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## CANADIAN BROADCAST STANDARDS COUNCIL

### QUEBEC REGIONAL PANEL

#### CHOI-FM re *Dupont le midi* (figure skating)

(CBSC Decision 09/10-1257 & -1260)

Decided September 23, 2010

D. Meloul (Chair), Y. Bombardier, G. Bonin (*ad hoc*), A. H. Caron, M. Ille,  
M.-A. Raulet

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### THE FACTS

*Dupont le midi* is a talk show broadcast on CHOI-FM (Radio X, 98.1, Quebec City) on Monday to Friday from 11:30 am to 2:00 pm. The program is hosted by Stéphane Dupont and his team usually consists of Jérôme Landry, Josée Morissette and Vincent “Dess” Dessureault. The program generally involves discussions about political and social issues and current events. On February 19, 2010, they talked about a controversy that had arisen surrounding two sports commentators during the Winter Olympics. The two commentators, Claude Mailhot et Alain Goldberg, had appeared on the sports television network RDS (the conventional television network V also aired the same program) to talk about men’s figure skating. They had remarked on the clothing and mannerisms of American figure skater Johnny Weir, which they viewed as very effeminate. The RDS commentators had expressed their disappointment that Weir was, in their opinion, perpetuating the view of figure skating as an effeminate sport. The RDS broadcast generated considerable public reaction [as well as complaints to the CBSC which were dealt with by this Panel in a decision of even date, namely, *RDS & V re comments made on Le réveil olympique (figure skating)* (CBSC Decision 09/10-1058 & -1340, September 23, 2010)].

Dupont and his co-hosts commented on the controversy and shared their views on the subject of men’s figure skating. The relevant portions of the dialogue were as follows (a

complete transcript of the segment can be found in Appendix A, available in French only):

[Translation]

Dupont: [...] um, two, um, commentators had to apologize today because they said there was a queer in a sport for queers. Imagine that! I am completely undone! If I go and say there are handicapped people at the Paralympics, will I have to apologize? I can't get over it! There is no story, there is no subject. Figure skating has always been a sport for fags, Chri --. Are you telling me that because there's a guy, he, he, and Dess was pointing out to me this morning, that the guy who won, the one no one is talking about, he's also effeminate –

Dessureault: Well, look –

Dupont: If not more than the other one –

Dess: If you have *Le Soleil* handy –

Dupont: Hummmmh –

Dess: Page 47. "The man who talks to the birds." And you see there, the guy, that would be Evan Lysacek, who won, um, who is all, all twisted up while, while looking up at the sky in his drag queen outfit. And, and just before that, and that's fine with Alain Goldberg. He finds it very, he finds it very good. Just before, um, um, the one with lipstick, there was another one wearing a mesh blouse. You could see his breasts. He had, um, sparkly green leaves sewn on all over, sequins and diamonds even on his neck. But, Alain Goldberg found that, he found that fine.

Dupont: But if –

Dess: That, that didn't present a bad picture of figure skating, but the other guy with lipstick, well that went too far. It was, it's such a stupid controversy.

Dupont: And the lady figure skaters dressed as guys? How often has that happened? How often have we seen that? There are, I don't want to talk about it because I find figure skating so uninteresting. It's one of the only activities, it's one of the only sports I don't watch during the Olympic Games, um, in Vancouver among others, because, b-, because I don't like it.

[...]

Morissette: Well it's not like just following the movements. You can dress a guy as a, a mechanic and if he starts talking to the birds and taking on some [Dess laughs] mannerisms and doing some –

Dupont: But that's what figure skating is.

Morissette: – [???] bling on –

Dess: Yeah, that's it.

Dupont: Hey!

Morissette: But no matter how you dress him, you know.

Dupont: You're not telling me that you're shocked, to have, um, shocked to see a big blob sumo wrestling!

Morissette: No –

Dupont: Christ, they go together!

Morissette: Well yes, that's right.

Dupont: So, a figure skating queer is nothing new!

Morissette: Well now, be, you know, be polite at least.

Dupont: Well, no –

Morissette: Don't generalize.

Dupont: Well, no –

Morissette: The Lloyd Eislers of this world, there are loads of them –

Dess: But, when you say –

Morissette: Those who, Da-, David Pelletier. They're not, they're not homosexuals. They are guys after all –

Dupont and Dess: No –

Morissette: Males –

Dess: He doesn't say homosexual –

Dupont: It's an effeminate sport –

Dess: That's what he says it is. It's more effeminate than, um, than homosexual. It's more –

Morissette: Aaaahhhhhhhh.

Dess: When I say effeminate, it's more, um, it's a bit more affected.

Dupont: A fag is not a homosexual!

Morissette: Well, now.

Dupont: A fag –

Morissette: Well, they will say that it is.

Dupont: It's a guy –

Morissette: Careful.

Dupont: – who has more of a female body. Period. It's easy enough to understand what I'm trying to explain. Guys who are, who are, ambivalent, in figure skating; it has always been that way.

Dess: Yes, but even a guy, um, who is very masculine, but dressed as they dress in figure skating, they all look that way.

Dupont: Well, of course.

Dess: They dress as drag queens.

Dupont: Well, that's it. So –

Dess: If he'd just worn a sweater, a t-shirt and a, a competition bib.

Dupont: Well, Elvis Stojko for example –

Dess: Yes.

Morissette: Yeah!

Dupont: – of all the skaters, he presented perhaps a more virile picture, but he always wore a t-shirt, pants. Yet, even he looked like a fag when executing certain movements. Why? He practises a sport for –

Morissette: An effeminate look!

Dupont: – fags. When you curl you look like, why then –

Morissette: Hey! He looked effeminate –

[...]

Dess: Well, yeah. People will say that female hockey players look like guys.

Dupont: Well, yes. And um, they take their share of hits. That's it! That's the way it is. You can't change that. Don't tell me that world-class weight-lifters, um female weight-lifters, don't look like guys? They have goatees!

Morissette: Did you –

Dupont: The majority of women who lift weights have moustaches.

Morissette: Yeah, but that's because of the hormones.

Dupont: Are we going to be shocked?

Morissette: Because of the hormones they take.

[...]

Dess: I'll play the apology for you. Do you want to hear the apology given by, by Mailhot and, um, Goldberg?

Dupont: Umm....

Dess: I have it here.

Morissette: Go for it! Well, no. We'll see.

Dess: Just to give you an idea of how bad they feel.

[Excerpt from Mailhot and Goldberg]

Mailhot: Mr. Goldberg, it is, once again, a pleasure to have you visit in the morning.

Goldberg: For me as well. I hope it puts you in a good mood.

Mailhot: What an extraordinary performance we saw last night. But first, I want to take this opportunity to, on your behalf, um, apologize for our comments. It appears that when we talked about clothing we offended some people and it was certainly not our aim to offend anyone at all. If you felt, um, criticized, we do apologize. But, um, we had some very, very good performances, and I think we need to talk about them.

[End of the excerpt]

Dess: Good. That's what was done.

Dupont: It was the right thing. All the better, so –

Dess: Well, I'll admit that it had no connection with their comments.

Dupont: Huh?

Dess: There was no connection.

Morissette: Well, of course there was!

Dupont: Well, now –

Morissette: Well, I think there was.

Dess: Well, in that case does that mean you have to laugh at all the others?

Dupont: No, of course not. There have always been effeminate in figure skating. It has always been. It has always been that way.

Morissette: Yeah but, those comment-, those hosts are being blamed for constantly, constantly saying stuff and only talking about the triple toe loop a skater just did and now they've given an opinion, and they're being condemned.

Dupont: Well, ah –

Morissette: They give, um, they depart slightly from their designated area and they slightly cross their usual line and, you criticize them and you say they're tedious.

Dupont: Mm hm.

Morissette: Isn't that right?

Dupont: But, I mean, they are, I never said. Alain Goldberg is far from being boring. He is the best sports analyst of any sport. He is the best. He is the most engaged, he is the most knowledgeable and he's the best.

Morissette: Well, without him, start –

Dupont: He's not Gaétan Boucher, he's not, and name the others. He is the best analyst of his own sport, including hockey! So there.

Morissette: Well, if Pierre Foglia from *La Presse* had written something of that nature, people would have said: "Ah yes, it's true, it's well thought out!" But here, it was out of place because it was Alain Goldberg and the other fellow who said it.

Dupont: You know, will they stop? Do, do all the skeleton and luge athletes look, look blubbery? Yes.

Dess: Yes.

Dupont: Since there is a lot of vibration on the ice in luge and skeleton, their thighs, their rear ends, the fat on their backs, it all shakes.

Dess: But especially the doubles. You have to be a bit like jelly in the doubles. I think one merges into the other.

Dupont: Yeah.

Dess: There is a lot of undulating.

Dupont: Undulating. It looks like blubber.

Morissette: The women speed skaters, um short track, –

Dess: Yes.

Morissette: – their huge, huge, huge, huge thighs and their small upper body.

Dupont: Exactly.

Morissette: They have small, small, small shoulders and they have large rear ends and huge, huge, huge thighs.

Dupont: Huge hips, huge thighs. You don't want to get caught in a scissor hold by a girl like that, because you might not. But you know that, I, I'm not an expert, but I'm told that physical shape, training and an athlete's body building, women among others, do not guarantee firmness. Did you know that? Did you know that doing a lot of exercise does not necessarily make a woman firm?

Morissette: Well, does it depend on the type of exercise?

[...]

Dess: Just, um, Mr. Gass just sent me an interesting link, because the brouhaha over, um, the effeminate figure skaters, is taking on another dimension. It is said that, um, the French figure skater Brian Joubert is in the process of creating a little upheaval at the, um, at the Olympic Village, hey, since yesterday because he blamed,

um, said, well, in speaking about the new scoring system created in 2004 that favours the artistic elements over the technical ones. Joubert blamed the Canadians and said the Canadians created the new system in preparation for Vancouver so as to give North Americans an advantage. You need to know that their skaters, who are often homosexuals, specialize in effeminate skating. Yet, you can be a homo and still skate in a virile style, but no, they, they adopt mannerisms; it becomes infernal.

Dupont: That's right. So, it's more, it's true that it's more artistic. I told you. Have any of you ever seen a construction worker dance? What is aesthetic about [Morissette laughs] when, you know, even if I use the most beautiful movements, even if I learn the most beautiful dance movements, I will never be artistic. I will never be fluid in my movements. I'm as hairy as a bear. I weigh 300 pounds. Naked, I look like Antoine Bertrand in *C.A.* [French language television program]. So stop; I will never be artistic. So, a ladies' sport, a fag sport, where there are fags. Well, stop being shocked. That's how it works.

Morissette: Well, Joubert, um, --

Dess: Yeah?

Morissette: Vince just called and he says that that guy's specialty is the jumps.

Dupont: O.K.

Morissette: It's very physical. So, it's certain that, um, it's certain that he's going to pick on those who look more effeminate.

Dess: Yeah, he's going to have to do some dance steps, um, and he doesn't like that.

Morissette: Well, that's it exactly!

Dupont: Perhaps the combination of both elements has become unfocused. I think that the quality of the jumps should be scored higher, because it's about skill, the most important athletic skill in the eyes of.

Morissette: Yeah, but if someone executes a series of jumps and um, he's not following the music and, um, his moves are also not very attractive to watch.

Dess: Oh well, if you watch, it's certain that if you watch free-style skiing, half-pipe, half-pipe snowboard, they don't, they don't do anything other than, they do spins. That's, that's the difficulty of that sport.

Dupont: Exactly.

Dess: It's not about frills and flounces, they don't put on a show.

Dupont: Exactly. They don't caress their whole, their whole body.

Dess: No. [He laughs].

Dupont: They aren't judged on what they're wearing.

Morissette: [She laughs]. Did you watch the, the, you know, the American program, well, with the, with Tie Domi and Claude Lemieux, the, they become figure skaters.

Dupont: No, I watched the beginning. No, yeah.

Morissette: They didn't look effeminate at all.

Dupont: Yeah. No worries.

Morissette: It was very funny.

Dupont: O.K. That's enough. They apologized. It's done. There's, there's worse than that as far as scandals go today.

The CBSC received 10 complaints about this broadcast, but only two complainants filed a Ruling Request. One complainant was the President-CEO of the Quebec Council of Gays and Lesbians (QCGL) who characterized the remarks as [translation] "homophobic and hateful" (the full text of his letter and all other correspondence can be found in Appendix B, available in French only). The other complaint came from an individual listener who wrote that [translation] "Stéphane Dupont made and justified homophobic comments against 'fags'."

The broadcaster responded to both complainants with the same letter. The station agreed that the hosts could have chosen their words more carefully, but disagreed that the comments were actually homophobic:

[Translation]

We listened to the segment in question and we agree with you that the host could have chosen different words. In fact, Mr. Dupont did clarify and qualify his remarks in the days following this program.

That said, we do not share the opinion to the effect that these were homophobic comments. Nothing in the excerpt from that program supports that claim in our view. Mr. Dupont targeted neither a designated group nor a particular individual; he talked about the activity of figure skating, which is not an individual, a race or a religion. He in fact specified that in his opinion "... a fag is not a homosexual ..." and one participant in the program even added "... they're not homosexuals. They are guys after all, males ...". The dailies repeated Mr. Dupont's point of view, albeit, we agree, with a better choice of words.

We regularly give our hosts specific instructions on issues of ethics and we certainly did so with Mr. Dupont.

We sincerely regret that these remarks offended you; it was certainly not the aim of our hosts.

The President-CEO of the QCGL outlined his dissatisfaction with the station's response in the following terms:

[Translation. N.B.: In order to contextualize the argument put forward by the complainant for English readers, the following text contains the English translation of the French definitions for the French terms "tapette", "fifi" and its derivative "fif".]



The Quebec Council of Gays and Lesbians (QCGL) cannot but entirely disagree with the position taken by [the] CEO of RNC Média in asserting in a most serious manner that the remarks made by its host Stéphane Dupont were not homophobic since the term “tapette” (“fag”) does not mean “homosexual”.

A simple search of dictionaries available both on line and in hard copy reveals that we might agree with RNC Média’s reply that “tapette” (“fag”) is not necessarily synonymous with “homosexual” since this word also means “a small tap”, “a small swatter for killing flies”, or “a type of mouse trap” (see Appendix). Since it is, however, impossible for “mouse traps”, “swatters for killing flies” and “small taps” to engage in figure skating, it is clear that in this instance the word “fag” is used to designate a homosexual, as it is the only synonym relating to a human being.

Moreover, Mr. Dupont used the word “fif” [a derivative of “fifi” meaning queer] to describe figure skating as being “a sport for queers practised by queers”, thereby confirming that he was using the word fag to designate homosexuals. We would also point out that all the dictionaries mentioned in this letter indicate that the words “tapette” (“fag”) and “fif” or “fifi” (“queer”) are offensive references to homosexuals.

In that regard, we would like to point out the fact that certain Quebec bodies established that the use of these types of terms is discriminatory and prejudicial to the individuals or communities they target. By way of example, we cite the decision handed down by Madam Justice Michèle Paupé of the Quebec Human Rights Tribunal. In a case heard in 2004 involving a complaint concerning a verbal insult, Justice Paupé ruled that the terms “fifi” and its derivative “fif” (“queer”) “are scornful and wounding towards homosexuals and add to the opprobrium and non-respect of their dignity in a discriminatory fashion.” The accused was fined the exemplary amount of \$1,000 for moral damages.

In addition, the Tribunal stated in its annual report that “unjust treatment, marginalization or devaluing based on personal characteristics having no relationship with the abilities or skills of an individual constitute an attack on human dignity”.

Moreover, the Commission des droits de la personne et de la jeunesse [Human Rights and Youth Rights Commission] defines homophobia as follows: “A fear or an aversion felt by some individuals towards homosexuality and those having a homosexual orientation, or towards any person whose appearance or behaviour does not conform to the stereotypical image of masculinity or femininity.” The provincial government adopted that definition when it launched its policy against homophobia.

Therefore, Mr. Dupont has offended an entire category of sportsmen, in this case figure skaters, by saying that figure skating is “a sport for queers practised by queers” and that “figure skating has always been a sport for fags”, regardless of his attempts to defend what he said.

We are pursuing our complaint concerning Mr. Dupont’s remarks and we ask that the CBSC follow up on this matter.

## APPENDIX

[linternaute.com/dictionnaire](http://linternaute.com/dictionnaire)

Group, masculine noun

A number of things or persons having points in common.

[dictionnaire.sensagent.com](http://dictionnaire.sensagent.com)

Tapette, feminine noun

1. Type of swatter designed to swat or hit.
2. Pejorative sense, person who practises homosexuality.

[linternaute.com/dictionnaire](http://linternaute.com/dictionnaire)

Tapette, feminine noun

1. Small tap.
2. Mouse trap.
3. Offensive sense, homosexual.
4. Instrument for swatting or hitting, e.g. a fly swatter.

[dictionnaire.reverso.net](http://dictionnaire.reverso.net)

Tapette, feminine noun, singular

1. Small friendly tap.
2. Type of small swatter for beating rugs or killing flies.
3. Mouse trap.
4. Coarse sense, effeminate homosexual.

The other complainant also indicated that he was dissatisfied with the broadcaster's response because

[Translation]

Everyone in his audience knows very well that when one refers to "tapettes" ("fags") in Quebec, one means homosexuals.

By adding denial to insult, the host in question confirms the broadcaster's bad faith when it repeats that denial to justify the affront.

I expect the CBSC to take a very clear position concerning this homophobic affront that shocked all of Quebec.

## THE DECISION

The Quebec Regional Panel examined the complaints under the following articles of the Canadian Association of Broadcasters' (CAB) *Code of Ethics* and *Equitable Portrayal Code*:

### *CAB Code of Ethics*, Clause 2 – Human Rights

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

### *CAB Equitable Portrayal Code*, Clause 2 – Human Rights

Recognizing that every person has the right to the full enjoyment of certain fundamental rights and freedoms, broadcasters shall ensure that their programming contains no abusive or unduly discriminatory material or comment which is based on matters of race, national or ethnic origin, colour, religion, age, gender, sexual orientation, marital status or physical or mental disability.

### *CAB Equitable Portrayal Code*, Clause 3 – Negative Portrayal

In an effort to ensure appropriate depictions of all individuals and groups, broadcasters shall refrain from airing unduly negative portrayals of persons with respect to race, national or ethnic origin, colour, religion, age, gender, sexual orientation, marital status or physical or mental disability. Negative portrayal can take many different forms, including (but not limited to) stereotyping, stigmatization and victimization, derision of myths, traditions or practices, degrading material, and exploitation.

### *CAB Equitable Portrayal Code*, Clause 4 – Stereotyping

Recognizing that stereotyping is a form of generalization that is frequently simplistic, belittling, hurtful or prejudicial, while being unreflective of the complexity of the group being stereotyped, broadcasters shall ensure that their programming contains no unduly negative stereotypical material or comment which is based on matters of race, national or ethnic origin, colour, religion, age, gender, sexual orientation, marital status or physical or mental disability.

### *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:

[...]

- (c) Unduly coarse and offensive language.

The Panel Adjudicators read all of the correspondence and listened to the program in question. The Panel concludes that the broadcast breached Clauses 2 and 9(c) of the *CAB Code of Ethics* and Clause 2 *CAB Equitable Portrayal Code*, but none of the other codified standards cited above.

### **Abusive or Unduly Discriminatory Comments**

The CBSC has consistently explained that it is not just *any* mention of, or reference to, among other things, race, nationality, colour of skin, religion, or sexual orientation that will constitute a breach of the Human Rights Clauses of the above Codes. What will trigger a finding of a code breach is content that reaches a level of *abusive* or *unduly* discriminatory comment. Much, in other words, depends on the harshness or nastiness of the challenged content. The context of the usage is also likely to play a significant role in a Panel's evaluation of the broadcast. A good summary of offending examples in the area of comments made regarding individuals or groups on the basis of their sexual orientation can be found in a recent decision of the Ontario Regional Panel, namely, *CITS-TV re Word.ca and Word TV* (CBSC Decision 08/09-2142 & 09/10-0383+, June 22, 2010).

Where, however, programs include extremely negative, insulting, nasty generalizations about the group of persons on the basis of their sexual orientation, the comments will be found to violate the Human Rights clauses of the *CAB Code of Ethics* and the *CAB Equitable Portrayal Code*. Examples include the labelling all homosexuals as "devils", the suggestion by an evangelical that he would kill a homosexual if he made romantic advances to him, the characterization of a person wishing a sex-change operation as "some sick demented obviously mentally disturbed homosexual", accusing gays and lesbians of an insidious agenda to recruit children to the homosexual lifestyle in the schools, the characterization of the sexual behaviour of gays and lesbians as "abnormal", "aberrant", "deviant", "disordered", "dysfunctional", "an error" or the like, as well as numerous others not cited here [see, e.g., *Vision TV re Power Today* (CBSC Decision 01/02-0617, September 13, 2002), *OMNI.1 re an episode of the Jimmy Swaggart Telecast* (CBSC Decision 04/05-0097, April 19, 2005), *CJRQ-FM re Opinion Poll* (CBSC Decision 94/95-0135, March 26, 1996), *CKRD-AM re Focus on the Family* (CBSC Decision 96/97-0155, December 16, 1997), and *CFYI-AM and CJCH-AM re the Dr. Laura Schlessinger Show* (CBSC Decision 99/00-0005 & 98/99-0808+, February 9 and February 15, 2000)].

The Panel also considers it extremely pertinent to note that the list of protected groups, namely, those based on "matters of race, national or ethnic origin, colour, religion, age, sex [or gender], sexual orientation, marital status or physical or mental disability", while not limitative, is not easily extended. Thus, for example, previous CBSC decisions have not permitted the extension of the list to include occupation or profession [*CKLZ-FM re Announcer Comments* (CBSC Decision 94/95-0113, December 18, 1996); *CJKR-FM re Announcer Comments* (CBSC Decision 99/00-0130, May 5, 2000); and *CHAN-TV*

(*Global BC*) re reports on *News Hour* (CBSC Decision 08/09-1422, November 10, 2009), hair colour [*CKNG-FM* re “*Blond Moments*” (CBSC Decision 96/97-0060, December 16, 1997)], socio-economic status [*TQS* re *Black-out (“Faring Well with Welfare”)* (CBSC Decision 97/98-0009, January 29, 1999)], social condition [*CJMF-FM* re the program *L’heure de vérité avec André Arthur* (CBSC Decision 99/00-0240, August 29, 2000)], political affiliation [*TQS* re *Le Grand Journal (Michel Villeneuve Commentary)* (CBSC Decision 03/04-1949, February 10, 2005)], drug addicts [*CKNW-AM* re an episode of *Bruce Allen’s Reality Check* (CBSC Decision 05/06-0651, May 9, 2006)] or criminals [*Comedy Network* re *Open Mike with Mike Bullard (Leah Pinsent Film)* (CBSC Decision 99/00-0482, January 31, 2001)]. As it has decided in its decision in *RDS & V* re *Le réveil olympique* referred to above, the Panel considers that the foregoing list of protected grounds does not extend to sports or athletes. Accordingly the scornful, denigrating comments about the effeminate, even the homosexual, nature of the sport of figure-skating are not in violation of the Human Rights Clauses of the *CAB Code of Ethics* or the *CAB Equitable Portrayal Code*.

### **The Use of the Words “fif” and “tapette”**

The language used by Stéphane Dupont is a quite separate matter from the attributions directed at the sport. Indeed, there is a world of difference between the terminology used in the present challenged broadcast and that used in the broadcast considered in the *RDS & V* re *Le réveil olympique* decision of this Panel. The latter broadcast used careful language. While this Panel commented that the host and guest might have chosen “better, safer, more tasteful ways” to discuss the subject of Johnny Weir’s on-ice presentation and comportment, the Panel found no breach of any codified standard. The Panel explained its position in the following terms:

None of the observations of Alain Goldberg that the skater wore lipstick or dressed in a feminine style, or that he tried to present himself in the most feminine possible way on the ice constitutes anything other than a factual appreciation of Johnny Weir’s on-ice comportment. The allusion to the South African runner in the Summer Olympics whose presence raised press discussion of gender-related issues was perhaps unnecessary, even excessive, but the Panel does not find those observations *abusive*, and *that* is the sole issue for the Panel in this connection. Moreover, Alain Goldberg made the point immediately following his comments that Johnny Weir had the *right* to use lipstick, to dress in a feminine fashion and to present himself in a feminine manner on the ice.

By way of comparison, this Panel dealt with a more bruising and offensive example of the use of such terms in its decision in *CKRS-AM* re *comments made on Champagne pour tout le monde* (CBSC Decision 06/07-0904, August 20, 2008), in which this Panel was called upon to deal with a morning show interview with a representative of the Parti Québécois, Alexandre Cloutier. The host questioned whether a political party with an openly gay leader, as well as other gay candidates, could anticipate any success in the Saguenay area (in which the morning show was broadcast): [translation] “Do you really

think that when you present them with another homosexual, you won't be asked the question: "[...]s the Parti Québécois a club for fags?'" This Panel concluded that the host had every right to put questions to the candidate regarding the acceptability of gay candidates to the local voters, but that he had overstepped the bounds of acceptability when he used the expression [translation] "a club for fags" ["un club de tapettes" in the original French]. As the Panel concluded:

[T]here are boundaries to potentially offensive commentaries; however, those limits are neither mathematically nor scientifically measurable. They are dependent on the considered evaluation of thoughtful Adjudicators. Commentary that is either abusive or *unduly* discriminatory will exceed the Panel's threshold of acceptability. While there is, as noted, no formula, Panels will consider, in the case of radio, the words used, the tone of the speaker, and the context of the usage, in assessing whether the comments breach the Code or not.

This Panel then referred to a decision of the National Specialty Services Panel, *Comedy Network re Comedy Now ("Gord Disley")* (CBSC Decision 05/06-0290, January 20, 2006), in which the English word "fag" had been used. While that Panel found the usage acceptable in that case, it anticipated that that might not always be true. The Quebec Panel, explained:

A viewer [in the *Comedy Network* decision] took issue with the use of the word "fag". The [National Specialty Services] Panel considered the usage of that potentially offending word *acceptable* in the circumstances of *that* challenged broadcast. It concluded that the use of the word "was distinctly un-nasty." It went on to say that the usage in that comedy routine was "benign, light-hearted, distinctively tickling" and not in breach of the Code. The Panel did, however, anticipate that there might in future "be circumstances in which it might be presented in a sneering, derisive, nasty tone."

In the matter at hand, the Quebec Panel considers that it has encountered just such an instance. While the interview under consideration was anything but a comedy routine, the Panel considers that a "sneering, derisive and nasty" comment is as problematic in terms of the Human Rights Clause in a non-comedic case as it was in the comedic example anticipated by *Comedy Now*. It considers that Louis Champagne's tone was "sneering, derisive and nasty", hence in breach of Clause 2 of the Code.

As to the word "fag" ["tapette" in French] itself, the Panel considers that it balances tentatively on the fence, acceptable in some circumstances as noted above, but totally unacceptable, when used in the aggressive, hostile manner of the February 19 broadcast of *Champagne pour tout le monde*, where its effect was spread more widely, and perhaps more derisively by reason of the broad stroke, in the characterization of the political party as a [translation] "club for fags".

In the matter at hand, terminological caution was not present. While the acceptable descriptive word "effeminate" was used on several occasions to describe the sport, it was replaced by the following words or phrases on several occasions: [translations] "a queer in a sport for queers", "a sport for fags", "a figure skating queer", "looked like a fag", "So, a ladies' sport, a fag sport, where there are fags" ["un fif dans un sport de fifs", "un sport de tapette", "Fait qu'un fifi fasse du patin artistique", "l'air d'une tapette", "Donc, un sport, de fille, de tapette où il y a des tapettes" in the original French]. The

Panel considers that the words and phrases and the tone of the host in enunciating them were scornful, derisive and denigrating. It concludes that the use of those terms in this instance was unacceptable and in breach of the Human Rights Clauses of the two Codes. Since, though, nothing, whether good or bad, was said *about* homosexuals, the Panel does not conclude that there were any stereotypical comments made. After all, in order to offend any of the groups identified in Clause 4 of the *Equitable Portrayal Code*, comments stereotyping them would have to be made. The Panel considers that relevant in terms of Clause 3 as well, in the sense that comments portraying them in unduly negative terms would be required. In this instance, no such comments were. In consequence, the Panel finds no breach of either Clause 4 or Clause 3 of the Code.

### **Coarse Language**

Although it was not mentioned by the complainant, there was another matter which concerned the Panel, namely, Stéphane Dupont's use of the word "chrisse" in the course of the dialogue. In fact, the Panel has little to add to its numerous prior decisions dealing with the use of words such as "chrisse" during times of the day when children could be listening to the radio. Those words (and other epithets) have been determined to fall into the category of coarse or offensive language under Clause 9(c) of the *CAB Code of Ethics*. See, e.g., *CJMF-FM re a commentary on Bouchard en parle* (CBSC Decision 05/06-0326, February 3, 2006), *CKRB-FM re Prends ça cool ... and Deux gars le midi* (CBSC Decision 08/09-0689 & -1228, August 11, 2009), *CKAC-AM re an episode of Doc Mailloux (Money)* (CBSC Decision 05/06-1379, December 11, 2006) and *CKAC-AM re Doc Mailloux (six episodes)* (CBSC Decision 06/07-0168 & -0266, August 23, 2007), as well as this Panel's decisions of even date, *CHOI-FM re Dupont le midi (community organizations)* (CBSC Decision 08/09-1506, September 23, 2010), *CHOI-FM re Dupont le midi (suicide)* (CBSC Decision 08/09-2041 & 09/10-1462, September 23, 2010), and *CHOI-FM re Dupont le midi (Haiti)* (CBSC Decision 09/10-1257 & -1260, September 23, 2010). The use of that word in the matter at hand constitutes a violation of Clause 9(c) of the *CAB Code of Ethics*.

### **Broadcaster Responsiveness**

In all CBSC decisions, the Council's Panels assess the broadcaster's responsiveness to the complainants. In the present instance, the Panel finds that the response of the broadcaster's President and General Manager was candid about the host's choice of words regarding the subject of the challenged segment of the program. His reply was thoughtful although it did not satisfy the complainants. That said, the Panel considers that CHOI-FM has fully met that membership obligation in this instance.

## **ANNOUNCEMENT OF THE DECISION**

CHOI-FM is required to: 1) announce the 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 *Dupont le midi* was broadcast, but not on the same day as the first mandated announcement; 2) within the fourteen days following the broadcasts of the announcements, to provide written confirmation of the airing of the statement to the complainants who filed the Ruling Requests; and 3) at that time, to provide the CBSC with a copy of that written confirmation and with air check copies of the broadcasts of the two announcements which must be made by CHOI-FM.

The Canadian Broadcast Standards Council has found that CHOI-FM breached Clause 2 of the Canadian Association of Broadcasters *Equitable Portrayal Code* and Clauses 2 and 9(c) of the *CAB Code of Ethics* in its broadcast of a segment of *Dupont le midi* on February 19, 2010. In that episode of the show, the discussion focussed on the apparel and comportment of American figure-skater Johnny Weir during the Olympic Games. The CBSC considered that the use of certain words to describe male figure-skaters on the basis of their sexual orientation was abusive and unduly discriminatory, and thus in breach of the Human Rights Clauses of the *CAB Equitable Portrayal Code* and the *CAB Code of Ethics*. The Council also decided that the use of coarse language during hours of the day when children could be listening to the program violated Clause 9(c) of the *CAB Code of Ethics*.

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



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## ANNEXE A

### Décision du CCNR 09/10-1257 et -1260 CHOI-FM concernant *Dupont le midi* (patinage artistique)

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*Dupont le midi* est une émission de causerie diffusée à l'antenne de CHOI-FM lundi à vendredi de 11 h 30 jusqu'à 14 h 30. L'émission est animée par Stéphane Dupont et ses coanimateurs s'appellent Vincent « Dess » Dessureault, Josée Morissette et Jérôme Landry. Ils discutent des nouvelles, actualités et autres sujets d'intérêt. Le 19 février 2010, ils ont parlé du patineur artistique américain Johnny Weir et la controverse qui a éclaté lorsque deux animateurs sportifs de RDS ont fait des commentaires sur les costumes de M. Weir.

Dupont: [...] euh, deux, euh, commentateurs devaient s'excuser aussi aujourd'hui parce que eux ont dit qu'y avait un fif dans un sport de fifs. Imaginez-vous! Je suis complètement démesuré! Est-ce que si moi j'avais dire qu'y aille des handicapés aux paralympiques, j'avais être obligé de m'excuser? J'en reviens pas! Y'a, y'a pas d'histoire, y'a pas de sujet. Le, le patinage artistique a toujours été un sport de tapette, criiii. Allez-vous m'dire que là parce qu'y a un gars, y, y, pis Dess me faisait remarquer ce matin celui qui a gagné dont personne ne parle, il est aussi efféminé –

Dessureault: Ben r'garde –

Dupont: Sinon plus que l'autre, là –

Dess: Si vous avez *Le Soleil* là, pas loin –

Dupont: Hummmmh –

Dess: Page 47. « L'homme qui parle aux oiseaux. » Pis tu vois là, là, le gars qui s'appelle Evan Lysacek là qui a gagné là, euh, qui est tout en, tout tordu en train de se, en regardant vers le ciel avec son habit de drag queen. Pis, pis juste avant là, pis lui il est correct là, Alain Goldberg il trouve ben, il trouve ben bon. Juste avant, euh, euh, celui-là qui a du rouge à lèvres, il en avait un qui, qui avait une blouse en filet. On y voyait les seins. Il avait des feuilles vertes, euh, scintillantes de cousues un peu partout, les paillettes pis des diamants jusque dans son cou. Mais ça Alain Goldberg, il trouvait ça, il trouvait ça correct.

Dupont: Mais si –

Dess: Ça, ça donnait pas une mauvaise image du patinage artistique, mais l'autre qui a du rouge à lèvres, ben là, ça l'avait dépassé la borne. C'était, c'est tellement niaiseux comme controverse.

Dupont: Pis les filles en patin artistique habillées en gars? Comment [*sic*] de fois que c'est arrivé? Comment [*sic*] de fois on a vu ça? Y'a, j'veux même pas en parler tellement je trouve ça plate le patin artistique. C'est une des seules activités, c'est un des seuls sports que je ne regarde pas aux Jeux Olympiques, euh, entre autres de Vancouver parce que, p-, parce que j'aime pas ça.

Dess: Ben qui leur mettent une suit de patin de vitesse, là.

- Dupont: Non, non –
- Dess: On n'a pas –
- Dupont: Non, non, non, non. Tout a toujours été –
- Morissette: Ben là, c'est pas la suit comme les mouvements, là. T'habilleras un gars en, en mécanicien pis si y commence à parler aux oiseaux pis à faire des [Dess rit] petites airs, pis à faire des –
- Dupont: Mais c'est ça le patin artistique.
- Morissette: – [???] bébelles au bet –
- Dess: Ouais, c'est ça.
- Dupont: Hey!
- Morissette: Mais ça, t'auras beau l'habiller comme y veut, tsé.
- Dupont: Vous commencerez pas à me dire que vous êtes candalidés [*sic*] d'avoir, euh, scandalisés d'avoir vu un gros tas faire du sumo!
- Morissette: Non –
- Dupont: Chrisse, ça va ensemble!
- Morissette: Mais oui, c'est ça.
- Dupont: Fait qu'un fifi fasse du patin artistique, c'est pas nouveau là!
- Morissette: Ben là, sois, tsé, sois poli quand même là.
- Dupont: Ben non –
- Morissette: Généralise pas là.
- Dupont: Ben non –
- Morissette: Les Lloyd Eisler de ce monde, y'en a plein –
- Dess: Mais quand tu dis –
- Morissette: Ceux qui sortaient, Da-, David Pelletier. C'est pas, c'est pas des homosexuels eux autres là, là. C'est quand même des gars –
- Dupont et Dess: Non –
- Morissette: Des mâles –
- Dess: Il dit pas homosexuel –
- Dupont: C'est un sport efféminé –

- Dess: Il dit c'est ça. C'est plus efféminé que, euh, que homosexuel là. C'est plus –
- Morissette: Aaaahhhhhhhh.
- Dess: Quand j'dis efféminé, c'est plus, euh, c'est plus maniéré un peu là.
- Dupont: Une tapette, c'est pas un homosexuel là!
- Morissette: Ben là.
- Dupont: Une tapette –
- Morissette: Ben eux autres, y vont dire que oui.
- Dupont: C'est un gars –
- Morissette: Attention.
- Dupont: – qui s'approche de la femelisation corporelle. Point final. C'est assez simple à comprendre ce que j'essaye d'expliquer. Des, des, des gars ambivalents en patin artistique, ç'a a toujours été ça.
- Dess: Oui, mais même un gars, euh, ben masculin habillé comme ils s'habillent en patinage artistique, ils ont toute l'air comme ça, là.
- Dupont: Ben oui.
- Dess: Ils s'habillent en drag queen.
- Dupont: Ben c'est ça. Donc –
- Dess: S'il avait juste un chandail, un t-shirt pis un, un dossard-là.
- Dupont: Ben Elvis Stojko par exemple –
- Dess: Oui.
- Morissette: Ouais!
- Dupont: – a été peut-être le plus viril de tous les patineurs, mais il portait toujours un t-shirt, un pantalon. Mais même lui, dans certains mouvements, avait l'air d'une tapette. Pourquoi? Y se pratique un sport de –
- Morissette: L'air efféminé!
- Dupont: – tapette. Quand tu joues au curling, t'as l'air, pourquoi que –
- Morissette: Hey! Y'avait l'air efféminé –
- Dupont: Quand tu joues au curling –
- Morissette: Un peu de curling. Comment on les appelle les gars qui jouent au curling avec, c'est, c'est, c'est quel pays là avec leur, euh –
- Dupont: C'est la Norvège qui ont leurs culottes Arlequin là.

Morissette: Leurs petites culottes Arlequin, là –

Dess: Ouin.

Dupont: Mais c'est pas rien que ça, là. C'est que la Norvège, le, le curling en tel, en tant que tel, on dirait que les gens qui jouent au curling sont demeurés à la mode vingt ans passés. Bon. C'est –

Dess: Ben ouin. On va dire que les joueuses de hockey ont l'air des gars.

Dupont: Ben oui. Pis, euh, ils broutent des touilles. C'est ça! C'est de même. Vous changerez pas ça. Vous me direz pas que, que les haltérophiles mondiaux, euh, féminines, ils se ressemblent pas des gars? Y'ont des pinchs!

Morissette: Tu l'as-tu la –

Dupont: La majorité des filles qui lèvent des poids et haltères ont des moustaches.

Morissette: Ouin, mais ça c'est à cause des hormones.

Dupont: On vas-tu se scandaliser?

Morissette: À cause des hormones qu'ils prennent.

Dupont: Et vous savez que cent pour cent de ces filles-là qui prennent des hormones, qui ont des moustaches, ils pètent quand ils lèvent leur, euh, ....

Morissette: Aaaark! [elle rit]

Dupont: T'sais-tu?

Dess: Des quoi?

Dupont: Quand, quand ils –

Morissette: Ils forcent trop.

Dupont: Quand ils se penchent là –

Dess: Pour vrai?

Dupont: Ils pètent tout le temps! Prrrrrrrrouttt! Tout le temps, tout le temps, tout le temps, tout le temps. [Morissette rit] Tu savais pas ça?

Dess: Non.

Dupont: Tous les haltérophiles féminines quand ils se penchent pour soulever les poids, ils prrrrrrrouttttttt. En levant. Tout le temps, tout le temps.

Dess: Pourquoi?

Morissette: Mais pas les gars.

Dess: Pas sûr de ton affaire.

Dupont: Ah oui oui!

Dess: Pas sûr de ton affaire.

Morissette: Les gars eux autres, ils font-tu ça aussi?

Dupont: Non, les gars, ils, je sais pas pourquoi là. Je ne connais pas la physiologie féminine en haltérophilie, mais quand ils soulèvent le poids, y'a toujours un léger gaz qui s'est-, euh, qui ... Oui?

Dess: J'veis te faire entendre les excuses. Veux-tu entendre les excuses de, de Mailhot pis, euh, Goldberg?

Dupont: Euhm....

Dess: Je les ai là.

Morissette: Vas-y! Ben non. On va voir.

Dess: Juste pour te donner une idée à quel point ils, ils se sentent mal.

[Extrait de Mailhot et Goldberg]

Mailhot: Monsieur Goldberg, c'est un plaisir à nouveau quand vous venez me visiter le matin.

Goldberg: Mais moi aussi. J'espère que ça vous fait bonne humeur.

Mailhot: C'était une performance extraordinaire qu'on a vu hier soir. Mais avant, j'aimerais profiter de l'occasion pour, en votre nom, euh, nous excuser pour nos propos. Il semblerait que, quand on a parlé des vêtements, ç'a choqué certaines personnes et c'était certainement pas le but de choquer qui que ce soit là. Si vous êtes senti, euh, critiquer, on s'en excuse. Mais, euh, on a eu des performances très, très bonnes. Et je pense qu'il faut en parler.

[fin de l'extrait]

Dess: Bon. C'est ça qu'on a fait.

Dupont: C'est correct. Tant mieux, alors –

Dess: Ben j'avoue que ça avait pas rapport [*sic*, avec?] leur commentaire.

Dupont: Hein?

Dess: Ça avait pas rapport là.

Morissette: Ben oui!

Dupont: Ben là –

Morissette: Ben moi, j'pense que oui.

Dess: Ben dans ce cas-là, faut que tu ries de tous les autres là?

Dupont: Mais non. Il y a toujours eu des efféminés dans le patin artistique. Ç'a toujours été. Ç'a toujours été comme ça.

Morissette: Ouais, mais on leur reproche à ces représent-, à ces présentateurs-là d'être tout le temps, tout le temps dire des affaires pis de parler juste du triple boucle piqué qui viennent de faire pis là, ils, ils émettent une opinion, pis là on les chiale.

Dupont: Ben, ah –

Morissette: Ils émettent, euh, ils sortent un peu du lot pis ils sortent un peu de la ligne qui ont habituellement pis là là, vous les critiquez pis vous dites qu'ils sont plates.

Dupont: Mm hm.

Morissette: Non?

Dupont: Mais j'veux dire, ils sont, j'ai jamais dit, Alain Goldberg est loin d'être plate. Il est le meilleur analyste tout sport confondu. Il est le meilleur. Il est le plus passionné, il est le plus connaissant et il est le meilleur.

Morissette: Ben, sans lui commence –

Dupont: C'est pas du Gaétan Boucher, c'est pas du, pis nommez les autres. Il est le meilleur analyste de son sport! Hockey inclus! Alors.

Morissette: Ben si ç'avait été Pierre Foglia de *La Presse* qui avait écrit une affaire de même, le monde aurait dit : « Ah oui, c'est vrai, c'est songé! » Mais là, c'était mal placé parce que c'est Alain Goldberg pis l'autre qui l'a dit.

Dupont: Tsé, est-ce qu'ils vont arrêter? Est-ce que, est-ce que tous les athlètes qui font du skeleton ou d'la luge ont l'air de, des grosses pâtes molles? Oui.

Dess: Oui.

Dupont: Puisque la luge pis l'skeleton, ça, ça vibre su'a glace pis toutes leurs cuisses, leurs fesses, le gras de dos, ça shake.

Dess: Mais surtout en double. Faut que tu sois un peu jello pour être en double. Je pense qu'un rentre dans l'autre là.

Dupont: Ouais.

Dess: Ça, si ça flacotte.

Dupont: Ça flacotte. Ça fait pâte molle.

Morissette: Les filles du patinage de vitesse, euh, courte piste, –

Dess: Oui.

Morissette : – leurs grosses, grosses, grosses, grosses cuisses pis leur p'tit haut.

Dupont: Exact.

Morissette: Ils ont des p'tites, 'tites, 'tites épaules pis ils ont les grosses fesses pis des grosses, grosses, grosses cuisses là.

Dupont: Grosses hanches, grosses cuisses. Tu veux pas te faire prendre aux ciseaux par une fille de même parce que tu risques pas. Mais vous savez que, je, je ne suis pas un spécialiste, mais on me dit que la forme physique, l'entraînement et la, la musculation d'un athlète, entre autres filles, ne leur garantit pas la fermeté. Est-ce que tu savais ça? Est-ce que tu savais que de faire beaucoup d'exercices ne donne pas à une fille nécessairement de la fermeté?

Morissette: Ben, ça dépend quel exercice, là?

Dupont: N'importe quoi. Du s-, parle du, du spinning, du, euh, –

Morissette: Tu vas, tu vas être force des fesses pis des cuisses. Tu vas être assez –

Dupont: Non, non. Tu veux avoir, tu peux être un athlète par exemple qui fait beaucoup de vélo, de spinning –

Morissette: Tu peux être mou?

Dupont: – de course. Pis tu p-, c'est, c'est ph-, c'est physiologique. C'est, c'est physique ça. T'as les fesses dures ou t'as les fesses molles. De, si les filles pis là, moé 'garde, vendez-s'en de vos cochonneries pis de vos cours, pis, pis de vos exercices, m'en a, m'en balance. Moi ce que je vous dis, si vous êtes nées avec des fesses molles, vous avez beau faire ce que vous faites, votre ta-, votre, votre, euh, votre chair si elle est molle, elle va rester molle. Tsé, moé là, ça, j'ai la certitude de ça.

Dess: Juste, euh, Monsieur Gasse m'envoie un lien intéressant parce que le scandale des, euh, patineurs artistiques efféminés prend de l'ampleur là. On dit que, euh, Brian Joubert, qui est un patineur artistique français, est en train de faire un petit scandale au, euhm, au Village Olympique, hey, depuis hier parce qu'il a blâmé, euh, dit, bon, parlant du nouveau système de notation créé en 2004 qui favorise l'aspect artistique à l'aspect technique, Joubert a blâmé les Canadiens. Il dit ce sont les Canadiens qui l'ont créé pour favoriser les Nord-Américains en vue de Vancouver. Il faut savoir que leurs patineurs, souvent homosexuels, sont spécialisés dans le patinage efféminé. Pourtant, on peut être à la fois homo et patiner viril, mais non, on, f-, on, eux font des manières, ça devient infernal.

Dupont: C'est ça. Donc, c'est plus, c'est vrai que c'est plus artistique. Moi, je vous l'ai dit. Avez-vous déjà vu un gars de la construction danser vous autres? C'est y'a-tu de quoi d'esthétique [Morissette rit] quand, tsé, même si je mets les plus beaux mouvements, même si j'apprends les plus beaux mouvements de danse, j'serai jamais artistique. J'serai jamais fluide. Chus poilu comme un ours. Je pèse 300 livres. Tout nu, je ressemble à Antoine Bertrand dans C.A. Fa'que arrêtez, je ne serai jamais artistique. Donc, un sport, de fille, de tapette où il y a des tapettes. Ben arrêtez de vous scandaliser. C'est comme ça que ça fonctionne.

Morissette: Ben là, Joubert, là, euh, --

Dess: Ouais?

Morissette: Vince y vient d'appeler pis y dit que lui, là, sa spécialité, c'est les sauts.

Dupont: O.K.

Morissette: C'est très physique. Fa'que là c'est sûr que, euh, c'est sûr qu'il va s'en prendre à ceux qui ont l'air plus efféminé.

Dess: Ouin faut qu'y fasse des stépettes lui, euh, il aime pas ça.

Morissette: Ben c'est ça là!

Dupont: L'amalgame entre les deux a peut-être été décentré. Moi, je pense que la qualité des sauts doit être davantage notée parce que c'est la qualité, c'est la qualité athlétique la plus importante à les yeux [*sic*].

Morissette: Ouin, mais là si quelqu'un te fait une série de sauts pis que, euh, il suit pas la musique pis que, euh, il est pas beau à voir aller aussi là.

Dess: Oh ben là si tu regardes, c'est sûr que si tu regardes le ski acrobatique, half-pipe, half-pipe snowboard, ils font pas de, ils font rien là à part de, ils font des spins. C'est, c'est ça qui est la difficulté du sport.

Dupont: Exact.

Dess: Ils font pas de flafra pis de, de pièce de théâtre.

Dupont: Exact. Ils se flattent pas toute le, toute le corps.

Dess: Non. [*il rit*]

Dupont: Sont pas jugés sur leur habillement là.

Morissette: [*rit*] Toi, t'avais-tu écouté la, la, tsé, euh, l'émission américaine-là, ben avec le, avec Tie Domi pis Claude Lemieux, les, qui se transformaient en patineurs artistiques.

Dupont: Non, j'ai regardé le début là. Non, ouais.

Morissette: Ils avaient pas l'air efféminé pantoute là.

Dupont: Ouais. C'est pas grave.

Morissette: C'était très drôle là.

Dupont: O.K. C'est assez. Ils se sont excusés. C'est fini là. C'est, c'est, y'a pire que ça comme scandale aujourd'hui.



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## ANNEXE B

### Décision du CCNR 09/10-1257 et -1260 CHOI-FM concernant *Dupont le midi* (patinage artistique)

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#### Les plaintes

Le CCNR a reçu 10 plaintes contre cette radiodiffusion. Deux plaignants ont soumis une Demande de décision. Ces deux plaintes sont reproduites ici.

#### Dossier 09-10-1257

La plainte suivante du 21 février 2010 a été envoyée au CRTC et acheminée au CCNR :

Bonjour,

Le Conseil québécois des gais et lesbiennes, par la présente, porte plainte contre l'animateur radio Stéphane Dupont de la radio CHOI Radio X 98,1 pour les propos homophobes et haineux tenus dans le cadre de l'émission *Dupont le midi* (diffusée le vendredi 19 février 2010). Pour entendre les commentaires de l'individu : <http://radioego.com/ego/listen/4232>

Nous espérons vivement que vous donnerez suite à cette plainte.

Veuillez agréer mes salutations respectueuses.

Conseil québécois des gais et lesbiennes

#### Dossier 09-10-1260

La plainte suivante du 21 février a été envoyée au CRTC et acheminée au CCNR :

À l'émission *Dupont le midi*, Stéphane Dupont a tenu et justifié des propos homophobes contre les « tapettes » le 19 février 2010 sur l'heure du midi à CHOI Radio X 98,1, ce que vous pouvez vérifier sur le site Web suivant : <http://www.radioego.com/ego/listen/4232>.

#### La réponse du radiodiffuseur

Le radiodiffuseur a envoyé la même réponse aux deux plaignants le 23 mars :

Monsieur,

Nous avons reçu votre plainte et désirons vous remercier de l'intérêt que vous portez à notre programmation.

Votre plainte concerne notre animateur Stéphane Dupont qui, de votre point de vue, a tenu des propos homophobes, lors de propos sur les séances de patinage artistique tenues aux jeux olympiques d'hiver à Vancouver.

Nous avons procédé à l'écoute du segment pertinent de l'émission et nous convenons avec vous que le choix des mots de l'animateur aurait pu être différent. D'ailleurs, dans les jours suivant cette émission, monsieur Dupont a apporté des précisions, nuancant ainsi ses propos.

Cela dit, nous ne partageons pas l'opinion à l'effet qu'il s'agit de propos homophobes. Rien dans l'extrait de l'émission ne vient, à notre avis, appuyer cette prétension. Monsieur Dupont n'a pas visé un groupe désigné ni une personne en particulier, il a parlé de l'activité du patinage artistique, qui n'est pas un individu, ni une race, ni une religion. Il a d'ailleurs précisé que de son point de vue « ...qu'une tapette n'est pas un homosexuel... » et une participante à l'émission a même ajoutée « ...ce ne sont pas des homosexuels, c'est quand même des gars, des mâles... ». Le point de vue de monsieur Dupont a été repris ailleurs dans les quotidiens, avec un choix de mots mieux adapté, nous en convenons.

Nous faisons régulièrement le point avec nos animateurs sur les questions d'éthique. Ce que nous n'avons pas manqué de faire avec monsieur Dupont.

Nous sommes sincèrement désolés si ces propos vous ont choqué; ce n'était certainement pas le but de nos animateurs.

Veillez croire, Monsieur, en nos sincères salutations.

## **Correspondance additionnelle**

### Dossier 09-10-1257

Le plaignant a soumis sa Demande de décision le 2 avril et a écrit la lettre suivante :

Objet : Réplique à la lettre de réponse de RNC média

La présente est pour vous signaler que nous avons bien reçu le 23 mars dernier une lettre de réponse du radiodiffuseur RNC média concernant notre plainte au sujet de commentaires portés sur les patineurs artistiques (Dossier du CCNR C09/10-1257).

Le Conseil québécois des gais et lesbiennes (CQGL) ne peut être qu'en complet désaccord avec la position défendue par [le] Président et chef de la direction de RNC média lorsqu'il appuie son animateur en affirmant le plus sérieusement du monde que les propos énoncés par Stéphane Dupont n'était pas homophobes puisque le terme « tapette » ne veut pas dire « homosexuel ».

En effectuant une simple recherche dans les dictionnaires disponibles, autant en ligne que sur papier, nous pourrions être d'accord avec la réplique de RNC média que « tapette » n'est pas nécessairement synonyme de « homosexuel », puisque ce mot est également utilisé pour désigner une « petite tape », une « petite raquette servant à tuer des mouches », ou encore « un type de piège à souris » (voir en annexe). Mais comme il est impossible pour les « pièges à souris », les « raquettes servant à tuer des mouches » et les « petites tapes » de faire du patinage artistique, il est clair ici que le mot « tapette » a été utilisé pour désigner un homosexuel, puisque c'est le seul synonyme qui se rapporte à un être humain.

De plus, Monsieur Dupont a utilisé le mot « fif » pour décrire le patinage artistique comme « étant un sport de fifs pratiqué par des fifs », venant ainsi confirmer qu'il utilisait le mot tapette pour désigner des homosexuels. Et nous en profitons pour vous signaler que tous les

dictionnaires mentionnés dans cette lettre désignent les termes « tapette » et « fif » comme des façons injurieuses de nommer une personne homosexuelle.

À ce sujet, nous aimerions porter à votre attention le fait qu'il a été démontré par les autorités québécoises que l'utilisation de ce genre de termes était discriminatoire et portait atteinte aux individus ou communautés visées. À titre d'exemple, nous portons à votre attention le jugement de la juge Michèle Pauzé, du Tribunal des droits de la personne du Québec. Dans un procès tenu en 2004, où la plainte portait sur une insulte verbale, la juge a statué que les termes « fifi » et son diminutif « fif » sont « méprisants et blessants à l'endroit des personnes homosexuelles et ajoutent à l'opprobre et au non respect de leur dignité de façon discriminatoire ». L'accusé a été condamné à une peine exemplaire de 1000 \$ pour dommages moraux.

Et le Tribunal d'ajouter [*sic*] dans son rapport annuel qu'« un traitement injuste, une marginalisation ou une dévalorisation fondés sur des caractéristiques personnelles, qui n'ont rien à voir avec les capacités ou habiletés d'une personne, constituent une atteinte à la dignité humaine ».

De plus, la Commission des droits de la personne et de la jeunesse a défini l'homophobie comme étant le « Sentiment de peur ou d'aversion que ressentent certaines personnes à l'égard de l'homosexualité et des personnes d'orientation sexuelle, ou à l'égard de toute personne dont l'apparence ou le comportement ne se conforme pas aux stéréotypes de la masculinité ou de la féminité. » Définition reprise par le gouvernement provincial lors du lancement de sa politique nationale de lutte à l'homophobie.

Ainsi, en signifiant que les patineurs artistiques sont des « fifs pratiquant un sport de fifs » et que « le patinage artistique a toujours été un sport de tapette », quoi qu'il s'en défende, Monsieur Dupont a injurié toute une catégorie de sportifs par des propos homophobes, soit les patineurs artistiques.

Nous poursuivons notre démarche de plainte concernant les propos tenus par M. Dupont et demandons au CCNR d'y donner suite.

Conseil québécois des gais et lesbiennes  
www.cqgl.ca

#### ANNEXES

linternaute.com/dictionnaire  
Groupe, nom masculin

Ensemble de choses ou de personnes ayant des points communs.

dictionnaire.sensagent.com

Tapette (n.f.)

1. sorte de petite raquette destinée à taper
2. (péjoratif) personne qui pratique l'homosexualité.

linternaute.com/dictionnaire

Tapette, nom féminin

1. Petite tape. Synonyme tape
2. Piège à souris.
3. Homosexuel [Injurieux].
4. Instrument pour taper. Ex Une tapette à mouche.

dictionnaire.reverso.net

tapette, nom féminin singulier

1. petite tape amicale
2. sorte de petite raquette pour taper les tapis ou tuer les mouches
3. piège à souris
4. grossièrement - homosexuel efféminé

www.larousse.fr

tapette, nom féminin (de taper)

1. Petite tape.
2. Type de piège à souris.
3. Populaire. Pédéraste (Toute pratique homosexuelle entre hommes)

### Dossier 09-10-1260

Le plaignant a soumis sa Demande de décision le 23 mars avec la note suivante :

Je considère la réponse du radiodiffuseur comme insatisfaisante.

Je n'accorde aucune crédibilité à la phrase-alibi lancée par M. Dupont : « une tapette n'est pas un homosexuel », après sa sortie contre un patineur de classe olympique.

Tout son auditoire sait très bien que lorsqu'on parle des tapettes au Québec, on parle des homosexuels.

Le déni ajouté à l'insulte par l'animateur en cause confirme la mauvaise foi du radiodiffuseur quand celui-ci le reprend pour justifier l'affront.

J'attends du CCNR une position très claire, au sujet d'un affront homophobe qui a scandalisé tout le Québec.

Ce n'est pas comme si CHOI-FM en était à sa première offense; ce genre d'hostilité encouragée envers les minorités politiques est sa marque de commerce.