
**CANADIAN BROADCAST STANDARDS COUNCIL
BRITISH COLUMBIA REGIONAL COUNCIL**

CHAN-TV re Newscast (Recycling Society)

(CBSC Decision 96/97-0004)

Decided March 10, 1997

E. Petrie (Chair), M. Becott (Vice-Chair), S. Brinton, R. Cohen (*ad hoc*),
C. Murray, G. Vizzutti

THE FACTS

Two CHAN-TV (BCTV) newscasts, on June 6 and June 10, 1996, carried lengthy items on the Ridge Meadows Recycling Society.

The June 6 Newscast

In the first newscast, on June 6, 1996, the CHAN-TV (BCTV) news anchor introduced the relevant item in the following terms:

There are serious and disturbing allegations tonight against a non-profit society that runs a recycling facility in Maple Ridge. The plant employs a number of physically and mentally challenged workers but accusations by former employees of cruel treatment have brought the Social Services Ministry into the picture.

The item concerning the Ridge Meadows Recycling Society was about three minutes long. During its course, the reporter covered a number of issues. He pointed out that the Society had a contract with the Municipality of Maple Ridge which paid the Society \$450,000 to operate the municipal recycling service. He added that the Society also received the sum of \$190,000 to employ mentally handicapped workers. The report then referred to former non-handicapped employees who had made allegations that the handicapped employees had been abused. A memo was cited in which there were at least four examples of such problems.

One of the two signatories to the memo was then interviewed. Her interview was followed immediately by one with the Director of Finance and Personnel, a current employee of the Recycling Society. The reporter asked the Director of Finance and Personnel, "Why did

these things happen?" She answered, "That's a good question. My feeling personally is that there is a disgruntled employee that [*sic*] has made some allegations that has taken it out of context or out of hand or it's got a little out of control."

The reporter stated that the Ministry confirmed that there were at least three current investigations into the way handicapped workers were treated at the Depot. He added that the Maple Ridge Municipal Council had not yet done its own investigation. He also reported that Workmen's Compensation was looking into issues relating to the Society.

The June 10 Newscast

The second newscast dealing with the Ridge Meadows Recycling Society, which was about 3:25 long, aired on June 10. It was introduced by the news anchor in the following words:

Last week we told you that the Social Services Ministry was investigating troubling allegations against the Maple Ridge Recycling Plant. Former employees charged that physically and mentally challenged workers had been abused and humiliated by superiors. Tonight Clem Chapple reports that the finances of the non-profit Society are also in question along with its treatment of employees.

The reporter began by again referring to the employee situation. He then interviewed the Executive Director, saying, "But the Executive Director of the Society denies virtually any staff problems have existed." The Executive Director dealt with the issue in the following words:

The issues that you have related on television include two incidents that I can recognize but they are blown out of all proportion. They are incidents that came forward in the normal course of business for our organization, They were dealt with. The checks and balances in our organization are in place to ensure that that doesn't happen.

The reporter said that many others would disagree but then included another segment from the interview with the Executive Director.

It was then, about two minutes into the item, that the reporter dealt with the financial issues. He said: "Questions have also been raised about finances. ... The Society ... is not strapped for money." He pointed out that, while the Society received \$641,000 in Government grants in 1995, it maintained a savings deposit account of \$176,000. He then moved to the wages issue by observing that "while workers received no pay increases, wages for administrative staff jumped by \$94,000 or 12%, which somehow translates to 2%." That last somewhat sarcastic reference was to a statement made by the Executive Director, whose comments on the point, in another segment of the interview, were that she had had no increase over the course of three years during which her salary fluctuated "2%". She explained: "The non-Union staff received a 2% raise as of January 1st and I was included with that 2%."

The Original Letter of Complaint (June 27)

The original letter of complaint from the Executive Director of the Society, dated June 27, was responded to by the CRTC's British Columbia Regional Office on September 17 and remitted to the CBSC a couple of days later. The Ridge Meadows Recycling Society's letter stated:

I am writing to lodge a formal complaint about the malicious, one-sided and destructive coverage provided by Clem Chapple for BCTV.

- 1) BCTV personnel arrived to film at the depot with no prior notice. Their treatment of staff was aggressive and accusatory.
- 2) Despite a request not to film people with mental handicaps, they were filmed. At no time was permission sought from the individuals.
- 3) Mr. Clem Chapple refused to interview the Shop Steward who asked for the chance to convey the feelings of the Union and the current employees. Mr. Chapple's comment was 'That doesn't follow the story line' and 'I don't have time.'
- 4) The reference to financial irregularities based on a term deposit balance of \$176,000 is misleading and libellous. The report infers that the Society amassed these funds from the \$641,000 received from different levels of government during 1995. In fact this money was accumulated over 15 years. Further the reference to government grants is incorrect and misleading. The Society contracts with government to provide services.
- 5) The reporter states that the \$94,497 increase in wages in 1995 was attributed to a 12% increase in administrative wages. In fact the \$94,497 represents a 2.5% increase for all staff and the additions of 7 full and part time positions. At no time did the interviewer ask for the reasons why there was an increase in 1995 over 1994. The message conveyed is clearly designed to discredit and malign.

All of the points above illustrate one-sided coverage in a powerful media [*sic*] which presented a particular view as though it were true. No attempt at balance was made by BCTV in spite of the Society's considerable efforts to present its side of the story.

In any case, it was evident that no matter what the Society presented, the coverage supported a pre-determined story line.

In closing, I would like to appeal to the Commission for 'fairness'. In one brief moment, the reputation for vision and humanity upon which the Society was founded has been smeared. No attempt was made to present the Society's side of this issue.

The Broadcaster's Reply

The broadcaster received the letter from the Council shortly thereafter and the station's Vice President and News Director replied to the Society on October 11. Although the broadcaster had received the complaint long after the 28 days for which the CRTC (and the CBSC) require retention of logger tapes, it happened still to have these at hand and co-operated fully in making them available to the CBSC in order to resolve the matter. In his letter, the News Director said:

I've now had the opportunity to read your letter and to review the stories in question.

First of all, let me make clear that I reject any and all of your suggestions that this coverage was "malicious, one-sided and destructive" and that there was some "pre-determined story line." That isn't how we operate nor did we in this case.

The stories reported very serious complaints about Ridge Meadows Recycling Society that there [*sic*] were being investigated by the Social Services Ministry of the B.C. Government and about financial concerns that were corroborated by the Mayor of Maple Ridge. In other words, it is clear there were legitimate issues of public interest involved here and certainly this was an appropriate matter for examination in a news broadcast.

As for your specific, numbered points. Let me respond as follows:

1. Yes, the crew did arrive without notice. But in the business of putting television news together that sometimes happens because of the press of events. Clem Chapple denies that the crew was "aggressive and accusatory." Clem is a reporter of many years experience, including a decade long stint as our senior legislative correspondent, and I accept his version of events.
2. The crew was asked not to film people with mental handicaps, to which Clem replied he would "respect their situation." The aired tape showed people at some distance edited with particular care so as not to embarrass anyone. Bear in mind, these people work in full view of the public. Yours is the only complaint I have heard on our handling of this footage and, after viewing the tape, I can't say that I see there was a problem in how this was done.
3. Since you are the executive director of the Recycling Society, Clem made the judgment that you were the appropriate person to interview for the basic questions at issue, not the shop steward. Without having been there, it is hard for me to understand exactly what relevance the Shop Steward would have to the allegations being made, although these are always judgment questions make [*sic*] in light of the particular circumstances.
4. Clem did not use the word "irregularities" as you allege. In the second story, Clem used the word "grant" because he believes it more clearly expresses the reality of the situation. Sometimes reporters have to break out of the jargon to properly and directly convey meaning. And it was the mayor who confirmed there were concerns about the financial picture.
5. Your comments on videotape about the wage increase were at the very least contradictory and certainly were not explained with the precision that you provided in your letter.

Finally, I don't understand your concluding line: "No attempt was made to present the Society's side of this issue." Clem Chapple would not have been interviewing you if he didn't want to present the Society's side of the issue. You are the executive director and presumably the best person to be able to respond to questions on the operational details of the Society. Your comments were included at length in the story, specifically saying the complaints had been blown out of proportion and that the complainants had some other agenda.

Stories are prepared with a view to providing an accurate, fair and balanced representation of the situation at hand. This was an unpleasant situation for the Society to find itself in, but I see no evidence that our handling of it was in any way inappropriate. If you have further information that would demonstrate failure on our part, I would be happy to receive it. Further, I would be happy to have a reporter bring this story up to date with the details of what has happened since. But as [*sic*] this juncture, I am satisfied that serious problems at Ridge Meadows Recycling had been identified, that we reported candidly on those and that what we reported properly represented the facts at the time.

The Complainant's Second Letter (October 24)

The complainant was not satisfied with this response and requested, on October 24, that the CBSC refer the matter to the appropriate Regional Council for adjudication. At the same time, the Director of Off-Site Programs of the Society sent an explanatory letter, in which she stated:

Mr. Bradbury [the CHAN-TV News Director] refers twice to financial concerns that were corroborated by the Mayor of Maple Ridge. I am enclosing a letter to us, from the Mayor of Maple Ridge in which he states that he was not aware of any specific financial concerns associated with the Recycling Society. His response to BCTV was rhetorical.

I am also enclosing a written statement from our Director of Finance and Personnel describing her experience of Mr. Clem Chapple and the BCTV crew, during the first interview.

Our request that the participants in our programs not be filmed was completely ignored. We have a sensitive and dignified relationship with our clients and their caregivers. It is common practice for us to request written permission to use even photographs in a public way. The fact that this was ignored by Mr. Chapple and his crew strongly indicated the attitude with which BCTV approached us.

Mr. Bradbury suggests that Clem Chapple made the judgement that our executive director was the appropriate person to interview. In fact, I personally contacted BCTV to ask if they would come out and interview our Executive Director, as she was away when they came to film on June 6. Our Director of Finance and Personnel explained to Mr. Chapple that the E.D. was the spokesperson for the organization as well.

I contacted BCTV to request the interview on June 7, in order that we could respond to the broadcast. We suggested he interview the shop steward to hear the view of our current employees, as allegations were made regarding our treatment of the work force. The shop steward felt the June 6 coverage was biased and unfair. Mr. Chapple's response was that an interview with the shop steward didn't follow the storyline, even though the June 6 broadcast referred to mistreatment of employees.

When BCTV came to interview our E.D., we believed it was in order to respond to the June 6 broadcast. At no time was the E.D. informed that the allegations of financial concerns were being made, nor what the nature of the allegations were. The storyline of the June 10 broadcast came as a complete surprise. Mr. Bradbury suggests that the E.D.'s comments were contradictory and not explained with the precision outlined in her letter. This is hardly surprising considering the E.D. had no idea as to the context at the story. In her original letter, our executive director outlines clearly her experience and the reasons for our complaint.

Our board, staff, and volunteers were all deeply affected by the nature of the allegations presented by BCTV, which were subsequently all found to be without basis in fact. Any community organization is vulnerable to the kind of attacks made on the Recycling Society. We have spent many years developing a reputation in this community. We believe that BCTV did not respond to this story in a responsible way. Without being in any way experts, we would suggest that BCTV did not respect Article One, Three, Four or Eight of the RTNDA Code of Ethics.

As noted, the Society's representative included two other letters with hers of the 24th. One of these, dated October 21, was from the Maple Ridge Mayor, who wrote:

The letter from Mr. Bradbury indicates that I made some statements related to recycling and it is somewhat misleading. At the time I spoke with BCTV, I was not aware of any specific "financial concerns" associated with the Recycling Society. My recollection is that I said " ... if there were financial difficulties with the Society, Council would be interested as we, in part, provide monies to fund the program... "

I believe the foregoing more accurately reflects my comments.

The other letter, dated October 23, was from two of the complainant Society's representatives, namely, the Director of Finance and Personnel and the Plant Supervisor. That letter dealt with two of the contentious matters relating to the signatories of that letter. It read:

I would like to respond to the BCTV letter as it relates to my experience in this situation.

Mr. Chapple arrived unannounced on our work-site with a camera person and began to film right away. Our Plant Supervisor ... & myself approached the two and asked them not to film the work-site where the participants in our Ministry of Social Services programs were involved, I suggested that if they wanted to film on our site an alternate location [*sic*], his response was, "that's not where we want to film, people over here are the issue." I explained the importance of confidentiality, and was informed that the camera angle was so wide that no person would be identifiable. This was not the case on the final broadcast, people were clearly identifiable.

Mr. Chapple then asked to speak with [the Executive Director] or [the Director of Off-site Programs], I explained that neither person was available, that the Executive Director was our spokesperson, but I would do my best to answer his questions. I explained that I was the Director of Finance and that dealing with the press was not my job, so I was a little nervous. His response to me was "well you should be." I believe this comment set the tone for the remainder of our interview with Mr. Chapple.

I feel that the Society was approached in a aggressive way and that little regard was given to our aide of the issue or to requests regarding filming.

THE DECISION

The CBSC's B.C. Regional Council considered the complaint under the *Codes of Ethics* of the Canadian Association of Broadcasters (CAB) and the Radio and Television News Directors Association. The relevant clauses of those Codes read as follows:

CAB Code of Ethics, Clause 6 (News) (in part):

It shall be the responsibility of member stations to ensure that news shall be represented 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.

[...]

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.

RTNDA Code of Ethics, Article 1:

The main purpose of broadcast journalism is to inform the public in an accurate, comprehensive and balanced manner about events of importance.

RTNDA Code of Ethics, Article 3 (in part):

Broadcast journalists will not sensationalize news items and will resist pressures, whether from inside or outside the broadcasting industry, to do so. They will in no way distort the news.

RTNDA Code of Ethics, Article 4:

Broadcast journalists will always display respect for the dignity, privacy and well-being of everyone with whom they deal, and make every effort to ensure that the privacy of public persons is infringed only to the extent necessary to satisfy the public interest and accurately report the news.

RTNDA Code of Ethics, Article 8:

Broadcast journalists shall conduct themselves politely, keeping broadcast equipment as unobtrusive as possible. Broadcast journalists will try to prevent their presence from distorting the character or importance of events.

The Regional Council members viewed tapes of the newscasts in question and reviewed all of the correspondence. The members consider that the newscasts in question were not in breach of the Code provisions cited above but that, in some respects discussed below, they were only on the *edge* of acceptability. The Council's reasons follow.

The Content of the Program

To begin, the Council believes it important to point out that, in its view, it *appears* that there was sufficient information in the newscasts to suggest that the station would have been entitled to prepare a story or stories dealing with the Ridge Meadows Recycling Society. The apparently serious concern expressed by former employees about the treatment of mentally or physically challenged individuals by the Society would be a matter of sufficient importance to merit public treatment as would any question of financial impropriety on the part of such a society.

The fact that such a story may merit telling does not, however, mean that *any* telling of the story will go unchallenged. Where, for example, such a report is factually wrong and none of the defences to an action in defamation is present, the wronged party will have recourse under the private law. It is not, though, the responsibility of the CBSC to right such wrongs or provide redress of that nature. Furthermore, the Council rarely, if ever, focusses on whether, *in the end*, the report was proved to be right or wrong. That remains to be determined in another forum, namely, the civil courts of the land. The Council's concerns go more to issues relating to the method of reporting, such as fairness and balance, the sensationalization of news items, invasion of privacy and so on.

Broadcaster Conduct and Notice

The CBSC's mandate does not include the factual investigation of events such as the conduct of broadcaster representatives. Nor does the Council hold hearings at which evidence, including the testimony of witnesses, is presented. It may, however, when the facts are agreed or are not otherwise in dispute, draw a conclusion about the conduct of a broadcast journalist. See, for example, *CKNW-AM re Journalistic Controversy* (CBSC Decision 94/95-0175, December 18, 1996). In *this CHAN-TV* matter, based on the comments of the complainant, it *may* be that the actions of the news team were somewhat aggressive but, not only is this unestablished, it would not be in violation of Article 8 of the *RTNDA Code of Ethics*, in any case. It is not the view of the Council that that Article is a "please" and "may I" provision. Those are questions of common courtesy with which neither this Code nor the Council will customarily deal. The Council considers that it is more of the essence of that Article that journalists "try to prevent their presence from distorting the character or importance of events." They ought, in other words, to so conduct themselves as not to interfere with the substance or scope of the stories they are

telling. From the letter of complaint, it is not *that* problem which appears to be the major issue for the complainant, in any event.

While the news team did, both sides agree, arrive to film without notice, it is accepted by this Council that the gathering of news cannot generally be arranged “by appointment”. In *CHBC-TV re Newscast* (CBSC Decision 93/94-0292, December 18, 1996), the B.C. Regional Council dealt with this issue in the following terms:

In fact, the complainant did not appear the least bit angered or concerned by the presence of the film crew on his property. He did not indicate any problem with this issue in his letter of July 15. Nor would the Regional Council be overly sympathetic with such a concern. In their view, *if news organizations were required to make an appointment every time they wanted to get a story, they would be effectively handicapped, if not muzzled.* [Emphasis added.]

Consequently, the Regional Council finds no Code violation here.

Invasion of Privacy

The Ontario Regional Council was called upon to deal with a similar matter in *CTV re CANADA-AM (Airborne Hazing)* (CBSC Decision 94/95-0159, March 12, 1996). It said the following regarding Article 4 of the *RTNDA Code of Ethics*:

It would be right to observe here that Article 4 of the *RTNDA Code of Ethics*, in dealing with the issue of privacy, makes specific reference to the privacy of *public* persons and not to private persons. This is perhaps because there may otherwise be a tendency on the part of citizens to believe that they have a proprietary interest in the lives of persons who have chosen to make themselves, in part, very public. This could not be said to be the same in the case of non-public figures.

In general, it is also true to observe that the private lives of individuals are of little or no interest to the public. There must, however, be exceptions to this principle or we would never, as a society, be entitled to see news stories on television on the grounds that they may contain footage of an unwilling participant in the event. It would not be realistic, for example, for television station news teams to seek permission from everyone who might be seen on camera at a crime scene, an accident, the picketing of a shop or a legislature, the arrival of a public figure or other events too numerous to describe here.

The point is that the issue is not so much the recording and broadcasting of the *image* of the individual as it is the *identification* of the person. Where the broadcaster provides no information which permits the public at large to identify the individual, such as in this case, the broadcaster has not interfered with that person’s right to privacy. The fact that the individual filmed and those close to him may know who he is does not interfere with his right to be free from identification by the public at large.

Circumstances do, moreover, arise from time to time in which the public interest in an event may override the otherwise legitimate interest of individuals to keep their identity and activities free from filmed scrutiny. Even a situation such as the hazing ritual in which a *home video camera* rather than a broadcaster’s equipment was present would give rise to this principle. The public had such an abiding interest in learning about the unorthodox and

apparently discriminatory practices of the Regiment, whose members had killed Somalis in questionable circumstances thereby affecting the reputation of the *country* in its international peace-keeping role, that the private interest of any individuals seen in the film in question would have been overridden by the public's need to know.

In applying those principles to this matter, the Council considers, first, that there was no *identification* of the individuals whose images were briefly on camera and, second, that there was a justifiable interest in using those unidentified images to illustrate the story which the public had an interest in knowing.

How the Story Was Told

In general, it is the responsibility of the news organization to choose the story it will tell and the way it will tell it. In *CFTO-TV re Newscast (Pollution)* (CBSC Decision 92/93-0178, October 26, 1993), the broadcaster had referred to an American pollution study, using the information to give the story local relevance. The complainant, who was an expert in the area of pollution, felt that the original report, which gave rise to the story, had been distorted or misrepresented. The Council did not agree; it found that there had been no breach of the Code.

CFTO-TV used the American report only as a "top" to its story, which dealt with a local perspective, oriented more particularly toward the automobile. It did not *represent* that this was the essence of the study, or even a part of it. The complainant was obviously dissatisfied that the report did not adequately explain the American study; *this was not the story which CFTO-TV chose to tell*. In that, it was not inaccurate or biased. At worst, it simplified the more complex issues raised by the study. This does not, however, constitute a breach of the CAB *Code of Ethics*.

Similarly, in *CHEK-TV re Evening News* (CBSC Decision 94/95-0137, December 18, 1996), the B.C. Regional Council upheld the broadcaster's right to tell the story it chose to tell in that case. The broadcaster was not obliged to treat the issue central to that report in greater depth or more broadly. The broadcaster was obliged to be accurate but not to relate the story in question to related or similar matters taken from prior British Columbia or national political history.

In this matter, the consideration is only slightly different. Here, the complainant would have liked to choose the persons to be interviewed by BCTV to reflect the story it wanted to tell. Provided, however, that the station could be fair and balanced in telling the story it chose to tell, it was not necessary for it to interview the specific individuals proffered by the Society. Furthermore, the Council considers that the broadcaster ought to have been entitled to assume that the Executive Director would be sufficiently knowledgeable to respond to the reporter's questions.

The Broadcaster's Responsibility

That being said, it was the duty of the station to ensure that it had all the information it required to tell its story fairly, comprehensively and accurately, particularly as it chose its own interviewees. In this respect, the Council considers that the station and its reporter did not succeed in all respects in meeting those standards although it does not believe that the breach was such as to constitute a breach of the Code. The Council is of the view that the reporter's principal failure was with respect to the financial issues raised in the newscasts. There is, for example, a difference between "grants" and "contracts for services rendered". The Council does not agree with the broadcaster's justification of the one term for the other as a "break[ing] out of jargon to properly and directly convey meaning." The word "grant" is *not* jargon. It has a well-known meaning and an implication of government largesse. It provides an inherent justification for cautious oversight of the activities of an entity benefiting from such beneficence. It *appears*, on the other hand, that the Society *worked* for its money, that it rendered services for which it was paid. That does not imply that it can do what it wants; the investigation was not unwarranted. The reporter ought, however, to have been "tighter" in his choice of language. Words are, after all, his work.

In a not unrelated matter, by saying that the Society was "not strapped for money", he implied, perhaps inadvertently, that there might have been something wrong with the way the money had been accumulated, particularly in the implied context of exploitation of physically and mentally challenged workers.

He then made the sarcastic and apparently unwarranted comment that the wages of the "administrative staff" rose by "12%, which apparently translates to 2%". It appears to the Council that the reporter was reading a line item in a budget and extrapolating from this a conclusion that *each* administrative wage may have risen by an average of 12% rather than that the *overall* administrative wage pot may have increased by that amount, which is essentially the information conveyed both by the Executive Director in her interview and in the letter she provided.

It is, of course, eminently material that she was given the opportunity to be on the record and to present her point of view but, in viewing and re-viewing the tape, Council members believe that the waters were muddied by the reporter in the confused and unnecessarily sarcastic way he chose to introduce the item.

All in all, the Council considers that the reporter, the News Director and the station ought to have exercised greater vigilance in the way they chose to tell this story which they were justified in bringing to the attention of the public. It is not, and cannot be, that *every* inadvertence or inappropriate comment will fall afoul of the various broadcaster Codes. This is a case where they do not but where the Council would have wished that the broadcaster had been further from the edge.

Broadcaster Responsiveness

The CBSC always recognizes the broadcaster's obligation, as a CBSC member, to be responsive to complainants. In this case, the Regional Council considers that the response from CHAN-TV's News Director dealt thoroughly with the viewer's concerns, even though not as the complainant would have wished. Consequently, the station did not breach the Council's standard of responsiveness.

This decision is a public document upon its release by the Canadian Broadcast Standards Council. It may be reported, announced or read by the station against which the complaint had originally been made; however, in the case of a favourable decision, the station is under no obligation to announce the result.