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## CANADIAN BROADCAST STANDARDS COUNCIL

### QUEBEC REGIONAL PANEL

#### CHMP-FM re a segment on *Le Journal du midi*

(CBSC Decision 07/08-0553)

Decided April 7, 2008

D. Meloul (Acting Chair), R. Cohen (*ad hoc*), M. Ille, G. Moisan, J.-P. Murdoch

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### THE FACTS

*Le journal du midi* with Gilles Proulx was, at the time of this complaint, broadcast weekdays on CHMP-FM (98.5 FM, Montreal) from noon to 3:00 pm. On October 2, 2007 at approximately 12:42 pm, Proulx conducted an interview with the Assistant General Director of the Montreal Fire Safety Department, Jacques Proteau. The Department is a division within the municipal government which deals with issues of fire safety and civil security. Proteau appeared on the program to discuss a union dispute between the City of Montreal and the firefighters. In an act of protest, the firefighters had allegedly sabotaged some fire stations so that their superiors would be prevented from entering the buildings. The following is a partial transcript of the dialogue (a complete transcript of the interview can be found in Appendix A, available in French only):

[translation]

Gilles Proulx: Let's talk about the misfortune of our poor firefighters, who take risks after all, the risk of damaging public property. Fire stations have been sabotaged; 66 fire stations, no big deal. The employees of the Montreal Security Department, um Fire Safety, allegedly blocked the doors of the twelve fire stations where Operations Headquarters are located. We're talking about things like glue in the locks and so forth, the interruption of electronic equipment that was perhaps vandalized. With me now is Jacques Proteau, the Assistant General Director of that Department. Hello, Mr. Proteau.

Jacques Proteau: Hello, Mr. Proulx.

Proulx: Of course, you'll say that this is intolerable – that's what is said each time – and you end up with a collective agreement that always costs Montrealers more, after so many months of guerrilla warfare.

Proteau: No. In this case, Mr. Proulx, well um, let's review a bit of history. I was informed on Thursday evening that the um, headquarters senior management had been evicted from the fire stations, the twelve administrative fire stations for the totality of the territory. We immediately sought to move back in, because it is intolerable that the, the senior managers, those in charge of operations, not have access to their offices, both from an administrative and an operational standpoint. We returned to our offices with locksmiths and ascertained the damages and so on. The following day, I spoke with the President of the Montreal Firefighters Association and of course I told him that the pressure tactics that he, that he decreed, him and his organization, were completely senseless –

[...]

Proulx: Who gets the bill?

Proteau: It's not; a formal demand will be sent to the Montreal Firefighters Association and we are gathering up everything in order to bill them, of course, for all those damages, without exception.

Proulx: Yeah. And with the lawyers getting involved it's going to cost a fortune. And, um, after three, four months of guerrilla warfare, you'll come up with an agreement that will cost Montrealers more –

Proteau: Mr. Proulx –

Proulx: – as usual.

Proteau: Um, Mr. Proulx, we, I, I, um, my responsibility is to ensure the people of this city receive a quality service and to see to their security. My responsibility does not consist of negotiating an agreement. What I can tell you, as a department director, is that the security of Montrealers is currently not affected in any way. It is important to understand that, despite the fear campaigns the Association has attempted to conduct in the last few months. We can –

Proulx: Yes, but they're terrorists, dammit! How can that be "despite the campaign they've led for months now"? How; it's intolerable, are they there to be in the fire station and go put out a fire when the alarm goes off? Or are they there to carry on damned terror campaigns, and foolishness, and stickers, and breaking the equipment that belongs to the taxpayers?

Proteau: They are most assuredly not there for the things you have just described, but rather to answer every emergency call, prepare themselves, train –

Proulx: Hmm hmm.

[...]

Proulx: Those spoiled kids –

Proteau: Hmm hmm?

Proulx: - they are incapable of realizing. If we compare them, they will say: "We are brave after all; we take risks." Hey, fuck you! You take risks, well a convenience store clerk takes far more risks than they do and so does a taxi driver.

Proteau: Mr. Proulx, you aren't saying "fuck you" to me, are you?

Proulx: No, no. I'm saying "fuck you" to them.

Proteau: O.K.

Proulx: Dammit all!

[Sound effect of glass shattering]

Proteau: O.K.

Proulx: These kids have no idea, because they are childish, –

Proteau: Look, um look Mr. Proulx –

Proulx: - that they are privileged in society!

Proteau: Look, Mr. Proulx –

Proulx: Yes.

Proteau: I am convinced, and it is important that you understand, the people involved follow the directives of the MFA. The majority of our firemen and women doesn't want this. Quite the contrary –

Proulx: So –

Proteau: - you meet them every day –

Proulx: Ah!

Proteau: - They are terribly uncomfortable with respect to all of this.

Proulx: Ah! Ah! So, you are proving to me that unionism must be revamped, reformulated, rewritten. On that score, you need to put pressure on Jean The Carp in Quebec City.

[...]

Proulx: How much, how much are their demands costing? What more do they want? Because a union asks for more in order to give you less.

Proteau: There are clearly demands. I don't want to get into the collective bargaining aspect; that's not my area, I'm in Operations, but one of the issues is the pension plan.

Proulx: Is that right?! Please line up at the cash, the cretins.

Proteau: And estimates are around, between 20 and 25 million –

Proulx: Of course they are!

Proteau: There is also the issue of modifying the work schedule from thirteen days per month to seven.

Proulx: [choking/laughing] Can you believe it?!

[Sound effect of someone coughing]

[...]

Proteau: You mentioned clothing. Hundreds of millions have been invested as of this point in time.

Proulx: Yeah. Yeah. And the shoes, the socks, the boots, and sell them back to the brother-in-law and then demand another one, and on and on. We know that by heart. And then their sorrow when a brother-in-law dies and they are entitled to, to bereavement leave, and damned aberrations like you wouldn't believe! Someone from your department signed that. That's in fact the person who deserves to be put up against the wall – those who signed those collective agreements.

Proteau: Mr. Proulx, that is not something that can be rectified –

Proulx: Nooo.

Proteau: - we cannot –

Proulx: Yes! Yes! Yes! Since when can an error not be rectified?

[...]

Proulx: - it's discouraging. I can't believe the municipal authorities – obviously there aren't any – are not asking the provincial government to redraft the Labour Code. It is intolerable.

Proteau: As I've been, um, as I've been telling you Mr. Proulx –

Proulx: Well, yeah.

Proteau: I repeat that where the Labour Code is concerned, I don't have um, I can't do anything in that regard. I can, however, tell you that when you refer to municipal authorities, they are acting and we have solid and ongoing support; we won't let this happen.

Proulx: But, um, nevertheless, I suppose you might tell me "I can't comment on that", but unionism has to be revamped. We might as well make 80% of the ones in the fire stations volunteer firefighters: "Find yourself a job. Your employer will give you special consideration, and when there's an emergency you can come to work." Then keep 20% in the fire stations. That's all there is to it. [Proteau sighs] For the fires, for the current number of fires?

[...]

Proteau: Well, Mr. Proulx, that is our daily reality. It happens; we're in that situation every week and that must be understood. We do get 50,000 calls per year, plus those from, from the medical services that will bring the number up to 50,000 additional calls. So, um, we must be there for the people of Montreal, we must work for them. And, of course, we want to bring back, we want to bring back; this is the third time the Association has walked away from the bargaining table. We want to bring them back to the bargaining table; that's where this will get settled. And it's not by wearing green jerseys and all sorts of, of things, mucking up the trucks. And, I'm telling you; under no circumstances will our management people be kept out of the fire stations. We have administrative personnel there, our prevention officers are there and we are staying there! That is, you must, it is very important –

Proulx: And we thought Fauvel was a piece of work. He retired and he must be laughing up his sleeve. The crass and uncouth fellow in charge now, the lumbering moron with the booming voice, what's his name, again?

Proteau: Well, I don't know [laughs/sighs] who you mean.

Proulx: The president of the union, of the Association.

Proteau: The president is Mr. Michel Crevier.

Proulx: [...]

Proulx: Goodbye!

Proteau: Goodbye!

Proulx: That was the Assistant General Director of the Montreal Fire Safety Department. And they want to gain sympathy. "They're brave; they're so good when they put out a fire." No one denies that! They were hired and trained for that purpose. But, what goes on outside of firefighting, however, well that burns our asses. They are costing us a fortune. They don't want to admit it! They have a parasitic collective agreement! They don't work very hard! They want to make us believe the opposite. They are brave. So is a convenience store clerk! So is a taxi driver! So, go ahead and destroy everything! Destroy all the equipment if you want. That crass big, the big lumbering moron with the voice. Give the order to destroy all the equipment. Nothing will happen. You're dealing with the City of Montreal! And the City of Montreal can beg the government of Jean The Carp all it wants! Jean The Carp is not listening! Jean The Carp was really frightened in the last election because he was beaten in the 450 region. He won't listen to Montreal and the 514 area. So, go cry on Jean The Carp's shoulder, Jean The Carp will not do a thing. So, the guy with the booming voice who is in charge of all this has to tell the truth, the whole truth and nothing but the truth. You firefighters are right and the proof of that is that Jean The Carp will do nothing to change the Labour Code! [Sound effect of demolition] The Code is fine just as it is. But, in the meantime the dumb taxpayers have to pay. And Montreal City Hall wonders why 10,000 people leave the city each year to have a bit more peace!

The CBSC received a complaint about the broadcast, dated October 10. The complainant was concerned that Gilles Proulx "said 'Fuck you' to what I assume are the firefighters of the island of Montreal." (The full text of all correspondence can be found in Appendix B, available in English only).

The station's Program Director replied to the complainant on October 30 with, in pertinent part, the following:

We have reviewed the Program and confirm that the host used a derivative of the F-word to describe his thought. We recognize that this is inappropriate, and that the use of such language does not meet Canadian broadcasting standards. We apologize for having broadcast the term.

Since receiving your email, we have discussed the situation with the Program host, and he is aware that this type of language is not appropriate under any circumstances. We at CHMP-FM take our responsibilities as broadcasters very seriously, and we work hard to make sure all of our programming complies with the *Broadcasting Act*, the *Radio Regulations*, the CBSC's *Code of Ethics*, and all standards required of us as a member of the CBSC.

The complainant replied to the station on November 6:

Although [the Program Director] has addressed the fact the Mr. Proulx did use, as he put it, "a derivative of the F-word" and he has apologized for having broadcast the term, he has not addressed the fact that the term was directed at all of the firefighters on the island of Montreal. Being a firefighter on the island of Montreal myself, this is what was most upsetting to me. I will consider this matter closed when a letter of apology is sent to [the] President of the Montreal Firefighters Association, by Mr. Gilles Proulx of CHMP-FM as well as a copy sent to myself.

The complainant followed up that letter with another to the station on November 12:

Since I have not received a response from you regarding the email I sent you on November 6, 2007, I can only assume that you did not get my original email.

[...]

As in my previous email I thank and applaud [the Program Director] for having taken his responsibility as program director very seriously and welcome his apology for having broadcast inappropriate words over the air waves. However I think that Mr. Proulx needs to demonstrate as much professionalism and apologize for having directed those very inappropriate comments at 2300 individuals. Mr. Proulx is solely responsible for what comes out of his mouth and needs to be accountable for what comes out of his mouth.

He then filed his Ruling Request with the CBSC on November 16 with the following note:

I was very hopeful that this case would be resolved when [the CBSC] wrote to me and said, "The dialogue between broadcasters and members of their audience is a cornerstone of the CBSC's complaints resolution process." However when I responded to a letter written by [the Program Director] sent to me by [his assistant] I did not receive a reply. I also did not receive a reply when I sent a second letter regarding this case. [...]

Although [the Program Director] did apologize for having broadcast inappropriate words over the airwaves, I feel very strongly that Mr. Gilles Proulx needs to apologize for having directed those words at 2300 individuals (all of the firefighters of the island of Montreal). If Mr. Proulx would have directed those comments at a historically persecuted religious group, at an ethnic minority, or the PQ I feel this matter would have already been

resolved. Being a firefighter on the island of Montreal I do not deserve someone speaking to me in that way over the airwaves.

## THE DECISION

The Quebec Regional Panel examined the complaint under the following provisions of the Canadian Association of Broadcasters' (CAB) *Code of Ethics*:

### Clause 6 – Full, Fair and Proper Presentation

It is recognized that the full, fair and proper presentation of news, opinion, comment and editorial is the prime and fundamental responsibility of each broadcaster. This principle shall apply to all radio and television programming, whether it relates to news, public affairs, magazine, talk, call-in, interview or other broadcasting formats in which news, opinion, comment or editorial may be expressed by broadcaster employees, their invited guests or callers.

### Clause 9 – Radio Broadcasting

Recognizing that radio is a local medium and, consequently, reflective of local community standards, programming broadcast on a local radio station shall take into consideration the generally recognized access to programming content available in the market, the demographic composition of the station's audience, and the station's format. Within this context, particular care shall be taken by radio broadcasters to ensure that programming on their stations does not contain:

[...]

- (c) Unduly coarse and offensive language.

The Quebec Panel Adjudicators listened to a recording of the broadcast and read all of the correspondence. The Panel concludes that the broadcaster violated the aforementioned Code provisions.

### Coarse Language

The issue of coarse language is straightforward. The CBSC has consistently said that the broadcast of the f-word during daytime or early evening radio hours will violate Clause 9(c) of the *CAB Code of Ethics* whether the language of broadcast is French or English, and this regardless of whether the usage was or was not gratuitous. [See, for example, the following decisions re English-language broadcasts: *CFNY-FM re the Show with Dean Blundell (David Carradine Appearance)* (CBSC Decision 03/04-1305, October 22, 2004), *CFGQ-FM (CKIK-FM) re a live Tragically Hip concert and interview* (CBSC Decision 03/04-1850, November 1, 2004), and *CHOM-FM re the song "Locked in the Trunk of a Car" by the Tragically Hip* (CBSC Decision 04/05-0324, April 4, 2005);

and the following decisions re French-language broadcasts: *CJRC-AM re an interview by Daniel Séguin on L’Outaouais ce matin* (CBSC Decision 03/04-2082 & 04/05-0023, April 4, 2005) (a French expression, which the Quebec Panel here found to be the equivalent of the f-word), *CJMF-FM re comments made on an episode of Le trio de l’enfer* (CBSC Decision 04/05-0761, October 24, 2005), *CKAC-AM re an episode of Doc Mailloux* (CBSC Decision 05/06-0642, February 3, 2006), *CKAC-AM re an episode of Doc Mailloux (Adolescent Sexuality)* (CBSC Decision 05/06-1104, June 30, 2006), and *CKAC-AM re an episode of Doc Mailloux (Financial Difficulties)* (CBSC Decision 05/06-1405, December 11, 2006).] The Quebec Panel concludes that the use of the expression “Fuck you” on three separate occasions during the course of *Le Journal du midi* on October 10, 2007 constituted a breach of Clause 9(c) of the *CAB Code of Ethics*.

### **Insulting Comments re the Firefighters?**

The Panel draws a clear distinction between comments relating to *policy* matters, even those touching on individuals or groups and those that are directed at the individuals or groups on a *personally insulting* basis. Thus, the Panel accepts the rough, possibly crude substantiation of the host’s position that “unionism must be revamped.” They constitute a position he is entitled to take, even if he has gone over the top in his observations about the members of the firefighters union. In this regard, it is worth repeating some of his more vitriolic comments about the practices of the firefighters and the matters he considers that they get away with.

[translation]

But, what goes on outside of firefighting, however, well that burns our asses. They are costing us a fortune. They don’t want to admit it! They have a parasitic collective agreement! They don’t work very hard! They want to make us believe the opposite. They are brave. So is a convenience store clerk! So is a taxi driver! So, go ahead and destroy everything! Destroy all the equipment if you want. That crass big, the big lumbering moron with the voice. Give the order to destroy all the equipment. Nothing will happen.

The issue is not whether the host was right or wrong. He had an opinion on the way union members operate in the labour-management conflict, in which conflict, as he observes, the public regularly pay the price. The Panel supports his right to express those views, but they do not consider it a right *without limitation*. And they consider that limitation to be definable in accordance with this Panel’s decision in *CHOI-FM re Le monde parallèle de Jeff Fillion* (CBSC Decision 02/03-0115, July 17, 2003).

At its best, talk radio is as close as populous modern cities can hope to come to the ancient city-state open square expression of the divergent points of view that are the basis of democracy. At its worst, talk radio becomes a form of squabbling or worse and



meaningless grabbing for attention and audience share. That it is entertainment is fair enough. When, however, it becomes shrill, brash, unpleasant, nasty insults, without substance, it may overreach the broadcasters' own standards. While talk shows, particularly those of a true interactive nature, are rightfully regarded as a bastion of freedom of expression, the Canadian airwaves are not a free-for-all. [...] Thus, for example, the Quebec Panel finds that [translations] "conceited asshole", "that worthless piece of trash", "a "loser", a "piece of vomit", a "shit disturber" and a "tree with rotten roots" fall into this category, whereas focussed comments such as the accusation that Tétrault [a local competitive radio host] was "a poor communicator" who had lost most of his listeners are fair game.

Then, in *CJRC-AM re an interview by Daniel Séguin on L'Outaouais ce matin* (CBSC Decision 03/04-2082 & 04/05-0023, April 4, 2005), this Panel dealt with a complaint similar to that before it today; it was based on the delivery of the French expression "envoyer chier" by the program host to his guest, the then owner of the ill-fated CHOI-FM during an interview on CJRC's morning radio program. This Panel concluded:

The Panel also considers that the bulk of the dialogue between Daniel Séguin and Patrice Demers was substantive and a valid interchange of perspectives on the issues one would have expected to encounter on a CHOI-FM-related discussion. [...] [T]he Quebec Panel does not understand why the host descended from the relatively high road to the level of a personal attack using the expressions "[translation] I was really looking forward to [...] telling you literally to fuck off" and "[translation] And it's my turn to tell you to fuck off Mr. Demers, and I do so with pleasure this morning." In the entire dialogue, it is here and only here that the Quebec Panel takes issue with the broadcast of that morning. The Panel considers that the use of the two foregoing expressions was overkill and, in terms of the broadcaster's ethical obligations, unduly coarse and offensive, on the one hand, and improper, on the other.

In the matter at hand, the Quebec Panel also finds that the flippant use of the personally-directed English-language F-word epithet vis-à-vis the union members was excessive and improper, in terms of the standard established in Clause 6 of the *CAB Code of Ethics*.

### **Broadcaster Responsiveness**

It is the practice of all CBSC Adjudicating Panels to assess the broadcaster's responsiveness to the complainant. Although it is, of course, the case that the broadcaster need not agree with the complainant, it is expected that its representatives charged with replying to complaints will address the complainant's concerns in a thorough and respectful manner. In the matter at hand, the Panel considers that the response of the station's Program Director to the complainant clearly acknowledged the broadcaster's error raised in the original letter of complaint. The Panel considers that the response has successfully fulfilled the broadcaster's obligation of responsiveness.

## **ANNOUNCEMENT OF THE DECISION**

CHMP-FM is required to: 1) announce the decision, in the following terms, once during peak listening hours within three days following the release of this decision and once more within seven days following the release of this decision during the time period in which *Le journal du midi* was broadcast; 2) within the fourteen days following the broadcasts of the announcements, to provide written confirmation of the airing of the statement to the complainant who filed the Ruling Request; and 3) at that time, to provide the CBSC with a copy of that written confirmation and with air check copies of the broadcasts of the two announcements which must be made by CHMP-FM.

The Canadian Broadcast Standards Council has found that CHMP-FM violated the Canadian Association of Broadcasters' *Code of Ethics* in a broadcast of *Le journal du midi* on October 2, 2007. In its broadcast of *Le Journal du midi* on October 2, 2007, the host's interview of a representative of the Montreal Fire Safety Department went beyond the issues of substance on which the host and his guest had some disagreement. The broadcast of unduly coarse and offensive comments was in breach of Clause 9(c) of the *Code of Ethics* and the use of such terms in a personal attack on the union members was inappropriate and in breach of Clause 6 of the Code.

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

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## APPENDIX B

### CBSC Decision 07/08-0553 CHMP-FM re a segment on *Le Journal du midi*

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#### The Complaint

The CBSC received the following complaint dated October 10, 2007 via the CRTC:

On October 2, 2007 at 12:42 pm Gilles Proulx from the radio station 98.5 FM in Montreal was interviewing the deputy fire chief of Montreal. During this interview Gilles Proulx, on the air, said FUCK YOU, to what I assume are the firefighters of the island of Montreal. This can be heard at [www.985fm.ca/mp3player.php?mp3=93531mp3](http://www.985fm.ca/mp3player.php?mp3=93531mp3).

Thank you for looking into this matter.

#### Broadcaster Response

CHMP-FM responded to the complainant in a letter dated October 30:

The Canadian Broadcast Standards Council (the "CBSC") has asked us to respond to your email of October 10, 2007 which you raised concerns regarding comments made by Gilles Proulx during *Le journal du midi* (the "Program") that was aired on CHMP-FM (the "Station") that same day.

In your email, you state that the Program host used the f-word during, which you find objectionable and inappropriate broadcast [*sic*].

We have reviewed the Program and confirm that the host used a derivative of the F-word to describe his thought. We recognize that this is inappropriate, and that the use of such language does not meet Canadian broadcasting standards. We apologize for having broadcast the term.

Since receiving your email, we have discussed the situation with the Program host, and he is aware that this type of language is not appropriate under any circumstances. We at CHMP-FM take our responsibilities as broadcasters very seriously, and we work hard to make sure all of our programming complies with the *Broadcasting Act*, the *Radio Regulations*, the CBSC's *Code of Ethics*, and all standards required of us as a member of the CBSC.

We appreciate your comments, and trust that this letter has addressed your concerns.

#### Additional Correspondence

The complainant replied to the station on November 6:

Thank you for the prompt response to my concerns regarding comments made on 98.5 FM in Montreal October 2, 2007 at 12:42 PM. I would also like to thank [the Program Director] for his prompt response to my concerns. Although [the Program Director] has addressed the fact the Mr. Proulx did use, as he put it, "a derivative of the F-word" and he has apologized for having broadcast the term, he has not addressed the fact that the term was directed at all of the firefighters on the island of Montreal. Being a firefighter on the island of Montreal myself, this is what was most upsetting to me. I will consider this matter closed when a letter of apology is sent to Mr. [M. C.], President of the Montreal firefighters Association, by Mr. Gilles Proulx of CHMP-FM as well as a copy sent to myself.

The addresses are: [M. C.], Association des pompiers de Montreal inc., 2600 Boulevard Saint-Joseph est, Suite 200, Montreal (Quebec), H1Y 2A4

The complainant wrote to the station again on November 12:

Since I have not received a response from you regarding the email I sent you on November 6, 2007, I can only assume that you did not get my original email. The email I sent you is in response to the one you sent me on November 6, 2007 that included an attached letter from [the Program Director]. I will send you a copy of this response at the end of this email.

I have had the opportunity to listen to the broadcast in question by going to the web site ([http://www.dkpod.com/affiche\\_article.php?id\\_ite=778809](http://www.dkpod.com/affiche_article.php?id_ite=778809)) and then clicking on the little martian with the headphones on that page. A countdown timer keeps track of how long the interview takes between Mr. Proulx and the Deputy Fire Chief. The first reference to the "f-word" in the form of "f--- you" takes place when the timer reads about 06:20. The second instance occurs shortly after when the Deputy Fire chief makes sure that the term was not directed at him, and the final instance is when Mr. Proulx makes it clear, in no uncertain terms, when he says at 06:13 in the countdown "Non je dis f--- you à eux autres" in reference to every firefighter on the island of Montreal.

As in my previous email I thank and applaud [the Program Director] for having taken his responsibility as program director very seriously and welcome his apology for having broadcast inappropriate words over the air waves. However I think that Mr. Proulx needs to demonstrate as much professionalism and apologize for having directed those very inappropriate comments at 2300 individuals. Mr. Proulx is solely responsible for what comes out of his mouth and needs to be accountable for what comes out of his mouth.

The complainant then filed his Ruling Request on November 16 with the following note:

I was very hopeful that this case would be resolved when [the CBSC] wrote to me and said, "The dialogue between broadcasters and members of their audience is a cornerstone of the CBSC's complaints resolution process." However when I responded to a letter written by [the Program Director] sent to me by [his assistant] I did not receive a reply. I also did not receive a reply when I sent a second letter regarding this case. I will include a copy of those emails at the end of this letter.

Although [the Program Director] did apologize for having broadcast inappropriate words over the airwaves, I feel very strongly that Mr. Gilles Proulx needs to apologize for having directed those words at 2300 individuals (all of the firefighters of the island of Montreal). If Mr. Proulx would have directed those comments at a historically persecuted religious group, at an ethnic minority, or the PQ I feel this matter would have already been resolved. Being a firefighter on the island of Montreal I do not deserve someone speaking to me in that way over the airwaves.

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## ANNEXE A

### Décision du CCNR 07/08-0553 CHMP-FM concernant une séquence dans le cadre de *Le Journal du midi*

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*Le journal du midi* avec Gilles Proulx était diffusé les jours de la semaine à l'antenne de CHMP-FM (98,5fm, Montréal) du midi jusqu'à 15h00. La séquence en question a été diffusée le 2 octobre 2007 à 12h42. C'était une entrevue entre Gilles Proulx et directeur général adjoint du Service de sécurité incendie de Montréal, Jacques Proteau.

Gilles Proulx : Parlons donc du malheur de nos pauvres pompiers, quand même, qui prennent des risques : les risques d'abîmer le bien public. Des casernes de pompiers ont été sabotées, on parle de 66 casernes, une affaire de rien. Les employés du service de sécurité, euh, Incendies de Montréal, auraient bloqué les portes des douze casernes où se trouvent les bureaux des chefs aux opérations. On parle de colle dans les serrures, etcétera. Les équipements électroniques, qui ont été interrompus, peut-être saccagés. Jacques Proteau, le directeur général adjoint du service. Bonjour monsieur Proteau.

Jacques Proteau : Bonjour monsieur Proulx.

Proulx : Et bien sûr, vous allez dire que c'est inadmissible, on répète ça à chaque coup, pis vous arrivez avec une entente qui coûte toujours plus cher aux Montréalais, au bout de tant de mois de guérilla.

Proteau : Non. Dans ce cas-ci, monsieur Proulx, bon euh, faisons un p'tit peu l'historique : jeudi soir j'ai été informé que les euh, cadres d'état-major avaient été évincés des casernes, des douze casernes administratives sur l'ensemble du territoire. Immédiatement, on a entrepris de réintégrer nos locaux, parce que c'est inadmissible que les, les cadres, les responsables des opérations ne puissent pas avoir accès à leurs locaux, tant pour le volet opérationnel que pour le volet administratif. On est retourné dans nos locaux, serruriers, constater les dégâts, etcétera. Le lendemain, j'ai parlé au président de l'Association des pompiers, bien sûr en lui disant que ses moyens de pression, les moyens de pression qu'il avait, lui, qu'il avait décrétés, lui et son organisation, n'avaient aucun bon sens –

Proulx : Oui mais il vous a dit que c'était pas lui, bien sûr.

Proteau : Non. Il n'a pas nié.

Proulx : Il n'a pas nié?

Proteau : Non monsieur, il n'a pas nié.

Proulx : Bon. Mais il vous a dit que, que vous étiez des entêtés, que vous aviez récolté ce que vous aviez semé. C'est fort en maudit ça!

Proteau : Non, il ne m'a pas dit ça du tout –

Proulx : Non? Ben j'l'ai entendu à radio c'matin, avec sa grosse voix, j'l'ai entendu c'matin.

- Proteau : Ah, euh, moi je, malheureusement je ne l'ai pas entendu. Donc on a, on a réintégré nos casernes. Le lendemain, tout a été refait. Donc y'a des portes qui ont été rebarricadées encore, visses dans les cadrages, dans les portes, etcétera. Différents types de dommages.
- Proulx : On est rendu à une facture de combien, là?
- Proteau : La facture présentement je ne l'ai pas. On est à récolter les factures, bien sûr.
- Proulx : Qui va payer?
- Proteau : C'est pas, y'a une mise en demeure qui va être envoyée à l'Association des pompiers de Montréal, et on ramasse tout pour leur refiler, bien sûr, la facture de tous ces dommages-là, sans exception.
- Proulx : Ouais. Puis avec les avocats là-dedans ça va coûter une fortune. Et euh, au bout de trois, quatre mois de guérilla, vous allez en venir à une entente qui va coûter plus cher aux Montréalais –
- Proteau : Monsieur Proulx –
- Proulx : - comme d'habitude.
- Proteau : Euh, monsieur Proulx, nous, moi, moi, euh, ma responsabilité, c'est d'assurer le service de qualité à la population, et la sécurité de la population. Ma responsabilité n'est pas de négocier l'entente. C'que j'peux vous dire, comme direction d'service, présentement la sécurité de la population est nullement touchée. Ça c'est important d'comprendre ça, malgré les campagnes de peur que l'Association a tenté de faire depuis plusieurs mois déjà. On peut –
- Proulx : Oui mais c'est des terroristes, bâtard! Comment ça se fait, « malgré la campagne qu'y ont pu faire depuis des mois »? Comment, c'est inad- Ils sont-tu là pour être dans caserne, pis quand qu'ça sonne tu pars pis tu vas éteindre? Ou ben donc si sont là pour faire des maudites campagnes de terreur, pis d'niaiseries pis d'collants pis d'briser l'équipement des contribuables?
- Proteau : Ils ne sont assurément pas là pour les choses que vous venez de décrire (*sic*), mais bien pour répondre à tout appel d'urgence, se préparer, se former –
- Proulx : Hum hum.
- Proteau : - et d'être disponibles pour la population. Et c'est c'que la majorité d'nos employés veulent.
- Proulx : Ah!
- Proteau : L'Association –
- Proulx: Ben, écoutez, vous disiez ça en 97, monsieur Proteau, là, pis ils vous ont fait des dégâts épouvantables pareil.
- Proteau : Ah mais, depuis 97, je pense monsieur Proulx, si vous avez suivi l'évolution du service –
- Proulx : Oui.

- Proteau : - ç'a quand même beaucoup changé. Et j'peux vous dire qu'y a rien –
- Proulx : Ç'a pas changé d'puis jeudi passé –
- Proteau : - qui va être toléré. Certain, certainement qu'y a des moyens d'pression actuellement, et on intervient de façon, avec beaucoup beaucoup beaucoup de vigueur sur les moyens d'pression actuels.
- Proulx : Ces enfants gâtés-là, là –
- Proteau : Hum hum?
- Proulx : - ils peuvent pas s'apercevoir, si on compare, ils vont dire : « On est brave quand même, on prend des risques ». Heille, *fuck you!* Vous prenez des risques : l'dépanneur en prend des risques, ben plus qu'eux autres, pis l'chauffeur de taxi aussi.
- Proteau : Monsieur Proulx, vous m'dites pas « *fuck you* » à moi, là?
- Proulx : Non, non. J'dis « *fuck you* » à eux autres.
- Proteau : OK.
- Proulx : Bâtard!
- (effet sonore de vitre qui éclate)
- Proteau : OK.
- Proulx : Sont pas conscients ces enfants, parce qu'ils souffrent d'infantilisme, –
- Proteau : R'gardez, euh r'gardez monsieur Proulx –
- Proulx : - qu'ils sont des privilégiés d'la société!
- Proteau : Regardez, monsieur Proulx –
- Proulx : Oui.
- Proteau : Je suis convaincu, et c'est important que vous compreniez, les gens suivent des mots d'ordre de l'APM. C'est pas la majorité d'nos pompiers et pompières qui veulent ça. Au contraire –
- Proulx : Donc –
- Proteau : - on en rencontre tous les jours –
- Proulx : Ah!
- Proteau : - Ils sont terriblement mal à l'aise par rapport à tout ça.
- Proulx : Ah! Ah! Donc vous m'faites la preuve que c'est le syndicalisme qui doit être refait, reformulé, réécrit. Et ça, faut mettre de la pression sur Jean la carpe, à Québec.

- Proteau : Ça, ça monsieur Proulx, euh je n'ai pas, j'veais agir sur c'que j'peux agir –
- Proulx : Hum hum.
- Proteau : - et c'que j'peux agir présentement, c'est sur la qualité, euh, et la, s'assurer qu'la population est en sécurité.
- Proulx : Ouais.
- Proteau : Ça c'est mon rôle, c'est mes responsabilités. J'peux vous donner, et j'peux vous dire –
- Proulx : Combien, combien coûtent leurs revendications, là? Qu'est-ce qu'ils veulent avoir de plus? Parce qu'un syndicat ça demande plus pour vous en donner moins.
- Proteau : Évidemment il y a des revendications. J'veux pas embarquer au niveau d'la négociation collective, ce n'est pas mon rayon, c'est les opérations, mais y'a, entre autres, le régime de retraite.
- Proulx : Ah oui! Veuillez passer à la caisse, les cons.
- Proteau : Puis les estimés sont à, autour de, entre 20 et 25 millions –
- Proulx : Maaais ouiii!
- Proteau : Y'a une modification des horaires de travail, de passer de treize jours par mois à sept jours.
- Proulx : (s'étouffe/rit) Ah! Ça s'peut-tuuu!
- (effet sonore de quelqu'un qui tousse)
- Proulx : Ça c'est, plus le 100 millions d'achat d'camions, là.
- Proteau : Là, on a 53 euh, bon, en plus des investissements que la Ville, la Ville a investi beaucoup dans l'service d'incendies au cours des dernières années. On parle des camions, on parle, -
- Proulx : Hum.
- Proteau : - la, la revitalisation de l'ensemble là des équipements d'combat d'incendie.
- Proulx : Ouais.
- Proteau : Vous parlez d'habillement, c'est des centaines de millions qui ont été investis à l'heure où on s'parle.
- Proulx : Ouais. Ouais. Plus les souliers, les bas, les bottines, pis que je revends au beau-frère, pis que j'en, j'en r'demande un autre, pis enwèye donc. On sait tout ça par cœur. Plus la peine qu'ils ont quand un beau-frère est mort pis qu'y ont droit à, à des congés d'mortalité pis des maudites aberrations, comme, ça s'peut pas! Quelqu'un chez vous a signé ça. C'est lui qui mériterait d'être passé au mur, dans l'fond. C'est ceux et celles qui ont signé ces conventions-là.
- Proteau : Ça monsieur Proulx, on peut pas rectifier –



- Proulx : Nooon.
- Proteau : - on peut pas –
- Proulx : Oui! Oui! Oui! Ça, depuis quand est-ce qu'une erreur se rectifie pas?
- Proteau : Ouais. Oui! Mais on peut pas, euh, on tente de, euh, on peut pas faire toute d'un seul coup. Donc –
- Proulx : Non mais c'était d'même en 97, ça l'est encore, là. La preuve c'est qu'ils demandent encore plus d'congés.
- Proteau : (soupire) Bon, euh, mais c'est toujours sur une base de 42 heures semaine, là, mais le nombre de jours est diminué de, de près d'moitié. Ça, vous avez tout à fait raison. Mais –
- Proulx : Ça nous permet d'ouvrir un club de danseuses, ou un nettoyeur, ou un commerce quelconque.
- Proteau : Ça c'est votre opinion.
- Proulx : Parallèlement j'la respecte en maudit par exemple.
- Proteau : Hum.
- Proulx : Mais monsieur Proteau –
- Proteau : Oui.
- Proulx : - c'est décourageant. J'peux pas croire que l'autorité municipale, évidemment y'en n'a pas, demande pas à Québec de réécrire le Code du travail. C'est inadmissible.
- Proteau : Comme j'vous, euh, comme j'vous répète monsieur Proulx –
- Proulx : Ben ouais.
- Proteau : J'veis vous répéter qu'au niveau du Code du travail, moi je n'ai pas euh, je n'peux rien faire là-dessus. Mais j'peux vous dire, quand vous parlez des auto, des autorités municipales, c'est qu'ils agissent, et on a un appui indéfectible, et on ne laissera pas faire ça.
- Proulx : Mais, euh, n'empêche, vous allez peut-être me dire « je n'peux pas commenter ça », mais il faut refaire le syndicalisme. On est aussi ben de proclamer 80% d'entre eux, dans chacune des casernes, de pompiers volontaires : « Trouve-toi une *job*. T'auras un spécial auprès d'ton employeur, pis si y'a une urgence tu viens travailler ». Pis 20% dans, dans caserne. Ça vient d's'éteindre.
- Proteau : (soupire)
- Proulx : Pour le feu, pour le nombre de feux qu'on a maintenant, là?
- Proteau : Ah! Monsieur Proulx, c'est pas le nombre, mais c'est la gravité qu'il faut vérifier aussi, qui faut euh, c'est, c'est plus complexe que ça. Le feu, c'est une partie de notre mission. Mais c'est vraiment la sécurité de l'ensemble du, quand on parle de,

de sauvetage nautique, sauvetage en hauteur, effondrement de structure, effondrement de tranchée, les produits chimiques –

Proulx : Ben oui, mais, ça, ça arrive pas à euh, ça arrive pas à tous les semaines ça là, là.

Proteau : Ben monsieur Proulx, c'est notre quotidien. Y'arrive, on est dans cette palette-là à toutes les semaines. Et faut comprendre ça, là. On, on a quand même 50 000 appels par année, plus ceux de, de, des services médicaux, qui vont nous emmener à 50 000 autres appels de plus. Donc euh, c'est au, il faut être auprès de la population, faut travailler pour la population. Et bien sûr on veut ramener, on veut ramener, c'est la troisième fois que l'association s'lève d'la table de négociation. Nous, on veut les ramener à table de négociation, c'est là qu'ça va s'régler. Et c'est pas en mettant des chandails verts, pis toutes sortes de, de choses, barbouiller les camions. Et j'vous l'dis : pour aucune considération nos cadres vont être à l'extérieur des casernes. On a du personnel administratif là, nos agents d'prévention sont là, et on va rester là! Ça c'est, il faut, c'est très important –

Proulx : Mais on pensait qu'on avait à faire à un baveux avec Fauvel, qui a pris sa retraite, pis il doit rire dans sa barbe. Le béotien qui est là, là, le débile lourd, là, la grosse voix, comment qui s'appelle là?

Proteau : Ben, je sais pas (rit/soupire) qui vous voulez dire.

Proulx : Le président du syndicat, de l'Association là.

Proteau : Le président c'est monsieur Michel Crevier.

Proulx : Monsieur Crevier, avec sa grosse voix, c'est pas ben ben mieux qu'Fauvel. On pensait qu'il y aurait eu un espoir après Fauvel. Rien n'a changé, comme vous –

Proteau : Ça monsieur Proulx, je vous laisse le soin d'évaluer les gens. Moi, ce n'est pas mon rôle de le faire.

Proulx : On comprend bien. Ben, mes, mes sympathies monsieur Proteau!

Proteau : Ça m'a fait plaisir, monsieur Proulx.

Proulx : Au revoir!

Proteau : Au revoir!

Proulx : C'était l'directeur général adjoint du service de sécurité des incendies de Montréal. Et ils veulent s'attirer la sympathie. « Ils sont braves, ils sont bons quand y'éteignent un feu ». On ne nie pas ça! Y'ont été embauchés et entraînés pour ça. Mais, ce qui se passe en dehors du feu par contre, ils nous mettent feu à nous autres au derrière. Ils nous coûtent une fortune. Ils ne veulent pas l'admettre! Ils ont une convention collective parasitiste! Ils ne travaillent pas très fort! Ils vont nous faire accroire le contraire. Ils sont braves. Le dépanneur aussi est brave! Le chauffeur de taxi aussi est brave! Alors, cassez tout! Cassez tout l'équipement si vous voulez là, le béotien, pis la, la, le gros, le gros débile lourd avec sa voix là. Donnez ordre de tout casser l'équipement, il se passera rien : vous avez à faire à la Ville de Montréal! Pis la Ville de Montréal a beau supplier le gouvernement de Jean la carpe! Jean la carpe n'écoute pas! Jean la carpe a eu tellement peur, dernières élections, parce qu'il s'est fait battre dans l'450, y'écouterà pas Montréal et l'514. Alors braillez auprès d'Jean la carpe, Jean la carpe ne fera rien du tout. Alors le gars avec la grosse voix qui

mène tout ça, là, il doit dire la vérité toute la vérité seulement qu'la vérité. Vous avez raison, les pompiers. La preuve c'est que Jean la carpe ne fera rien pour changer le Code du travail!

(effet sonore de démolition)

Proulx : Il est bon ainsi. Mais les caves de contribuables, pendant c'temps-là doivent payer. Et on se demande, à la mairie de Montréal, pourquoi 10 000 Montréalais quittent Montréal à chaque année pour avoir un peu plus d'paix!