



Office of the
Commissioner of
Official Languages

Commissariat
aux langues
officielles



Audit

Implementation of Section 41 of Part VII
of the *Official Languages Act* at the Canadian
Radio-television and Telecommunications Commission

February 2007



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© Minister of Public Works and Government Services Canada 2007
Cat. No.: SF31-88/2007
ISBN: 978-0-662-49838-4
OCOL-CLO IE009-02-2007

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Highlights

In 2003, the Canadian Radio-television and Telecommunications Commission (CRTC) was designated by the Department of Canadian Heritage as one of 33 institutions that must develop and apply an action plan for implementation of section 41 of Part VII of the *Official Languages Act* (the Act). To ensure compliance, the Office of the Commissioner of Official Languages (OCOL) conducted an audit of the CRTC between October 2005 and April 2006. The goal was to ensure the CRTC is meeting its obligations to support the development of official language minority communities (OLMC) and to foster the full recognition and use of both English and French in Canadian society. We appreciated the constructive dialogue with representatives of the CRTC throughout this audit.

Methodology

We examined and analysed the documentation supplied by the CRTC, as well as a number of policies, decisions and public notices that affect the institution's areas of activity, namely broadcasting and telecommunications. We also conducted a series of interviews with senior executives, managers and a CRTC commissioner. Telephone interviews were also held with representatives of official language communities.

Observations

THE CRTC'S COMMITMENT TO IMPLEMENT SECTION 41 OF THE OFFICIAL LANGUAGES ACT

The CRTC adopted several measures to implement section 41. It designated the secretary general as official languages champion and appointed a coordinator for implementing section 41. However, it did not develop an official languages policy or guidelines to ensure the Act is implemented consistently as the organization carries out its mandate. Furthermore, its managers are not sufficiently aware of the CRTC's obligations under section 41.

MEASURES AND ACTIVITIES TO IMPLEMENT SECTION 41 OF THE OFFICIAL LANGUAGES ACT

The CRTC's first action plan was for 2004-2005, after which it reported on its achievements to Canadian Heritage. However, the plan should have taken into account the results of structured and coordinated consultations with various official language communities as well as concrete measures to enhance the vitality and development of these communities and to promote linguistic duality in Canadian society.

A review of seven CRTC policies on broadcasting and telecommunications showed the Commission does not distinguish between the needs of the general public and the needs of official language minority communities in its policies. This makes it difficult to ensure that positive measures are taken to support and assist the development of such communities and enhance their vitality, as required by the new section 41 of the *Official Languages Act*, which took effect in November 2005.

CONSULTATION OF OFFICIAL LANGUAGE MINORITY COMMUNITIES

The CRTC consulted national organizations representing official language minority communities at public hearings in 2000. It also consulted some representatives of these communities in 2004 and 2005, and as we started the audit in 2006. However, the Commission had not established a specific mechanism to ensure the structured and coordinated consultation of national and regional organizations representing official language communities, to identify their broadcasting and telecommunications needs. The CRTC should also consult majority groups interested in the promotion of Canada's linguistic duality.

Monitoring Performance

The CRTC does not have a formal procedure to measure its implementation of section 41 of the Act. Furthermore, its executives and managers have no specific accountability with respect to the CRTC's contributions to the vitality and development of official language minority communities and the promotion of Canada's linguistic duality.

Conclusion and Recommendations

Despite its efforts, the CRTC is still not meeting its obligations adequately with respect to the vitality and cultural, social and economic development of official language minority communities, or its obligations to promote the full recognition and use of English and French in Canadian society. The Commission must take concrete steps to promote linguistic duality and meet the specific needs of these communities. Although our audit did not examine amendments to Part VII of the Act, which came into force after the audit began, they were considered in making our recommendations.

The Commissioner made 10 recommendations to the CRTC to help it better meet its responsibilities under section 41. The recommendations focus on:

- **development and implementation of policy and guidelines to ensure consistent implementation of the Act at the CRTC;**
- **awareness and training sessions on the CRTC's linguistic obligations for executives and managers;**
- **an appropriate action plan for implementation of section 41;**
- **structured and coordinated consultations with official language minority communities and dissemination of information to these communities;**
- **the necessity of including section 41 obligations when the CRTC revises its broadcasting and telecommunications policies that significantly affect official language communities and the promotion of Canada's linguistic duality;**
- **implementation of performance monitoring mechanisms; and**
- **the inclusion of linguistic obligations in managers' performance agreements.**

After its initial positive steps, the CRTC now needs to build on its work within existing government guidelines to meet its obligations under section 41 of the *Official Languages Act*. The CRTC must respond rapidly to changes introduced by Bill S-3, enacted in November 2005 to strengthen Part VII of the Act.

CRTC's Response

The CRTC prepared an action plan in response to our 10 recommendations, which are listed in Appendix A of this report. We are generally very pleased with the Commission's proposed measures and timeframe for implementing our overall recommendations. However, we are not completely satisfied with the measures responding to recommendations 7 and 8. Regarding recommendation 7, the CRTC should immediately identify any of its policies that may have an impact on the vitality and development of official language minority communities and the promotion of Canada's linguistic duality, and ensure that section 41 is taken into account when such policies are reviewed. Regarding recommendation 8 on community consultations, the Commission's proposed working group should also hold regional meetings to facilitate the local participation of linguistic community representatives, which should also serve as a feedback mechanism.

The implementation of our recommendations will enable the CRTC to meet its obligations under Part VII of the *Official Languages Act*.

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Introduction

Mandate and Profile of the Organization

The Canadian Radio-television and Telecommunications Commission (the CRTC or the Commission) is an independent public authority constituted under the *Canadian Radio-television and Telecommunications Commission Act*. It reports to Parliament through the Minister of Canadian Heritage.

The CRTC's mandate is to regulate and supervise all aspects of the Canadian broadcasting system, and to regulate common telecommunications carriers and service providers that fall under federal jurisdiction. The CRTC is responsible for applying the *Broadcasting Act* and the *Telecommunications Act*.

The primary objective of the *Broadcasting Act* is to ensure that all Canadians have access to a wide variety of high-quality Canadian programming. The main objective of the *Telecommunications Act* is to ensure that Canadians have access to reliable telephone and other telecommunications services at affordable prices. In short, the CRTC's role is to maintain the delicate balance between the distinct cultural, social and economic goals of these two statutes.

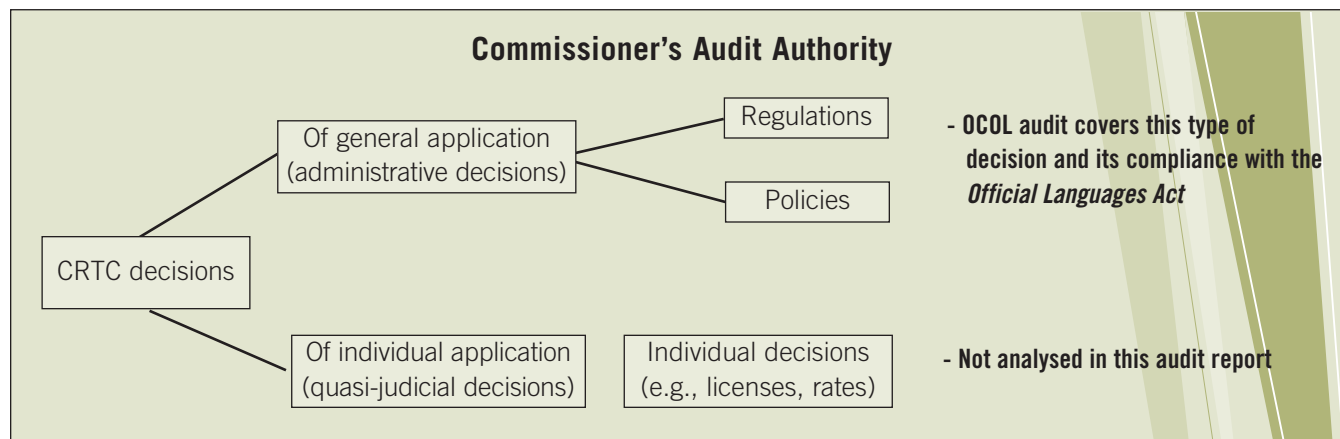
The Commission regulates more than 3300 broadcasters, including television, cable distribution, pay and specialty television, direct-to-home satellite systems, multipoint distribution systems (including microwave frequencies), subscription television and pay audio.

Between April 1, 2004, and March 31, 2005, the Commission published 712 broadcasting decisions, including 132 new licences, 283 licence amendments and 176 licence renewals. The CRTC also regulates over 78 telecommunications carriers including major telephone companies.

The CRTC has up to thirteen full-time and six part-time commissioners, all appointed by the Governor in Council for terms of up to five years, including the chairperson and vice-chairperson. The Commission has approximately 400 employees, most working at head office in the National Capital Region. A small number work at seven regional offices.

Two Distinct Roles

The CRTC's mandate involves two roles: i) decisions of general application, namely the adoption of regulations and policy development, and ii) public-authority activities, such as the power to issue, amend, suspend, revoke and renew licences and set rates. In the latter role, the CRTC's decisions relate to individual cases over which the Commissioner of Official Languages does not have the power to intercede. This audit therefore covers decisions of general application, such as policies, and their compliance with section 41 of the *Official Languages Act*.



The CRTC has stated that its challenge is to ensure Canadians have access to a variety of voices and choices within a dynamic and competitive industry, while ensuring strong Canadian companies that are capable of competing globally. It remains dedicated to sustainable competition and the emergence of new services to meet its strategic objectives, with due regard to the current and future social, cultural and economic environment.

Constitutional, Legislative and Administrative Framework

The principle of advancing the equality of status of English and French, as stated in subsection 16(3) of the *Canadian Charter of Rights and Freedoms*, was implemented by Parliament in 1988 when it passed Part VII of the *Official Languages Act*, which enshrines the federal government's commitment to:

- **enhancing the vitality of English- and French-language minority communities in Canada and supporting and assisting their development;**
- **fostering the full recognition and use of both English and French in Canadian society.**

In other words, in Part VII of the Act, the government recognizes the need to support official language minority communities and the advantages of having a bilingual country; viable linguistic communities therefore need to be maintained. Part VII also marks a major reorientation of the government's policy, as it now emphasizes the development of official language minority communities and the full recognition and use of both English and French in Canadian society.

All federal institutions are required to take action to meet this commitment under section 41 of the Act. The Department of Canadian Heritage is responsible for coordinating the implementation of Part VII. In 2003, acting upon a recommendation of the House of Commons Standing Committee on Official Languages, the CRTC was designated by Canadian Heritage as one

of 33 institutions that have a significant impact on official language minority communities and that are required to submit an action plan and annual reviews regarding implementation of section 41.

Also in 2003, under the *Action Plan for Official Languages*, the government adopted an *Official Languages Accountability and Coordination Framework*, which set out the responsibilities of all federal institutions with respect to Part VII of the *Official Languages Act*. These responsibilities include formal consultations with official language minority communities about policies and programs that affect them.

In October 2005, the government tabled the *Framework to Manage the Official Languages Program* to ensure horizontal management and more consistent implementation of policies and initiatives developed by all federal institutions.

In November 2005, Bill S-3, amending the *Official Languages Act*, was passed. The amendments aimed to:

- **impose on all federal institutions a duty to take positive measures to implement the government's commitment set out in section 41;**
- **grant the Governor in Council the power to adopt regulations prescribing the manner in which federal institutions' duties under Part VII are to be carried out; and**
- **give complainants legal recourse, as stipulated under Part X of the Act.**

In December 2005, the Clerk of the Privy Council sent all institutions a letter informing them of the amendments to the Act and an information sheet describing the nature and impact of the changes to Part VII.

Under this amended legislative and administrative framework, the CRTC must carry out its responsibilities with regard to the development of official language

communities and the promotion of Canada's linguistic duality. These responsibilities are compatible with the broadcasting and telecommunications legislation applied by the Commission, which seeks:

- **equivalent quality of radio and television programming in English and French;**
- **a range of broadcasting services in both official languages;**
- **a reflection of linguistic duality; and**
- **a reflection of the regional diversity of Canada and specific needs of the regions.**

Scope of the Audit

This audit covers section 41 of the *Official Languages Act*. We verified the CRTC's commitment to implementing section 41 of the Act as well as the measures and activities carried out to meet this obligation. We also verified how the CRTC consults official language minority communities and the mechanisms introduced to measure its performance in this area (see audit objectives and criteria in Appendix C).

Audit Methodology

The CRTC was informed of this audit on October 4, 2005. We then met with a number of managers, including the secretary general, to explain the audit's objectives and process. Throughout the audit, a constructive dialogue was maintained with CRTC representatives, allowing clarification of some of our criteria, which had not sufficiently taken into account the quasi-judicial aspect of some of the Commission's activities.

Our observations stem from a review and analysis of documents provided by the CRTC, including the action plan and an achievements report concerning the

implementation of section 41, policies, decisions, public notices, the Web site, *The Zone* intranet site, and documents received from representatives of official language minority communities. We also conducted interviews with senior executives, managers and one commissioner. We attended a public hearing and held interviews with national and provincial associations that represent official language minority communities across Canada. At the CRTC's suggestion, the auditor participated as an observer in a meeting between a representative of English-speaking communities in Quebec and a commissioner.

Audit Results

1. THE CRTC'S COMMITMENT TO IMPLEMENT SECTION 41 OF THE OFFICIAL LANGUAGES ACT

Official Languages at the CRTC

The CRTC's secretary general serves as the official languages champion. In addition, two managers are assigned to administer the official languages program. The acting director of planning and priorities for French-

language radio and television is responsible for implementing section 41 of the Act and is also a member of the network of coordinators established by Canadian Heritage. The chief of human resources programs and policies administers other activities related to the *Official Languages Act*. An official languages committee made up of managers and employees from the various sectors was also established in 2003. However, the committee does not yet have a clear mandate. Some managers identified a need for more official languages experts in each branch of the

CRTC. The interviews revealed a lack of sufficient resources to properly manage the CRTC's section 41 activities.

The CRTC does not yet have a policy or guidelines addressing all aspects of the *Official Languages Act*. Instead, it relies on the various policies of the Public Service Human Resources Management Agency of Canada. We believe the Commission should develop and implement its own official languages policy and guidelines that take its specific mandate into account. This would demonstrate its commitment to implementing the Act, supporting official language minority communities and fostering the recognition and use of English and French in Canadian society.

Some managers mentioned that official languages are discussed by the executive committee, particularly when the CRTC has received a complaint and when official documents concerning official languages need to be approved (e.g., the *Annual Review of Official Languages* and the action plan for implementation of section 41). Nevertheless, our view is that the CRTC's official languages obligations, including those under Part VII of the Act, should be discussed more regularly at executive committee meetings.

The CRTC's mission statement, which contains a general reference to Canada's linguistic duality and the reflection of Canadian society, is not adequately communicated to CRTC employees. We encourage the Commission to take its official languages obligations into account when it updates its *From Vision to Results at the CRTC* document.

Appropriate implementation of section 41, further to Part VII amendments, will be impossible without a significant change in the organization's culture. Senior management should set the tone.

Recommendation 1

The Commissioner recommends that the CRTC develop and implement a policy and guidelines on official languages that are specific to its activities and that take into account its obligations under section 41 of the *Official Languages Act*.

Recommendation 2

The Commissioner recommends that the CRTC ensure it has the human and financial resources needed to properly fulfill all of its official languages obligations.

Information for Managers and Employees

Managers and executives were not sufficiently aware of their responsibilities and roles regarding the CRTC's obligations towards the vitality and development of linguistic communities and the promotion of English and French. Generally, they confuse various aspects of the Act: service delivery in both official languages, language of work, and the vitality and development of communities. The problem is more acute in the telecommunications sector, where the link between the sector's activities and the objectives of section 41, while it does exist, is less obvious than in the broadcasting sector. Our view is that managers in all sectors need more information and training about their responsibilities under Part VII, particularly since its amendment.

Although the action plan for implementation of section 41 is posted on the Commission's Web site and mentioned in the report entitled *CRTC Achievements Report 2004-2005*, the *2005 Performance Report* and the CRTC's *Three-Year Work Plan 2005-2008*, our interviews revealed that staff members have little or no knowledge of any of the CRTC's obligations under section 41. However, they do know whom to contact for information about official languages.

In order to incorporate linguistic duality into its corporate culture, the CRTC needs to regularly communicate to all its employees its commitment to enhancing the vitality and supporting and assisting the development of official language minority communities, and fostering the full recognition and use of both English and French in Canadian society.

The CRTC's intranet site has an official languages tab, which contains information about the CRTC's official languages award for language of work and links to the *Annual Review of Official Languages* and the site of the Public Service Human Resources Management Agency of Canada. However, the official languages section does not contain the Commission's action plan for the implementation of section 41.

Recommendation 3

The Commissioner recommends that the CRTC require its managers and senior executives to attend mandatory awareness sessions on Part VII of the *Official Languages Act* and to make its staff appropriately aware of the needs of official language minority communities and the obligation to promote linguistic duality.

2. MEASURES AND ACTIVITIES TO IMPLEMENT SECTION 41 OF THE OFFICIAL LANGUAGES ACT

Action Plan and Achievements in the Implementation of Section 41

In 2004, following consultations with seven national organizations representing official language minority communities, the CRTC submitted its first action plan to the Department of Canadian Heritage. The plan, which covered the 2004-2005 fiscal year, had been approved by the CRTC's management committee. In 2005, the CRTC consulted the same seven national organizations again and decided to renew its action plan for another year to meet its objectives in a more realistic timeframe.

The action plan contains mostly general statements. For example, one of the objectives is to encourage broadcasting licensees to continue their efforts to increase regional program production and broadcasting and to promote dialogue among official language communities. We feel the CRTC could have been more precise and directive. Furthermore, the plan does not give sufficient consideration to the specific needs of English-speaking minority communities in Quebec. As well, the telecommunications sector is not included in the action plan, and the plan does not set out any specific activities to implement the second component of section 41, namely fostering the full recognition and use of both English and French in Canadian society.

We consider the action plan unsatisfactory because it fails to provide specific measures stemming from consultations with official language minority communities. It also fails to establish a clear link between the objectives of section 41 (vitality and development of communities and promotion of Canada's linguistic duality) and the CRTC's activities specifically related to television, radio and telecommunications. Furthermore, the national representatives of official language minority communities who were interviewed and who closely monitor the CRTC's activities expressed dissatisfaction with the lack of specific measures in the initial action plan.

During our audit, the CRTC was in the process of preparing its second action plan (2006-2009), which accounts for some of our observations. We will analyse this new action plan during our follow-up audit; it must contain measurable objectives for the Commission's two sectors (broadcasting and telecommunications) and provide for concrete positive measures regarding the two components of section 41 that take into account the specific needs of official language minority communities. These measures should be based on the results of structured and coordinated consultations with national and regional representatives of the communities.

Recommendation 4

The Commissioner recommends that the CRTC prepare a new action plan for implementation of both components of section 41 of the *Official Languages Act*. The new action plan should cover both of the CRTC's areas of activity (broadcasting and telecommunications) and be based on the results of recent consultations with official language minority communities. The plan should contain clear objectives and identify specific positive measures, accompanied by deadlines for implementation and performance indicators that address the needs of Anglophone and Francophone minorities at the national and regional levels.

In 2005, CRTC presented Canadian Heritage with its first record of achievement, which, as with its first action plan, contained general information mostly on television-related activities. The record didn't take into account telecommunications activities, and failed to mention the concerns of the Anglophone communities in Quebec. Furthermore, the record also failed to take into account any of the activities promoting the use of English and French in Canadian society.

Information for Applicants, Broadcasting Licensees, Licensee Telephone Companies and Official Language Minority Communities

In the vast majority of the documents posted on its Web site in both official languages (policies, calls for applications, public notices, forms, decisions and reports), the CRTC provides services in both official languages and projects a bilingual image. However, according to the representatives of official language minority communities interviewed, that is not enough. The representatives expressed the need for more help from the CRTC in submitting a licence application or participating in a formal consultation. They said the CRTC was difficult to reach, even simply to speak to a resource person to obtain specific information. Representatives also noted that very often they did not have all the knowledge required to submit their licence applications or participate in public hearings. We believe the CRTC should take action to rectify this situation.

Recommendation 5

The Commissioner recommends that the CRTC develop an information kit for licence applicants to help them prepare applications. The CRTC should also designate resource persons who can deal with requests for administrative and technical information to facilitate access for official language minority communities. CRTC staff should in turn be officially informed of these measures.

The CRTC does not inform licensed broadcasters and telephone companies of its obligations under section 41 of the *Official Languages Act*, which the Commission must take into account in developing policies that affect its decisions. Currently, information to licensees is strictly limited to the licensing conditions stipulated in CRTC decisions. The CRTC should take additional measures to clearly inform applicants and licensees of its obligations as a federal institution under section 41.

Recommendation 6

The Commissioner recommends that the CRTC adopt an appropriate mechanism for informing and sensitizing applicants, licensed broadcasters and telephone companies regarding the CRTC's obligations under section 41 of the *Official Languages Act*.

Policy Review

Commissioners appointed by the Governor in Council are responsible for making the CRTC's decisions on granting, suspending, revoking and renewing licences. Although the Commissioner of Official Languages does not have the authority to question such decisions of individual application, these would normally be based on policies, guidelines and regulations. For the purpose of our audit, we examined those policies that generally establish standards in the broadcasting and telecommunications industries. More specifically, we looked at whether they take into account the CRTC's obligations with respect to the development and vitality of official language minority communities and the full recognition and use of both English and French in Canadian society.

The CRTC implements the *Broadcasting Policy for Canada* and the *Telecommunications Policy for Canada*, which are described in their respective statutes. The Commission notes that it contributes to the vitality and development of linguistic communities through its

authority under section 3 of the *Broadcasting Act* and section 7 of the *Telecommunications Act*, which are reproduced in full in Appendix C. However, the passages we believe most relevant are as follows.

Broadcasting Act

3. d) the Canadian broadcasting system should:

- (i) serve to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada;
- (ii) encourage the development of Canadian expression by providing a wide range of programming that reflects Canadian attitudes, opinions, ideas, values and artistic creativity, by displaying Canadian talent in entertainment programming and by offering information and analysis concerning Canada and other countries from a Canadian point of view;
- (iii) through its programming and the employment opportunities arising out of its operations, serve the needs and interests, and reflect the circumstances and aspirations, of Canadian men, women and children, including equal rights, the linguistic duality and multicultural and multiracial nature of Canadian society and the special place of aboriginal peoples within that society.

...

3. i) the programming provided by the Canadian broadcasting system should:

- (ii) be drawn from local, regional, national and international sources;

...

3. k) a range of broadcasting services in English and in French shall be extended to all Canadians as resources become available.

Telecommunications Act

7. It is hereby affirmed that telecommunications performs an essential role in the maintenance of Canada's identity and sovereignty and that the Canadian telecommunications policy has as its objectives:

- a) to facilitate the orderly development throughout Canada of a telecommunications system that serves to safeguard, enrich and strengthen the social and economic fabric of Canada and its regions;
- b) to render reliable and affordable telecommunications services of high quality accessible to Canadians in both urban and rural areas in all regions of Canada;

...

h) to respond to the economic and social requirements of users of telecommunications services.

Following public hearings, the CRTC adopted a number of policies arising from the *Broadcasting Act* and the *Telecommunications Act* that have an impact on the vitality and development of linguistic minority communities. For example, it adopted the *Policy to Increase the Availability to Cable Subscribers of Specialty Services in the Minority Official Language* (CRTC 2001-25), which obliges cable distributors to carry programming from conventional French-language television stations. Although this is a step in the right direction, we note that the programming distributed by satellite in regions where there are official language minority communities (Public Notice 2004-19, released on March 31, 2004) does not reflect their regional realities. For example, many minority communities do not have access to newscasts that include news about their region.

Another policy adopted by the CRTC is *A Policy Framework for Canadian Television*. Paragraph 35 of the policy states, “The Commission believes that audiences have a strong desire for a better reflection of Canada's regions to the country as a whole. The Commission wishes to encourage the production of regional programs.” We believe the CRTC must go further than simply encourage licensees to enhance the vitality of official language minority communities through more regional productions.

The managers we met said that to comply with their licensing conditions, radio and television stations have to develop regional programming that meets the needs of the entire population. However, official language minority representatives told us that it is important to make broadcasting services more accessible and more diverse in order to meet their needs. This comment reaffirms the need for the CRTC as policy-maker to be more aware of the specific realities and needs of Francophone and Anglophone minority communities to ensure their cultural, social and economic development.

Community representatives also expressed their views regarding telecommunications. Their main concerns focus on long-distance charges because many official language minority communities are in rural regions, far from cities, in low population density areas. Under these circumstances, there may often be no competition, hence the need for the CRTC to intervene to regulate rates with a view to ensuring the development of these communities.

We are also concerned that at the time of our audit the CRTC had still not reviewed its broadcasting and telecommunications policies in light of section 41, despite the CRTC's designation in 2003. This is an essential exercise since the policies serve as a basis for establishing evaluation criteria used by the commissioners in making their decisions. Furthermore, the policies we examined show the CRTC does not distinguish between the interests of the general public and the interests of official language minority communities. Moreover, the policies say nothing about the vitality or the cultural, social and economic development of communities, or about the second component of section 41, namely fostering the full recognition and use of both English and French in Canadian society.

The CRTC's policies have an impact both on the Canadian population in general and on the vitality of linguistic minority communities. Under section 41 of the Act, official language minority communities throughout Canada can expect broadcasters to consider their specific reality by providing access to television and radio programming that meets their needs.

When reviewing its broadcasting and telecommunications policies, the CRTC will have to take into account the November 2005 amendments to Part VII of the *Official Languages Act*, requiring it to be familiar with the specific circumstances of linguistic communities, which in many instances are fairly isolated in rural areas, far from urban centres. The Commission must be attentive to these communities.

Recommendation 7

The Commissioner recommends that the CRTC:

- a) review the following policies on a priority basis to ensure they fully account for the CRTC's section 41 obligations under the *Official Languages Act*: *A Policy Framework for Canadian Television*, *Community Radio Policy*, *Commercial Radio Policy*, *A policy to increase the availability to cable subscribers of specialty services in the minority official language*, *Ethnic Broadcasting Policy*;
- b) identify its other broadcasting and telecommunications policies that may have a significant impact on the vitality and development of official language minority communities and the promotion and use of English and French in Canadian society, and ensure section 41 of the *Official Languages Act* is taken into account when these policies are reviewed.

3. CONSULTATION OF OFFICIAL LANGUAGE MINORITY COMMUNITIES

The CRTC is one of the institutions that have a significant impact on the vitality of official language minority communities because of its role in implementing the *Broadcasting Act* and the *Telecommunications Act*.

We checked whether the CRTC had consulted representatives of Anglophone and Francophone minority communities in a structured and coordinated fashion to identify their broadcasting and telecommunications needs.

2000-2001

In 2000, the CRTC held public consultations across Canada to examine all French-language broadcasting services available to minority Francophone communities.

It did so at the request of the Governor in Council and the Minister of Canadian Heritage, who asked the CRTC to conduct this type of consultation and report on the results (P.C. Order 2000-511).

National representatives of Francophone communities that participated in these consultations underscored the importance of and need for the CRTC to take a firm position on promoting the vitality and development of their communities. They also said it was essential for the CRTC to adopt an action plan consistent with provisions of Part VII of the Act, which defines the language rights of these communities.

It is important to note that provincial and regional representatives of official language minority communities were not on the list of participants in these public consultations. Our interviews also showed that the CRTC did not make any particular effort to obtain the views of official language minority communities in any specific way regarding broadcasting and telecommunications. It opted instead for the official process of public consultations announced in newspaper notices for the general public. We would have expected the CRTC to invite various national, provincial and regional associations to take part in these consultations, even though Canadian Heritage had not yet designated the CRTC for implementation of Part VII.

2004-2005

In 2004, while preparing its first action plan for implementation of section 41, the CRTC consulted the following seven national organizations: Fédération des communautés francophones et acadienne du Canada, Fédération culturelle canadienne-française, Association des producteurs francophones, Alliance nationale de l'industrie musicale, Alliance des radios communautaires du Canada, Association de la presse francophone and the Quebec Community Groups Network. The purpose of these consultations was to gather pertinent information on their specific needs. This information is found in the CRTC's 2004-2005 action plan.

2005-2006

In 2005, the CRTC asked for feedback from the Fédération des communautés francophones et acadienne du Canada on major broadcasting issues of concern to Francophone communities across Canada. The CRTC also consulted representatives of English-speaking communities in Quebec separately to learn about their specific needs.

In December 2005, in preparing its new action plan for implementation of section 41, the CRTC consulted the same seven national organizations as in 2004.

We feel the methodology used by the CRTC for its consultation process in December 2005 was unsatisfactory. The consultation was initially conducted electronically through an e-mail sent to national organizations over the holidays, and organizations were given only two weeks to submit their comments. Some organizations asked for extra time to formulate their comments. As most of the organizations have their offices in the National Capital Region, representatives also asked for a meeting to discuss the specific needs of the official language communities they represent. The Commission agreed to both requests. We note, however, that in the consultation process, the CRTC did not contact provincial or regional community representatives.

The CRTC should expand its consultation network to include at least the provincial and regional representatives of official language minority communities in order to learn more about their specific needs with respect to radio, television and telephone communications, which may vary from one part of the country to another.

All of the provincial and regional representatives of linguistic communities to whom we spoke confirmed they had never met with CRTC representatives, not even to learn about their mandate. They all showed an interest in doing so.

The CRTC must learn more about the realities of all official language minority communities and their specific broadcasting and telecommunications needs.

The CRTC can better meet its obligations and break the isolation of official language minority communities by consulting them in a regular, structured and coordinated fashion. Consultation is a joint process that leads to positive outcomes: the CRTC should properly target official language minority communities and key players by inviting them to its official activities and meeting with them at the same time. Under the *Official Languages Accountability and Coordination Framework*, the CRTC has the duty to consult these communities when it develops and implements policy.

In addition to consulting official language minority communities, the CRTC should establish a mechanism for consulting official language majority groups that defend the interests of both communities, such as Canadian Parents for French, to fulfill its linguistic duality obligations under section 41.

Recommendation 8

The Commissioner recommends that the CRTC establish a structured and coordinated process for consulting affected groups, in particular national and provincial (or regional) representatives of official language minority communities. This process should include an ongoing feedback mechanism for those consulted, to guide and help them prepare for participation in official public consultations.

4. MONITORING PERFORMANCE

Results of Monitoring Mechanisms

The CRTC publishes an annual *Broadcasting Policy Monitoring Report* that evaluates the extent to which its regulations, policies and decisions are fulfilling the objectives of the Broadcasting Act. Although the 2005 report includes a section on official languages, the CRTC referred to activities that took place from 2001 to 2003 only. It said nothing about activities and results that contributed to the vitality and development of linguistic communities or the promotion of the use of both English and French in Canadian society.

The action plan and achievements report on implementation of section 41 were approved by the management committee. The CRTC considers the complaint process a monitoring mechanism, but we believe that beyond monitoring complaints the CRTC should also establish official mechanisms for evaluating results and adopt a proactive rather than reactive approach.

The CRTC reports applying a number of controls, but does not have any official mechanism for monitoring the results of its own activities with respect to implementation of section 41 of the *Official Languages Act*.

Recommendation 9

The Commissioner recommends that the CRTC establish an evaluation framework for its implementation of section 41 of the *Official Languages Act* and that it introduce appropriate monitoring mechanisms. The CRTC also needs to evaluate results and take appropriate action in cases of non-compliance.

Performance Management for Executives and Managers

Our interviews revealed that linguistic obligations under Part VII of the Act are not included in executives' performance agreements and are not mentioned in the performance appraisals of other managers.

To contribute to the achievement of results and strengthen accountability under section 41 of the Act, we recommend that the CRTC add a component on compliance with linguistic obligations to the performance agreements of executive group members and that it include official languages in the performance appraisals of other managers.

Recommendation 10

The Commissioner recommends that the CRTC include a provision on implementation of section 41 of the *Official Languages Act* in its managers' performance appraisal process.

Conclusion

In this audit, we reviewed the extent to which the CRTC has implemented provisions of Part VII of the *Official Languages Act* within the limits of its mandate. We also evaluated what measures the CRTC has taken to meet its commitments under both components of section 41 of the Act. We checked whether the institution had consulted official language minority communities in a structured and coordinated way, and lastly whether the CRTC had established a monitoring mechanism to ensure it was complying with the Act.

We found that, despite CRTC efforts, the organization is still not meeting its obligations adequately with respect to the cultural, social and economic development of official language minority communities, or in terms of its obligations to promote the full recognition and use of both English and French in Canada. Although we could not evaluate the CRTC's performance in light of modifications made to Part VII of the Act during the audit, we have taken into account this aspect in our recommendations.

The CRTC must take concrete positive measures to meet the specific needs of the various official language minority communities, including Anglophone communities in Quebec, and it must take action based on the observations and measures suggested by national and regional representatives of these communities through structured and coordinated consultations. The Commission also needs to carefully review how it fulfills its responsibilities in this regard. The CRTC should also consult majority groups who are interested in the promotion of Canada's linguistic duality.

The CRTC must develop a policy and guidelines on official languages specific to its activities and communicate them appropriately to all staff, including its commitment to the vitality and development of official language minority communities and its commitment to promote the full recognition and use of both English and French in Canadian society. It also needs to inform all employees through information or training sessions and quickly adopt a new action plan for implementation of section 41 of the *Official Languages Act*, taking into account the amendments introduced by Bill S-3; it should closely monitor the results of these actions. The CRTC needs to identify any of its broadcasting and telecommunications policies that may affect official language minority communities and commit to taking section 41 into account when it reviews these policies. The CRTC must move quickly to introduce mechanisms for regularly monitoring its performance to ensure it complies with its obligations under section 41. Official language responsibilities, including those under Part VII of the Act, should be added to managers' performance appraisals. In the wake of the amendments to Part VII of the Act, section 41 cannot be implemented properly unless there is a clear commitment from senior CRTC executives, who must set the tone.

Appendix A

RECOMMENDATIONS, CRTC ACTION PLAN AND OUR RESPONSE TO THE ACTION PLAN

We are very satisfied overall with the measures the Commission has agreed to take and the timeframe it has established to implement all of our recommendations. However, we are not completely satisfied with the measures announced to act on recommendations 7 and 8 concerning the review of its policies and community consultations. We have added our comments in this regard in the form of responses on the following pages. We are grateful to CRTC representatives for the constructive dialogue we had throughout this audit.

We maintain that full implementation of our recommendations should enable the CRTC to better comply with the provisions of section 41 concerning the vitality and development of Anglophone and Francophone minorities in Canada and the promotion of Canada's linguistic duality.

Recommendation 1

The Commissioner recommends that the CRTC develop and implement a policy and guidelines on official languages that are specific to its activities and that give due regard to its obligations under section 41 of the *Official Languages Act*.

CRTC's Comments

In the summer of 2006, the CRTC completed its three-year (2006-2009) action plan for implementation of section 41 of the *Official Languages Act* (OLA). This action plan stipulates that the CRTC will develop internal guidelines on official languages that, within the limits of the CRTC's mandate, reflect section 41 of the OLA, including enhancing the vitality and supporting the development of English- and French-language minority communities in Canada, and full recognition and use of English and French in Canadian society.

Action plan and timeframes

- **Consultation of stakeholders (managers and employees) and discussion forums with official language minority communities (OLMCs) (by January 2007)**
- **Senior management's approval for the statement of guidelines (by April 2007)**
- **Draft internal official languages guidelines (by June 2007)**
- **CRTC approval of the guidelines and implementation (by September 2007)**
- **Updated management and employee communication plan (by June 2007)**

Recommendation 2

The Commissioner recommends that the CRTC ensure it has the human and financial resources needed to properly implement all of its official languages obligations.

CRTC's Comments

The secretary general of the CRTC has been designated official languages champion and the person responsible for implementation of the OLA at the CRTC. In addition, the director of planning and priorities, who is also the national coordinator for promotion of official languages at the CRTC, works actively to promote implementation of section 41 at the CRTC. The coordinator is supported by three sector coordinators (radio, conventional television and competition, service costs and telecommunication rates). In addition, the chief of human resources programs and policies manages other OLA-related activities. Finally, other resources are available to support these managers, including the senior broadcasting policy and applications analyst and an intern. The CRTC hired the intern to work full time this summer and part time for the year solely on official language matters. This intern works closely with the national official languages coordinator to achieve some of the results mentioned in the three-year action plan.

An internal committee on official languages at the CRTC was formed in 2003 and meets at least three times a year. It consists of representatives from each CRTC branch and a Commission member.

Finally, the CRTC participates actively in the official languages network of managers and employees from the various designated agencies and departments. The objective of this network is to identify issues common to the participating organizations and develop innovative solutions in response to these challenges.

Action plan and timeframes

- The above-mentioned people will continue contributing to implementation of the CRTC's 2006-2009 action plan.
- At least three meetings of the CRTC official languages committee will be held.

Recommendation 3

The Commissioner recommends that the CRTC require its managers and executives to attend mandatory awareness sessions on Part VII of the *Official Languages Act* and to make its staff appropriately aware of the needs of official language minority communities and the obligation to promote linguistic duality.

CRTC's Comments

The CRTC's three-year (2006-2009) action plan for implementation of section 41 of the OLA provides for activities to increase employees' and senior managers' awareness of the importance of enhancing the vitality of English- and French-language minority communities in Canada, as well as promoting linguistic duality. In addition, the plan provides OLMC representatives with the opportunity to make at least five presentations to employees and senior management during the coming three years.

Action plan and timeframes

- Integrating information on the implementation of section 41 into orientation sessions for new CRTC employees (under way)
- Increasing regional office awareness of implementation of section 41 (to be completed by April 2007, with annual follow-up thereafter)
- At least two awareness and information sessions for employees and senior management to elaborate on CRTC obligations regarding implementation of section 41 (by April 2007)
- Activities to increase employees' and senior managers' awareness of the importance of enhancing the vitality of English- and French-language minority communities in Canada and supporting and assisting their development (at least two activities by April 2007)
- Information gathering to better identify the realities faced by official language minority communities: discussion forums with CRTC and community representatives sharing information on future policy reviews and on ways to participate in the official public consultation process (by January 2007)

Recommendation 4

The Commissioner recommends that the CRTC prepare a new action plan for implementation of both components of section 41 of the *Official Languages Act*. The new action plan should cover both of the CRTC's areas of activity (broadcasting and telecommunications) and be based on the results of recent consultations with official language minority communities. The plan should contain clear objectives and identify specific positive measures, accompanied by deadlines for implementation and performance indicators that address the needs of Anglophone and Francophone minorities at the national and regional levels.

CRTC's Comments

The written comments in the report of the Office of the Commissioner of Official Languages concern the 2004-2005 action plan for implementation of section 41 of the OLA.

A new action plan was completed in the summer of 2006. It is results-based and is aimed at harmonious implementation of section 41 of the OLA at the CRTC in both the broadcasting and telecommunications sectors. It is a consistent and coordinated strategy for the CRTC to carry out, within the limits of its mandate, activities aimed at achieving the desired objectives through implementation of the OLA.

Despite the fact that the CRTC is an administrative tribunal with quasi-judicial functions and that it does not manage programs or services, a number of its activities contribute to the implementation of section 41 of the OLA. For example, the CRTC's day-to-day operations contribute to the following objectives: promotion of access to broadcasting services in official language minority markets, encouragement of the efforts of broadcasting licensees to increase production and broadcasting of regionally produced programming and, lastly, promotion of the full recognition and use of English and French in Canadian society (linguistic duality). Although many of the objectives of the OLA are compatible with those of the Broadcasting Act, in cases of incompatibility, the *Broadcasting Act* takes precedence over Part VII of the OLA.

However, the mandate of the CRTC's telecommunications sector pertains essentially to rates. That mandate, because of its economic nature, relates much less to implementation of section 41 of the OLA. The objectives of the OLA may be aligned with the Commission's mandate, but under section 82(1) of the OLA, the *Telecommunications Act* takes precedence over Part VII of the OLA in cases of incompatibility.

Our Response

While the primarily rate-oriented nature of the *Telecommunications Act* makes application of section 41 to this sector less obvious, we maintain that the application of the *Telecommunications Act* can have an impact on the economic and social development of official language minority communities. At the time of our follow-up audit, we will analyse this new action plan in light of the modifications brought to Part VII of the *Official Languages Act*.

Recommendation 5

The Commissioner recommends that the CRTC develop an information kit for licence applicants to help them prepare their application. The CRTC should also designate resource persons who can deal with requests for administrative and technical information to facilitate access for official language minority communities. CRTC staff should in turn be officially informed of these measures.

CRTC's Comments

The CRTC posts on its Internet site an electronic information kit, including a fact sheet entitled "How to Apply for a Broadcasting Licence," and other pertinent documents, including the necessary forms, policies and guidelines, and all related documents required for obtaining a broadcasting licence. These documents are available to all licence applicants in both official languages. All technological matters are referred to Industry Canada, which has a team of engineers and technicians specializing in this field. That said, in light of the Commissioner's recommendation, the CRTC will review its electronic information kits to make sure the information is sufficient to guide applicants in their licence applications. With regard to resource persons, please see our comments in response to Recommendation 2. Resource persons will be clearly identified on the Web page dedicated to implementation of section 41 of the OLA.

Action plan and timeframes

- **Review of the information kits on our Web site (by December 2006)**
- **Development of a Web page dedicated to implementation of section 41 of the OLA (by March 2007)**

Recommendation 6

The Commissioner recommends that the CRTC adopt an appropriate mechanism for informing and sensitizing applicants, licensed broadcasters and telephone companies of the CRTC's obligations under section 41 of the *Official Languages Act*.

CRTC's Comments

In a spirit of transparency, the CRTC publishes all OLA-related documents it produces, including its action plans and achievements reports, on its Web site. Also, applicants have access to specific resource persons responsible for implementation of section 41 of the OLA: the national coordinator responsible for implementation of section 41, three sector coordinators, and the regional offices, which can also help with applications. Finally, a Web page dedicated to implementation of section 41 will be developed and included on the CRTC Internet site during the 2006-2007 fiscal year.

Action plan and timeframes

- **Development of a Web page dedicated to implementation of section 41 of the OLA that all licence applicants and licensees will be invited to consult (by March 2007)**

Our Response

While we agree with the proposed measure, we believe the CRTC could go further in finding ways to make its clients aware of its obligations under section 41. For example, it could include a reference on client documents and forms and on its public notices.

Recommendation 7

The Commissioner recommends that the CRTC:

- a) review the following policies on a priority basis to ensure they fully account for the CRTC's section 41 obligations under the *Official Languages Act*: *A Policy Framework for Canadian Television, Community Radio Policy, Commercial Radio Policy, A policy to increase the availability to cable subscribers of specialty services in the minority official language, Ethnic Broadcasting Policy*;
- b) identify its other broadcasting and telecommunications policies that may have a significant impact on the vitality and development of official language minority communities and the promotion and use of English and French in Canadian society, and ensure section 41 of the *Official Languages Act* is taken into account when these policies are reviewed.

CRTC's Comments

7a) and 7b)

First, under section 6 of the *Broadcasting Act* and section 58 of the *Telecommunications Act* and in accordance with the principles of administrative law, the CRTC is not bound by its guidelines and thus retains at all times its discretionary power to depart from them in decisions that are more specific in scope. The CRTC must take into account the specific circumstances of each case in light of the objectives of the *Broadcasting Act* and the *Telecommunications Act*. In addition, since such decisions are specific in scope, they must be excluded from the OCOL report.

The policy review process is long and a preliminary exhaustive analysis must be done to determine the appropriate time to proceed. Also, the CRTC must manage a multitude of objectives established by its two enabling acts; it reviews its policies as this becomes necessary for the public interest. Thus, decision making with regard to policy review is based on a set of criteria and cannot be founded solely on the objectives of section 41 of the OLA.

As indicated in the CRTC's three-year (2006-2009) work plan, we are now reviewing the *Commercial Radio Policy 1998* and will be reviewing the television policy in November 2006. In connection with these policy reviews and others to come, which involve a process of public hearings, we encourage all Canadians, official language minority community representatives and the Office of the Commissioner of Official Languages to participate and submit their comments, including on implementation of section 41 of the OLA.

Our Response

Regarding recommendation 7a), we are pleased to learn that the CRTC has planned to review the Commercial Radio Policy 1988 and the Television Policy. As far as the other three policies listed in the recommendation are concerned, we believe that the Commission should identify them as having an impact on Anglophone and Francophone minority communities and the promotion of Canada's linguistic duality, and ensure that section 41 of the OLA will be taken into account when they are reviewed.

We have slightly modified the wording of recommendation 7b) following the CRTC's comments. We believe the CRTC should at a minimum immediately identify those policies that may have a significant impact on official language minority communities or on the promotion of Canada's linguistic duality and ensure that section 41 of the *Official Languages Act* will be taken into account when they are reviewed.

Recommendation 8

The Commissioner recommends that the CRTC establish a structured and coordinated process for consulting affected groups, in particular national and provincial (or regional) representatives of official language minority communities. This process should include an ongoing feedback mechanism for those consulted, to guide and help them prepare for participation in official public consultations.

CRTC's Comments

Under its mandate, the CRTC must take into account the objectives set out in the *Broadcasting Act* and the *Telecommunications Act*. The CRTC must also respect the rules of administrative law, including those pertaining to impartiality. Generally, in connection with its operations, including the development of policy guidelines and the processing of applications (for example, applications for new licences, licence renewals or modification of broadcasting licences), and when amending its regulations, the CRTC invites the Canadian population to participate in its public proceedings, which take the form of public hearings or public notices. The Commission's proceedings are publicized through public notices of various kinds, including postings on the Web site and advertisements in mass-circulation newspapers and community newspapers in the regions affected. In developing its policies and making its decisions, the CRTC must take into account elements from the public record of the proceeding in question. Consequently, the OLMCs must participate in the CRTC's official consultation processes for the CRTC to be able to take their comments into account.

However, in connection with its three-year action plan, the CRTC intends to implement a forum through which the OLMCs can be informed in a timely manner of coming official public consultations. In addition, through the Web page and all our communications activities mentioned in the three-year action plan, the OLMCs will have access to a set of means and resources to guide them with regard to CRTC processes.

Action plan and timeframes

- **Creation of a discussion forum in which the CRTC and OLMCs can exchange information on coming policy reviews and ways to participate in the official public consultation process (by January 2007)**
- **Development of a Web page dedicated to implementation of section 41 of the OLA on the CRTC's Internet site (by March 2007)**

Our Response

We are satisfied with the creation of a working group to consult official language minority communities, provided the group meets in different parts of the country to facilitate input from regional community representatives. The working group should also be used to provide feedback on the results of past participation by representatives of minority Anglophone and Francophone communities in official public consultation processes in order to help them better prepare for future official processes.

Recommendation 9

The Commissioner recommends that the CRTC establish an evaluation framework for its implementation of section 41 of the *Official Languages Act* and that it introduce appropriate monitoring mechanisms. The CRTC also needs to evaluate results and take appropriate action in cases of non-compliance.

CRTC's Comments

The CRTC has developed a framework for evaluation of its implementation of section 41 of the OLA. The achievements report on implementation of section 41 of the OLA has been submitted to the Department of Canadian Heritage since the 2004-2005 fiscal year and published on the CRTC Internet site. This document makes it possible to measure achievement of the objectives provided for under the action plan for implementation of section 41 of the OLA at the CRTC. We recently submitted the 2005-2006 achievements report to Canadian Heritage. With regard to appropriate monitoring mechanisms at the CRTC, the national coordinator for implementation of section 41 and the sector coordinators closely monitor implementation of the action plan to achieve the stipulated objectives.

Action plan and timeframes

- **Annual achievements report on implementation of section 41**
- **Wherever there is a gap between the objectives stipulated in the 2006-2009 action plan for implementation of section 41 and the objectives achieved, the Commission will take corrective action to remedy the situation.**

Our Response

We agree with the proposed measures. However, we believe the CRTC must evaluate its activities against the needs and concerns of linguistic minority communities when reporting on its achievements.

Recommendation 10

The Commissioner recommends that the CRTC include a provision on implementation of section 41 of the *Official Languages Act* in the performance appraisal process for its managers.

CRTC's Comments

The official languages policy being prepared by the CRTC will include a monitoring mechanism and an accountability framework. These elements will enable the CRTC to ensure that provisions of the policy are implemented. Currently, for all EX positions at the CRTC there is a performance clause concerning support in the workplace for creation of a work environment that fosters use of both official languages and service to our clients in the language of their choice. That said, in its review of the objectives to be included in its management contracts, senior management will see to specifying managers' roles with regard to implementation of section 41 of the OLA.

Action plan and timeframes

- **In its review of the objectives to be included in its management contracts, senior management will specify managers' roles with regard to implementation of section 41 of the OLA (April 2007)**

Appendix B

POLICIES REVIEWED

Canada's Broadcasting Policy (Broadcasting Act, 1991)

Canada's Telecommunications Policy (Telecommunications Act)

A Policy Framework for Canadian Television (CRTC 1999-97)

Community Radio Policy (CRTC 2000-13)

Commercial Radio Policy 1998 (CRTC 1998-41)

A policy to increase the availability to cable subscribers of specialty services in the minority official language (CRTC 2001-25)

Ethnic Broadcasting Policy (CRTC 1999-117) and the Regulatory Amendments (CRTC 2000-92) to implement the policy

Appendix C

BROADCASTING POLICY FOR CANADA

Declaration

3. (1) It is hereby declared as the *Broadcasting Policy for Canada* that

- (a) the Canadian broadcasting system shall be effectively owned and controlled by Canadians;
- (b) the Canadian broadcasting system, operating primarily in the English and French languages and comprising public, private and community elements, makes use of radio frequencies that are public property and provides, through its programming, a public service essential to the maintenance and enhancement of national identity and cultural sovereignty;
- (c) English and French language broadcasting, while sharing common aspects, operate under different conditions and may have different requirements;
- (d) the Canadian broadcasting system should
 - (i) serve to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada,
 - (ii) encourage the development of Canadian expression by providing a wide range of programming that reflects Canadian attitudes, opinions, ideas, values and artistic creativity, by displaying Canadian talent in entertainment programming and by offering information and analysis concerning Canada and other countries from a Canadian point of view,
 - (iii) through its programming and the employment opportunities arising out of its operations, serve the needs and interests, and reflect the circumstances and aspirations, of Canadian men, women and children, including equal rights, the linguistic duality and multicultural and multiracial nature of Canadian society and the special place of aboriginal peoples within that society, and
 - (iv) be readily adaptable to scientific and technological change;
- (e) each element of the Canadian broadcasting system shall contribute in an appropriate manner to the creation and presentation of Canadian programming;
- (f) each broadcasting undertaking shall make maximum use, and in no case less than predominant use, of Canadian creative and other resources in the creation and presentation of programming, unless the nature of the service provided by the undertaking, such as specialized content or format or the use of languages other than French and English, renders that use impracticable, in which case the undertaking shall make the greatest practicable use of those resources;
- (g) the programming originated by broadcasting undertakings should be of high standard;
- (h) all persons who are licensed to carry on broadcasting undertakings have a responsibility for the programs they broadcast;
- (i) the programming provided by the Canadian broadcasting system should
 - (i) be varied and comprehensive, providing a balance of information, enlightenment and entertainment for men, women and children of all ages, interests and tastes,
 - (ii) be drawn from local, regional, national and international sources,
 - (iii) include educational and community programs,
 - (iv) provide a reasonable opportunity for the public to be exposed to the expression of differing views on matters of public concern, and
 - (v) include a significant contribution from the Canadian independent production sector;
- (j) educational programming, particularly where provided through the facilities of an independent educational authority, is an integral part of the Canadian broadcasting system;
- (k) a range of broadcasting services in English and in French shall be extended to all Canadians as resources become available;

(l) the Canadian Broadcasting Corporation, as the national public broadcaster, should provide radio and television services incorporating a wide range of programming that informs, enlightens and entertains;

(m) the programming provided by the Corporation should

(i) be predominantly and distinctively Canadian,

(ii) reflect Canada and its regions to national and regional audiences, while serving the special needs of those regions,

(iii) actively contribute to the flow and exchange of cultural expression,

(iv) be in English and in French, reflecting the different needs and circumstances of each official language community, including the particular needs and circumstances of English and French linguistic minorities,

(v) strive to be of equivalent quality in English and in French,

(vi) contribute to shared national consciousness and identity,

(vii) be made available throughout Canada by the most appropriate and efficient means and as resources become available for the purpose, and

(viii) reflect the multicultural and multiracial nature of Canada;

(n) where any conflict arises between the objectives of the Corporation set out in paragraphs (l) and (m) and the interests of any other broadcasting undertaking of the Canadian broadcasting system, it shall be resolved in the public interest, and where the public interest would be equally served by resolving the conflict in favour of either, it shall be resolved in favour of the objectives set out in paragraphs (l) and (m);

(o) programming that reflects the aboriginal cultures of Canada should be provided within the Canadian broadcasting system as resources become available for the purpose;

(p) programming accessible by disabled persons should be provided within the Canadian broadcasting system as resources become available for the purpose;

(q) without limiting any obligation of a broadcasting undertaking to provide the programming contemplated by paragraph (i), alternative television programming services in English and in French should be provided where necessary to ensure that the full range of programming contemplated by that paragraph is made available through the Canadian broadcasting system;

(r) the programming provided by alternative television programming services should

(i) be innovative and be complementary to the programming provided for mass audiences,

(ii) cater to tastes and interests not adequately provided for by the programming provided for mass audiences, and include programming devoted to culture and the arts,

(iii) reflect Canada's regions and multicultural nature,

(iv) as far as possible, be acquired rather than produced by those services, and

(v) be made available throughout Canada by the most cost-efficient means;

(s) private networks and programming undertakings should, to an extent consistent with the financial and other resources available to them,

(i) contribute significantly to the creation and presentation of Canadian programming, and

(ii) be responsive to the evolving demands of the public;

(t) distribution undertakings

(i) should give priority to the carriage of Canadian programming services and, in particular, to the carriage of local Canadian stations,

(ii) should provide efficient delivery of programming at affordable rates, using the most effective technologies available at reasonable cost, and

- (iii) should, where programming services are supplied to them by broadcasting undertakings pursuant to contractual arrangements, provide reasonable terms for the carriage, packaging and retailing of those programming services,
- (u) may, where the Commission considers it appropriate, originate programming, including local programming, on such terms as are conducive to the achievement of the objectives of the broadcasting policy set out in this subsection, and in particular provide access for underserved linguistic and cultural minority communities.

CANADIAN TELECOMMUNICATIONS POLICY

7. It is hereby affirmed that telecommunications performs an essential role in the maintenance of Canada's identity and sovereignty and that the *Canadian Telecommunications Policy* has as its objectives

- (a) to facilitate the orderly development throughout Canada of a telecommunications system that serves to safeguard, enrich and strengthen the social and economic fabric of Canada and its regions;
- (b) to render reliable and affordable telecommunications services of high quality accessible to Canadians in both urban and rural areas in all regions of Canada;
- (c) to enhance the efficiency and competitiveness, at the national and international levels, of Canadian telecommunications;
- (d) to promote the ownership and control of Canadian carriers by Canadians;
- (e) to promote the use of Canadian transmission facilities for telecommunications within Canada and between Canada and points outside Canada;
- (f) to foster increased reliance on market forces for the provision of telecommunications services and to ensure that regulation, where required, is efficient and effective;
- (g) to stimulate research and development in Canada in the field of telecommunications and to encourage innovation in the provision of telecommunications services;
- (h) to respond to the economic and social requirements of users of telecommunications services; and
- (i) to contribute to the protection of the privacy of persons.

Appendix D

AUDIT OBJECTIVES AND CRITERIA

The following table describes the audit objectives and criteria.

Objectives	Criteria
1. Ensure that senior management at the CRTC is committed to the official languages program in order to ensure implementation of the two components of section 41 of Part VII of the <i>Official Languages Act</i> .	<ul style="list-style-type: none"> • Verify whether the CRTC has implemented an internal policy and/or guidelines and an official languages action plan that takes into account both aspects of Part VII concerning the obligation to enhance the vitality and support the development of English- and French-language minority communities in Canada and to foster the full recognition and use of both English and French in Canadian society. • Verify whether managers are familiar with their obligations under section 41 and whether they take them into account in developing policies. • Verify whether all CRTC employees are adequately informed and made aware regularly of the CRTC's obligations under Part VII of the Act. • Verify whether the CRTC has designated a person and/or group to be responsible for ensuring that the organization meets its requirements with respect to the application of the provisions under Part VII of the Act.
2. Ensure that the CRTC has implemented measures and activities to enhance the vitality and the cultural, economic and social development of official language minority communities and to foster the recognition and use of both English and French in Canadian society.	<ul style="list-style-type: none"> • Verify whether the CRTC has introduced measures and activities that contribute to the vitality and the cultural, economic and social development of official language minority communities. • Verify whether the CRTC has introduced measures and activities to foster the full recognition and use of both English and French in Canadian society. • Verify whether the CRTC, in its policies on broadcasting and telecommunications, takes into account not only their impact on the cultural vitality of official language minority communities, but also the economic and social impact of its decisions on these communities. • Verify the extent to which the CRTC is dealing satisfactorily with Canadian Heritage, which is the department responsible under the <i>Official Languages Act</i> for coordinating and monitoring the actions of federal institutions with regard to Part VII of the Act.

AUDIT OBJECTIVES AND CRITERIA (Cont'd)

Objectives	Criteria
<p>3. Ensure that the CRTC is consulting official language minority communities in a structured and coordinated fashion with a view to learning about their specific broadcasting and telecommunications needs.</p>	<ul style="list-style-type: none"> • Verify whether the CRTC is consulting official language minority communities in a structured and coordinated fashion to identify their needs, and whether the institution takes the results of these consultations into account in developing proposals that will be discussed in public processes, including its calls for comments.
<p>4. Ensure that the CRTC is monitoring its performance and assessing results with respect to its obligations under Part VII of the <i>Official Languages Act</i>.</p>	<ul style="list-style-type: none"> • Verify whether the CRTC is monitoring its results and whether they are incorporated into its management of the implementation of Part VII of the <i>Official Languages Act</i> -- in performance reports and in performance appraisals of its executives and other managers. • Verify whether Part VII of the Act is discussed at management committee meetings and whether the committee approves the action plans for the implementation of Part VII.