



# 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



## 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/>

## **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

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<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

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.