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**CANADIAN BROADCAST STANDARDS COUNCIL  
ONTARIO REGIONAL COUNCIL**

CKVR-TV re "Just for Laughs"

(CBSC Decision 94/95-0005)

Decided August 23, 1995

M. Barrie (Chair), A. MacKay (Vice-Chair), P. Fockler, T. Gupta, R. Stanbury

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**THE FACTS**

During its broadcast of "Just For Laughs", a CBC-produced program containing highlights of the Montreal comedy festival, CKVR-TV included a segment featuring a fictional "Sister Mary Immaculate." Playing the role of an Irish nun, the comedienne made a number of jokes about religion and about her travel to Montreal. In one joke, she responded to the question, "where does the Bible stand on homosexuality" by quoting a passage in the Bible where God stated, "get thee behind me, Satan."

The Canadian Broadcast Standards Council (CBSC) received a complaint, dated August 26, 1994, from a viewer of the program who had initially written to CKVR-TV and had been directed by the station to the CBSC. In his initial complaint to the station, the viewer wrote,

I was extremely offended by last week's broadcast (July 10) of "Sister Mary"'s act. Never before have I heard such a blatantly offensive contempt and ridicule of God, the Bible, and His Son Jesus. *I enjoy the comedy shows*, and can laugh at religious jokes but there is NO excuse for the completely (*sic*) disrespect & filth spewed from this Sister Mary. I could not believe my ears -- *nor that it wasn't just one joke in poor taste* but a continuous stream. Particularly offensive was her reference to the Lord Jesus Christ as a homosexual.

God will surely judge those who have allowed this filthy disrespect to be so freely aired. We live in exciting times and will see this happen again in our generation -- to their eternal shame.

(I would like a copy of this act to show fellow Christians the depravity that is out there).

The station had replied to the viewer on August 4, 1994. In her response, the Program Manager stated,

We are sorry the program offended you. You did not mention the date that you saw this program on CKVR. This information would be helpful to us in order to pinpoint the episode and make note for any potential future airings.

We record the show from CBC in Toronto so if you require a copy you must contact them directly.

I have enclosed a copy of the Canadian Broadcast Standards Council (CBSC) [sic]. Although your complaint is not directly specified in the code, I thought you may be interested in the procedure. If you are not satisfied with the response you have received from CKVR, you may contact the CBSC at the enclosed address.

The viewer was unsatisfied with this response and requested, on October 17, 1994, that the CBSC refer the matter to the appropriate Regional Council for adjudication.

## **THE DECISION**

The CBSC's Ontario Regional Council considered the complaint under the *Code of Ethics* of the Canadian Association of Broadcasters (CAB). Clause 2 (Human Rights) of that Code reads as follows:

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 members viewed a tape of the program in question and reviewed all of the correspondence. The members unanimously agreed that the program did not contravene the *Code of Ethics*; however, they were concerned about the content of the broadcaster's response to the complainant.

The Regional Council recognized that the program had been produced by the CBC which, as a public broadcaster, is not currently a member of the CBSC. This does not, of course, alleviate in any respect the responsibility of the station itself for the programming it chooses to air. As the "Background" to the CAB *Code of Ethics* states, "each broadcaster is responsible for the programming of the licensed station." Thus, while CKVR-TV was not responsible for producing the program which it obtained from a broadcaster that is not a CBSC member, CKVR-TV was fully responsible for the content of the program which it had chosen to air.

## **The Content of the Program**

The Regional Council, in viewing the program, was sensitive to the complainant's concerns about alleged abuses on the basis of religion. The CBSC has addressed the question of discrimination and human rights in humour in a number of past decisions. See, for example, *CFOX-FM re the Larry and Willie Show* (CBSC Decision 92/93-0141, August 30, 1993); *CHTZ-FM re the Morning Show* (CBSC Decision 92/93-018, October 26, 1993); and *CHOG-AM re the Jessie and Gene Show* (CBSC Decision 93/94-0242, November 15, 1994). In those decisions, the Council has affirmed that while the humour in question may at times be in poor taste (a matter not addressed in any of the Codes under CBSC administration), it is not necessarily on that account abusive or discriminatory to any particular group. As the British Columbia Regional Council affirmed in *CFOX-FM re the Larry and Willie Show*,

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 Council was of the view that this principle applied squarely to the present case.

The Regional Council noted one reference to homosexuality in Sister Mary's routine; it further noted that some of her jokes had nothing to do with religion at all. While "Sister Mary"s routine might not have been humorous to the complainant, none of her jokes -- including the reference to homosexuality highlighted by the complainant -- could be construed as abusive or discriminatory to Christians or Catholics.

### **The Broadcaster's Response**

In addition to assessing the relevance of the Codes to the complaint, the CBSC always assesses the *responsiveness* of the broadcaster to the substance of the complaint. It is a responsibility of membership in the CBSC to be responsive to audience complaints. Clause 2 of Section VI of the *CBSC Manual* states that,

Stations voluntarily becoming members of the Council agree to:

...

(f) Co-operate fully whenever a complaint is received, by:

...

responding to all complaints quickly and directly, attempting to resolve the issue to the complainant's satisfaction ....

Only once before has the Council issued a negative decision based on the poor quality of a broadcaster's response. In *CFTO-TV re Newscast (Pollution)* (CBSC Decision 92/93-0178, October 26, 1993), the Council based its negative decision on the fact that the station had not responded at all to the substance of the complaint

and had, instead, sent a transcript of the program segment in question to the complainant without further explanation. In the Council's view, "the station's response [in that case] was dismissive of the complainant's concerns and ignored the complainant's willingness to resolve the matter at the station level, before approaching the CBSC."

In *CIII-TV re Mighty Morphin Power Rangers* (CBSC Decision 93/94-0270 and 0277, October 24, 1994), the CBSC's negative decision was based on the broadcaster's breach of the *CAB Voluntary Code Regarding Violence in Television Programming* and not on the quality of its response to the complainants. Nonetheless, the CBSC expressed concern about the quality of that broadcaster's response to the complainants. In the words of the Ontario Regional Council, "the replies of the broadcaster ought to have been more thoughtful. They were unnecessarily brief; they focussed on issues not related to the complaints ... and did not respond to their clearly expressed concerns."

Thus, the CBSC considers that a response which is entirely dismissive of the complaint and does not respond *at all* to the complainant's concerns can be grounds for a negative decision, as in the CFTO-TV example. On the other hand, a poorly-worded or incomplete response, as in the CIII-TV/Global case, will be recognized as such but will not necessarily form the basis of a negative decision. In all such cases, the CBSC expects that the broadcaster will be encouraged to provide more thoughtful responses in the future.

The Ontario Regional Council decided that the Program Manager of CKVR-TV had been apologetic, and thus not totally *unresponsive* to the viewer. Council members were greatly concerned, however, that the response did not at all address the substance of the viewer's complaint. In fact, the broadcaster wrongly indicated that it lacked the necessary information (namely, the date of the program, which had been mentioned in the complainant's letter) to respond, and wrongly suggested that the complaint could not have been considered under the CAB Codes administered by the CBSC. Indeed, the Program Manager, by not responding to the substance of the complaint and by suggesting that the complainant contact the CBSC, did not encourage the resolution of the complaint at the station level, and instead encouraged the complainant to contact the CBSC for satisfactory results.

The Regional Council concluded that the response should have been more thoughtful and that it did not even attempt to resolve the complaint at the local level. Moreover, the Council agreed that the Program Manager should have been more conversant with the content of the Codes to which the station voluntarily adhered. In the circumstances, the Ontario Regional Council decided that CKVR-TV did not adhere to the standard of responsiveness expected of all CBSC members.

### **Content of Broadcaster Announcement of the Decision**

CKVR-TV is required to announce the decision, in the following terms, during prime time within the next thirty days. It is also required to provide confirmation of the airing of the decision to the CBSC.

The Canadian Broadcast Standards Council has found that CKVR-TV has breached one of the responsibilities of membership of the Council, by not responding adequately to a viewer's complaint. While the Council found that CKVR-TV's airing of "Just for Laughs" on July 10, 1994 did not breach the industry's *Code of Ethics*, CKVR-TV did not address the substance of the viewer's complaint about the program.

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