

2. RESPONSIVE BROADCASTING 2

A REPORT ON THE MECHANISMS TO HANDLE COMPLAINTS ABOUT
THE CONTENT OF BROADCAST PROGRAMS

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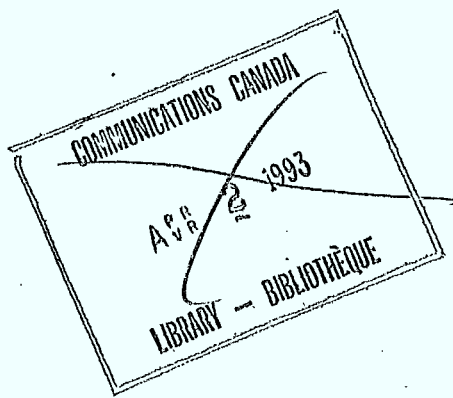


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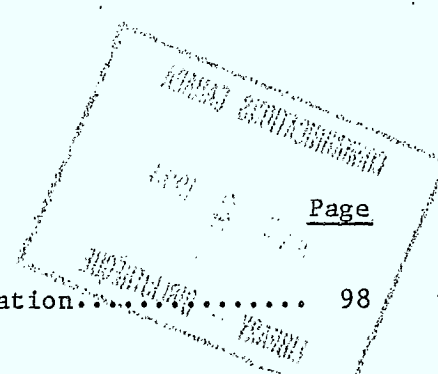
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INTRODUCTION

In April, 1984, the Department of Communications commissioned a report on the current mechanisms for handling complaints about broadcast content. Their action was provoked by several thousand comments and complaints submitted to the Department and to the regulatory agency, the Canadian Radio-television and Telecommunications Commission, in the previous year. The Department sought to identify the many different existing mechanisms for handling such complaints. On the basis of this information, they asked the authors of this report to make recommendations.

In Volume One of the report, the recommendations are listed (see Summary and Recommendations in that volume) and a rationale for their choice is included. The purpose of Volume Two is to provide the background data that led to the development of these recommendations. Some of the information has limited applicability outside the framework of this report. But the information on current mechanisms to handle complaints about broadcast program content and on press councils should be of wide interest to the public. One of the recommendations made in the report rests on the fact that little is now known or understood by the public about the current mechanisms for handling complaints.

It was stated in Volume One, but is important to repeat here that this report is not intended to be a report card on the activities of any organization, department or agency. Even the best run procedure for handling complaints can often be improved. As well, the authors did not conduct a public opinion survey, nor survey all public or advocate groups nor conduct interviews with every member of the industry.

The recommendations in the report are those of the authors only. They reflect our understanding after a series of more than 90 interviews with a variety of groups and individuals. Those interviewed gave freely of their time and were very co-operative. They were assured, however, that no material from the interviews would be quoted with attribution without their express permission. The discussions were free-ranging and frank as a result. Material provided here as quotations is taken from written documentation, letters, submissions to the House of Commons Sub-committee on Sexually Abusive Broadcasting, brochures, codes of ethics and published materials of the organizations, agencies and departments interviewed. The statistics about complaints were those provided to the authors by the organizations involved. No attempt was made to collect or analyse other information on the number, source or type of complaints because the letters were not made available to us for detailed analysis. Nonetheless, the authors did peruse the letters available in the files and based on discussions with officials from the various groups are confident that the material in the report accurately reflects the documentation in the files.

CURRENT MECHANISMS TO HANDLE COMPLAINTS ABOUT
THE CONTENT OF BROADCAST PROGRAMS AND AVENUES OPEN
TO THE PUBLIC TO MAKE ITS VIEWS KNOWN

GOVERNMENT

1. THE CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS
COMMISSION

(A) General Information and Background

The CRTC is an independent public authority created by Parliament in 1968 through the Broadcasting Act.

Under Section 15 of the Broadcasting Act, the mandate of the CRTC is described: to regulate and supervise all aspects of the Canadian Broadcasting System with a view to implementing Section 3 of the Act. For the record, it is worth reprinting Section 3:

"It is hereby declared that

- (a) broadcasting undertakings in Canada make use of radio frequencies that are public property and such undertakings constitute a single system, herein referred to as the Canadian broadcasting system, comprising public and private elements;
- (b) the Canadian broadcasting system should be effectively owned and controlled by Canadians so as to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada;

- (c) all persons licensed to carry on broadcasting undertakings have a responsibility for programs they broadcast but the right to freedom of expression and the right of persons to receive programs, subject only to generally applicable statutes and regulations, is unquestioned;
- (d) the programming provided by the Canadian broadcasting system should be varied and comprehensive and should provide reasonable, balanced opportunity for the expression of differing views on matters of public concern, and the programming provided by each broadcaster should be of high standard, using predominantly Canadian creative and other resources;
- (e) all Canadians are entitled to broadcasting service in English and French as public funds become available;
- (f) there should be provided, through a corporation established by Parliament for the purpose, a national broadcasting service that is predominantly Canadian in content and character;
- (g) the national broadcasting service should
 - (i) be a balanced service of information, enlightenment and entertainment for people of different ages, interests and tastes covering the whole range of programming in fair proportion,
 - (ii) be extended to all parts of Canada, as public funds become available,
 - (iii) be in English and French, serving the special needs of geographic regions, and actively contributing to the flow and exchange of cultural and regional information and entertainment,
 - (iv) contribute to the development of national unity and provide for a continuing expression of Canadian identity;
- (h) where any conflict arises between the objectives of the national broadcasting service and the interests of the private elements of the Canadian broadcasting system, it shall be resolved in the public interest but paramount consideration shall be given to the objectives of the national broadcasting service;

- (i) facilities should be provided within the Canadian broadcasting system for educational broadcasting; and
- (j) the regulation and supervision of the Canadian broadcasting system should be flexible and readily adaptable to scientific and technical advances; and that the objectives of the broadcasting policy for Canada enunciated in this section can best be achieved by providing for the regulation and supervision of the Canadian broadcasting system by a single independent public authority." (1967-68, c. 25, s. 2.)

The CRTC regulates both public and private broadcasting, including cable television. The CRTC is empowered to prescribe classes of broadcasting licences, to make regulations; to issue, amend, renew, attach conditions, suspend and revoke licences; to exempt certain persons from the requirement that they hold licences; to review and consider technical matters; to undertake, sponsor or promote research; to require the broadcast of any programs deemed to be of urgent importance to Canadians generally or to residents of a specific area; to conduct public hearings; to establish rules of procedure; and to issue and publish notices and decisions.

Several aspects of the CRTC's organizational structure are of interest. First, one of the six current divisions in the CRTC is the Broadcasting Directorate, which is responsible, among other duties, for gathering, analysing and providing the CRTC with information needed to process licence applications; reviewing and assessing programming proposals for compliance with CRTC policies and regulations; collecting and analysing quantitative data on each station's performance; and administering policies and regulations pertaining to radio and television advertising.

Second, the Legal Directorate of the CRTC provides legal services concerning the interpretation and implementation of the CRTC Act, the Broadcasting Act and other related legislation. Commission counsel also provide advice to the CRTC on the legal implications of policies and regulations and question participants and provide procedural advice at the CRTC public hearings. They represent the CRTC or instruct the CRTC representatives in legal proceedings. They review complaints dealing with alleged breaches of law, regulations or conditions of licence.

Third, the Secretariat is the official contact point between the CRTC and the public. It is responsible for formally acknowledging, accepting or rejecting all submissions received by the CRTC, including complaints. All decisions, notices, announcements and guidelines from the CRTC are issued by the Secretariat division of the CRTC under the signature of the Secretary General.

Finally, the CRTC maintains four regional offices -- in Halifax, Montreal, Winnipeg and Vancouver. These regional offices report through the Corporate Management division of the CRTC.

(B) Relationship to Other Bodies

Although the CRTC is charged with the major responsibility for overseeing the development of Canadian broadcasting, the CRTC shares some of this responsibility with other federal government bodies. The Department of Communications works with the CRTC in the area of licensing, sets technical standards and is involved in

policy analysis. The Canadian Broadcasting Corporation comes under Part III of the Broadcasting Act. The Governor in Council may issue directives and orders to the CRTC on certain matters specified in the Act and may refer back to the Commission for reconsideration decisions issuing, amending or renewing broadcasting licences and, if Bill C-20 is passed, with respect to any matter that comes within the jurisdiction of the Commission, except in respect of the issuance of a broadcasting licence to a particular person or the amendment or renewal of a particular broadcasting licence.

In matters concerning restrictions on advertising for products covered by the Food and Drug Act, the CRTC maintains liaison with the federal Departments of Health and Welfare and Consumer and Corporate Affairs. Similarly, the CRTC works with the various provincial departments concerning the advertising of alcoholic beverages.

Additionally, the CRTC maintains an on-going relationship with the broadcasting and advertising industries concerning the development and administration of their guidelines, codes and policies.

(C) Lodging a Complaint

In 1982 (Public Notice 1982-36) the CRTC established a policy to place all complaint correspondence on the public record. In its Notice, the CRTC stated that its policy was:

To ensure that all complaints and replies thereto become an integral part of the licensing process and that significant issues arising from public complaints are fully considered in assessing the overall performance of a licensee, correspondence relating to complaints will form part of the public record. At the time of licence renewal, complaints received during a term of licence will be placed in the public examination file along with the licensee's application for licence renewal.

The procedures for lodging complaints or making representations are set out in the CRTC Rules of Procedure. The procedures state that any person wishing to complain or make a representation with respect to any matter within the powers of the CRTC must mail or deliver to the CRTC a signed brief written submission, setting out the nature of the complaint or representation.

If the Executive Committee of the CRTC decides that it would be in the public interest to hold a public hearing in conjunction with the complaint or representation, the CRTC is required to notify the person who made the complaint or representation and the person against whom it is made of the date and place of the hearing.

Where the CRTC determines that a complaint or representation constitutes an intervention or application, it may require the person making the complaint to comply with the procedures relating to interventions or applications.

(D) Handling Complaints

The CRTC has evolved a fairly complex and comprehensive process to handle and take action on complaints. This process takes into account the form and type of complaint, the type of action considered, the assignment of appropriate staff for investigation, the determination of legal authority when action is required and staff recommendations to the Executive.

Action on complaints can include: (i) holding a public hearing; (ii) decisions not to issue or renew a licence; (iii) decision to suspend or revoke a licence where a condition of licence has been breached; (iv) decisions to attach conditions to a licence; (v) decisions to prosecute for breaches of the regulations; (vi) decisions to issue new or amend existing regulations (a decision to seek direction from the Minister of Communications in cases involving the CBC); (vii) decisions to issue warnings; and (viii) decisions to issue a censure. In addition, the CRTC may choose to establish a consultative process with members of the public or complainants and others.

(E) Action on Complaints

(i) Telephone Complaints

Telephone complaints are the most common kind, particular for complaints registered at the regional offices. Often these complaints demand no follow-up action. They simply register public concern. If the complaint is serious, the CRTC regional or national telephone staff request that the complaint be submitted in writing to the CRTC.

(ii) Written Complaints

Written complaints include letters, petitions, telexes etc. which are not directed at specific applications. When this type of complaint is received, it is sent to a central registry within the CRTC and assigned a file number.

The Central Registry then sends the complaint to the Correspondence Unit, where the pertinent information from the complaint is entered on a "cover sheet". The complaint is coded with respect to its subject.

The decision about which directorate within the CRTC will be responsible for "action" (and who should receive a copy "for information only") is made and entered on the cover sheet. The "for information only" designation serves a variety of purposes: it keeps the relevant staff members and the commissioners aware of the nature and number of complaints on different issues. As well, this designation provides a mechanism for checking that "action" has been taken and that the "action" was correct.

A copy of all complaints is sent to the licensee, along with a covering letter from the CRTC. The licensee is usually requested to respond directly to the complainant in writing within 10 days of receipt of the Commission's letter, and to send a copy of their response to the CRTC.

Most complaints of a general nature are answered directly by the Correspondence Unit. However, letters concerning sex-role stereotyping or dealing with specific policy issues are handled by the Broadcast Programs Analysis Branch of the Broadcasting Directorate. As well, complaints concerning the content of advertisements generally are referred to the Advertising Standards Council and about sex-role stereotyping are referred to the Advertising Advisory Board, which are operating arms of the Canadian Advertising Foundation, for additional action.

Letters requesting a tape of transcript of a program are sent to the Legal Directorate for response. In some instances, if the originator of the complaint is a lawyer or the subject matter of the complaint is of a legal nature, the Legal Directorate will be consulted in the preparation of a reply.

All details concerning incoming complaints, including who prepared the answer on what date, are recorded. Should the complainant represent a company or association, this information is cross-referenced. Copies of the signed replies are attached to the original incoming letter and returned to Central Registry for filing.

(iii) Interventions

The submission of interventions is perhaps the most formal way of registering a comment or complaint with the CRTC. An intervention can be a letter or a brief, submitted in reference to an application being considered by the CRTC.

Under the CRTC Rules of Procedure, any person interested in an application or who wishes to lodge a complaint may file an intervention. As well, the CRTC may determine that a comment or complaint submitted as a representation constitutes an intervention.

Interventions can be made as complaints, but they can also be comments or suggestions for modification of an application. Some interventions support an application.

Interventions are generally submitted in response to a public notice issued by the CRTC concerning applications or announcing hearings. These notices advise interested parties and the public of the conditions and procedure for intervening.

As specified in Section 20 of the Broadcasting Act, the CRTC is required to give notice in the Canada Gazette of any application received by them for the issue, amendment or renewal of a broadcasting licence. It is also required to publish a copy of the notice in one or more newspapers of general circulation within the area normally served or to be served by the application. Copies of notices are also available on a subscription basis from the Department of Supply and Services in Ottawa.

Notices are also published when a policy or series of regulations is being considered or when the CRTC is seeking public input on a particular issue. Responses to these notices take the form of representations not interventions. Representations will be discussed below.

The public notice which initiates the process of intervention provides the following information: where and when the relevant documents may be examined; the time limit for submissions (usually 30 days); the procedure by which the intervention is to be served upon the applicant; and the name and address of both the CRTC and the applicant.

If an application is going to be considered at a public hearing, the public notice will also request that intervenors indicate whether or not they wish to appear at the hearing. The CRTC has the right to decide that a public hearing will not be scheduled, except in the case of a licence revocation. Except for renewals however, hearings have often been held on applications involving questions of program content.

The CRTC also has the right to refuse any public intervenor the right to appear. In the past, those wishing to make their brief orally have been permitted to do so. If the CRTC has decided to hold a hearing and consents to participation, then the notice will also specify the time limit (usually 10 minutes) available for each presentation.

If a member of the public has submitted a complaint that was not originally intended to be an intervention, the CRTC will sometimes follow-up that complaint by reminding the complainant of the right to intervene when a licence comes up for renewal.

The applicant has a right to reply to all interventions within ten days after he/she has received the intervention. This written response is sent to the complainant and to the CRTC where it is entered in the application file. This reply must state the grounds for the objection to the complaint or intervention and may contest (or admit to) any of the facts alleged in the intervention.

(iv) Special Representations

The fourth avenue open to the public to register its concerns with the CRTC is through a request to make a representation before the CRTC. These unsolicited representations should concern matters of local interest in a region.

Representations may be submitted in writing, or in the case of representations concerning local matters in a region, presented at a public hearing in that region. In the case of the latter, a request must be made to the CRTC at least two working days before the hearing. The CRTC uses its discretion in determining whether a representation will be heard, but in most cases, individuals and community groups will be given the right to participate.

If a representation concerns the activities of a licensee or applicant, this licensee is given an opportunity to appear at the same hearing and to reply. Comments concerning applications are considered representations only when they do not pertain to an application being considered at the same time by the CRTC. If comments refer to an application under consideration, they are

considered to be interventions. As interventions, they must be submitted according to the Rules of Procedure governing interventions, not representation.

(F) What the CRTC Can (and Cannot) Do

There are some ground rules that the CRTC must follow in dealing with complaints, given its current mandate and powers. In a Public Notice in January, 1983 (CRTC 1983-16) the CRTC laid out its powers and responsibilities with respect to complaints about broadcast program content.

As to the question of the respective responsibilities of the Commission and the broadcasters, it must be stated clearly that:

- 1) the Commission and broadcasters must be guided by Section 3(c) of the Broadcasting Act;
- 2) the Commission is not a censorship body;
- 3) the Commission has no mandate to act pre-emptively with respect to events that have not yet occurred and with respect to programs that have not yet been aired;
- 4) it is for the courts to define key terms like obscenity.

As well, during their appearance before the Sub-committee of the House of Commons Standing Committee on Communications and Culture, they made their position clear with respect to sexually abusive programming and, indirectly, other issues of broadcast program content. The Chairman, André Bureau stated his view:

It is important to remember that as a regulatory agency, then, the CRTC can react to breaches of law or regulation and consider appropriate action. Paragraph 3(c) of the Broadcasting Act declares that "all persons licensed to carry on broadcasting undertaking have a responsibility for programs they broadcast". Therefore the Commission's statutory role with respect to specific content of programming is reactive and does not include the power to censor or to clear programs prior to broadcast. (SAB 9-5-1984, p.4-6)

Paragraph 3(c) of the Act states that:

All persons licensed to carry on broadcasting undertakings have a responsibility for programs they broadcast but the right to freedom of expression and the right of persons to receive programs, subject only to generally applicable statutes and regulations, is unquestioned.

This section of the Act is important for several reasons; first, it places the onus on the broadcaster, not the regulatory agency, for the content of programs being broadcast; second, it does permit some control over program content, through generally applicable statutes and regulations; third, it does not permit the CRTC to consider any specific program (as opposed to some advertisements) in advance of its being broadcast; and finally, it does not permit the CRTC to act as judge or censor of individual programs (except insofar as they may contravene general regulations or statutes) once they have been broadcast.

In other words, the CRTC can set generally applicable standards for program content, using these standards either as guidelines or regulations. But they cannot normally subject an individual program, before or after it has been broadcast, to scrutiny simply as a result of a complaint that is not directly covered by a general regulation, condition of licence or statute.

This is not to suggest that the CRTC has no power with respect to the content of programs. First, the CRTC might decide that a licensee is continually programming material which is not suitable for the audience they have legally committed themselves to serve in their promise of performance.

Second, the CRTC could call (and has called) a licensee to come to a public hearing to explain, for example, why excessively violent programming was being aired at an hour when the station committed itself to "family programming". It can demand that a licensee provide reasons for not fulfilling its promise of performance. But the CRTC does not normally examine specific shows to determine whether or not they are biased, violent, racist or otherwise objectionable unless a question can be raised as to whether the program is abusive, as defined in the regulation.

Third, the CRTC through the courts, can prosecute a licensee for airing or distributing programming which violates specific regulations or specific provisions of the Broadcasting Act which create offences.

Fourth, the CRTC can set or participate in the setting of standards for quality of programs (as they now do).

Fifth, the CRTC can also make decisions on which, if any, applications to license. The CRTC is not required to license all applications, but can choose among applications or deny all, if they determine that the public interest will not be well-served by any or all of the applications appearing before them.

Sixth, the CRTC can review the quality of performance in examining the promise of performance of any station applying for renewal of a licence.

Seventh, the CRTC can attach conditions on a licence specifying categories of programming which should be aired (although generally not what programs should or should not be aired).

Technically speaking, the CRTC could also pass general regulations precluding the airing of programs that were violent, racist or otherwise objectionable (but less than "abusive"). The problem for the CRTC, or any regulatory body, would be to determine (1) what constituted "violence" in a manner suitable to general regulations (that must apply equally in all situations) as opposed to any discretionary case-by-case consideration of specific programs; and (2) whether any specific program fell within the ambit of these generally applicable regulations.

It would not be surprising if no regulatory agency, however it was mandated in a democratic government in a Western industrialized country, was prepared to undertake the herculean task of developing and applying such regulations for anything but the most clearly offensive programs.

Even the CRTC newly amended regulations on abusive programs have been considered to be "censorship" by some groups within the community and industry. Yet these newly amended regulations represent a very cautious step in controlling, by general

regulation, those programs about which little discretionary judgement is required to demonstrate their offensiveness to the population at large.

(G) CRTC Authority to Take Action

The CRTC's authority to take action also stems from the Broadcasting Act. In Section 3(d), the Act states:

the programming provided by the Canadian broadcasting system should be varied and comprehensive and should provide a reasonable, balanced opportunity for the expression of differing views on matters of public concern, and the programming provided by each broadcaster should be of high standard, using predominantly Canadian creative and other sources.

The CRTC has a variety of powers to implement this section (and others) of the Act:

(i) Licensing

a) Renewal of Licences

Concern over whether or not programming conforms with paragraph 3(d) of the Act is often the subject of complaints submitted to the CRTC. It usually surfaces as a relevant factor in the CRTC's assessment of a licensee's performance at a licence renewal hearing. Should the matter warrant serious attention, the CRTC has the statutory authority, except in cases involving the Canadian Broadcasting Corporation (to be seen shortly), to deny the renewal of the licence or to renew the licence only for a short time.

The CRTC has chosen to exercise its right to deny a renewal only on rare occasions. In 1968, for example, the CRTC chose not to renew the licence of radio station CJLS in Yarmouth, N.S. for failure to maintain minimum standards in news and public affairs programming (CRTC 1968-44). More recently, the CRTC denied the renewal of the licence for CJMF-FM in Quebec for non-compliance with its programming commitments (CRTC 1984-209).

In choosing to deny an application for renewal, the CRTC must balance the rights of listeners of a station (who enjoy the service, regardless of its lack of compliance with its own programming commitments to the CRTC) against the interests of the Canadian broadcasting system as a whole.

b) Short Term Renewals

Quite often, the response of the CRTC to situations of non-compliance is to renew licences for a short-term only, recalling licensees to a public hearing to account for the improvements they have made in the interim licence period.

Normally, licence renewals are for terms of up to five years, but the CRTC is empowered to renew a licence for a period as short as a few months duration and to repeat the short-term renewals until compliance has been achieved. The short-term renewal is a mechanism for the CRTC to keep close check upon a licensee's performance. It also serves as a warning that further non-compliance (or significant lack of improvement) could be met with a non-renewal of a licence.

Some examples of short term renewals are: the failure of Rogers Radio Limited (CFTR) to adhere to its programming promises of performance (CRTC 1973-488); failure by Goodwill Broadcasters of Quebec Ltd. (CFOM), a CBC affiliate, to broadcast an adequate amount of CBC programming (CRTC 1974-59); failure of Urban Cablevision Ltd. to make local programming services available to its cable subscribers (CRTC 1975-303); and the lack of "concrete plans" of CKGN-TV, CITY-TV, CHCH-TV, CKVR-TV and CKCO-TV to produce or co-produce high quality Canadian programming (CRTC 1981-885-891).

c) Suspension and Revocation of Licences.

The CRTC may also take direct licensing action by suspending or revoking a licence (Section 24(1) of the Act). Rather than waiting for an application for licence renewal, the CRTC may act on alleged violations or non-compliance with conditions of licence.

In the case of revocations, a public hearing must be held. The licensee is requested to appear before the CRTC to "show cause" why its licence should not be suspended or revoked. Of course, show cause hearings do not automatically lead to suspensions or revocations. They can lead to changes in the licensee's performance, in the promise of performance or in the institution of new conditions on the licence.

For example, in the case of White Rock Cablevision Ltd. in British Columbia, the licensee was requested to appear before the CRTC in May 1977. The CRTC's call to the licensee read, in part:

"...the Commission proposes to consider with the licensee, and any other interested parties, all aspects of the licensee's cable television undertaking as regards to compliance with Commission regulations, licence conditions and policies. In particular, the Commission will wish to discuss those steps which the licensee has taken towards the implementation of community programming and expects the licensee to provide specific information on equipment purchases, availability of studio or mobile facilities, manpower employed and budget established for community programming. In the absence of specific plans, the Commission will expect White Rock Cablevision Limited to show cause why its cable television broadcasting licence should not be revoked or why other measures should not be taken in order to secure compliance."

In its decision following the hearing, the CRTC stated:

As it was clear at the hearing that, in important respects, neither the community nor the broadcasting system were being adequately served by the licensee, significant improvement will be necessary prior to the expiration of this licence March 31, 1979. Failing such improvement, the licensee cannot expect renewal of its licence. While the Commission of course expects the prompt implementation of the plans outlined and commitments made at the hearing (and will closely monitor the licensee's progress in this regard), it is of the opinion that such implementation will be ineffective and inadequate unless it is accompanied by a degree of commitment, energy and interest far beyond that exhibited at the hearing.

The CRTC subsequently monitored the licensee's efforts to respond to their concerns, including holding another public examination in October, 1978. Then, following yet another public hearing -- this time a licence renewal hearing -- the CRTC indicated that it felt satisfied that a substantive commitment and

effort had been made to respond to the CRTC's concerns. The CRTC then renewed the licence for a five-year term (see CRTC 77-503, 1979-81, in particular).

d) Conditions of Licence

Conditions imposed upon a licence are the result either of commitments made voluntarily by applicants at the time of licensing or decisions taken by the CRTC when an applicant is licensed or renewed.

Generally, applicants must submit a promise of performance when applying for a licence or renewal. In the case of FM stations, these are attached to the licence as conditions of approval. In addition, under Section 17 of the Broadcasting Act, the CRTC has the authority to ensure that the applicant fulfills requirements under the Act by attaching its own conditions to the licence.

The exception is the CBC. With the CBC, the Executive of the CRTC is required to consult with the CBC, at the CBC's request, before attaching conditions to their licence. In cases of disagreement between the CRTC and the CBC, the CRTC takes written direction from the Minister of Communications. This anomalous position of the CBC has historical roots. The CBC was once the regulator of all broadcasting as well as the national service.

Conditions on a licence have two basic functions: (i) they allow the CRTC to tailor licensing requirements to the circumstances of the individual applicant (assuming, of course,

that the applicant meets the requirements of the Act and Orders-in-Council); and (ii) they allow the CRTC to implement policies that are not specified in regulations.

Examples of conditions of licences are: renewal of a licence conditional upon a licensee submitting a new promise of performance within a specified period of time (CRTC 1980-254); the approval of a new licence conditional on the facility being in operation within a specified period of time (CRTC 1980-259); a condition that a licensee provide a specified amount of regional programming (CRTC 1980-341); and the approval for a licensee to switch affiliation to another network on the condition that it maintain its then current level of local production (CRTC 80-460).

An example of a condition that was not covered under a general regulation is that of AM, FM and television broadcasters being granted approvals on the condition that they adhere to the Canadian Association of Broadcasters' Code for Advertising to Children.

Violations or failure to comply with conditions of licences can result in non-renewal, suspension or revocations of licences.

e) Prohibitions

Anyone who carries on a broadcasting undertaking without a valid licence, or a holder of a valid licence who operates as part of a network contrary to the conditions of the network licence is liable on a summary conviction to a fine not exceeding \$1000 for each day that the offence continues. For example, in 1974, Communicorp Data Ltd. was convicted of operating a cable television undertaking without a valid licence.

(ii) Regulations

a) General Background

The CRTC has another mechanism to ensure compliance with the Broadcasting Act, its legal authority to develop regulations. Section 16 of the Act empowers the CRTC to make regulations concerning the standards of programs. The Act requires that programming provided by the Canadian broadcasting system be of high standard.

The CRTC may also make regulations concerning the allocation of broadcasting time, the character and time devoted to advertising, political advertising and programming, network operations, and the submission of programming information to the CRTC (and some other matters, not connected directly with programming).

Before any such regulations can be enacted and enforced, however, proposed regulations must be examined by the Privy Council Office and the Department of Justice. They must be published in the Canada Gazette and the CRTC must provide an opportunity for licensees and the public to comment (in the form of representations).

The CRTC currently has regulations concerning AM radio, FM radio, television broadcasting, cable television and pay television, and other aspects such as licence fee regulations. Although the CRTC need not develop regulations for each new type

of service, either before or after channels or frequencies are licensed, it is generally expected that regulations will be issued for each type of service.

b) AM, FM and Television Broadcasting

Generally, regulations cover such areas as: the prohibition on broadcasting anything contrary to law; prohibition of abusive comment; prohibition of indecent or profane language; prohibition of broadcasting false or misleading news; prohibition against broadcasting information concerning any lotteries or similar activities also prohibited by the Criminal Code; prohibition of liquor advertising; and specifically in the case of AM radio and FM radio, the prohibition of broadcasting telephone interviews or conversations without the consent of the person interviewed.

Conditions are placed on the broadcast of certain kinds of materials: subjects such as birth control and venereal disease, appeals for donations and contests.

The regulations also specify (among others) the amount of advertising allowed during programming in the broadcast day; rules for the limiting of foreign-language programming, for the pre-clearance of food and drug commercials, for offensive promotional programming, for political broadcasting, for beer, wine and cider advertising and for the provision of information concerning certain aspects of the financial and management operations of the licensee.

Finally, for AM, FM and television programming, regulations state the nature of the program logs that must be kept by the station.

c) Regulations Concerning Pre-Clearance of Advertising

The CRTC does not subject programs to pre-clearance, but does require pre-clearance of some advertising. The regulations indicate which kinds of advertisements require pre-clearance.

Stations are prohibited from broadcasting any advertisement or testimonial for a drug, cosmetic, device or food to which the Food and Drug Act applies or any recommendations for the prevention or cure of an ailment or disease unless the text of the advertisements, testimonials or recommendations has been approved by Health and Welfare Canada or Consumer and Corporate Affairs Canada and the CRTC, and bears a registration number issued by the CRTC.

In the case of cosmetic products and recommendations for the prevention, cure or treatment of a disease, approval must be obtained (to be seen shortly). Certain food advertising also requires approval. Similarly, advertisements of beer, wine and cider require pre-clearance, in this case by provincial authorities. Advertisements directed to children are not covered by CRTC regulations but are cleared by a Committee under the CAB Code. However, observance of the Code is a condition of licence. Finally, although other types of advertisements do not require pre-clearance, all television commercials (other than those

produced locally by the station) must be registered with the CRTC and are given a registration number.

d) Cable Regulations

In the case of cable, most of the regulations have to do with the allocation of channels and the provision of service. But some regulations exist for community channels with respect to program content: only community programming is allowed on these channels; no advertising material is permitted; no feature motion picture is permitted. These regulations are currently under review by the CRTC.

e) Pay Television

Pay television regulations were enacted after the initial licensing of most pay television services in October, 1984 (SOR/84-797). These regulations establish the requirements for the maintenance of program logs (a record of programs broadcast). The regulations include prohibitions on the distribution of commercial messages, abusive comment and its pictorial representation. Licensees are required to inform their audiences before a program is shown if programs are suitable for "adult audiences" only.

f) The Status of Regulations

All CRTC regulations are legally enforceable. Any licensee that violates the provisions of the regulations applicable to its service is guilty of an offense under Section 29(1) of the

Broadcasting Act. The licensee is liable, on summary conviction, to a fine not exceeding \$25,000 on the first offense, and not exceeding \$50,000 for each subsequent offence.

Examples of successful prosecutions are shown in the chart which follows:

SAMPLE OF CRTC PROSECUTIONS

Date	Licensee	Location	Offence	Penalty
7 March 1972	Maple Leaf Broadcasting Company Limited (CHML)	Hamilton, Ont.	Broadcasting a partisan announcement in relation to a referendum - contrary to Section 28(1) of Broadcasting Act.	\$ 50 fine
27 May 1973	CHER	Sydney, N.S.	Broadcasting a partisan announcement in relation to a referendum - contrary to Section 28 of the Broadcasting Act.	\$250 fine
29 March 1974	CFRB Limited	Toronto, Ont.	Broadcasting a partisan announcement in relation to a provincial election - contrary to Section 28 of the Broadcasting Act.	\$5,000 fine
5 June 1974	Radio Trois-Rivières Ltée. (CJTR)	Trois-Rivières, P.Q.	Broadcasting advertising content in excess of the limits prescribed by Section 7(1) of the Radio (A.M.) Broadcasting Regulations.	\$745 fine
29 April 1975	Radio Sherbrooke Ltée. (CHLT)	Sherbrooke, P.Q.	Broadcasting abusive comments and profane language and improper logging of commercials - contrary to Sections 5(1)(b), 5(1)(c) and 4(1)(c) of the Radio (A.M.) Broadcasting Regulations.	\$300 fine
14 June 1976	Moffat Communications Ltd. (CKY)	Winnipeg, Man.	Two counts of failure to provide air-check tapes or exact copies of material broadcast pursuant to Section 4(5) of the Radio (A.M.) Broadcasting Regulations.	\$500 fine & costs, first count; and \$1,000 and costs, second count

Date	Licensee	Location	Offence	Penalty
23 August 1976	Multiple Access Ltd. (CFCF)	Montreal, P.Q.	Failure to provide air-check tapes or other exact copies of materials broadcast pursuant to Section 4(5) of the Radio (A.M.) Broadcasting Regulations.	\$500 fine and costs
17 December 1976	Radio Futura Ltée. (CKVL)	Montreal, P.Q.	Failure to provide air-check tapes or other exact copies of materials broadcast pursuant to Section 4(5) of the Radio (A.M.) Broadcasting Regulations.	\$1,000 fine
1976 (date not published in CRTC Annual Report)	Radio Ste-Agathe Inc. (CJSA)	Ste-Agathe, P.Q.	Failure to provide air-check tapes or other exact copies of materials broadcast pursuant to Section 4(5) of the Radio (A.M.) Broadcasting Regulations.	\$300 fine
6 January 1977	Shoreacres Broadcasting Co. Ltd. (CKEY)	Toronto, Ont.	Failure to provide air-check tapes or exact copies of materials pursuant to Section 4(5) of the Radio (A.M.) Broadcasting Regulations.	\$ 25 fine
1977	Buffalo Broadcasting Company Ltd. (CKRM)	Regina, Sask.	Broadcasting an abusive comment on a race - contrary to Section 29(1) of the Broadcasting and A.M. Regulations 5(1)(b).	
6 April 1984	Middlesex Broadcasters Limited (CJBK-AM)	London, Ont.	Failure to obtain consent of a person before broadcasting a telephone interview or conversation - contrary to Section 5(k) of the Radio (A.M.) Broadcasting Regulations.	\$1,500 fine
17 June 1984	CJMT Ltée.	Chicoutimi, P.Q.	Broadcasting advertising content in excess of the limits prescribed by Section 7(1) of the Radio (A.M.) Broadcasting Regulations.	\$1,200 fine

(iii) Statements of Censure

On very few occasions, a licensee may broadcast a program or commentary which causes the CRTC (often in response to public complaints) some concern, but where there are no specific provisions in the CRTC's regulations or policies for dealing with the problem.

In such situations, the CRTC does not appear to have legal means to take immediate action. In these cases, the CRTC has generally chosen the option of issuing a strong public condemnation of the commentary, program or action causing concern. It has called upon the licensee to correct the situation voluntarily.

Two incidents illustrate the kinds of situations involved and the actions of the CRTC. The first occurred in 1970 when station CHNS in the Maritimes broadcast a commentary that the CRTC considered an attack on an activity of the charity Miles for Millions, without providing an opportunity for the Miles for Millions Committee to express their differing views.

In March 1972, after receiving briefs and complaints, the CRTC issued a public announcement which stated, in part:

In the circumstances in which the commentary was broadcast and having regard to the allegations contained in it, particularly the allegation that Miles for Millions was intending to allocate part of its funds to an organization 'something like our FLQ', CHNS was under obligation to take exceptional care to permit equitable opportunity for the Miles for Millions Committee to consider and reply.

Specifically, in addition to granting Miles for Millions equitable air time, there should have been delivered to it, prior to the broadcast by Mr. Schaefer, a copy of the material to be broadcast and a notice of the times it was to be aired.

In failing to take these or similar measures, CHNS breached its duty to provide equitable opportunity for the expression of differing views on a matter of public concern. While there is no specific penalty provided for a breach of this nature, it is one of the matters for consideration by the Commission in determining whether a licensee should continue to be licensed.

The Commission issues this public announcement in the particular circumstances of this case as a form of censure against the licensee, Maritime Broadcasting Company Limited, and for the information of all licensees. Since this is the first time the Commission has dealt with a matter of this nature, it does not intend to reopen this incident for consideration in connection with any application by the licensee for the renewal of its licence. However, the Commission will be particularly interested in the course of action the licensee follows in dealing with any matters of a similar nature in the future.

A second more recent incident involved the television station CKVU and, specifically, the broadcast of an editorial by Doug Collins on that station. In making negative remarks about the activities of the group MediaWatch, Mr. Collins made a comment to the effect that members of the group should be subject to sexual assault, were there ever to be "a third world war".

CKVU refused to issue an apology for the remarks made on the show, in spite of receiving complaints and briefs from many community organizations. They argued that an apology would imply their endorsement or agreement with the views expressed in the

editorial. They argued that an apology would mean that the station regretted having provided the citizens of Vancouver with an open and free platform for the unfettered expression on views on matters of public concern.

The CRTC issued the following statement, reproduced in part, (CRTC 1983-187) after considering the taped transcription of the program and the submissions received:

...the Commission emphasizes that the right to freedom of expression on broadcasting stations is not absolute. As noted above, it is expressly limited by various laws aimed at protecting other cherished values. The Broadcasting Act declares that radio frequencies are public property. Accordingly, a licence to operate a broadcasting undertaking constitutes a public trust that must be used in the public interest and on behalf of the public the undertaking was licensed to serve. Freedom of expression of one member of that public cannot displace the right of others to receive broadcast programming of high standard. It is the broadcaster's responsibility to achieve the required balance between private freedoms and its public service obligations under the Act.

In the Commission's view, broadcasters fall short of discharging their responsibilities and of attaining the high standard of programming required when the frequency entrusted to them is used, not to criticize the activities of a particular group but to advocate sexual violence against its members. The broadcasting industry itself has recognized that principle by inserting in its Code of Ethics the clause respecting human rights referred to above.

In the Commission's view, CKVU has failed, in the circumstances of this case, to discharge its responsibility to provide programming of acceptable standard to the community it is licensed to serve and has breached the duty it owes to it by refusing to accept responsibility for a program broadcast. The Commission stresses that this complaint is not based on an allegation of lack of balance in

programming which can be cured by offering the offended party an opportunity to present a differing view. The Commission agrees with the complainant that the issue of whether or not women should be raped is not debatable.

Following the incident with CKVU, the regulations concerning abusive comment were amended as follows. All broadcasting (including cable and pay television) are prohibited from broadcasting or distributing any abusive comment or abusive pictorial representation that, when taken in context:

tends or is likely to expose an individual or group or class of individuals to hatred or contempt on the basis of race, national origin, colour, religion, sex, age or mental or physical disability.

In addition, Bill C-20, currently before the House of Commons, contains provisions to amend the Broadcasting Act by adding the following subsection to the Act:

the programming provided by the Canadian broadcasting system should respect and promote equality and dignity of all individuals, groups, or classes of individuals regardless of race, national or ethnic origin, age or mental or physical disability.

To give the CRTC direct legislated authority to implement these new provisions of the Act, and presumably also to the CRTC's new regulations concerning abusive comment, an amendment to Section 16 of the Act is also proposed. This amendment would give the CRTC the authority to prescribe regulations for the purpose of giving effect to the above paragraph in the proposed new Broadcasting Act.

(iv) Warnings

The CRTC may issue written warnings to licensees when legal actions have not yet been initiated, but possibly could be. These warnings are included in the applicant's public file at the time when renewal is being considered.

(v) Political Programming

Although regulations concerning political programming should be considered simply as regulations (as discussed above), they have resulted in prohibitions and a number of fines and will be dealt with separately here.

Section 28 of the Broadcasting Act prohibits the broadcasting and distribution of programming, advertising or announcements of a political character in relation to a referendum or election on the day preceding and/or the day of those events.

Secondly, this Section of the Act sets down the conditions and terms concerning the identification of sponsors and the political party (if any) of partisan programs, announcements or advertisements with reference to any referendums or elections.

Violations of this Section can result in fines of up to \$5,000 upon summary conviction, and indeed, fines up to the maximum have been imposed.

(vi) Consultative Process

In addition to the formal opportunities provided for public comment on almost all aspects of the CRTC's activities, the CRTC has also adopted a more informal approach to consultation. Private and public meetings have been scheduled to discuss particular issues. For example, the CRTC conducted consultations on community radio before scheduling a public hearing.

(H) Enforcing Decisions and Implementing Regulations

(i) Program Logs and Copies of Tapes

If a complaint appears to concern a breach of the Broadcasting Act, conditions of licence or regulations, the complaint is referred to the CRTC's Legal Counsel. If the complaint includes a request for a copy of the program, or if the Counsel considers that the complaint warrants detailed examination, a request is issued by the CRTC to the licensee to forward a copy of the program in question.

Radio and television broadcast licensees are required to maintain written logs (a schedule of what has been broadcast). They are also required to keep a reproduction of all programs for a period of four weeks after it has been broadcast (or eight weeks after broadcast, if the CRTC requests).

In the case of cable licensees, however, only an audio reproduction of community programming need be kept, as well as a

programme log in the case of community channels. Pay television licensees need only maintain a program log and are not required to keep copies or reproductions of their programs.

When the CRTC requests a copy of a program, it can also request the licensee to submit comments with respect to it. The Legal Counsel then recommends whatever action might be taken by the CRTC.

In the case of possible violations to conditions of licence, the CRTC can request tapes or take action at any time. In the case of actions involving the prosecution of a licensee for specific breaches of regulation, the time limit for prosecution is six months from the time of the alleged violation.

CRTC has a right to request copies of programs and view them, but members of the public do not. Instead, the CRTC has discretion about who can receive or view the program in question.

Requests for copies of programs by complainants are not granted if the complainant wishes to initiate civil action for libel or slander. The CRTC's position on this issue is that it cannot be responsible for enforcing libel and slander laws and that, under the Broadcasting Act, licensees (not the CRTC) are directly responsible for the content of broadcast programs.

Thus, in the cases where civil action is contemplated, the onus is on the complainant to direct legal action against the licensee and to use the courts to obtain a copy of the program.

(ii) Violations by the CBC

Different rules apply in the case of the CBC. If the CRTC is concerned that the CBC has breached regulations or its conditions of licence, the CBC must have an opportunity to be heard. If the CRTC is then of the opinion that the CBC has failed to comply, the CRTC is required to provide the Minister of Communications with a report setting out the allegations, the CRTC's finding, observations and recommendations.

A copy of this report must be presented to Parliament by the Minister within fifteen days, or, if Parliament is not in session, within 15 days of its resumption.

(iii) Right of Appeal

Decisions by the CRTC are final and conclusive except when questions of law and jurisdiction are involved or when decisions or orders are referred back by the Governor in Council.

Section 26 of the Act makes provision for an appeal to the Federal Court of Appeal on questions of law and jurisdiction only against broadcast decisions. Anyone seeking such an appeal must seek leave to appeal within one month after the CRTC decision or order has been made. Under certain circumstances, the judge may allow for a time extension. The appeal itself must be entered in the Federal Court of Appeal within sixty days of the granting of leave to appeal.

A second route of appeals for decisions issuing, amending or renewing a licence is through the Governor in Council. Such an appeal must be made within sixty days after the decision or order of the CRTC. The details of the matter in question must be set forth in an appeal to Cabinet.

Should the Governor in Council decide to accept the appeal, the Governor in Council refers the matter back to the CRTC for re-examination and hearing. The CRTC may then rescind the issue of the licence, rescind the issue of the licence on the same or other conditions to any other person, rescind the amendment or renewal or confirm, either with or without change, variation or alteration, the original decision. If the CRTC confirms the original decision, the Governor in Council may, within 60 days of such confirmation, set the decision aside.

(iv) Publication of Decisions

CRTC decisions about suspensions and revocations must be published in the Canada Gazette and in one or more newspapers in the area served by the licensee. A copy of the decisions -- in this case -- must also be sent to all people who participated in the public hearings or made representations.

Other decisions by the CRTC are generally published also, with the exception of prosecutions for breach of regulation or statute which involve court decisions. Details of some of these legal cases, however, are reported in the CRTC Annual Reports. Licensees are not required to announce the details of decisions made by the CRTC which affect them.

2. THE DEPARTMENT OF COMMUNICATIONS (FEDERAL)

(A) General Information and Background

The Department of Communications was established by Parliament in 1969, under the Department of Communications Act, to oversee the development and operations of communications under federal jurisdiction. In 1980, the DOC assumed a supervisory role over the federal government's arts and cultural programs, when those programs were transferred from the Secretary of State.

The mandate for the DOC is to foster the orderly development and operation of communications in Canada in both the domestic and international spheres. This it does through management of the radio spectrum; through planning and establishing and managing telecommunications facilities and services for all federal departments and agencies; through formulating and developing policies to meet artistic and cultural objectives; through compiling and keeping up-to-date detailed information on Canadian and international communication systems, facilities and trends in development; and through promoting inter-departmental and inter-agency cooperation.

The authority to carry out the department's duties rests with the Minister of Communications and, as set out in the Act, pertains to those activities under federal jurisdiction only.

(B) The Minister of Communications

The Minister of Communications has responsibility for other Acts as well. They are:

The Telegraphs Act
The Canadian Radio-television and Telecommunications
Commission Act
The National Transportation Act
The Telesat Canada Act
The Radio Act
The Railway Act
The Broadcasting Act
The Canada Council Act
The Canadian Film Development Corporation Act
The Cultural Property Export and Import Act
The National Arts Centre Act
The National Film Act
The National Library Act
The National Museums of Canada Act
The Public Archives of Canada Act

Under the Broadcasting Act, the Minister is the authority for: reporting to Parliament on behalf of the CBC and the CRTC; dealing with disputes between the CRTC and the CBC, issuing directives to the CRTC with respect to conditions imposed by them on the CBC broadcasting licensees; and certifying to the CRTC that licence applicants have satisfied the technical requirements of the Radio Act through the issuance of Technical Construction and Operating Certificates to all licensees before they commence or amend their operations.

Under Section 5 of the Radio Act, the Minister also has the authority to regulate and control all technical matters relating to the planning for, construction and operation of broadcasting facilities. In addition the Minister must prescribe the form of application for technical construction and operation of facilities, approve of the sites and antenna plus support systems for broadcast facilities, prescribe technical requirements for all radio apparatus used by broadcasting undertakings and regulate their installation to prevent interference.

Thus, officials of the Department of Communications can determine when a broadcasting facility is ready for operation, when the equipment is considered adequate and when interference is likely to occur. In the last case, the officials can act to prevent technical interference, either with respect to allocating frequencies or by ensuring that licensed stations do not interfere technically with each other.

Departmental officials can also act in cases of unlicensed facilities, because a technical operating certificate would not have been granted and because such facilities often have the potential to cause interference with licensed undertakings.

At this time, the Minister has no direct authority on questions concerning broadcast program content, as this is a responsibility delegated by Parliament to the CRTC. However, as noted above, the Minister is empowered [(Section 5(a) and (e)] to co-ordinate, promote and recommend national policies and programs with respect to communication services for Canada and to keep up

to date with communication systems and trends. Consequently, the DOC is concerned with establishing general communication policies which affect broadcasting services. Conceivably, their concern extends to questions about program content.

(C) Involvement in Cultural and Broadcasting Issues

In addition, the DOC has recently become involved more directly with the actual production of Canadian program content through the development of: its "Broadcasting Strategy for Canada" (announced in March 1983), the "Northern Broadcasting Policy and Native Broadcast Access Program" (announced in March 1983) and its "National Film and Video Policy" (announced in May 1984).

The Minister's Broadcasting Strategy contains various policy initiatives and proposals aimed at maintaining the broadcasting system as a vehicle for social and cultural policy and at making more Canadian program content available to Canadians.

To provide the means to carry out these objectives, and agreement with the Canadian Film Development Corporation (now known as Telefilm Canada) was signed concerning the establishment of the Canadian Broadcast Program Development Fund. The fund, 254 million dollars to date, is administered over a five-year period and is designed to assist private and independent program producers in the production of more Canadian television programming. The Minister is responsible for reporting to Parliament for Telefilm Canada.

The Northern Broadcasting Policy and Northern Native Broadcast Access Program has a five-year budget of approximately 40 million dollars to enable northern native organizations to produce their own radio and television programs.

The National Film and Video Program is intended to provide support for film and video production intended for domestic and international distribution.

The Minister is also involved with the funding of arts and cultural activities, overseeing the administration of the Capital Cost Allowance program that benefits filmmakers and reports to Parliament on behalf of the National Film Board and the CBC.

Finally, through the Broadcasting and Content Services Policy Branch, the DOC is responsible for designing and conducting policy and program analysis. It does developmental work in relation to social, cultural economic and industrial aspects of broadcasting (and other communications technologies). This Branch is also responsible for the development of broadcasting legislation and implications of these policies. It serves as a central point for all the policy and planning matters related to the CBC and advises the Minister on submissions to the Governor in Council.

(D) Organizational Structure

The Department is organized into five sections. The responsibilities of the Cultural Affairs Sector which include broadcast content have been discussed above. The functions of all five sectors are illustrated on the following chart:

STAGE I - DEPARTMENTAL REORGANIZATION
ADM FUNCTIONS

DEPUTY MINISTER

ADM- FINANCE ADMINISTRATION PERSONNEL	ADM- CULTURAL AFFAIRS	ADM- SPECTRUM MANAGEMENT	ADM- RESEARCH & TECHNOLOGY	SENIOR ADM & ADM CORPORATE CO-ORDINATION
<ul style="list-style-type: none"> . financial overview of agencies and crown corporations . operational and financial planning . budgetting . performance analysis . management practices . internal audit ** . management information systems . administrative and technical services . personnel administration ** 	<ul style="list-style-type: none"> . broadcast policy . arts and culture policy . cultural industry programs . policy overview of agencies and crown corporations . heritage policy . cultural facilities 	<ul style="list-style-type: none"> . overall management of radio spectrum . regulation of radio spectrum . regional offices . technical & regulatory analysis 	<ul style="list-style-type: none"> . GTA . Telecom policy . technology assesment . international marketing . technology applications programs . international standards . technology transfer . management of research program . domestic and international scientific & technological transfer & liaison 	<ul style="list-style-type: none"> . strategic planning . corporate policy coordination . program evaluation ** . international relations . federal-provincial relations . information services . legal services . socio/economic analysis and environmental scanning . legislative plans . appeals
RESOURCES UNDER DIRECT CONTROL				
Budget - \$ 27 M Personnel - 429	\$ 94.5 M 106	\$ 46 M 970	\$ 252 M 730	\$ 11.2 M 127

** Functionally, reports to the Deputy Minister.

(E) Process of Handling Complaints

There are two kinds of complaints from the perspective of the DOC. The first can be called "campaign complaints" and is related to mass correspondence on specific issues in public debate. "Campaigns" recently attracting significant public comment include issues like: abusive programming; CBC budget cuts; cable distribution of US radio and television programs; and coverage of abortion issues.

"Campaign" complaints are usually routed through the Minister's office and Deputy Minister's office and then forwarded as department mail to the Correspondence Secretary for sorting. All "campaign" mail is then sent to the Information Services Branch where a response is prepared in conjunction with the relevant directorate. Mass mailing letters (or postcards) are responded to by a form letter. In these cases, the replies are sent to the "campaign" originators. Most of the correspondence is referred to the CRTC, as it is the regulatory body responsible for broadcast content complaints.

Individual complaints, which are not apparently the result of mass mailing campaigns, go through a more formal process. The Correspondence Secretariat prepares a "routing sheet" for each complaint, indicating its subject and who should be responsible for answering it.

The original letter and a copy of this routing sheet are sent back to the Minister's office. A copy of the letter and the

original routing sheet are then sent to the office of the Director General of Broadcast and Content Services Policy, who, in turn, refers it for the preparation of a response and for analysis, to one of the four directorates in the branch.

The replies, which are subject to approval of the Chiefs and Directors, are then sent back through the system, where review and approval is given by the Director General, Assistant Deputy Minister, the Deputy Minister, the Policy Advisor to the Minister or the Minister, depending on the nature of the correspondence. The reply is signed by one of these people, again depending upon the nature of the correspondence. As with "campaign" mail, individual correspondence is referred to the CRTC.

3. THE CANADIAN HUMAN RIGHTS COMMISSION

(A) General Background

The Canadian Human Rights Commission does not -- and does not wish to -- handle complaints about possible discriminatory content of broadcast programs. Nonetheless, a short summary of its procedure for handling complaints will be useful.

The Commission acts to combat discrimination under the Canadian Human Rights Act. It is empowered to investigate complaints and to end discriminatory practices by means of education and research. The Commission's authority extends to all areas of federal jurisdiction, with the only possible exception being broadcast program complaints. The Commission recommended,

however, in 1982, that the regulations with respect to abusive comment and pictorial representation be broadened to include discrimination based on national or ethnic origin, colour, sex, age and mental or physical disability to conform with section 15 of the Canadian Charter of Rights and Freedoms. This was done by the CRTC.

(B) Handling Complaints

If a complaint is considered to fall within the Human Rights Commission's jurisdiction, an investigator reviews relevant documents and talks to the complainant, the alleged discriminating parties and any witnesses. The investigator's report is then reviewed by the Commission along with any submissions made by the parties. The Commission may dismiss the complaint, appoint a conciliator, approve a settlement proposed during the investigation or conciliation, or appoint a tribunal.

A conciliator cannot be compelled to appear before the tribunal which functions much like a court. A tribunal may recommend ceasing the discriminatory action, rehiring of an employee or compensation for damages. Decisions of the tribunals can be reviewed by the Federal Court. In addition, the Commission helps complainants with complaints not in its jurisdiction by providing direction about where redress may be sought.

4. PROVINCIAL INVOLVEMENT

Provincial authorities deal with a variety of questions related to broadcast program content. For example, movie classification or censorship is a provincial responsibility, as is videotape distribution. No province actively receives complaints about broadcast programs however. Such complaints are generally forwarded to the CRTC. It is useful to survey the response from the provinces to our request for information on their mechanisms for handling complaints.

(a) British Columbia

As far as the Government of British Columbia goes most concerns about broadcast program content stem from Canadian content regulations. Specific complaints about broadcast program content are referred to the CRTC.

It is important to note that the Province of British Columbia currently licenses non-broadcast pay television undertakings operating within the province. Legislation permits classification and control of videotapes shown on pay television outlets licensed by the province. To date, few complaints appear to have been received and no mechanism is in place as yet to pre-screen programs -- should that be desired -- or to handle complaints.

British Columbia also has a case before the courts on jurisdiction over pay television. Were this case to be decided in

the province's favour, further action in the province might be required to deal with complaints.

British Columbia also operates the Knowledge Network. The Network has had only a small number of complaints in its four years of operation. They do have a mechanism in place to handle complaints however.

Phone complaints are dealt with as they are received and refer serious complaints to the Learning System Managers or to the programmers (when programs are sponsored by a particular agency). Letter complaints are answered by the Executive Director and also referred to the appropriate agency.

The Network sees a need for a strong mechanism to facilitate public response and feedback, particularly with respect to provocative programming. They are "rarely provocative without good reason", preferring to anticipate public response and provide opportunities for members of the public to voice an opinion. They see the need for education so that members of the public can make informed choices about television viewing.

(b) Alberta

The Department of Utilities and Telecommunications has received few complaints dealing with broadcast content issues. No legislation is in place in the province to deal with media content or coverage. Alberta places reliance upon the existing codes of ethics and the self-regulatory activities of the broadcasters to

create a system that responds to public needs. In responding to complaints received about programming on television or on the pay television services, the Department suggests that the individual contact the broadcasters or pay operators directly with the complaint.

(c) Saskatchewan

The Province of Saskatchewan raised a number of concerns related to issues of program content. They are concerned, for example, that there be equality of opportunity in production, access, funding and decision-making in both national and regional networks. They are concerned about the representativeness of the institutions involved in handling complaints about broadcast program content. They express concern about the level of public awareness of mechanisms to handle complaints. And finally, they are concerned about the type of program content supplied to the various regions.

In April 1984, the Province submitted an extensive brief to the Special Committee on Pornography and Prostitution. In this brief, they provide a working definition of pornography:

The definition of pornography developed by Canadian Debra Lewis provides the basis for our discussion. Lewis defines pornography as material which "depicts, condones and encourages acts of domination, degradation, and violence towards women". In using this definition we acknowledge that pornography is not fundamentally about sex; rather it is concerned with violence, cruelty, oppression and degradation.

Definitions of pornography must characterize it as the propagation and reinforcement of a power relationship among

the participants. It may involve explicit and degrading sexual relationships. It may involve force, exploitation and rape. It may involve many things but its underlying purpose is to:

- degrade the category of persons depicted, usually women or children;
- perpetuate the view that the victim is merely an object to be possessed, and controlled, used or abused;
- promote sexism through sexist imagery which models male/female roles respectively as commanding and submissive.

They deal with the problem of community standards:

It has proven unworkable to link the definition of obscenity with a factor as amorphous as community standards. No one has ever suggested that the dignity and status of ethnic and racial groups should be protected by as nebulous a concept as "community standards". Our society, through its laws, has not hesitated to set the standards in these areas. Are women and children deserving of a lesser degree of protection?

We in Saskatchewan are particularly disadvantaged by the use of a community standards test which, in fact, reflects national standards. We know that material which may be tolerated in Vancouver, Montreal or Toronto is completely unacceptable in our communities but we have little legal recourse.

Another, more recently expressed concern about the community standards test is that, as people are exposed to pornography, they become desensitized and no longer are offended by it. This is not pure speculation. The progression from soft core pornography to hard core pornography support this theory. The very presence of pornography on our news stands or in our movie theaters has been cited in several court cases as evidence of the community's tolerance of it. This circular reasoning leads to a situation where the producers and displayers of pornography are, in effect, allowed to set community standards rather than be governed by them. The Government of Saskatchewan finds this to be intolerable.

Some of the recommendations in their brief have import for the control of broadcast programming:

It is imperative that those sections of the Criminal Code which are aimed at providing legal sanctions against pornography be rewritten so that the public, the police, the prosecutors and the courts know what is being defined as obscene or pornographic...

Thus we propose, at the very least, that degradation be included as one of the listed subjects, any one of which can, on its own, amount to obscenity. Degradation should not be considered as an additional element to each offence.

Furthermore, we suggest that it would be possible and desirable to spell out, without detracting from a general obscenity definition, certain kinds of depictions which would amount to obscenity, such as sexual activity involving children, sexual activity between humans and animals, and sado-masochistic or other brutalized forms of sexual activity.

We propose an outright prohibition of such inherently degrading activities without any reference to "undue exploitation" or to the community standards tests.

In addition to this brief, a submission was made to the CRTC with respect to the development of an industry code for pay television standards. Doubts were expressed about the effectiveness of self-regulation. A clear distinction is drawn between adult programming and pornography and the argument is made that pornography should be prohibited.

It is worth quoting two excerpts from the document. With respect to "adult" or "mature" programming, the brief concludes:

Pay-TV licensees must clarify the term "adult material", and distinguish it from "abusive material". Adult material may involve explicit sexuality and nudity, but in the context of loving, caring and mutual relationships. The only exceptions to this definition would involve materials which serve some socially redeeming purpose, and which are not intended to degrade and humiliate.

With respect to "community standards", the Province notes:

Pay-TV licensees should avoid using concepts such as community standards to determine program contents. The issue is one of human rights and equality, and as such, a firm, consistent approach should be taken which will endure over time. That pay-TV licensees view their service as discretionary does not excuse them from a responsibility to broadcast honest, non-stereotypical and non-abusive programming.

(d) Manitoba

When complaints are received by the government in Manitoba, the complainant is advised to attempt a resolution with the broadcaster of the program in question and the complainant is provided with information on how to approach the CRTC.

Under their consumer law, the Consumer's Bureau of Manitoba may investigate complaints concerning the advertising of credit terms and can refer its findings to the Attorney General's Department for any possible legal action.

(e) Ontario

In Ontario, several different bodies may handle complaints related, directly or indirectly, to broadcast program content. For example, TVOntario handles complaints by directing them to their Audience Relations Staff, the program's executive producer or the head of the programming area. Direct communication with the complainant is stressed.

The Ontario Ministry of Transportation and Communications is not directly involved with broadcast content but has produced several briefs to the CRTC on questions concerning the regulation

of broadcasting and has commissioned research. Several studies are of relevance to this report. Joint Communications Corp. conducted research on "The Causes of Pay TV Disconnects". They found:

WHY SUBSCRIBERS DECIDED TO DISCONNECT PAY TV
SERVICES

<u>Reason for Disconnecting</u>	<u>Rank</u>	<u>Positive Index</u>	<u>Rank</u>	<u>Positive Index</u>
			<u>1st Choice Disconnects</u>	<u>Superchannel Disconnects</u>
Repeating Movies too Often	1	71	1	74
Not Enough Programming Variety	2	53	3	49
1st Choice & Superchannel too Similar	3	50	2	50
Used Pay TV Channel Infrequently	4	45	3	49
Too Expensive	5	42	5	48
Didn't Like Movies Offered	6	41	7	36
Movies on at Inconvenient times	7	33	6	39
The C-Channel Demise Effect	8	15	8	20
Too Much Sex	9	11	9	7
Number of Disconnect Subscribers		92		75
Disconnect subscribers as percent of total sample		69%		56%

Sample Size: 134

Note: Figures are not given for C-Channel because the number of C-Channel disconnect subscribers was too small (only 25) for an acceptable level of statistical accuracy.

"WHAT ONE CHANGE WOULD PAY TV HAVE TO MAKE
TO GET YOU TO BUY THE SERVICE AGAIN?"

	Percent of All Responses
Reduce the Price	26
Provide More Programming Variety	18
Provide Less Programming Repetition	13
Provide More New and 1st Run Movies	12
Provide Improved Programming	10
Provide More Sports Programming	7
Provide Movies at More Convenient Times	4
Provide More Cultural Programming	4
Provide More Old Classic Movies	2
Provide More Uncensored Movies	2
Provide More Canadian Programming	1
Improve the Service	1
TOTAL	100%

Number of Responses: 113

Number of Respondents not answering: 21

It is worth noting that the informants in this study had all been subscribers to the pay television service and that they had subscribed with the understanding that First Choice planned to carry the controversial Playboy programs. It appears that uncensored programming is not critical in their decision to disconnect or in their plans to re-subscribe to pay television.

A second study was prepared for the Ministry by Paul Audley and Associates Ltd. and reported in June, 1984. Audley found the main reasons for not subscribing to pay television to be:

MAJOR REASON FOR NOT SUBSCRIBING TO PAY TELEVISION

	REGION						INCOME		NO. OF CHANNELS RECEIVED		
	TOTAL	METRO	METRO	ONTARIO			UNDER	30000	OVER		
		Toronto	Outskirts	Eastern	Western	Northern	30000	& UP	1-12	13-20	20
No. of (Unweighted)	597	231	104	77	120	65	246	240	217	239	117
Respondents (Weighted)	597	231	103	79	121	63	149	235	220	239	115
	%	%	%	%	%	%	%	%	%	%	%
Not available	2	0	3	0	1	13	2	3	4	2	0
Costs too much	32	31	36	43	31	23	39	26	32	37	25
Satisfied with service	17	23	13	16	13	13	14	19	15	17	19
Don't watch enough T.V.	13	13	9	14	15	19	12	14	15	13	13
Not interested in programming	20	21	28	16	20	11	21	21	15	21	27
Object to programming	5	4	5	5	8	6	5	5	5	4	7
Other	2	2	0	2	2	2	1	2	1	2	2
Don't know/not stated	5	5	4	3	7	11	3	7	9	2	6
Previously subscribed	2	2	2	2	3	2	2	3	2	3	2

The Ontario Theatres Board plays an important, and occasionally controversial role with respect to films and videos. Although they do not deal with complaints about broadcast program content, a Member from the Board expressed concern with the high level of public frustration with the CRTC expressed through their meetings and seminars.

The censorship issue seems to be one of relatively little concern to the Board itself, since they feel there is little excuse for not responding to complaints and public concern. They feel that the government has been given a mandate to deal with the negative impact of certain film presentations and that it is irresponsible to ignore the harm caused.

Censorship is connected to ideas, they argue, and ideas are generally conveyed in written form. Written materials, as a consequence, should not be reviewed by any body equivalent to the Ontario Theatres Board. Film and video, on the other hand, involve visual images which purport to be representations of reality. The line between reality and fantasy is difficult to draw in these media and there is a possibility that members of the audience will reenact or act in accordance with the images of reality presented in the visual media.

One official with the Board notes that only 10% of the films are rated in the United States for purposes of classification. The other 90% take an automatic X rating for their film. In Canada, more than 3000 films are classified annually which results in pressure being placed on Canadian authorities not to classify

films and videos. Of the 90% that are not rated in the USA by far the largest percentage would be classified as pornography, with an increasing emphasis on rougher material in the films. In Ontario, 30% of the films reviewed are "pornographic". The incidence of violent pornography has doubled although the percentage of pornographic material has remained constant. Only 4-5% of the films are censored by the Board.

Two consumer issue surveys have been conducted by the Ontario government that lend support to the Board's perception of the problem. In the most recent study, it was found, for example, that more than 90% of consumers were upset about any combination of violence involving the portrayal of children and that 60% of the public felt that explicit portrayal of sexual acts was unacceptable.

The Theatres Board process of review of films involves five members of the Board who review the films and fill out a screening report. The standard is "family entertainment" and any deviations from this standard (language, violence, etc.) are noted.

A number of guidelines have been established, as a result of public meetings with groups and individuals. The full Board (which meets four times a year) reviews the complaints the Board has received about films and the guidelines that are currently in force. The Board also has internal guidelines, which are not published, to support their judgements in individual cases. The Board also fulfills an educational function.

The Board has recently assumed jurisdiction for videotapes as well as films. This will mean dealing with up to 300 new titles a month, not including different versions of the same video. The Board also has altered its controversial policies with respect to artists' showing of films or videos. If the curator of the exhibition (licenced by the Board) provides a recommendation, then that recommendation will be approved. The criteria are: (1) that the film be shown in a recognized venue; (2) that the event be publicly funded or (3) be a festival.

(f) Québec

Jurisdictional issues have made the question of handling complaints about broadcast program more complex in Québec than in other provinces. As part of its overall duties, La Régie des services publics du Québec supervises the operation of Radio-Québec, but Radio-Québec must also appear before the CRTC for licensing purposes. La Régie des services publics du Québec also oversees provincially regulated telephone companies.

The first decision taken by La Régie des services publics (1979) was appealed by Radio-Québec. The Minister of Communications in Québec subsequently requested that Radio-Québec "settle with" La Régie and in 1984 the appeal was withdrawn. In May, 1985, Radio-Québec appeared before La Régie and a number of groups submitted briefs. In August 1985, La Régie issued its decision. La Régie has received only one complaint about Radio-Québec in the interim partly because of the jurisdictional issues and partly because of a lack of publicity about the mechanisms for handling complaints.

Under La Régie's directions, several measures have been taken with respect to pay television. Pay television distributors have been asked, for example, to create a central network in Québec to supply programs in order to gain approval from La Régie for pay television licences. But again the jurisdictional issues cloud the picture, since pay television operators are currently not in compliance with the regulations.

The Office de la Protection du consommateur, established in 1978, deals with a wide variety of complaints. They deal with media related complaints only when there is a case of fraudulent or illegal advertising. The law in Québec prohibits advertising to children (and some other forms of advertising). The Office works with the Conseil des normes de la publicité (see below).

The Commission des droits de la personne (Human Rights Commission) was established in 1976. With respect to media complaints, it acts mainly as an effective referral agency for the literally thousands of complaints received. The Commission has quasi-judicial powers, but these are not involved in the case of complaints with media content.

The Conseil du statut de la femme tabled a report on sex-role stereotyping in advertising in 1978 to the Québec government entitled "Pour les Québécois: égalité et indépendance". Four of their recommendations were put into effect: (1) the creation of a committee for non-sexist advertising and distribution of a code of ethics; (2) processing of complaints about sexism in advertising; (3) development of a public awareness campaign; and (4) establishment of measures to deal with sexism in government advertising.

The Conseil receives and investigates complaints about sexist advertising. If the complaint is considered well-founded, the Conseil will write to the advertiser and the media. Approximately 50% of the respondents reply to the effort of the Conseil.

The Conseil works closely with the COGEP and with the Conseil des normes de la publicité. Unlike them, it has no powers of sanction or enforcement. In the years between 1980 and 1982, more than 600 complaints were received annually. Since then, the number of complaints is about 300 annually, partly, they believe, as a result of lack of publicity but also because some reforms have occurred. The Conseil makes annual awards, for the best and the most offensive advertising. These awards have resulted in extensive publicity. The Conseil appears to be more active in pursuing a variety of complaints than the COGEP, despite their lack of formal mechanisms for implementing or enforcing sanctions.

The Ministère des Communautés culturelles et de l'immigration deals mainly with the rights of refugees in Québec and has received many complaints about the coverage of visible minorities, immigrants and refugees in the media. Few of these complaints are specific to individuals, however, since members of immigrant communities are often ill-prepared to take action. Well established communities however, have taken action on their misrepresentation in the media, mainly through lobbying, rallies, meetings and writing to media. Other groups have been less successful in raising their concerns.

(g) Nova Scotia

There is no specific procedure or legislation for handling complaints related to broadcast program content in Nova Scotia. The Department of Consumer Affairs advises complainants to contact the broadcaster, sponsor or rebroadcaster with complaints.

The Department of Consumer Affairs monitors the program schedule of pay television. Movies with a restricted rating (R) cannot be shown before 11 PM or after 5 AM. Any infringement of this guideline is brought to the attention of the cable operators who are expected to pressure the pay television companies to alter their broadcasting schedule. This provision is made in an 1982 amendment to the Regulation made by the Governor in Council pursuant to Section 2(1) of the Theatres and Amusements Act. The amendment also specified that the ratings of movies shown on pay television must be indicated on program schedules and displayed at the commencement of the film. So far, no fines have been imposed on cable operators contravening these regulations. Hence, they have yet to be tested in the courts.

The Amusement Regulation Board is responsible for the classification of films and videos. All films exhibited for public entertainment must be classified by the Board. In addition, a recent amendment to the Act requires that by January 1, 1986, all videos offered for rental be classified.

Concerning educational television, on the Atlantic Satellite Network (ASN), a satellite-to-cable service, 23 hours of educational programming are acquired and scheduled by the Program Committee for the Atlantic Provinces Educational Television Services. This Committee is composed of representatives from the Maritime Provinces Higher Educational Commission; the Chairman of the Maritime Media Committee; a provincial communications department official; an official from the Newfoundland Department of Education; a French-language representative; and at least one representative of each of the three Maritime provinces wishing to formally participate in the committee. Any complaints regarding the program content for which this committee is responsible can be directed to any member of the committee, and will be dealt with accordingly.

THE INDUSTRY

5. THE CANADIAN BROADCASTING CORPORATION (CBC)

(A) General Background

The CBC was established in 1936 to replace its predecessor, the Canadian Radio Broadcasting Commission (formed in 1932). Until the 1958 Canadian Broadcasting Act, the CBC's Board of Governors was responsible for the management of the publicly-owned organization providing a national broadcasting service and for the regulating of all public and private broadcasting in Canada.

In 1958, the CBC surrendered its regulatory authority to a newly created Board of Broadcast Governors, established under a new Broadcasting Act. The Board was not responsible for regulating the CBC, however. After this time, the CBC's role became increasingly centred on the primary function of managing the national public broadcasting service.

No specific terms of reference were originally established for a national broadcasting service, however, or for the CBC's actual role in providing that service. These were provided only with the passage of a revised Broadcasting Act in 1968 which included a mandate for the CBC and the creation of a new agency, the CRTC, designed to regulate both public and private sectors of broadcasting (including cable).

The CBC currently comes under the regulatory authority of the CRTC, although it is regulated somewhat differently from private sector licensees, because of provisions in the Broadcasting Act.

The CBC currently extends its programs to 99% of Canadians acting through its eight program services: AM and FM English and French-language radio; English and French language television, northern radio and television services and the CBC's international service.

The CBC provides programs through its own facilities (1700 licensees) and through affiliation with private stations (350 licensees).

(B) The CBC Mandate, Terms of Reference and Organization

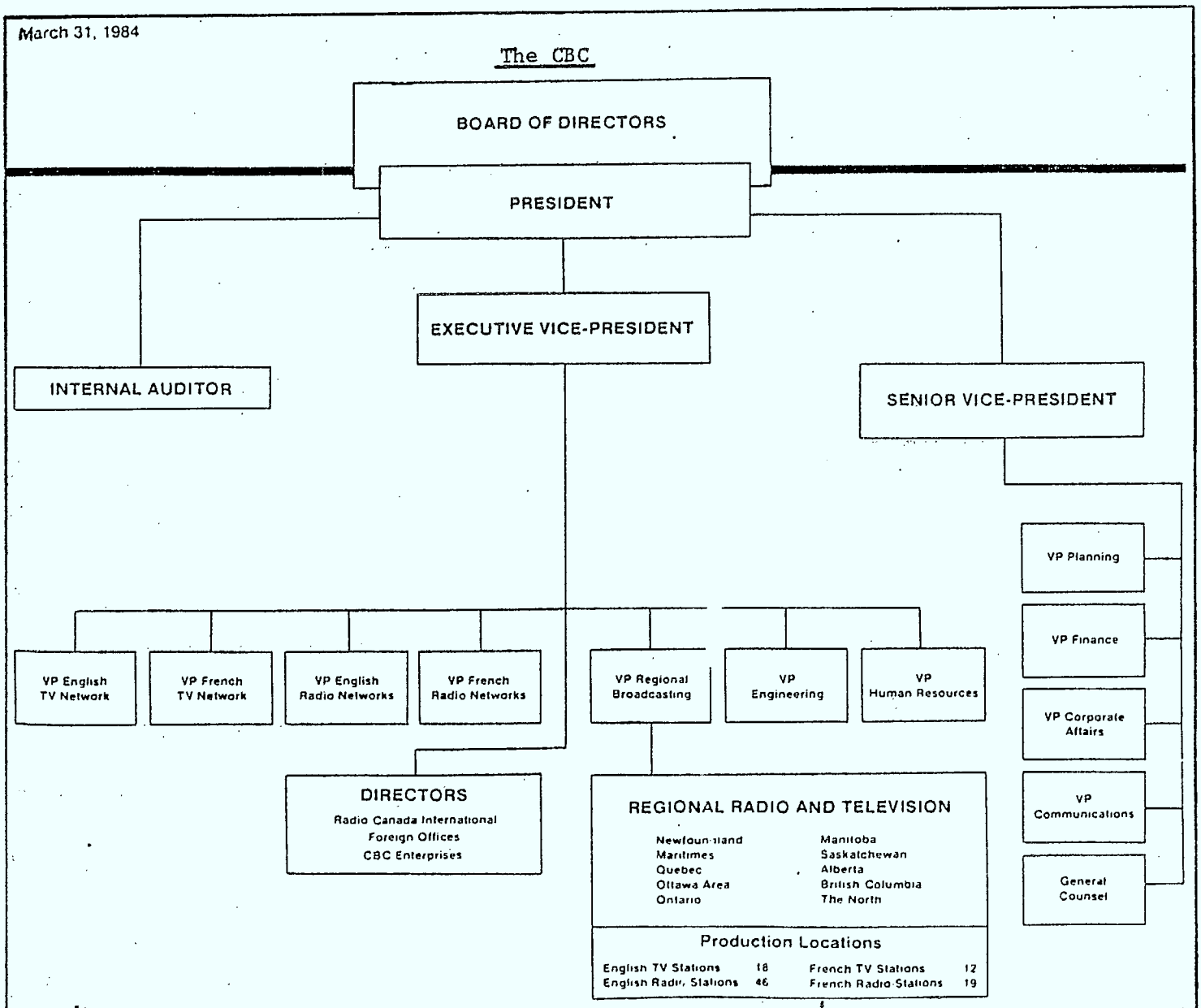
The CBC's mandate is to:

- be predominantly Canadian in content and character;
- be a balanced service of information, enlightenment and entertainment for people of different ages, interests and tastes covering the whole range of programming in fair proportion;
- be extended to all parts of Canada, as public funds become available;
- be in English and French serving the special needs of geographic regions and actively contributing to the flow and exchange of cultural and regional information and entertainment; and
- contribute to the development of national unity and provide for a continuing expression of Canadian identity.

Its terms of reference are laid out in the Broadcasting Act. The Act provides for the appointment of a President, an Executive Vice-president and fourteen other directors who are appointed by the Governor in Council.

The organization of the CBC can be seen from the chart below.

The CBC is responsible to Parliament and reports through the Minister of Communications.



(C) The CBC's Public Liaison

It is useful to reprint the CBC's description of their liaison with the public from their 1983-4 Annual Report. (See next two pages.)

Keeping in Touch

In a variety of ways, the CBC tries to be sensitive to the ideas and opinions of the people it serves, and to be open and responsive about the programming process. The CBC Research Department alone analyses survey data from 500,000 Canadians a year.

Audience Research

The CBC Research Department supplies the Corporation with a variety of quantitative and qualitative studies reflecting the opinions, reactions and tastes of the viewing and listening public. Information is obtained by means of surveys and through specially arranged discussion groups and viewing sessions. The Research Department also regularly analyses the audience data obtained by BBM and A.C. Nielsen surveys.

Special CBC research projects in 1983-84 included studies and viewing groups in several regional locations and among native-language populations.

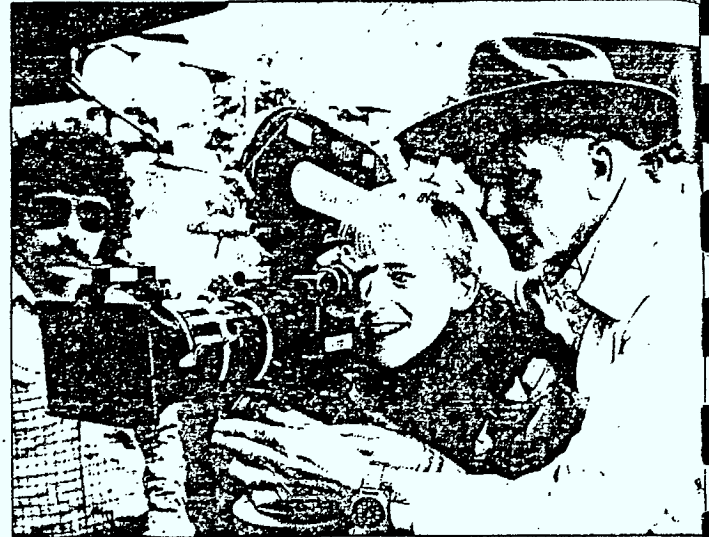
Audience Mail and Phone Calls

Audience mail and telephone enquiries permit the CBC to respond to individual listeners and viewers, giving them specific information about the Corporation's aims and activities, and providing a listening post for complaints, compliments and suggestions.

Portrayal of Women in Programming

The Corporation's commitment to the fair portrayal of women was reaffirmed in *The Strategy of the CBC*. Also in 1983:

- *From Women to CBC*, a practical guide to the situation



Open house, CBC Vancouver.

- of women in Canada, was prepared and distributed to more than 300 reporters, researchers and interviewers.
- *How to Find Ms. Right*, a directory of 250 women qualified to comment in information programs, was prepared and distributed to heads of newsrooms and current affairs programs. A second edition with nearly 400 names was sent to 120 producers and program directors.
- More than 600 copies were distributed of the Treasury Board guidelines on the elimination of sexual stereotyping in all forms of communication.
- Research contracts were authorized to analyse the portrayal of women in information and variety programming for comparison with studies made in 1981.
- Some 60 complaints from the public were processed.

Visible Minorities

In response to concern about opportunities in broadcast journalism for members of Canada's visible minorities, the CBC set up a training program financed jointly with the Department of the Secretary of State. From some 850 applicants, eight were chosen to receive a five-week intensive

training course at the English network centre in Toronto followed by seven months of on-the-job training at a regional station. The program is intended to benefit Canadian broadcasting as a whole and does not guarantee CBC employment.

A University of Winnipeg study of the portrayal of minorities on prime-time television seen in Canada reported that although all broadcasters could be faulted occasionally, Canadian networks offered a more realistic portrayal than U.S. television, and the most accurate Canadian network was the CBC.

Youthview '84

In considering new plans for teenage programming, the English service invited high school students across Canada to submit essays, posters and videotapes about television's depiction of young people and the kind of youth-oriented programs they would like to see. Some 300 entries were received. Winners from each province and territory were flown to Ottawa for a three-day meeting with program planners.

Regional Activities

The CBC's closest contacts

CBC Mail and Phone Totals Averaged Over Five Years		
Location	Letters/year	Phone calls/year
Head Office (Ottawa)	3,600	4,200
Ottawa Area stations (French and English)	540	36,000
French Services (Montreal and all regions)	55,800	353,904
English Services (Toronto and all regions)	150,024	313,068
Radio Canada International (Montreal)	50,000	
Total	260,064	707,172

with its audience are at the regional and local levels. In addition to the program services they provide, CBC production centres undertake a variety of community projects and public service activities.

- **Open houses and tours.** In Regina, guided tours of the new Broadcast Centre attracted 13,000 visitors in the first five months after the official opening. A weekend open house in Vancouver attracted 6,000. Many stations such as Matane, Rimouski, Moncton and Winnipeg held receptions to launch the fall season, to mark the opening of stations and transmitters, and to celebrate International Communications Day.
- **Public forums and workshops** for particular groups, such as rural listeners and viewers in Quebec; business and legal groups in Windsor, Ontario; agricultural, business, ethnic and arts groups in Manitoba. Toronto held a workshop for cultural minorities and a day-long conference for more than 650 communications and journalism students from 18 Ontario colleges and universities. Workshops on careers and on the electronic media were also held in Alberta and Saskatchewan.
- **Participation in regional and community events** such as marine and fisheries

exhibitions in Newfoundland and Nova Scotia; parades in the Maritimes, Sudbury and Vancouver; summer and winter festivals in Charlottetown, Sept-Îles and Ottawa; cultural events and major anniversaries in Winnipeg and Vancouver; French Week in Windsor and Sarnia; the Calgary Stampede; and the annual U.S.-Canada International Freedom Festival in Windsor and Detroit.

- **TV vignettes, special screenings and cassette presentations** to mark local historical events such as the Loyalist bicentennial in New Brunswick, the 50th anniversary of the Montreal Symphony, Toronto's 150th anniversary, and the 100th anniversary of the Royal Winnipeg Rifles Militia Unit.
- **Public service announcements, telethons, and other support for community projects** such as hospital funding in Ottawa, blood donor clinics in Sudbury, and aid to crippled children in Montreal and Prince Edward Island.
- **Major public relations activities** such as Expo Radio, a 25-day exhibition on the history and future of Canadian radio, organized by CBC Ottawa in conjunction with the National Museum of Science and Technology. More than 40,000 attended.

Advisory Committees

Committees of up to 18 members of the public from across Canada are appointed, with the approval of the Board of Directors, to contribute to program planning and assessment in specialized fields. Very briefly, their activities included the following:

The English Committee on Science and Technology

- took a particular interest in the National Film Board series *War*.
- commended the regular science series *The Nature of Things* (TV) and *Quirks and Quarks* (radio).
- noted the scientific content of general programming.

The English Committee on Agriculture and Food

- with the Science Committee, renewed its support for the IRIS teletext project.
- attended 30th anniversary celebrations for *Country Canada*.
- responded favourably to an advance screening of *Chautauqua Girl*, as did the Religious Committee.

The English Committee on Religion

- endorsed the CBC objective of more Canadian-produced family drama in prime time.
- took part in advance discussions on coverage of the 1983 Vancouver assembly

of the World Council of Churches and the papal visit to Canada.

The French Committee on Science and Technology

- observed radio production procedures in a presentation by the staff of *Aujourd'hui la science*.
- congratulated *Science-réalité* on winning a Science Journalism Award.

The French Committee on Religion

- discussed coverage of the World Council of Churches.
- discussed broadcast plans for the papal visit.
- made a generally favourable evaluation of religious programming as a whole.

The French Committee on Agriculture and Natural Resources

- commended *La Semaine verte* for its handling of agriculture, forestry, fisheries and the environment.
- suggested that the image of rural life in popular drama serials and current affairs programs could be closer to reality.
- recommended extending the IRIS teletext project to rural areas.

(D) CBC Journalistic Policy - Overview

The CBC has an extensive code and a number of policies that apply directly to its journalists. The code covers: principles and standards for balance, "good taste", coverage of violence, activities of on-air personnel, ways to avoid manipulation of public opinion and procedures for correction and retraction.

The journalistic policy covers methods of operation: editing, editorial use of technology, interviews, research and ways to deal with "clandestine methods" and anonymous program participants. It covers protection of source, payment of fees, response to offers of "free travel" and how to deal with opinion polls.

The rights of the public are specified: their right to privacy, right to reply, their requests to the CBC to withhold material and their potential veto of program material by invited program participants. In addition, the policy spells out what to do about complaints with legal implications, including definitions for obscenity and trespass, defamation, hate propaganda and blasphemy and false and misleading news.

Finally, the CBC's policies that might affect program content are stated: including among others, the CBC policy on program content responsibility, on portrayal of women, on stereotyping and on requests from outside the CBC for copies of CBC broadcast program material.

(E) The Journalistic Policy

It is worth providing some sections of the journalistic policy as a guide on how to deal with issues about program content (as well as a guide to CBC codes and practices):

The CBC's sees its role with respect to program content as:

And in such a relationship between media and people, public confidence in the media must be maintained. Because if freedom of the media were to be interpreted to mean licence to practice the pursuit of journalism without regard to the generally accepted principles of fairness and integrity, then public disillusionment could pose a threat to the very concept of a free journalism.

The CBC defines balance and fairness as follows:

There are two kinds of balance and fairness in the handling of information programming, one provided by the journalist and the other provided by the journalistic organization.

Journalists will have opinions and biases of their own and their attitudes will naturally be affected by their geographic and cultural roots. But professional standards should prevent these attitudes from leading them into bias and prejudice. For journalists to be professional, in this sense, is not to be without opinions but to be self-aware and self-correcting, so that their reporting is done in a judicious and fair manner.

For it is obvious that fairness is not to be achieved by a rigid neutrality or mathematical balance. Otherwise, the lie could be made to appear true, the trivial could seem significant. So judgment and selectivity enter into what is presented and with what emphasis, judgment based on journalistic principles and professionalism.

A journalistic organization, in order to achieve balance and fairness, should ensure that the widest possible range of views is expressed. Almost any opinion may contain a grain of truth that helps to illuminate the whole truth. But proper account must also be taken of the weight of opinion which holds these views and its significance or potential significance. The challenging of accepted orthodoxies should be reported but so also should the established views be clearly put. Moreover, the range of views and the weight of opinion are changing and these dynamics of change must be reflected. Nor are range and breadth of presentation sufficient in journalistic programming: there must also be depth, the capturing of dimensions and nuances. Without these elements, the programming becomes too simplistic to permit adequate comprehension of issues put before the public.

The assumptions and principles of the CBC's journalistic policy are:

CBC journalistic policy rests on certain premises, which distinguish the Corporation's philosophy:

- a) The air belongs to the people, who are entitled to hear the principal points of view on all questions of importance;
- b) The air must not fall under control of any individuals or groups influential because of their special position;
- c) The full interchange of opinion is one of the principal safeguards of free institutions;
- d) The Corporation takes no editorial position in its programming.

These premises underlie all the policies of the Corporation relating to information programs. The programs must also reflect established journalistic principles.

The journalistic principles are:

Accuracy: the information conforms with reality and is not in any way misleading or false. This demands not only careful research but a disciplined use of language and production techniques, including visuals.

Integrity: the information is truthful, not distorted to justify a conclusion. Broadcasters do not take advantage of their position of control to in any way present a personal bias.

Fairness: the information reports or reflects equitably the relevant facts and significant points of view; it deals fairly and ethically with persons, institutions, issues and events.

Thoroughness: the information is the result of complete and rigorous research in which no aspect of consequence is overlooked.

With respect to balance, the policy states:

CBC programs dealing with matters of public interest on which differing views are held must supplement the exposition of one point of view with an equitable treatment of other relevant points of view. Otherwise, the information given would not be fair and comprehensive. Fairness is not simply achieved by a rigid neutrality or mathematical balance. Equitable in this context means fair and reasonable, taking into consideration the weight of opinion behind a point of view, as well as its significance or potential significance.

There are two kinds of balance and fairness in the handling of information programming, one provided by the journalists and the other provided by the CBC as a journalistic organization.

Journalists will have opinions and attitudes of their own. But the proper application of professional standards will prevent these opinions and attitudes from leading them into bias or prejudice. It is essential that their reporting is done in a judicious and fair manner.

Also, the CBC as a journalistic organization must ensure that its programming is fair and balanced. Program balance should be achieved, where appropriate, within a single program or otherwise within an identifiable series of programs.

Balance is not to be confused with the concept of "right of reply". The CBC must itself accept the responsibility for determining when a significant imbalance has occurred, and what remedial action must be taken.

Programs dealing with an issue of substantial controversy on a one-time basis should give adequate recognition to the range of opinion on the subject. Fairness must be the guiding principle in presentation, so that the audience is enabled to make a judgment on the matter in question based on the facts.

A program series must not adopt an editorial position supporting one side or another on a major controversial question (for example, the question of "conservation" versus "technology"); although individual programs within the series may reflect a particular view, the series itself must give adequate consideration to differing views on such subjects.

Continuing news and current affairs programs must present a balanced overall view on controversial matters, so as to avoid the appearance of promoting particular opinions or

being manipulated into doing so by events. Journalists, editors and supervisors must be aware of the necessity for balance in their ongoing presentation of controversial matters.

Particular care must be given to information programs during election or referendum campaigns. These series require close and meticulous attention to overall political balance. Quantitative checks are normally employed for guidance during election or referendum campaigns. Such quantitative checks must be supplemented by the exercise of qualitative judgments also, so that imbalance does not occur through the manipulation of events. The use of quantitative checks together with professional journalistic judgments should result in actual and perceived fairness.

Occasionally a program will be based on the personal view of an individual. When that occurs, the audience must be made aware of the personal character of the program. The personal view must be that of a responsible program-maker with demonstrable expertise, for example, Kenneth Galbraith's economic study "Age of Uncertainty".

With respect to "good taste", the policy states:

CBC programs should be in good taste, that is to say, they should respect and reflect the generally accepted values in society regarding such matters as vulgarity, profanity, or sexual behaviour.

The audience for broadcast information is composed of differing groups, and notions of good taste vary substantially between them. The broadcaster therefore cannot expect to enjoy the same complete freedom of expression of vocabulary or of visual presentation as is enjoyed by the book publisher, in live theatre or in the movie, whose readers and viewers by and large make conscious choices about what they read and see. Where matters of taste are concerned, therefore, care must be taken not to cause gratuitous offence to the audience.

However, there will be occasions when in reflecting reality it would be inappropriate to excise certain uses of language or depictions of violence or sexuality which normally would be avoided. To do so would be to deny CBC audiences access to certain events which may contribute materially to an understanding of the world in which they live. The following sections are intended to illustrate when and how such occasions might occur.

With respect to potentially controversial matters, the policy states:

Grief and Suffering: Scenes of suffering are to be used only when necessary to an understanding of information important to the public. Discretion is necessary in showing harrowing sights and they should not be prolonged unnecessarily. Private grief may sometimes have a legitimate program purpose but must not be exploited for sensational effect and personal privacy must be respected.

Violence: Violence must not be exploited on radio and television. The CBC as a matter of general policy does not portray violence except where its depiction is an essential fact of the reality being portrayed.

The presentation of violent scenes or events must be an accurate reflection of reality and appropriate to the context of the program. There must be a balance between respect for the audience and the obligation to respect reality. Violence should not be dwelled upon in a way that would distort its validity or overemphasize its importance. In all cases, the presentation of violence should be warranted and should not be undertaken for shock effect or for trivial reasons.

Civil Disorder: The intrusion of cameras and microphones into a scene of riot or civil disorder raises complex problems and places heavy responsibility on the broadcaster. It is clear that in some cases the presence of cameras has been a provocation to violence. There is also evidence that in other situations the presence of television cameras has had a moderating effect on violent incidents. When plans are being made for coverage of events where civil violence may be expected, every precaution should be taken to ensure that the presence of CBC reporters, cameras or microphones is not a provocation.

To this end, CBC journalists and producers should:

- cease using cameras and conceal the microphones, if their presence is evidently inspiring a potentially dangerous situation;
- be wary of persons and groups who are clearly performing for the cameras or microphones;
- avoid making suggestions or requests to participants which would lead to any form of "staging".

Sex and Nudity: Explicit scenes of nudity or eroticism must not normally be used. They are acceptable only if it is clear that they are essential to the information being conveyed in the program and that such information is itself important enough to warrant broadcast.

Such scenes must never be emphasized nor used primarily for shock or sensation.

Cautionary Announcements: Should a program contain material which may be disturbing to some segments of the audience -- and particularly children -- because of scenes of violence, sexual behaviour, or language, cautionary announcements before or during the program should be used.

In terms of journalistic practices, the policy states:

The editing process must result in a true reflection of what was originally seen and heard and any terms agreed upon during the preparation of the program.

Editing, the abbreviation of recorded visual, sound or written material, is an essential technique and one of the most demanding in journalism because of the time limitations imposed by radio and television production and the need to be concise and clear. It would be impractical to expect the whole of reality in an edited program. What in fact results from selection and editing is a compression of reality, a slice of reality -- which must nonetheless reflect the essential truth without distortion.

The following are important guidelines:

- Questions and answers must not be edited so as to change the original meaning, or distort the sense of the original interview as a whole;
- Answers to a question given in one context must not be edited into another;
- An answer to a question must not be placed in a program so that it purports to be an answer to a question other than that actually posed;
- In cases where the editing process requires re-asks, reactions or cut-aways, the nature and intent of the original response must be preserved;

- The listeners and viewers must not be misled into thinking a discussion is taking place between people when no such discussion was recorded.

In terms of retractions and the right of reply, the policy is:

Right of Reply: The right of reply does not exist in law. It follows, however, from the journalistic principles of fairness that a need for remedial action will be recognized if it has been established that significant unfairness has occurred. The type of remedial action will be determined by taking into account the nature and occasion of the unfairness.

Corrections and Retractions: The CBC will not hesitate to admit a material error when it has been established that one has been made.

To do otherwise or to seek to defend program content of unacceptable taste or ethics or containing errors would lead inevitably to loss of credibility by the CBC.

Errors of fact must be corrected clearly and promptly in order to maintain the principles of accuracy and fairness. The senior divisional officer in information programs must be consulted to determine the nature and time of the correction. Retractions may have legal implications; therefore the Legal Department must be consulted before they are made.

Right to Privacy: The individual's right to privacy is cherished in Canada. Although the law does not deal extensively with the concept, the invasion of an individual's privacy is repugnant.

Journalists on occasion may appear to breach privacy but this is warranted only when the individual's private life impinges on or becomes part of the person's public life or becomes a matter of legitimate public concern. For example, when the private life of a public figure becomes involved in an apparent conflict of interest, that private life becomes a matter to be placed in the public domain and ceases to be "private".

Manipulation of Public Opinion: The audience must not be incited by CBC program personnel to express itself in the form of communications to elected representatives, institutions, commercial enterprises or individuals, or by attendance at meetings and demonstrations with a view to

exerting pressure to seek changes in public policy or to support a particular point of view.

Such action would in effect make the Corporation a party to controversy and would be contrary to the premise that the corporation takes no editorial position in its programming.

A very helpful guide to the law with respect to program content is included in the journalistic policy and reproduced here.

Complaints with Legal Implications: Any complaint concerning a broadcast which may have legal implications should be referred immediately to the Legal Department. All tapes, notes, transcripts, film footage, etc., related to the broadcast item must be retained, since this supporting material may be an important source of information in a legal defence.

Before any rebroadcast of the item, the legal implications must be taken into consideration.

Each broadcast of a defamatory matter may give rise to an action in law and whatever damages may have been caused by the first broadcast are further aggravated by each subsequent broadcast. Such subsequent broadcast should not take place unless the Corporation is satisfied that it can defend any possible legal action.

Before any retraction or apology is made by the broadcaster in response to a demand, the legal implications must also be considered. For the reasons given in the defamation article in the legal section, a retraction or apology should be broadcast as soon as possible in accordance with provincial statutes, if the full benefit is to be gained by the broadcaster in any subsequent legal action. A retraction or apology is an admission of error, which could in itself make the Corporation liable to pay damages.

The following should be referred to the Legal Department of the Corporation as soon as possible:

- a) Requests for information concerning the station and its personnel, if there is an existing threat of a legal action;
- b) Notice of intention to sue the Corporation or its employees for some broadcast;
- c) Writ of Summons or Statement of Claim.

The three matters listed above require immediate consideration of liability and the compliance with certain statutory requirements, which have effects on the defence of the Corporation. The Notice of Intention to sue may be included in a letter demanding a retraction and apology.

Requests to CBC to Withhold Material: Once material is recorded in accordance with journalistic policies, it may be used for broadcast provided no considerations intervene outweighing the program need, and no other agreement was made at the time of recording.

Good judgment must be exercised to balance the reasons for a request to withhold material against program requirements. There may be strong reasons for the request, which may outweigh the need to include the material in a program. Such reasons could include compassionate grounds or a lapse of time during which the context may have changed.

There are legal rights and obligations on both the Corporation and on persons whose statements or interviews have been recorded. If requests are made to withhold material from broadcast after it has been willingly recorded, producers and supervisors must consider the nature of the agreement which was made at the time of recording. If the projected use of the material is in accordance with that agreement, and provided no other considerations intervene, a request to withhold the material from the broadcast should not be granted.

Efforts should always be made to explain the Corporation's position to the protesting party.

Veto of Program Material by Invited Program Participants: As a matter of general practice, participants in programs will not be granted the right to veto any portion of a program or be granted a screening prior to broadcast for the purpose of disputing the editing of the program material.

The responsibility for program material cannot be transferred from the CBC, which is solely responsible for what it broadcasts, and for ensuring programs meet the standards of its journalistic policies.

Invited participants will have a particular view of the subjects of a program and of their role in or opinion on the subject. CBC must not expose itself to pressures from one or more participants. Unfairness and lack of balance could be the result.

However, if in the judgment of the responsible producer, granting veto privileges will not create these disadvantages and would provide the only way of injecting a vital element into the program, it may be permitted with the prior approval of the senior divisional officer in information programs or by his or her delegate.

(F) Commercial Acceptance

The CBC pre-clears all commercials to be aired on their stations and network. A number of CBC guideline are in force, including guidelines on advertising content, advertising to children under 12 and restrictions on the scheduling of various advertisements. The guidelines are specific to advertising but follow the same kinds of principles, with respect to content as journalism. The CBC guidelines are not reprinted here but are available from the CBC. Several kinds of advertisements must be cleared by the CBC's legal department.

It is worth noting that the CBC does not permit advertisers to buy time for controversial advertising and pre-clears commercial messages that go beyond the promotion of goods and services ("image advertising") to ensure that such messages are factual about the advertisers projects or plan. In the event of significant changes in the social, political or economic climate of the message when the message may become an influencing factor in a matter of public importance, approval may be withdrawn.

With respect to advertising directed to children, there are restrictions on the number of commercials in any time period or the placement of these advertisements in programs designed to reach children under 12. Other requirements for advertising directed to children are concerned with its truthfulness (how for example, a toy performs), its completeness (are all the parts of the toy portrayed, for example) and its representativeness (is the size of the product as portrayed, realistic).

Finally, a number of products cannot be advertised to children on the CBC (dangerous products, drugs, etc.) and the terminology used is restricted (no inclusion of terms like "a bargain"). Commercials must not make suggestions about changes in social status resulting from buying a product, must not urge children to buy (or to persuade their parents to buy) and must not include any product comparisons.

As well, real-life or fantasy personalities already well-known to children cannot be used unless these are already associated with the image of the product as it appears on the package and no premiums can be offered.

(G) Handling Complaints

As is evident from the information presented above on the public response to the CBC, the volume of comments or complaints received by the CBC is extensive. Most of these comments or complaints come over the phone and are dealt with immediately or, if the complainant wishes, simply registered.

Many of the complaints come through the President's office. The President takes an active role in ensuring they are answered, frequently, reviewing and signing the response made to the complaint. In general, complaints are dealt with by the Vice-President in charge of Corporate Affairs, although the Vice-President in charge of Communications may become involved indirectly. In the case of serious complaints the matter is rarely handled by the producer, simply because the complainant and

the producer have frequently been in correspondence and found themselves unable to agree before the matter reaches the President's office. In such cases the research and evaluation will be done by the Vice-President, Communications, or the Vice-President, Corporate Affairs; they try to adopt a neutral position between complainant and producer and to judge the complaint as independently as possible, using CBC journalistic policies as a guide. If they feel the complainant is justified the producer will be instructed to make whatever amends are practical and to pay closer attention to whatever principle has been violated. If, in their view, the complaint is not justified, they try to explain their reasoning as cogently as they can to the complainant.

In all cases, reference will be made to the standards (for example, see journalistic policy); a judgement will be made whether the program conforms to the standard; and the producer will be asked to justify what was done.

It is interesting to note that the need for standards was resisted, at first, by people working for the CBC, but after several serious challenges to the journalistic practices involved in specific programs, these standards were introduced and now welcomed by program producers.

A serious effort is made to keep track of all comments or complaints, by type and region of origin. At any time, the CBC might have up to 75 defamation claims on hand but only 5% ever get to court. In most cases, the claim is not followed up by the complainant.

The CBC and CRTC work separately in dealing with complaints, although in exceptional cases, the CRTC may become involved in a complaint that is being dealt with by the CBC. Occasionally, the CBC will receive an informal communication from the CRTC with respect to a complaint the CBC is handling. A complaint received by the CRTC however, can and will, under some conditions, become a matter for regulatory consideration. (See CRTC mechanisms for handling complaints in this report.)

At Radio-Canada, most telephone callers seek explanations rather than to register complaints. There have been, however some complaints about editorial choices. A typical complaint of this kind is "you do not talk enough about disarmament" or "you did not cover our press conference". The Radio-Canada official we interviewed stressed his willingness to co-operate with the Québec Press Council in the case of a complaint.

In addition to the overall complaints-handling machinery, CBC has specific mechanisms for responding to complaints about the portrayal of women in programming and advertising (the Office of the Co-ordinator, Portrayal of Women) and about advertising (the Director of Sales Policy).

The CBC has shown an interest in a coordinated industry-wide mechanism for handling complaints about broadcast program content, but the CBC is currently concentrating on ensuring its own standards, practices and mechanisms are in place for effective public liaison.

Publicly funded organizations like the CBC may be forced to reexamine some of their policies with respect to the standards applied in the case of advertising if their dependence upon advertising revenues is increased. The danger is that the CBC will cease to function as a model in the development of standards and, instead, put aside some of the policies and standards they have developed.

6. THE CANADIAN ASSOCIATION OF BROADCASTERS (CAB)

(A) General Information and Background

The CAB is a trade organization, established in 1926 and incorporated federally. It exists to represent the interests of Canadian over-the-air private, advertiser-sponsored broadcasting.

The CAB was set up, in part, to foster radio and television broadcasting and the interests of those engaged in the business; "to secure freedom to its members from unjust and unlawful exactions"; to settle differences between the members and promote cooperation among its members to advocate the enactment of just and equitable laws. The CAB also works to ensure dissemination of information of interest to its members.

(B) Process of Handling Complaints

Complaints which fall under the CAB's Code of Ethics are referred to the CAB's Code of Ethics Committee for action. Complaints about sex-role stereotyping are referred to a committee of that name within the CAB. Complaints concerning advertising are referred to the Advertising Standards Council depending on the subject of the complaint. All complaints are referred to the company or organization responsible for the program or type of programming involved.

(C) The CAB Code of Ethics Committee

The purpose of the Code is to:

document the realization by proprietors and managers of broadcasting stations that, as an integral part in the media of communications in this nation, their first responsibility is to radio listeners and television viewers of Canada for the dissemination of information and news, the supply of entertainment varied to meet the varied tastes of listeners and the necessity for ethical business standards in dealing with advertisers or their agencies.

The Code further states that:

It is recognized that the most valuable asset of a broadcaster is public respect which must be earned and can be maintained only by adherence to the highest possible standards of public service and integrity.

(i) The Code - Content

The Code covers general programming, human rights, children's programs, community activities of the station, education, news, controversial public issues, advertising, treatment of religious programs and sex-role stereotyping. Three sections of the Code are particularly relevant to this report.

With respect to human rights, the Code states:

Recognizing that every person has a right to full and equal recognition and to enjoy certain fundamental rights and freedoms, broadcasters shall endeavour to ensure, to the best of their ability, that their programming contains no abusive or discriminatory material or comment which is based on matters of race, national or ethnic origin, colour, religion, age, sex, marital status or physical or mental handicap.

With respect to news, the Code states:

It shall be the responsibility of member stations to ensure that news shall be presented with accuracy and without bias. The member station shall satisfy itself that the arrangements made for obtaining news ensure this result. It shall also ensure that news broadcasts are not editorial. News shall not be selected for the purpose of furthering or hindering either side of any controversial public issue, nor shall it be designed by the beliefs or opinions or desires of the station management, the editor or others engaged in its preparation or delivery. The fundamental purpose of news dissemination in a democracy is to enable people to know what is happening, and to understand events so that they may form their own conclusions.

Therefore, nothing in the foregoing shall be understood as preventing news broadcasters from analyzing and elucidating news so long as such analysis or comment is clearly labelled as such and kept distinct from regular news presentations. Member stations will, insofar as practical, endeavour to provide editorial opinion which shall be clearly labelled as such and kept entirely distinct from regular broadcasts of news or analysis and opinion.

It is recognized that the full, fair and proper presentation of news, opinion, comment and editorial is the prime and fundamental responsibility of the broadcast publisher.

With respect to controversial public issues, the Code says:

Recognizing in a democracy the necessity of presenting all sides of a public issue, it shall be the responsibility of member stations to treat fairly, all subjects of a controversial nature. Time shall be allotted with due regard to all the other elements of balanced program schedules, and to the degree of public interest in the questions presented. Recognizing that healthy controversy is essential to the maintenance of democratic institutions the broadcast publisher will endeavour to encourage presentation of news and opinion on any controversy which contains an element of the public interest.

(ii) Handling Complaints

When the CAB receives a complaint relating to their Code of Ethics (sex-role stereotyping will be discussed below), they write directly to the station involved. Assistance of the CAB is offered in resolving the complaint, but the onus is on the station to take whatever action they deem necessary. CAB requests and usually receives a copy of the station's reply.

(iii) Enforcement

The CAB Code of Ethics is a voluntary code. As the then President of the CAB replied to the House Sub-committee on Sexually Abusive Broadcasting (November 24, 1983):

I attach the same view to a process of self-regulation. It is a voluntarily imposed standard. We expect the members of our association to abide by it. We dialogue with the CRTC. The Childrens' Code of Broadcast Advertising was developed within CAB and has been written into the promise of performance as a requirement as a matter of agreement with the regulators. People will comply with it.

At the same time, the voluntary nature of the Code should be stressed. Except with respect to sex-role stereotyping and advertising to children, the Code does not have any mechanism of enforcement or self-enforcement. The Code of Ethics Committee of the CAB is responsible for developing the Code, not its implementation. Members of CAB do not risk exclusion from CAB on the basis of their possible non-compliance with the code.

From some perspectives, the lack of an enforcement mechanism within the Code or CAB does not constitute a major problem. The Code itself is written in a fairly general manner. Given how it

is phrased, enforcement would be difficult. CAB, as an association that represents the interests of its members only, does not have within its purview the means of enforcement or a mandate to act. As well, although some complaints have been received, there is no evidence of an overwhelming negative response to the activities of the CAB or any specific station and, indeed, most complaints have been dealt with efficiently or referred to and dealt with by the CRTC.

But some CAB officials do recognize that the lack of an enforcement mechanism for their Code is a problem. They are considering two methods of dealing with the situation. The first concerns the follow-up experience with the Task Force on Sex-Role Stereotyping. It has been suggested by some CAB officials that CAB establish an ethics and social concerns committee that would take up issues similar to sex-role stereotyping and conduct a similar educational effort among the CAB members.

Second, some officials of the CAB have stressed the regulated nature of their industry when dealing with the question of enforcement of their Codes. They have noted that adherence to the Children's Advertising Code has been made a condition of licence for all broadcasters. As a condition of licence, it falls to the CRTC to ensure enforcement. It was suggested to the House Sub-committee on Sexually Abusive Broadcasting, for example, that the CAB Code become an instrument for review by the CRTC in their monitoring of a station's performance. It is useful to quote from the testimony offered at that time:

Mr. Steele: We have a responsibility on the basis of complaints received to discuss that and to try to get some action on the part of the offenders. But I also went on to say to Mr. Scott that as far as we were concerned the code itself should be an instrument for review by the CRTC in monitoring performance, because the monitoring of performance is their role. There is no way we could just physically be in touch with all the radio and television programming right across the country.

...I have no hesitation in saying -- I am sure that our board would agree -- that CRTC should monitor our code. It is open to them to require this. We are getting discussions now from other areas. Maybe we could mention one. I do not quite know what our final answer would be on this, through the Film Development Corporation: Should there be public funding of programming material if it itself does not comply with the CAB Code?

In other words, people's minds are already adjusted to the fact that this code exists. I say, no, you should not leave it to the association. We are a voluntary society. We can point these things out to our members. It is very difficult to say you will no longer be a member if you are not willing to comply. Then you become the policeman.

We are a regulated industry. The CRTC, if it is persuasive enough, can bring these matters forward, then the whole licensing process can come into play. They can warn them and advise them.

There was a case recently involving a West Coast station in which this happened. You know, and we both know, that the next time that particular licence comes up for renewal, there is going to be quite a debate about the course taken. But they were warned, and they were warned after discussion with us. So I think the code has to have teeth. It has to be backed up by a willingness of the regulator to see what the objectives of the code are and to use it as a means of examining performance.

(iv) The Individual Broadcaster

It was impossible for the authors of this study to survey what is done to handle complaints by all of the individual broadcasters. We believe, on the basis of our interviews, that the broadcaster's response to complaints ranges from an extreme, at one end of the spectrum, of neglect of complaints to the much more common procedure of an active commitment to resolve and redress any problem.

In the case of CTV, for example, every individual letter of complaint received by the Network is answered by a senior official of the company. There is no "complaints department" per se, but sometimes the Management Committee is consulted and the legal department might also be involved. What they call "form letter" complaints receive a form letter response and are generally seen to be less effective than individual complaints. Copies are sent to the CRTC of all replies to complaints.

In the case of TVA, a network of ten francophone television stations with local affiliates that also produce their own programming, complaints are generally redirected to the affiliates involved. As an organization, TVA officials stress their role in preventing complaints. They contend that complaints -- except with respect to the scheduling of programmes -- are rare, but TVA programs relatively little drama and entertainment.

7. THE TELECASTER COMMITTEE

(A) Background

The Telecaster Committee was formed in 1972 by private broadcasters to deal with pre-clearance of advertisements. Its task is to ensure that each commercial complies with the Telecaster Committee Guidelines and to assist advertisers in the general interpretation of the Guidelines before an advertisement is produced and broadcast.

(B) Organization

The Telecaster Committee is a non-profit organization, funded by several individual television stations and some English-language private television networks. The Telecaster Committee works with the Advertising Standards Council, who pre-clear some advertisements, and with the Quebec Consumer Protection Office.

(C) Guidelines

Guidelines have been developed for acceptable commercial length, child-directed advertising, contests and premiums, comparative advertising, issue and opinion advertising, movie commercials, multi-product 30-second announcements, personal products advertising. French-language advertisements, public service announcements, split 60, 30 and 15-second commercials and competitive media.

The following guidelines are of interest:

(i) Child-directed Advertising

To avoid undue pressure on children, members will not telecast commercials featuring the characters of a program, in that program.

All advertising to children approved by the Committee must comply with the CAB Code.

(ii) Issue and Opinion Advertising

The ability to purchase and pay for commercial time cannot be the only criterion in accepting announcements which present a particular point of view on an issue of public concern; or government, political, or social policy. Each commercial will be judged individually on its own merits. The Telecaster Committee suggests that any advertiser who is uncertain of the acceptability of any commercial components should submit script or storyboard prior to producing the commercial.

No number shall be given until final production is viewed. All commercials in the above category must meet the following criteria:

- (1) the advertising must be factual
- (2) the advertiser must be identified
- (3) the message must meet all legal and regulatory requirements.

(iii) Personal Products Advertising

The Telecaster Committee has given consideration to the nature of television advertising to be employed by the manufacturers of personal products. The Committee, recognizing the broadcaster's responsibility on matters of good taste and opinion, conducts its own review of advertising materials. Such a review recognizes the advertiser's responsibility for concern in the same areas. The sensitive and personal nature of this product category warrants that particular care must be exercised with the concept. The audio-video presentation must not employ any graphic details of product and/or product capabilities and protection, superiority claims, or specifics on comfort. The Telecaster Committee will review storyboards for commercials relevant to this category and advise on acceptability of a submission.

Different kinds of commercials require different clearance procedures. Food commercials, for example, must also be sent to the Federal Department of Consumer and Corporate Affairs. Cosmetic and over-the-counter drugs must be cleared through the Department of Health and Welfare. Advertising to children is submitted only to the Advertising Standards Council, as is advertising for feminine hygiene products. Concerning movie commercials, those which contain sexual or violent components are required to be placed in a post-9 P.M. category.

(D) Implementation

Each commercial is submitted for pre-clearance and assigned an identity acceptance number within 72 hours of submission. All CRTC numbers must be on advertisements before the Telecaster Committee will accept them for review.

8. THE CANADIAN CABLE TELEVISION ASSOCIATION (CCTA)

(A) General Background and Organization

The CCTA was established by the cable television industry in 1957 as a national trade association. A permanent national office was established in Ottawa in 1970.

The Association's mandate includes providing a common, national voice for communicating the views and circumstances of the cable television industry to governments, regulatory agencies, media and the public. It also ensures that its members are informed of government and regulatory initiatives affecting the industry.

The CCTA currently represents 396 federally licensed cable television systems serving 95% of the 5.4 million Canadian homes subscribing to cable services. CCTA membership also includes 86 of the leading North American equipment and service suppliers, as well as 23 associate members such as consultants and financial institutions.

(B) Handling Complaints About Program Content

In general, although operating within the framework of the Broadcasting Act, cablecasters view themselves as exhibitors of programs. Complaints about the content of those programs are seen as properly the concern of the program originators. As the distributor of programs originating from other sources, cable companies and the CCTA receive complaints about the content of programs. These complaints are passed on to the originator of the programs, to the broadcast or pay television networks, for example. The CCTA is concerned that the public often confuses the cable company for the originator of programming. As they stated before the House of Commons Sub-committee on Sexually Abusive Broadcasting.

The program providers are, of course, the broadcasters of specialty service operators licensed by the CRTC to provide services. In fact, cable licensees are actually prohibited from altering the signals provided by a programming licensee.

In the case of cable programs of local origination (usually community cable) and special augmented services (for example, channels carrying newswire services or airline schedules), cable licensees do originate programming and are legally responsible for the content they originate. Complaints concerning this programming are handled directly by the licensee. As noted before the Sub-committee on Sexually Abusive Programming, the attitude towards community programming is that standards should not be developed:

Community programming is not professional programming. It is made by and for members of the local community, usually at their own initiation. The signal is not available off-air, it is simply a closed circuit signal available only via cable.

Thus, the CCTA has not considered it necessary to establish either industry-wide standards or codes or mechanisms for dealing with complaints. Instead, individual community channels often provide opportunities for public comment through community advisory committees, and in some cases, by an on-the-air "comment and response" program.

9. PAY TELEVISION [FIRST CHOICE CANADIAN COMMUNICATIONS CORPORATION ("FIRST CHOICE") INTERVIEWED ONLY]

(A) General Background and Organization

First Choice was formed in 1981 to apply for a licence to provide a general interest pay television service in Canada. The licence was granted in 1982, and later in 1983 the CRTC approved a change in effective control of First Choice. In 1984, the CRTC approved an application by First Choice and TVEC to consolidate First Choice's French-language pay television services with those of the pay television company TVEC. The result is a single company known as Premier Choix/TVEC Inc.

Further to this, in conjunction with a series of reorganizations involving Allarcom Ltd., Aim Satellite Broadcasting and Ontario Independent Pay Television, in 1984 First Choice modified its English-language service from one that served all of Canada to one that serves Eastern Canada only. In Western Canada, First Choice's service mandate was given to an amalgamation of previous licensees, reestablished under a new company, Allarcom Pay Television Limited.

(B) Mandate and Responsibilities

First Choice is licensed to provide a general interest pay television, 24-hour daily service in English and, in French, through Premier Choix/TVEC. Subscribers are offered general entertainment programming, the bulk of which is motion pictures, variety and sports.

The company obtains its programs from major Hollywood studios, from Canadian distributors and from Canadian and foreign independent producers. The company also invests in joint venture productions and major feature-length motion pictures.

First Choice programming is exhibited through cable television operators. As well, conditions presently imposed by the CRTC on the First Choice licence require that a minimum of 30% (until December, 1985) and 50% (after that time) of the total time and of evening hours be devoted to the distribution of Canadian programs. There are also conditions of licence on the amount of investment required in the acquisition of Canadian programs by First Choice.

(C) Handling of Complaints

Complaints range in form, from what First Choice calls "clipping" or "form" complaints to individually written complaints. Complaints receive the same kind of response as the original form of the complaint seems to warrant. "Clipping" complaints, then, receive progressively less comprehensive replies as they continue to arrive. Those who write individually and elaborate upon their complaints receive more detailed replies. Telephone complaints are answered by telephone.

All complaints receive personal attention and where particularly relating to scheduling or content matters, receive a direct personal response, usually by phone, of the Program Director.

(D) Pre-screening of Programs

First Choice has established procedures for pre-screening all programs to be shown. One of two members of their staff (one of whom is female) view programs before they are screened. If that person has questions about the material to be shown, the program is then screened by the second staff member independently. If the material is questionable to both, the matter is referred directly to the company's Chief Executive Officer. Once he has viewed it, the program is discussed. The final decision rests exclusively with the Chief Executive Officer, who, in turn, is responsible to his Board of Directors.

If First Choice has prior notice that a program might be objectionable on the basis of "good taste", it can in some circumstances arrange for a private pre-screening with certain public groups. Screenings are subject to terms of individual program contracts with suppliers. This action will only usually be taken if there has been a ruling in some other jurisdiction that the program contravenes generally acceptable standards or human rights or related broadcasting legislation.

Were provinces to intervene directly in questions of broadcast standards -- as has been suggested in more than one province -- this would pose a significant problem from the

viewpoint of a company like First Choice. Were the provinces' claims to jurisdiction recognized by the courts, First Choice might well have to choose to refrain from programming material that would offend regulatory authorities in any province.

First Choice does not cut programs. Instead, they rely on the existence of several versions of any film (some more explicit in their coverage of potentially objectionable material than others) to ensure that they can show an acceptable yet uncut version of the film they wish to program.

(E) Pay Television Standards and Practices

First Choice is a signatory to a set of standards and practices which it, in conjunction with other pay television licensees, developed as voluntary guidelines. The guidelines were made public in February, 1984 and the public was invited to comment upon them directly to the pay television licensees. The licensees then reported to the CRTC on the comments and concerns they had received and met with the CRTC to develop the final guidelines. These guidelines have been accepted by the CRTC but are not specifically part of the CRTC regulations for pay television. The most recent version of the Standards and Practices, effective January 17, 1985, is appended to Volume I of this report.

The pay television industry will follow-up the guidelines process by establishing an industry committee to implement them and to deal with complaints received. The CRTC will review the progress in early 1986.

The CRTC has also commissioned an independent consulting firm to conduct an analysis of program content, in all broadcast media including pay television, with respect to sex-role stereotyping. The CRTC staff will review the standards and practices with respect to previews, classification, cautionary warnings and scheduling on pay television.

These guidelines cover the selection of programs, classification of programs and cautionary warnings and scheduling of particular types of material.

(F) Guidelines

The guidelines for pay television stress that programming should be of interest to a wide number of Canadians with a variety of interests and tastes. The licensees are reminded of their duty to meet community standards. The discretionary nature of pay television is also stressed, however. Some excerpts from the guidelines will be of interest:

Exercise of Discretion

The discretion in the selection of programs will be exercised by the programming personnel of the pay television network licensee, as directed by this policy statement, and by the management of the licensee. All material will be fully screened prior to airing.

Basis of Discretion

The discretion of programming personnel will be exercised responsibly and in good taste. In particular, no material should be selected that is

- a) contrary to law, including the Broadcasting Act and CRTC Regulations; or
- b) offensive to general community standards.

"Community standards" will necessarily change over time and therefore will be subject to continuing review and evaluation. Pay television licensees will not select programming that would go beyond an "R-rating" or its equivalent, as established under Part C hereof.

Previews

Notwithstanding the above, where the program is aired in preview periods (i.e. when the programming is unscrambled and may be received whether or not the subscriber ordered it), pay television licensees will select programming that meets the same standards of scheduling and content that apply to conventional broadcasters.

Classification and Cautionary Warnings

Program Guide

In order that viewers will be able to exercise an informed choice on what they wish to watch on pay television, pay television licensees will provide a monthly program guide to the cable companies for distribution to their subscribers. They will also send out program information to all media for inclusion in their television listings.

In addition to the single-letter classifications described below, pay television licensees will provide in their program guide where possible appropriate and adequate descriptive warnings as to the nature of the material, e.g., "Adult situations and language", "graphic violence", "some nudity".

On-Air Warning

Where appropriate, pay television licensees will provide a cautionary warning on-the-air at the beginning of the program, indicating the information set out in Appendix 'A'.

Program Concerns

Sex-Role Stereotyping

This question has been extensively explored in the Report of the Task Force on Sex-Role Stereotyping to the CRTC. While pay television networks depend on major studios as the primary source of their movie product, licensees have a responsibility to raise the issue with producers who seek script and concept development funding and the prelicensing of product. Pay television networks will seek to fund programming that provides a balanced view of sex roles and will adhere to the CAB Sex-Role Stereotyping Guidelines in this respect.

Gratuitous Violence

The portrayal of violence which when taken in context is gratuitous will not be shown and pay television licensees will reflect this policy in their selection process described in these guidelines. (Programming personnel.

will exercise particular care and discretion in pre-screening material and considering the context of any possibly objectionable material).

Scheduling of Programs

Scheduling

Pay television generally includes fewer programs per month than conventional broadcasting, but such programs are repeated more frequently to suit the convenience of the schedules of the subscribers. At the same time, pay television licensees are sensitive to the concerns expressed by some that mature material should not be scheduled in periods when school-age children are home. There may also be certain mature material that should only be programmed in the late evening or early morning hours.

Family Viewing

Pay television licensees will exercise particular care for all time periods in the scheduling of programs that are likely to be considered as not suitable for viewing in a family context.

Adult Movies or Programming

In addition, pay television licensees will exercise their discretion carefully in regard to programs of which sexually explicit and/or violent material is the dominant element, so that such programming will be scheduled in the late evening or early morning hours only.

These guidelines will be reviewed after one year for adequacy.

(G) Regulations

Pay television regulations have now been issued by the CRTC. Three points should be noted with respect to these regulations. First, a program log, but not tapes of programming, must be kept by the licensee. Second, the regulations contain the general prohibition against abusive programming applied to all other broadcast services:

A licensee shall not distribute in its programming any abusive comment or abusive pictorial representation that, when taken in context, tends or is likely to expose an individual or a group or class of individuals to hatred or contempt on the basis of race, national or ethnic origin, colour, religion, sex, age or mental or physical ability.

The regulations are based on reliance on a system of classification of programming likely to offend segments of the audience and on cautionary warnings:

Where a program to be distributed by a licensee is not suitable for an audience other than an adult audience by reason of its subject matter or treatment thereof, or any characteristic thereof, including its depiction of violence, nudity or explicit sexual conduct, or by reason of coarse language or other content likely to be offensive to some viewers, the licensee shall so advise by providing an appropriate indication thereof at the beginning, and in all promotion, of the program.

10. THE CANADIAN ADVERTISING FOUNDATION

(A) General Background and Organization

The Canadian Advertising Advisory Board was established in 1957. In 1967, it was reorganized to become an all-industry association involving media, advertisers and advertising agencies. The Board then enlarged its activities by establishing a complaint procedure for those wishing to register their concern about certain aspects of advertising. Additionally, the Board began development of Codes to deal with these concerns.

Codes developed by the Board are administered by two independent bodies: The Advertising Standards Council and Le Conseil des normes de la publicité. Both were established by the Board.

In 1981, the Canadian Advertising Foundation was established. The Foundation emerged from a restructuring of the Canadian Advisory Board and the Councils. At about the same time, two advocacy bodies were also established, La Confédération générale de la publicité and its English-language counterpart, the Advertising Advisory Board, both of which became part of the Foundation.

(B) Goals of the Foundation

The Foundation serves as an umbrella organization, co-ordinating its role through the four participating bodies. It is designed to develop and administer the industry standards and codes of ethics related to advertising; to work with government and other agencies in the interests of consumer protection in the field of advertising; to maintain contact with governmental and public agencies, with organizations and interest groups regarding the roles, contributions and responsibilities of advertising; to fund research on the social and economic implications of advertising and attitudes towards advertising; and finally to broaden public awareness of advertising.

The Foundation also promotes the development of improved methods for advertising and is responsible for the priorities, budgets and programs of the four operating organizations. The primary emphasis in Canada in advertising legislation has been on protection of the consumer. The government departments involved in implementing consumer protection legislation often have a dual mandate however, because they also seek to protect competition. A number of other government departments may also be involved in matters related to advertising content. Overlapping jurisdiction is of concern to the Foundation and the Council. There are now more than 100 federal and provincial acts and regulations affecting advertising. Some commercials must be cleared through four or five regulatory channels before being accepted for broadcast.

(C) Membership

The Foundation has more than 130 members, including advertisers, advertising agencies, manufacturers' associations and media companies. The Foundation is supported financially through contributions from its members, pre-clearance fees, trade complaint and consultation fees and revenue from rental and sale of educational material.

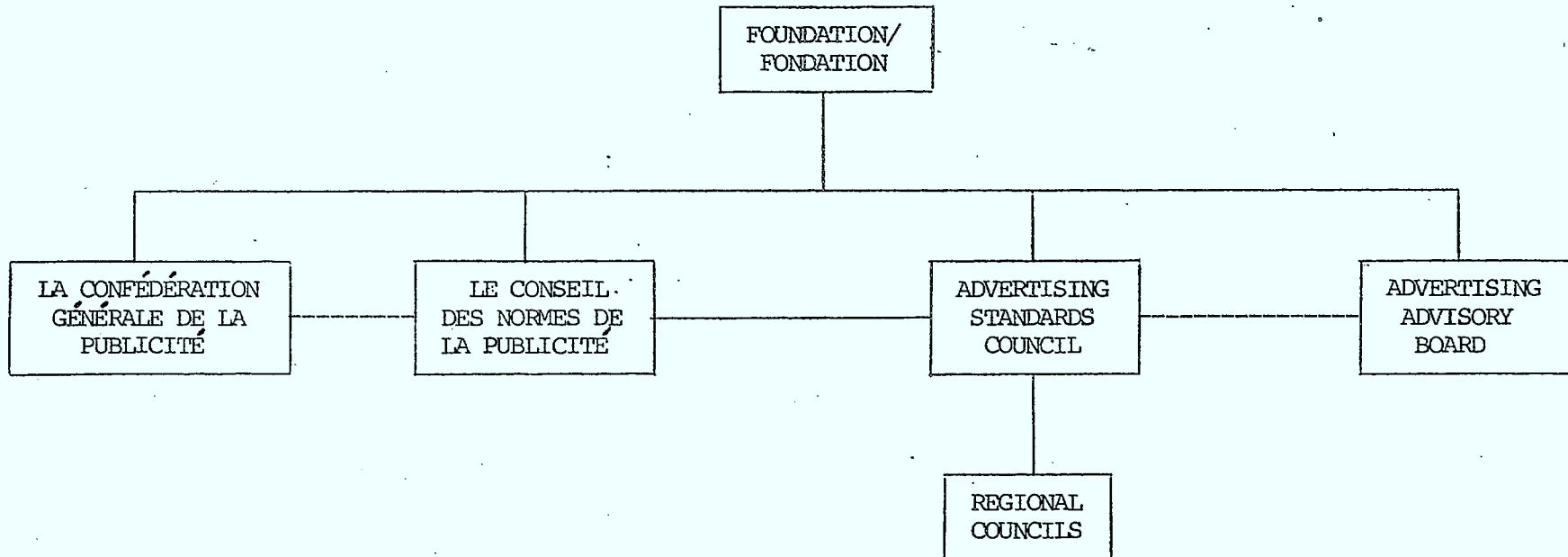
There are 24 directors, each nominated by member associations representing advertisers, advertising agencies and media.

(D) The Advertising Standards Council

(i) General Background and Organization

The Council is an independent non-profit body established to administer the voluntary codes of advertising standards. It has a French-language counterpart (to be discussed in E below) and six regional councils. It operates under the auspices of the Canadian Advertising Foundation, from which it receives its budget and priorities. (For its organization chart, refer to the next page). The Chief Executive officer of the Council is appointed by the Foundation.

STRUCTURE -- CANADIAN ADVERTISING FOUNDATION/LA FONDATION CANADIENNE DE LA PUBLICITE



One aspect of the Advertising Standard Council's activities is supported by fees paid by advertisers subject to complaint. If a complaint constitutes a trade dispute, a fee is assessed.

The Council is made up of twelve members and a voluntary chairman. Of the twelve members, three must have an affiliation with the advertising industry (at least two are nominees of the Association of Canadian Advertisers); three must have an affiliation with an advertising agency or the advertising trade association (at least two nominated by the Institute of Canadian Advertising); three must be members of media organizations which endorse the Code of Advertising Standards; and three must be public members (at least two of which are nominated by the Consumers' Association of Canada). Balance among these groups is assured at each meeting by the choice of alternative delegates from each group. Members serve for two years, with the possibility of a one-term reappointment. Membership is on a voluntary basis, except that the out-of-pocket expenses of the public members are paid.

In addition to the National Advertising Standards Council, there are regional councils with membership representing the same sectors of the community. The regional councils are autonomous and independent, but must report regularly to the National Council on complaints and how they have been handled.

(ii) Codes and General Advertising Standards

The Council is responsible for six codes:

- the Broadcast Code for Advertising to Children
- the Canadian Code of Advertising Standards
- the Code of Advertising Practices for Cosmetics, Toiletries and Fragrances
- the Code of Advertising Practices for Non-prescription Medicines
- the Television Code of Standards for the Advertising of Feminine Sanitary Protection Products
- Direct Marketing Code of Advertising for Horticultural Products

All of these codes are supplementary to federal and provincial regulations and laws.

A copy of their complaint form is informative.

COMPANY _____ PRODUCT _____

COMPLAINANT _____

ADVERTISING STANDARDS COUNCIL COMPLAINT RECORD

SOURCE	Male -- Female	Consumer--Trade--Group--Government					
AREA & DATE	NFLD ONT	NS MAN	NB SASK	PEI ALTA	QUE BC	OPENED	CLOSED
MEDIA & ADVERTISER	Daily N P Weekly N P Magazines Yellow Pages On-premises		TV TV Mags Radio Mail Package	Handbill/Flyer Outdoor Catalogue Transit All Media		NATIONAL LOCAL CLASSIFIED REGIONAL	
COMPANY FILE	Automotive		Government		Personal		
YES _____	Media		Household		Proprietary		
NO _____	Contests/ Promotions		Housing/ Real Estate		Recreation/ Entertainment		
	Finance		Mail Order		Service		
	Foods/ Supermarkets		Miscellaneous		Travel/ Accommodation		
CODE OFFENCE	Accuracy/Clarity Disguised Adtsg. Price Claims Testimonials Bait & Switch		Comparative Science Claims Slimming Guarantee Imitation		Safety Misery Fears Advertising to Children Taste/Opinion		
NON-CODE	Election Adtsg. Life-Style Portrayals Unbelievable Sex-Role Stereotyping		Excessive Technical Other		Non-Receipt of Goods Grammar/Language		

DECISION

Upheld

Case No. _____

Not Upheld

Not Advertising

Referred

Not Pursued

(iii) The Canadian Code of Advertising Standards

The original of this code was written by industry. When the Advertising Standards Council was established, government was consulted and the code was modified. Now the code can be modified by the industry organization, but Council members were, until recently, represented on the committee delegated to the task. When changes to the codes are proposed, they are sent to the industry and advertising agency members for review. When consensus is reached, the proposed changes are then sent to the media members for review.

Two particular sections of the Code are of interest:

Taste, Opinion, Public Decency

- (a) As a public communication process, advertising should not present demeaning or derogatory portrayals of individuals or groups and should not contain anything likely, in the light of generally prevailing standards, to cause deep or widespread offence. It is recognized, of course, that standards of taste are subjective and vary widely from person to person and community to community, and are, indeed, subject to constant change.
- (b) The authority of the Code and the jurisdiction of the Council are over the content of advertisements. The Code is not meant to impede in any way the sale of products which some people, for one reason or another, may find offensive -- provided, of course, that the advertisements for such products do not contravene section (a) of this Clause.

(iv) Handling Complaints

Complaints to the Council or regional councils must be signed and submitted in writing. When possible, they should include a copy of the advertisement or at least enough information to allow the Council to identify the advertisement involved. Complaints are acknowledged with an explanation of the Code.

Advertisers are informed of all complaints against them. The Council investigates complaints and if complaints are found to be valid, the Council seeks corrective action. The correspondence is open to all members of the Council, unless an advertiser has stipulated that the information submitted can be examined only by the Council staff or by a professional consultant.

When the staff is unable to resolve an issue or obtain a correction of an infringement of the Code, the complaint is referred to the Council for arbitration and decision. If health or safety are threatened, the Council consideration may be immediate, as it will be conducted by phone.

(v) Implementation and Enforcement

The staff of the Council seeks co-operation of advertisers with respect to any legitimate complaint. When all attempts to obtain correction have failed, the Council consults its lawyer and advises media organizations. Media organizations have agreed that advertising found to be in violation of the Code is unacceptable for publication or broadcast. If, however, individual media outlets are not signatories to the general Codes (with the

exception of the Broadcast Code for Advertising to Children) they can decide to air the unacceptable advertisement, despite advice to the contrary from their national organization.

The sponsor of any advertisement has legal liability for the advertisement but under the Combines Act, both sponsor and media organization can be charged. The Council will not act in cases of misleading advertising if a simultaneous request is made on the same complaint to the Combines Branch of the Department of Consumer and Corporate Affairs.

(vi) Broadcast Advertising to Children

In Québec, advertising to children under thirteen is not permitted. Otherwise, advertising to children is permitted as long as the Code is followed.

Commercials directed to children -- those falling under the Code -- must be pre-cleared by a special committee of the Council and receive a pre-clearance number. The Council conducts limited testing to ensure that the product is what it seems. The pre-clearance numbers are good for a period of one year. Since the production of a commercial involves significant costs, advertisers and agencies are invited to submit proposed commercial material before production, for consultation and review by Council staff. This consultation does not take the place of pre-clearance, however.

This committee or the Council itself deals with complaints resulting from infractions of the Code. It includes three public

members, one member nominated by the CRTC, and one from the broadcaster, advertiser and agency associations respectively.

(vii) Feminine Sanitary Protection Products

In response to a public demand for control of advertising of these products, a Code has been created. Two provisions are of interest:

2. Because of the personal nature of this product category, all commercials should be created with the sensitivities of viewers in mind.
- 3.(a) Commercials must not play upon fears or draw parallels between the use of the product and femininity. Generalized statements relating to femininity, freshness, etc., are, depending upon context, acceptable.

Advertising is pre-cleared and assigned an Advertising Standards Council number, in addition to the CRTC and Telecaster numbers (where applicable) it also must have. The Code is explicit: stations must not carry advertising unless it carries an approval number.

Membership on the panel that deals with feminine sanitary protection products advertising is made up of members from the Advertising Standards Council, including three women representing the public and one member each nominated by the broadcaster, advertiser and agency organizations. There is a quorum and all decisions must be made by a group that includes at least one woman member and the broadcasting industry representative.

Submission of an advertisement for pre-clearance is normally done in stages: when the story board and script are complete and when the commercial is fully produced. The panel generally requires two full weeks for pre-clearance. The advertiser may appeal a rejection of the original screening to the full Council.

The ultimate responsibility for acceptance or rejection of any commercial lies with the broadcast station. Thus a commercial considered acceptable (with a pre-clearance number) under the Code still might be rejected by an individual station. However, a commercial that is locally produced and run on one station only does not require a pre-clearance number, but stations remain responsible for ensuring that all advertisements meet the Code.

(viii) Consumer Advertising of Cosmetics, Toiletries and
Fragrances

The Code was established by the trade association. They sought the assistance of the Advertising Standards Council and of various government agencies and departments.

The Code is supplementary to the jurisdiction of the Department of Health and Welfare (which pre-clears advertising) and, of course, the CRTC. The Code covers provisions for claim substantiation, product representation, safety, use of the phrase "new and improved", comparative advertising, testimonials and "good taste".

(ix) Consumer Advertising Practice for Non-Prescription
Medicines

Advertising requires pre-clearance from the Department of Health and Welfare. The Advertising Standards Council is responsible for implementation of the Code and advertisers pay a fee for pre-clearance consultation.

(E) Le Conseil des Normes de la Publicité

Le Conseil is the French-language equivalent of the Advertising Standards Council and handles all complaints received regarding French-language advertisements from anywhere in Canada.

(F) The Advertising Advisory Board

The purpose of the Advertising Advisory Board is to promote public confidence in advertising explaining "the essential role of advertising in the economy", to counsel government, educators and public interest groups about the role and contributions of advertising, to protect the interests of those engaged in or using advertising through action-oriented actions supported by industry consensus and to fund and initiate research into the social and economic implications of advertising and attitudes towards advertising. In 1976-7, an AAB Task Force studied all media advertising in terms of its portrayal of women. A committee of the Advisory Board was subsequently involved with the CRTC Task Force on Sex-Role Stereotyping.

The work of the Advisory Board extends beyond the issue of the portrayal of women in advertising, but a main focus since 1979 has been on sex-role stereotyping. It is not entirely clear how this process will work in the future although the use of the model developed in dealing with sex-role stereotypes may be extended to other areas of social concern about advertising. A new kit on advertising and visible minorities is planned for distribution, for example, and the Board maintains some liaison with the Secretary of State's Multiculturalism Directorate. The Board has also worked closely with the Urban Alliance on Race Relations.

The Board follows up all complaints to the best of its capacity given limited resources, but should be considered as an example -- in the view of all interviewed -- of an excellent effort at co-operation with the CRTC Task Force on Sex-Role Stereotyping. The direct costs of the Board program to handle complaints about social concerns was approximately \$24,000 in 1983. The work is labour-intensive, because personal discussion is considered important to the comprehension and resolution of the issues.

When complaints are received by the Board, the advertiser or agency is requested to send a copy of the commercial in question. The complaint is then discussed with the advertiser, in part to stimulate education that may result in film showing, staff seminars or consultations on new campaigns. It is important to note that the Board's work is educational and advocate in focus. As such, it differs from the Council in the manner in which it handles complaints. The emphasis in the Board's process is on continuing consultation in seeking resolution of complaints.

Once the commercial has been screened, the complainant receives a letter of status, with a copy going to the CRTC and to any sponsoring organization of the complaint. Advertisers are asked to reply directly to the complainant, with a copy to the Board.

(G) La Confédération Générale de la Publicité

Before the COGEP was founded, the Publicité Club de Montréal took upon itself the leadership in the promotion of the advertising industry interests. It had no corporate mandate and its purpose was solely to handle complaints. It was independent of the Advertising Advisory Board.

In 1978, the provincial government decided to act with reference to advertising in Québec. At the request of the government, the Publicité Club de Montréal set up a Task Force that brought together the government (Office de la Protection des Consommateurs, Statut de la femme, Commission des Droits et Libertés de la personne), individuals and pressure groups. A debate ensued about the relative advantages of a regulatory vs. self-regulatory approach. The results were the establishment of guidelines, an educational program and self-regulation.

When the CRTC Task Force on Sex-Role Stereotyping in Broadcasting was created, the Publicité Club was invited. Québec decided to abandon its separate guidelines in favour of participation. At that time the COGEP was created. The COGEP is like the Advertising Advisory Board in that its activities are designed to promote advertising.

The COGEP does not have powers of investigation, but most advertisers take note of a COGEP intervention with complaints. The COGEP has a staff of two, including secretarial staff and its procedures parallel those of the Advertising Advisory Board.

ADVOCATE GROUPS

INTRODUCTORY NOTES

The following material is not intended to be a survey of all groups. Nor is it intended to be a comprehensive description of all aspects of the activities or organization of any specific group mentioned here. The section on advocacy groups has been included because these groups constitute a mechanism for registering or taking action about complaints about broadcast program content.

What is important for the limited purposes of this report is the goals or orientation of the group and its procedure for handling complaints received from the public. Comments on the content of broadcast programs or on the existing industry or governmental mechanisms to handle those complaints are included in the sections of this report entitled: "Is There a Problem?" and "Comments".

11. CONSUMERS' ASSOCIATION OF CANADA/ ASSOCIATION DES CONSOMMATEURS DU CANADA

(A) Background and Organization

The Consumers' Association of Canada is a nation-wide voluntary organization with approximately 160,000 members. Its goals are to use the strength of consumers to improve the standard of living in Canadian homes, to study and make recommendations on consumer problems, to represent consumer views with government and industry and to study and provide information for consumers on consumer goods and services.

CAC has an on-going program of activities in conjunction with representing consumers before regulatory agencies. In some cases, their activities have been focussed on the costs of services, but broader regulatory issues have been raised, both in hearings and in the various briefs, reports and discussion papers of the organization.

(B) Communication and Cultural Questions

Historically, CAC has not dealt directly with complaints about the content of broadcast programming nor with cultural and broad policy issues in the field of communications. With respect to the latter, the organization is now engaging in a process of discussion and policy development. Two drafts, a discussion paper and a policy paper on culture and communication have been circulated for comment and revision.

These draft papers address questions about the role of a regulatory agency in the field of culture and communication, a much broader range of questions than is addressed, even indirectly, by this report.

A few provisions of the report are of interest, as a basis for continuing discussion within the CAC and between the CAC and members of the public:

- the papers suggest for example, that a Parliamentary enquiry be conducted into communication and cultural policy. Such an enquiry should include public hearings to provide for greater public participation in policy making;

- the papers suggest that the concept of a single system of broadcasting with state regulation and supervision of programming be dropped. The public broadcasters would still be required to give priority to Canadian programming;
- the papers argue for a provision in the Combines Investigation Act against mergers that reduce the diversity of sources of information and other measures that would further diversity of ownership as a means of encouraging diversity of program content;
- the papers argue that CRTC supervision of content should cease, leaving to the ordinary law of the land the handling of illegal content.

The CAC has (and anticipates having) no mechanism for handling complaints about the content of broadcast programs.

12. CANADIAN COALITION AGAINST VIOLENT ENTERTAINMENT (CCAVE)

(A) Background and Organization

CCAVE is a relatively new organization (founded in 1983) concerned with violence in society generally, and in various entertainment media specifically. The organization now has regional representatives in several provinces. CCAVE also maintains liaison with the American organization, National Coalition on Television Violence and is a member of the

International Coalition Against Violent Entertainment. At this time, the organization is run on a voluntary basis and has membership from individuals, home and school groups, Women's Institutes, provincial censor boards and the Fédération des femmes du Québec. Its membership currently is around 350, and includes all provinces but currently not the Yukon or Northwest Territories.

CCAIVE sees itself as performing three functions: (1) educating the public to the reality of criminal violence in Canada, (2) conducting and disseminating research findings that indicate a causal relationship between the epidemic increase in real violence and entertainment violence, and (3) taking action to avoid the harmful effects of entertainment violence. To date, CCAIVE has not done any research in entertainment violence. It has instead tried to spread the available research information to the public through its newsletter, brochures, radio and television interviews, newspaper articles, and a slide-tape presentation. Four short videotapes based on material from the 1984 Symposium on Media Violence and Pornography are being prepared. CCAIVE promotes critical viewing skills, has done a public workshop in Hamilton on them, and markets a resource book. It also sells cooperative games, viewing them as a positive alternative to viewing violent entertainment.

The symposium on Media Violence and Pornography was a major international event, attended on three weeks' notice by around 750 people. The printed transcript of the proceedings, available from CCAIVE, provides a listing on current research in the field. CCAIVE is not an active lobby group, although it informs people on ways to make their views known.

(B) Complaints About Broadcast Program Content

CCAIVE does not have the resources to handle complaints or act as an ombudsman for the public. People who write to CCAIVE with complaints are advised to contact their local MPs, broadcasters, producers and the CRTC. CCAIVE does not forward complaints it receives. Its emphasis, however, is on encouraging communication between broadcasters (and publishers) and the public.

CCAIVE is currently seeking "counteradvertising" as a means of raising issues about violent entertainment without censorship. They draw a parallel between violent entertainment and cigarette smoking and emphasize the important contribution made by anti-smoking campaigns in educating the public and changing habits.

CCAIVE is interested in a system of cautionary warnings, including some means of indicating the violent content of a program while the program is being shown. It believes that the National Department of Health and Welfare should be involved in the development of such warnings.

13. CANADIAN COALITION AGAINST MEDIA PORNOGRAPHY (CCAMP)

(A) Background and Organization

The Canadian Coalition was formed in 1983, as a national organization, to deal with concerns raised about pornography with the introduction of pay television. The mandate of the

organization is to increase public awareness and the CCAMP actively lobbies for laws and strategies that would protect an environment in which men, women and children were assured of equality, dignity and self-respect. The Coalition has 600 member groups and individuals.

(B) Handling Complaints

The CCAMP does not handle complaints directly but has sought active CRTC supervision of the broadcasting system to ensure that sexually abusive programming is dealt with under the regulations. They seek action on complaints, greater public accessibility of public notices, monitoring of programming for sexually abusive content and pro-active response from the CRTC and appointment of more women to the CRTC.

The CCAMP has submitted briefs and recommendations concerning obscenity laws, criminal code provisions concerning children and hate literature. They have sought to have the Human Rights Act amended so that broadcasting of hate messages can come under the jurisdiction of the Human Rights Commission.

14. CANADIAN ADVISORY COUNCIL ON THE STATUS OF WOMEN

(A) Background and Organization

The Council is a federally funded advisory body that conducts research and provides public information on issues related to the status of women. It maintains an Ottawa office and two regional offices, usually in Montreal and the West. There are up to thirty appointed members, as well as a permanent staff in each office.

(B) Handling Complaints

The Council sometimes receives but does not itself handle complaints about the content of broadcast programs. Complaints are referred to the CRTC and, if appropriate, to one of the advocate groups dealing with the issue.

Nonetheless, the Council uses public feedback, its own research studies and its continuing liaison with women's groups in Canada to develop its position on a variety of issues related to broadcast program content. For example, the Council presented a brief to the Special Committee on Pornography and Prostitution in 1984. As early as 1978, the Council published research on, and actively sought remedies to deal with, sex-role stereotyping, particularly in advertising.

They argue that the production and importation of pornographic materials and indeed the simple possession of pornographic materials depicting children, should be considered criminal and that current guidelines concerning sexual stereotypes on broadcast media be turned into regulations.

15. FÉDÉRATION DES FEMMES DU QUÉBEC

(A) General Background and Organization

The Fédération is an umbrella organization of 34 associations, five regional councils. It represents approximately 80,000 members.

(B) Handling Complaints

We have no information on the handling of complaints. The Fédération is active in lobbying and in presenting briefs on pornography, however, and has addressed these issues in the context of pay television. The Fédération's interest began as early as 1977 and in 1979, they presented briefs to government to make pornography inaccessible to minors.

In 1980, they received support in the form of endorsement of their objectives with respect to pornography and minors from 325,000 people. A major symposium was sponsored. In the period to 1983, their interest expanded to incorporate response to all pornography and a brief was presented in the debate on the Quebec law on cinema and video that represented the views of 104 groups, associations and institutions.

A number of briefs have also been presented concerning pay television to the Ministers of Communications of Québec and Canada and the Fédération has supported the National Coalition against Pornography. They consider that provisions in the Criminal Code are only sufficient to deal with the most extreme cases and that more general regulations should be adopted by the agencies which supervise broadcasting.

16. INSTITUT CANADIEN D'ÉDUCATION DES ADULTES

(A) General Background and Organization

The Institut took its present form in 1956, working with a number of different groups and associations. The membership of the Institut includes educational institutions, trade unions, the

Union des producteurs agricoles, some public interest groups and individuals. It has taken positions on the protection of underprivileged people, for social development and for the democratization of schools and communication.

The Institut was involved with the first critical study of television broadcast content in Québec and in the 1970's, the Institut supported the development of a coalition of organizations dealing with radio and television in Québec. This emphasis was reflected in the establishment within the Institut of a working group on communications in 1979 and in the publication, subsequently, of a number of documents.

Most recently, the Institut has organized colloquia and prepared briefs on Bill C-20 on the renewal of Radio-Canada's licence, on budget cuts and for the hearing before La Régie on Radio-Québec.

(B) Handling Complaints

Complaints are referred to the CRTC and complainants are informed of their rights and the mechanisms for complaint. On occasion, a press conference will be organized with the Institut's help. In general, the current complaint mechanisms are seen to be inadequate, however, particularly with respect to the authority of the CRTC to deal with complaints. Intervention is seen as the only reasonable approach in many cases, but interventions can only be made easily by organizations with significant resources.

17. LA FÉDÉRATION PROFESSIONNELLE DES JOURNALISTES DU QUÉBEC.

(A) General Background and Organization

The Fédération was founded in 1978 to promote journalistic activities. The emphasis of the association is on promoting the contributions that can be made through the activities of its members. It was, for example, largely responsible for the creation of the Conseil de Presse du Québec.

One of the activities of the Fédération is to act as a pressure group on the Québec Press Council, in order that the press council actively deal with complaints or seek out problems likely to generate them. The Fédération goes to court in order to create jurisprudence on issues connected with the adequate representation of information through the media. It also sponsors bursaries to encourage better coverage on certain issues (for example, coverage of the Third World) and has initiated a study on the public perception of journalists.

The Fédération is closely tied with a magazine "Le 30", a journal dedicated to journalism. A recent issue of this magazine had articles on news as journalism, on the foreign press, on the Press Council etc. One article discussed the work of informants who pose as journalists during periods of political crisis.

(B) Handling Complaints

The Fédération does not receive complaints as such and considers a properly functioning and active press council to be the ideal mechanism for receiving complaints. The role of the

Fédération is to prevent complaints by ensuring that issues are covered properly. Complaints, they suggest, often deal with "hot" situations although there is a need to promote comprehensive reporting on any issue regardless of its status in the public eye.

18. LA LIGUE DES DROITS ET LIBERTÉS

(A) General Background and Organization

La Ligue des droits et libertés has existed as a community organization since 1963. It deals with complaints that individuals have with a variety of programs and departments, and with complaints about discrimination. It has organized many information sessions on issues like racism.

(B) Handling Complaints

Most of the complaints received do not deal with issues concerning media. However, the association will examine complaints related to broadcast program content, although it usually redirects the complaints either to the Press Council or to the Québec Human Rights Commission. Its involvement in issues connected with broadcast program content is in the form of participation in the working group on communications of the Institut Canadien d'Éducation des Adultes.

19. NATIONAL WATCH ON IMAGES OF WOMEN IN THE MEDIA INC./
ÉVALUATION NATIONALE DES IMAGES DES FEMMES DANS LES
MÉDIAS INC. (MEDIAWATCH/ÉVALUATION MÉDIAS)

(A) General Background and Organization

MediaWatch was founded in 1981 as a national voluntary organization dedicated to improving the images of women and girls in the media and to the creation of more representative images on media of Canadian society.

Several of the founding members of MediaWatch were representatives of the public on the CRTC's Task Force on Sex-Role Stereotyping. MediaWatch has presented briefs to the CRTC on pay television, CBC, the Youth Channel, and various re-licensing issues. MediaWatch also completed a two-phase monitoring study of the effectiveness of self-regulation in the Canadian Broadcasting System entitled "Sex-Role Stereotyping: A Content Analysis of Radio and Television Programmes and Advertisements". In addition, MediaWatch also spoke before the House of Commons Sub-Committee on Sexually Abusive Broadcasting, the Fraser Commission, and, most recently, the Task Force on Broadcasting.

MediaWatch has five goals: facilitating the expression of public opinion; education about the impact of sex-role stereotyping and actions taken with respect to it; development of communications to encourage people to participate in debate and decisions about improving the image of women in the media; research in the form of monitoring programs and finally, advocacy at all levels of government.

MediaWatch makes five assumptions with respect to their activities in conjunction with broadcast program content:

- that males and females are inherently equally intelligent, equally diverse, equally Canadian and equally entitled to representation;
- that broadcasting has an unprecedented power and a profound influence on cultural identity;
- that the stereotyped images of women and girls are reinforced and given lasting impact by the dissemination of those images in broadcasting;
- that issues of sex-role stereotyping and pornography are issues of justice and human rights, not of taste or morality;
- that the issue of sex-role stereotyping and pornography is not one of sex but of potential or actual subjugation of one group in society by another.

(B) Public Education

There are twelve regional representatives who speak at schools and to public groups. MediaWatch has prepared video tapes on sex-role stereotyping issues which are available for public viewing in English and French. This year the organization has embarked upon a major youth outreach programme which includes the

preparation of a videotape on rock videos, and another tape and discussion package on media sexism aimed at young people to encourage development of critical evaluation skills.

With respect to sex-role stereotyping, MediaWatch expresses concern over the effectiveness of self-regulation of an industry or firm committed to the exhibition of adult programming.

(C) Handling Complaints

MediaWatch is the only voluntary organization (with the obvious exception of those few press councils that deal with broadcast media) set up to handle complaints about broadcast program content. While it is true that MediaWatch organizes campaigns as part of its educational and advocate activities, it is also true that only MediaWatch -- among English speaking non-governmental organizations -- has the facilities to handle complaints or comments from the public about broadcast media content.

Because in our interviews, we found evidence of widespread misunderstanding about the activities of MediaWatch, the complaint form and the reply by MediaWatch are reprinted here. (See next pages). It is worth noting that the criteria used to indicate when a complaint is justified are those adopted by the Task Force on Sex-Role Stereotyping and that the complaint form calls for "comments" not "complaints".

160916

To whom it may concern:

My understanding of sex-role stereotyping agrees with the definition that is spelled out by the Canadian Radio-television and Telecommunications Commission in its report *Images of Women*. Accordingly I have something to say about:



RADIO

Call letters of station _____

Program or ad _____

Day & time _____

Canadian Media only

My comment is:



TELEVISION

Call letters of station _____

Program or ad _____

Day & time _____

Canadian Media only



PRINT

Name of publication _____

Item or ad _____

Edition (date) _____

Canadian Media only

Name _____
Address _____

SEX-ROLE STEREOTYPING IS:

- Failure to represent women in their full variety of ages, shapes, sizes & colours.
- Failure to reflect the increasing diversity of women's lives.
- Failure to portray a representative range of the occupations that women hold.
- Invisibility of women in discussions of many issues.
- Portrayal of women as sexual lures and decorative objects.
- Invisibility of female experts and decision makers.
- Language which assumes that everyone is male unless identified otherwise.

Sex-role stereotyping is harmful to women because it dehumanizes, misrepresents and degrades them. The extreme form of this distortion is pornography.



MEDIAWATCH

National Watch
on Images
of Women
in the Media Inc.

Send one copy to MEDIAWATCH: 209-636 West Broadway, Vancouver, B.C. V5Z 1G2 and retain one copy for your files



209 - 636 West Broadway
Vancouver, B.C. V5Z 1G2 (604) 873-8511

NATIONAL WATCH ON IMAGES OF WOMEN IN THE MEDIA INC.
ÉVALUATION NATIONALE DES IMAGES DES FEMMES DANS LES MÉDIAS INC.

Dear _____,

Great! You've taken action. Thank you for sending a complaint. We've sent it on, and you should be receiving a response soon. If you don't hear within a month, contact MediaWatch again.

If you need more complaint forms let us know, we'll be happy to send some.

In Sisterhood,
MediaWatch

**20. NATIONAL ACTION COMMITTEE ON THE STATUS OF WOMEN/
COMITÉ CANADIEN D'ACTION SUR LE STATUT DE LA FEMME**

(A) General Background and Organization

The National Action Committee on the Status of Women is a federation of 380 women's groups and a voluntary organization with no direct tie to government. It began with the establishment of the Committee for the Equality of Women, which lobbied successfully for the Royal Commission on the Status of Women.

In recent years the Committee has been involved with issues of sex-role stereotyping and pornography and members of their executive sat on the CRTC Task Force on Sex-Role Stereotyping. MediaWatch began as one of its committees.

(B) Handling Complaints

The National Action Committee itself has no process for handling complaints about broadcast content. It is an organization devoted to lobbying on issues of importance to women and to promoting cooperation among women's organizations.

**OTHER OPTIONS AND MODELS FOR DEALING WITH COMPLAINTS ABOUT THE
CONTENT OF BROADCAST PROGRAMS**

1. THE TASK FORCE ON SEX-ROLE STEREOTYPING

(A) General Background

The Task Force was initiated in 1979 when the Minister of Communications, acting on an undertaking to the National Plan of Action on the Status of Women, wrote to the CRTC requesting them to take steps to establish guidelines to encourage the elimination of sex-role stereotyping on the broadcast media.

Initially, no constraints were placed on the CRTC with respect to the membership or approach to be taken. The CRTC appointed 19 members, including public members, media and advertising industry representatives and members of the CRTC. The Task Force released its report in 1982. For the duration of the active meetings, public sessions were scheduled, briefs and comments received and consultations were undertaken with the industry representatives to develop a plan of action.

(B) Overview of the Process

No attempt will be made here to review the work or the recommendations of the Task Force fully. Readers are urged to read their report, *Images of Women*, which serves as a model of good public communication. It is worth noting here however, that the Task Force represented a major innovation in regulatory practice.

Following a consensus approach, the Task Force brought together government regulators, public interest members and industry representatives in a common project. As noted above, their work was not confined to the development of a set of recommendations, since participants actively fashioned guidelines for their own activities during the life of the Task Force.

The Task Force recommendations were designed to be implemented, at least partially and in the short-term. The final recommendation was for a modified form of self-regulation, using the codes and commitments developed during the life of the Task Force. At the same time, however, the CRTC was to maintain an active supervisory role.

At the end of the two-year period of initial implementation of recommendations, all broadcast licensees have been required to submit a report on their compliance with Task Force recommendations. Several other studies have been done by advocate groups and by the CRTC. As a result of the evaluation of this material, decisions will be made on the "next step" and whether regulation, more traditionally conceived, is required.

(C) Actions Taken by Participants

The recommendations were:

1. Broadcast programming should reflect an awareness of, and sensitivity to the problems related to sex-role stereotyping.
2. Broadcasters should recognize the changing interaction of men and women in today's society.
3. Broadcasting should reflect a contemporary family structure showing all persons as equally supporting participants in home management and household tasks, and as equal beneficiaries of the positive attributes of family life.

4. Broadcasters should reflect the wide spectrum of Canadian life, portraying people of various ages, backgrounds and appearances, actively pursuing a wide range of interests.
5. Broadcasters should refrain from the exploitation of men and women, and reflect the intellectual and emotional quality of both sexes, in programming.
6. Broadcasters should exercise their best efforts to use language of an inclusive nature in their programming, by avoiding whenever possible expressions which relate only to one gender.
7. Broadcasting should reflect a realistic balance in the use of men and women as voice overs and as experts and authorities.
8. Broadcasters should attempt to increase the visibility and involvement of women in broadcasting, both on and off the air.
9. Broadcasters should exercise sensitivity to and be aware of the problem of sex-role stereotyping in the acquisition of programming material or rights.
10. Broadcasters should support the voluntary initiatives of the advertising industry in relation to the issue of sex-role stereotyping, through the Advertising Advisory Board, and that wherever possible, broadcasters should cooperate with locally organized and nationally conducted campaigns of the Advertising Advisory Board (AAB).

The public members of the Task Force added some additional recommendations:

1. in order to ensure that an appropriate mechanism for the CRTC to carry out the tasks of monitoring and assessing the initiatives for self-regulation... that the CRTC establish a committee on sex-role stereotyping... and that this committee be composed of CRTC Commissioners and staff and members of the public familiar with the issues.

2. in order to increase accountability and facilitate public involvement... that periodic reports of all licensees on their progress and initiatives... be made available to the public at the time of licence renewal.
3. to clarify the meaning and intent of the CRTC's initiative in eliminating abusive comments or pictorial representation... that the CRTC and all licensees recognize the special problems of pornography and violence against women... that the CRTC amend its FM and AM regulations to include, among other subjects that may not be broadcast, abusive comments... that the CRTC amend its television regulations to include, among other subjects that may not be broadcast, abusive comments or pictorial representations of either sex.

The CRTC accepted most of these recommendations and has implemented them. The report on the implementation of the Task Force as a whole is scheduled for release shortly and will be discussed in public before any final determination is made about further action.

(i) The Advertising Industry

The primary focus of the Advertising Advisory Board has been on the implementation of the Task Force report. Within the Board, a committee exists to deal with sex-role stereotyping. Like other Advertising Council and Board committees, it operates with a consensus structure. A staff member of the Board is responsible for following-up complaints and carrying out educational activities. This committee has also dealt with a number of specific complaints.

(ii) CBC

In their report to the CRTC, the CBC noted a number of measures that had been taken to implement the recommendations. Guidelines have been published and language is monitored for sexist terms. Women are represented more adequately on the CBC advisory committees and the international service and regional personnel have held meetings to discuss the recommendations, in some cases in co-operation with the provincial Human Rights Commissions.

(iii) CAB

A special CAB committee was established in 1979 to support CAB's contribution to the Task Force. The CAB amended its Code of Ethics to include clauses reflecting a sensitivity towards human rights in general and sex-role stereotyping in particular. In 1982, the CAB agreed to establish a standing committee on sex-role stereotyping to study, manage and develop the recommendations of the Task Force. The orientation of this committee is the education of the CAB members. This committee is made up of CAB members and is voluntary. It operates with terms of reference derived from the voluntary guidelines.

Upon receipt of a complaint, the broadcaster receives a copy, notice of the issues involved and a copy of the voluntary guidelines and is invited to respond to the complaint. The broadcaster is also offered assistance in responding to the issues involved. If the broadcaster responds negatively or not at all, a follow-up letter is sent both to the broadcaster and the complainant, in the latter case explaining the efforts of the committee. If the matter cannot be resolved, it is referred to the Executive Committee of the CAB.

(D) Comments

It would be easy, given the activity that has occurred, to overestimate the role and impact of the Task Force. First, it is not likely that a Task Force will be commissioned on other equally important issues of social or public concern. Second, it is not entirely clear whether the structures set up to implement the Task Force will be dismantled or at least reduced in significance after the review period. Third, it is clear that the CRTC had a "will to act" initially on the problem of sex-role stereotyping. This "will" can easily disintegrate under the pressure of different types of controversy or because of the strain on resources that the Task Force imposes. Fourth, pay television was initially the cause of much of the concern about sex-role stereotyping and abusive comment. But pay television was not itself licensed during the initial tenure of the Task Force and has not been as actively involved in its implementation as the industry groups that were. It remains to be seen just how much the Task Force process will affect the content of programming on pay television.

We consider the Task Force to have been a success, despite these problems. It is worth noting, however, that a number of people we interviewed, including industry representatives, stressed the importance of the threat of regulation in ensuring that self-regulation functions as it should. The Task Force experience is a lesson well-learned about what can be done with the goodwill and participation of the various sectors of the community and the industry.

It is also a lesson about the importance of the threat of regulation and a governmental presence even within a self-regulatory project and certainly with respect to the implementation of voluntary guidelines and actions.

2. PRESS COUNCILS: ANOTHER APPROACH

(A) Introduction

The idea of using press councils as a means of ensuring that media are both free of interference and responsible is widely accepted world-wide (1). Thus, in dealing with how complaints about the content of broadcast programs should be dealt with, an investigation of press councils now in operation in Canada is essential (2).

No single definition of a press council exists. Generally, they are set up by members of the media themselves, with or without journalists and members of the public as members. Their task is to investigate complaints about press coverage or behavior.

Press councils are most often used in countries that do not have the legal institution of the right of reply. As will be evident from the Canadian material, legal action is often precluded when a complaint is brought before a press council. In theory, of course, a press council might be considered a legitimate "first stage" of conflict resolution, ensuring that only disputes that are not amenable to easy resolution end up before the courts. In practice, in Canada and elsewhere, legal and press council consideration of complaints are alternatives. There are two countries however, that do combine a legal "right to reply" and a press council. And in Sweden, consideration of a complaint by a press council can be followed by legal action.

Most press councils have a broad mandate: to protect the freedom of the press and to deal with abuses in journalism. Some of the Canadian councils also seek to deal with the handling of controversial issues in the media. In other countries, press councils may investigate press concentration of ownership (when that concentration is seen to affect the availability of diversity of information) and will promote education and research in journalism and technical improvements.

Many of the press councils in other countries deal with complaints on a case-by-case basis. Several however, measure complaints against established precedents, either as in case law or against a formal code of ethics and conduct.

Press councils generally do not initiate actions or complaints, but respond to the submission of a complaint by a member of the public. The first action of most councils is to attempt to reach a conciliation between the complainant and the media. If a direct settlement cannot be reached, councils generally schedule hearings. In no case are lawyers permitted to represent any party and cross-examination is precluded. The emphasis is an informal and discretionary procedure. Only in some countries are the hearings open to the public.

The "sanctions" available to various press councils differ. In some but not all countries, the newspapers involved will be obliged to publish the complaint and the findings of the Council. This will be supplemented by voluntary publication in other media outlets. The main sanction imposed by press councils, however, is

negative publicity, although in Israel a public apology and retraction is also required if the complaint is found to be justified. And in Sweden, fines can be levied, although damages are precluded. Generally, there is no appeal against the findings of a press council.

Press councils, then, provide an example of self-regulation, operating solely on a voluntary basis. The membership of the councils is voluntary and only sometimes are members of the public included. The complaints process precludes (in almost every case) later consideration of the same issue before the courts. The procedures of press councils are not characterized by "due process" in any conventional sense of the word, although councils may operate in a fair manner with respect to complainants and respondents. The primary sanction imposed by a press council is a moral one which is imposed in some countries only on a voluntary basis. Because press councils are voluntary, and because few disputes end up in the courts, formal codes of ethics are relatively rare. The standards applied by the councils, in their often closed hearings, are those developed at the discretion of their individual members.

Press councils now exist in almost all jurisdictions in Canada. The first of these was established in 1971, but most are recently established. The number of complaints dealt with annually is relatively small. There has been little public controversy, however about press council actions or decisions. The following chart provides an overview of Canadian press councils.

LOCATION	RIGHT TO REPLY	HEARINGS	OPEN vs. CLOSED	PARTICIPATION	APPEAL	DAMAGES	PUBLICATION OF DECISIONS	COMMENTS
Windsor Media Council	Both complainant and media have right to reply, media has right to redress complaint.	Yes, but none held to end of 1984	Closed.	N/A	None indicated.	No legal authority to do so.	Decisions published in the medium involved in complaint.	"The intentions and functions are not to replace complaint process which presently exists before the CRTC but rather to provide a local alternative." (Correspondence, No. 1984.)
Ontario Press Council	As above. Complaints committee responsible for adjudication.	Yes.	Closed except by majority Council decision.	No legal counsel, no cross-examination, witnesses allowed, rebuttal by either party.	None indicated.	No legal authority to do so	Decisions are published through a press release and medium involved is obliged to publish the adjudication.	OPC strongly adheres to concept of self-regulation and rejects the proposed Canadian Daily Newspaper Council in favour of regional voluntary press councils.

LOCATION	RIGHT TO REPLY	HEARINGS	OPEN vs. CLOSED	PARTICIPATION	APPEAL	DAMAGES	PUBLICATION OF DECISIONS	COMMENTS
Québec Press Council	See Windsor; plus complaints committee adjudicates. The Council transmits the reply of the respondent (newspaper) to complainant who is invited to answer.	Yes.	Closed.	Parties concerned may be requested by complaints committee to appear before it.	Either party has right to appeal. Those objecting have 30 days to appeal.	No legal authority to do so.	Decisions are forwarded in advance to the parties concerned and made public in the media as soon as possible.	Council has debated the need for a specific code, seeing that option as too rigid. Their rules have been established in the form of statements of principle, e.g. "On Ethics".
Alberta Press Council	See Windsor Media Council.	Yes.	Open.	In one case parties appeared, in another, working press and journalism students.	None.	As above.	Decisions are published by all member newspapers including that which generated complaint.	
Missis-sauga News Community Advisory Board	N/A	N/A	N/A	N/A		N/A		

LOCATION	RIGHT TO REPLY	HEARINGS	OPEN vs. CLOSED	PARTICIPATION	APPEAL	DAMAGES	PUBLICATION OF DECISIONS	COMMENTS
Atlantic Press Council	Complainant has right to reply via the panel which adjudicates his/her complaints on complaints accepted by the Council. Newspapers must make "timely" reply.	Yes.	Closed unless all parties request open hearings but open only at Council's discretion.	No legal counsel, no cross-examination, witnesses expected to appear personally at hearing.	Appeal at discretion of the Council.	No legal authority to do so.	Communicated to the parties and statement of complaint and adjudication issued to press for publication. The newspaper concerned must publish this information.	
Manitoba Press Council	None specified.	Yes.	Open unless majority vote to close hearings and parties agree.	No legal counsel, no cross-examination.	None specified.	No.	Complainant and publisher notified and newspaper involved must publish findings of Council. Council decides how to make findings public.	Council pays reasonable expenses of a complainant when attending Council hearings.
B.C. Press Council	None specified.	Yes.	Open unless majority vote to close or when parties request.	No representation by counsel, but no pleadings or cross-examination, witnesses may be called by either party, no verbatim report on proceedings.	None specified.	No legal authority to do so.	The newspaper involved is required to publish decision. A press release issued.	

LOCATION	DATE	MEMBERSHIP	COMPLAINTS	TYPICAL COMPLAINTS	MANDATE	# OF 1983 ADJUDICATIONS	TERMS OF REFERENCE	TIME LIMIT	LIBEL WAVED
Windsor Media Council	1971	5 media-associated, 10 public members.	Includes complaints on electronic media.	Bias in reporting of controversial issue.	<ol style="list-style-type: none"> 1. To preserve the freedom of the press. 2. To act as medium of understanding. 3. To encourage highest professional standards. 4. To consider public complaints and report publicly. 	2.	Rules of procedure and by-laws.	Not known.	Not known.
Ontario Press Council	1972	1 chairperson, 10 professionally associated, 10 public members, 32-45 newspapers participating.	Does not include electronic media.	Bias in columns and editorials (see additional notes).	<p>As above plus:</p> <ol style="list-style-type: none"> 1. Make representations to government and other bodies. 2. To consider complaints from members of the press re: conduct of individuals. 3. To consider about access. 	25 adjudications out of 116 complaints (3 complaints from members of the press were adjudications).	Own constitution	6 months.	Not always. Only when possible legal action involved.

LOCATION	DATE	MEMBERSHIP	COMPLAINTS	TYPICAL COMPLAINTS	MANDATE	# OF 1983 ADJUDICATIONS	TERMS OF REFERENCE	TIME LIMIT	LIBEL WAVED
Québec Press Council	1973	6 media-management personnel, 6 journalists from the Federation of Professional Journalists, 7 (including Chair) are public members, various committees appointed.	Includes electronic media.		Same as Windsor Press Council.	54 adjudications, 53 complaints. 25 adjudications were from previous years.	Constitution plus Statement on Ethics.	6 months.	Yes.
Alberta Press Council	1980	1 lay representative and 1 press rep. for each member newspaper, executive committee: 2 lay and 2 press reps.	Does not include electronic media.	Articles or editorials, cartoons and letters to the editor - quality of reporting.	Same as Windsor.	32 complaints Number of adjudications not known for 1983.	Constitution passed in 1983 based on Ontario Press Council.	Not known.	Not known.
Missis-sauga News Community Advisory Board	1983	1 professional, 10 public.	Provides advice to Ontario Press Council but also functions as liaison with local paper.		Advisor to <u>The News</u> .	N/A	Similar to Community Councils in the U.S.	N/A	N/A

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LOCATION	DATE	MEMBERSHIP	COMPLAINTS	TYPICAL COMPLAINTS	MANDATE	# OF 1983 ADJUDICATIONS	TERMS OF REFERENCE	TIME LIMIT	LIBEL WAVED
Atlantic Press Council	1983	14 public representatives (including Chair), 13 from newspapers, all but 1 newspaper are members of Council.	Does not include electronic media.	1983 statistics: 6 lack of access, 3 inaccurate reporting, 2 unbalanced reports, 2 racial or sex bias, 2 editing practices.	<ol style="list-style-type: none"> 1. To preserve freedom of the press. 2. To act as medium of understanding between the public and the press. 3. To encourage high ethical and professional standards. 4. To consider complaints. 	In 1983, 15 complaints, 2 against non-members, 2 adjudicated, 3 satisfied without hearing, 2 disallowed, 5 dropped, 3 active.	Constitution.	After 3 months, only at discretion of the Council.	No waiver signed but Council does not deal with complaints when legal proceedings have been commenced.
Manitoba Press Council	1984	Member newspapers (not including Winnipeg Sun).	Does not yet include electronic media.	Too early to assess.	As above plus: includes complaints about advertising and investigations of restrictions on access and representations to government on issues.	1 to date.	Not known.	After 6 months, at discretion of Council.	Waiver signed. Council does not deal with complaints when legal proceedings planned or commenced.

LOCATION	DATE	MEMBERSHIP	COMPLAINTS	TYPICAL COMPLAINTS	MANDATE	# OF 1983 ADJUDICATIONS	TERMS OF REFERENCE	TIME LIMIT	LIBEL WAVED
B.C. Press Council	1983	Most but not all B.C. newspapers, 4 directors who are officers of member newspapers, 4 members (no media connection), Chairman elected by members.	Does not include electronic media.	Controversial reports, bias only specific complaints accepted.	As above.	1983: 20 complaints received, 2 adjudicated by year end, 2 resolved, 7 withdrawn.	Under Societies Act constitution.	6 months generally.	Yes.

(B) Additional Notes on the Various Press Councils

(i) Windsor Media Council

The Windsor Media Council was the first Council to include complaints with respect to broadcasting, but takes care to ensure that it does not replace the current complaints process which exists within the CRTC. No complaints with respect to broadcast programs have ever been adjudicated but complaints about broadcast content have been received and resolved without the necessity of a hearing.

A typical complaint would be one from an individual who found the presentation on a talk show to be "entirely one-sided" and "unprofessional".

(ii) Ontario Press Council

The Ontario Press Council sends complaints, upon receipt, to the newspaper(s) involved. If the newspaper does not redress the complaint to the complainant's satisfaction, the Council then deals with it. A complaints committee is then established with five members, two of whom are public members, two professional members and the fifth who is the Chairman.

The Council's membership includes 96% of all Ontario newspapers, including weeklies. It operates on a consensus principle. Members propose and vote on public members, who require a two-third majority to be elected.

The Council has expressed strong opinions on recommendations (primarily from the Kent Commission) about a National Advisory Council and a country-wide press council. They feel that a voluntary system is preferable and that "each Press Council must be judged on performance". Any national body, they feel, would be redundant and would be likely to impose arbitrary criteria, as opposed to criteria developed in consultation with all Canadian Press Councils, in the judgement of performance.

(iii) The Québec Press Council

The original impetus for the Québec Press Council came from working journalists. They sought to reestablish the value of their profession and to improve the quality of reporting. It was only in the late 1960's however, that the creation of a press council became possible. The model was the British Press Council. The first charter of the Council was drawn up by the Fédération professionnelle des journalistes du Québec.

The Québec Council is a private, tri-partite and non-profit organization with no legal, statutory or enforceable powers. Its purpose is to protect the right to information as well as free access to and free circulation of information. Its Annual Reports stress the role of journalists in creating a responsible press. The Council also seeks to develop public critical thinking and awareness of the role of a free press in society. It operates as a voluntary organization, and its sole authority "is a moral one". The sources of Council revenue are contributions from its members and donations. Not all media are members.

In 1975, the QPC announced that it was undertaking the task of writing a code of ethics, but after some time it was decided that there was little need for a specific code of ethics which might have been too "rigid".

Members of the Council are appointed as individuals and not as representatives of any interest or group.

When complaints are received, the complainant must seek redress first directly from the media or journalists involved. Only failing resolution does the Council become involved. Decisions by the Council cannot be used before the courts. The Council informs the respondent of the nature of the complaint and transmits the respondent's reply back to the complainant.

(iv) Alberta Press Council

When complaints are received, they are acknowledged and a copy of the complaint is sent to the publisher of the newspaper against which it is lodged, with a request that he attempt to resolve the complaint directly. Thirty days are provided for this. The newspaper is also requested to convey their reply to the Council. If a satisfactory resolution is not reached, the matter is brought before the executive committee for a decision about whether the complaint should be heard by the Press Council.

(v) Mississauga News Community Advisory Board

The Mississauga Board acts as a sounding board for public concerns and as a means of ensuring effective liaison between the local paper, The News, and the community. Ten of the members of the Board are members of the public with only one from the newspaper. The emphasis is on helping the public learn how to communicate with the media.

(vi) The Atlantic Press Council

Complaints that go to adjudication are heard by a small panel including the Chairman, two public and two professional (management) members. One of each of the public and professional members must be from a province other than that in which the complaint originated. No member of the newspaper against which the complaint was lodged may sit on the adjudication panel.

(vii) Manitoba Press Council

The Manitoba Council is new and has yet to test its procedures extensively in operation. One of their procedures should be noted: Manitoba provides funding to cover reasonable costs for any complainant to attend the hearings.

(viii) British Columbia

The two first cases brought before the B.C. Press Council were highly controversial and concerned the accuracy of media reports and issues that were "more a matter of community politics than a question of journalistic practices" (Council decision on complaint by Ms. Beverly Unger).

Although most newspapers in the province are members of the B.C. Newspapers Association, not all are members of the Press Council.

Anyone bringing a complaint must give the newspaper involved the opportunity to satisfy the complaint. If the newspaper's action does not satisfy the complaint, the Council will arrange to hear the complaint. Both the complainant and the newspaper are asked to submit written summaries of evidence and argument and then to attend an informal oral hearing.

(C) Evaluating Press Councils: The Perspective of the Councils

In the first meeting of the Council of Canadian Press Councils (October, 1983) a number of points were raised that were relevant to an evaluation of mechanisms like press councils for dealing with complaints about the media.

For example, the keynote speaker, Mr. Claude Jean Bertrand of the University of Paris said:

Complaints are few and far between and often quite futile regarding the true sins of the press, the sins of omission and distortion. The quality of media, professional training, research, the concentration of ownership and the unbridled commercialism of the media unfortunately are not often subjects of concern to the Councils. Their influence is not great and their noteworthy success is very limited. Generally speaking, they have been disappointing and there is no country where their presence has contributed to appreciably improving the media. (3)

The Conference report added its own evaluation:

The press councils, undoubtedly, exercise an influence on the practice of journalism but it is marginal and limited to correcting minor failings. Consumer associations, pressure groups and press ombudsmen have a more noteworthy and determining influence. Although the latter are employed by the media, they succeed better in arousing and feeding the public discussions which are so necessary to the evolution of the practice of journalism. (4)

The Conference concluded that the press councils should maintain an active presence in their regions, close links with press circles and with councils of users of media as well as with public groups. Questions were raised about the ideal composition of the press council. Press membership on the Councils was deemed to be essential, in order to maintain press interest in the work of the Councils. Concerns were expressed that the public members should be appointed by independent advisory committees. The lack of resources for Councils' work was noted and it was suggested that precautions be taken to strengthen the independence of the Councils. Finally, a recommendation was discussed about broadening the scope of interest of the Councils, to ensure that they considered broad questions of principle.

(D) Evaluating the Councils: Lessons for This Study

The approach taken in establishing press councils has some advantages and disadvantages. The advantages are:

1. the press councils involve the industry directly and actively in the resolution of problems and complaints about their practices;

2. the press councils generally provide a means for mediation and resolution of conflicts among those who are party to the dispute;
3. the press councils provide some access for the public and some information to support a public discussion about the responsibility of the press and the ethics of journalism;
4. the relative informality of procedures ensures that individuals need not feel intimidated nor assume significant costs in order to make their complaints known.

The disadvantages, on the other hand are:

1. the press councils in different provinces have adopted different rules, although some coordination of efforts and procedures is now taking place;
2. only limited aspects of the activities of the press councils are open to public scrutiny and thus cannot be expected to engender public trust;
3. the number and range of complaints actually dealt with is limited;
4. only some press councils permit appeal of decisions;
5. councils have very limited access to sanctions or means of implementing standards or redressing actual complaints.

6. although there are advantages to a non-legalistic process, individuals' rights are compromised in those provinces where complainants must sign a waiver before seeking a more informally negotiated resolution of their complaint;
7. only in some press councils are members of the public or practicing professionals represented;
8. only in some press councils are all members of the industry represented.

It is far too soon to reject the press council model as useful in its own terms.

Certainly, the expanding activities of existing Councils and the establishment of several new Councils in the past few years is cause for optimism. If one were to adopt a press council model for use in broadcasting, the following would be necessary:

- any such council would have to supplement and extend, rather than duplicate the activities of the CRTC and other groups handling complaints;
- any such council would have to be much more sharply focussed on complaints about the misrepresentation of persons than are current press councils in Canada;
- any such council should seek wider representation than some of the Canadian press councils now have, including greater representation from industry, and representation from both members of the public and professional groups;

- the range of sanction available would have to be greater if the council were to have public credibility;
- given problems in the implementation of a "legal waiver" and the public issues connected with its use, a legal waiver should not be included in the complaints process;
- mechanisms for enforcement of decisions would have to be included if the council were to have public credibility.

As will be evident from the recommendations made by the authors of this report, a press council approach is seen as having important but limited applicability in the handling of complaints about broadcast program content.*

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- * (1) Material for this chapter has been taken directly from: Rampal, Kuldip, "The Concept of the Press Council", Gazette, Institut voor Perswetenschap, Netherlands, 28. 0016-5492/81/0282-0091, 1981.
- (2) See also, Robertson G., People Against the Press, London, Quartet Books, 1983.
- (3) Conseil de presse du Québec, Conference of Canadian Press Councils (proceedings) 1983, page 3.
- (4) Ibid, page 7.

3. THE OMBUDSMAN'S OFFICE: A DIFFERENT APPROACH

(A) Introduction

There is legislation establishing an Ombudsman's Office in nine provinces. At the federal level, there are four special ombudsmen: the Commissioner of Official Languages, the Correctional Investigator, the Privacy Commissioner and the Information Commissioner. Significant demand has been exerted by the provinces for a federal ombudsman, but such an office has not been established yet.

Only one of the Ombudsman's offices could be surveyed for this report. Ironically, it is one that is the subject of current controversy. The controversy does not extend the mandate and operations of the office however, but is limited to the reappointment of the ombudsman and the appointment process. The controversy draws attention to the potentially political nature of these decisions and the difficulty of the Ombudsman's office tasks.

(B) Responsibility

In B.C. the Ombudsman is an officer of the Legislative Assembly. He or she reports to the Assembly annually and is accountable to it. Some provinces have a select committee to ensure effective liaison between the Ombudsman's Office and the Legislature. An all-party committee authorizes the budget for the Ombudsman's Office and oversees legislative response to the issues and recommendations raised by the Ombudsman's Office.

(C) Handling of Complaints

Two separate processes are involved in handling complaints. The first involves the "intake" that will lead to the acceptance or refusal to investigate a complaint or its referral to other agencies. The complainant is contacted by phone and the complaint itself is narrowed to a specific issue when possible. An attempt is made to determine what remedy the complainant seeks. This "intake" process helps to prevent each complaint resolution from turning into a mini-Royal Commission.

Decisions to refuse to handle a complaint are made for several reasons: if the complainant has another resource open to him or her or if the complainant lacks sufficient resources to deal with the complaint/investigation process (resources like time, energy and "psychological ebullience" as well as money). It is not demanded that a complainant have exhausted all other complaint procedures. The Ombudsman's Office will not become a substitute for these other procedures of appeal however, and will take steps to ensure that the complainant does not become dependent upon the Ombudsman's Office.

If a complaint is not resolved or referred at this early state, some form of investigation is usually required. Two routes are possible: an inquiry and an investigation. An inquiry takes the form of a request for the respondent to submit answers, usually over the phone, to the complaint. An investigation is required, on the other hand, when the written files must be requested or an "official position" is required from the respondent.

In the case of an inquiry, emphasis is placed on the resolution of the complaint to the satisfaction of both parties. But when an inquiry is not sufficient or such an agreement cannot be reached, the Ombudsman's Office may request the respondent to conduct an investigation or may initiate an investigation through the Ombudsman's Office. The aim of an investigation is to make a formal finding on the merits of the complaint. Investigators use the phones extensively, occasionally relying on a conference call between the Ombudsman's Office, the complainant and the respondent.

In theory, complaints can be followed-up by a system-oriented investigation, when the goal is to investigate problems in the administration of government. The B.C. Ombudsman's Office has also seen a need for an inspection system to deal with problems that do not arise in the form of individual complaints. The lack of resources has hampered both of these functions, and indeed an inspection system has not been established.

The Ombudsman's Office has developed a number of standards -- a code -- of administrative justice governing its own investigations.

(D) Allegations of Criminality

It is not unusual for a complainant to state that criminal activity is suspected in the activity leading to the complaint. These complaints are referred to the police or the Crown Counsel. The Ombudsman's Office may also conduct an investigation if administrative issues are involved, but only after the criminal investigation is concluded. The Ombudsman's Office does not

refer matters to the police or Crown Counsel themselves, since proceedings before the Ombudsman's officials are confidential. Rather, the complainant is advised to take the complaint to the police and the investigation is halted if any criminal investigation is initiated.

(E) Applicability of the Ombudsman Approach to this Report

It is commonplace to see the Ombudsman's Office as an investigative unit or as a "champion" of public rights. A more accurate image would be that of a conciliator since relatively little attention is given to the arbitration of complaints. Even formal investigations in B.C., are often conducted over the phone and with the goal of securing an agreement between the parties to the complaint.

The advantage of an ombudsman approach is the high degree of public credibility that it brings to the process of public comment and complaint and the significant attention paid to the redress and resolution of complaints. With a conciliation approach, an ombudsman's office does not become a "court in disguise" even in the most difficult cases. The disadvantage of an ombudsman approach is the reluctance of those potentially being investigated to have to submit their activities to outside scrutiny.

An Ombudsman's Office is usually considered to be a function of government. Nothing in the approach limits an ombudsman to being an official of the legislature, however. An ombudsman could be appointed by members of a consensus organization.

**SELECTED COMMENTS FROM THE DOCUMENTS, HEARING TRANSCRIPTS,
LETTERS AND LITERATURE**

Introduction

Most of the comments from the interviews we conducted have been integrated into the analysis and recommendations we have presented. A few groups have been under-represented, of course, in our survey. Others have taken the trouble of writing to us and their comments from those letters should be noted separately. Finally, some additional background material taken from the House of Commons Sub-committee on Sexually Abusive Broadcasting transcript and from the interventions on AM and FM Regulations (CRTC 1984-164) will be useful to elaborate upon information included in the report.

1. ADVOCATE AND PUBLIC GROUPS

Focus on Black Women believes very strongly that regardless of race, gender or religion, we are all equal before the law and therefore entitled, without discrimination, to equal protection. The Canadian Government would be in violation of the Universal Declaration of Human Rights should they not include this clause in the regulations for pay tv programming in this country. We believe that it is important that all effort be made on the part of government to ensure that the portrayal of minorities by the media not be stereotyped.

(Focus on Black Women, Ottawa, February 9, 1984)

CCAVE is most interested in encouraging two-way communication between broadcasters and publishers and consumers, so your project to investigate some centralized way of handling this communication is something we are happy to help with in any way we can.

As I mentioned on the phone, we try to encourage people to compliment producers on good media programming and newspapers and magazines on good articles. We think that this approach is helpful, as well as that of sending complaints about things that are not liked.

(Joan De New, Executive Secretary, Canadian Coalition Against Violent Entertainment, Hamilton)

The most effective channels for complaints about radio broadcast news content has been direct contact with the outlet in an attempt to correct erroneous reporting. In most cases, this form of complaint is successful. It has been my experience that "hard news" operations want to be as accurate as possible, and are more than willing to correct errors. This system works well in the major market areas and, to a lesser degree, in the small market areas.

The same holds true, for the most part, with the television news operations. Most attempt to keep their reporting accurate, however, with the shift from hard-news TV reporting to the more entertainment-oriented TV news cast, it has become increasingly more difficult to have complaints dealt with in a satisfactory manner. Perhaps the worst offender in the Vancouver market is BCTV. This station is the perfect example of "junk food journalism". No matter how diligent one is in providing BCTV with the facts concerning a specific issue, one can never be sure how those facts will be presented. BCTV uses a "news item" to build their own version of what has occurred so that the story rarely resembles what has actually occurred. This outlet has adopted an entertainment news format. The most effective way to deal with BCTV is to have as little to do with them as possible, that way you won't have anything to complain about. I believe it is fair to say that the labour movement generally has an unofficial position of non-cooperation with stations like BCTV. "The less you tell them, the less damage they can do to you", seems to be the prevailing attitude.

With respect to the "opinion" shows, complaints directly are a waste of time. Unless there has been a serious omission in fact, which may be accountable through the courts, "opinion" commentators rarely respond satisfactorily to complaints. The broadcast outlets which employ these people almost always back up their employees. As an example, I would remind you

of a particular incident, which I'm sure you remember, concerning Doug Collins and his commentary on CKVU in which he expressed the opinion that a group of women involved in monitoring the media should be, in the event of a war, placed in the front lines to be raped by Russians. All of the complaints made by a number of groups were ignored by the station; in fact, they defended Collins' right to say such things under the guise of freedom of speech. When it was pointed out to CKVU that they had a public responsibility to protect the public from such outrageous and vicious opinions, they insisted that to the contrary, they had a responsibility to provide to the public, the broadest possible opinions even if those opinions were totally unacceptable in both a moral and legal context.

This particular case is also useful in exploding the myth that the CRTC will step in to protect groups and/or individuals from vicious unacceptable attacks by broadcast outlets. Although several complaints were made to the CRTC, to my knowledge, no significant action was ever taken against the station. Eventually, Doug Collins' commentaries were dropped from the station lineup, but I suggest it was done for reasons other than the flood of complaints received by the station and the CRTC.

Another case which you might find interesting, concerns paid advertising rather than news or opinion broadcasts. The Prince George and District Labour Council attempted to buy advertising time on CKPG to promote a boycott against an employer that was being legally struck. The station refused to sell the advertising time for reasons which were ludicrous to say the least.

The Labour Council filed a complaint with the CRTC in an attempt to receive what it believes to be fair treatment from CKPG. This complaint to the CRTC is being processed albeit painfully slowly, and the Labour Council is optimistic that it will win its case.

As a personal opinion, I believe the establishment of a self-regulatory body would be a waste of time. Our experience with the existing Press Council has been less than acceptable, and I see no reason to believe a Broadcast Council would be any different.

(Tom Fawkes, Director of Communication, B.C. Federation of Labour (CLC) Burnaby, B.C.)

To address, albeit briefly, the question of censorship -- ACTRA is opposed to it. We believe that there are few artists in this country who are for censorship -- in any form. We accept sensuality on the screen, or nudity when it is appropriate. But what is unacceptable to ACTRA is the misuse of Canadian airwaves for the dissemination of hate literature. It is unfathomable that anyone could attempt to justify the demeaning and objectifying of women by even referring to this as a "complex issue". There is no censorship called for in the CRTC's Canadian Content Regulations, nor in Images of Women. Conformity to those guidelines is what ACTRA is urging.

("ACTRA Irate over Besmirching of Airwaves", by Lyn Jackson, First Vice-President ACTRA)

The one major complaint we had, some four years ago, was handled rather responsively by the public relations department of the CBC in Toronto. An offensive segment of a radio broadcast was reported to us. Since we had not heard it ourselves, we asked to listen to the tape. This was arranged within a couple of days. An official of appropriate responsibility and seniority listened with us, agreed with our criticisms, and arranged for us to meet the following week with the top person in that sector. We subsequently learned that the producer of the program in question had been discharged or rather that his contract had been expired and had not been renewed.

I think that in a more general sense, however, broadcast media have not been sufficiently sensitive about broad social issues such as violence.

(Victor C. Goldbloom, President and Chief Executive Officer, Canadian Council of Christians & Jews, Toronto)

We recommend that the regulations of the CRTC be amended so as to prohibit the broadcasting of slurs on the basis of a person's national or ethnic origin, colour, sex, age or mental or physical disability...

The stigma in our society towards people with a mental disability is great. This stigma is the worst barrier with which persons with a mental disability have to contend. We believe that broadcasting companies, with their massive powers of persuasion, have an ethical responsibility to present accurate and fair information, including where groups with little power and little status are concerned. It is important that the existence of widespread bias and ignorance in our society about people with a disability not be a justification for broadcasting companies to reflect and reinforce such bias and ignorance. An example of where broadcasting companies did exactly that is the Stephen Dawson case. The broadcasting stations swallowed unquestioningly the common ignorance and bias in our society against persons with severe disabilities and, in disregard of the facts, presented a derogatory slur of Stephen Dawson as not even being human.

(Canadian Association for the Mentally Retarded, Downsview, Ontario)

The primary concern of the professional artists represented by ACTRA is that the existing broadcast structure in Canada is dominated by foreign programming, primarily American, to the extent that we have described this position as a cultural occupation of Canada. What is lacking is a Canadian program presence, particularly in drama, variety and children's programs, that is comprised of programs created, produced and performed by Canadians. The primary program fare for the television audience is drama in its many forms. It is in this primary area that the broadcast program content is so deficient. This Alliance has not had an opportunity to establish any policy regarding a National Complaints Broadcast Council. However, it would appear to us that if such a Council would be formed among the matters the Council should determine is to examine how the broadcasting system can meet the requirements of the Broadcasting Act in terms of Canadian content and character, the role of women in the creation and production of programs, the role of equal opportunities to reflect the changes in the population of the country and also the manner in which the various regions of the country are able to communicate within their own region and with other regions of Canada.

(Paul Siren, General Secretary, Alliance of Canadian Cinema, Television and Radio Artists, Toronto)

The trends in current pornography are increasingly anti-woman and children. In the minds of a growing number of people, this is not the free expression of a sexually liberated society, but rather, the more disturbing aspect of a society that has yet to come to terms with sexuality, the rights and place of women in the culture, and the apparent need of many men to gain sexual pleasure from imposing pain and degradation. We, at the Canadian Coalition Against Media Pornography, suggest that not only is pornography not the opposite of sexual repression, but it is the completion of it. We suggest that this is not an issue of sex, but of human rights, and that using this terminology would assist us in removing much of the emotion that surrounds any discussion of the "state entering the bedrooms of the nation".

(Canadian Coalition Against Media Pornography, Position Paper
- Federal Initiatives)

2. SOME PROVINCIAL COMMENTS

For a number of years the broadcasting industry has had in place its own standards and a code of ethics which deals with programming content. Although issues on content have arisen from time to time, the broadcasting industry appears to have dealt with these problems relatively effectively, and as such, this system of self-regulation has appeared to work reasonably well. More recently, the pay television industry followed the lead of the broadcasting industry and introduced its own code of ethics.

As long as this system continues to respond to public needs, our preference is to see the broadcasting industry and, for that matter, all media set their own standards and abide by their individual codes.

(V.A. MacNichol, Deputy Minister, Alberta Utilities &
Telecommunications)

Perhaps the most consistent complaint regarding content is against the CRTC's restrictions in the name of Canadian content, but in fact aimed at the reception of U.S. programming unless it is received via a CRTC-licensed "broadcaster". We have suggested to the federal government that the production of Canadian programming might be much more robust if its regulatory agencies would simply "stop standing on the oxygen hose" and allow the industry to grow

as market demands dictate rather than forcing it to compete with the U.S. model, whose resources are comparatively overwhelming.

(Pat McGeer, Minister of Universities, Science & Communications, Province of B.C.)

Are our institutions comprised in a way which allows for regional representation; are they structured in ways that facilitate effective handling of public concerns and do members of the public know that they can address authorities in these institutions over issues that affect them? Public institutions are likely to be less than effective if they do not provide for fairness in representation and if the public does not know how to use them.

(J. Gary Lane, Minister of Communications, Province of Saskatchewan)

In your letter of October 5, 1984 you requested information on the "handling of complaints about broadcast programme content." In this province there is no specific procedure or legislation for handling complaints of this nature. The Nova Scotia Department of Consumer Affairs, the most likely recipient of these complaints, would advise the complainant to contact the broadcaster, the sponsors of the show, or the rebroadcaster (in the case of cable tv service).

Complaints regarding program content of broadcasters can be more formally filed with the CRTC. As part of the license renewal process, these complaints are placed in the public file at the CRTC, to allow public interventions and an appearance at the public hearing, if desired.

(Jack MacIsaac, Minister of Transportation, Province of Nova Scotia)

I feel that the biggest problem in our lack of a framework for understanding the effectiveness of the medium. If there was a greater understanding there might be a more responsible climate for encouraging people to learn to use the medium not just to condemn it. Feedback seems to be the issue. Unfortunately when the television economy is commercial driven, the effectiveness measures are based on quantity of viewing not quality of viewing. Those who complain are a minority and do not seem to count in the numbers game. The increasing use of video cassettes is testimony to peoples' willingness to make choices. We need a strategy for public education on how to make choices that affect broadcast television as well.

(Kathleen Forsythe, Executive Director, Learning Systems,
Knowledge Network of the West Communications Authority,
Victoria)

To have such a Council in Ottawa would not make much sense. "Ottawa is too far from the people." Besides cultural communities will not make use of such instruments. "We know there is the CRTC... but who will want to call them?"

(Louise Gagné, Secrétaire délégué auprès des réfugiés,
Ministère des communautés culturelles, Gouvernement du
Québec, Montréal)

The number of complaints has decreased since 1981: it is as if information was perceived as a "luxury" right, that in the context of economic crisis people will devote less "energy" to it. However, the more active citizens and organizations continue to prevail themselves of the services of the Conseil and to "fight" for free, accurate, comprehensive information.

The difficulties with any proposed Council are of two orders: efficiency and duality. If the "National Media Council" is not invested with certain powers, then it is just another form of duality of services. It could not provided anything that does not already exist. Besides, I was told, it could not be as well "equipped" as we are.

If on the other hand it does have certain powers then it would be like a call to censorship. If the government feels it can act in this then it will be tempted to regulate. Such a Council would create the expectation to regulation. In any event there is no need for additional "structures".

(M. Beaudet, Secrétaire-Général, Le Conseil de presse du Québec, Québec)

3. SOME INDUSTRY VIEWS

Members of the ACA Broadcast Committee are deeply disturbed by the prospect that the new radio, tv and pay tv regulations by the CRTC open wide the door to censorship of all broadcasting in Canada. We are frightened by the implications of prohibiting "abusive" representations of material that would be "offensive". These descriptions invoke subjective judgments, possibly by a regulatory tribunal, a grave potential danger to civil liberty and freedom of speech.

(Yves Ameline, Chairman, ACA Broadcast Committee, Association of Canadian Advertisers Inc., Toronto)

In the respectful submission of the Canadian Broadcasting Corporation, the effect of the proposed regulations would be to exclude the broadcasting system from the continuing public process that leads to tolerance and sensitivity in the attitudes of Canadians on the important issues addressed in the proposals. We would go further and suggest that even as they are presently worded, the subject regulations represent an unwarranted suppression of freedom of expression. Rather than moving in a direction that will inhibit freedom in the broadcasting system, the Commission, in the spirit of the Charter of Rights and Freedoms, should be encouraging greater freedom of expression.

It is acknowledged that there can be instances of abuse of the freedom of expression which are the proper subject of legal prohibitions. The proper legal vehicle for such prohibitions, however, is the Criminal Code of Canada.

(Gordon Noble, Director of Corporate Affairs, CBC)

The demonstration will have to be made that existing mechanisms are inadequate. "We do not need additional federal intervention." "The CAB is handling the situation with much success." The mechanisms already exist. We (CAB) receive the complaints and are better suited to follow through on them. "The broadcasters are accountable. They are sensitive to the appreciation of the audience." "We conduct polls and have immediate contact with the public."

(C. Blain, President & General Manager, TVA Television Network, Montreal)

Just to give you some inkling of how a typical the mood was at that particular moment, you will remember that the Playboy productions were being filmed at Glen Warren Productions, which is basically a CFTO facility. One of the minor shareholders of Glen Warren Productions at that time was the Eaton family and there were hundreds of women around the country who were clipping up their Eaton credit cards in protest. It gives us some sense, I think, that the mood of the country was really a typically shifted at that moment by the Playboy deal. We believe that these Playboy announcements more than any other... that it was this announcement that gave pay tv the unfortunate and underserved connotation that a general interest movie service, now in more than 20 million United States home and 450,000 Canadian homes, may not be for everyone. In fact, the strategic mistake which First Choice made by making the deal and the announcement, was to believe that the Playboy channel, a narrowcast service in less than 300,000 United States homes at that time, would really be of much interest to those interested in a broad-based movie service.

(John Slan, Chairman, Superchannel, in "Sexually Abusive Broadcasting")

Unlike the print media, broadcasting stations are federally licensed and are responsible to the CRTC. Under procedures set up by the Commission, companies, groups or individuals can make representations to the CRTC if they perceive an unfair attitude on the part of a licensee. The CRTC can then call a public hearing to air the issue if it deems it necessary. We feel this procedure is adequate and that there is no need for an independent body to which broadcasters may be responsible.

(Hal Davis, President, B.C. Association of Broadcasters,
Vancouver)

Moreover, there is concern that broadcasters will be subject to restrictions relating to programming without knowing the definition of what is abusive and without knowing the extent to which the Commission will utilize the proposed regulations.

It is the CAB position that further government regulation of private broadcasters is not the most effective way to respond to the many valid concerns relating to programming containing abusive comments and abusive pictorial representations. Effective government laws and regulations are enacted for a carefully considered purpose. It is our position that there has not been sufficient evidence to support the need to introduce these amendments given the conduct of private broadcasters.

(Intervention, Canadian Association of Broadcasters, in the manner of: Public Notice CRTC 1984-164 Proposed Amendments to Radio (A.M.), Radio (F.M.) and Television Broadcasting Regulations concerning Broadcast Programming Containing Abusive Comments and Abusive Pictorial Representations)

You will remember that it made front-page headlines every day for a two-week period and for a short period of time it increased the subscriber growth of First Choice, but it attracted the wrong kind of clientele to pay, and more damaging than that probably kept away those people who ought

to be buying pay television. The media is always much more attracted to that kind of news than it was when a couple of months later we announced three hours a day of Super Channel for Super Kids; they barely managed to spill a drop of ink.

(John Slan, Chairman, Superchannel, in "Sexually Abusive Broadcasting")

However, though we accept this as a responsibility, we cannot substitute for the responsibility of parents. It is a two-way interaction in which pay provides on-air information, guide disclaimers and a generally acceptable scheduling framework but parents must still provide selection and supervision on an ongoing basis.

From its every onset, pay tv has attempted to reflect a vast array of concerns, endeavours and experiences, with some material appropriate for every member of the family -- children's series, documentaries, and human interest stories.

(Fred Klinkhammer, President, First Choice, in "Sexually Abusive Broadcasting")

We must keep destructive programming from our airways; no society can tolerate hurtful, insulting or otherwise injurious views to be advocated against anyone. But we must remember that much well-meant remedial legislation is too easily, and is almost always, distorted by logical or illogical extension into an instrument of significant mind control.

(Comments submitted by Western Approaches Limited (CKVU-TV)
re: Public Notice CRTC 1984-164 Proposed Amendments to Radio (A.M.), Radio (F.M.) and Television Broadcasting Regulations concerning Broadcast Programming containing Abusive Comments and Abusive Pictorial Representations, Vancouver,
31 July 1984)

We have a responsibility on the basis of complaints received to discuss that and to try to get some action on the part of the offenders. But I also went on to say to Mr. Scott that as far as we were concerned the code itself should be an instrument for review by the CRTC in monitoring performance, because the monitoring of performance is their role. There is no way we could just physically be in touch with all the radio and television programming right across the country.

(Mr. C.G.E. Steele, President, Canadian Association of Broadcasters, in "Sexually Abusive Broadcasting")

...although the cable industry is often viewed to be the responsible party in the eyes of the subscriber, it has no control over the content of service offerings such as pay television or conventional broadcasting. It is clear, however, that neither industry wishes to exhibit programming which may be unlawful.

(Susan Cornell, Vice-President, Public Affairs, Canadian Cable Television Association, in "Sexually Abusive Broadcasting")

In light of these facts, and because it believes very strongly in self-regulation, the Canadian Cable Television Association's members have supported the pay television licensees' voluntary code. It was particularly pleased by the measures undertaken by the licensees that not only will R-rated programs be appropriately scheduled at times when children are not at home, but that the appropriate warnings will be given, both on air and in the program guides, so that parents can judge which programs they do or do not wish their children to see.

The licensees have also committed to avoid showing programming which features gratuitous violence towards women. We can only leave this exercise in judgment to the licensees, but we have assured them that our members will be forwarding feedback on the programming to pay tv licensees as appropriate. After all, it is in our best interests to ensure that the programming offered through pay tv not only meets community standards but achieves a certain popularity.

(Sue Cornell, Vice-President, Public Affairs, CCTA, in "Sexually Abusive Broadcasting")

If this proposal (on amending regulations on abusive comments) is adopted it:

- (a) reflects a fad that is fading because its thrust has achieved almost universal acceptance;
- (b) runs counter to undeniable trends toward greater social and self-responsibility and toward deregulation under laws of general application;
- (c) fails to recognize the massive rejection of prejudice an information society compels.

It is like, one person commented, telling your pet not to foul its own sleeping place. What message are you trying to send?

BCTV also questions whether the Commission should extend its control over broadcast material in this way given the provisions of the Charter of Rights and Freedoms concerning freedom of expression and section 3(d) of the Broadcast Act. Broadcasters must accept, and broadcasters must be given, responsibility for the programs they broadcast and "the right to freedom of expression and the right of persons to receive programs, subject only to generally applicable statutes and regulations is unquestioned."

Perhaps the question of how far the boundaries of the existing laws of general application would be extended by the new wording of 6(1)(b) ultimately will be decided by the Courts, if the Courts accept the regulation as *intra vires* given the Charter and the Broadcasting Act. The point is whether such ultimate decision is necessary. Does the Commission really feel the ugly sort of broadcasting the proposal is directed at is an actual problem in Canada, and does the Commission really feel that the broadcasters are not properly responsible for the programs they broadcast. Is the matter of sufficient substance to raise the concerns about encroachment on the fundamental freedom of journalistic and artistic expression this proposal infers?

(D.M. Smith, President, B.C. Television Broadcasting System Ltd. Vancouver, B.C.)

I attach the same view to a process of self-regulation. It is a voluntarily imposed standard. We expect the members of our association to abide by it. We dialogue with the CRTC. The Childrens' Code of Broadcast Advertising was developed within CAB and has been written into the promise of performance as a requirement as a matter of agreement with the regulators. People will comply with it.

I have no hesitation in saying -- I am sure that our board would agree -- that CRTC should monitor our code. It is open to them to require this. We are getting discussions now from other areas. Maybe we could mention one. I do not quite know what our final answer would be on this, through the Film Development Corporation: Should there be public funding of programming material if it itself does not comply with the CAB Code?

In other words, people's minds are already adjusted to the fact that this code exists. I say, no, you should not leave it to the association. We are a voluntary society. We can point these things out to our members. It is very difficult to say you will no longer be a member if you are not willing to comply. Then you become the policeman.

We are a regulated industry. The CRTC, if it is persuasive enough, can bring these matters forward, then the whole licensing process can come into play. They can warn them and advise them.

(Mr. Steele, Canadian Association of Broadcasters, in "Sexually Abusive Broadcasting")

4. SOME COMMENTS FROM THE MEMBERS OF THE HOUSE OF COMMONS
SUB-COMMITTEE ON SEXUALLY ABUSIVE BROADCASTING

In support of Canadian identity and unity, the media should first remove within its own institutions barriers to the full participation of visible minorities, an second, should portray visible minorities to the whole society in an adequate and fair manner. Promising models of this were found by the Committee in recent initiatives undertaken by a

radio-television organization (the Canadian Broadcasting Corporation), a radio station (CKFM of Toronto) and a daily newspaper (The Toronto Star).

(First Report, House of Commons, Special Committee on Participation of Visible Minorities in Canadian Society, 2nd session of the 32nd Parliament, 8 March 1984)

Perhaps I could just comment before closing that I think what my constituency -- people who are very concerned about this issue and who come to me about this -- worry about, is they consider the government has a duty to do something. We are paid by the public, by the taxpayer, to do something. They get a little bit tired at the thought that they have to protest all the time, and it takes however many phone calls or however many letters and so forth. They would like something to be done so that they do not have to be ever vigilant, have monitoring groups and always protesting. They really see that we have a role in doing this.

(Ms. McDonald (Broadview-Greenwood), in "Sexually Abusive Broadcasting")

The comment that is usually made to us is that the industry can be self-regulating. For the sake of the record, I would like to say that I was part of a meeting with the Minister of Communications when this controversy first erupted. We called in the principles of First Choice then, and asked them to voluntarily withdraw the Playboy programming. We recognized that they had a contract and everything about it. But they did not. So I just mention that, because sometimes government and legislators as a whole really do have to step into the picture when we do get the feel of the reaction of the general public that something is amiss and something has to be changed. Then we do have to step in.

It is not that we like to regulate people and places and things all the time. Far from it. We would welcome a self-regulatory set of guidelines that everyone could live with. I just mention that so that we all understand the situation and why we are here today. I think that, had some of our suggestions initially been undertaken, we might not have to be sitting here today. It is not that we enjoy all

of this. Yet we feel that we do have a duty and responsibility as legislators to investigate these matters when there is a concern expressed by the general public.

(Mr. Burghardt, Acting Chairman, in "Sexually Abusive Broadcasting")

If pornography which brutalizes women and children is of interest to 300,000 people only, it is of interest unfortunately to 300,000 too many people, in my opinion. If there are going to be victims of that violence and if people are genuinely desensitized and come to believe that rape is not really rape because the movies show that the women liked it in the end -- the most vicious form of pornography and a kind that is quite prevalent, I am sure you are aware... then there is a problem there. The victim cannot defend herself, or themselves in the case of children, from this. So because of the fact that there is a market for it, whether it is large or small, there is a moral issue quite apart from the market.

(Ms. McDonald, Broadview - Greenwood, in "Sexually Abusive Broadcasting")

As many people in this room will recall, the general public and certainly many parliamentarians felt that the government could, at a moment's notice, do something about it. But we all know that under the legislation that was passed many years ago, setting up the CRTC and that, this was not possible, and, of course, that is why we are here today. But I want to just state for the record that, in no way, from the Minister of Communications especially, have we tried to dodge this entire issue nor tried to pass the buck, if you will, to the CRTC, but it is a matter of being limited by the legislation in hand.

(Mr. Burghardt, in "Sexually Abusive Broadcasting")

What I am asking, and the question that concerns me, is the fact that you people are now on a voluntary code basis, a self-regulating basis, and I wonder if you feel this is

enough to keep you people in line. There are many Members of Parliament and many members of the public who do not feel the voluntary guidelines are enough to keep the pay tv producers in line...

(Mr. Scott (Hamilton-Wentworth), in "Sexually Abusive Broadcasting")

5. SELECTED RECOMMENDATIONS OF HOUSE OF COMMONS SPECIAL COMMITTEE ON PORNOGRAPHY AND PROSTITUTION

Recommendation 31: The amendments we have proposed to the Criminal Code with respect to proscribed pornographic material should be incorporated by reference into Regulations passed or to be passed by the CRTC pursuant to the Broadcasting Act with respect to all broadcast media.

This recommendation raises two points, one large and one small. The small point is this: at present, the Regulations for AM and FM Radio Broadcasting, and publicly broadcast television, prohibit the broadcast of "anything contrary to law" and any obscene language or pictorial representation. Accordingly, the broadcast of any material that violates the Criminal Code would constitute a breach of the CRTC's Regulations and could lead to the Commission imposing sanctions. As we have already pointed out, the same prohibitions do not appear in the Pay Television Regulations. In our view, the prohibition must appear in these Regulations if the Commission is to be able to move against a licence in the event of a breach of the criminal law.

The larger point that is raised by this recommendation is that if our proposed Criminal Code amendments to proscribe pornographic material are incorporated by reference into the existing Broadcast Regulations, the utility of the existing Regulations prohibiting obscene or indecent language or pictorial representation will have to be reexamined. Our recommendations covering proscribed pornographic material apply to material that depicts some kind of sexual activity. Material that is violent or disgusting but which has no sexual aspect to it, is not proscribed by our recommendations. If this material is to be prohibited from broadcast, the Regulations to the Broadcasting Act will have to be appropriately redrawn.

Recommendation 32: Canada should take the initiative to immediately open discussions on the international regulation of both public broadcasting signals and private signals emanating from fixed satellite services.

It would be entirely inconsistent for Canada to regulate pornographic and/or abusive programming domestically and do nothing about the regulation of such program when they are received in Canada, but originate in another country. We can understand the important principle of national sovereignty and we are convinced, therefore, that any such international regulation will be achieved only as a result of agreement between sovereign countries. The most pressing need is for discussions to begin with the United States. Both countries have experience with comprehensive domestic regulation and both countries must surely understand the urgency for joint action to regulate pornographic program content. Both countries are members of INTELSAT, the global satellite system. We hope that Canada and the United States will jointly sponsor discussion of this issue in that international forum.

Recommendation 34: Upon the issuing or renewal of a broadcast licence, a licensee should be required to post a bond in an appropriate amount to ensure compliance with the Regulations and conditions of licence relating to program content. In the event that a complaint about program content is upheld by the CRTC, the Commission should have the discretion to compensate the complainant for the costs incurred in presenting the complaint, such costs to be paid by the licensee and secured by the aforesaid bond.

As we have mentioned, the CRTC cannot and does not monitor all programs either by way of pre-clearance or by way of on-air observation. Concerned members of the public may, therefore, decide that it is in the public interest to have programs monitored. Such an effort may well be required to properly document a complaint to the Commission, particularly if the complaint relates to some systematic behaviour by a licensee.

In our view, a successful complainant should be compensated (not rewarded, but compensated) for the reasonable costs involved in accumulating and presenting the necessary evidence. In addition we think that the reasonable hearing costs of the successful complainant should be paid.

We do not think that these costs should be paid by the public.

We think that the licensee against whom the complaint has succeeded should be obliged to pay the costs of the complaint.

In order to make the proposal work, the Commission must be given the jurisdiction it now lacks, both to award costs and determine their amount. Such jurisdiction can only arise upon amendments being made to the appropriate legislation.

(Report of the Special Committee on Pornography and Prostitution, Chapter 23)

THE NUMBER AND TYPES OF COMPLAINTS: TABLES AND FIGURES

In the original mandate for this study, it was indicated that thousands of complaints had been received both by the Department of Communications (and the Minister's Office) and by the CRTC. We have no reason to doubt these figures but the statistics available to us analysed a much smaller quantity of public comments.

The statistics on public complaint should not be taken as an indication of the amount of public concern for many reasons. First, the record-keeping procedures of different groups and agencies differ significantly. A comparison of the complaints and comments received by the CRTC and the CBC reflects the nature of the record-keeping process rather than the volume of concern. Second, only in the case of the CBC are phone comments recorded and available for our analysis. Third, of course, one of the major complaints we heard was the lack of understanding of the complaints process among members of the public. If this contention is true, then it would not be surprising if the number of recorded complaints did not reflect the perceptions of those dealing with the public. People who do not know how to make their views known or who feel that such actions are wasted are not reflected in the statistics. Finally, not all complaints are, in fact, complaints. Many are simply comments and some are indeed praiseworthy of the programming they discuss.

COMPLAINTS RECEIVED BY THE DEPARTMENT OF COMMUNICATIONS

DEPARTMENTAL CORRESPONDENCE RECEIVED BY DOC BROADCASTING POLICY
BY SOURCE

	SOURCE	OCT. 1984	NOV. 1984	DEC. 1984	JAN. 1985	FEB. 1985	MAR. 1985	84-85 TOTAL*
1	Academic Institutions and Organizations	1	3	3	5	2	4	20
2	Author's Association			1				1
3	Broadcasters	5	5	3	5	1	5	26
4	Business Interests	4	7	6	10	9	9	48
5	Cable Distributors	8	7	5	14	13	13	67
6	Carriers	1		1	3	2	4	11
7	Cultural Agencies				1	1		2
8	Federal Government	3	17	16	23	22	35	134
9	Film Production and Distribution	1		8	19	7	10	45
10	General Public	48	60	40	56	79	70	366
11	Industrial Research Bodies	3	2	1	2	2	4	14
12	Libraries and Archives					1	1	2
13	Members of Parliament and Senators	25	35	62	58	75	66	331
14	Miscellaneous				2			2
15	Municipal Government Officials and Bodies	7	3	6	10	25	4	56
16	Music					1		1
17	National Business Associations	8	6	3	1	5	7	31
18	Provincial Government	1	12	9	15	3	8	48
19	Publishing					1		1
20	Recording Industry					1		1
21	Regulatory Bodies	1	1	1	2	2	2	9
22	Religious Groups and Denominations	1			3	1	2	8
23	Theatre and Actors' Organization				2			2
24	Union, Syndicates, Clubs	9	23	19	12	22	14	98
	TOTAL - UNCATEGORIZED							124
	GRAND TOTAL	126	181	184	243	275	258	1,448

* Note that totals do not equal sum of rows as breakdowns relate only to the last 6 months of fiscal 84-85.

DEPARTMENTAL CORRESPONDENCE RECEIVED BY DOC BROADCASTING POLICY
BY SUBJECT

	SUBJECT	OCT. 1984	NOV. 1984	DEC. 1984	JAN. 1985	FEB. 1985	MAR. 1985	84-85 TOTAL*
1	Administrative Matters							1
2	Canadian Broadcast Program Development Fund	1	1		8	7	8	25
3	CBC Matters	39	65	99	120	162	128	632
4	Copyright Policy Matters						1	1
5	CRTC Matters	16	51	23	35	28	23	191
6	DOC Policy Issues	2	3	1	3	8	19	38
7	Expo '86						1	1
8	Federal/Provincial Matters					1	1	2
9	Film and Videotape Policy	1			3	3	4	11
10	Industry and Economic Development	1					1	2
11	Info, Publications, Messages, Adv. Requests				1			1
12	International Matters	1						1
13	Licensing		2					2
14	MATV Policy Issues and CANCOM	19	14	25	29	23	15	128
15	Miscellaneous					3	2	5
16	Programming	36	39	32	40	18	42	220
17	Regulations			1				1
18	Social Impact of New Tech. on Education		1					1
19	Special Program for Cultural Initiatives	1				11		12
20	Telephone	1						1
21	Telephone Access for the Handicapped		2	1	1	7	2	13
22	Travel, Invitations & Political Mail	5	2		4	2	7	20
23	TV Advertising	3	1			2	3	9
24	Visual & Performing Arts Policy			2			1	3
	TOTAL - UNCATEGORIZED							127
	GRAND TOTAL	126	181	184	244	275	258	1,448

* Note that totals do not equal sum of rows as breakdowns relate only to the last 6 months of fiscal 84-85.

CAMPAIGN CORRESPONDENCE ON BROADCASTING RECEIVED BY
DEPARTMENT OF COMMUNICATIONS

<u>MONTH</u>	<u>CAMPAIGN</u> (see attached legend for true meaning)	<u>NUMBER</u> <u>RECEIVED</u> <u>IN MONTH</u>	<u>TOTAL</u> <u>RECEIVED</u> <u>1984-85</u>
OCTOBER 1984	Abusive Programming	5	185
NOVEMBER 1984	Abusive Programming	5	190
	Fort St. James TV Society	151	151
	Religious	76	76
		<u>232</u>	<u>417</u>
DECEMBER 1984	Abusive Programming	1	191
	CBC Budget Cuts	1,629	1,629
	Detroit Signal	22	22
	Fort St. James TV Society	1,049	1,200
	KMBI Radio from Spokane	60	60
	Pro-Life Groups vs. CRTC	22	22
	Religious Broadcasting	-	76
		<u>2,783</u>	<u>3,200</u>
JANUARY 1985	Abusive Programming	76	267
	CBC Budget Cuts	1,535	3,164
	Detroit Signal	608	630
	Fort St. James TV Society	2	1,202
	KMBI Radio from Spokane	21	81
	Pro-Life Groups vs. CRTC	19	41
	Religious Broadcasting	9	85
		<u>2,270</u>	<u>5,470</u>
FEBRUARY 1985	Abusive Programming	78	345
	CBC Budget Cuts	1,563	4,727
	Detroit Signal	-	630
	Fort St. James TV Society	-	1,202
	KMBI Radio from Spokane	-	81
	Pro-Life Groups vs. CRTC	5	46
	Religious Broadcasting	7	92
		<u>1,653</u>	<u>7,123</u>

The total of 7,123 over 11 months suggests an average of 648 letters per month. However, an additional 5,540 letters were sent in June on Abusive Programming and correspondence received on campaigns discontinued as of October, 1984 totalled 913, for an 11-month total of 13,576 letters and an average of 1,234 per month.

These figures exclude those sent to other branches which could eventually become broadcasting complaints, e.g., public reaction towards the NFB's Democracy on Trial series, an episode of which deals with Dr. Henry Morgentaler. Correspondence on this issue was in the hands of the Cultural Affairs Branch although the series was being broadcast by the Global Television Network.

(continued)

LEGEND

Abusive Programming	The decision by First Choice to venture into Playboy programming brought strong negative reaction from many in the general public.
CBC Budget Cuts	The announcement on November 8, 1984 of cuts to the CBC prompted a very large immediate negative reaction from every region in the country.
Detroit Signal	A campaign was underway urging that a CRTC decision permitting programming from Detroit rather than North Dakota to be broadcast in Saskatchewan be upheld, despite appeals.
Fort St. James TV Society	Fort St. James is a small community of about 5,000 north of Prince George. Residents protested the granting of a cable television licence which competed with their local, tax-supported television society.
KMBI Radio from Spokane	A CRTC decision not to renew cable distribution of religious radio station KMBI (Spokane, Washington) was the subject of many protests from listeners in Western Canada.
Pro-Life vs. CRTC	The CRTC reminded stations broadcasting the film "Assignment Life" of their duty to provide balanced programming on issues of public concern. This upset many pro-life sympathizers, who interpreted the letter as ordering free airtime for pro-abortion broadcasts, while the pro-life film had been paid for at commercial rates.
Religious Broadcasting	Cable subscribers in British Columbia are complaining about the removal of an American religious radio station from their audio service.

PROGRAM COMPLAINTS RECEIVED BY THE CANADIAN RADIO-TELEVISION
AND TELECOMMUNICATIONS COMMISSION

<u>January 1984 to December 1984</u>	<u>Approximate</u>
Offensive Nature of Programming	400
(i) pornography	
(ii) violence	
(iii) language	
Biased programming	85
Public Affairs programs	25
Political Broadcast (e.g., charges of unequal time)	30
Open-Line Shows	25
Special Interest Programming (comments concerning lack of special programming or not suitable)	
- Children	50
- Religious	130
- Multicultural	50
- Handicapped (hearing impaired)	75
Advertising	
- Stereotyping of Women	250
- Offensive nature (e.g., alcoholic)	105
C.B.C.	325

SAMPLE OF SUBJECT OF COMPLAINTS RECEIVED BY CRTG

Bias
Program service
Extension of service/availability of service
Unfair reporting
Balance
Program substitution
Scheduling
General complaint
Pornography
Offensive language
Faith healing
Availability of advertising for union groups
Contempt
Inaccurate reporting
Sensationalization in the news
Geographical bias
Prejudice
Violence
Too much coverage of sports and religious programs
Reporting techniques
Offensive advertising
Beer advertising
Censorship
Mediocre service
Too many repeats
Programs not suitable for children
Scheduling of programs not suitable for children
Editing of programs
Stereotyping - Sex-role - Advertising
 - Sex-role - Programming
 - Sex-role - Rock videos
Scheduling - Commercials
Scheduling by affiliates
Racism
Obscene language
Lack of movies
Coverage of House of Commons in full
Petition - Reach for the Top
 - Obscene
More Canadian content
Cancellation of programs
Pre-empting of programs

cont'd.

SAMPLE OF SUBJECT OF COMPLAINTS RECEIVED BY CRTC (continued)

Programs not closed captioned
Poor reception
Advertising policy
Advertising - Canadian content
Lack of entertainment
Lack of openness
Slanted coverage
Lack of coverage, news, special activities
Offensive advertising
Standards of professionalism in coverage
Constant re-scheduling
Increased audio during commercials
Conflicting commercials
Anti-Christian programs
Non-carriage of programs by affiliates
Equal time - election
Misleading reporting
Increased use of Canadian talent and content
Promotion of gambling
Lack of Canadian perspective on international affairs
Simultaneous translation - bilingualism
Restrictions on advertising - policies
Rock video programming - sex-role stereotyping

COMPLAINTS RECEIVED BY THE CANADIAN BROADCASTING CORPORATION

CBC MAIN AND PHONE TOTALS AVERAGED OVER FIVE YEARS

<u>Location</u>	<u>Letters/Year</u>	<u>Phone Calls/Year</u>
Head Office (Ottawa)	3,600	4,200
Ottawa Area Stations (French and English)	540	36,000
French Services (Montreal and all regions)	55,800	353,904
English Services (Toronto and all regions)	150,024	313,068
Radio Canada International (Montreal)	<u>50,000</u>	<u> </u>
TOTAL	260,064	707,172

Source: Canadian Broadcasting Corporation, 1983-1984 Annual Report, Ottawa.

CBC AUDIENCE MAIL

<u>Location</u>	<u>Categories</u>	<u>Total</u>	<u>Methods</u>
Head Office	favourable	680	individual replies publications 5%
	information	1,344	
	unfavourable or suggestion	<u>664</u>	
	Total	2,688	
Ottawa Area	favourable	25	individual replies
	information	153	
	unfavourable or suggestion	<u>27</u>	
	Total	205	
Montreal	favourable	819	individual replies form letters post cards & publications Solicited mail
	information	4,535	
	unfavourable or suggestion	<u>4,874</u>	
	Total	10,228	
Toronto	favourable	2,905	individual replies form letters post cards & publications Solicited mail
	information	112,256	
	unfavourable or suggestion	<u>1,187</u>	
	Total	116,348	

Info-Centre
Head Office

November 20, 1984

CBC AUDIENCE MAIL

<u>Location</u>	<u>Categories</u>	<u>Total</u>
<u>B.C.</u>	favourable	200
	unfavourable	100
	enquiry	700
	Total	<u>1,000</u>
<u>Alberta:</u>		
Calgary	favourable	150
	unfavourable	150
	enquiry	300
	Total	<u>600</u>
Edmonton	favourable	150
	unfavourable	150
	enquiry	300
	Total	<u>600</u>
<u>Saskatchewan:</u>		
Regina	Total	250
Saskatoon	favourable	139
	unfavourable	48
	enquiry	53
	Total	<u>240</u>
<u>Manitoba:</u>		
Winnipeg	favourable	40
	unfavourable	120
	enquiry	236
	Total	<u>396</u>
<u>Ontario:</u>		
Toronto*	favourable	2,905
	unfavourable	1,187
	enquiry	112,256
	Total	<u>116,348</u>
Windsor	favourable	74
	unfavourable	25
	enquiry	394
	Total	<u>493</u>

*NOTE: This represents all network audience mail -- they promote Toronto local service also provided by network Audience Services -- no separate CBLT/CBL data are available.

cont'd.

CBC AUDIENCE MAIL (continued)

<u>Location</u>	<u>Categories</u>	<u>Total</u>
Windsor	favourable	74
	unfavourable	25
	enquiry	394
	Total	493
<u>Quebec:</u>		
Montreal	favourable	200
	unfavourable	140
	enquiry	60
	Total	400
<u>Maritime:</u>		
Halifax	favourable	12
	unfavourable	288
	enquiry	300
	Total	600
Note: 36% suggestion		
Charlottetown	favourable	3
	unfavourable	8
	enquiry	93
	Total	104
Sydney	favourable	34
	unfavourable	16
	enquiry	150
	Total	200
Moncton	NOT AVAILABLE	
St. John (N.B.)	NOT AVAILABLE	
<u>Newfoundland</u>	favourable	144
	unfavourable	72
	enquiry	288
	Total	504
<u>Northern Service</u>	favourable	20
	unfavourable	30
	enquiry	50
	Total	100
Info-Centre Head Office		

November 20, 1984

RÉGION	NOMBRE DE LETTRES REÇUES	LETTRES DE RENSEIGNEMENTS/FÉLICITATIONS	LETTRES DE PLAINTES/SUGGESTIONS
VANCOUVER			
EDMONTON	Recevons peu de lettre sauf quand il y a une diffusion spéciale	96% félicitations - 3% information	3 plaintes formelles en 2 ans
REGINA	5 lettres/semaine	85% félicitations - 15% renseignements	Depuis juin 2 plaintes formelles et quelques suggestions
WINNIPEG	6 lettres/semaine	80% renseignements/félicitations	1 à 2/semaine
SUDBURY			
TORONTO	6 à 10 lettres/semaine	80% renseignements/félicitations	2 plaintes formelles depuis février
WINDSOR	5 lettres/semaine	80% renseignements	20% plaintes et suggestions
OTTAWA	1 lettre/semaine	95% renseignements/félicitations	5% plaintes/suggestions
QUÉBEC	18 lettres/semaine	80% félicitations - 10% information	10% plaintes ou divers
RIMOUSKI	3 à 5 lettres/semaine	80% renseignements	20% félicitations/plaintes
MATANE	2 lettres/semaine	95% renseignements/félicitations	5% plaintes/suggestions
SEPT-ILES	40 lettres/semaine	90% renseignements/informations	10% plaintes/suggestions
CHICOUTIMI	1 lettre/semaine	50% renseignements - 50% félicitations	2 à 3 lettres
MONCTON	10 lettres/semaine	80% renseignements/félicitations	20% plaintes/suggestions

SUMMARY OF COMPLAINTS CONCERNING
PORTRAYAL OF WOMEN IN CBC PROGRAMS*

Considering the large number of radio and television programs produced by the CBC, the number of complaints concerning the portrayal of women has always been very low. The number has increased only in the last twelve months. The very large majority of the complaints we received were sent on MediaWatch forms. Furthermore, with rare exceptions, these complaints concerned radio and especially television programs in English. This can no doubt be explained by the fact that the MediaWatch group is based in Vancouver, and that most of its representatives are English speaking. The difference, therefore, in no way indicates that one or the other of our services is exempt from stereotyping or, conversely, that the one receiving the complaints is more subject to stereotyping than the others.

In totalling the complaints, we took account only of the letters, MediaWatch forms and calls received by the Office for the Portrayal of Women. We did not include anonymous telephone calls received at various CBC stations, since this does not involve a standard system.

* Extracted from: Canadian Broadcasting Corporation, Report on the Action Taken by the Canadian Broadcasting Corporation further to the Report of the Task Force on Sex-Role Stereotyping in the Broadcasting Media (Images of Women), Ottawa, September 1984.

Finally, it may be useful to point out that certain complaints were difficult, sometimes impossible, to handle because of the delay between the date on which the program was broadcast and the time the complaint was received. Complaints are sent first to MediaWatch, which sends them to us. In recent months, this system has been sped up considerably.

The following table gives a summary of the number and nature of the complaints received since October 1983, when we began a record, to July 31, 1984.

It should also be mentioned that some of these complaints were signed by many persons.

In August and September 1984, the number of complaints have increased significantly. Most of them expressed concerns about the coverage of the Olympic Games, the leaders debate of August 15, and the election campaign in general. At the time of this report, these complaints had not been analyzed. There are more than 40.

Finally, it must be said that people have also taken time to write about shows that they particularly appreciated such as Boys and Girls and Chautauqua Girl.

SUMMARY OF COMPLAINTS FROM 1 OCTOBER 1983 TO 31 JULY 1984

Reason for Complaint	Radio	Television	
		CBC Productions	Acquisitions
Absence of women as experts	2	3	
Absence or very small number of women as compared to men	1	2	
Demeaning comment or representation	2	5	
Sexist language or language that excludes women	2		1
Use of non-parallel term		1	
Women as sex objects, or without intelligence	3	5	9
Sexually abusive portrayal - Rock Videos			2
Event of special interest to women not reported	1	1	
Presentation of a women in relationship to a male politician		2	
Stereotypic advertising of CBC programs		1 on the screen 1 printed	
TOTALS	11	21	12
		33	
GRAND TOTAL		44	

THE ADVERTISING STANDARDS COUNCIL COMPLAINTS REPORT
January-December 1983

	<u>COMPLAINTS CLOSED</u>		<u>COMPLAINTS UPHELD</u>	
	<u>1983</u>	<u>1982</u>	<u>1983</u>	<u>1982</u>
<u>TOTAL COMPLAINTS CLOSED</u>	359	406		
<u>UPHELD</u>	41	66	41	66
Not Upheld	217	212		
Not Advertising	11	3		
Referred (1)	44	78		
Not Pursued (2)	46	47		
<u>BY TYPE:</u>				
National	247	252	20	24
Local	56	141	13	37
Classified	2	13	0	5
Regional (3)	54	--	8	--
<u>BY INITIATOR:</u>				
Consumers	330	364	34	55
Trade	15	31	3	10
Groups & Associations	13	11	3	1
Government	1	0	1	0
<u>BY MEDIA:</u>				
Dailies	84	103	12	25
Weekly Newspaper	11	11	2	2
Magazine	40	25	2	5
Television	125	142	6	9
Radio	15	30	2	1
Direct Mail	33	17	5	4
Outdoor	1	4	1	1
Transit	3	6	1	0
Catalogue	10	16	1	3
Other	12	25	0	6
Yellow Pages	0	2	0	0
Handbills/Flyers	11	19	2	4
All Media	2	1	0	0
TV Magazines	7	4	5	0
On-premises	15	13	2	0
Package	5	7	0	0

cont'd.

THE ADVERTISING STANDARDS COUNCIL COMPLAINTS REPORT
January-December 1983 (continued)

<u>CODE OFFENCE</u> (for Upheld complaints only)	<u>COMPLAINTS UPHELD</u>	
	1983	1982
Clause 1 - Accuracy, Clarity	36	48
Clause 2 - Disguised Advertising Techniques	0	2
Clause 3 - Price Claims	3	5
Clause 5 - Bait & Switch	0	1
Clause 6 - Comparative Advertising	2	8
Clause 12 - Exploitation of Human Misery	1	0
Clause 14 - Advertising to Children	0	1
Clause 15 - Taste Opinion	2	9
Not Code Clause - Non-receipt of Goods	1	0
- Other	0	2

- (1) Referred to other regulatory bodies, or to advertiser because complaints related to non-delivery, product dissatisfaction, etc.
- (2) Insufficient information prevented investigation.
- (3) Comparable figures not available for 1982.

THE ADVERTISING STANDARDS COUNCIL

COMPLAINTS REPORT

January-December 1983

<u>PRODUCT CATEGORY</u>	<u>COMPLAINTS CLOSED</u>		<u>COMPLAINTS UPHELD</u>	
	<u>1983</u>	<u>1982</u>	<u>1983</u>	<u>1982</u>
TOTALS	359	406	41	66
Automotive	19	24	7	10
Media	14	12	2	1
Fem. San. Prot. Prod.	37	63	0	2
Finance	3	10	0	0
Foods	22	35	2	7
Government	10	3	0	0
Household	31	39	4	13
Housing/Real Estate	6	4	2	2
Mail Order	30	23	5	1
Miscellaneous	57	57	7	7
Personal	29	31	1	3
Promotions/Contests	17	15	2	1
Proprietary	6	7	0	0
Recreation & Enter.	41	42	5	12
Services	16	17	3	6
Supermarkets	11	14	0	1
Travel/Accomm.	10	10	0	1

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 January - December 1983

	B.C.		Alberta				Sask.		Manitoba		*Québec		Maritimes	
	Vancouver		Edmonton		Calgary		Regina		Winnipeg		Montréal		Halifax	
	1983	1982	1983	1982	1983	1982	1983	1982	1983	1982	1983	1982	1983	1982
<u>COMPLAINTS CLOSED</u>	97	42	76	37	60	8	29	34	112	18	75	41	33	18
Upheld	29	7	6	3	7	2	15	2	35	8	58	31	6	7
Not Upheld	30	17	34	18	32	2	9	18	40	6	10	10	17	7
Not Advertising	3	2	11	1	4	0	3	9	3	0	0	0	1	0
Referred	1	2	7	4	7	1	2	5	11	1	3	0	0	0
Not Pursued	1	1	16	8	4	0	0	0	0	0	1	0	1	1
Referred to National	33	13	2	3	6	3	0	0	23	2	3	0	8	6
<u>BY TYPE:</u>														
National	33	6	13	18	39	6	10	12	52	4	33	12	12	6
Local	43	36	63	18	18	2	17	22	57	14	41	29	18	11
Classified	3	0	0	1	2	0	0	0	0	0	1	0	0	1
**Regional	18	--	0	--	1	--	2	--	3	--	0	--	3	--
<u>BY INITIATOR:</u>														
Consumers	94	36	66	31	34	8	24	29	100	12	63	38	30	14
Trade	3	2	8	2	0	0	5	2	10	4	4	1	2	2
Groups & Associations	0	4	2	3	26	0	0	3	2	2	7	2	0	2
Government	0	0	0	1	0	0	0	0	0	0	1	0	1	0

* Le Conseil in Québec handles all complaints received regarding French-language advertisements for all of Canada.

** Comparable data not available for 1982.

THE ADVERTISING STANDARDS COUNCIL
REPORTS OF COMPLAINTS ABOUT COMMERCIALS DIRECTED TO CHILDREN

	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983
Complaints Received	97	33	12	7	9	4	3	2	3	3	6
Complaints Closed	92	38	12	7	9	4	3	2	3	3	6
<u>Advertiser</u>											
National	88	38	11	6	8	4	3	2	3	3	6
Retail	4	0	1	1	1	0	0	0	0	0	0
<u>Media</u>											
Television	88	37	11	7	9	4	3	2	3	2	6
Radio	3	1	1	0	0	0	0	0	0	0	0
Package	1	0	0	0	0	0	0	0	0	1	0
<u>Initiator</u>											
Consumer	79	27	11	7	9	3	3	2	3	3	6
Trade	0	0	0	0	0	0	0	0	0	0	0
Group	10	7	1	0	0	1	0	0	0	0	0
Government	3	4	0	0	0	0	0	0	0	0	0
<u>Product</u>											
Toys	75	24	5	4	6	3	2	2	3	1	4
Foods	14	14	6	2	1	1	1	0	0	2	2
Records	1	0	0	0	0	0	0	0	0	0	0
Miscellaneous	2	0	1	1	2	0	0	0	0	0	0
<u>Disposition</u>											
*Upheld	10	9	1	0	2	0	0	0	0	2	0
Not Upheld	65	24	11	4	3	1	2	1	3	0	5
Not Advertising	6	1	0	1	1	0	0	0	0	0	0
Referred or Not Pursued	7	3	0	0	0	0	1	0	0	1	1
Personal Opinion	4	1	0	2	3	3	0	1	0	0	0

* Violation of the Broadcast Code for Advertising to Children, in most cases, were a result of scheduling errors by stations, i.e., commercial promoting the same product scheduled more than once in a half-hour period.

THE ADVERTISING STANDARDS COUNCIL
BROADCAST CODE FOR ADVERTISING TO CHILDREN PRE-CLEARANCE
January-December 1983

	<u>1983</u>	<u>1982</u>
Television Commercials Reviewed in Final Form	384	368
- Accepted	318	330
- Rejected*	66	38
Number of Television Scripts/Storyboards		
Reviewed	207	220
- Accepted	162	194
- Rejected*	45	26
Number of Radio Commercials Reviewed in		
Final Form	0	1
- Accepted	0	1
- Rejected*	0	0
Total Number of Commercials and Scripts/ Storyboards Reviewed	591	589
Number of Television Commercials Submitted		
for Renewal	81	112
- Accepted	81	108
- Rejected*	0	4

* Most scripts/storyboards and commercials were subsequently accepted in revised form.

REPORT ON COMPLAINTS

	<u>1983</u>	<u>1982</u>
COMPLAINTS RECEIVED AND CLOSED	6	3
UPHELD	0	2
Not Upheld	5	0
Referred to Advertiser	1	1
<u>BY TYPE:</u>		
National	6	3
<u>BY INITIATOR:</u>		
Consumer	6	3
<u>PRODUCT CATEGORY:</u>		
Food	2	2
Toys	4	1
<u>BY MEDIA:</u>		
Television	6	3

THE ADVERTISING STANDARDS COUNCIL

REPORT ON THE FEMININE SANITARY CODE PRE-CLEARANCE

January-December 1983

	<u>1983</u>	<u>1982</u>
Number of Television Commercials Reviewed		
in Final Form	12	19
- Accepted	12	15
- Rejected*	0	4
Number of Television Scripts/Storyboards		
Reviewed at Consultation	46	20
- Accepted	32	15
- Rejected*	14	5
Total Number of Commercials and Scripts/ Storyboards Reviewed	58	39

* Most scripts/storyboards and commercials
 were subsequently accepted in revised form.

ADVERTISING ADVISORY BOARD COMMITTEE ON SEX-ROLE STEREOTYPING
COMPLAINTS REPORT

1 September 1982 - 31 August 1983

<u>ADVERTISEMENTS REVIEWED</u>	219	*(294)
Contrary to Guidelines	62	
In keeping with Guidelines	78	
<u>Referred to Advertising</u> <u>Standards Council:</u>		
Clause 15	4	
Feminine Hygiene Code	24	
Children's Code	1	
<u>Referred to COGEP:</u>	1	
<u>**Not Pursued/Referred to Others:</u>	23	
<u>U.S. Advertising:</u>	25	
<u>Referred to CBC:</u>	1	
<u>BY TYPE:</u>		
National	156	
Retail	63	
<u>BY MEDIA:</u>		
Television	108	
Radio	12	
Newspapers	36	
Magazines	34	
Outdoor	2	
Transit	1	
Direct Mail	2	
Miscellaneous	24	

* Total number of complaints.

** Not Pursued/Referred to Others:

- (a) Insufficient information
- (b) Not advertising
- (c) Referred to other bodies (CAB, Press Council, etc.)
- (d) Not sex-role stereotyping

cont'd.

ADVERTISING CONTRARY TO GUIDELINES 62

BY TYPE:

National	30
Local	32

PRODUCT CATEGORY:

Automotive	4
Communications	1
Finance	1
Foods	5
Government	1
Household	7
Housing/Real Estate	-
Miscellaneous	13
Personal	12
Proprietary	1
Recreation/Entertainment	5
Service	10
Travel/Accommodation	2

BY MEDIA:

Television	18
Radio	5
Newspapers	20
Magazines	5
Outdoor	1
Transit	-
Direct Mail	1
Miscellaneous	12

*BY GUIDELINE:

1. Changing Roles	6
2. Contemporary Family Structure	4
3. Range of Ages/Interest	4
4. Equality	12
5. Positive Personal Benefits	1
6. Exploitation/Presence Relevant	19
7. Non-Sexist Language	1
8. Balance: users/buyers/decision-makers	-
9. Balance: voice-overs/experts/authorities	-

SPIRIT:

19

Message considered to be contrary to the spirit of the industry's commitment to portray sexes in a positive manner, but cannot be considered to be contrary to any one guideline.

* NOTE: Some messages contrary to more than one guideline.

ADVERTISING ADVISORY BOARD COMMITTEE ON SEX-ROLE STEREOTYPING
COMPLAINTS REPORT - ALL MEDIA

1 September 1983 - 29 February 1984

<u>ADVERTISEMENTS REVIEWED</u>	111	*(136)
Contrary to Guidelines	35	
In keeping with Guidelines	43	
<u>Referred to Advertising Standards Council:</u>		
Clause 15	2	
Feminine Hygiene Code	2	
Children's Code	-	
<u>Referred to COGEP:</u>	-	
<u>**Not Pursued/Referred to Others:</u>	18	
<u>U.S. Advertising:</u>	6	
<u>Referred to CBC:</u>	5	
<u>BY TYPE:</u>		
National	72	
Retail	39	
<u>BY MEDIA:</u>		
Television	35	
Radio	5	
Newspapers	20	
Magazines	29	
Outdoor	4	
Transit	3	
Direct Mail	2	
Miscellaneous	13	

* Total number of complaints.

** Not Pursued/Referred to Others:

- (a) Insufficient information
- (b) Not advertising
- (c) Referred to other bodies (CAB, Press Council, etc.)
- (d) Not sex-role stereotyping

cont'd.

TOTAL ADVERTISEMENTS REVIEWED: 111

PRODUCT CATEGORY:

Automotive	6
Communications	7
Finance	1
Foods	9
Government	-
Household	9
Housing/Real Estate	-
Miscellaneous	21
*Personal	27
Proprietary	2
Recreation/Entertainment	14
Service	8
Travel/Accommodation	7

* Includes feminine hygiene.

COMPLAINTS: LA CONFÉDÉRATION GÉNÉRALE DE LA PUBLICITÉ (COGEP)
(equivalent to AAB)

(All complaints discussed here concern sexist advertising.)

Statistics from June 1982 to September 1984:

Dossiers: 146 (315 complainants)

- transferred (AAB/CNP): 8
- outside jurisdiction (USA/Europe): 3
- rejected (not receivable): 46

Dossiers Handled: 89 (257 complainants)

Categories of Advertising (dossiers):

- national: 29 (33%)
- local/regional: 51 (57%)
- industrial: 9 (10%)

COMPLAINTS RECEIVED BY SOME ADVOCATE AND OTHER GROUPS

SUMMARY OF COMPLAINTS RECEIVED BY NATIONAL WATCH ON
IMAGES OF WOMEN IN THE MEDIA INC./ÉVALUATION NATIONALE DES IMAGES
DES FEMMES DANS LES MÉDIAS INC./
(MEDIWATCH/ÉVALUATION MÉDIAS)

Total received (1 March 1984 to 31 March 1985)	712
Broadcasting related	381

MediaWatch now receives on average, 4 to 5 complaints per day.
This volume is increasing from an average of 2 to 3 received per
day a year ago.

ONTARIO PRESS COUNCIL

	<u>1983</u>	<u>1982</u>	<u>1972-81</u>
<u>Totals</u>			
Withdrawn or abandoned	62	51	428
Active at year-end	9	-	-
Disallowed by Council	-	-	9
Non-member newspaper:			
- declined adjudication	-	8	63
- didn't reply	-	-	3

The following table shows the number and nature of complaints in 1983, 1982 and 1972-81 (number of adjudications bracketed):

Access

Advertising	1	1 (1)	27 (8)
Letters to the editor	19 (6)	19 (3)	76 (17)
Other access	2	1	23 (2)
	<u>22 (6)</u>	<u>21 (4)</u>	<u>126 (27)</u>

Advertising (content)

Improper	-	-	3
Misleading	1	-	23 (3)
Objectionable	2 (1)	1	19 (2)
Unethical	-	-	7
Unfair policy standards	-	-	1
	<u>3 (1)</u>	<u>1</u>	<u>53 (5)</u>

News Stories

Biased, prejudiced, dishonest	3	-	31 (4)
Damaging	-	-	4
Derogatory	-	-	8 (5)
Discriminatory	1	-	10 (2)
Distorted, falsified	1	-	11 (1)
Erroneous, misleading	18 (3)	15 (3)	116 (14)
Incomplete, inadequate	5 (3)	1 (1)	29 (2)
Incompetent	-	-	40
Irresponsible	2	6	23 (4)
Objectionable	4 (2)	8	53 (5)
Sensational	-	-	5
Unfair	1 (1)	4	62 (11)
	<u>35 (9)</u>	<u>34 (4)</u>	<u>392 (48)</u>

cont'd.

ONTARIO PRESS COUNCIL (continued)

	<u>1983</u>	<u>1982</u>	<u>1972-81</u>
<u>Miscellaneous</u>			
Biased, derogatory, erroneous, irresponsible, misleading, objectionable, racist, sexist, unethical or unfair:			
- editing	-	1	-
- cartoons	6	1 (1)	13 (3)
- comment	29 (7)	6 (5)	47 (6)
- headline	1	1	18 (5)
- identification	2	-	-
- pictures	-	3 (1)	31 (2)
- practices	2	3	17 (5)
- style	1	-	-
- conduct	15	20 (6)	24 (1)
	<u>56 (7)</u>	<u>35 (13)</u>	<u>150 (22)</u>
<u>Summary</u>			
Access	22 (6)	21 (4)	126 (27)
Advertising	3 (1)	1	53 (5)
News Stories	35 (9)	34 (4)	392 (48)
Miscellaneous	56 (7)	35 (13)	150 (22)
	<u>116 (23)</u>	<u>91 (21)</u>	<u>721 (102)</u>

CACC / CCAC



38732

SALTER, LIORA

--Responsive broadcasting : a report
on the mechanisms to handle complaints
about the content of broadcast program

P
91
C655
S27
1985
v.2
c.3

QUEEN P 91 .C655 S27 1985 v.
Salter, Liora
Responsive broadcasting : a

