
**CANADIAN BROADCAST STANDARDS COUNCIL
ONTARIO REGIONAL COUNCIL**

CFTO-TV re Wide World of Fun (News Beat Today)

(CBSC Decision 94/95-0088)

Decided August 23, 1995

M. Barrie (Chair), A. MacKay (Vice-Chair), P. Fockler, T. Gupta,
R. Stanbury, M. Ziniak

THE FACTS

During his review of the motion picture *Disclosure* on *The Wide World of Fun*, an entertainment segment of *News Beat Today* on CFTO-TV at noon on December 12, 1994, Robin Ward made a comment which offended a viewer. Ward said:

...unlike his *Disclosure* co-star Michael Douglas, another star of the film, Donald Sutherland, says he won't treat women any differently now that he's made a movie about sexual harassment. Sutherland says he's too old to change and he says he even takes off his hat when a woman comes into the room. But the last time he did that he said the woman gave him a dirty look. Well, come on, Donald, taking off your hat in front of a woman you've never met before ... now that's sexual harassment if I've ever heard it. Watch it.

The viewer sent her complaint to the CBSC on December 14. In her letter, she said:

The remark was in no way an editorialized statement. It was made spontaneously. A remark as such [*sic*] has no place in an entertainment clip or on television in general.

She explained that she called CFTO-TV immediately and felt that she had been "brushed off" by the person to whom she had spoken. The complainant went on to explain the substance of her concern:

If a T.V. personality is going to comment on a reality as serious as sexual harassment, then there needs to be sensitivity to the issue, not an open invitation to belittle its existence. Not only does Mr. Ward need to be sensitized and educated

about issues of such gravity, he needs to know if he wants to share his views he can do so in an editorialized offering. Someone needs to take responsibility for such an offensive remark.

CFTO-TV's Vice-President of News and Public Affairs, Ted Stuebing, responded to the letter on January 12 upon receiving a copy of the complaint from the CBSC. He reacted in the following terms:

Upon reflection, and after discussion with a few of my colleagues, I've confirmed my first impression of these [Mr. Ward's] remarks. I think they are harmless. They do not encourage sexual harassment or belittle its existence.

The intended humour is of a very gentle nature and flows I take it from the wide range of opinion in society about the nature and definition of sexual harassment. Much legitimate comment is made about this.

May I say that I have known Robin Ward for many years and have found him to be a person of considerable judgement and sensitivity.

The complainant reacted to Mr. Stuebing's letter in hers of January 31. She reiterated her concern about the rude treatment she had received upon calling the station in the first place and related that treatment to the CFTO Vice-President's response by letter.

Having read Ted Stuebing's response to my concerns, I feel I have been given somewhat the same treatment. Since I have attempted to make my complaint known I have had my opinion scoffed at and disregarded.

In a second letter to the CBSC of the same date, the complainant provided more of a point-by-point response to the CFTO letter. She noted that she did "not consider an offensive comment about sexual harassment to have a place anywhere in CFTO's programming especially on *The Wide World of Fun!* There is nothing fun or funny about sexual harassment." She then challenged Mr. Stuebing's consultation with a few of his colleagues, asking "Did he bother to consult any outside opinions for further perspective on the issue?" She then dealt with the CFTO Vice-President's personal comments about Robin Ward:

Ted Stuebing's acknowledgement that he has "known Robin Ward for years and have found him to be a person of considerable judgement and sensitivity" does not convince me to lay down my pen. The fact remains that Robin Ward made an unacceptable comment about sexual harassment. I personally don't care if Ted Stuebing thinks Mr. Ward is a great guy! It's obvious after reading Mr. Stuebing's letter that he doesn't understand why the comment was unacceptable any more than Mr. Ward did when he made it.

The complainant was clearly unsatisfied by the CFTO response and requested that the CBSC refer the matter to the appropriate Regional Council for adjudication.

THE DECISION

The Ontario Regional Council members reviewed all of the correspondence and viewed the tape of the challenged program. They considered the matter under Clauses 15 of the *CAB Code of Ethics* and 4 of the *CAB Sex-Role Portrayal Code*, which read as follows:

Clause 15, *CAB Code of Ethics*:

Recognizing that stereotyping images can and do cause negative influences, it shall be the responsibility of broadcasters to exhibit, to the best of their ability, a conscious sensitivity to the problems related to sex-role stereotyping, by refraining from exploitation and by the reflection of the intellectual and emotional equality of both sexes in programming.

Clause 4, *Sex-Role Portrayal Code for Television and Radio Programming*, 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.

The Regional Council members considered that the comments of Mr. Ward had not been in breach of either of the cited clauses but they were concerned by a number of the complainant's perceptions.

Broadcaster Responsiveness

In the first place, she alleged in two of her letters that she had been given short shrift by the CFTO person who answered her initial call. Since she did not identify the individual (she may not have known the person's name), there was no way for the CBSC to pursue this matter with CFTO. There is thus no way for the Council to know whether the complainant's concerns were reasonable or not. While the CBSC does not therefore arrive at any conclusion regarding the telephone response of the broadcaster in *this* case, it believes that it should reiterate for all of its broadcast members that civility and sensitivity in the *initial* contact with a viewer or listener are particularly important in allaying the concerns of the caller.

The foregoing being said, the next point of contact is generally the written response from the broadcaster and the Council usually reserves its comments in this regard to the end of the decision. In this case, however, the CBSC believes the quality of the broadcaster's written response should be dealt with at this early point in the decision.

The Council notes the complainant's observation that she had had her "opinion scoffed at and disregarded", not only initially but in the CFTO Vice-President's letter.

Council members read and re-read the letter and discussed this issue, paying particular attention to the viewer's pointed concern. It was their view that Mr. Stuebing's letter did not remotely "scoff at" or "disregard" the viewer's perspective. It was not a lengthy reply but, in the Council's view, it responded to the major concern of the complainant regarding the nature of Mr. Ward's remarks. It described them as "harmless" and "of a very gentle nature"; it stated Mr. Stuebing's belief that they neither encouraged sexual harassment nor belittled its existence. It was, however, clear that Mr. Stuebing did not agree with the complainant. It is, of course, his right *not* to agree with any given complaint although it is the Council's view that he *is* obliged to respond satisfactorily to a complaint. Disagreement and disregard are not the same thing. The Council concluded that the complainant's sensitivity to the substantive issue led her to conclude that the CFTO response was derisive.

Program Content

The complainant appeared to be of the view that Mr. Stuebing had justified the comments themselves simply by emphasizing the pertinence of the program title *The Wide World of Fun*. In her view, Mr. Stuebing's attitude had been that such comments as hers had no place regarding a program with a term such as "fun" in its title. She had furthermore observed in her first letter that the remark "was not an editorialized statement".

In the Council's view, Mr. Stuebing, by providing the title not only of the *segment* but also of the *program* including the segment was merely *situating* the offending remarks. Nothing more material could reasonably be concluded therefrom. As to the allegedly un-"editorialized" nature of the remarks, it was undoubted that these *were* editorialized, which is to say that they were not presented as news or fact. They could not reasonably have been interpreted otherwise than as opinion or comment; hence essentially *editorial* in nature.

The question then remains for the Council to give the reasons for which it considers that the opinion, comment or editorial remarks constitutes a breach of the sex role portrayal obligations existing within the *Code of Ethics* and the *Sex Role Portrayal Code*. In this, by analogy, the Council refers to its previously expressed opinions on questions of human rights. In *CFOX-FM re the Larry and Willie Show* (CBSC Decision 92/93-0141, August 30, 1993), the British Columbia Regional Council pointed out that it is not *every* comment which will be sanctioned but only those which are abusive or discriminatory. The Council put the issue in the following terms:

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 *CFRB re Ed Needham (OWD Publication)* (CBSC Decision 92/93-0096, May 26, 1993), the Regional Council decided that the host's language was abusive. In that matter, the host had been referring to a booklet entitled *Words that Count Women In*, published by the Ontario Women's Directorate. The Ontario Regional Council decided that

the host used abusive, degrading and discriminatory language when referring to women, in particular, when he claimed that, "A lot of women nowadays will vomit this one at you ... 'why do you feel threatened?' ... 'This is their favourite little way, because they can't think and they can't argue properly -- these radical feminist nutcakes' 'Don't even respond to that' ... 'Don't talk to the dumb stupid idiots', and 'bug off, bimbo!'" The host added, "That's how these crazed, unhappy, twisted creatures who turn out this kind of swill are. These are unhappy people, hard to get along with in the world, can't find a real job, so they turn to producing this kind of nonsense. You know, it's a shame. They need help. They really need help."

In sharp contrast to the foregoing comments by Ed Needham, the remarks of host Robin Ward in the program segment involved in this matter were, in the opinion of the Regional Council, neither intentionally nor even inadvertently heavy-handed. They were perhaps an attempt to suggest that society may be taking itself *too* seriously or going too far in sanctioning *any* behaviour which may be seen to deviate from some absolute norm. There are, after all, *some* limits to what may and what may not be abusive or discriminatory. In a society where freedom of expression is a fundamental principle, it must be a remark of significant departure from the norm which will be sanctioned. In the view of the Council, Mr. Ward's comments lightly poked fun at the *limits* of sexual harassment and not at all at the issue of sexual harassment itself. Unlike the Needham comments, these fall comfortably, in the view of the Council, within the limits of supportable comment.

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.