
CANADIAN BROADCAST STANDARDS COUNCIL

QUEBEC REGIONAL PANEL

CHOI-FM re *Dupont le midi* (Haiti)

(CBSC Decision 09/10-0854)

Decided September 23, 2010

D. Meloul (Chair), Y. Bombardier, G. Bonin (*ad hoc*), A. H. Caron, M. Ille,
M.-A. Raulet

THE FACTS

Dupont le midi is a talk show broadcast on CHOI-FM (Radio X, 98.1, Quebec) Monday to Friday from 11:30 am to 2:00 pm. The show is hosted by Stéphane Dupont and is often co-hosted by Jérôme Landry, Josée Morissette and Vincent “Dess” Dessureault. The program generally consists of discussions about social and political issues and current events. On January 22, 2010, the hosts were discussing donations for Haiti and the fact that a television host on Radio-Canada had criticized Landry after he had stated on air that he would not make a donation. The pertinent parts of the dialogue were as follows (the full text of the dialogue can be found in Appendix A, available in French only):

[Translation]

Dupont: So, there's a program called *d'Infoman* or Nympho-Man.

Dessureault: *Infoman*.

Dupont: Nympho-Man. [Dessureault laughs] On Radio-Canada, and in the program Nympho-Man, they aired the following excerpt yesterday:

[Clip of *Infoman*, a television program on Radio-Canada, hosted by Jean-René Dufort:]

Dufort: Maude!

Maude: Jean-René.

Dufort: I think this wonderful solidarity for making contributions to Haiti is really nice.

Maude: Yes, but it's not everyone who wants to give, Jean-René.

Dufort: Who doesn't want to give?

Maude: The radio people in Quebec City.

[*Infoman* plays a clip of Jérôme Landry, host on CHOI-FM]

Landry: I will make no personal contribution to the disaster-stricken people in Haiti. There is no shame in not giving, um, to the people of Haiti who are in trouble at the moment.

Dessureault: Why don't you give? Damned ingrate.

Landry: Well, how about I show you the stub from my paycheque from yesterday? After making out a cheque to the federal government, the provincial government, the insurance provider, the school board, and others here and there. After all the cheques I wrote, after everything I gave Thursday, on payday yesterday, I kept a bit for a wee bottle of wine for tonight.

Dufort: Gotta love that logic. Cancel my contribution immediately; I'm off to the liquor store. I am entitled to my wee bottle of wine too.

Dupont: Nympho-Man has the right to make that comment.

Dessureault: Yes.

Dupont: Jean-René Dufort has the right to say that in his program, Nympho-Man. Except that when the other girl says that it's Quebec City radio again, well I do have the right to get up and call them every name in the book, those imbeciles. Because, I, are we clear on the fact that it wasn't, let's say, Jérôme's best call?

Dessureault: No.

Dupont: He has the right not to, and, but, at the same time it's not the best call. And, Raymond Bachand's clown on duty justified that today because it was announced today that everyone who made a contribution to Haiti will receive a tax credit.

Dessureault: What?

Dupont: So, he's saying to Jérôme Landry, well, my friend, you are right, you already pay a great deal of income tax and all that. So, if you give in his name, the government will give you a tax credit. That comes back to exactly what Landry said. Will Nympho-Man withdraw what he said tomorrow? I don't know. I don't, not tomorrow but when he airs his next Nympho-Man program –

Dessureault: Yeah.

Dupont: – I don't know when that is, but will he withdraw what he said? Because what Landry is actually saying is, I'm already giving out money all over the place, and first of all he was just having fun. Tonight, he won't mind coming out to dinner with us –

Dessureault: Yes.

Dupont: – and the wine will flow like water. He has the right. Do you think I made a contribution to Haiti? But at least I have the guts to tell you. But did Nympho-Man say if he gave money for Haiti? And then all those performers doing benefit shows. They give their time. Fuck you! It's too easy to give time. Write cheques. It's like the media Christmas fundraiser. Fuck you!

Dessureault: Stéphan, we, we throw stones; we must accept that some will be thrown back at us. I will admit that, you know, I love Jérôme; I consider him a personal friend –

Dupont: I don't give a damn about Jérôme Landry.

Dessureault: – but I was in complete disagreement with that, with that call too, and with our [???].

Dupont: Yes, but I don't give a damn about that call and the whole thing.

Dessureault: I found him very funny yesterday, the way it was presented on the air.

Dupont: You watch Nympho-Man, do you?

Dessureault: Well, I watched it this morning.

Dupont: Okay.

Dessureault: Because there was talk about it. I found it humorous.

Dupont: Hey, listen to me carefully.

Dessureault: Yes.

Dupont: As far as I'm concerned, if Nympho-Man had said that Jérôme Landry who is a radio host in Quebec City is twisted because he said that, he has the right. I wouldn't have said a word. I would never have spoken of it.

Dessureault: Yes.

Dupont: But, the issue was radio in Quebec City. And, since it's Jérôme Landry at CHOI, do you think the others, the effeminates at the other stations, will be talking about that? Not on your life. Because they're spineless. Because they're all sissies! Because when they were accused of something, they fell over on their knees! They apologized! And they kissed some asses! While the girl who passed away – it's a shame she died – was in her prime. The Salsa lady?

[...]

Dupont: But once again, Quebec City radio is being kicked around in the Nympho-Man program and there isn't a damned one of them who will stand up and say "Whoa, just a minute!"

Dessureault: Yes, but it isn't the taste [??].

Dupont: When he goes after me because he's a coward, well at least it's me he targets. He didn't attack anyone else and he had the right to do it. At least he did the right thing by targeting me directly. But not Quebec City radio. The "garbage radio" of Quebec City.

Dessureault: What is certain is that I don't want Jérôme to apologize. Because –

Dupont: Well, that's for sure.

Dessureault: – even though I really don't agree with what Jérôme said, he, that's what Jérôme really thinks. You talk to him in the hallways and that's what he thinks. So, if he assumes it, he has the right to say it.

Dupont: Well yes.

Dessureault: On the other hand, I do give the Montreal gang the right to laugh at us. Because we're generalizing; we laugh at Montreal as well [?].

Dupont: No, not laughing at us. They'll be laughing at him. Yeah, but the, the other host, you're making a contribution, aren't you being laughed at?

Dessureault: I know it.

Dupont: Yeah, well if you know it, good for you. Accept it. Let them walk all over you and accept it and lick the floor and get back in your hole. As usual. All you earth worms get back in your holes. When you come back out we'll put you on a hook and have you eaten by a fish.

Dessureault: [He whispers a few words]

Dupont: I'm just saying that at some point, hey, you know, it's always Quebec radio. That's an easy put-down. Montreal is a shit hole, yes. Should we keep on saying it? Yes. Yes! Nympho-Man is a fully subsidized program; it's just that. I agree too. I agree with what Jérôme said. I gave nothing towards Haiti and I am stating that fact.

Dessureault: Yeah.

Dupont: I will give nothing.

Dessureault: It is certain that the [?] in contributions –

Dupont: Yesterday, when I saw four Haitians in excellent shape – plus they have the bodies of athletes – sitting on a pile of rocks. And then you saw the reporter from Radio-Canada who said to them: "Hey guys, what are you waiting for?" And the guy answered, you can hear him clearly: "We're waiting for government aid." [Whistles] Two minutes later, you see four guys sitting at a table and they were playing a game like Snakes and Ladders or something. I understand they have the right to have fun, but now is not the time. Because if you're in shit, could you not help out a bit?

Dessureault: Yeah. But, we shouldn't generalize either on the images shown there.

Dupont: No. No, but that's rather what we're being shown.

Dessureault: What?

Dupont: And then two minutes after that we see a bunch of other Haitians who said: "Hey, give money, but don't give it to our government. They're a pack of thieves!"

Dessureault: Yeah.

Dupont: We see it. We see their grand estates and palaces. Did you see the hotel in today's newspaper? The paradise-like hotel in Port-au-Prince?

Dessureault: Plaza. Yeah, the Plaza Hotel.

Dupont: The Plaza. With the swimming pool at 150 bucks per night? Plus expenses. They have hot water, running water, drinking water. They're eating roast beef.

Dessureault: The Haitians don't go there.

Dupont: No, but still. Why is it that there is drinking water at that address, but not over in the next street?

Dessureault: Well, because they have money.

Dupont: Because they're screwing the system!

Dessureault: Well of course.

Dupont: So –

Dessureault: Those who don't have the means to screw the system, well they don't eat and they don't drink.

Dupont: Nympho-Man put his foot in his mouth yesterday when he said Quebec radio is twisted. And, I'm thinking of all those people who made contributions.

Dessureault: Yeah.

Dupont: You know? The, the, one of them, the millionaire radio host in Quebec City, Parent. He surely made a contribution. I hope he'll, he'll nail Nympho-Man.

Dessureault: I made a contribution too.

Dupont: What? You made a contribution?

Dessureault: Well, yeah.

Dupont: Good.

Dessureault: At the grocery store.

Dupont: Don't you find it disconcerting to be laughed at?

Dessureault: Aff! No, because I'm happy that, I'm happy that it's being noticed.

Dupont: That what's being noticed?

Dessureault: Because, I, I find that, I didn't agree with what Jérôme said. I don't agree with what is being said here most of the time about Haiti – that, well, you shouldn't give and it's not as bad as all that. So, if someone notices and exposes it, I have no problem with that. We throw stones and we get stones thrown at us.

Dupont: I'm quite prepared to throw stones, but aim squarely at me!

Dessureault: [??]

Dupont: When I piss people off, I don't want them attacking you or Josée. I want them to target me. Is that clear? Me. Landry said some stupid things in this case and they're attacking him! Okay? Good. It is twelve minutes past noon.

Dessureault: We'll be having some wine, by the way.

Morissette: In any case, you'll stop giving money when you have a family and children and you have to pay for private school in addition to public school.

Dessureault: Giving twenty bucks is –

Morissette: When you'll have to pay, well, in any event. Then, you'll understand.

Dessureault: If I had children –

Morissette: You'll understand.

Dessureault: Well then! Okay, yeah.

Dupont: It's not, yeah, but it's not–

Dessureault: Well, it's because the comparison was made with a bottle of wine, not with raising kids.

Dupont: I understand, I understand.

Morissette: I understand he meant that there are other causes. There are other causes at home. There are others.

Dupont: Yeah, but Josée, I understand. There are other causes as well. But, at the same time it's, it's not even the, as far as I'm concerned, everyone has their reasons, but we're free, dammit.

Morissette: Yeah.

Dupont: You know, you know what my problem is? It's that if I followed that twenty bucks of Dess's, when it gets to Tahiti [*sic*, Haiti], there will be one dollar left. That's what will happen. Because a dozen employees will have greased their own palms –

Dessureault: Well, of course.

Dupont: – beforehand.

Dessureault: Well, the government will give another twenty, and, um –

Morissette: It's the same thing when you give to the United Way and when you give to all the other things.

Dupont: Yeah, but I don't give to them either.

Morissette: That's right.

Dupont: I do not give.

Dessureault: But if ten out of my twenty bucks make it, or even five, then five will make it.

Dupont: 'Kay well, good for you if that's how you think.

Dessureault: Yeah. Because, I mean, I see the pictures and I say to myself, I live very well.

Dupont: Okay. But why are we giving millions and there will be, and in two years what will you say to me when Haiti is still the same, in the same condition as today? What will you say?

Dessureault: Let's say –

Dupont: You'll say, hey your five bucks didn't even get there. It won't even have gotten there.

Dessureault: There might be a few more bottles of water.

Dupont: No, no, no, no. It's been a shit hole for thirty years.

Dessureault: I know it.

Dupont: CECI has been working there for thirty years. The Red Cross has been there for thirty years. Canada has been sponsoring Haiti for thirty years. Port-au-Prince is one of the most criminalized cities in the world. It's hole. A real hole!

Dessureault: But I find it easy, in our comfortable situation, to say: "Hey, can we move on to something else?"

Dupont: Don't move on to something else.

Dessureault: It's because we can move on to something else, because we, we aren't affected. But, um, over there, they're really having a hard time.

Dupont: Well, you know what? I'm ready to have them all come here. Even if they're all criminals, we'll arrest them here and we'll jail them here.

Dessureault: Ah yes, but look, I don't consider myself great for having contributed –

Dupont: It might be cheaper.

Dessureault: – twenty bucks. That's, that's peanuts. I feel badly for –

Dupont: You gave twenty bucks because you want them to stay in their own country and you don't want them, them to come and see you and you don't want to look after them. You know, after twenty bucks, you're –

Dessureault: Look, I'm not asking people to adopt Haitians. I'm not ready to do that. I'm selfish on that score.

Dupont: When a former inmate comes to the house to sell me toothbrushes and pocket knives, I say: "Okay, perfect, my friend. I always have work to be done at home. I'll give you ten bucks an hour; go cord some wood in the basement."

Dessureault: Mmm.

Dupont: I've done it in the past, I've calculated it.

Dessureault: I know it, and you're right.

Dupont: And he says: "Are you out of your mind, dumbass? You think I'm going to cord wood for ten bucks an hour?" It's like a homeless person who asks you: "Do you have twenty-five cents for a coffee?" You say: "Better than that. Come with me and I'll buy you a coffee and a sandwich." He'll never go with you to the restaurant.

Dessureault: I know it.

Dupont: I did it on Mutual Street in Toronto, right at the corner of Yonge Street, where I was working for Sears Canada. There were homeless people begging us for quarters every day at supper time. You'd say to them: "Come on, I'll buy you a coffee." But they wanted money to get drunk.

Dessureault: Yeah. You have to establish a difference between a guy on welfare, between a drifter here who can benefit from a bunch of aid, and someone who has not, who has not had anything to drink or eat in a week. In Haiti.

Dupont: While his neighbour twelve feet away has hot water, and he has wine, and.

Dessureault: Yeah. Yes, and that, and all the reporters from around the world are there, and they're in the big plush hotels, and they're eating and drinking.

Dupont: And their clothes aren't even wrinkled. It's just that. So much for the Nympho-Man program that I don't even watch, incidentally. Um, I, um, I think it's time for the news isn't it? Quarter past noon?

On January 30, a listener sent a complaint to the Canadian Radio-television and Telecommunications Commission (CRTC), which forwarded it to the CBSC in due course. It read in pertinent part as follows (the full text of all correspondence is included in Appendix B, available in French only):

[Translation]

Canadian society is strengthened by its overall compliance with the Universal Declaration of Human Rights, which includes the right to freedom of speech. However, it seems clear to me that such rights must not be used to attack others. Unfortunately, I am of the opinion that Mr. Stéphane Dupont oversteps his rights and his duties as a host by making

defamatory, indeed racist, comments against certain ethnic groups (e.g. remarks made on the air concerning the earthquake in Haiti and its inhabitants).

Even if such a point of view could resonate within his audience, it seems clear that Canadian society must not in any case allow the unfettered sharing of such comments with the public. Hateful remarks will never have their place. It is time that radio and television broadcasters understand that not everything is worthy of being aired in the name of profit.

The CBSC replied to the complainant, advising him that a specific date and time for the challenged broadcast would be necessary. He provided that on February 9. The broadcaster's President and General Manager sent its reply on February 11. It read in pertinent part as follows:

[Translation]

Your complaint concerns our host Stéphane Dupont, who, in your opinion, made defamatory, indeed racist, comments against certain ethnic groups and more specifically comments on the subject of the earthquake in Haiti and its inhabitants.

We listened to the pertinent segment of the program and we agree with you that the host's choice of words could have been different.

That being said, we do not share the opinion that these are racist remarks. Nothing in the excerpt from the program supports this claim in our opinion. We do agree, however, that Mr. Dupont's point of view was repeated elsewhere in the media with a more suitable choice of words.

We regularly give our hosts specific instructions on issues of ethics and we certainly did so with Mr. Dupont

The complainant sent his Ruling Request on February 17, accompanied by the following note:

[Translation]

In reply to the broadcaster's letter, I do affirm that I do not agree with them and wish to maintain my complaint with the CBSC and bring it to the next level.

According to them, while the remarks made by their host were poorly chosen, they are not racist. Yet, it is clear upon hearing them that the blame for the situation is cast upon the Haitians in the program, especially when he mentions, in a very discourteous fashion, the problems experienced by Haiti with respect to the development of that country.

I am dissatisfied with the reply given by RNC Media for CHOI-FM.

THE DECISION

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

CAB Equitable Portrayal Code, Clause 2 – Human Rights

Recognizing that every person has the right to the full enjoyment of certain fundamental rights and freedoms, broadcasters shall ensure that their programming contains no abusive or unduly discriminatory material or comment which is based on matters of race, national or ethnic origin, colour, religion, age, gender, sexual orientation, marital status or physical or mental disability.

CAB Equitable Portrayal Code, Clause 3 – Negative Portrayal

In an effort to ensure appropriate depictions of all individuals and groups, broadcasters shall refrain from airing unduly negative portrayals of persons with respect to race, national or ethnic origin, colour, religion, age, gender, sexual orientation, marital status or physical or mental disability. Negative portrayal can take many different forms, including (but not limited to) stereotyping, stigmatization and victimization, derision of myths, traditions or practices, degrading material, and exploitation.

CAB Equitable Portrayal Code, Clause 4 – Stereotyping

Recognizing that stereotyping is a form of generalization that is frequently simplistic, belittling, hurtful or prejudicial, while being unreflective of the complexity of the group being stereotyped, broadcasters shall ensure that their programming contains no unduly negative stereotypical material or comment which is based on matters of race, national or ethnic origin, colour, religion, age, gender, sexual orientation, marital status or physical or mental disability.

CAB Code of Ethics, Clause 2 – Human Rights

Recognizing that every person has the right to full and equal recognition and to enjoy certain fundamental rights and freedoms, broadcasters shall ensure that their programming contains no abusive or unduly discriminatory material or comment which is based on matters of race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status or physical or mental disability.

CAB Code of Ethics, 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 Panel Adjudicators read all of the correspondence and listened to a recording of the segment. The Quebec Panel concludes that the broadcast breached Clause 3 of the *CAB Equitable Portrayal Code* and Clause 9 c) of the *CAB Code of Ethics*.

Abusive or Unduly Discriminatory Comment

CBSC Panels have had to deal with the issue of abusive or unduly discriminatory comment on many occasions. Their jurisprudence has consistently affirmed the right of hosts on talk radio shows to broadcast their opinions on a broad range of political and social issues. On many such shows, the issues discussed related directly to, or touched on, race, ethnicity, nationality, religion, or other protected categories of individuals. It almost goes without saying that such broadcasts are bound to “step on sensitive toes” from time to time. There will, in other words, be occasional clashes between the rights of the speaker to say what he or she wishes, on the one hand, and the right of the listener or the targeted group to have nothing insulting or unpleasant said about it, on the other hand. In that inevitable conflict, the jurisprudence has had to seek a balance between the protection of the broad societal principle of freedom of expression and the protection of the narrower societal entitlement of identifiable groups to be free from the broadcast of discriminatory comments. See, for example, the Ontario Regional Panel’s decision in *CHTZ-FM re the Morning Show* (CBSC Decision 92/93-0148, October 26, 1993), in which it stated that “it must balance the right of audiences to receive programming which is free of abusive or discriminatory material [...] with the fundamental right of free speech in Canadian society.”

From the Council’s earliest days, it has achieved this balance by taking the position that it is not *any* discriminatory comment that will be precluded from broadcast. It is only such comments as are found to be particularly insulting, harsh or negative that will amount to abusive or unduly discriminatory comment, and which will in consequence breach Clause 2 of either the *CAB Code of Ethics* or the *CAB Equitable Portrayal Code*. See, for example, *CFOX-FM re the Larry and Willy Show* (CBSC Decision 92/93-0141, August 30, 1993), where the BC Regional Panel made a first attempt at circumscribing the phraseology of Clause 2. It made the point in the following terms:

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.

(It will be of relevance in the following sections of this decision to observe that a similarly commensurate level of harshness will be required to breach Clauses 3 or 4 of the *CAB Equitable Portrayal Code*.)

The question for the Quebec Regional Panel is, therefore, whether the comments about Haitians have attained a level of sufficient nastiness for them to be found in breach of Clause 2. In its careful review of the transcript, the Panel of course finds comments relating to Haiti and Haitians; however, it finds none that can reasonably be characterized as abusive or unduly discriminatory. The thrust of the discussion related to the making of donations to Haiti or Haitians, but there were not nasty or hateful comments disparaging Haitians themselves. The Panel finds no breach of the Human Rights Clauses of the *CAB Code of Ethics* or the *CAB Equitable Portrayal Code*.

Negative Portrayal

The Panel recognizes that the *CAB Equitable Portrayal Code* is relatively new and has not had the many years of consideration from which the *CAB Code of Ethics* has benefited. While there have been several decisions dealing with nominate examples of negative portrayal, such as stereotyping, degrading material and exploitation, the matter at hand does not, in the Panel's view, fit any of those nominate categories. The only one of the forms of negative portrayal that *might* apply to the challenged broadcast is stereotyping, but the Panel does not conclude that the following comments constitute an unduly negative and generalized stereotyping of the Haitian people: the verbal image of a quartet of Haitians seated on a rock waiting for government handouts, the characterization of the Haitian government as [translation] "a pack of thieves", the observation that [translation] "they're all criminals", the alleged peeling off of levels of donations as they work their way down from the donor to the recipient in the street, or even the description of Port-au-Prince as [translation] "one of the most criminalized cities in the world". In the foregoing comments, the Panel does not find *stereotypical* tarring of the Haitian people, and, consequently, no breach of Clause 4 of the *CAB Equitable Portrayal Code*.

The Panel hastens to add that, customarily, CBSC Panels consider that comments, even if harshly negative, are fair game if directed at governments or government entities (such as municipalities). In the matter at hand, though, the Panel sees the comments apparently directed at the government and Port-au-Prince as a reflection on Haitians themselves, rather than the entities, and reads their tone and cumulative effect as falling within the ambit of the breach identified in the following paragraph.

The cumulative effect of the above-referenced comments leads the Panel to conclude that there has been an *innominate* unduly negative portrayal of Haitians. Collectively,

the negative comments fit into the opening words of the relevant sentence in Clause 3, which states, “Negative portrayal can take many different forms, including (*but not limited to*)” the nominate categories that follow those words. The implication of the Clause is that, while negative portrayal includes all of those forms, it may well be a larger basket of potential kinds of offending portrayal. And, in the matter at hand, the Panel concludes that the overall stating and restating of such negative comments constitutes unduly negative portrayal in breach of Clause 3 of the Code.

Coarse Language

The Panel has little to add to its numerous prior decisions dealing with the use of words such as “ostie”, “sacrament”, “calice”, and the English epithet “fuck” during times of the day when children could be listening to the radio. Those words (and other epithets) have been determined to fall into the category of coarse or offensive language under Clause 9(c) of the *CAB Code of Ethics*. See, e.g., *CJMF-FM re Bouchard en parle* (CBSC Decision 05/06-0326, February 3, 2006), *CKRB-FM re Prends ça cool ... and Deux gars le midi* (CBSC Decision 08/09-0689 & -1228, August 11, 2009), *CKAC-AM re an episode of Doc Mailloux (Money)* (CBSC Decision 05/06-1379, December 11, 2006) and *CKAC-AM re Doc Mailloux (six episodes)* (CBSC Decision 06/07-0168 & -0266, August 23, 2007), as well as this Panel’s decisions of even date, *CHOI-FM re Dupont le midi (community organizations)* (CBSC Decision 08/09-1506, September 23, 2010) and *CHOI-FM re Dupont le midi (suicide)* (CBSC Decision 08/09-2041 & 09/10-1462, September 23, 2010). The use of those terms in the matter at hand constitutes a violation of Clause 9(c) of the *CAB Code of Ethics*.

Broadcaster Responsiveness

In all CBSC decisions, the Council’s Panels assess the broadcaster’s responsiveness to the complainant. In the present instance, the Panel finds that the response of the broadcaster’s President and General Manager was candid about the host’s choice of words regarding the subject of the challenged segment of the program. His reply was thoughtful although it did not satisfy the complainant. That said, the Panel considers that CHOI-FM has fully met that membership obligation in this instance.

ANNOUNCEMENT OF THE DECISION

CHOI-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 the *Dupont le midi* was broadcast, but not on the same day as the first mandated announcement; 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 CHOI-FM.

The Canadian Broadcast Standards Council has found that CHOI-FM breached Clause 3 of the Canadian Association of Broadcasters' *Equitable Portrayal Code* and 9(c) of the *CAB Code of Ethics* in its broadcast of a segment of *Dupont le midi* on January 22, 2010. In that episode of the show, the discussion focussed on donations to Haiti. The CBSC considered that the cumulative effect of comments about Haitians constituted an unduly negative portrayal of persons on the basis of their nationality or ethnicity, in violation of Clause 3 of the *CAB Equitable Portrayal Code*. The Council also decided that the use of coarse language and religious epithets during hours of the day when children could be listening to the program violated Clause 9(c) of the *CAB Code of Ethics*.

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

ANNEXE A

Décision du CCNR 09/10-0854 CHOI-FM concernant *Dupont le midi* (Haïti)

Dupont le midi est une émission de causerie diffusée à l'antenne de CHOI-FM du lundi au vendredi de 11 h 30 jusqu'à 14 h 30. L'émission est animée par Stéphane Dupont et ses coanimateurs s'appellent Vincent « Dess » Dessureault, Josée Morissette et Jérôme Landry. Ils discutent des nouvelles, actualités et autres sujets d'intérêt. Le 22 janvier 2010, MM. Dupont et Dessureault et M^{me} Morissette discutaient des dons pour Haïti et le fait qu'un animateur à Radio-Canada a critiqué M. Landry après que celui-ci a dit en ondes qu'il ne donnerait rien. La discussion a commencé à environ 12 h 05.

Dupont: Fait que, il y a une émission qui s'appelle d'Infoman ou le Nympho-Man.

Dessureault: *Infoman*.

Dupont: Nympho-Man. [Dessureault rit] Donc, à Radio-Canada, et dans l'émission Nympho-Man, y'a présenté un extrait hier, que voici :

[clip d'*Infoman* qui est une émission de télévision à Radio-Canada animée par Jean-René Dufort]

Dufort: Maude !

Maude: Jean-René.

Dufort: Je trouve ça très beau cette belle solidarité pour donner à Haïti.

Maude: Oui, mais pas tout le monde qui veut donner Jean-René.

Dufort: Qui veut pas donner?

Maude: Le monde de la radio de Québec.

[*Infoman* joue un clip de Jérôme Landry, animateur de CHOI-FM]

Landry: Je ne donnerai rien de façon personnelle aux sinistrés de [*sic*] Haïti. Y'a aucune honte à avoir si ne vous ne donnez pas, euh, aux gens d'Haïti qui actuellement sont dans l'trouble.

Dessureault: Pourquoi tu donnes pas? Maudit ingrat.

Landry: Ben si j'te montre mon talon de paye d'hier? Moi après avoir fait un chèque au fédéral, un au provincial, un à Régis, un à commission scolaire, un à ci à ça. Après tous les chèques qu'on a faite, après tout ce qu'on a donné jeudi hier, jour de paye, j'm'en suis gardé un peu pour la p'tite bouteille de vin à soir.

Dufort: J'aime ça comme analyse. Annule immédiatement mon don, j'm'en va à SAQ. Moi aussi j'ai droit à ma petite bouteille de vin.

[fin du clip]

Dupont: Le Nympho-Man a le droit de passer ce commentaire-là.

Dessureault: Oui.

Dupont: Il a le droit, Jean-René Dufort, dans son émission Nympho-Man. Sauf que quand l'autre pia, l'autre fille vient dire que c'est la radio de Québec encore, j'ai le droit de me lever pis de les traiter de tous les noms, ces imbéciles-là. Parce que, moi là, on s'entend-tu que c'est pas mettons le meilleur *call* de Jérôme?

Dessureault: Non.

Dupont: Il a le droit de pas, pis, mais, en même temps c'est pas le meilleur *call*. Pis aujourd'hui le, le clown de service à Raymond Bachand vient y donner raison parce qu'on annonce aujourd'hui que tous ceux qui ont fait des dons à Haïti, on va leur créditer en impôts.

Dessureault: Hein?

Dupont: Donc, il vient dire à Jérôme Landry, ben, mon garçon t'as raison, tu paies déjà beaucoup d'impôts pis tout. Donc le gouvernement, si tu donnes en son nom, va te le créditer en impôts. Ça revient exactement à ce que Landry a dit. Est-ce que Nympho-Man va se rétracter demain? Je sais pas. Je sais, pas demain mais quand il aura sa prochaine émission de Nympho-Man –

Dessureault: Ouais.

Dupont: – je sais pas c'est quand là. Mais, est-ce qu'il va se rétracter? Parce qu'en réalité, Landry dit, là je fournis de tous 'es bords, pis premièrement y fait rien que s'amuser. À soir y se gênera pas pour venir souper avec nous autres –

Dessureault: Oui.

Dupont: – pis ça va couler à flot là. Il a le droit. Pensez-vous que j'ai fait un don pour Haïti? Mais au moins, j'ai le *guts* de vous le dire. Mais l'Nympho-Man il l'a-tu dit lui s'il a donné pour Haïti? Pis tous les artistes là qui font des shows bénéfiques là. Ils donnent de leur temps. *Fuck you!* Donner du temps c'est trop facile. Faites des chèques. C'est comme la guignolée des médias. *Fuck you!*

Dessureault: Stéph, on, on donne des coups, faut accepter d'en avoir aussi là. Moi je t'avoue que, tsé, Jérôme je l'adore, je l' considère comme un ami personnel –

Dupont: Je me sacre de Jérôme Landry moé.

Dessureault: – mais j'étais aucunement d'accord avec ce, avec ce *call* là aussi pis avec notre [???].

Dupont: Ouais, mais je m'en sacre du *call* pis toute.

Dessureault: Je l'ai trouvé très drôle moi hier, comment ç'a été donné en ondes.

Dupont: Tu écoutes ça Nympho-Man toé?

Dessureault: Ben je l'ai écouté ce matin.

Dupont: O.K.

Dessureault: Parce qu'on en, on en parlait. J'ai trouvé ça drôle.

Dupont: Eh, t'écoute-moi ben là.

Dessureault: Oui.

Dupont: Moi là, si Nympho-Man il avait dit que Jérôme Landry qui est animateur de radio à Québec c'est un tout croche parce que il a dit ça, il a le droit, j'aurais fermé. J'en aurais jamais parlé.

Dessureault: Oui.

Dupont: Mais là c'est la radio de Québec. Pis là, là, vu que c'est Jérôme Landry à CHOI, pensez-vous que les autres là, efféminés dans les autres postes ils vont parler de ça? Jamais de la vie. Parce qu'ils se tiennent pas debout. Parce c'est tout des chieux! Parce que quand on les a accusés eux autres de que'que chose, ils se sont pliés à genou! Ils se sont excusés! Pis ils ont liché des culs! Alors que, la fille qui est décédée, c'est plate qu'elle soit morte, était dans la fleur de l'âge. La madame de la Salsa là?

Dessureault: Lhasa de Sela.

Dupont: Ouais. Elle là –

Dessureault: Oui.

Dupont: Elle a fait un show au festival d'été où il y avait 4000 personnes. Pas 50 000. Il y avait 4000 personnes au carré d'Youville quand elle a fait un show, madame de la Salsa.

Dessureault: Oui.

Dupont: Bon. Mais ça là, euh, là, là, ah c'était, pis le gars qui a ri d'elle, Louis Lacroix, il a pas ri d'elle! Il a jamais ri d'elle! Il a simplement dit que ça méritait pas la place que ça avait dans les nouvelles, sacrament!

Dessureault: Elle était pas aussi connue qu'on le disait.

Dupont: Mais là, la radio de Québec se fait encore traiter de chaudron dans l'émission Nympho-Man pis y'en a pas un 'ostie qui va se lever debout pis qui va dire « Woah minute! »

Dessureault: Ouais. Mais c'est pas le goût [??].

Dupont: Moi quand il s'en prend à moé, parce que c'est un jaune, ben au moins c'est à moé. Il a pas attaqué personne d'autre pis il avait le droit de le faire. Pis si y'a que'que chose qui y'a bien fait c'est s'en prendre directement à moé. Mais pas à la radio de Québec. La « radio-poubelle » de Québec.

Dessureault: Ce qui est sûr c'est que je veux pas voir Jérôme s'excuser là. Parce que –

Dupont: Ben c'est sûr.

Dessureault: – même si j'suis vraiment pas d'accord avec ce qu'y'a dit Jérôme là, il, c'est ce qu'il pense pour vrai Jérôme. Tu lui parles dans les corridors pis c'est ce qu'il pense. Fait que s'il l'assume, il a toujours ben le droit de le dire.

Dupont: Ben oui.

Dessureault: Par contre, je donne le droit au monde de Montréal de rire de nous là. Parce que nous on généralise, ça, on rit de Montréal aussi [?].

Dupont: Non, pas rire de nous. On rira de lui. Ouais, mais le, l'autre animateur, toi qui va faire un don, tu fais rire de toi là-dedans toé?

Dessureault: Je l'sais.

Dupont: Ouais ben si tu l'sais ben tant mieux. Accepte. Fais-toi piler dessus pis accepte-le, pis liche le plancher pis re-rentre dans ton trou. Comme d'habitude. Les vers de terre, retourne dans ton trou. Tu ressortiras pis on va te grimper après un hameçon. On va te faire manger un poisson.

Dessureault: [il chuchote quelques mots]

Dupont: Je te dis juste qu'il faut à moment donné, eille, tsé, c'est tout le temps la radio de Québec. C'est du dénigrement facile. Montréal c'est un trou à marde, oui. Voulez-vous qu'on continue à le dire? Oui. Oui! Nympho-Man c'est une émission subventionnée *full-pin*, c'est juste ça. J'ai chus d'accord moé itou. Moé chus d'accord avec ce que Jérôme a dit. Moi j'ai rien donné pour Haïti pis je l'annonce de quoi.

Dessureault: Ouais.

Dupont: Je donnerai rien.

Dessureault: C'est sûr que le [?] de dons là –

Dupont: Moi hier là quand j'ai vu quatre Haïtiens *full shape*. En plus ils ont des corps d'athlètes, assis sur un tas de roches. Pis là t'as vu le journaliste qui passe à Radio-Canada qui leur a dit « Eille les gars, qu'est-ce c'est que vous attendez? » Pis là il a répondu, on l'entend très clairement : « On attend l'aide du gouvernement. » [siffle] Deux minutes après, quatre gars assis à une table, pis ils jouaient comme au, à un jeu de, de serpents et échelles ou j'sais pas trop quoi. Je comprends qu'ils ont le droit de s'amuser. C'est parce que là, c'est pas le temps. C'est parce que là si vous êtes dans marde un peu, vous pourriez en faire un peu? Non?

Dessureault: Ouais. Mais il faut pas généraliser non plus sur les images qu'on voit là.

Dupont: Non. Non mais c'est un peu ça qu'on nous montre là.

Dessureault: Hein.

Dupont: Pis deux minutes après on nous montre un paquet d'autres Haïtiens qui disent : « Eille là, donnez de l'argent mais pas à notre gouvernement! C'est tous des voleurs! »

Dessureault: Ouais.

Dupont: On le voit, on voit leurs châteaux, on voit leurs palais pis. As-tu vu l'hôtel dans le journal aujourd'hui là? L'hôtel paradisiaque qu'il y a à Port-au-Prince?

Dessureault: Plaza. Ouais l'Hôtel Plaza.

Dupont: Le Plaza. Avec la piscine, à cent cinquante piastres la nuit? Plus les frais. Ils ont de l'eau chaude, l'eau courante, l'eau potable. Ils mangent des *roast beefs*.

Dessureault: C'est pas les Haïtiens qui vont là, là.

Dupont: Non mais quand même. Pourquoi on est capable d'avoir de l'eau potable à cette adresse-là, pis pas la rue d'à côté?

Dessureault: Ben, parce que ils ont de l'argent.

Dupont: Parce que ça crosse le système!

Dessureault: Ben oui.

Dupont: Fait que –

Dessureault: Ceux qui ont pas les moyens de crosser le système, ils mangent pas pis ils boivent pas.

Dupont: Nympho-Man s'est mis le pied dans bouche hier en traitant la radio de Québec de tout croche. Pis je pense à tous ceux qui ont fait des dons là.

Dessureault: Ouais.

Dupont: Tsé? Les, les, il y en a un, l'animateur millionnaire à Québec à radio, Parent là. Il a sûrement fait un don lui. J'espère que lui va, va les planter Nympho-Man.

Dessureault: J'en ai fait un don moi.

Dupont: Hein? T'as fait un don toé?

Dessureault: Bah oui.

Dupont: Bon.

Dessureault: À l'épicerie.

Dupont: Pis ça te scandalise pas de faire rire de toi?

Dessureault: Aff! Non parce que j'suis content que, j'suis content qu'on le remarque là.

Dupont: Qu'on remarque ...?

Dessureault: Parce que moé, moi je, je, moi je trouve ça, j'étais pas d'accord avec ce que Jérôme a dit. Chus pas d'accord avec ce qu'on dit la majorité du temps concernant Haïti ici en disant que, bon, faut pas donner pis que c'est pas si pire que ça. Fait que, que quelqu'un le remarque pis dénonce. Aucun problème avec ça. On donne des coups pis on en prend.

- Dupont: Chus ben prêt à donner des coups mais visez moi moé!
- Dessureault: [??]
- Dupont: Quand moi j'écœure le peuple, je veux pas qu'ils s'en prennent à toé ni à Josée. Je veux qu'ils s'en prennent à moé. C'est-tu clair ça? C'est moé. Là c'est Landry qui a dit des conneries, c'est qu'ils s'en prennent à lui! O.K.? Bon. Il est midi douze minutes.
- Dessureault: On va boire du vin en passant.
- Morissette: En tout cas de toute façon tu vas arrêter d'en donner de l'argent mais que t'aïlles une famille pis des enfants pis que tu sois obligé de payer pour l'école privée en plus de payer pour l'école publique.
- Dessureault: Donner vingt piastres c'est –
- Morissette: Que tu sois obligé de payer, ben, en tout cas. Tu vas comprendre.
- Dessureault: Moi si j'ai des enfants –
- Morissette: Tu vas comprendre.
- Dessureault: Ben là! O.K., ouais.
- Dupont: C'est pas, ouais, mais c'est pas –
- Dessureault: Ben c'est parce que la comparaison s'est fait [*sic*] avec une bouteille de vin, pas avec élever ses enfants là.
- Dupont: Je comprends, je comprends.
- Morissette: Je comprends qu'il voulait dire qu'il y avait d'autres causes. Il a d'autres causes à maison. Il y en a d'autres.
- Dupont: Ouais, mais Josée, je comprends. Il y a d'autres causes aussi. Mais en même temps c'est, moi c'est même pas les, chacun nos raisons, mais on est libre 'ostie.
- Morissette: Ouais.
- Dupont: Tsé, moi mon problème c'est quoi? C'est que si je le suivais le vingt piastres à Dess, quand je vais arriver, à Tahiti [*sic*, Haïti] là, il va rester une piastre. C'est ça qui va arriver. Parce que, il va avoir eu douze salariés qui vont s'être graissés –
- Dessureault: Ben ouais.
- Dupont: – avant.
- Dessureault: Ben le gouvernement va en donner un autre vingt, pis, euh, –
- Morissette: C'est la même affaire quand tu donnes à Centre-Aide pis quand tu donnes à toutes les affaires.
- Dupont: Ouais, mais je donne pas non plus.
- Morissette: C'est ça.

- Dupont: Je donne pas.
- Dessureault: Mais s'il en arrive dix à fin là de mon vingt piastres, ou cinq. Ben il en arrivera cinq.
- Dupont: 'K ben tant mieux si tu penses de même.
- Dessureault: Ouais. C'est parce que je veux dire je les vois les images pis je me dis, moi je vis très bien là.
- Dupont: O.K. Mais pourquoi on donne des millions pis il y aura, pis dans deux ans tu vas me dire quoi quand, quand Haïti va être pareil, dans le même état qu'il est aujourd'hui? Tu vas dire quoi?
- Dessureault: Disons –
- Dupont: Tu vas dire, eille, ton cinq piastre s'est même pas rendu. Il se sera même pas rendu.
- Dessureault: Il va peut-être avoir quelques bouteilles d'eau supplémentaires.
- Dupont: Non, non, non, non. Ça fait trente ans que c'est un trou à marde.
- Dessureault: Je le sais.
- Dupont: C'est trente ans que le CECI travaille là. C'est trente ans que la Croix-Rouge est là. C'est trente ans que le Canada parraine Haïti. Port-au-Prince c'est une des villes les plus criminalisées au monde. C'est un trou. Un vrai trou!
- Dessureault: Mais je trouve ça facile dans notre petit confort de dire : « Eh, on peut-tu passer à autre chose? »
- Dupont: Passez pas à autre chose.
- Dessureault: C'est parce que nous on peut passer à autre chose parce qu'on, on est pas touché là. Mais, euh, là-bas ils n'arrachent pour vrai.
- Dupont: Ben sais-tu quoi? Moi chus prêt à les faire rentrer icitte. Même si c'est tous des criminels ben on les arrêtera icitte pis on les mettra en prison icitte.
- Dessureault: Ah oui, mais 'garde, moi je me considère pas *hot* d'avoir donné –
- Dupont: Ça serait peut-être moins cher.
- Dessureault: – vingt piastres. C'est, c'est une pinotte. Je me sens mal de –
- Dupont: Tu donnes vingt piastres parce tu veux qu'ils restent chez eux pis tu veux pas qu'ils, qu'ils viennent te voir pis tu veux pas t'en occuper. Tsé, après vingt piastres t'es –
- Dessureault: 'Garde, je fais pas adopter des Haïtiens. Chus pas prêt à le faire. J't'égoïste pour ça.

Dupont: Moi quand un ancien détenu vient chez nous pour me vendre des brosses à dent pis des canifs là, je dis : « O.K., parfait, mon homme. J'ai tout le temps de l'ouvrage à faire chez nous. M'as-te donner dix piastres de l'heure, va corder du bois dans cave. »

Dessureault: Mmm.

Dupont: Je l'ai déjà fait, je l'ai compté.

Dessureault: Je le sais. Pis t'as raison.

Dupont: Pis lui il dit : « T'es-tu malade toi calice, m'en va corder du bois à dix piastres par l'heure? » C'est comme un sans-abri qui te demande : « As-tu vingt-cinq cents pour un café? » Tu dis : « Eille, mieux que ça, viens avec moé. Je te paye le café pis une sandwich. » Il ira jamais avec toé dans le restaurant.

Dessureault: Je l'sais.

Dupont: Je l'ai fait sur la rue Mutual à Toronto, dret au coin de la rue Yonge, où j'travaillais chez Sears Canada. Il y avait des sans-abri qui nous quétaient des trente sous à tous les jours sur l'heure du souper. Tu leur disais : « Viens moi t'en payer un café. » Mais ils voulaient de l'argent pour se saouler.

Dessureault: Ouais. Faut faire une différence entre un BS, entre un itinérant ici qui peut bénéficier d'un paquet d'aide, pis quelqu'un qui a pas, qui a pas mangé ni bu depuis huit jours là. En Haïti.

Dupont: Alors que son voisin douze pieds à côté a l'eau chaude, pis il a du vin, pis.

Dessureault : Ouais. Oui pis que, pis tous les journalistes du monde entier sont là-bas pis ils sont dans les gros hôtels pis ils mangent pis ils boivent.

Dupont: Pis leur linge est même pas fripé. C'est juste ça. Voilà pour l'émission Nympho-Man que je n'écoute pas d'ailleurs. Euh, moi, euhm, c'est l'heure des nouvelles je pense hein? Midi et quart?

ANNEXE B

Décision du CCNR 09/10-0854 CHOI-FM concernant *Dupont le midi* (Haïti)

La plainte

La plainte suivante en date du 30 janvier 2010 a été envoyée au CRTC et acheminée au CCNR :

Objet : Plainte à l'endroit de CHOI Radio X

À qui de droit,

La présente lettre vise à déposer une plainte contre CHOI Radio X de la ville de Québec relativement au contenu et au comportement de leur animateur M. Stéphane Dupont.

La société canadienne est forte de son respect dans son ensemble de la Déclaration universelle des droits de l'homme, comprenant notamment le droit à la liberté d'expression. Cependant, il me semble évident que de tels droits ne doivent pas être utilisés pour attaquer autrui. Malheureusement, il est de mon avis que M. Stéphane Dupont outrepassa ses droits et ses devoirs en tant qu'animateur en tenant des propos diffamatoires voire racistes à l'encontre de certains groupes ethniques (e.g. propos tenus en onde [sic] se rapportant au séisme en Haïti et à ses habitants).

Même si un tel point de vue pouvait trouver échos [sic] au sein de son auditoire, il semble clair que la société canadienne ne doit en aucun cas laisser libre cours au partage d'un tel discours sur la scène publique. Les propos haineux n'auront jamais leur place. Il est temps que les radiodiffuseurs et télédiffuseurs comprennent qu'au nom du profit, tout n'est pas digne d'être mis en onde [sic].

Je vous remercie à l'avance de l'attention que vous consacrerez à cette lettre. Je reste à votre disposition afin de clarifier ou discuter de ma plainte.

Je vous prie d'accepter, Madame, Monsieur, l'expression de mes salutations les plus distinguées.

Le CCNR a répondu au plaignant et lui a expliqué qu'il faut une date et une heure d'une diffusion précise afin de poursuivre sa plainte. Il a envoyé le courriel suivant le 9 février :

Pour faire suite à votre courriel, voici les informations manquantes dans mon précédent message :

Le nom de l'émission DUPONT LE MIDI

Animateur Stéphane Dupont

en date du 22 janvier 2010 entre 12 h 05 et 12 h 25

J'espère que ces informations sont suffisantes. Dans le cas échéant, je reste à votre disposition afin de vous aider dans le présent dossier.

La réponse du radiodiffuseur

Le radiodiffuseur a répondu au plaignant le 11 février :

Monsieur,

Nous avons reçu votre plainte et désirons vous remercier de l'intérêt que vous portez à notre programmation.

Votre plainte concerne notre animateur Stéphane Dupont, qui de votre point de vue, a tenu des propos diffamatoires, voire racistes, à l'encontre de certains groupes ethniques et plus précisément concernant ceux se rapportant au séisme en Haïti et à ses habitants.

Nous avons procédé à l'écoute du segment pertinent de l'émission et nous convenons avec vous que le choix des mots de l'animateur aurait pu être différent.

Cela dit, nous ne partageons pas l'opinion à l'effet qu'il s'agit de propos racistes. Rien dans l'extrait de l'émission, ne vient à notre avis, appuyer cette prétention. Le point de vue de M. Dupont a été repris ailleurs dans la presse, avec un choix de mots mieux adapté, nous en convenons.

Nous faisons régulièrement le point avec nos animateurs sur les questions d'éthique. Ce que nous n'avons pas manqué de faire avec M. Dupont.

Nous sommes sincèrement désolés si ces propos vous ont choqué.

Correspondance additionnelle

Le plaignant a soumis sa Demande de décision le 17 février avec la note suivante :

À qui de droit,

Afin de faire suite à la réponse du radiodiffuseur, j'affirme ne pas être en accord avec eux et désire maintenir et pousser plus loin ma plainte auprès du CCNR.

Selon eux, les propos tenus par leur animateur, bien que mal choisis, ne sont pas racistes. Pourtant, il est clair après écoute que le blâme de la situation est imposé aux Haïtiens dans l'émission, surtout lorsqu'il mentionne de manière très disgracieuse les problèmes éprouvés en Haïti quant au développement du pays.

Je ne suis pas satisfait de la réponse donnée par RNC Media pour CHOI-FM.

Je reste à votre disposition afin d'éclaircir ma position au besoin.