



END-USER AND SUBSCRIBER SERVICE CHARTER
REGULATIONS (PUBLISHED IN GOVERNMENT
GAZETTE NO: 37251 ON, 22 JANUARY 2014]

MARCH 14, 2014

SUBMITTED BY: DISABILITY CONSULTATIVE FORUM

1. BACKGROUND

The Disability Consultative Forum ("DCF") welcomes the opportunity to submit its comments on the draft End-User and Subscriber Service Charter Regulations ("Draft Service Charter") published by the Independent Communications Authority of South Africa ("ICASA", "*the Authority*") IN Government Gazette 37251, dated 22nd January 2014.

The DCF submits these comments as part of its mandate which is to give inputs into all relevant policies and legislations which may have an impact of the rights of the People with Disabilities.

2. GENERAL COMMENTS

DCF supports the proposed Service Charter regulations especially its intention to make available information that will help end-users make informed choices on services offered by licensees through the publication of service performance as outlined in sub-regulation 2 (b); as well as informing end-users of their rights and obligations to enable them to exercise such (sub-regulation 2(c)).

Although DCF advocates for the mainstreaming of disability in ICT services, the DCF would like to remind the Authority that this segment of the market has special needs which, if not clearly pointed out, may naturally not be provided by licensees. Thus, DCF urges the Authority to recognize the disability sector an integral part of the ICT market and therefore ensure that their special needs are catered for in this review process. For example, the definition of "End-Users" in the draft service charter regulations is silent on the disabled sector and as such licensees may not be sensitized to needs of the disabled people. DCF would like to propose that the definition of End-Users be expanded to include persons with disabilities.

DCF further notes that ICASA has a separate regulation, The Code on People with Disabilities ("The Code"), which addresses the needs of this market segment independently from the draft service charter regulations. This has in the past led to licensees not providing for the disabled market in their mainstream products and services. Based on the principles of inclusive design, DCF urges to Authority to consider incorporating the provisions of the Code into the service charter so that the needs of people with disabilities do not become an "after thought".

Alternatively, the Authority must consider republishing the Code as a regulation instead of a code. Although a **code** in law is “a type of legislation that purports to exhaustively cover a complete system of laws or a particular area of law as it existed at the time the code was enacted”, the phrase “code” has a connotation that it is just a set of standards or guideline of good behavior and therefore not enforceable.

DCF would also like to suggest that in as much as the Authority aims to give End-Users and Subscribers power in their decision making when buying services, the information should be presented in a simplified and user friendly format for the end-users and subscribers in line with the seven (7) Universal Design Principles.

3. SPECIFIC COMMENTS

While other sub-regulations seem to refer to the obligations imposed on the licensees in particular, DCF would like to comment on the following sections:

Sub-Regulation 4.6.

Further to the proposed operator assisted call response time sub-regulation, DCF would like to appeal to the Authority to urge licensees to have a dedicated Call Centre for people with disabilities. As people with disabilities may have a speech impediment, or hearing impairment, it takes a trained Call Centre agent to be able to provide good quality customer care in this regard. Also, regular Call Centres are timed and this puts pressure on the agents to complete a call and move to the next call. It is highly likely that the agents in the regular Call Centre operation will not service the disabled people satisfactorily.

Sub-Regulation 5

In particular, we submit that sub-regulation 5 should also cater for the provision of critical information to disabled End-Users and Subscribers in a medium accessible to them, for example, through text-to-voice and/or voice-to-text services.

Sub-Regulation 6

DCF strongly supports the provision of sub-regulation 6, the protection of the End-Users and Subscribers information. Given the various types of disabilities, some End-Users and Subscribers may not be able to ensure the protection of their information and thus may rely on the Authority to ensure such protection.

Sub-Regulation 7

DCF also supports sub-regulation 7 on the charging, billing, collection and credit referencing. Similarly, disabled people may not be in a position to have immediate access to their statements or get to the pay-points on time. The status of their bills may also not be communicated in an accessible manner thus delaying their response to such communication. The Authority must also ensure that the credit practices applied by licensees do distinguish the status of the disabled people as End-Users and Subscribers.

Sub-Regulation 8

DCF also supports sub-regulation 8 and would further like to urge the Authority to consider giving the disabled End-Users and Subscribers special preference with regards to their complaints handling procedure.

4. SPECIFIC COMMENTS

Overall, the DCF supports the Draft End-User and Subscriber regulations and its intended outcomes. DCF believes that these regulations will be inclusive and accommodating of the needs of the disabled community as well as End-Users and Subscribers.