
**CANADIAN BROADCAST STANDARDS COUNCIL
BRITISH COLUMBIA REGIONAL PANEL**

CKNW-AM re an episode of *Adler on Line*

(CBSC File 05/06-0539)

Decided May 9, 2006

M. Loh (Chair *ad hoc*), G. Leighton, F. Riahi, J. Rysavy, M. Singh, S. Warren

THE FACTS

On weekdays, CKNW (Vancouver) broadcasts *Adler on Line*, an open-line radio program. On October 18, from 2:00 to 3:00 pm, the topic of *Adler on Line* was the British Columbia teachers' strike that was occurring at the time. A transcript of the full segment of the episode dealing with that strike can be found in Appendix A. Since it is quite long, only the most relevant parts are reproduced at this point in the decision.

Adler: The Canadian Taxpayers Federation has announced that it is coordinating a class-action suit against the union, the British Columbia Teachers Federation. Sara MacIntyre is the regional director in B.C. of the CTF. Their website is taxpayer.com, the Canadian Taxpayers Federation. Hi Sara.

MacIntyre: Hi Charles. Thanks for having me on.

Adler: Suing the union?

MacIntyre: You bet.

Adler: Make the case.

MacIntyre: Well, uh, BCTF once again, uh, out on, uh, an illegal strike. Parents are left scrambling trying to find daycare costs. Individuals are losing, uh, income and wages because they're missing work looking after their kids. And, you know, the BCTF needs to have a message sent to it. Um, you know, parents and, and students aren't pawns to be used in, uh, collective agreements.

Adler: Are you suggesting that the courts cannot do the job and so CTF has to move in?

MacIntyre: No, I mean, that avenue is available for the government to, to, uh, you know, uh, use the courts as an avenue to, uh, impose daily fines for the BCTF for each strike, illegal striking day. But there needs to be an avenue for individual, um, British Columbians to hold public sector unions accountable. I mean, they're the ones that feel the pinch when they, teachers decide to stay out on the line, to defy the law and, and to act illegally.

[...]

Adler: This is, uh, Brent with Sara MacIntyre who's the B.C. Director of Canadian Taxpayers Federation. Hi Brent.

Brent: Hi, how are ya?

Adler: What do you think?

Brent: I, I think, quite frankly, the lawsuit is a little bit ludicrous. And I appreciate the frustration some parents must be feeling at this, uh, illegal job action by teachers. But my question to, uh, her – Sara, I think you said her name was – would be, how do we hold the government accountable? She said in one of her sentences that the people, the B.C., the people of B.C. have to be able to hold the BCTF accountable. And my question is how do we hold the government accountable?

Adler: Let, let me ask you a question just before you ask the question. Is that okay?

Brent: Sure. Yeah.

Adler: Okay, okay, 'cause the premise to me is interesting. Uh, is the government violating the law here?

Brent: Well, that, that's, morally I believe they are. That's an interesting argument.

Adler: "Mora-", hang, hang on. "Morally" they're, they're avoiding the law? You're not a teacher yourself, are you?

Brent: Of course I am.

Adler: I, I'd hate to think that you're teaching any of my kids. "Morally" they're violating the law?

Brent: Well, you know what? My, my –

Adler: What does that mean, Brent?

Brent: Pardon me?

Adler: What does that mean, Brent?

Brent: What that means is that the government knew this was coming down the pipe and they just rushed through it, legisla-. They make the law and I, I've gotta

believe that 42 thousand or 38 thousand, or what ever number is bantered around, of teachers *believe* that this law, that the Bill 12 they've done is incorrect.

Adler: So if you don't believe a law is good, you're violating it morally and therefore, uh, that's just the same as, as violating the actual law?

Brent: No. I think, I think you are, well, you mentioned your children, me teaching them, and I will say this to you: I understand your point of view, but my point is that I am –

Adler: Quit, quit, quit patronizing me with "I appreciate this" and "I understand that". Speak to the point. Either you're violating the law or you're not.

Brent: Wh-

Adler: Like, be a man, Brent.

Brent: [laughs] We're obviously violating the law, but I think sometimes –

Adler: Thank you.

Brent: If, if you're so caught up on that –

Adler: Oh, oh, I'm sorry that I'm caught up in the rule of law. I apologize.

Brent: Well –

Adler: I apologize for that.

Brent: That's sad that you –

Adler: All right, I know, I know it's sad that I don't agree with you. [affects mock lisp] "That's so sad and I empathize and I'm so sad". Hang on. Let me just get you on with Sara MacIntyre and the two of you can, can talk. Go, go ahead and ask your question of Sara about accountability of government and I'll just listen to you.

Brent: Yeah, exactly. How do we hold accountable, how do we hold a government accountable when they pass a bill that a lot of people don't agree with?

MacIntyre: Well, Brent, you know, we had that opportunity May seventeenth when we had a general election here in the province.

Brent: But that bill –

MacIntyre: Um, you know, that, that's, that exactly speaks to the issue: Who is running this province? Is it Jinny Sims or is it an elected government? And not only that, I mean, when you violate a law, okay you may disagree with it, but, you know, you're discussing it and comparing it as an unjust law and to the, to the works of Rosa Parks and Nelson Mandela like your leader Jinny Sims has.

Brent: I didn't say that. I don't agree with that.

MacIntyre: It's absolutely ludicrous.

Brent: I would agree with you. But my question, you still haven't answered my question. How do we hold the government accountable? Now, the Bill 12 –

Adler: Hang on, she did! Hang on, Brent! She answered!

Brent: The bill, the bill –

Adler: Brent, she answered! Brent, she answered!

Brent: The bill did not exist –

Adler: Brent, are you stupid?! She answered your question! She said you have an election! Do you understand what an election is?! Do you understand what democracy is?! Do you understand what the rule of law is?! I'd like to sue your pants off! If you're teaching anybody! Because if you're teaching kids that it makes no difference whether you violate the law, if you're teaching kids that when Sara MacIntyre says, yes, you hold a government accountable in a democracy with elections, if you're teaching your kids that elections don't matter, that democracy doesn't matter, that the law doesn't matter, then I'm sorry, Brent, *you* don't matter! You are the problem, Brent! And the fact that you say, "Well, I kinda, kinda agree that, I kinda agree that the union leader maybe shouldn't've said Sara Parks or Rosa Parks". That's not the issue, Brent. This is really serious. You owe your students, not only showing up in the classroom, you owe them more than that. You owe them the truth. And if this is the nonsense that you're giving them when you're in the classroom, from *my* perspective, little old me, I hope you never go back to the classroom! Now I'm gonna take a brief break here, have a glass of water and return at 800-665-2202. Because my fundamental question at this point is, Who misses Brent? And why should we miss him?

[...]

Brandy [a teacher]: In my classroom right now, in my classroom, I have 29 students and I do not have any social studies text books. I have to photocopy everything for those 29 students because I have no text books.

Adler: Brandy. Brandy.

Brandy: I have kids sharing a desk.

Adler: Brandy, I'm not saying that you don't have points, I'm saying that in, in order to resolve all your points, it would take so much time, that what you're essentially saying is that from now until time immemorial the schools'll be shut down. That's why we have judges and laws. Because we can't have you staying out forever.

Brandy: So I'm just expected to work under these conditions and I'm expected – ?

Adler: Right, you are! And if you don't want, and if you don't want to work, somebody else ought to have the opportunity to work, Brandy.

Brandy: You know what?! I, I, I invite anybody to come into my classroom at any time and try to meet the prescribed learning outcomes and to try to do the job that I try to do every single day.

Adler: Well, I, I –

Brandy: I invite anybody to come in and try –

Adler: I ask you to go, I ask you to go to your classroom and invite as many people. You have moral authority, by asking people to come into your classroom, if you go in. But if you're not going into your classroom, the idea that other people will be invited into your classroom is another hollow union talking point.

[...]

Adler: *Adler on Line* on the Corus radio network. You can log on to CharlesAdler.com. We're gettin' lots of e-mail on this teacher business, pro and con. Hi Braeden.

Braeden: Hi. I, I really think that this lawsuit is, is quite ridiculous. I think a better, uh, a better spending of the Taxpayers Federation time would be, uh, really focussing its efforts on, on trying to get teachers, uh, back into the classroom. And, unfortunately, I think the way both the government and the Teachers Federation have painted themselves into a pretty tight corner here, the best way to do that would be for the, the government to swallow its pride and, and get to the negotiating table. I'm not a teacher. I am a recent graduate of the system, though, and I realize that there's some valid concerns. And the best value for the taxpayer here and for the voter, that, yes, they did elect, uh, the B.C. government, but they would get the best value for their vote and for their dollar if, I think, the government swallowed its pride and got some action here.

Adler: You think the government has to swallow its pride. Wh-, what about credibility here? Is it credible to stay out of the classroom and to try to maintain that you've got some kind of moral superiority over Taxpayers Federation, uh, media, the government, anybody?

Braeden: Certainly over the Taxpayers Federation, uh, –

Adler: Really?

Braeden: Not necessa-, maybe not over the government.

Adler: Mm hm.

Braeden: As you've mentioned.

Adler: See, I think, I think, I think when you stay out, you're a loser. That's all. When you stay out, basically you're saying that the law doesn't matter. If the law doesn't matter, who cares about anything else you have to say? It's, it's a credibility issue. ... Ya, ya hear where I'm comin' from?

Braeden: I, I absolutely hear where you're coming from.

Adler: It's like, it's like the teacher who said, it's like the teacher who said, "I want people to come into my classroom". Well, fine, go back into the classroom and then you can invite people in.

Braeden: Yes, and, but, see, what we have to remember is we can't, you have to look at this holistically. And I think the problem is we're not doing that,

especially in British Columbia. And, yes, of course the teachers should get to work. But there's such a mistrust issue that they know that if they do they probably won't get –

Adler: You know what, Braeden? Oftentimes I've worked at places where I didn't trust my boss.

Braeden: And that's unfortunate –

Adler: But I still had to, but I still had to –

Braeden: I'm sorry you had that –

Adler: It doesn't, but it doesn't matter – !

Braeden: – very bad experience for teachers as well –

Adler: Braeden, Braeden, life isn't fair!

Braeden: No, no, I'm very sorry it hasn't been for you.

Adler: Oh man, are you ever *stupid*. I'm sorry, I've gotta tell you that. And I've gotta tell some of the teachers that. I mean, sometimes I can't tell the difference. Like, who's the teacher and who's the nine-year old here? Life isn't fair! Life sucks. And there have been times in my life when life sucked, but I still showed up. If you don't even show up, what does that make you? Some kind of moral hero? What, 'cause you're walkin' around with a sign? 'Cause you're calling a talk show when you oughta be in class? Yeah, you're a big hero.

[...]

Rick: What, what I wanted to ask is, um, you're a journalist, uh, I posed this to another fellow. If, if you get the story of the decade based on protecting your source, um, and you wound up in a court, with the judge saying "I must know your source, sir", what would you –

Adler: Oh man. You ought to get a life and get a job man.

The following complaint was sent to the CRTC on October 18, 2005 and was forwarded to the CBSC in due course (the full text of all correspondence can be found in Appendix B):

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? [...]

On November 15, the Program Director of CKNW replied, in part as follows:

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.

[...]

The complainant, dissatisfied by the response, returned his Ruling Request on November 28 and supplemented it with the following comments:

You seem to recognize that my complaint is about the verbal abuse of callers to the Adler show as laid out in my email of Oct. 18th. However, you seem to have sent me a response of two full pages of boilerplate, which allowed you to dance around the specific issue of verbal abuse. By definition (see below), Mr. Adler DID abuse the callers on the date and time in question, compounding this abuse, not with “animation” as might be associated with Bugs Bunny, but with loud shouting in an angry, bullying voice in order to discredit and perhaps intimidate and humiliate the callers! How your letter could imply that this type of anti-social behaviour by one of your talk show hosts is somehow within the limits of “intelligent programming” is not only ridiculous but offensive to the sensibilities of anyone living in a civilized society.

Verbal abuse: definitions:

insulting or coarse language:

the use of foul language, obscenities or demeaning talk directed at another

Outside of private talk radio, I cannot find another sector of society that excuses verbal abuse accompanied with angry, intimidating shouting, especially when the environment muzzles one of the parties (caller) and gives free rein to the other (host). Verbal abuse is not acceptable in the home, not acceptable in the workplace, not acceptable in other businesses that deal with customers and not even acceptable on the street between strangers. Family abuse statistics commonly lump verbal abuse in with physical abuse. If for no other reason, it is in the best interest of society to condemn verbal abuse because it is often clear provocation for physical abuse. We certainly don't want to go there, now do we?

On the date and time in question Mr. Adler DID verbally abuse callers by shouting them down, shouting over their comments and calling them a derogatory name i.e. STUPID. That is my complaint. Since your previous response did not deal specifically with my complaint, I would like you to answer the following questions directly and to the point, in layman's terms:

1. Does CKNW support verbal abuse of callers to talk shows? YES or NO?

If YES to 1., to level the playing field, will CKNW talk show hosts be clearly instructed not to cut off or otherwise interfere with callers should they engage in similar demeaning, offensive labeling of talk show hosts? YES or NO?

If NO to 1., please advise Mr. Adler that his behaviour is not acceptable, at least to this member of what you call "the marketplace" and I will continue to complain.

2. Does the Corus network have a policy of verbal abuse by their talk show hosts?

And, if we can get the CBSC to respond to the following:

3. Does the CBSC have a specific policy on verbal abuse by media talk show hosts?

CKNW was not obligated to respond a second time to the complainant and did not do so. The CBSC responded to the complainant, indicating that it would be reviewing his file within six months. At the same time, it provided 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 DECISION

The B.C. Regional Panel examined the complaint under the following provision of the Canadian Association of Broadcasters' (CAB) *Code of Ethics*:

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.

The Adjudicators examined all of the correspondence and listened to a dub of the logger tape of the pertinent part of the segment of that day's episode. The Panel has concluded that the broadcaster was not in breach of the foregoing clause.

The Nature and Limits of Open-Line Programming

The CBSC has long supported the principles of open-line radio programming enunciated in its decision in *CKTB-AM re The John Michael Show* (CBSC Decision 92/93-0170, February 15, 1994), where the Ontario Regional Panel stated that

open line programs are a vital part of Canadian broadcasting. They present an opportunity for lively public discussion. They are timely. They are, one might justifiably observe, an *essential* home of public debate in a free democracy. They are also a locus for the expression of conflicting passions, which make for exciting radio. [...] [The CBSC] is acutely conscious of the fact that open line radio does not come to the public without certain countervailing impediments and restrictions. Freedom of expression in Canada, as guaranteed in Section 2(b) of the *Canadian Charter of Rights and Freedoms* is not without limitations (see Section 1 of the *Charter*). Freedom of expression in "the use of radio frequencies, which are public property and limited in number by the radio spectrum [is] subject to the requirement for programming of high standard." (See Decision CRTC 90-772, at p. 6.) It is that delicate role of weighing freedom and restriction, lively debate and imperturbable responsibility, which the host must play and which, when offence is declared by a listener, the CBSC must judge.

In *CFRA-AM re The Lowell Green Show ("New World Order")* (CBSC Decision 95/96-0012, April 30, 1996), the Ontario Regional Panel spoke of the similarity of modern talk radio to the basic central city square notion of ancient Athenian democracy. In that decision, the Panel also considered it appropriate to distinguish the various types of open-line programs available in the broadcast media, drawing those distinctions on the basis, principally, of the structure of the show and the style of the host. On this subject, the Panel said:

Talk shows do not, however, come in a single flavour. They may indeed not be easily pigeon-holed into a small number of categories, although they may be said to range from the type in which the audience plays the largest role (and the host the smallest) to that in which the host plays the largest role (and the audience the smallest). Generally speaking, the goal of the host of the former type will be to define the subject and encourage *callers* to address that theme as articulately and effectively as possible. The host will in a sense be more of a moderator and, while undoubtedly provocative from time to time, is not likely to be argumentative. It is a "public forum" in the best sense of the term.

In programs of the latter type, the host is less of a moderator and more of a participant. He or she is likelier to be argumentative. The views and opinions of the host become or are the focal point of the program; the callers merely provide a launch pad for more theatrical or aggressive antics on the part of the host. It is less "public forum" than "public theatre".

In that analysis, the Panel was not opening the door to *any* approach to callers by the host; it was only categorizing them. There are always, after all, limits to the possible approaches in the form of duties and responsibilities on the part of the broadcaster and,

wherever the open line program falls on the [above-referenced] spectrum, it remains the broadcaster's responsibility to guarantee the "full, fair and proper presentation of news, opinion, editorial and comment" as provided in [...] Clause 6 of the *CAB Code of Ethics*. No one style of host has more licence than another to abuse guests or callers. No one type of host is entitled to ignore the broadcaster's duty to ensure "full, fair and proper presentation".

In *CKTB-AM re the John Michael Show (Middle East Commentary)* (CBSC Decision 01/02-0651, June 7, 2002), the Ontario Panel further refined its position on the role of the host.

The constant central figure does not simply play the role of referee, gingerly guiding the callers around the electronic forum into which they have stepped. The verb which is the root of the French word for host, "animer", gives a far better sense of the role of such a talk radio host. It is to breathe life into, to communicate ardour, energy, enthusiasm, excitement, passion, to lead, to inspire. Passions invite countervailing passions. Emotion begets emotion. Disagreement and unpleasantness are not strangers to the electronic forum. It is here that more care must be exercised by the host. While he and his callers are entitled to express opinions, it cannot be forgotten that not all opinions are equal. The holder of the microphone and the related electronic controls has a distinct advantage, which must not be exercised irresponsibly. At its best, talk radio must not be arbitrary or a one-way street. Skilled practitioners of the art must be deft, not brutal.

It follows from the previous section of this decision that the Panel considers that the value of *dialogue* is important. The Panel clearly accepts that some rough-and-tumble on the airwaves is acceptable but it expects that the value and virtue of open line radio is that it truly serves as a marketplace of ideas. Thus, the excessive putting down of individuals or the threats to render half of the electronic boulevard of talk radio inaccessible to a caller by cranking down his or her input to inaudible levels exceeds the bounds of fairness. The foregoing being said, the host is naturally entitled to such mechanisms in the case of obnoxious or unreasonable callers who themselves leave little room on that same boulevard for the host to participate. As noted above, deftness, not brutality, should be the key. Clever argument should be the host's best tool, not the closing of access to persons who do not merit such cavalier treatment.

How Far Can a Host Go?

As suggested in the second *John Michael* decision, there is also another issue that occasionally arises on talk shows, namely, the treatment of guests or callers to the program. While, as noted there, "disagreement and unpleasantness are not strangers to the electronic forum," there must also be limitations to how far the host can go. Occasionally, for example, hosts have cut off callers, to the consternation of either the callers themselves or other listeners. This will

generally be a question of judgment left for the broadcaster or its host to assess. Where, on one occasion, the host appeared to cut someone off on religious grounds, within ten words after the caller had identified herself as a Christian, the Panel considered that the broadcaster had gone too far and

had not only infringed her freedom of expression, but had also precluded the “free flowing expression of views of public concern” deemed essential to this type of programming.

On a couple of other occasions, hosts have directly insulted callers. Where, for example, in *CJRC-AM re an interview by Daniel Séguin on L’Outaouais ce matin* (CBSC Decisions 03/04-2082 & 04/05-0023, April 4, 2005), the host had used the French expression “envoyer chier” [approximate English translation “fuck off”] during an interview on a morning radio program, to a guest, the Quebec Regional Panel considered that the host had gone too far.

Although his attack was harsh, [the host] Séguin’s target [the then owner of radio station CHOI-FM] was both present and a practitioner of the art of giving little or no quarter. In the match-up, it is clear that Daniel Séguin was faring well and had the upper hand. It is particularly for this reason that the Quebec Panel does not understand why the host descended from the relatively high road to the level of a personal attack using the expressions “[translation] I was really looking forward to [...] telling you literally to fuck off” and “[translation] And it’s my turn to tell you to fuck off Mr. Demers, and I do so with pleasure this morning.” In the entire dialogue, it is here and only here that the Quebec Panel takes issue with the broadcast of that morning. The Panel considers that the use of the two foregoing expressions was overkill and, in terms of the broadcaster’s ethical obligations, unduly coarse and offensive, on the one hand, and improper, on the other. The Panel recognizes fully that Daniel Séguin wished to give Patrice Demers some of his station’s own medicine but this Panel did not find similar language acceptable in *CHOI-FM re Le monde parallèle de Jeff Fillion* (CBSC Decision 02/03-0115, July 17, 2003) and it does not find it acceptable in the present case. It considers the use of the coarse and offensive language cited in this paragraph in breach of Clause 9 of the *CAB Code of Ethics*. It also considers that the use of such aggressive language to insult his invited guest was improper and in breach of Clause 6 of the Code.

Similarly, in *CJMF-FM re an interview on Bouchard en parle* (CBSC Decision 04/05-1852, February 3, 2006), the host of a morning show conducted a telephone interview with the Vice-President of the Quebec Association of Friends of Cuba about festivities the Association was holding in Quebec in celebration of Cuban National Day. The host strayed from that topic to challenge his guest on aspects of Cuba’s political system. A heated debate ensued, with the guest making some negative personal comments about Bouchard. Bouchard responded by calling his guest a “chien sale” [approximate English translation: “dirty bastard”] and variations thereof. The Panel considered that that language was in breach of the Code.

The host of a show inevitably wields the power of the microphone. It is a mighty power. With very rare exception, the broadcaster has a disproportionate advantage over the caller. Knowing this, skilled and considerate hosts ought not

to exercise that advantage unfairly or improperly. The reasonable outside observer expects that they will be good with words and argument, and experienced enough to maintain their cool despite occasional setbacks with callers. They ought, in other words, to be deft and relatively unflappable. They ought to be able to so moderate their method, style, tone and language that they will not succumb to even the poor exercise of those very skills on the part of a caller or callers.

[...]

Sylvain Bouchard had insulted the caller directly and personally by saying “You are so twisted, you little bastard. You are such a bastard.” The subsequent comments cited immediately above were, in a sense, the icing on the cake. The host had already classified the Vice-President of the Quebec branch of the Friends of Cuba as a “bastard”; he now accorded himself the opportunity of expressing that thought in other ways.

In the matter at hand, Charles Adler expressed a point of view on the B.C. teachers’ strike that could be characterized, applying a measure of British understatement, as unequivocal and aggressive. Fair enough. The host is also undeniably clever. His stated belief in the rule of law and clear disdain for strikers disregarding the Legislative Assembly’s back-to-work legislation were forcefully put. The Panel is, however, at a loss to understand why he descended to the level of *personal* insult, using words like “stupid” to characterize Brent and Braeden. Was it better to say “Brent, are you stupid?! She answered your question” than to say, for example, “Brent, did you not listen to Sara MacIntyre? She answered your question”? Adler could have characterized *ideas* as stupid but *people*? No need. Not right. It was, in the Panel’s view, unnecessary to pander to the bleachers. It is fine to disagree with the callers and to argue with them but to be rude and insulting to them to that extent was unnecessary. The deft gave way to the blunt. On balance, the Panel concludes that the broadcast came close to the edge but did not, on this occasion, go over it. While the Panel does not find that those insults constituted a breach of Clause 6 of the Code, it does regret that they were used.

Broadcaster Responsiveness

The CBSC always assesses the broadcaster’s responsiveness to the complainant, which is a responsibility of membership in the Council. It expects that response to be thoughtful and focussed on the substance of the complaint. In the matter at hand, the Panel considers that the response of the Program Director constitutes a sufficient reply to fulfill CKNW’s obligation of responsiveness on this occasion.

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

APPENDIX A

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

On October 18, from 2:00 to 3:00 pm, the topic of CKNW's *Adler on Line* open-line radio program was the British Columbia teachers' strike that was occurring at the time. The following is a transcript of that portion of the program.

- audio clip from news report on teachers' strike

Adler: The Canadian Taxpayers Federation has announced that it is coordinating a class-action suit against the union, the British Columbia Teachers Federation. Sara MacIntyre is the regional director in B.C. of the CTF. Their website is taxpayer.com, the Canadian Taxpayers Federation. Hi Sara.

MacIntyre: Hi Charles. Thanks for having me on.

Adler: Suing the union?

MacIntyre: You bet.

Adler: Make the case.

MacIntyre: Well, uh, BCTF once again, uh, out on, uh, an illegal strike. Parents are left scrambling trying to find daycare costs. Individuals are losing, uh, income and wages because they're missing work looking after their kids. And, you know, the BCTF needs to have a message sent to it. Um, you know, parents and, and students aren't pawns to be used in, uh, collective agreements.

Adler: Are you suggesting that the courts cannot do the job and so CTF has to move in?

MacIntyre: No, I mean, that avenue is available for the government to, to, uh, you know, uh, use the courts as an avenue to, uh, impose daily fines for the BCTF for each strike, illegal striking day. But there needs to be an avenue for individual, um, British Columbians to hold public sector unions accountable. I mean, they're the ones that feel the pinch when they, teachers decide to stay out on the line, to defy the law and, and to act illegally.

Adler: 800-665-2202, that's the number. I want you to use that number to tell me whether or not you'd want to either participate in the class-action suit against the union, whether or not you feel that the Canadian Taxpayers Federation is doing the right thing here. 800-665-2202.

Now, uh, the Canadian Taxpayers Federation has sued entities before. If you could just give me a quick list, Sara MacIntyre, of what your organization has done and whether it's ever accomplished anything in, in these lawsuits.

MacIntyre: Well just last year we had the hospital employees union went out on a illegal strike as well in the province and shut down our, our hospitals and clinics. And we also offered to act as a, a conduit or a clearing house for impacted patients to move forward with a class-action suit. Um, in order to do that in any labour dispute you have to use, uh, the *Labour Relations Code*. So what we had to do first off was get a ruling from the Labour Relations Board that the strike was illegal. We have since got that ruling and it's cleared the

way for, uh, court action in order to have a certification hearing. And it's the first of its kind in British Columbia. Um, so all of the heavy lifting with respect to, uh, suing a union for illegal striking has been done. Um, so we expect that the BCTF, uh, action should proceed pretty smoothly.

Adler: So you're expecting that you're gonna be able to, at some point, ratchet money out of the union, to essentially penalize them for what they're doing right now?

MacIntyre: Well, it's, it's not simply penalizing them, but it's also making sure that individuals are, are able to recover the costs that they're incurring as a result of the BCTF's illegal actions. So, the, the actual amounts or the compensation will be basically for, for anything, uh, any costs incurred from parents or, you know, individuals that have lost days of work because they've been at home looking after their kids instead of their kids being in school.

Adler: Now, is there any way that you could tell a parent right now what kind of cheque they could expect in the mail if and when such a class-action suit, uh, goes through the, uh, pipeline of the court system and emerges at the other end a year or two or three years down the road? Is there any way that you could put a ball-park estimate on that?

MacIntyre: I, I, I, I, I'd hesitate to do that, Charles, simply because I don't want to put out false promises there, but basically what we're looking for is for individuals that have, uh, had to lay out additional coin because the BCTF has been striking illegally, to get that money back. So if you've had additional daycare costs of, you know, let's say two hundred dollars a week, then that's the type of, uh, money, uh, that's the type of compensation that you'll be trying to recover from the BCTF in a class-action suit.

Adler: I'll go to the phones in seconds at 800-665-2202. And if you want to log on to CharlesAdler.com, you can e-mail me by just clicking on "Contact Him" on CharlesAdler.com. But here's the question. What do people do if they want to sign up for this class-action suit? Do they log on to your website or is there a phone number?

MacIntyre: Uh, they log on to the website, taxpayer.com, and there's, uh, right on the main page, uh, there's a link that they just fill out a form with their contact information and then they also explain what costs that they're like, look, that they've incurred and that they're looking to recover.

Adler: This is, uh, Brent with Sara MacIntyre who's the B.C. Director of Canadian Taxpayers Federation. Hi Brent.

Brent: Hi, how are ya?

Adler: What do you think?

Brent: I, I think, quite frankly, the lawsuit is a little bit ludicrous. And I appreciate the frustration some parents must be feeling at this, uh, illegal job action by teachers. But my question to, uh, her – Sara, I think you said her name was – would be, how do we hold the government accountable? She said in one of her sentences that the people, the B.C., the people of B.C. have to be able to hold the BCTF accountable. And my question is how do we hold the government accountable?

Adler: Let, let me ask you a question just before you ask the question. Is that okay?

Brent: Sure. Yeah.

Adler: Okay, okay, 'cause the premise to me is interesting. Uh, is the government violating the law here?

Brent: Well, that, that's, morally I believe they are. That's an interesting argument.

Adler: "Mora-", hang, hang on. "Morally" they're, they're avoiding the law? You're not a teacher yourself, are you?

Brent: Of course I am.

Adler: I, I'd hate to think that you're teaching any of my kids. "Morally" they're violating the law?

Brent: Well, you know what? My, my –

Adler: What does that mean, Brent?

Brent: Pardon me?

Adler: What does that mean, Brent?

Brent: What that means is that the government knew this was coming down the pipe and they just rushed through it, legisla-. They make the law and I, I've gotta believe that 42 thousand or 38 thousand, or what ever number is bantered around, of teachers *believe* that this law, that the Bill 12 they've done is incorrect.

Adler: So if you don't believe a law is good, you're violating it morally and therefore, uh, that's just the same as, as violating the actual law?

Brent: No. I think, I think you are, well, you mentioned your children, me teaching them, and I will say this to you: I understand your point of view, but my point is that I am –

Adler: Quit, quit, quit patronizing me with "I appreciate this" and "I understand that". Speak to the point. Either you're violating the law or you're not.

Brent: Wh-

Adler: Like, be a man, Brent.

Brent: [laughs] We're obviously violating the law, but I think sometimes –

Adler: Thank you.

Brent: If, if you're so caught up on that –

Adler: Oh, oh, I'm sorry that I'm caught up in the rule of law. I apologize.

Brent: Well –

Adler: I apologize for that.

Brent: That's sad that you –

Adler: All right, I know, I know it's sad that I don't agree with you. [affects mock lisp] "That's so sad and I empathize and I'm so sad". Hang on. Let me just get you on with Sara

MacIntyre and the two of you can, can talk. Go, go ahead and ask your question of Sara about accountability of government and I'll just listen to you.

Brent: Yeah, exactly. How do we hold accountable, how do we hold a government accountable when they pass a bill that a lot of people don't agree with?

MacIntyre: Well, Brent, you know, we had that opportunity May seventeenth when we had a general election here in the province.

Brent: But that bill –

MacIntyre: Um, you know, that, that's, that exactly speaks to the issue: Who is running this province? Is it Jinny Sims or is it an elected government? And not only that, I mean, when you violate a law, okay you may disagree with it, but, you know, you're discussing it and comparing it as an unjust law and to the, to the works of Rosa Parks and Nelson Mandela like your leader Jinny Sims has.

Brent: I didn't say that. I don't agree with that.

MacIntyre: It's absolutely ludicrous.

Brent: I would agree with you. But my question, you still haven't answered my question. How do we hold the government accountable? Now, the Bill 12 –

Adler: Hang on, she did! Hang on, Brent! She answered!

Brent: The bill, the bill –

Adler: Brent, she answered! Brent, she answered!

Brent: The bill did not exist –

Adler: Brent, are you stupid?! She answered your question! She said you have an election! Do you understand what an election is?! Do you understand what democracy is?! Do you understand what the rule of law is?! I'd like to sue your pants off! If you're teaching anybody! Because if you're teaching kids that it makes no difference whether you violate the law, if you're teaching kids that when Sara MacIntyre says, yes, you hold a government accountable in a democracy with elections, if you're teaching your kids that elections don't matter, that democracy doesn't matter, that the law doesn't matter, then I'm sorry, Brent, *you* don't matter! You are the problem, Brent! And the fact that you say, "Well, I kinda, kinda agree that, I kinda agree that the union leader maybe shouldn't've said Sara Parks or Rosa Parks". That's not the issue, Brent. This is really serious. You owe your students, not only showing up in the classroom, you owe them more than that. You owe them the truth. And if this is the nonsense that you're giving them when you're in the classroom, from *my* perspective, little old me, I hope you never go back to the classroom! Now I'm gonna take a brief break here, have a glass of water and return at 800-665-2202. Because my fundamental question at this point is, Who misses Brent? And why should we miss him?

- commercial break

Adler: ... is Canadian Taxpayer Director and they've decided to launch a class-action suit or at least develop a class-action suit by getting people in B.C., parents to sign up and talk to them and write them about what kinds of expenses they're incurring because of the rotating, uh, strike action. Now you can log on to taxpayer.com and you can also log on to my site, CharlesAdler.com if got a, a story or a comment to offer me. Let's go back to the phones at

800-665-2202. Hey Brandy.

Brandy: Hi there. Um, I'm a teacher and, uh, you're gettin' all fired up there. So, [laughs] I hope you don't, uh, freak out on me too much, but, uh, --

Adler: Don't worry, don't worry about the firing up. What you ought to worry about is when a teacher can't tell the truth. What you ought to be worried about when a teacher says, when someone responsible says to him, "yeah, accountability is at the polling box" and the teacher says "that doesn't count". Accountability, as far as I'm concerned, is when I ask a teacher "are you breaking the law?", I have to ratchet it out of him with the jaws of life to get him to admit that he's breaking the law. That's, that's important.

Brandy: Okay, well, I'll admit to you right now that I'm breaking the law. Uh, you know, I have no doubt about that. Um, in terms of the law, though, I'm, I'm concerned about the fact that, uh, the B.C. government has been held, uh, responsible for breaking international law by the United Nations. So, um, you know, I think that if you want to talk about breaking the law, you have to definite-, definitely acknowledge that, that an international body like the United Nations is, is saying that the B.C. government is breaking international law. So, uh, --

Adler: Which law are you operating under right now in British Columbia, Brandy? You're a teacher.

Brandy: I am, yeah.

Adler: I want to respect you as a teacher. So let me be your student. Which law are you operating under in British Columbia, Brandy?

Brandy: I'm operating under B.C. law, absolutely.

Adler: So you're violating B.C. law. Now, you're doing what politicians do. You're evading and you're replacing by talking about some other body. Do you operate under international law or B.C. law, Brandy?

Brandy: B.C. law, absolutely.

Adler: Then why are you breaking B.C. law?

Brandy: Um, well, um, I, I'm breaking the law because I feel very, very strongly about, um, the issues that, that the BCTF is, is fighting for in my classrooms. And, uh, I am a special needs teacher and, and I have, um, in my classroom, I have 14 children that are, have severe learning disabilities and severe behaviour disabilities. And, um, you know, I'm fighting for those kids because they deserve better than what they're receiving right now and, uh, --

Adler: What if I gave you a 15 percent raise? Would you go back tomorrow?

Brandy: No. If it was just a 15 percent raise, absolutely not.

Adler: What, how much, how much do you need, Brandy?

Brandy: I don't, I actually --

Adler: You said if it was just 15 percent, so we're down to the money. How much do you want?

Brandy: I don't want a cent. I don't want, I don't want anything. I'm, I mean, I'm working right

now and I'm on the picket lines and I'm not getting paid for anything, so –

Adler: If I gave a 15 percent raise to the average teacher and I asked them to ratify it, that so the United Nations observers coming in to make sure it was a fair vote, do you think that I'd get a majority voting for a return on a 15 percent reward?

Brandy: Uh, not from the teachers that I work with and the teachers that I've discussed these issues with. Absolutely not. The raise is always the last thing, the last thing that is discussed on those picket lines. And we're talking about –

Adler: So when do they expect, when do you expect them to resolve the special needs issue? 2007?

Brandy: I expect them –

Adler: 2008? When are you going back? How many years are you prepared to walk for?

Brandy: I'm prepared to walk as –

Adler: Because that's the issue here.

Brandy: I'm prepared to walk as long as it takes for those kids –

Adler: All right, so the schools are just shut down forever then, Brandy?!

Brandy: I don't have –

Adler: I mean at some point, no, but at some point, that's why we have law!

Brandy: In my classroom right now, in my classroom, I have 29 students and I do not have any social studies text books. I have to photocopy everything for those 29 students because I have no text books.

Adler: Brandy. Brandy.

Brandy: I have kids sharing a desk.

Adler: Brandy, I'm not saying that you don't have points, I'm saying that in, in order to resolve all your points, it would take so much time, that what you're essentially saying is that from now until time immemorial the schools'll be shut down. That's why we have judges and laws. Because we can't have you staying out forever.

Brandy: So I'm just expected to work under these conditions and I'm expected – ?

Adler: Right, you are! And if you don't want, and if you don't want to work, somebody else ought to have the opportunity to work, Brandy.

Brandy: You know what?! I, I, I invite anybody to come into my classroom at any time and try to meet the prescribed learning outcomes and to try to do the job that I try to do every single day.

Adler: Well, I, I –

Brandy: I invite anybody to come in and try –

Adler: I ask you to go, I ask you to go to your classroom and invite as many people. You have moral authority, by asking people to come into your classroom, if you go in. But if you're not going into your classroom, the idea that other people will be invited into your classroom is another hollow union talking point. Drew, welcome to *Adler on Line*.

Drew: Hey Charles. How you doin'?

Adler: I'm doing very fine. How are you doing?

Drew: Oh, I've got high blood pressure like you do.

Adler: Well, hang on! Hang on! You see, if you have high blood pressure, the other side says you shouldn't be freaking out. [Drew laughs] See, 'cause, 'cause the idea becomes it's the tone that's the problem. The tone is not the problem here.

Drew: Well, what is, what is happening and what has gotten me so incensed and your last caller there who sounds like a younger teacher, uh, has been brainwashed into thinking that the issues inside the classroom, as vital as we all agree that they are and they have to be addressed, somehow supercedes the fact that, that we're allowed to go out now and break the law, uh, in order to talk about issues inside the classroom. And as a dad of two elementary school-age children, I've spent the last week trying to clarify and to stress that, though we're sympathetic and there are issues in the classroom, no question, uh, breaking the law is not an option.

Adler: Drew, everyone of us in the private and public sector have issues. The idea that we don't show up for work until the issues get resolved, you can't run a society like that. That's something that only an eight-year old would believe.

Drew: Absolutely. Absolutely.

Adler: All right, let me bring, uh, Sara MacIntyre back into the conversation. You must have some thoughts at this point.

MacIntyre: Yeah, I've got a, I've got a ton of thoughts. I mean, you know, the, the teachers are, are, are noting of course that there's a number of classroom issues. And, and, you're right, maybe there are issues. Uh, but, that's not going to be resolved while the teachers are out of the classroom. These are issues that, um, the, the premier even offered to set up a roundtable to sit down with the teachers, to talk about some of these classroom issues and they've decided not to attend, uh, the roundtable and to participate there. So, I mean, really when it comes down to even the issues that supposedly tear-, parents are, and teachers are standing behind, um, how, uh, earnest are they in actually seeking resolution? Um, you know, we look at even the past year, Charles, with, uh, the BCTF, there's over 35 negotiating roundtables with the, uh, employers' association and the BCTF. The BCTF didn't move one formal demand in 35 negotiating tables. So, um, you know, the question is who's approaching, uh, the table in good faith? Well, I, I don't think, uh, the BCTF was. They weren't approaching it seriously. They didn't even try, uh, to even table one formal demand in 35 negotiating tables.

Adler: Let me take some more calls here. Uh, Justin, you're on *Adler on Line*.

Justin: Hello.

Adler: Hello there.

Justin: Yeah, I, I agree with, uh, the Canadian Taxpayers Federation. You know, I, I look at

this situation and I just see teachers that have been taken advantage of by the militancy of their union. I mean, what it comes down to here is I heard Jinny Sims, she's the president of the B.C. Teachers Federation, British Columbia, and she was sayin' that she, you know, she wants people that are represent and respect the democratic process that teachers had in voting to go out on this illegal action. And the interesting part about that was is that when people came back and said, "well, that's fine, but what about the democratic process of people that vote in election?", she couldn't make a comment back. It's just a one-way street for them right now. They, she keeps saying she wants to go to a table to discuss these issues. The government offers them a roundtable. They don't want to go because the new argument is that, well that includes parents, students and school trustees and the teachers don't want them there. They just want one on one discussions –

Adler: Justin, let's, let's just cut, Justin, let's cut the crap here! They want a huge media event. They want a huge confrontation. They want other employees at other unions, other public sector unions to join them. That's what they want. They want a war. And they're getting a war. And one of the reasons they're getting a war is because they're rarely challenged by anybody. You know, it's a wonderful media event. You get to put a microphone in front of a bunch of screaming people. They've got a very good cause. In many cases they've got too many special ed students and all the rest of it. It's very emotional. It's quite the narrative. It's great television. It doesn't make for a great society, but they have got the tv event that they were looking for. Would you disagree with any of the points I've just offered you, Justin?

Justin: No, I don't. And I think what it comes down to here is that that's what it is right now. It's the tv event. The rule of law is not being prevailed. And when you get a society like we do, if you don't follow the rule of law you've got anarchy.

Adler: Sara MacIntyre, you know what it's like, uh, to get your points across on television. Isn't it true that the union feels that it's gaining a huge following here by being in prime time every night?

MacIntyre: Oh yeah, it's all about the spotlight. They're completely occupying it, monopolizing it like they do the education system. And Jinny Sims is expecting, of course, all of her union brethren and all the other public sector unions. The other aspect here too, Charles, is, um, within the next six months, 90 percent of the collective agreements in this province are up for negotiation. So all of these other unions are looking and saying "hey, if, uh, the BCTF gets broken, that means that probably we're not going to get what we want come, uh, negotiating time." So there's definitely, of course, the self-interest in all the unions working together, gaining, uh, momentum and, uh, escalating job action, which is what they're threatening already. And, um, it is. It's, it's about getting up on a soap box, but they're not, uh, they're not speaking the truth and, um, you know, it's, it's students and parents that are losing out at the end of day.

Adler: They are losing out. Sara MacIntyre is with the CTF. You can log on for more information on the class-action: taxpayer.com.

- commercial & news break

Adler: *Adler on Line* on the Corus radio network. You can log on to CharlesAdler.com. We're gettin' lots of e-mail on this teacher business, pro and con. Hi Braeden.

Braeden: Hi. I, I really think that this lawsuit is, is quite ridiculous. I think a better, uh, a better spending of the Taxpayers Federation time would be, uh, really focussing its efforts on, on trying to get teachers, uh, back into the classroom. And, unfortunately, I think the way both the government and the Teachers Federation have painted themselves into a pretty tight

corner here, the best way to do that would be for the, the government to swallow its pride and, and get to the negotiating table. I'm not a teacher. I am a recent graduate of the system, though, and I realize that there's some valid concerns. And the best value for the taxpayer here and for the voter, that, yes, they did elect, uh, the B.C. government, but they would get the best value for their vote and for their dollar if, I think, the government swallowed its pride and got some action here.

Adler: You think the government has to swallow its pride. Wh-, what about credibility here? Is it credible to stay out of the classroom and to try to maintain that you've got some kind of moral superiority over Taxpayers Federation, uh, media, the government, anybody?

Braeden: Certainly over the Taxpayers Federation, uh, –

Adler: Really?

Braeden: Not necessa-, maybe not over the government.

Adler: Mm hm.

Braeden: As you've mentioned.

Adler: See, I think, I think, I think when you stay out, you're a loser. That's all. When you stay out, basically you're saying that the law doesn't matter. If the law doesn't matter, who cares about anything else you have to say? It's, it's a credibility issue. ... Ya, ya hear where I'm comin' from?

Braeden: I, I absolutely hear where you're coming from.

Adler: It's like, it's like the teacher who said, it's like the teacher who said, "I want people to come into my classroom". Well, fine, go back into the classroom and then you can invite people in.

Braeden: Yes, and, but, see, what we have to remember is we can't, you have to look at this holistically. And I think the problem is we're not doing that, especially in British Columbia. And, yes, of course the teachers should get to work. But there's such a mistrust issue that they know that if they do they probably won't get –

Adler: You know what, Braeden? Oftentimes I've worked at places where I didn't trust my boss.

Braeden: And that's unfortunate –

Adler: But I still had to, but I still had to –

Braeden: I'm sorry you had that –

Adler: It doesn't, but it doesn't matter – !

Braeden: – very bad experience for teachers as well –

Adler: Braeden, Braeden, life isn't fair!

Braeden: No, no, I'm very sorry it hasn't been for you.

Adler: Oh man, are you ever *stupid*. I'm sorry, I've gotta tell you that. And I've gotta tell

some of the teachers that. I mean, sometimes I can't tell the difference. Like, who's the teacher and who's the nine-year old here? Life isn't fair! Life sucks. And there have been times in my life when life sucked, but I still showed up. If you don't even show up, what does that make you? Some kind of moral hero? What, 'cause you're walkin' around with a sign? 'Cause you're calling a talk show when you oughta be in class? Yeah, you're a big hero. Rick, you're on *Adler on Line*.

Rick: Hi. Just want to, you know, everything seems to lay upon, uh, legality of things these, this issue. And I just wanted to remind you that, uh, we do have a premier that was busted for impaired driving. We do –

Adler: And what does that have to do with this?

Rick: We have, well, because you're talking about morality, legality.

Adler: No, just legality. It's real simple.

Rick: -- shysters in the country live in Ottawa, uh, who steal our money and, and consistently. But, uh, I wanted to pose a question both to you and to the lady from –

Adler: Sara MacIntyre's off. It's just you and me now.

Rick: Oh, is that right? Okay. Well, I posed this to another gentleman and I wanted to ask you –

Adler: I don't do talk shows where I keep the person around for an hour. Sorry.

Rick: What, what I wanted to ask is, um, you're a journalist, uh, I posed this to another fellow. If, if you get the story of the decade based on protecting your source, um, and you wound up in a court, with the judge saying "I must know your source, sir", what would you –

Adler: Oh man. You ought to get a life and get a job man. Michael, you're on *Adler on Line*.

Michael: Yeah, how do you do?

Adler: Good.

Michael: Oh good. Um, I, uh, I think that, that the, uh, Canadian Taxpayer Federation is just adding another, um, match to the flames. I agree the teachers should go back. I mentioned that to my wife last night. But the other thing is rule of law. Uh, yeah, law is the main thing in our existence that we have to make sure we follow. I do have a problem with the government who is the employer, uh, forcing their employees back to work by a rule of law when they don't follow, uh, their own, I guess, guidelines because you've got, uh, a community in B.C. called Bountiful and that community is –

Adler: Oh my god.

Michael: – against the law –

Adler: Let's keep ...

Michael: – and our government does nothing for us. I'm kind of surprised.

Adler: K-, kind of surprised? Kinda hypocritical, huh? They're not trying to enforce every single law in the land, they're just trying to get the teachers back. They don't care about

those other laws, right?

Michael: That's, that's what I think and –

Adler: Michael, what about what the judge thinks?

Michael: I think it's important –

Adler: Never mind what I think or what MacIntyre thinks. What about the judge? Does that matter at all to anybody?

Michael: I think it should.

Adler: Oh, but, but it shouldn't –

Michael: I honestly think the teachers had an opportunity –

Adler: Yeah.

Michael: – to go back. I think they should go back. I'm a hundred percent supportive of the teachers, but someone's gotta make a move and it ain't gonna be this government.

Adler: All right, appreciate that. Thank you so much. Hello Dave.

Dave: Hi. Uh, it's Dave [laughs]. Sorry. Uh, I come from a background 16 years in a union. Uh, I've since been in management. I guess I'm kind of really blown away by your callers. I can't believe where they're coming from. The law is the law.

Adler: No, but, but those are the teachers. That's what they're teaching our kids, that the law is just, ah, the law's an opinion. We need consensus. Let's take some, uh, consensus, let's take some input from the people who break the law and some consensus from people who, uh, don't break the law and kinda split it down the middle and just kinda stay away for a while.

Dave: You bet. I mean, my biggest concern over it all is, you know, all you're hearing is this 15 percent over three years. What about, you know, the idea of, uh, job security? What about the idea of, um, these people, well, I'm a little bit lost. Sorry. I'm [laughs] on the radio. But, uh, you know, I'm just concerned that, uh, they don't, they don't say about the classrooms and all that. That's not what they're kind of staying out for as of right now that I'm aware of. Maybe, --

Adler: They're staying out right now because they're stars. They're superstars. They've never had this kind of attention. Hello, Jason.

Jason: Hello. A-, Adler. Sorry, I didn't expect to get on that quick [laughs]. Hi. Um, I'm not a teacher and just a truck driver. Never been in a union, nothin' like that. Uh, and, yes, they're breaking the law and all that. Uh, what I have a problem with is that it wasn't a law until they go on strike, which they were allowed to do up until that Friday. So, it seems to me a bit odd that it was okay to do up until Friday when they were gonna do it and so they just changed the law.

Adler: What, what do you want, what do you want the employer, what do you want the government, the elected government to do at this point? Just kind of have a long bull session?

Jason: Oh no, no, no, no. I, again, um, I'm not saying, I just, what I'm asking you –

Adler: Yeah.

Jason: -- I guess is does that seem right to you? I, I mean they have –

Adler: It seems right to me that somebody has to take charge. And if you ask me, "Chuck, you've got a choice. Who should take charge in a case like this? The elected government or the union guys looking to ham it up for the tv cameras?" Very easy choice for me. Never had an easier choice. Hello Joe.

Joe: I support the teachers 100 percent. The teachers are out there and I tell them, stay out there. Otherwise your fight is all for not.

Adler: Okay. What, what does that do for the kids, Joe?

Joe: It doesn't help the kids, but, uh, –

Adler: No, screw the kids! Who cares about the kids?!

Joe: What's the government, what's the government doing to help the kids right now? Nothing.

Adler: The government is trying to open the schools, Joe.

Joe: No, they're not. If they wanted to open the schools, then they'd sit down and they'd bargain. This, this government –

Adler: Does the union, by the way, does the union, by the way, Joe, let me –

Joe: This government –

Adler: Joe, let me ask a litmus test! I want to find out how much of a –

Joe: Don't raise your voice at me.

Adler: Oh Joe, I just want to find out what kind of a chump you are! Are you a grade A plus chump or just a C chump?! This is the chump question for you, Joe. Do you honestly, when you see the union leader getting the attention she gets night after night, local news, regional news, national news, do you honestly think she wants to go back to the bargaining table?! What kind of a chump are you?

- commercial break

Adler: By the way, I appreciate [laughs], sorry. I just, I just have too much fun. I know, I know, it ought to be against the law. Somebody ought to lock me out for having this much fun with such serious issues. E-mail at CharlesAdler.com: "Thank you for saying it like it is. The teachers are molly-coddled, molly-coddled on the air by all the other media types. Although they are very much against an illegal strike, they seem to feel they have to sympathize with the teachers' stand. We sympathize. The BCTF, the union, spent millions of dollars during the pre-election period trying to get rid of the Liberals and, of course, getting their NDP brethren elected. I'm glad that didn't happen. Anyway, thanks for taking the teachers to task when they phone in. It's about time. A frustrated listener." Thank you so much. Uh, CharlesAdler.com. Of course you've got variety. You've got variety in radio, you've got variety in television. That's called diversity. That's called democracy. And we

don't all sing from the same hymnal, thank goodness. Darren is, uh, in right now. Now Darren is in Abbotsford and he was listening the other day to *Adler on Line* when we were talking about absenteeism. That's where that, that clip came from because you had a person who said "Yeah, I call in sick all the time and that's nobody's business". And I thought that was pretty idiotic except I do know that, uh, idiots are a fairly large minority group in this country and every country and many of them don't want to go to work. Many of them want the pay, they just don't wanna show up for it, but of course they've got moral principles. They don't feel like working. Uh, Darren, I want to ask you this: Have you been on both sides of the fence? Have you been in the public and the private sector?

Darren: I've actually been in all three, which would be the private, the public and the self-employed.

Adler: Okay, I feel like a guy who just won it big at the race track. You're the Trifecta right now. [Darren laughs] Now you've been public, private and a business owner. My guess is, as a business owner, you called in sick rarely. Would that be an educated guess?

Darren: Uh, as a self-employed person?

Adler: Yes.

Darren: Uh, calling in sick is, uh, just a matter of not leaving the house, but working from the office at home.

Adler: Okay, so you, sometimes, you're in the bathrobe and you're taking the Tylenols and the Neo Citran and whatever else you take when you're sick, but you're, you're doin' the work at home.

Darren: Pretty well.

Adler: Talk to me about, uh, your family and public and private sector and what your background is 'cause oftentimes that gives us, um, a lot of indication as to where you're coming from.

Darren: Well, the public sector, it was actually more hospitality-based, but I have both of, uh, I have my in-laws and other family members that are in various, uh, public sector jobs. So I get a lot of feedback from them on, you know, people's work habits and absenteeism habits and how it kinda wreaks havoc on the people that are kinda more above-board on it. Um.

Adler: The impression out there is that people in the public sector, this is generalizing of course, and generalizing with the numbers to back it up, that people in the public sector tend to call in sick more often than people in the private sector. Would that be your experience, Darren?

Darren: Uh, from what I've noticed, uh, for the most part, yes. And, uh, I think a lot of it is, um, people, you know, especially within unions in the public sector, they feel a lot more protected, that their job couldn't be taken from them or be punished for being sick. And the big reason behind that is, is in collective agreements and, and such, with contracts, that people are given a, an allowable number of sick days in a year. Therefore, if you have ten sick days in a year, you're only sick maybe two or three of those days, people feel it's their right to take those days. Or, the, the weirdest thing I've heard is *banking* them.

Adler: I, I hear a, a lot of that [laughs].

Darren: How do you bank a sick day?

Adler: I, I, I want to take some calls on this about, about banking, uh, days. And, and, you know, we talked about, uh, morality and some people get very, very offended by the term "morality", so they're better off with just "right and wrong". Well, morality's a, morality's a bludgeon for some people because, you know, they're taught in schools by educated teachers that there is no such thing as right or wrong, absolute morality. It's opinions, it's value-neutral education, it's whatever. And I know that some of you have come through that pipe. So here's my question to you: Basic rights, basic wrongs. Is it basically right to bank your sick days and then take them whether you're sick or not? Uh, my number is 800-665-2202. Now, Darren, let me just put it to you, er, from this perspective. A lot of people say that, yeah, they may be called "sick days" but they're just really days off. And if the company, whether it's a public sector company or a private sector company owes me those days. They're in the bank. Then why is it your business or Adler's business or anybody else's? They're in the bank and I can use –

- breaking news story about teachers' strike

Adler: – company. Well that's fine because as far as they're concerned, the company's got too much anyway.

Darren: Oh definitely. If people see that there's a job with great benefits, great, you know, sick package and don't really like the work, but you just have to show up and you know that you can, you know, if it gets a little tough, you get a little sick of it, you can take a, some people call them, uh, "mental health days". And, and not be, you know, not have your job threatened by it or be disciplined and, you know. Of course, I think a lot of people, if they have the opportunity to work a job where they could give 50 percent and make as much as everyone else, they'd definitely do it.

Adler: So they feel that's a win for them. As a small business person yourself right now, you're talking about, uh, doing business out of the home.

Darren: Yes.

Adler: Do you employ anybody?

Darren: Um, myself and my father are partners and we are the employees and if we talk really nice to my mother, she does our books.

Adler: All right. I appreciate that. All right. Now just stay on the line. We're just going to take some phone calls on this business of banking days. Hey Sheryl.

Sheryl: Oh hi.

Adler: Welcome to the program.

Sheryl: Thank you so much. Um, just talking about, um, this, these sick, sick days and banking it. That is such typical Canadian thinking. It's this Canadian "I'm entitlement", "I'm entitled" to those things. You know, this is, you know, this is the beginning of the downfall of our country and this is why unions do not work. And I have friends in the public sector and they do this all the time. They have no problem with it. And to the point where, uh, this summer the, the friends' son, who's getting his first job, he, uh, wants to call in sick. And, and, and the parents are like "Well that's absurd". And he looks at them, he goes "But you do it all the time". [Adler laughs] And, and they're –

Adler: The little monkey, the little monkey's impersonating the grown-ups.

Sheryl: Can you believe that? And, and their excuse is "Well we've been working at this company for 25 years. We're *entitled* to it."

Adler: Yes, of course we are.

Sheryl: You know.

Adler: Plus the company has made too much off the sweat of our brow. Let us loot. I mean, let us take something that's owed to us.

Sheryl: Exactly. And, you know, and we wonder why, you know, these companies lose money. And, uh, you know, if you don't –

Adler: Well, I mean, it goes to something we were talking about earlier. Why do you think they outsource labour? Why do you think they want to go to Indonesia, India, China, wherever, to get their labour? 'Cause they don't have to put up with this. And so they'll be called names later by union types and others. But so what?

Sheryl: Exactly. Exactly. And this teachers thing is the same thing. It's this entitlement.

Adler: We're entitled. To James' point of view here. Hey James.

James: Hi there, Charles.

Adler: Thank you for calling in.

James: Thank you. I just want to say that, uh, I've been, uh, a business owner, a public service employee, I am now in private sector. And, uh, being a private sector person, I can tell you that I've never, um, faked sick once.

Adler: Never faked it.

James: No.

Adler: What about banking? How do you feel about banking? Banking days.

James: Banking? No, I, I think that's just a way to, uh, rack up, rack up funds and, uh, take extra days off that you don't need and –

Adler: I like that term. "Rackin'". Rackin' those funds. It's a racket.

- commercial break

Adler: E-mail at CharlesAdler.com from Ken, uh: "Just got to say here that when you first started being broadcast in Vancouver, I could not say I was a big fan, but, Chuck, you've grown on me in the last few weeks. Your position on the teachers just put me completely into your fan club. As a father of a grade 11 daughter, it's about time that we heard what you've been saying." Well, Ken, it's about time! That you, uh, joined up. In any case, log on to CharlesAdler.com, whatever you've got. [goes on to other topic]

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:

This is my response to the CKNW letter of Nov. 15. Please forward this to CKNW to be answered clearly.

Thank you for your help.

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.