
**CANADIAN BROADCAST STANDARDS COUNCIL
QUEBEC REGIONAL COUNCIL**

CKTF-FM re Voix d'Accès

(CBSC Decision 93/94-0213)

Decided December 6, 1995

J. Deschênes (Chair), P. Audet, Y. Chouinard, R. Cohen (*ad hoc*), L. Harvey

THE FACTS

On March 24, 1994, during the afternoon program, "Voix d'accès", the program host aired a joke targeting people from Newfoundland. In the joke, a voice imitating Lucien Bouchard related the story of two people from Newfoundland at an Outaouais ski centre. The skiers had returned to the ski centre for a second year, having enjoyed their first trip, and asked to have the same ski instructor as the previous year. When asked to identify the ski instructor, the skiers replied that he had blond hair and blue eyes, and "two assholes." The clerk at the ski centre asked for an explanation, to which the skiers replied,

... when we skied with him last year, he met another instructor, and the other instructor asked him, "so, how's it going with your two assholes?"

The Canadian Broadcast Standards Council (CBSC) received a complaint through the Canadian Radio-television and Telecommunications Commission (CRTC), on March 24, 1994, regarding the joke. According to the complainant,

I was listening to this radio station 94-02-28 at approx. (*sic*) 4:15 p.m. when the personality (male unknown) told a «Newfie joke». As a bilingual Newfoundlander I was upset to hear such a negative racial slur which serves nothing more than to reinforce a negative stereotype against Newfoundlanders as being stupid, which is exactly as the joke implies.

The complainant went on to describe his experience in telephoning the station and unsuccessfully resolving the complaint at that level. He concluded:

...firstly this racial joke reinforces a negative stereotype which goes directly against the Human Rights Act. Secondly, this cowardly act of speaking in French over a radio station and insulting a predominantly unilingual anglophone group of Canadians serves a message

to its listening audience that it is OK to use racism against Newfoundlanders because they will not understand anyway.

The CBSC sent the complaint to the station for response. On March 30, the General Manager of the station wrote to the complainant and described the station's efforts to address the matter.

I met immediately with our program director, to whom you had spoken the day after the incident, on February 28 around 4 p.m. ... After listening to the program, on the same day, we sent a memorandum to the host in question (see the attached copy) to inform him of your complaint and its grounds, and reminding him of our policies in this regard.

In conclusion, we are completely aware of the poor judgement of our host and we apologize. We believe the measures we have taken internally will prevent such an incident from recurring.

The General Manager appended a copy of a memo addressed to the program host, in which the Program Director indicated,

After listening to the program, we noted that the comments lacked judgement and were prejudicial to the national origin of the complainant. The offensive comments broadcast did not comply with the laws and regulations which govern us or with Radiomutuel's policies regarding spoken word content.

You will find enclosed the policies of Radiomutuel regarding spoken word content, approved by the CRTC for all station programming. I strongly suggest that you re-read them and put them into practice in order to ensure that a similar situation does not recur.

The complainant, unsatisfied with this response, returned to the CBSC with his request that the matter be referred to the Quebec Regional Council for adjudication.

THE DECISION

The Quebec Regional Council considered the complaint under clause 2 of the Canadian Association of Broadcasters' (CAB) *Code of Ethics*. The text of this clause reads as follows:

CAB Code of Ethics, clause 2:

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.

The Regional Council reviewed all the correspondence and listened to a tape of the joke in question. The Regional Council members decided unanimously that, in broadcasting the joke, the station had contravened the *Code*.

PROGRAM CONTENT

A number of the CBSC Regional Councils have addressed the question of humour and potentially abusive or discriminatory remarks. The Quebec Council was guided in its decision by an earlier decision of the B.C. Regional Council in *CFOX-FM re the Larry and Willie Show* (CBSC Decision 92/93-0141, August 30, 1993). In that decision, the Council drew the distinction between humour and discrimination, and stated,

The CBSC is vigilant in its application of Clause 2 to all forms and levels of programming in the sectors of the industry to which the *Code* applies but it is equally conscious of the countervailing importance to the public of the fullest expression of freedom of speech. It is not *any* reference to "race, national or ethnic origin, religion, age, sex, marital status or physical or mental handicap" but rather those which contain "abusive or discriminatory material or comment" based on the foregoing which will be sanctioned.

The question, of course, is to determine which "ethnic" jokes or comments will be understood as crossing the boundary of acceptability. There are those which are sanctionable and those which, even if tasteless or painful to some, are not. It would be unreasonable to expect that the airwaves be pure, antiseptic and flawless. Society is not. Nor are individuals in their dealings with one another. Nonetheless, the airwaves are a special and privileged place and those who occupy that territory are expected to play a more restrained and respectful social role.

What may constitute the limits of acceptability in each challenged case will need to be appreciated in its context. Certain cases will clearly fall on one side or the other of the boundary. Others will lie uncomfortably on the line. The matter at hand was, however, free of doubt; the depiction of "Newfies" as "assholes" was clearly unacceptable. Whether intended seriously or in jocular fashion, the use of that term in reference to this or any ethnic, racial, national or other discernible group was derogatory, abusive and discriminatory and in violation of clause 2 of the *CAB Code of Ethics*.

Broadcaster Response

It appears to have been equally clear to the General Manager and to the Program Director of CKTF-FM that the joke read by the on-air host contravened both broadcasting regulation and the corporate group's internal programming guidelines. The Regional Council reviewed the adequacy of the station's response, as various CBSC Regional Councils have done in other decisions (*CFOX-FM re the Larry and Willie Show*, CBSC Decision 92/93-0141, August 30, 1993; and *CHTZ-FM re the Morning Show*, CBSC Decision 92/93-018, October 26, 1993, among others). The Regional Council considered that the response of the station was of a thoughtful, collaborative nature. The Regional Council recognized the steps taken internally by the station to ensure that similar situations would not recur and felt that these measures met the CBSC's standards for broadcaster responsiveness.

Nonetheless, because the Regional Council decided that the content of the program had breached the *Code of Ethics*, the Council pronounced a negative decision. The CBSC recognizes that measures applied by stations, internally, can prevent recurrences of such situations, but is equally aware of the need to create awareness of the standards applied by Canadian broadcasters, through the announcement of decisions. Thus, member stations are expected to comply with CBSC obligations regarding unfavourable decisions.

Consequently, CKTF-FM is required to read the following text on air, during peak listening hours, within the next thirty days:

The Quebec Regional Council of the Canadian Broadcast Standards Council has found that comments aired on CKTF-FM breached the industry's Code of Ethics. On February 28, 1994, CKTF-FM aired an insulting and racist joke concerning people from Newfoundland. The Regional Council decided that the joke in question breached standards regarding "abusive or discriminatory material or comment" based on national or ethnic origin.

This decision is a public document upon its release by the Canadian Broadcast Standards Council.