



Ageing, Communication, Technologies (ACT)

Experiences of older adults with abusive sales practices of Canadian telecommunication providers

Intervention for the Inquiry on use of misleading or aggressive sales practices by large telecommunications service providers (CRTC-2018-246)

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1. Executive summary

This report draws on interviews and focus groups conducted with 53 older Canadian adults between the ages of 60 and 87, and with an average age of 75. We sought to understand seniors' experiences with sales practices of the Canadian telecommunication industry. This report is further informed by over ten years of collaborations with seniors on research projects that investigate the experiences of older adults living in an increasingly digitized world. In sections 3, 4, and 5 we present and explain our key findings, summarized as follows:

Three quarters of the seniors we spoke to report experiencing abusive sales practices from the telecommunication industry.

- Seniors have been sold services and devices that are unsuitable to their needs and report being lied to about the offerings of companies.
- Seniors report being misled and lured into contracts under false pretenses.
- Seniors emphasize trust or broken trust in their dealing with service providers, and they value “mutual loyalty”.
- Seniors say that they are at the mercy of telecommunication providers, and they expend time and energy complaining, or are forced to “cut their losses”.

Seniors are placed at a disadvantage by current telecommunication sales practices for a number of reasons.

- Seniors cite being targeted precisely *because* of their age.
- To counter being targeted, seniors rely extensively on their network of digitally-savvy family or friends, but many seniors are socially isolated.
- Digital literacy skills of seniors are generally lower than those of younger Canadians, which can put them in a vulnerable position.
- Many seniors do not know that prices of telecommunication packages can be negotiated.
- The ability to negotiate telecommunication packages depends on multiple factors, and not all seniors can negotiate to the same capacity.
- Seniors have a history of purchasing less expensive telecommunication services, which can increase the margin that sales representatives have for upselling.

The CRTC's approach to public consultation on this issue has multiple barriers to public engagement; barriers that were in fact discriminatory towards older Canadians.

- The CRTC's public outreach strategy has been insufficient and ill-suited to realities of the Canadian population and the media landscape.
- The CRTC's egregiously complicated online submission platform stifles public participation.
- For the CRTC, a "digital first" strategy has been a "seniors last" strategy.
- In major portions of the public consultation, the CRTC does not ask for data that would help identify responses from the targeted demographic groups (such as seniors).

2. Introduction

We are submitting this report as an intervention for the Canadian Radio-television and Telecommunications Commission (CRTC) “Inquiry on use of misleading or aggressive sales practices by large telecommunications service providers” (CRTC-2018-246). This indicates our intent to provide expertise on the ways in which the current sales practices employed by the Canadian telecommunications industry impact seniors aged 60 and over.

Since 2013, we have heard multiple stories about the devastating impact of misleading sales practices on seniors. We have primarily heard these stories while facilitating digital literacy workshops for low-income seniors in the Montreal area. Older low-income residents attended our workshops on navigating email, the internet and using digital devices such as computers, tablets and cell phones. We noticed that seniors frequently came with questions about their telecommunications bills, requesting clarifications about services they were paying for but did not need. In some cases, they requested our help in dealing with service providers.

In speaking to colleagues who work in non-profit organizations and community groups throughout Canada, we learned that they too had accrued stories of seniors trapped in expensive contracts that were disproportionate to their needs. Seniors described having been pressured to purchase services at the door or on the phone. Our colleagues recounted that these situations cause severe stress for seniors, especially those who are in a vulnerable position because of financial precarity, mental illness or addiction. Social workers or community group workers sometimes had to step in and call service providers on the behalf of these seniors to negotiate more appropriate agreements.

In late 2017 and early 2018, we learned more about the prevalence of the problem. Following the “Call for comments on the Governor in Council’s request for a report on future programming distribution models” (CRTC-2017-359), we undertook pilot interviews with seniors to understand their media practices and their views on current and future broadcasting policy in Canada. While our intention was to learn about media practices, many of the conversations we had swerved to seniors’ exchanges with telecommunication service providers and their sales practices. As a result, we created a second set of research questions to better understand this issue. We have been pursuing this specific issue since November 2017.

We have since spoken to 53 seniors between the ages of 60 and 87 and have analyzed the impact of the sales practices of telecommunication companies in Canada on the lives of older Canadians. The average disclosed age of the respondents was 75. Three

quarters of our participants reported being subjected to misleading and aggressive sales practices by telecommunication companies.¹ We've heard disturbing accounts of seniors being mistreated by sales representatives at brick and mortar stores, on the phone, and in encounters in their own homes.²

2.1 Why does this issue matter for seniors?

In a society where knowledge of the ins and outs of the digital world is unevenly and unfairly distributed along lines of age, education, literacy and income, it is not fair to place the burden of digital expertise on consumers so they can resist the tactics of sales representatives who are explicitly trained or incentivized to prey upon those with a prior lack of knowledge. This is particularly true for seniors, who often are faced with a myriad of new stresses in later life, such as health concerns, changes in home ownership, living on fixed incomes, dealing with losses of a life partners and friends; each of these issues can demand time and urgent attention. All of us are getting older, and these issues are impacting or will impact all Canadians. For these reasons, advocating for fairness for seniors is an issue of concern to all Canadians and the reason why we need a telecommunication (sales) industry that fairly responds to the digital diversity of an ageing Canadian population, not one that seeks to profit from it.

Telecommunication services are not a luxury, but a life necessity for seniors and arguably an integral part of citizenship. Seniors use these services for entertainment and information, to maintain family relationships and friendships, and to mitigate social isolation. Seniors emphasize this point, and emphasize that having fair access to telecommunication services is a basic need. As one senior told us: “it’s about time the CRTC started looking at a phone and maybe even a cellphone as a necessity of life. Because otherwise, how are we going to manage?”. As more and more services go online, participating in public life, including in this consultation, indicates that citizenship

¹ Based only on our limited sample, we found that the seniors who had mostly positive experiences with their service provider frequently reported being clients of Vidéotron. This does not mean that no abuses from Vidéotron were reported, but it may suggest that aggressive and misleading practices are used more pervasively by certain companies in Canada. This also sheds doubt on any argument that misleading and aggressive practices are perpetrated by “bad apples” among sales representatives, and puts into focus the need to look at corporate cultures and organizational systems that tolerate and encourage abuse of consumers.

² Accounts of door-to-door sales particularly came through in the focus groups and interviews that were conducted outside of the province of Quebec, and therefore may be underrepresented in this report. This may be attributable to the fact that fewer of these sales tactics are deployed in Quebec, or to the fact that we undertook much of our data collection with seniors who live in densely-populated neighbourhoods dominated by apartment complexes.

is dependent on access to digital media. The right of access to information in the digital age is a human right.

2.2 Ageing, Communication, Technologies (ACT)

Ageing, Communication, Technologies (ACT— www.actproject.ca) is an international, interdisciplinary research project funded by the Social Sciences and Humanities Research Council (SSHRC) and hosted at Concordia University in Montreal, QC. ACT brings together over 50 researchers from 12 countries as well as students, activists, artists and seniors. Together, we are committed to documenting and analyzing the transformation of how we are ageing in the context of the proliferation of new forms of mediated communications in networked societies. We investigate ageing from a number of perspectives. Importantly, we examine how ‘digital ageism’— individual and systemic age-related biases--create forms of inclusion and exclusion within digitally-dependent societies.

2.3 Methodology

Between November 2017 and August 2018, we gathered data from interviews with 53 seniors over the age of 60. We conducted most of these interviews in tandem with data collection for a previously-released report to the CRTC (Sawchuk, Lafontaine & Besanger, 2018). We gathered this data in the following ways:

- A. Five focus groups involving a total of 25 older adults. These focus groups were conducted in Montreal, QC (two focus groups); Lanark, ON (one focus group); Maberly, ON (one focus group); and Kamloops, BC (one focus group). Approximately 60 percent of the participants in these focus groups stem from traditionally marginalized communities because of their socio-economic status, ethno-cultural background or first language.
- B. Twenty one-on-one interviews were conducted over a period of two days in a mall located in downtown Montreal. This mall is notable for being heavily frequented by seniors during the day, and in close proximity to several subsidized housing buildings for seniors in the West of the downtown area. Each interview lasted between 10 and 45 minutes. Approximately half of the respondents were over the age of 80, and most of the interviewees did not have access to the internet from their homes. By going to the mall, we reached seniors who would not typically participate in research projects or seek to participate in the CRTC’s inquiry.

- C. Another eight one-on-one interviews were conducted with seniors in Montreal, QC; Gatineau, QC; Ottawa, ON; Toronto, ON; Feversham, ON and Kamloops, BC. Each of these interviews lasted between 20 to 60 minutes.

In addition to these interviews, our report is informed by over ten years of creating collaborative digital media projects with seniors and doing research on the experiences of older adults living in an increasingly digitized world. ACT has built long standing relationships with community organizations, especially in the Montreal area. We host public events on digital technologies and ageing, sit on neighbourhood and city committees about ageing, and serve on the governing boards of organizations working with vulnerable seniors. We hold workshops on digital literacy and digital media-making with diverse groups of older adults on using the Internet, sending emails, making electronic music, playing video-games, taking and scanning photos, blogging and podcasting. We have reached over 500 older adults in the Montreal community including organizations comprised of women, ethnic, cultural and linguistic minorities, recent immigrants, low-income older adults, and older adults with disabilities. These years of encounters and collaborations inform all aspects of this report.

2.4 Objectives

Our report has four main objectives. (1) In Section 3, we draw from our interviews and focus groups with seniors to explain some of the main ways in which older adults cite being impacted by aggressive or misleading sale practices. The section provides a thematic overview of the main issues we have observed, to date, highlighting some of the ways seniors may fall prey to abusive tactics. (2) In Section 4, we detail the socio-cultural factors that explain why segments of the Canadian population, specifically older adults and older adults living in situations of financial precarity, are unfairly put at a disadvantage by the current sales practices of telecommunication service providers. (3) In Section 5, we outline some recommendations for the CRTC (4) We then discuss inclusive methodologies for engagement with seniors in Section 6, and make suggestions for implementing more inclusive strategies for public consultation.

3. Seniors' experiences with telecommunication companies sales practices

3.1 Seniors are being lied to about the offerings of companies, and sold services and devices that are unsuitable to their needs.

Participants report that sales representatives have attempted to sell them devices and services that are well beyond their level of digital proficiency. In fact, a newer model of a

digital device is only better than an older model if it suits a user's current needs. For example, many seniors continue to prefer flip phones over smartphones because their primary need for a phone is to be able to make a phone call, not access the Internet. Many seniors would rather rely on landlines than use cell phones, for several reasons, including their familiarity with landlines, the perceived reliability of a landline in the event of an electrical outage, and most notably because of their rates, which allows for tighter money management.

From our research, we have observed that seniors who attempt to use devices that are beyond their level of proficiency can be put into positions of vulnerability. Devices that are too complex can hinder a user's ability to access the device's most basic functions. In several instances, we have heard of representatives pressuring seniors to buy smartphones when they specifically have requested to purchase a flip phone. In one especially egregious case of upselling, an 86-year-old man from Montreal seeking a landline was told that landline technology was outdated. The sales representative sold him a smartphone with an expensive data plan. The man had never owned a cellphone before and he was unable to turn the device on, navigate the interface, or make a call. This left him unable to communicate with his family or friends. Eventually, a social worker stepped in to call the service provider to resolve the issue. Not having access to a phone would have left him extremely vulnerable in the event of an emergency.

The issue of suitability also applies to the sale of *services* that are disproportionate to the needs of older consumers. Many seniors reported paying large sums for services like high bandwidth and data limits. A low-income senior in his 80s, for instance, was sold a telecommunication package that included unlimited Internet for his home. Yet he did not have a computer, a smartphone or any device that allowed him to use the Internet. He reported paying a monthly sum that was so high it had required him to cut back on other life necessities.

In another instance, a 73-year-old woman who describes herself as "techno-literate" reported not being told that there was a difference between the data usage information on her Samsung phone, which clocks usage to the end of the month, and the data usage information on her carrier's website, which clocks usage until the first week of the month. This resulted in excess data charges. This same interviewee reported that when she monitored her usage, she noticed that even when she was not using her data it was 'disappearing'. She later learned from a younger family member that the applications that came programmed on the phone were likely updating when she was not in range of wifi. The sales representative who sold the phone with her package did not tell her about the potential for this costly discrepancy or any other information that would have

been useful for managing her data so that it would stay within the parameters of the plan she had purchased.

3.2 Seniors are being misled and lured into contracts under false pretenses.

Seniors in our focus groups reported being pressured into sales, or reported instances where sales representatives blatantly lied to them and misrepresented terms of their contracts. These cases were recounted most often when sales representatives sought out potential consumers in person (at the door or in public), and when seniors were put in a position to make a decision or sign “on the spot”.

In two harrowing examples, sales representatives surreptitiously signed seniors into agreements with companies without their knowledge. An older woman from Kamloops, BC explained to us that she got “scammed” by a third party sales representative hired by Telus:

I got scammed this summer by Telus. Well, two young guys came around to the door. And they checked our account and they had their little tablets and they were checking on our account. And then they said, well, you’re such good customers, we’re going to give you a free phone: no obligation whatsoever. I said, “oh fine, I don’t need a phone. I’m not upgrading or anything.” And they said, “well, there’s no obligation.” So I took this and it was an LG phone. I never did activate it or do anything with it. And then a couple months ago, my cell phone went up \$200 extra! They were charging me a payout on this phone. So, that was a big fight to get rid of that.

Another similar example came from an 82-year-old woman from Montreal, QC. In interview, she explained that was approached by a young sales representative in an outdoor booth hosted by Bell. The man said that he was having a terrible day and needed “just one more signature” to end his shift and return home. He assured her that this was just a signature to confirm that he had spoken to her, and that it would not beholden her to any obligation. She explained that she felt empathy for the sales representative and thought that she was helping him out by filling out the paperwork as she was instructed. Bell called her within a few days to secure payment, and only then did she realize that unknowingly she had signed a contract. She was able to resolve the situation with Bell, but she felt deeply misled and explained that she lost a great deal of trust in Bell and, more broadly, in Canadian telecommunication companies.

3.3 Seniors emphasize trust or broken trust in their dealing with service providers, and they value “mutual loyalty”.

A number of seniors cited the importance of trust in their dealings with telecommunication companies, twinned with a frustration that there are limited choices in their local market. A 72-year-old woman from Ottawa, ON told us: “You have to pick one, so sometimes you’re better off with the devil you know!”. Another senior pointed out how he had lost trust in Bell over time:

Bell is the only company that I have taken off automatic payment from my bank account, I do not trust them. A year ago, I was paying between \$50 and \$70 dollars extra a month because they were making mistakes or overcharging me for whatever reason. I needed to scrutinize the billing every month and spend hours on the phone, and wait months for a credit. Now I only pay the amount that is actually due and I call and tell them to fix their own problems.

Research shows that seniors tend to display loyalty because of their affiliation with companies or brands earlier in life (Iyer, Reisenwitz and Eastman, 2008). Many senior interviewees disclosed having been customers of the same telecommunication company for decades. Some stated that they dealt with hassles as they came because they believed their telecommunication service provider valued their years of loyalty. One interviewee, in his 60s, expressed that he was upset that Bell had given his daughter a better price for similar telecommunication services. As he put it:

My customer loyalty should have a value to them (Bell), I’ve been a customer for years and I expect they will treat me well. You shouldn’t have to pay more, or you shouldn’t get a worse service than anybody else. And that is what I expect. It really annoys me when service providers offer these amazing promotional deals to newcomers.

For many of the seniors that we interviewed, loyalty is a two-way street and they expressed discontent when telecommunication companies did not reciprocate this loyalty, and, much worse, took advantage of them at the moment of sale. On the other hand, some seniors reported that they are afraid to use their long-running loyalty as leverage in bargaining for rates. They reported fearing to reveal their years with a company because this would, in turn, reveal their age. One woman commented that this could make her more vulnerable to ruthless sales representatives. She said, “maybe we shouldn't tell them we've been with them for 40 years”.

3.4 Seniors are at the mercy of telecommunication providers, and they expend time and energy complaining, or are forced to “cut their losses”.

Despite the fact that the Commission for Complaints for Telecom-Television Services (CCTS) found in 2018 that complaints against telecommunications providers had increased by 73 percent over a year (Innovation, Science and Economic Development Canada, June 14, 2018), the seniors we interviewed were generally not aware of the CCTS and its mandate. The seniors who had been misled had, by-and-large, not sought recourse with a third party on their own.

Instead, many seniors reported asking loved ones to step in or reported spending a significant amount of time on the phone with service providers in attempts to obtain reimbursements, or to adjust services to match the commitments that had been made. One man explained that he spent “hours and hours” on the phone and dealt with at least five home visits so that his Internet speed would be increased to the level that he was promised, and the ordeal had brought about “a lot of stress”.

Others reported having had to “cut their losses with bad deals”, and just accepted to pay. As one of them explains:

It’s just not worth it, for a few dollars, they make you jump through hoops and explain yourself... and they should be the ones explaining themselves. They know we don’t have time to deal with all of this and they can get away with it.

In some cases, seniors explain that it is their voice against that of the telecommunication provider and that they may not have access to written or recorded proof of the commitment that was made to them. One man explained to us that he was promised a cellphone for \$138 by Vidéotron, only to be given a substantially higher price when he went to the store to purchase the device. He came home empty-handed, still wanting the deal he was promised:

So I go back home and I phone, and I actually was quite upset. I used some very bad words, so I won’t repeat them here. So I said, “Vidéotron lied to me, because if you check your records and I would wish you would check right now, what is the price that you gave me 4 days ago?”. She answered that she could not give me that price. That’s not very good for seniors.

4. How seniors are placed at a disadvantage by current telecommunication sales practices

4.1 Digital literacy skills of seniors are generally lower than those of younger Canadians.

Older adults over the age of 65 have never been so proficient in their use of digital technologies as they are at this moment in our national history. However, while the digital divide between generations is narrowing, younger Canadians are still more connected to the Internet (Statistics Canada, 2017) and more digitally experienced than their older counterparts. It is important to note that seniors are not a homogeneous cohort as far as Internet use is concerned. The oldest Canadians, most notably those over the age of 75, are much less connected and digitally experienced than the youngest seniors, many of whom have used digital technologies for extended periods of time in their workplace before retiring (Allen, 2013, p. 2).

According to Statistics Canada, only 43% of Canadian seniors over the age of 75 use the Internet on a daily or weekly basis (Statistics Canada, 2017). As research demonstrates, the usage and acquisition of digital experience that leads to digital literacy within the senior population are closely tied to other factors of social exclusion, such as income and education (Lafontaine & Sawchuk, 2015). When considering seniors' use of digital devices, simply looking at the dyad of use and non-use is not enough (Fernández-Ardèvol, Sawchuk & Grenier, 2017). In other words, amongst senior "users" of digital technologies there are varying levels of proficiency. Data by the Quebec research group CEFRIO reveals that even if most people over the age of 65 are broadly considered users of the Internet, less than a quarter of them report having a high level of proficiency in using digital technologies (CEFRIO, 2018, p.1).

Knowledge of and experience with digital devices and digital services are important factors when it comes time to purchase telecommunication services. When a consumer has a clear understanding of the scope of their telecommunication needs and is able to articulate this using current terminology, then they are better able to identify services and devices that are suitable and to resist the upselling efforts of sales representatives. In the current context, an understanding of devices *and* services *and* knowledge of the telecommunications market *and* digital trends in Canada are necessary to identify misleading deals that are "too good to be true" and to select services that are likely to be of better value. For example, knowing that Canadians' "[w]ireless data usage increased 44% from 2014 to 2015" (CRTC, 2016) might help a consumer choose a plan that allows for more data consumption, making them less likely to incur monthly surcharge fees before their contract expires.

As we have explained, the ability to navigate the telecommunications world requires a level of digital literacy that is dependent upon age, education, general literacy and income. Due to the wide discrepancies in digital literacy and given the complex reality of the rapidly changing landscape of technology, there is too much room for confusion, even among those who have basic digital literacy skills. A relatively high level of technical expertise is required to understand even “basic” details of a cell phone bill, data use, or Internet speed. Thus, it should not fall on consumers--particularly older consumers--to protect themselves from companies’ misleading sales tactics.

4.2 Many seniors do not know that prices of telecommunication packages can be negotiated.

Nearly half of the seniors interviewed did not know that the prices of telecommunication packages might be negotiable. They assumed that the price or package that was first offered to them was fixed and fair. Many of our interviewees, in particular those over the age of 75, told us that they accepted the first price and the first package that were suggested to them and reported that they did not know that they could negotiate. As one participant explained: “that is just how it is, the price of the service, there is nothing to negotiate”. In a revelatory moment during a focus group, half of the participants realized that the other half had been negotiating their telecommunication prices for years. Participants then began comparing the rates they pay, only to conclude amongst themselves that those who had been negotiating were paying lower prices.

Our research suggests that there is a generational factor at play that impacts seniors’ awareness of the ability to negotiate prices of telecommunication services. Many of the oldest seniors we interviewed first acquired communication services at a time when prices for telephone services in Canada were under federal regulation, and when prices were fixed and approved by regulatory bodies to ensure the affordability of communication services for all Canadians. Pricing, not only for landline phones, but for television services were also the subject of regulation, to counter the increases that could be expected from market consolidation.

Since the 1980s, the prices of vast majority of telecommunication services used by Canadians have become less regulated and more determined by free market forces. Younger adults, in contrast to older adults, have lived a larger proportion of their telecommunication consumer experience in an era of deregulated prices and have never had an expectation of “fixed and fair” prices for telecommunication services.

4.3 The ability to negotiate telecommunication packages depends on multiple factors, and not all seniors can negotiate to the same capacity.

There are several factors that help seniors negotiate a fair telecommunication package, and one of these factors is *an ability to negotiate*. Previous research we have conducted on seniors and cell phones shows that one's ability to negotiate contracts is often tied to one's professional experience (Sawchuk and Crow, 2011). Those who have worked in higher-paying white collar jobs often know who to talk to and what to say in order to have a problem addressed. This knowledge gives retired or pre-retirement white-collar workers, particularly those whose first language is English or French, an edge in dealing with sales or customer service representatives.

One 63-year-old senior who worked in finance explained that he is aware that he is well positioned to negotiate with service providers. He negotiates all day at the office, and that he has “no problem doing this with telecom companies [...] I always negotiate, unless I'm buying a pair of pants at The Bay, you know, then the price is the price. But I know that you usually negotiate the price of services, that's normal”. He explains that he calls his service provider every six months and asks them “what can you do to keep me as a customer?”. Other seniors explained that they learned to threaten to switch companies when complaining about a charge finding that this was the one way to negotiate the best outcome possible. One interviewee however, stated that she does not even bother phoning customer service anymore: she “just phones to quit”.

4.4 Seniors have less extensive and expensive telecommunication needs, which increases the margin that sales representatives have for upselling.

Canadian seniors, compared to their international counterparts, rely heavily on traditional services like landlines and television and less so on data-heavy cell phone and Internet plans (Loos, Nimrod & Fernández-Ardèvol, 2017). Canadian seniors, like most of their international counterparts, spend less money, on average, for telecommunication packages, than do younger age cohorts. A recent CRTC report explains the Canadian context:

Households whose reference person [who typically handles financial matters in the home] is aged 40 to 54 spent the most on communications services (\$257.75 per month), while those with reference persons aged 65 years or over spent the least (\$182.33 per month) (CRTC, 2018a).

When sales representatives offer seniors more extensive and expensive digital packages, including packages *typically* sold to younger Canadian consumers, they have an opportunity to inflate their sales. By neglecting the needs of seniors, or not taking the

time to help seniors understand their own needs, they have an opportunity to increase their individual sales and their company's profit. The intense pressures placed on sales representatives in a commission-based system creates a structure that encourages these types of abuses. This is corroborated by recent CBC reporting on the comments of former employees of telecommunication companies, who were instructed, specifically, to lie to seniors to sell them expensive telecommunication packages (Johnson, August 23, 2018).

This also connects to our findings. Seniors we spoke to reported that they have been instructed or pressured to purchase services or devices they do not need. One woman in Montreal, QC explained to us that she was looking to purchase a cable package and went to a storefront for a major telecommunication company. A sales representative, tried to convince her to purchase a home Internet plan in addition to her cable, even though she did not know much about the Internet. Another customer in the store overheard the conversation, came to her defence and helped her determine that she did not need the home Internet plan. Because of this bystander's intervention, she purchased the cable package that she initially wanted. Without the bystander's intervention, she may have been convinced to purchase something she didn't understand how to use.

Low-income Canadians spend roughly 9% of their income on telecommunication services (CRTC, 2018a). More than anyone else, they cannot afford to be overcharged or sold products and services that they do not need. Through our work in low-income housing for seniors, we have witnessed, first-hand, the devastating impacts of inflated bills and dishonest sales practices on low income seniors. For many in this demographic, paying off inflated bills or paying for expensive, unnecessary services can lead to budget sacrifices for necessities such as food or medication.

4.5 Seniors cite being targeted precisely because of their age.

A number of our interviewees stated that they had felt, at some time or another, targeted by aggressive or misleading sales practices by telecommunication companies *specifically* because of their age or their status as seniors. This includes instances when they thought the sales representatives were trying to confuse them with complicated language about technologies.

Research suggests that targeted sales tactics, which uses scripts and sets unrealistic sales quotas, are a commonly adopted marketing strategy (Fishman, 2004; Meredith et al. 2002), and that age is the demographic variable most prominently used in consumer marketing (Mitchell, 1995).

Some seniors told of sales representatives who employed condescending attitudes and infantilizing language to try and intimidate them and to highlight their lack of knowledge to push the sale of services. As one woman from Montreal, QC stated:

... a lot of my friends have been pressured and they feel like, because of their age, they have not been treated as a full participant in the conversation. They're condescending, trying to explain this to you. And it's really demeaning for a lot of people. Just because you're older doesn't mean you're stupid.

Additionally, some seniors reported that sales representatives started to take advantage of them in their old age, and that companies were counting on the fact that they would not notice nor contest abuses. For example, an 81-year-old male interviewee had been in a months-long battle with Bell over a promotion for a cable package that was promised at the time of sale. The promotion never materialized and he was charged for more than he had expected. Frustrated that the company would not honour its commitment, he asked that they take away his cable box and cancel his package. After the cable box was recuperated and the services were cancelled, Bell charged him for the full price of the cable box, telling him that he had never returned the box. Faced with a bill of hundreds of dollars, the man decided to not pay and to pursue legal avenues. His other telecommunication services, which were also provided by Bell, were cut off. This left him with no landline or cell phone for weeks (he had no Internet plan). He described this as being "held hostage" by Bell. The situation made him stressed and fearful that he would have a health or other emergency and have no way to reach out for help. As a long-time Bell customer, he felt betrayed and he believed Bell was taking advantage of the fact that he was older. He doubted that he would have been "pushed around" in the same way had he been younger. He stated: "I can't believe that they just started doing this to me as soon as I turned 80".

4.6 Seniors rely on their network of digitally-savvy family or friends, but not all seniors have one.

Older adults are aware that sales representatives know their age and believe that this puts them at a disadvantage. In a focus group, one woman warned the other participants that the companies know how old they are because of the data in their files. She cautioned that sales representatives could use this information to take advantage of them. Some seniors have devised workarounds to resist falling prey to sales pressures: they have enlisted younger family members to mediate their dealings with service providers or to negotiate packages on their behalf. Several seniors reported that they rely on younger family members--children, grandchildren, nieces and nephews--or

friends to help them deal with telecommunication service providers and to intervene in particular situations. One of them reported her experience purchasing a cell phone:

I actually had to go with somebody who wanted to protect me. You need somebody who knows how to speak to people and how much they're going to give you a discount, but now I just threaten to leave and it's terrible that we have to do that. A lot of people don't, and they just take a package.

Not all seniors have the luxury of close family or friendship ties with tech-savvy individuals. In this context, those without close social networks are more susceptible to predatory practices or less able to contest bills or services that do not meet their needs. Social workers and community group workers in Montreal report being asked to step in to deal directly with service providers on the behalf of their senior clients. They did this even though this was not their job. They noted that telecommunication company representatives repeatedly refused to let them help mediate the situation. Other seniors with expertise in negotiation and with more digital experience, reported that they often helped their friends get better deals. Not all seniors have this advantage, and indeed, the older a person is, the smaller their social network becomes, putting those who are the oldest into greater jeopardy.

5. Recommendations

Based on the findings presented above, we outline several recommendations pertaining to telecommunication service providers.

- A. Abolish commissions-based model of sales.
- B. End the sales of telecommunication services through third parties that are unaccountable to the service provider.
- C. Guarantee a 60-day grace period, allowing consumers to opt out of any contract on the basis of the suitability of services or devices to their needs.
- D. Raise the profile of the CCTS among the general public through public awareness campaigns, using both digital and non-digital methods of communication.
- E. Implement a code of conduct for the sale of telecommunication services, with provisions for dealing with marginalized populations.
- F. Levy prohibitive fines on telecommunication companies whose sales representatives employ aggressive or misleading practices.
- G. Provide the consumer with a plain-language record of the agreement or contract at the moment of sale, including a hard copy when requested.

- H. Provide consumers with access to audio recording of sales or customer service calls.

6. Observations on the CRTC's consultation process

The CRTC claims that, as part of its current inquiry into misleading and aggressive practices, it is eager to hear “from those who are more likely to be affected by these practices, such as seniors, people living with a disability and those whose first language is neither English nor French” (CRTC, 2018b). However, it is difficult to reconcile this statement given the public engagement efforts we observed between July 16 and August 30, 2018. The CRTC's consultation process sets up multiple barriers impeding public engagement and these barriers particularly discriminate against the participation of older Canadians. We have received testimonies from seniors who tried, unsuccessfully, to use the online platform for Phase 1. This prompted us to video document users' attempts to navigate the website to submit an intervention for Phase 1. We are not surprised to learn that both the CBC and Open Media, at the time of writing, have collected more statements on their own online platforms than the CRTC has.

6.1 The CRTC's public outreach strategy has been insufficient and ill-suited to realities of the Canadian population and the media landscape.

We spoke to the CRTC on three dates between August 17, 2018 and August 29, and we asked how it encouraged Canadians to participate in the inquiry. We learned that the strategy was threefold: online promotion through advertising through the CRTC's social media accounts and Google, and issuing a press release. These methods provide a good starting point for an outreach campaign, but they are far from sufficient for meeting the stated objective of hearing “from those who are more likely to be affected by these practices, such as seniors, people living with a disability and those whose first language is neither English nor French” (CRTC, 2018b), which requires a deliberate outreach effort.

First, tweets and Facebook posts will only reach a small portion of adults over the age of 65. People belonging to this cohort are less likely to be regular users of social media and the internet, and even less likely to use them frequently (CEFRIIO, 2016a, p.6). As aforementioned, those reached by a social media campaigns are already online and typically the most digitally literate. Thus, a social media campaign for a public consultation on misleading and aggressive sales practices excludes the very people who are often most severely impacted by these practices and, unfortunately, excludes the precise population the CRTC claims it wants to hear from.

Second, the CRTC noted that the consultation was announced via a press release. This mode of communication relies on traditional media outlets to transmit the message. In Canada, media convergence has created a situation where media and telecommunication companies are grouped under common ownership. The companies that are under investigation, including Bell, Telus, Shaw, Rogers and Québecor have the most to lose from the public's involvement in this inquiry. These companies also own the media distribution outlets that would disseminate the message. In essence the CRTC has called upon the companies in question to disseminate a press release that asks the Canadian public to expose their bad sales practices. It is not in their interests to transmit this message and thus not surprising that there has been an absence of mainstream media coverage. An issue of this level of importance deserves ample media attention because it is a topic that impacts all Canadians. It is telling that the CBC, one of the few Canadian media entities not owned by private media conglomerates, has supplied the most forceful and consistent journalistic voice on this issue.

6.2 The CRTC's egregiously complicated online submission platform stifles public participation.

In July 2018, after Phase I of the consultation process was announced, we began encouraging members of our network, including community organizations working with seniors nationwide, to engage with the CRTC's consultation process by suggesting they fax or mail comments, and directing them to the online platform. We also wrote and published two op-eds encouraging seniors to participate (Sawchuk, Lafontaine & Besanger, August 25, 2018; Lafontaine & Sawchuk, August 23, 2018). We quickly realized that the online platform was not designed with Canadians in mind. In fact, the online submission platform is so badly designed that we expect that it has hindered public participation. Even our fellow researchers who are tech-savvy and very comfortable with digital forms told us that they got lost in the maze of the CRTC's webpages, and were unable to find the page to provide comments. A professor at a Canadian university was one of those who told us they were unable to leave a comment. He wrote: "I'm only 64 and I'm educated. I can't imagine someone like my late mother, the type of person who'd be prey to these practices, getting anywhere trying to make a comment on that site".

There are multiple points in the design of this online consultation that baffle and frustrate even the most tech-savvy of people. For example, if an Internet user were to take the CRTC tweet as their starting point to comment, they would need to click through four very text-heavy and jargon-laden pages before being able to submit. There is one highly [confusing and redundant page](#), where a user must counter-intuitively scroll up (not down), find the appropriate call from a long list of CRTC inquiries, and then know to click the correct "submit" button. An older woman trying to navigate this page

asked us “why would they be asking me to submit? I haven’t written my comment yet!” Once on the comment page, interviewees were flummoxed by the option to either “comment,” “support” or “oppose”. They asked : “Support what?, Oppose what?”. We did not know how to respond. These are just a few of the many issues that plagued the platform and made its navigation arduous.

We sat with two older women, Sadeqa and Marietta, and video recorded their experiences [through the submission process](#). Sadeqa and Marietta both have advanced university degrees, and extensive experience using computers, smartphones and the Internet. They consider themselves tech-savvy women, and they use the Internet on a daily basis. Sadeqa was able to submit a comment on the CRTC platform after an arduous 40 minutes of searching for the appropriate path (and only after we provided some help when she was stuck around the 25-minute mark). She explained that she would never have continued beyond a few minutes had we not been recording her. Marietta gave up the process after 20 minutes of trying to understand how to submit a comment. She found herself trapped into what she called a “rabbit hole” of CRTC documents filled with obscure technical language. She also stated she did not feel comfortable participating in the process because she did not understand the CRTC’s jargon, and grew suspicious of how her personal information would be used. As Marietta said, seniors “don’t need the additional stress of filling out forms that they don’t even understand.” Conversely, both Sadeqa and Marietta were able to navigate Open Media’s [alternative submission platform](#) and submit a comment within five minutes.

6.3 For the CRTC, a “digital first” strategy has been a “seniors last” strategy.

We explain in Section 4.1 of this report that seniors’ levels of digital literacy are closely tied to general literacy, education and socio-economic class, meaning that online methods for engaging the public will cause an over-representation of the opinions of young, educated, and wealthy individuals and systemically exclude many of our country’s oldest seniors, including seniors who are already marginalized through poverty, literacy challenges and past educational opportunities in their lives. These are the people who cannot afford, in all senses of the word, to be impacted by the predatory sales practices of telecommunication service providers. It is their stories that are of the utmost importance for the CRTC to hear. Research indicates that seniors who are online are “less likely than other online Canadians to use the Internet from home to search for government information and to communicate with governments” (Veenhof and Peter Timusk, 2007), as many find the process to be difficult and time-consuming. According to a survey of the Quebec population conducted by CEFRIO, 45% of seniors aged 65 to 74 and 68% of seniors 75 and older have never completed an online process on a government platform from beginning to end (CEFRIO, 2016b, p.13).

Seniors with higher education levels are more likely to engage with online government platforms than those with lower levels of education (ibid, p.14). What does this exclusion say about our national commitment to citizen participation in governmental processes, now and in the future?

While we understand (and appreciate) that Canadians have the option to mail in their comments to the CRTC, or to send them by fax, it is difficult to understand how those who are not online could have learned about any non-digital avenues for participation. We cannot account for possible radio or television coverage on the matter, as our review of published articles from major newspapers shows that *nowhere* has the mailing address or fax number been published in print. How do people who are not online know where to send their comments?

6.4 The CRTC is not asking for data that would help identify responses from the targeted demographic groups in their request for comments.

The CRTC says that they want to hear from seniors, Canadians with a disability or individuals whose first language is neither French nor English (CRTC, 2018b). While this information is requested in the survey, nowhere did the online form ask respondents to identify themselves as belonging to any of these groups. If the CRTC had requested this demographic data as part of the form, or had encouraged participants to include these characteristics in their comments, it would be able to understand how and if these populations, in particular, are made vulnerable to predatory practices in the current system. The CRTC would then have the data to understand how seniors, people with disabilities and linguistic minorities are targeted or impacted by the sales practices of telecommunication companies. In the absence of such data, we wonder: How will the CRTC evaluate whether or not it was successful in reaching this target audience? Why is the CRTC reluctant to request this information? Is it because it could show that these target audiences, in fact, have not been reached?

7. Recommendations for Phase II of the public consultation

We urge the CRTC to adopt methodologies that are inclusive and representative of the entire Canadian population, including methodologies that account for age and the diversity of digital experiences across the country. This is crucial because the data gathered by the CRTC will inform an important public policy that is poised to impact Canadians for decades to come and that is connected to our ability to access information, government services, and to stay connected as Canadians to each other, as we age. We urge the CRTC to:

- Promote this CRTC's consultation through advertising in traditional media (i.e., newspapers, television and radio).
- Extend the window of time that Canadians have to submit comments to the CRTC.
 - Adopt a simplified comment platform that is broadly accessible to Canadians.
 - Create a direct short link to the submission form, which can be shared more easily.
 - Open a toll-free phone line and accept verbal comments from the public.
- Include questions about age, disability and first language in any and all upcoming engagement methods.
- Extend the window of time that Canadians have to submit fill out the survey.
- Supplement any future online method of engagement (e.g., survey) with a call-in option on a toll-free phone line.
- Conduct both phone surveys and focus groups, that specifically seek age and a range of people with different levels of digital user experience.
- Report on its own methodologies for data collection in a more transparent way, including information about focus groups and telephone surveys.
- Include data and research from public advocacy groups and university researchers within the upcoming report, and not just the findings of third-party market research firms who do not publish their methods and have histories of excluding older adults.
- Publish the findings of this inquiry in a simplified digital format that is printable, easily citable, and accessible to a wide range of Canadians.

8. Conclusion

That misleading and aggressive practices are a part of any industry's sales strategy is unacceptable. For such practices to have become the norm in the Canadian telecommunication industry, an industry that is tasked with delivering essential services to Canadians, is especially disturbing. Canadians, including Canadians who are living in situations of vulnerability, report that they need to be on-guard when dealing with telecommunication sales representatives to avoid falling prey to abuse. This places the onus on consumers to detect what they call "scams". They are forced to pay or contest unfair fees, tediously compare services promised with services rendered, wait hours on the phone, threaten switching providers, and enlist the help of family members or social workers when everything else has failed. Why do we expect Canadians to do so much work to obtain fair prices and fair services, while we expect corporations to do so little to provide them with important services?

A 2004 survey undertaken by PIAC suggested that 62% of Canadians agree that “government should develop and enforce consumer protection rules when it comes to the Internet” (Lawford, 2005., p.9). We have seen ample frustration from seniors who simply no longer trust the Canadian telecommunication industry. We have received messages on Facebook, phone calls and emails, and have had conversations with people of all ages on this topic. We have heard of their woes with the telecommunication industry, but also note that many are not inclined to participate in this investigation for various reasons, including the shame of admitting that they have been scammed. We fear that the CRTC’s current consultation practices will fail to engage Canadians fully on this issue during the summer months, while many are away on holiday. We have good reason to believe that many Canadians who have relevant stories about bad telecom sales tactics will not submit them before the deadline. This may be due to a lack of awareness of the consultation, a general frustration of not feeling “heard”, or an inability to navigate the CRTC’s site. If public participation is low, particularly from particular demographics, we hope that the CRTC will not draw the conclusion that Canadians are not impacted by the aggressive and misleading practices of telecommunication service providers.

We are thankful that the CRTC is conducting this inquiry. It is overdue, necessary and absolutely vital for all citizens. We are hopeful that it will lead to meaningful change that will benefit both the industry, which is suffering from a lack of public trust, and consumers, who are suffering from a lack of trust in Canadian telecom giants. Seniors, including those who are older and living on fixed incomes, have a lot to gain from this inquiry. If seniors wish to maintain connections to their families and to their social including their health and care professionals, access to affordable and reliable telecommunications services is not optional. We believe in the importance of the CRTC in regulating the telecommunication industry and maintaining a fair telecommunication landscape for all Canadians now and into the future, so that “digital first” does not come to mean “seniors last”.

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