

The Canadian Broadcast Standards Council

A Unique Component of the Canadian Broadcasting System

Notes for Remarks by

Ronald I. Cohen
National Chair
Canadian Broadcast Standards Council

before the

Standing Committee on Canadian Heritage
Full Investigation of the role of a public broadcaster in the 21st century

April 19, 2007

Mister Chair, Honourable Members of the Committee, good morning. Thank you for the invitation to appear before you today. My name is Ronald Cohen. I am the National Chair of the Canadian Broadcast Standards Council. With me are John MacNab, the Executive Director of the CBSC, Teisha Gaylard, the CBSC's Director of Policy, and Burhaan Warsame, the Manager of the Council's Ethnocultural Outreach Project.

While we appreciate the invitation to appear before you, we are acutely aware of the fact that the CBSC's role is in the area of *private* broadcasting and that your investigation focusses on the role of the *public* broadcaster. Our members are Canada's private broadcasters, some 609 of them, covering the conventional television, specialty services, AM and FM radio, and satellite radio licensees, probably 95% of the commercial private broadcasters eligible to join the Council.

Although it does not fall within our mandate to comment directly on issues involving public broadcasters, which are not within our client base, what the Canadian Broadcast Standards Council does is so unique and central to the Canadian broadcasting system that you may find elements of what we accomplish at least indirectly worthy of consideration in your deliberations.

There are two major aspects of our work that are unique and, you may find, worthy of replication in the public broadcasting area. The first is the breadth of public concerns to which we are responsive; the second is the extent of our outreach into all Canadian communities.

In making these two points, I will provide a brief overview of our history, structure and modus operandi and will be pleased to reply to any questions you may have.

The Mandate

The Council's mandate is to oversee the administration of the Canadian private broadcaster Codes. These currently include the *CAB Sex Role Portrayal Code* and the *CAB Violence Code* (both of which are imposed by the CRTC as Conditions of Licence for Canadian broadcasters), the *CAB Code of Ethics* and the Radio and Television News Directors Association of Canada (RTNDA) *Code of (Journalistic) Ethics*.

I should add that the CRTC last week issued a Public Notice calling for comment on a new CBSC code, the *Journalistic Independence Code*. It will be administered by the CBSC, and will be a CRTC Condition of Licence on Canadian broadcasters with ownership interests in both the print and broadcast areas.

And there is another code, the *Equitable Portrayal Code*, in the offing. It will in due course extend to all communities the benefits hitherto available on the basis of gender alone, under the terms of the *Sex-Role Portrayal Code*. It should be the subject of another CRTC Public Notice this year.

It is essential to note that the codified standards reflect *Canadian* values. The enforcement tools are also Canadian (that is to say, effective without being heavy-handed, industry rather than Government-driven), particularly pertinent as we have watched the unravelling of the Don Imus debacle in the United States in the past couple of weeks.

The concerns of the American system are limited to nudity and coarse language, not violence on television, not human rights, not portrayal issues, not respect for the dignity of individuals on the basis of their race, ethnic origin, colour, sexual orientation and so on. Those are Canadian values and central to our standards and enforcement system. We do not depend on advertisers forcing programming change.

In the exercise of our mandate, the CBSC has, since 1991, received complaints from tens of thousands of Canadians about all forms of programming, whether in the news and public affairs area, drama, comedy, talk radio or television, reality programming, entertainment newsmagazine shows, feature films, reality programming, children's programming, and so on. Moreover, it receives the expression of those concerns directly and indirectly. Even those which are initially sent to the CRTC are, with rare exception, forwarded to the CBSC for resolution. We deal with approximately 2,000 complaints every year from Canadians who are unhappy about something they have seen or heard on the airwaves. I should add, parenthetically, that a number of these concern the CBC; ironically, we forward those to the CRTC to deal with.

In fact, having just mentioned the subjects of children's programming, on the one hand, and audience complaints about many subjects, on the other, I note that, later

today, you will be debating Private Member's Bill C-327, proposed by the Member for Rosemont—La Petite-Patrie, on the subject of violence in the media. You should be aware, first of all, that, as a percentage of complaints, those relating to violence on television have been steadily declining, by a huge margin, namely, 37%, between 2001 and 2006.

Moreover, the Bigras Bill's proposals would add nothing to the panoply of tools we have to deal with the subject, since issues relating to violence on television are already *thoroughly* covered by the combination of the *CAB Violence Code* and the *CAB Code of Ethics*, and rigorously enforced by the self-regulatory system solidly entrenched in the Canadian broadcasting system. We already have a Watershed hour that is not limited to violence intended for adults; it restricts *all* forms of adult content to the post-9:00 pm period. We already have provisions for ratings and viewer advisories, which apply well beyond the violence on television area. We already have the most detailed provisions to protect children from inappropriate television programming that you can find in the world. Bill C-327 would, if passed, deliver *less* to the Canadian public than we already have.

The Process

Our process encourages the resolution of complaints by meaningful broadcaster dialogue with the complainants, and, when this does not lead to complainant satisfaction, the CBSC rules on those complaints via Adjudicating Panels, made up of equal numbers of public and industry representatives.

There are five Regional Panels (Atlantic, Quebec, Ontario, Prairie and British Columbia) and two National Panels (one dealing with Specialty Services and the other with Conventional Television). Biographies of every Adjudicator are publicly available on the CBSC web site. They include former Members of Parliament, Cabinet Ministers, a Lieutenant Governor, a Provincial Premier, CRTC Commissioners, and Canadians of many walks of life who have manifested their concern about the public good.

The private broadcasters' self-regulatory process is predicated on full disclosure and the publicity of all formal CBSC decisions, whether rendered for or against the broadcasters. Consequently, the press release announcing every decision is forwarded to the print media, broadcasters and every person in Canada or elsewhere in the world wishing to be on the recipient list. The nearly 400 decisions rendered since 1991 are, with their full written reasons, posted on our web site. They form an extensive and thorough body of jurisprudence, dealing with, and defining for the future, the widest possible range of content issues.

That process is without equal anywhere. It has been approved of by the CRTC on numerous occasions and has recently been recommended by the Commission as a

model in the local telephony area. And, as noted above, its success has led to the proposed extension of new responsibilities to the CBSC.

We deal with all forms of content in *all* kinds of radio and television programming. Period. And we do this in an independent arm's length fashion, with considerable public involvement in our deliberations and decisions. Transparently. With the exception of the CBC Ombudsmen, who work in the narrower area of news and public affairs, Canada's public broadcasters have no equivalent process.

Outreach

The Council is also proud that it reaches out into all corners of Canada's great multi-cultural environment by informing them of Canada's broadcast standards and self-regulatory system in English, French and 40 other languages, both in print and on the CBSC website. Two more are in process. And I should have added earlier that our Adjudicating Panels reflect that diversity as well. It is worth noting that 13.9 million Canadians speak one or more of these languages and that there are programs broadcast in all of these.

May I clarify that the 40 languages of comfort reflect Canada's American hemispheric communities - Spanish and Portuguese; Canada's indigenous communities - in Inuktitut, Innuinaqtun, Cree, Ojibwa and Mohawk; Canada's Eastern and Western European communities - in Ukrainian, Polish, Italian, and 11 other languages; Canada's African communities - in Arabic, Somali, Amharic and, shortly, Swahili; Canada's Near Eastern communities - in, as noted, Arabic, plus Turkish, Farsi, Dari and Pashtu and, shortly, Hebrew; Canada's Far Eastern communities - in Chinese, Japanese, Korean, Vietnamese and Tagalog; and Canada's South Asian communities - in Hindi, Urdu, Punjabi and 4 other languages.

Conclusions

The CBSC works very hard to ensure that the results of its decisions are known to all who are affected by them. Its volunteer Adjudicators on both the public and industry side are dedicated to the emergence of a set of principles that will fairly circumscribe public expectations. It is a mark of the thoughtfulness and impartiality of the Adjudicators, both public and industry, that, with the exception of five of the 398 decisions, they have been rendered unanimously, whether in favour of, or against, the broadcasters.

It is a mark of the success of the Canadian private broadcasters' self-regulatory system that it does not require the huge financial penalties of the American regulatory process to work. The system works because the private broadcasters have committed themselves to the process. They created it. They support it financially. More

important, they support it morally. After all, they live in the communities in which they broadcast. They want us to deal with *all* substantive public concerns about content, not just some of them. And they want us to tell *all* Canadians, in their languages of comfort, how to access the self-regulatory process. It makes good sense, good Canadian sense. Good for *every* corner of the Canadian broadcasting system.

Thank you for your time and attention. We are available to answer your questions.