
**CANADIAN BROADCAST STANDARDS COUNCIL
QUEBEC REGIONAL PANEL**

CIKI-FM re a joke on *Tout le monde debout*

(CBSC Decision 02/03-0358)

Decided July 17, 2003

T. Rajan (Vice Chair), B. Guérin, G. Moisan, R. Parent and P. Tancred

THE FACTS

The morning show *Tout le monde debout* on CIKI-FM (Rimouski), hosted by Patrick Lavoie, occasionally features a segment called « réveil-anniversaire » in which the host conspires with friends and family members to play a joke on a person celebrating her or his birthday. Those who know the birthday person provide all the relevant information (including the name, address, telephone number, age) to the host, who, in turn, calls the unsuspecting Avictim@ of the joke, records the call and later airs the conversation during the segment in question.

On November 14, 2002, at 8:15 a.m., the host called a woman celebrating her eighteenth birthday. The host pretended that he wanted to go out with her, even though he did not know her, because of, he alleged, everything that he had heard regarding her sexual prowess. The host used expressions such as: A[translation] Apparently you=re something in bed.@ During the segment, the host broadcast the full name and age of the “victim” and mentioned the fact that she lived in the Residences (at the Rimouski CEGEP). The dialogue went as follows (the initial “C.” being used in all instances to avoid the broadcaster’s actual reference to the “victim”’s name):

PL: On this November 14th, we want to wish a happy birthday to [C.] in Rimouski who lives in residence and who is having a perfect love life with her boyfriend whose name I can’t remember. But, that’s not what was of the utmost importance yesterday. I tried to call her because this girl has quite a reputation over at the school residence, so we ..., I wanted to try to offer her my services and take her out tonight. She didn’t want to, but that’s ‘cause her boyfriend was right there beside her. But in any case, it seems there was a great party for her and now you’ll get to hear the results of this “birthday wake-up call” which was recorded yesterday with [C.] at CIKI.

The telephone rings.

C: Yes, hello?

PL: Yeah, is [C.] there?

C: Speaking.

PL: That you, [C.]?

C: Yup.

PL: Well, my name is Bruno Bay. I live in residence here. I got your number from, um, I don't know if you know her, but in any case she knows you. She's got big jugs. Anyway, I wanted to know if you feel like going out tonight.

C: What?

PL: Do you feel like going out tonight?

C: Well, I'm already going out tonight. It's my birthday.

PL: Yeah, but we're going over to the Coyote. Do you want to come with us?

C: What's your name?

PL: Bruno Bay. "Bay" as in B-A, like Francis Bay the host on MusiquePlus. B-A-Y.

C: Yeah, I get it, but I don't know you at all.

PL: That's because sometimes you often come to residence, and –

C: But, I ...

PL: I hear you laughing sometimes and it's like I've known you forever. And I'm telling you sometimes I hear you laughing in the section and I'm telling myself boy, when you let out a scream, you must be some hot tomato in bed anyway. I wonder if you might be inclined to relieve some of my suffering. [She hangs up.] Hello?

[Another host laughs. PL calls back.]

The telephone rings.

C: Yes, hello?

PL: Hey, why did you hang up?

C: Because!

PL: Well, it's because, look, you're not at all like the guy told me. The tall guy who went out with you before, he told me you were pretty good. He said you didn't want to do "the star", but I can't figure out why you hung up like that.

C: I think you've got the wrong number, my man.

PL: I don't think so, because he talked to me about you and he told me that you were ... wow, you were, you were pretty hot in bed. You did "the Québec top" and the "wheelbarrow". There's only about one girl in a hundred who does that in Québec, so that's why I'd really like to go out with you tonight.

C: Well, you won't get a taste of it, 'cause I'm with my boyfriend.

PL: Who's your, oh the big guy? Look, that's no big deal.

Boyfriend: Hello?

PL: Who's that?

Boyfriend: It's me. What do you want? [The girl giggles in the background.]

PL: Well, I want to talk to your girlfriend, not you.

Boyfriend: Yeah. What do you want to tell my girlfriend?

PL: Well, I want to go out with her tonight because you just don't cut it.

Boyfriend: I don't cut it! What are you doing? Do you have a problem?

PL: What?

Boyfriend: Do you have a problem?

PL: My problem is guys like you who take advantage of beautiful girls like her, that's my problem.

Boyfriend: Get the hell away. [The girlfriend is heard saying something in the background.]

PL: Whoa, whoa, let's be polite.

Boyfriend: Go f**k yourself.

PL: [laughing] Hi there Luc, how are you?

Boyfriend: Who is this?

PL: Well, put her on, I'm gonna tell her who.

Boyfriend: Who is this?

C: Bruno Bay.

PL: It's Bruno Bay from CIKI radio wishing you a happy birthday and in particular a happy 18th birthday to [C].

Boyfriend: Jeez. [PL and the boyfriend laugh.]

C: What's the joke?

Boyfriend: It's CIKI.

C: [laughing] Shut up! Oh no!

Boyfriend: It's your birthday.

PL: No trouble, eh? Sorry old man.

Boyfriend: No problem.

PL: O.K.

C: That didn't go on the radio did it? Because I don't want ... [she laughs].

PL: Bye bye dear heart.

C: Oh no! Bye bye. [She laughs].

(translation)

The CBSC received a complaint dated November 28, which had been originally sent to the CRTC. The complainant (who was not the young woman targeted by the call) was concerned about issues of privacy and asked whether the host needed the victim's authorization in order to air the gag. The complainant added that such gags are in bad taste and that they could be considered sexual harassment. Furthermore, the complainant was concerned about the social effects of these gags on young individuals who may want to imitate the host.

The complainant's e-mail read in part as follows (the full text of this e-mail and all the other correspondence can be found in Appendix B):

The complaint concerns the segment of the program where the host telephones a listener to play a joke on them on their birthday. The full name, as well as the age and where they live are clearly given out on the air. Can the victims of these jokes refuse that this information be aired? Does the host require some sort of authorization on their part? In my opinion, these jokes are often disrespectful, but the one that aired on November 14, 2002 caught my attention in particular.

[...]

The perverse effect of this type of joke is its social impact. Some people may have thought that if the host on CIKI can do that, I can too and it's very funny. However, for whom is it funny? Certainly not for the victim!

The purpose of my complaint is not to have the host reprimanded (although ...), but to see to it that the radio station follows a certain code of ethics guided by common sense. Must we resort to the outright disrespect, humiliation and harassment of listeners in order to be funny? Can we not respect certain limits concerning what is said on the air? Popular radio hosts like the one at CIKI are role models for our young people and that is a social responsibility

they seem to be overlooking.
(translation)

On December 9, the Director of Programming and Promotions at CIKI-FM responded to the complainant, explaining that the personal co-ordinates the show uses are generally provided by individuals who know the victim; that the show's objective is not to humiliate anyone and is only meant to be funny; and that the victims and the listeners take the gags light-heartedly. Also, the Director explained that the station met with the host in order to set limits to what kind of vocabulary can and cannot be used on upcoming shows. In his words,

First of all, we must point out that the information and the material for the script that we use are obtained in most cases, if not in all cases, from people close to the individual celebrating his or her birthday, such as brothers, sisters, parents, friends or others. Furthermore, at no time is the purpose of these birthday wake-up calls to destroy someone's reputation. The goal is rather to mark that person's birthday in a different fashion through a joke which has been set up by those close to him or her via the information they provide us. It is first and foremost a joke. Our listeners are accustomed to it; they expect to hear this type of joke each morning.

We always stay within the boundaries of what is respectable and this birthday segment is no exception. The people involved in this particular wake-up call did not react in a negative fashion.
(translation)

On December 20, the complainant returned her Ruling Request, accompanied by a lengthy e-mail to the CBSC indicating specifics about her dissatisfaction with CIKI-FM's response. She asserted that the broadcaster did not adequately address the issues that concerned her, namely, sex-role stereotyping and the respect of the listeners. She added that the broadcaster had not taken into account the social impact of such comments and how they tended to simplify the myths surrounding sexual aggression against women. The complainant urged the CBSC to take corrective measures and to make broadcasters aware of their social responsibility since the messages they broadcast influence their young listeners. The complainant's e-mail read, in part, as follows:

[The broadcaster] seems to forget that not all the comments are necessarily funny and that this denotes a lack of respect for his listeners. [...]

In my opinion, it is important to establish a demarcation line between what is respectable and what is not. When speaking of limits, it is important to have "a framework" that establishes those limits for respecting all individuals. Perhaps the broadcaster could refer to the Canadian Association of Broadcasters' code of ethics to define what are, among other things, sexual stereotypes. [...]

I believe that making comments about someone's sexual performance such as "Apparently you're something in bed", can sully her reputation and risks causing her problems when this invidious practice is pushed to the extent of airing that same individual's name, address, etc.!

[...]

Need I remind you that for years now social groups have been working to undo the myths and prejudices regarding women? Various social movements, women's groups and governments initiate educational campaigns to improve relationships between men and women, particularly with respect to young people. The comments at issue here are a giant step backward and have a definite impact on the women who are the target of these comments. In fact, comments such as the ones made during this morning show have the effect of reinforcing the myths surrounding sexual assault. They make light of the consequences of sexual harassment suffered by a good number of women. By listening attentively to the recording of the program in question once again, you will certainly be in a position to understand the fear experienced by the young victim of this radio "joke"!!!
(translation)

THE DECISION

The Quebec Regional Panel examined the broadcast under the following provisions of the various Canadian Association of Broadcasters= (CAB) Codes, as well as the Radio and Television News Directors Association *Code of (Journalistic) Ethics*:

CAB Code of Ethics, Clause 3 (Sex-Role Stereotyping):

Recognizing that stereotyping images can and do have a negative effect, shall it 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. Broadcasters shall refer to the *Sex-Role Portrayal Code for Television and Radio Programming* for more detailed provisions in this area.

CAB Code of Ethics, Clause 6 (Full, Fair and Proper Presentation):

It is recognized that the full, fair and proper presentation of news, opinion, comment and editorial is the prime and fundamental responsibility of each broadcaster. This principle shall apply to all radio and television programming, whether it relates to news, public affairs, magazine, talk, call-in, interview or other broadcasting formats in which news, opinion, comment or editorial may be expressed by broadcaster employees, their invited guests or callers.

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:

- (a) Gratuitous violence in any form, or otherwise sanction, promote or glamorize violence;

- (b) Unduly sexually explicit material; and/or
- (c) Unduly coarse and offensive language.

Sex-Role Portrayal Code, Clause 2(c) (Diversity):

[c] Television and radio programming shall respect the principles of intellectual and emotional equality of both sexes and the dignity of all individuals. Television and radio programming should portray women and men as equal beneficiaries of the positive attributes of family or single-person life. Women and men should perform in a range of occupations and function as intellectual and emotional equals in all types of thematic circumstances. This should be the case for both work and leisure activities requiring varying degrees of intellectual competence.

Sex-Role Portrayal Code, Clause 4 (Exploitation):

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. Modes of dress, camera focus on areas of the body and similar modes of portrayal should not be degrading to either sex. The sexualization of children through dress or behaviour is not acceptable.

RTNDA Code of (Journalistic) Ethics, Clause 4 (Privacy):

Broadcast journalists will respect the dignity, privacy and well-being of everyone with whom they deal, and will make every effort to ensure that news gathering and reporting does not unreasonably infringe privacy except when necessary in the public interest. Hidden audio and video recording devices should only be used when it is necessary to the credibility or accuracy of a story in the public interest.

The Quebec Regional Panel listened to a tape of the broadcast of the November 14 show and reviewed all of the correspondence. The Panel considers that the challenged broadcast is in breach of Clause 9(c) of the *CAB Code of Ethics*.

Privacy and the Disclosure of Identifying Information on Air

The CBSC has, from time to time, been called upon to deal with whether a broadcast has amounted to an invasion of privacy but the circumstances have, each time, been different from those encountered here. On most of the occasions when the subject has arisen, the identification of the individual (or individuals) has been visual. The broadcast has either taped a person or shown a home or place of business that would have permitted the identification of a person. In almost all such cases, the story has been a news report and the provision of such video (or radio) clips has been found to be contextual and justifiable (or rarely not, but, if not, as the result of the application of other principles). [See, for example, *CTV re Canada AM (Airborne Hazing)* (CBSC Decision 94/95-0159, March 12, 1996), *CHBC-TV re Newscast* (CBSC Decision 93/94-0292, December 18, 1996), *CKEN-AM re Newscast* (CBSC Decision 95/96-0134, February 14, 1997), *CHAN-TV re Newscast*

(*Recycling Society*) (CBSC Decision 96/97-0004, March 10, 1997), *CKCO-TV re News Report (Police Arrest)* (CBSC Decision 96/97-0174, February 20, 1998), *CHBC-TV re News Item (Double Homicide)* (CBSC Decision 97/98-0008, May 20, 1998), and *CIHF-TV re News Item (Random Neighbourhood Shooting)* (CBSC Decision 97/98-0622, November 25, 1998).]

On three occasions, the context was other than news but the nature of the disclosure corresponded more closely, although not precisely, to what the Quebec Panel faces in the matter at hand. In *CKAC-AM re the Gilles Proulx Show* (CBSC Decision 94/95-0136, December 6, 1995), the host, angered by a letter of complaint he had received, gave the full name and city of residence of the unhappy listener. In a fit of pique, in other words, he delivered to his presumably largely partisan audience full access to the complainant, as well as the motivation for them to harass her. As this Panel said at that time,

A simple communication with a broadcaster, and even with the host of a talk show, is not tantamount to a waiver of the listener's right to privacy. Had the host genuinely wished to answer the charges which his critic had levelled against him, he could have done so by dealing with *those issues* which had been raised. Instead, he ignored the *issues* and tore after the *messenger*. By revealing the complainant's full name and location, the host made it a simple task for any listener to identify her. It is clear to the Regional Council that the host infringed the complainant's fundamental right to privacy in circumstances where there was no public interest, much less an *overriding* public interest, in revealing her identity on the airwaves.

In *CIQC-AM re Galganov in the Morning (Invasion of Privacy)* (CBSC Decision 97/98-0509, August 14, 1998), this Panel considered another radio host's revelation of identifying details regarding a complainant. It said

that revealing the complainant's full name, and the repetition of this information throughout the December 9 broadcast of *Galganov in the Morning*, was merely vindictive and served no public interest whatsoever. By violating the complainant's overriding right to privacy in this case, the broadcaster has breached Clause 6 of the *CAB Code of Ethics* as well as the spirit of Article 4 of the *RTNDA Code of Ethics*.

The matter at hand is distinctly different from the two previous examples. The host was benign, friendly, even good-natured about the individual. He meant no ill but he did provide the name, age and residence of the "victim" of the joke. The present matter differs from the previous two, though, in the sense that there is no information in the file to suggest that permission was either given, on the one hand, or not given, withheld or withdrawn, on the other. Unlike the case of *CFTM-TV (TVA) re Tôt ou tard* (CBSC Decision 00/01-1080, April 5, 2002), where two persons filmed in a drive-in cinema in a comedic sketch had withdrawn their consent, a fact of which both the broadcaster and the Panel were aware, the present Panel has no information on which to make any judgment regarding the issue of consent.

The Panel wishes to be clear, though, on the issue of the broadcast of such personal information, namely, the name, age and address of the individual. Its view is that the joke could have worked with only a first name or even a changed name given; in short, there

was not even a compelling or a justifiable reason for providing such precise information, which would be susceptible of misuse by a listener. In the view of the Panel, in a non-journalistic environment, with no justification for so doing, and without the clear (or reasonably implied) prior grant of permission, the provision of personal details, such as residential address and phone number, would constitute an unfair and improper presentation of information, contrary to the terms of Clause 6 of the *CAB Code of Ethics*. Where the programming is not journalistic and, consequently, the *RTNDA Code of (Journalistic) Ethics* does not, strictly speaking, apply, the provision of such information would be contrary to the spirit of Clause 4 of that Code, which provides that “Broadcast journalists ... will make every effort to ensure that news gathering and reporting does not unreasonably infringe privacy except when necessary in the public interest.”

The foregoing explanation of the general principles would be applied in circumstances in which the “victim” did not give her or his consent. In the matter at hand, however, there is no indication that consent was or was not given. Had it been given, it could have been a broad enough consent to permit the broadcast of all of the information provided on air by the host. The Panel simply has no way of knowing that information. In the circumstances, there are no grounds for finding any breach on the part of the broadcaster with respect to the airing of such personal information.

Sexually Explicit Content on Radio

The question of the broadcast of sexual content is another matter. Consent is not the issue in this case. The issue is the audience, not the “victim”. The issue relates to the sensibilities of the listeners, not of the object of the humour. In dealing with the airing of comparable subject matter, namely, the broadcast of a description of sexual activity on the workbench the evening before, the BC Regional Panel concluded, in *CFMI-FM re Brother Jake Morning Show* (CBSC Decision 00/01-0688, January 23, 2002), that the program was too sexually explicit and, consequently, “unsuitable for times of the day when children could be expected to be listening.” In *CFNY-FM re The Show with Dean Blundell* (CBSC Decision 01/02-0267, June 7, 2002), the B.C. Regional Panel also decided that comments about the sex lives of the hosts and various celebrities were too explicit for such times of the day. In the matter at hand, the Panel finds that the comments about [C.] being hot in bed and doing “[translation] the Quebec top and the wheelbarrow” are unduly sexually explicit and in breach of Clause 9(c) of the *CAB Code of Ethics*.

Sex-Role Portrayal Issues

While the Panel clearly sympathizes with certain aspects of the complaint, it does not share her view of the application of sex-role portrayal standards to this particular program. A joke of this kind may, apart from anything else, have a juvenile or tasteless component to it but the Panel does not consider it a form of sexual harassment or predation. As the B.C. Panel

said in *CFMI-FM re Brother Jake Morning Show* (CBSC Decision 00/01-0688, January 23, 2002),

The comments were distasteful and inappropriate but not degrading or exploitative of either gender. The “sex on the workbench” discussion in particular was an unflattering description of an intimate act (*vis-à-vis* both genders), but the male host did not in any way directly insult the woman with whom he had had this experience.

From the point of view of a member of the audience, it was clear that the short segment was intended to be humorous. It clearly involved a taking of advantage but that flowed more from the simple element of surprise than any disproportionate position of sexual power. Finally, in this respect, it should be noted that [C.]’s boyfriend was a part of the call and the joke, thus evening out any form of advantage in any event. There was nothing in this aspect of the radio prank that the Panel considers a form of sexual harassment or exploitation.

Broadcaster Responsiveness

In all CBSC decisions, the Regional Panels assess the broadcaster’s responsiveness to the complainant. Although the broadcaster need not agree with the complainant, it is expected that its representatives charged with replying to complaints will address the complainant’s concerns in a thorough and respectful manner. In this case, the Panel finds that the broadcaster’s response was, in this regard, entirely appropriate in that it addressed the specific points brought up by the complainant. The Panel considers that CIKI-FM has met its responsiveness responsibilities of CBSC membership.

ANNOUNCEMENT OF THE DECISION

CIKI-FM is required to: 1) announce this 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 *Tout le monde debout* is broadcast; 2) within the fourteen days following the broadcast 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 that written confirmation and with air check copies of the broadcasts of the two announcements which must be made by CIKI-FM.

The Canadian Broadcast Standards Council has found that CIKI-FM has breached a provision of the Canadian Association of Broadcasters’ (CAB) *Code of Ethics*. By broadcasting descriptions of sexual activity in a segment of the morning show *Tout le monde debout*, the CBSC has concluded that

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CIKI-FM has breached the provisions of Clause 9(c) of the *Code of Ethics* which prohibits the broadcast of unduly sexually explicit material.

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

ANNEXE A
à
CIKI-FM re farce sur Tout le monde debout (Décision du CCNR 02/03-0358, 17 juillet 2003)

Le 14 novembre 2002 à environ 8h15, l'animateur Patrick Lavoie a diffusé le « réveil-anniversaire » en question qui avait été enregistré le matin précédent.

PL : Aujourd'hui 14 novembre, joyeux dix-huitième anniversaire à « C » [...] qui reste aux résidences, qui fait le parfait amour avec son chum dont je me rappelle plus son nom, mais c'est pas ce qui était capital hier. J'ai tenté de l'appeler parce que c'est une fille qui fait beaucoup de tapage aux résidences donc on..., je voulais tenter de lui proposer mes services pour sortir avec elle pour ce soir. Elle voulait pas, ben sûr son chum était à côté. Mais en tout cas, semble-t-il qu'il y avait un beau party pour elle puis vous allez voir le résultat de ce réveil-anniversaire qui a été enregistré hier avec « C » à [lieu de résidence] à CIKI.

Téléphone sonne

CS : Oui âllo?

PL : Ouais, est-ce que « C » est là?

CS : C'est moi.

PL : C'est toi, « C »?

CS : Ouais.

PL : Ah, mon nom c'est Bruno Bay. Je reste aux résidences là. J'ai réussi à avoir ton numéro de téléphone par, euh, je sais pas si tu connais la fille, en tout cas elle te connaît, [elle] a des gros plombs-là. Puis c'était pour savoir si ça te tentes-tu de sortir à soir?

CS : Hein?

PL : Ça te tentes-tu de sortir ce soir?

CS : Ben, je sors déjà à soir. C'est ma fête.

PL : Ouais mais nous autres on s'en va au Coyote. Veux-tu venir avec nous autres?

CS : Aye, c'est quoi ton nom?

PL : Bruno Bay. « Bay » comme B-A, comme Francis Bay qui animait à MusiquePlus. B-A-Y.

CS : Ouais je sais, mais je te connais pas pantoute.

PL : C'est parce que des fois tu viens souvent aux résidences pis –

CS : Mais je

PL : Je t'entends rire des fois, pis c'est comme si je te connaissais depuis toujours. Pis je te dis des fois je t'entends rire dans le bloc pis je me dis quand tu cries, woaf, elle doit être hot en baptême dans le lit en tout cas. Je sais pas si t'aurais le goût de soulager certaines de mes souffrances. [Elle raccroche]. Âllo ?

[Un autre animateur rit; PL rappelle.]

Téléphone sonne.

CS : Oui âllo?

PL : Eh, pourquoi tu raccroches?

CS : Parce que!

PL : C'est parce que, 'garde, t'es pas pantoute comme l'gars m'avait dit. Le grand qui a sorti avec toi avant, il m'a dit que t'étais pas mal en affaires. Il a dit que tu ne voulais pas faire l'étoile, mais là j'comprends pas pourquoi tu raccroches comme ça là.

CS : Moé je pense que tu t'es trompé de numéro mon homme.

PL : Moi j'pense pas parce qu'il m'a parlé de toé pis m'a dit que t'étais... woaf, t'étais, t'étais pas mal hot dans lit. Tu faisais la toupis québécoise pis la brouette. Il y a à peu près une fille sur cent qui fait ça au Québec, fait que, c'est pour ça que j'aimerais ben sortir avec toi à soir.

CS : Ben, tu y goûteras pas là parce que j't'avec mon chum.

PL : C'est qui ton, ouf ! le gros là ? 'Garde, pas une grosse affaire ça là là.

Chum : Âllo?

PL : C'est qui ça?

Chum : C'est moé là. Qu'est-ce tu veux toé? [Fille ricane en arrière.]

PL : Ben là, je veux parler à ta blonde, c'pas à toé là.

Chum : Ouais, qu'est-ce que tu veux y dire à ma blonde?

PL : Ben je veux sortir avec à soir parce que tu fais pas le poids là toi.

Chum : J'fais pas le poids! Qu'est-ce que tu fais toé? T'as-tu un problème?

PL : Hein?

Chum : T'as-tu as un problème?

PL : Mon problème c'est des gars comme toi qui profitent de belles filles comme elle, c'est ça mon problème.

Chum : Va donc chier, toé. [On entend la blonde en arrière-plan qui dit quelque chose.]

PL : Whoa whoa, tu vas rester poli hein.

Chum : Va donc te faire foutre, toé.

PL : [rit] Hey, salut Luc, comment ça va?

Chum : C'est qui ça?

PL : Ben, passe moi là, je vais y dire c'est qui.

Chum : C'est qui?

Cindy : Bruno Bay.

PL : C'est Bruno Bay de la radio CIKI qui vous souhaite bonne fête et en particulier un joyeux dix-huitième anniversaire à « C ».

Chum : Oh ciboire. [PL et le chum rient.]

CS : C'est quoi la farce?

Chum : C'est CIKI.

CS : [rit] Ta gueule! Oh non!

Chum : C'est ta fête.

PL : Ah pas de trouble, eh? Je suis désolé le vieux.

Chum : Y'a rien là.

PL : Okay.

CS : Ça pas passé à radio ça, eh ? Parce que moi j'veux pas... [Elle rit].

PL : Salut mon cœur. Bye.

CS : Ah non! Bye bye. [Elle rit]

ANNEXE B
à
CIKI-FM re farce sur Tout le monde debout (Décision du CCNR 02/03-0358, 17 juillet 2003)

La plainte

La plainte suivante en date du 28 novembre 2002 a été envoyée au CRTC et acheminée au CCNR :

Radio CIKI-FM 98,7 Émission : le 6 à 9, *Tout le monde debout*. Animateur : Patrick Lavoie

Émission du 14 novembre 2002, vers 8h15.

La plainte concerne la partie de l'émission où l'animateur téléphone à un auditeur pour lui faire une blague à l'occasion de son anniversaire. Le nom complet, l'âge et le lieu de résidence de cette personne est clairement donné en ondes. D'ailleurs, les victimes de ces blagues peuvent-elles refuser que ce soit diffusé ? L'animateur doit-il avoir une autorisation quelconque de leur part ? Ces blagues sont, à mon avis, souvent irrespectueuses mais celle du 14 novembre 2002 m'a interpellé particulièrement.

Le contexte : C'est l'anniversaire d'une jeune fille (18 ans) qui demeure aux Résidences du Cégep de Rimouski. Une amie a envoyé ses coordonnées à CIKI en disant que ses voisins de chambre se plaignent parfois du bruit excessif qu'elle ferait.

La blague : Je n'ai malheureusement pas tous les propos exacts de l'animateur (il semble impossible d'avoir une copie de l'enregistrement selon la réceptionniste de la station) mais ceux-ci étaient déplacés à connotation sexuelle.

L'animateur lui dit, entre autres, qu'ils ne se connaissent pas mais qu'il veut sortir avec elle ce soir. « Je t'entends rire aux Résidences, j'ai l'impression de te connaître depuis toujours. J' imagine ce que ça doit être quand tu cris... Tu pourrais peut-être me soulager un peu ?! » La jeune fille raccroche. L'animateur rappelle et continue. « Y paraît que tu es quelque chose dans un lit », etc. etc. À un moment le « chum » de la jeune prend le téléphone et l'animateur se met à l'injurier. Enfin bref, je considère cette « blague » de très très mauvais goût, à la limite de la légalité d'ailleurs puisque ça pourrait être considéré comme du harcèlement sexuel mais comme ce n'est qu'une supposée blague...

On imagine facilement ce que cette jeune fille a dû vivre ce jour là au Cégep, en plus d'avoir été humiliée en ondes. D'autant plus que ce poste de radio est très écouté par les jeunes, il y en a sûrement qui lui en ont fait entendre de toutes les couleurs ! L'effet pervers de ce type de blague c'est sa portée sociale. Certaines personnes ont pu penser : « si l'animateur de CIKI peut faire ça, je peux le faire aussi pis c'est bien drôle » mais pour qui ? Sûrement pas pour la victime !

L'objectif de ma plainte n'est pas que cet animateur se fasse réprimander (quoi que ...) mais que la station de radio se dote d'un certain code d'éthique guidé par le gros bon sens. Sommes-nous obligés de manquer carrément de respect, d'humilier, de harceler les auditeurs pour que ce soit drôle ? Ne pouvons nous pas respecter certaines limites dans la teneur des propos diffusés en ondes ? Les animateurs de radios populaires comme CIKI représentent des modèles pour nos jeunes, c'est une responsabilité sociale qu'ils semblent oublier.

La réponse du radiotélédiffuseur

Le Directeur de la programmation et des promotions de CIKI-FM a répondu à la plaignante le 9 décembre :

Nous avons reçu une copie de votre plainte du Conseil canadien des normes de la radiotélévision concernant une blague de l'animateur Patrick Lavoie, lors de son émission du 14 novembre dernier.

D'abord, nous devons vous mentionner que les scénarios et informations que nous utilisons proviennent dans la majorité, sinon la totalité des cas, de personnes de l'entourage des gens qui célèbrent leur anniversaire; frères, soeurs, parents, amis ou autres. Aussi, en aucun temps, ces réveillons-anniversaires ont pour objectif de détruire la réputation d'une personne mais bien de saluer d'une façon différente son anniversaire par l'entremise d'une blague montée de toute pièce par ses proches via les informations qu'ils nous livrent. C'est d'abord et avant tout une blague; notre auditoire y est habitué, car c'est à ce genre de blagues qu'il s'attend chaque matin.

Nous demeurons toujours dans les limites du respectable et ce réveil-anniversaire ne fait pas exception. Les personnes impliquées lors de ce réveil particulier n'ont pas réagi négativement.

Par contre, suite à votre plainte, nous avons rencontré l'animateur afin de fixer des limites au vocabulaire à utiliser lors des prochains réveillons-anniversaires. Nous lui avons fait part aussi de notre politique en matière de propos à caractère raciste, sexuel et autres.

Soyez assurée, xxx, que nous portons toujours une attention particulière aux réactions de notre auditoire.

Espérant le tout à votre entière satisfaction.

Correspondance additionnelle

La plaignante a rendu sa Demande de décision le 20 décembre accompagné de la lettre suivante :

Monsieur, Madame

Dans un premier temps j'aimerais porter à votre attention que la plainte que j'ai déposée l'a été en mon nom personnel en tant que citoyenne et auditrice [...]

J'ai bien reçu la réponse à ma plainte formulée le 28 novembre 2002 concernant l'émission de « 6 à 9, Tout le monde debout » du 14 novembre 2002 diffusée par la station de radio CIKI.

Je tiens d'abord à vous informer que la réponse à ma plainte écrite par xxx, directeur de la programmation et des promotions, n'apporte pas tous les éléments de réponse auxquels je m'attendais. La réponse transmise ne me satisfaisant pas, je me vois dans l'obligation de vous demander de poursuivre votre étude du dossier tel que prévu dans la démarche du CCNR

Par ailleurs, afin de vous donner plus d'informations sur la non recevabilité de la réponse de xxx, je vous transmets ici les points qui m'apparaissent essentiels à considérer lors de l'analyse.

Dans ma plainte je fait mention que les éléments transmis par les amies de la personne interpellée concernent le bruit excessif qu'elle ferait dans la résidence où elle habite. À mon avis, et vous aurez l'occasion de le vérifier lors de votre écoute de l'émission en cause, les propos tenus par l'animateur ne concerne pas le bruit qu'elle fait mais bien ses performances sexuelles et celles de son « chum ». Nous soulignons que non seulement il fait allusion aux performances sexuelles mais il demande aussi à la jeune fille de « satisfaire quelques besoins ». Ne pouvons-nous pas parler ici de harcèlement sexuel ?? À mon avis, oui.

Lorsque xxx parle de « blagues » et que son auditoire y est habitué, il semble oublier que tous les propos ne sont pas nécessairement drôles et qu'il y a là un manque de respect de son auditoire. Faut-il rappeler que dans la même période où nous avons émis une plainte, Monsieur Lavoie, animateur, faisait référence à de nombreuses reprises à des actes sexuels en utilisant des termes tels : « forer sa mine » ou encore « faire un abat ». De plus, il mentionne en onde que lorsqu'il a moins de temps pour se préparer pour une de ses fameuses « blagues » il utilise le personnage « pervers de service ». Cette appellation nous démontre assez clairement le type d'intervention radiophonique souhaitée par Monsieur Lavoie.

Dans la réponse de xxx, il précise ce qui suit; « nous demeurons toujours dans les limites du respectable ». À mon avis , il serait important de tracer la frontière entre ce qui est respectable et ce qui ne l'est pas. Lorsque l'on parle de limite, il est important d'avoir « un cadre » qui fixe lesdites limites dans le respect de l'ensemble des individus. Peut-être pourrait-il se référer au code de déontologie de l'Association canadienne des radiodiffuseurs pour définir ce que sont, entre autres, les propos sur les stéréotypes sexuels.

Lorsque xxx nous répond qu'en aucun temps, les réveils anniversaires ont pour objectif de détruire la réputation d'une personne, il m'apparaît ne pas être conscient de la portée du message diffusé sur les ondes. À mon avis, apporter des commentaires concernant les performances sexuelles de quelqu'un du genre; « Y paraît que tu es quelque chose dans un lit » peut entacher sa réputation et risque de lui causer problèmes quand on pousse l'odieux jusqu'à diffuser les coordonnées de cette même personne en ondes !

Je crois que xxx n'est pas suffisamment conscient de la portée des paroles et des propos tenus en ondes dans le cadre de l'émission en cause et c'est pourquoi je considère la réponse de ce dernier comme insatisfaisante et incomplète.

Est-il nécessaire de rappeler que depuis des années des groupes sociaux travaillent à défaire des mythes et des préjugés à l'égard des femmes. Des campagnes de sensibilisation sont initiées par différents mouvements sociaux, par des groupes de femmes, par les gouvernements pour améliorer les rapports entre les hommes et les femmes et plus particulièrement en ce qui concerne les jeunes. Les propos dont nous parlons ici nous ramènent loin en arrière et ont un impact certains chez les femmes qui en sont la cible. En effet, des propos tels ceux tenus lors de cette émission matinale ont pour effet de renforcer les mythes entourant les agressions sexuelles. Ces propos font en sorte de banaliser les conséquences du harcèlement sexuel que subissent bon nombre de femmes. En réécoutant attentivement la bande sonore de l'émission en question vous serez certainement à même de constater la crainte vécue par la jeune victime de cette « blague » radiophonique !!!

Je souhaite que ces informations vous permettrons de mieux saisir la portée des propos tenus dans le cadre de votre émission du matin et j'ose espérer que vous y apporterez les

correctifs nécessaires. Nous souhaitons que dorénavant les stations de radios et plus particulièrement celles qui s'adressent aux jeunes portent une attention particulière aux problèmes sociaux et qu'elles tiendront compte des facteurs d'influence dans les messages qu'elles diffusent.

En attente d'une réponse satisfaisante à la présente, je vous prie de recevoir mes meilleurs salutations.