proposing anything additional.

Q21 See paragraph 17, (a) to (i) for the full list of Measures. Do you think the Measures for people with disabilities as listed are helpful to make sure people with disabilities enjoy the same access to and choice of ECS as most people? Please give reasons for your answer. – Vision Ireland feels this list is helpful and should be retained.

Q22 Can you think of other factors that are relevant to consider in making sure people with disabilities enjoy the same access to and choice of ECS as most people? Please give details in your answer, if relevant

Vision Ireland has nothing additional to add. We feel in most cases the current provisions are supporting people who are blind and vision impaired well.

## 14 Vodafone Ireland



### Vodafone Response to Call for Inputs

Call for Inputs Review of Measures to ensure equivalent access  
to and choice of Electronic Communications Services (ECS) for  
end-users with Disabilities

Reference: ComReg Doc 23/80



Version: Non-

Confidential Date:

15/11/23

## Introduction

Vodafone welcomes the opportunity to respond to the Commission for Communications Regulation (ComReg)'s consultation on the Review of Measures to ensure equivalent access to and choice of Electronic Communications Services (ECS) for end-users with Disabilities.

At Vodafone, we believe that our products and services are for everyone, and we are dedicated to meeting the needs of vulnerable people and those with disabilities. It is important to us that all customers can get the most out of their Vodafone service and device, whether they have restricted vision, difficulty hearing or have limited dexterity or mobility.

Vodafone want to change people's attitude and behaviour towards technology, particularly those with vulnerabilities or disabilities. We want to empower everyone by educating them on how to use the internet and explain the benefits it can have on their daily lives. Vulnerabilities and disabilities can create social isolation, posing a long-term threat to mental health. Hi-Digital was developed to combat this, with the aim of increasing digital literacy in older people (many of whom will experience mobility hearing and sight issues), thereby reducing the risk of isolation.

Connectivity is a vital part of everyday life. It contributes to health, safety, quality of life and entertainment. That's why we're fully committed to technology that serves our society. The landscape is changing there is potential solutions already available across the device, connectivity and app landscape that will help ensure equivalent access. This includes developments in assistive technology such as speech recognition, in wearables such as watches one number device integration and smart monitoring solutions.

Vodafone welcome this initial step in the consultation process. We would welcome early publication of the call for input to responses to inform engagement in this process. The landscape is developing from a technology across connectivity, device, and applications and from a regulatory perspective with the Code and the European Accessibility Directive. It is important we work across sectors and technologies to give effect to overlapping objectives in the Regulatory framework and to simplify the delivery of effective and compelling solutions for all in society.

## Consultation Questions

### Trends and Developments

Question 1: (A) Do you have any comments on the trends and developments set out above? (B) Do you have any comments on the impact of trends and developments on accessing and using ECS services and related information for people with disabilities? Please give details in your answer, if possible.

The evolving nature of technology highlights the potential benefit to an integrated collaborative approach to solution design and development. It is clear the technology to provide solutions is available across network, device, and applications.

A collaborative approach across device, OTT, and networks to generate awareness of solutions already in place may be warranted. Through the Vodafone Hi-Digital programme it has become very clear there is strong demand for digital awareness. The programme focuses on creating simple instructions on the use of everyday services to drive inclusivity.

In relation to the use of OTT based voice applications we note that many users in the target group may prefer to use the native dialler in the handset and avail of network-based voice service. A data connection is not required to make the call and there is peace of mind that the service is available, especially in emergencies if internet connectivity is not available.

Question 2: Are you aware of any market-led or technical developments to help people with disabilities access and use ECS services and related information? Please give details in your answer, if possible.

Vodafone have implemented the measures as set out. There are also several our own initiatives that may be of interest. Vodafone runs its own DiversAbility to ensure awareness, education, and an ability to support our customers and staff.

## Autism Friendly in-store experiences

Vodafone have made a commitment to understand and support Autism in partnership with AslAm a not-for-profit organisation working to empower, educate and advocate for the Autism Community in Ireland. This programme has delivered positive impact for customers.

- We run autism friendly shopping time in dedicated stores from 9am to 11am nationwide. In those stores we turn off televisions and music and create as calm an operational environment as possible. Assistance dogs are welcome, and we provide priority seating if needed. A relaxation box is available which includes sunglasses, scented tags, and ear defenders.
- Store Design: In our store design we now actively plan to reduce surface glare, introduce dimmable lights, and implement quiet seating areas in new store designs.
- Staff Training: Retail staff have received specific understanding Autism training

## ISL Support

To ensure a better instore experience for deaf customers several retail agents have received accredited ISL training and awareness training has also been rolled out across the wider organisation.

## Caring for Vulnerable others Policy

In 2023 Vodafone have introduced a policy to ensure the organisation supports Vodafone employees when they are playing a principal role in caring for a vulnerable loved one with a life limiting disability or illness.

## Review of the Measures

### Accessible Complaints Procedure Measures

Question 3: Do you agree that the Measure 'accessible complaints procedure' is needed to make sure people with disabilities have access to customer services and complaints procedures (to make a complaint or an enquiry)? Please provide reasons to support your view.

All customers should have access to customer care. There is a range of options available for customers to get in touch including live chat, call and post. As outlined above Vodafone do recognise when customers need extra support and the ability of customers to come instore, when possible is an important service, we offer.

Question 4: Are there changes which should be made to the Measure 'accessible complaints procedure'? Please give details in your answer, if possible.

The feedback as part of the call for input is important. We would request ComReg to publish the responses in advance of further consultation. In terms of procedures the general principle of accessibility must be captured. The specific accessible channels should not be overly specific in such a way that they constrain innovation and better integration of technologies for customer engagement including Live Chat, App, AI (Voice and Online) and other engagement options.

### Accessible Directory Enquiries

Question 5: Do you agree that the Measure 'accessible directory enquiries' (196 service) is needed to give people with disabilities access to a directory of subscribers or directory information services? Please give reasons for your answer.

Vodafone support this service on our network and welcome feedback as part of the call for input. It would be useful for ComReg to indicate volume of use as part of its call for input.

Question 6: Are there changes that should be made to the Measure 'accessible directory enquiries' (service)? Please give details in your answer, if possible.

No comment at this time.

#### Accessible top-up facility

Question 7: Do you agree that the Measure 'accessible top-up facility for pre-paid mobile users' is needed to give people with disabilities access to mobile services? Please give reasons for your answer.

Vodafone agree this is an important service and is needed.

Question 8: Are there changes that should be made to the Measure 'accessible top-up facility for pre-paid mobile users'? Please give details in your answer, if possible.

The feedback as part of the call for input is important in this regard.

#### Accessible Billing

Question 9: Do you agree that the Measure 'accessible billing' is required to facilitate end users with disabilities access their bills and related information? Please provide reasons to support your answer.

Vodafone agree this is an important service.

Question 10: Are there changes that should be made to the Measure 'accessible billing'? Please give details in your answer if possible.

The feedback as part of the call for input is important in this regard.

## Testing and Returns

Question 11: Do you agree that the Measure 'facility to test compatibility of terminal equipment or appropriate returns policy' to facilitate end-users with disabilities access to ECS is needed? Please provide reasons to support your answer.

Vodafone support this through our returns policy and through advice at point of sale.

Question 12: Are there changes that should be made to the Measure 'facility to test compatibility of terminal equipment or appropriate returns policy'? Please give details in your answer if possible.

The feedback as part of the call for input is important in this regard. Registration of Requirements

Question 13: Do you agree that the Measure 'facility for customers with disabilities to register requirements with their service provider' is needed to support customers with disabilities: (a) when choosing and using ECS and, (b) when dealing with their service provider? Please give reasons for your answer

Vodafone agree that customers should be able to inform us of specific requirements to support how they use their service. This information also informs agent service delivery.

Question 14: Are there changes which should be made to the Measure 'facility for customers with disabilities to register their requirements' with their service provider? Please give details in your answer, if possible.

It is important that we capture and flag requirements to agents as part of their call with customers. The call for input comments will be useful in this regard.

## Text Relay Service (TRS)

Question 15: Do you agree that the Measure 'Text Relay Service' is needed so people with disabilities can access ECS and related information? Please give reasons for your answer.

The purpose of the service is important in that it enables access to important services that cannot be engaged directly by text or OTT solutions such as WhatsApp.

Question 16: Are there changes which should be made to the Measure 'Text Relay Service'? Please give details in your answer, if possible.

The service use remains low at an average of 10 per day text to voice offered in the six months from January to June 2023. That does not negate the need to provide a solution to address the purpose for which the service is used. This is a clear case where collaboration across government, industry sectors and regulators may be appropriate.

There is a question as to whether greater awareness of the service needs to be provided to other industry service providers. In the case of simple engagement, such as reservation or appointments the service may work well. When more complex account-based queries arise then challenges in relation to required data protection confirmations may arise. This would be worth consideration as part of the call for input and any subsequent consultation.

#### Accessible information

Question 17: Do you agree that the Measure 'accessible information' is needed to facilitate all end- users with disabilities access to information on ECS products and services (access to key information, in an accessible format and through appropriate channels)? Please provide reasons to support your answer.

Vodafone agree that accessible information is required.

Question 18: Are there changes that should be made to the Measure 'accessible information'? Please give details in your answer, if possible.

The feedback as part of the call for input is important as are the requirements of the European Accessibility Directive and in particular the requirements in Annex I and Annex V of the Directive. The requirements and any associated guidance under the Code (SI 444 of 2022) need to be consistent with the broader requirements of the Accessibility Directive.

#### Accessibility statement

Question 19: Do you agree that the Measure 'accessibility statement' is needed to ensure that end- users with disabilities can find and access information regarding the specific services and support available to end-users with disabilities? Please provide reasons to support your view.



Vodafone agree the accessibility statement is needed.

Question 20: Are there any changes which could be made to the Measure 'accessibility statement'? provide reasons to support your view.

As above requirements in Annex I and Annex V of the Directive are important in this regard.

### Summary

Question 21: See paragraph 10, (a)–(l) for the full list of Measures. Do you think the Measures for people with disabilities as listed are helpful to make sure people with disabilities enjoy the same access to and choice of ECS as most people? Please give reasons for your answer.

Vodafone agree the measures are helpful and welcome ongoing review and engagement within the industry and with other sectors to ensure solutions provided are serving the needs of our customers regardless of any disability.

Question 22: Can you think of other factors that are relevant to consider in making sure people with disabilities enjoy the same access to and choice of ECS as most people? Please give details in your answer, if relevant.

Vodafone would welcome publication of this call for input for all stakeholders. It is also appropriate that there is further consideration through the forum on Electronic Communications Services for End- Users with disabilities.

ENDS

