
**CANADIAN BROADCAST STANDARDS COUNCIL
ONTARIO REGIONAL COUNCIL**

CFRB-AM re the Ed Needham Show (Harassment)

(CBSC Decision 92/93-0081)

Decided June 11, 1993

FACTS OF THE CASE

On November 16, 1992, on CFRB's Ed Needham show (a three-hour open-line show), one of the subjects discussed was sexual harassment.

The Canadian Radio-television and Telecommunications Commission (CRTC) received a complaint dated November 23, 1993 concerning the program. The CRTC referred the matter to the CBSC on February 9, 1993.

According to the complainant, some of the comments made by the program host on the subject of sexual harassment were both "inaccurate" and "potentially harmful." More specifically, the complainant indicated that the host

states that if a person is harassed and does not immediately take steps to either confront the violator or report his/her actions then the victim 'gets exactly what they deserve.'

[The host ...] states that in his opinion many females encourage harassment by dressing in what he considers to be a provocative way.

In response to [the host's] first point, after generations of mistakes human beings now know that all people do not react the same to this type of offense Second, what, if anything, the victim wears does not excuse inappropriate behaviour. To suggest that a female wearing a short skirt is inviting sexual advances is very wrong...."

The broadcaster had also received the complaint directly from the complainant. In its response, dated December 18, 1992, CFRB explained that,

We find that whenever [the host] takes a strong controversial position, those individuals in the audience who disagree with the position always feel that they have been treated rudely, abruptly, or impolitely.

I can assure you that CFRB and all of its talk show hosts are very aware of the need to present fair and balanced opinions and at no time do we screen the phone calls to put a slant on a story or opinion.

The station manager added a memorandum from program host, who stated,

There are mechanisms in place to handle genuine harassment complaints and I urged women to use them. I probably said something like, "if someone bothers you IN THE WORKPLACE and you don't do something about it it's your fault if it continues." The essence of my argument was that as long as women won't complain directly to the harasser and to their boss their harassment will continue and they are, in a way, collaborators in it through their silence...

It has always been my contention that if a woman wears a short skirt or a tight sweater she is going to get comments and create a particular impression whether she means to or not....

The complainant was unsatisfied with this response and wrote to the CBSC to have his complaint considered by the CBSC Ontario Regional Council. The Regional Council considered the complaint on May 26, 1993.

CODES AT ISSUE

The CBSC Secretariat determined that the complaint could be considered under the Canadian Association of Broadcasters (CAB) *Code of Ethics*, Clause 15 -- Sex-Role Stereotyping, which reads:

Recognizing that stereotyping images can and do cause negative influences, it shall be the responsibility of broadcasters to exhibit, to the best of their ability, a conscious sensitivity to the problems related to sex role stereotyping, by refraining from exploitation and by the reflection of the intellectual and emotional equality of both sexes in programming.

The Secretariat also deemed clause 2(c) of the CAB *Sex-Role Portrayal Code for Radio and Television Programming* to be applicable. The clause reads as follows:

Television and radio programming shall respect the principles of intellectual and emotional equality of both sexes and the dignity of all individuals.

Television and radio programming should portray women and men as equal beneficiaries of the positive attributes of family or single-person life. Women and men should perform in a range of occupations and function as intellectual and emotional equals in all types of thematic circumstances. This should be the case for both work and leisure activities requiring varying degrees of intellectual competence.

Guidance: Women and men should be portrayed as working toward a comfortable existence through mutual support, both economically and emotionally, and in both public and private spheres. Despite the problems of societal systemic discrimination, television and radio programming should reflect an awareness of the need to avoid and overcome discrimination on the basis of gender.

CBSC DECISION

The Ontario Regional Council reviewed the complaint letter and the broadcaster's response, and listened to a tape of the program, in terms of the provisions of clause 15 of the *Code of Ethics* and clause 2(c) of the *Sex-Role Portrayal Code*. The Regional Council agreed that the responsibility of the broadcaster, according to clause 15, was to exhibit sensitivity to the problems related to sex-role stereotypes and to help overcome societal discrimination. Moreover, the council felt that clause 2(c) of the *Sex-Role Portrayal Code* clearly indicated the broadcaster's role in overcoming gender-based discrimination. On the basis of this understanding of the codes, the Regional Council decided that the program host reinforced two stereotypical images, namely, that women who do not respond immediately to harassment deserve their situation, and that modes of dress invite comment or indicate sexual standards. To that effect, Regional Council members noted comments made by the host, such as "if you allow yourself to be sexually harassed, so you can keep your job, you deserve it", "quit ... or take action ... and quit your whining", and "if you wear a skirt with your bum sticking out and somebody makes a crack and you get upset. Now who's setting who up?"

Thus, the regional council unanimously decided that the broadcaster contravened both clauses. As a result, the CFRB is required to report this decision during peak listening time. CFRB is also required to provide written confirmation to the Secretariat, within thirty days of the publication of this decision, that the decision has been broadcast.

The decision is also being released to the regional media.