
**CANADIAN BROADCAST STANDARDS COUNCIL
QUEBEC REGIONAL COUNCIL**

CKAC-AM re the Gilles Proulx Show

(CBSC Decision 94/95-0136)

Decided December 6, 1995

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

THE FACTS

The matter before the Quebec Regional Council is somewhat unusual, beginning, as it does, with a letter of complaint from a listener which was *followed* by the broadcast which became the subject matter of the complaint by the same listener.

The Complainant's First Letter

A CKAC listener, commenting on the treatment of listeners and the use of the French language by one of the station's talk show hosts, wrote to the station on February 13, 1995. In her letter to the host and the station management she wrote,

Full of your own importance to an unhealthy degree (a trait particularly evident in small-minded people) you denounce the ignorance and pettiness of Quebeckers as if you weren't one yourself, so you give yourself the right to treat listeners who disagree with you as idiotic, crazy or any other epithet of that type. You are so impressed with yourself that you forget that everyone has the right to respect and freedom of expression. It does not surprise me that you would disregard this basic principle. However, I find it totally unacceptable that Radiomédia, which says that it wants to offer quality radio programming, tolerates such behaviour.

You congratulate yourself for your impeccable use of our language, and do not hesitate to criticize your peers' use of the language. Again, you are blinded by your pretentiousness and fanaticism. Just because someone uses or avoids words or expressions from another language does not mean that they speak language properly or improperly. Even if your vocabulary is French, you publicly misuse the language.

You use the word "hick" (I apologize for any spelling error). You have no problem using this word to describe your loyal fans and Quebeckers in general. Well let me tell you, you are no

exception to the rule. I have rarely heard of more imbeciles or "hicks" than the characters you use - *le petite niaiseuse* (dumb broad), *momo*, *mimine* and all the others. If this is only kind of humour you are capable of, please spare us.

Finally, since you are incapable of accepting criticism, and you respect nothing and no one, please let somebody else take your place.

The Host's First On-Air Response

The next day, the host in question, Gilles Proulx, commented on the listener's letter, quoting from it and stating, several times, the listener's full name and city:

This will make [name of the complainant] happy, a chick who sent me a nice Valentine this morning. I quote "Full of your own importance to an unhealthy degree (a trait particularly evident in small-minded people)" this young lady, [the host gives the complainant's name on air] from St-Michel, and I'm tempted to give out your phone number, miss, she calls me "hick", which I am, and "dumb broad, momo, mimine" and all the others and says "If this is the only humour you are capable of, please spare us." Madam, who no doubt could use a good lay, doesn't like my language either, doesn't like momo - momo, someone doesn't like you, God, how can that be, momo, one of the great ones in Ville d'Anjou. She doesn't like mimine, one of the most colourful people on earth, or Madame Napléoné, even though she's so energetic and funny. She doesn't like the *petite niaiseuse*, let's talk about [name of the complainant].

What do you think, of the energy, yes, *laughter* [name of complainant] from St-Michel, she doesn't like you. *Laughter*. It doesn't seem to bother you, *petite niaiseuse*. Incredible! *Laughter*. Yes indeed, *petite niaiseuse*, *Laughter*, yes sir. She doesn't like my behaviour either. *Laughter*. Okay my little nut, now I'm mad, and you can't be my friend anymore. She says that I despise Quebeckers, when I've been telling them for ten years to be proud, keep their heads high and fight, to defend themselves, incredible, incredible how much people don't want to understand, so miss, on this the day after your beautiful valentine, I only have one thing to say - I'm tempted to give out your telephone number, if I was an asshole, but I won't. [The host repeats the complainant's name] of St-Michel, you really need a good lay.

The Complainant's Second Letter

The next day, the listener wrote to the host, in reaction to the above comments. She wrote,

"You can tell a toad by the way it hops." That's my reaction to your insightful response to my letter.

Your tirade only showed how right I am. Although I can easily understand that insult is your only weapon, I am asking that you make a public retraction of your words.

The Host's Second On-Air Response

Rather than the retraction requested, the host gave a virulent critique of the listener's letter in his program of February 16, stating on air:

And I also want to say hello to [the host gives complainant's name] in St-Michel, that charming women who decided to take me on; she doesn't have a life. "You can tell a toad" by the way she's the one who sent me that little love letter yesterday, the one I said needed to get laid, apparently she wasn't right for February 14, apparently some women were shocked. "You can tell a toad by the way it hops," she writes, "That's my reaction to your insightful response to my letter," - well she does admit at least that I was insightful - so [he repeats her name again] of St-Michel, why don't you get a job, you idiot, and if you don't like it and have nothing better to do than write letters, at least send me a photograph, so I could put it on my dashboard. You must be as ugly as sin.

The listener wrote to the station's Program Director on February 16 to complain about the host's treatment of her letter. She said:

It is my contention that Gilles Proulx's behaviour is unacceptable. By tolerating it, you are a party to his contemptuous and often insulting comments.

Have you deliberately chosen to debase your listeners to boost your ratings? In any case, in my opinion, Gilles Proulx has not only exceeded the limits of decency, but has contravened broadcasting regulations.

The Complainant's Letter to the CRTC

She also wrote to the Canadian Radio-television and Telecommunications Commission (CRTC), attaching copies of her correspondence with Mr. Proulx and the station management. In her February 17 letter to the CRTC, she summarized her concerns in the following terms:

Because I find it unacceptable that a host is allowed to denigrate Quebeckers and insult anyone he wants with impunity, I decided on February 13 to inform Gilles Proulx and Radio-Média of my opinion.

As might of been expected, I was rewarded with a heap of insults during his February 14 show. I responded, asking him for a retraction. On February 15, I was treated to a response that was just as demented and insulting.

In my opinion, Gilles Proulx has contravened regulations and I ask that he be fired immediately. I also request that CKAC be penalized.

The CRTC referred the correspondence to the CBSC. Following its usual procedure, the CBSC referred the complaint to the station for response.

The Station's Written Response

The station's representative wrote to the complainant on April 3, in the following terms:

We believe that your letter of February 13 was provocative. In our humble opinion, it was this letter that resulted in the bold commentary, which you say was disgraceful.

What you consider insults, were in fact bold comments made by the host Gilles Proulx. We acknowledge that some words and expressions may occasionally invite criticism of our hosts. When this happens, we review the situation with the hosts. This is why we meet regularly with the hosts and discuss these issues with them. We will take advantage of our next meeting with Mr. Proulx to review the principles by which you abide. We appreciate you being one of our listeners, and hope that you will be with us for a long time to come.

CKAC is a member of the Canadian Broadcast Standards Council (CBSC). In our opinion, Gilles Proulx's programs, and those of all our hosts, are produced and broadcast in accordance with CBSC codes.

The listener was unsatisfied with this response and requested, on April 11, that her complaint be referred to the CBSC's Quebec Regional Council for consideration.

THE DECISION

The CBSC's Quebec Regional Council considered the complaint under the Canadian Association of Broadcasters' (CAB) *Code of Ethics*, clause 6 (News), the CAB *Sex-Role Portrayal Code*, clause 4 (Exploitation), and the *Code of Ethics* of the Radio Television News Directors Association, articles 4 and 7. The clauses read as follows:

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

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.

CAB Sex-Role Portrayal Code, Clause 4 (Exploitation)

Television and radio programming shall refrain from the exploitation of women, men and children. Negative or degrading comments on the role and nature of women, men or children in society shall be avoided. Modes of dress, camera focus on areas of the body and similar modes of portrayal should not be degrading to either sex. The sexualization of children through dress or behaviour is not acceptable.

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 7

News directors recognize that informed analysis, comment and editorial opinion on public events and issues is both a right and responsibility that should be delegated only to individuals whose experience and judgement qualify them for it.

The Regional Council members listened to tapes of the programs in question and reviewed all of the correspondence; they consider that the actions of the host were such that the station is in breach of each of the pre-cited Codes and clauses.

The Question of Abusive Comment

The case at hand parallels in some respects the decision of the Ontario Regional Council in *CFRB re Ed Needham (OWD Publication)* (CBSC Decision 92/93-0096, May 26, 1993), in which the Council found that the host had

used abusive, degrading and discriminatory language when referring to women, in particular, when he claimed that, "A lot of women nowadays will vomit this one at you ... 'why do you feel threatened?' ... 'This is their favourite little way, because they can't think and they can't argue properly -- these radical feminist nutcakes' 'Don't even respond to that' ... 'Don't talk to the dumb stupid idiots', and 'bug off, bimbo!'" The host added, "That's how these crazed, unhappy, twisted creatures who turn out this kind of swill are. These are unhappy people, hard to get along with in the world, can't find a real job, so they turn to producing this kind of nonsense. You know, it's a shame. They need help. They really need help."

In this case, the language used by the host, Gilles Proulx, was, if anything, coarser, more excessive, gratuitous and abusive with regard to the complainant than that used by Ed Needham in the *CFRB-AM* decision referred to above. In exclaiming, for instance, that she was a "petite niaseuse" (dumb broad), "needs a good lay", "as ugly as sin," and "an idiot." Proulx was aggressively abusive toward this female listener. The Council believes, furthermore, that this language constituted "negative or degrading comments on the role and nature of women" in clear breach of the provisions of Clause 4 of the *Sex-Role Portrayal Code*.

Even if the complainant's initial letter had been unduly provocative regarding the host's on-air attitudes, tone and practices, and the Council makes no evaluation of this nature here, it would *not* give rise to an entitlement on the part of the host to ridicule, demean and insult the letter-writer. The host's right to defend himself and his style does not extend to the *personalized* debasing of his critics. The listening public has every right to expect higher standards of those persons whom broadcasters choose to place on the airwaves.

The Public Nature of the Airwaves

While the Regional Council recognizes that the Gilles Proulx Show is essentially one of provocative discussion and debate regarding issues of public importance, it equally recognizes that this does not accord the host unlimited freedom of speech. If such an untrammelled right exists in the host's own living room or, to a lesser extent, in the middle of Parc Lafontaine, it does *not* exist on the Canadian airwaves. Indeed, radio and television stations in Canada are granted the *privilege* of using broadcasting frequencies with a view to providing, as stated in section 3(1)(b) of the *Broadcasting Act*, "a *public* service essential to the maintenance and enhancement of national identity and cultural sovereignty [emphasis added]". In this instance, however, the host's extensive, excessive and abusive commentary on the complainant's letters to the station in no way furthered public debate or discussion on issues of public importance. Rather, the host used the airwaves to exact a form of private vengeance on an individual listener. This behaviour in no way constituted "informed analysis, comment and opinion on public events and issues" as provided in Article 7 of the *RTNDA Code of Ethics*.

The station also breached the requirement to ensure the "full, fair and proper presentation of [...] comment", pursuant to Clause 6(3) of the *CAB Code of Ethics*. The Regional Council believes that the comments made by Proulx about the listener constituted gratuitous personal attacks and an irresponsible use of the airwaves by the station. They were neither fair nor proper. Consequently, the Council considers that the station has breached both the *RTNDA Code of Ethics* (Article 7) and the *CAB Code of Ethics* (Clause 6).

The Privacy of Individuals

The CBSC has, in past decisions, established some of the conditions under which private individuals may, and may not, be identified in broadcasts. In *CTV re Canada AM (Airborne Hazing)* (CBSC Decision 94/95-0159, March 12, 1996), the CBSC's Ontario Regional Council established that the principle of privacy, for private individuals, is primordial; only in exceptional circumstances is the public interest served by revealing the identity of private individuals who are involved in an event of public interest. Interpreting article 4 of the *RTNDA Code of Ethics*, the Ontario Regional Council decided that

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 Regional Council added, however, that

Circumstances do [...] 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.

Applying those principles to the present case, the Quebec Regional Council considers that, other than for reasons of personal vindictiveness, there was no reason for Gilles Proulx to reveal the listener's name and location (city) on air. Although she wrote a letter of complaint directly to the station management and to the host, the complainant did *not* consent to being identified on the public airwaves. A simple communication with a broadcaster, and even with the host of a talk show, is not tantamount to a waiver of the listener's right to privacy. Had the host genuinely wished to answer the charges which his critic had levelled against him, he could have done so by dealing with *those issues* which had been raised. Instead, he ignored the *issues* and tore after the *messenger*. By revealing the complainant's full name and location, the host made it a simple task for any listener to identify her. It is clear to the Regional Council that the host infringed the complainant's fundamental right to privacy in circumstances where there was no public interest, much less an *overriding* public interest, in revealing her identity on the airwaves. The Regional Council concludes that CKAC breached article 4 of the *RTNDA Code of Ethics*.

Broadcaster Responsiveness

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.

The Quebec Regional Council is troubled by what could only be considered to be the cavalier response by the station to the complainant. The station's representative stated that the complainant herself had brought on the host's barrage of insults and attacks, by arguing that

In our opinion, your letter of February 13 was provocative. In our humble opinion, it was this letter that resulted in the bold commentary, which you say was disgraceful.

The station's representative, in making such a statement, denied any responsibility whatever for the host's abusive and degrading statements and instead, *blamed the listener herself* for the content of the program. Such an approach is in clear violation of the principle -- well known to broadcasters and surely to the CKAC staff -- that broadcasters are responsible for the programming they choose to air. The Regional Council agrees that the station's letter breaches the CBSC standards of responsiveness to complainants.

Content of Broadcaster Announcement of the Decision

The broadcaster is required, within thirty days of the release of this decision, to announce it, in the following terms, during peak listening hours and to confirm to the Secretariat of the CBSC and to the complainant that it has done so:

The Canadian Broadcast Standards Council has found that, in its broadcasts of the *Gilles Proulx Show* on February 14 and 15, 1995, CKAC breached provisions of the *CAB Code of Ethics*, the *RTNDA Code of (Journalistic) Ethics* and the *CAB Sex-Role Portrayal Code*. By airing negative and degrading comments about a female listener, by providing her name and coordinates on the air, and by making excessive and abusive personalized comments about the listener, CKAC, via its host Gilles Proulx, violated those Codes. The Council also found that CKAC breached one of its responsibilities of membership in the Council by not responding adequately to the listener's complaint.

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