
APPENDIX B

CBSC Decision 05/06-0539 CKNW-AM re an episode of *Adler on Line*

The Complaint

The following complaint was sent to the CRTC on October 18, 2005 and forwarded to the CBSC in due course:

While it may be legal to verbally abuse callers to a talk show, is there not some legitimate level of concern over talk-show hosts who solicit people to call in, and then when they calmly state their opinion to yell at them, yell over their comments and call them "...stupid"?

Please review the *Adler on Line* show today, October 18th, at around 14:10 hours to 14:35 to see how a couple of intelligent teachers who called in were verbally abused. He called two callers "stupid" today which is something disgusting to do to anyone with a different opinion. Does this mean we can retort that he is a "pig"????? Does CKNW encourage this kind of behaviour? How about the CRTC?

Whether this is legal or not, it is disgusting abuse of free speech by having the CTF and the talk show host gang up on a caller and shout at them. How can this further our democratic society? I am disgusted and sickened by this kind of abuse that seems to be sanctioned by big corporate media.

Broadcaster's Response

CKNW replied to the complainant on November 15 with the following:

The Canadian Broadcast Standards Council ("CBSC") has asked us to respond to your email of October 18, 2005 where you raised concerns regarding *Adler on Line* (the "Program") that aired on CKNW (the "Station") on October 18, 2005.

In particular, your email sets out your concerns that some callers to the program were "verbally abused" and called "stupid" by the host.

The segment in question involved a debate about the illegal strike by the BC Teachers Federation and whether or not it was acceptable for them to be breaking the law, a question hotly debated on several CKNW talk programs. During the segment, Mr. Adler did get quite animated and had some aggressive exchanges with some of the callers to the program.

We believe our programming is intelligent, sometimes irreverent, and offers free and open debate on diverse and often controversial issues. These debates often use frank, everyday language consistent with local community standards, having regard to the generally recognized access to programming content available in the market and the demographic composition of the CKNW's audience, which is predominantly adult.

With that said, we are sorry if you found the tone of this segment offensive or in poor taste. You will appreciate, however, that taste is an extremely subjective element relative to the point of view of different individuals. The Canadian Association of Broadcasters *Code of Ethics* (the “Code”), administered by the CBSC has clarified that “the broadcaster’s programming responsibility does not extend to questions of good taste”.¹ The CBSC applies current social norms in its interpretation of the Code. The CBSC has acknowledged that a program “will not be everyone’s ‘cup of tea’ and it assumes that some members of society would be offended ... That is not, however, the criterion by which the program must be judged.”² The Code also recognizes that “healthy controversy is essential to the maintenance of democratic institutions, and the broadcast publisher (should) endeavour to encourage presentation of news and opinion on any controversy which contains an element of the public interest.”³ The CBSC has noted that discussions on controversial subjects are an “acknowledged component of Canadian society.”⁴ The CBSC has also noted that host [*sic*] may present a point of view on topical, and controversial, issues.⁵ “It would be unreasonable to expect that the airwaves be pure, antiseptic and flawless. Society is not. Nor are individuals in their dealings with one another What may constitute the limits of acceptability in each challenged case will need to be appreciated in its context.”⁶

The CBSC has also clarified that “for a matter to breach the ‘prevailing standards’ test of (good taste), it must extend beyond the level of offensiveness, if not even crudeness or vulgarity. This is not to suggest that the CBSC *approves* in any way of offensiveness, crudeness or vulgarity on the airwaves but rather that, in the interest of preserving a broad range of scope for freedom of expression, *such* matters of taste must be left to the marketplace.”⁷

In addition, the CBSC has noted that where the programming is directed to an adult audience, “there is no overriding societal interest in curtailing the broadcaster’s right to freedom of expression.”⁸

Mr. [L.], please be assured that we take our responsibilities as a broadcaster seriously. Our producers and hosts are sensitive to the substance of the various topics presented on CKNW and we work to ensure all our programming complies with the *Broadcasting Act*, the *Radio Regulations* and the Code and standards required of us as a member of the CBSC.

We trust the foregoing responds to the concerns you raised in your email. At CKNW, we recognize the importance of listener feedback and appreciate all comments. We thank you for taking the time and initiative to share your concerns with us.

¹ Clause 1 – *CAB Code of Ethics Commentary*

² *CFJP-TV (TQS) re Quand l’amour est gai* (CBSC Decision 95/95-0204, December 6, 1995)

³ *CAB Code of Ethics (“Codes”)* – Clause 7 – administered by the CBSC

⁴ *CFJP-TV (TQS) re Quand l’amour est gai* (CBSC Decision 94/95-0204, December 6, 1995)

⁵ *CFTM-TV re Mongrain* (CBSC Decisions 93/94-0100, 93/94-0101 and 93/94-0102, December 6, 1995)

⁶ *CKTF-FM re Voix d’accès* (CBSC Decision 93/94-0213, December 6, 1995)

⁷ *CIRK-FM re T-Shirt Promotion Spot* (CBSC Decision 96/97-0206, December 16, 1997)

⁸ *CIQC-AM re Galganov in the Morning* (CBSC Decision 97/98-0473, August 14, 1998)

Additional Correspondence

The complainant filed his Ruling Request on November 28 with the following note:

The CBSC responded to the complainant, indicating that it would be reviewing his file within six months and providing a brief summary of its position on open-line programs. The complainant replied to that correspondence on December 5 with the following:

Thank you very much for your email. It explains quite a bit already and seems like a very reasonable policy. I will await your decision, but, of course, am disappointed in the 6 month waiting period. What makes me really believe that this case is worth pursuing is the fact the callers spoke in very controlled reasonable fashion and in a very non-threatening way while the talk show host yelled at them. No matter what the outcome, I would never like to be yelled at, drowned out and called "stupid" when I am having even a heated discussion with someone. I hope most others think the same way and experience the same feelings of hurt at being verbally abused.

The human mind stores these painful incidents of verbal abuse in memory and causes future "similar" circumstances to trigger the pain all over again. Verbal abuse is a brutal way of causing the natural "flight or fight" response and so is a mechanism for abusers to silence protest.

Please contact me at any time if I can be of further assistance in this matter.