
**CANADIAN BROADCAST STANDARDS COUNCIL
ONTARIO REGIONAL COUNCIL**

CHTZ-FM re the Morning Show

(CBSC Decision 92/93-0018)

Decided October 26, 1993

Marianne Barrie (Chair), Al MacKay (Vice-Chair), Susan Fish, Paul Fockler,
Don Luzzi, Robert Stanbury

THE FACTS

During the course of the morning show on CHTZ-FM, St. Catharines, on April 21, 1993, the host said, "Listen, gentlemen, if you are trying to impress that secretary at work, today is Secretary's Day, just make sure you are a gentleman when you ask her to take *dictation*, you understand." (On-air host's emphasis)

The Canadian Broadcast Standards Council (CBSC) received a complaint dated April 22, 1993 concerning the host's remark, which had been referred to it by the CRTC.

The listener observed that "As many women do suffer such a sexual harassment situation at the hands of their bosses, I fail to see the humour in this scenario." She called the General Manager of the station that morning, complained about the joke and requested that the station make an on-air apology. The General Manager indicated that he would call her back the following morning with his response to that request. When he did not do so, she assumed "that there would be no apology made on the air." In the end, there was none.

The General Manager of the station did, however, respond to the listener in writing on May 10, 1993. He explained the station's position in the following terms:

Taken in context, it is clear that the statement to which you have referred was simply a misguided attempt to make a joke in street urban dialect. The station employee who aired the statement states that he did not intend to make a sexist comment but was simply trying to be racy and hopefully funny.

However, we agree that the statement is capable of being interpreted as sexist. On that ground, we agree with your criticism and wish to express our apology for airing it to you and any other listeners that may have been offended.

We have issued a reprimand to the station employee involved, and will be reminding our staff of the station's commitment to Sex-Role Portrayal Guidelines for Television and Radio Programming, as approved by the CRTC in 1990.

The complainant was nonetheless dissatisfied with the response of the station and filed her waiver on May 12. Although no reason is solicited by the CBSC in the waiver form, the complainant had stated in her letter of April 22 that nothing short of an on-air apology would satisfy her.

As an apology on the air ... was the condition I made to resolve my complaint with the station, I do not consider this matter closed. [The General Manager's response on the phone, "he shouldn't have done that" is not a good enough apology for the personal insult to my dignity I have suffered at the hands of his radio station just because I am a woman and a secretary.

Accordingly, the panel of six members, three representatives of the public and three representatives of the private broadcasters, convened to consider the file on October 26, 1993.

THE DECISION

The CBSC considered the complaint under Clause 2 of the Canadian Association of Broadcasters *Code of Ethics* and Clauses 4 and 5 of the *Sex Role Portrayal Code*, the texts of which read as follows:

Code of Ethics, Clause 2:

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

Sex Role Portrayal Code, Clause 4, in pertinent part:

Television and radio programming shall refrain from the exploitation of women, men and children. Negative or degrading comments on the role and nature of women, men or children in society shall be avoided. ...

Sex Role Portrayal Code, Clause 5:

Equality of the sexes must be recognized and reinforced through the proper use of language and terminology. Broadcasters shall employ language of a non-sexist nature in their programming, by avoiding, wherever possible, expressions which relate to only one gender.

The Regional Council reviewed all the correspondence and listened to the tape of the relevant on-air program.

On the questions of fact in this case, the Regional Council agreed that the tone of the host's statement was accurately recalled by the listener and that the host's statement was in extremely poor taste. At the same time, the Council was unanimous in its view that the bad taste did not amount to a breach of any of the Code provisions cited above. The Regional Council was of the view that the two Clauses of the *Sex Role Portrayal Code* were not applicable in that: the comment was not exploitative, negative or degrading to women; nor was it an example of the use of sexist language in the sense in which that term is understood.

With respect to Clause 2 of the *Code of Ethics*, the Regional Council referred to an earlier Regional Council decision. As the CBSC stated in its earlier *CFOX-FM re the Larry and Willie Show* (CBSC Decision 92/93-0141, August 30, 1993),

The CBSC is vigilant in its application of Clause 2 to all forms and levels of programming in the sectors of the industry to which the *Code* applies but it is equally conscious of the countervailing importance to the public of the fullest expression of the freedom of speech. 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.

In general terms, the CBSC is conscious of the fact that it must balance the right of audiences to receive programming which is free of abusive or discriminatory material based on sex and free of negative or degrading sexist comment, with the fundamental right of free speech in Canadian society. The sanctioning of bad taste, unpalatable as it may be, does not fall within the ambit of the CBSC's mandate under its Codes.

The CBSC also reviews the nature and quality of the broadcaster's response to the listener. As determined in the *CFOX-FM* decision to which reference has been made above,

The CBSC is equally conscious of the further responsibility which it has beyond the measurement of on-air programming against the standards established in the three voluntary CAB codes to encourage dialogue between the broadcasters and the members of their audiences.

Thus, in the course of complaint resolution, the CBSC considers that it is firmly within its mandate to evaluate not only the complaint itself against the standards established by the various Codes which it administers but also the responsiveness of the broadcaster in dealing with the viewer or listener.

In the present case, the Regional Council considers the steps taken by the General Manager of CHTZ-FM to have been effective, reasonable and responsive to the listener. By agreeing that the statement was "capable of being interpreted as being sexist", issuing a reprimand to the on-air host and reminding staff generally of the station's commitment to the *Sex Role Portrayal Code*, the CBSC considers that the station fulfilled its obligations of effective dialogue with its listener.

This decision is a public document upon its release by the Canadian Broadcast Standards Council and may be reported, announced or read by the station against which the complaint had originally been made; however, in the case of a favourable decision, the station is under no obligation to announce the result.