



Canadian Broadcast Standards Council
Conseil canadien des normes de la radiotélévision

1995 / 1996 Annual Report

“Encouraging Excellence in Broadcasting”

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Message From The National Chair

In what continues to be the Council's most basic activity, a great number of decisions were issued on a variety of matters, which are dealt with at length in this Annual Report. These decisions help to flesh out of broadcast standards that the Council administers. This year, the bulk of the decisions dealt with news and public affairs, open-line shows, television promos, radio commentaries, comedy, and human rights. Since the specifics tell the tale about what matters to viewers and listeners, I encourage readers to look at the section entitled "In Tune With the Process: More Canadians Addressing Their Concerns to the CBSC".

Given the importance of the CBSC's decision base, one of my goals last year was to create a digest of the growing body of CBSC decisions. Covering a wide range of subjects, they had begun to expand the framework provided by the various Codes administered by the Council. For the Codes to have maximum utility, it was necessary for broadcasters and citizens to have access to the full scope of the articles they contain. Communications lawyer Peter Grant asked that just such a digest be prepared for the annual *Canadian Broadcast and Cable Regulatory Handbook* published by McCarthy Tétrault. We prepared the digest, and the result has been that this widely circulated authoritative work now provides an excellent publicly accessible version of the Codes accompanied by a full commentary of their contents, for broadcasters and lawyers, and for reference by the public.

From a communications perspective, the major step taken this year by the Canadian Broadcast Standards Council was developing a Web site. While it was not completed by the end of the fiscal year, I am confident that it will be shortly and that, when available, it will be central to everything the Council does in the next few years. The site will better enable the Council to fulfil its responsibilities to convey information to its broadcaster members and to publicize its work to Canadians from coast to coast to coast. We intend to post on the site all of the documentation relevant to the Council and the self-regulatory process in Canada. This will include the Codes we administer, the decisions that arise from them, our news releases and our Annual Reports. We will also provide access to relevant Web sites, including those of our members. I expect to have concrete results by the time the next Annual Report is published.

Of equal, if not greater, importance is the interactive access to the CBSC that the Web site provides. It will help users understand the complaints process *and enable individuals to file complaints electronically* by typing their concerns out on a "feedback" form and e-mailing it to us with the touch of a mouse button. In addition, there will be direct access to the National Chair's and the Executive Director's e-mail-boxes. I believe that, with this service, the CBSC will be Canada's *first* self-regulatory entity to provide such user-friendly access.

During the course of this fiscal year, the principal event of importance for the CBSC was the CRTC's Hearings concerning Television Violence, held in September and October 1995. The decision to hold them was announced in the Commission's April 1995 policy announcement on violence, "A Review of the Commission's Approach to Violence in Television Programming" (NPH CRTC 1995-5) mentioned in last year's Annual Report. The precipitating event had been the Council's concern about the absence of a level playing field in the rules that apply to the distribution of Canadian and foreign signals to Canadian homes. The Council had pointed out the disparity in its 1994-95 decision on the *Mighty Morphin Power Rangers*.

The Chairs of the Council's British Columbia and Prairie Regional Council appeared at the Hearings held in Vancouver and Edmonton respectively in September; and the National Chair and Executive Director appeared at the Hearings in Ottawa in October. Our written submission of June 29, 1995, and the oral submission of October 18, 1995 will be posted on the Web site.

We are still not in an era in which electronic publicity will constitute the sole, or even the main, means of conveying information to the public. Accordingly, the Council was *very* fortunate to have the opportunity to develop a totally new, graphically interesting, informal and utterly user-friendly brochure. Thanks to the

financial assistance of Baton Broadcasting Inc., the initiator, and CFCF Inc., CFRN Television, the CTV Television Network, Global Television and WIC Western International Communications, 200,000 copies of the new brochure were inserted in the Summer 1996 issue of *Owl Magazine*.

We have maintained our contacts with other Broadcast Standards Councils and interested organizations around the world. We were visited by Professor Kobus Van Rooyen, the Chair of the Broadcast Complaints Commission of South Africa (BCCSA), and by Jeff Cole, the Director of the Center for Communication Policy at UCLA in Westwood, California. Both visitors provided important insights into their issues and concerns, and we in turn were able to provide them with a perspective on the effective self-regulatory system that Canadians enjoy. In June, at the invitation of the BCCSA and the Faculty of Law at the University of Pretoria, I joined colleagues from around the world to discuss issues of free speech, broadcast standards, violence on television and other related issues in Pretoria.

I also had the opportunity to attend the annual conventions of the Atlantic Association of Broadcasters in Sydney, Nova Scotia, and the Canadian Association of Broadcasters in Ottawa. At the CAB Convention I participated in a panel on "Sex, Violence and Hate on the Internet." The CBSC is also a regular participant in the deliberations of the CAB's Joint Societal Issues and Trends Committee. In addition, I had the opportunity to sit *ex officio* at the meetings of the Classification Sub-Committee of the Action Group on Violence on Television (AGVOT). The sub-committee contributed to the deliberations of programmers developing the classification system. The CBSC expects to administer that system in the manner it now administers the various broadcaster Codes.

This was again a year of growth for the Council, another year in which the CBSC's place in the Canadian broadcasting structure became more defined and more valuable for broadcasters and the public alike. It was also a year in which the prospect of additional memberships coming from outside the conventional private-broadcaster area became more of a reality; discussions have since opened with some of the specialty services.

At the end of this, our fifth year, the Council is entitled to reflect on how, from quiet unfamiliar beginnings, the CBSC has become a known entity, both visible and productive. We have handled over 1,000 complaints and rendered 50 decisions, which are used and referred to in Canada and beyond our borders. Self-regulatory bodies are an easy target for skeptics and cynics, but I am convinced that the Canadian Broadcast Standards Council is a self-regulatory entity that can stand proudly and proclaim that it has fulfilled its obligations to the public, the regulator, and its own members.

I am grateful to have had the opportunity to participate in that growth and to have been renewed in my role as National Chair. The year ahead will be one in which we will launch exciting new programs. I look forward to further growth and compelling new challenges.

RONALD I. COHEN
National Chair

1. What Is The CBSC?

The Canadian Broadcast Standards Council (the CBSC) plays an unusual and important role in the broadcasting industry. It is the embodiment of the self-regulatory approach adopted by the Canadian private broadcasters and accepted by the Canadian broadcasting system regulator. While the CRTC is the ultimate authority in the area of viewer and listener complaints, the CBSC serves as the *customary* arbiter of such matters for Canadian private broadcasting.

There are several similar self-regulatory bodies around the world. Most of these are structurally somewhat different from the CBSC; many are statutorily created and some may function on a quasi judicial basis. Not so with the CBSC. It was created by Canada's private broadcasters and has no such formal existence or procedures. The Council functions with the support of the CAB and the approval of the CRTC, but without either the heavy club or the formalities of government sanctions. While neither broadcasters nor complainants are happy when a decision does not go in their favour, it is probably accurate to observe that the careful conclusions of the public and broadcaster members who make up the Regional Councils are generally viewed as fair, balanced and thoughtful.

The Council has three principal objectives:

- To help apply specific broadcast standards developed by the Canadian Association of Broadcasters (CAB) through the innovative Canadian mechanism for voluntary self regulation. The CBSC accomplishes this objective by administering the codes described below. The CRTC, however, remains responsible for the regulatory process.
- To provide a recourse for members of the public on the application of these standards. This involves responding to listener and viewer complaints about CBSC members' programming, and applying an effective complaints procedure intended to encourage the resolution of complaints at the local level, directly between broadcasters and their audiences. This important dialogue is, in some senses, the essence of this Report. Much is to be found on this subject in Chapter 5.
- To inform broadcasters of emerging societal trends, including developments in the codes and their administration, and to suggest ways to deal with them. This educational and informational mandate may be served in various ways, including the development of new or revised guidelines, the preparation of print and electronic publications intended for the CBSC's broadcaster members, and, most importantly, personal contact between the CBSC administration and the CBSC membership.

The CBSC meets with representatives of other entities engaged in like activities around the world, so as to achieve these objectives more successfully. Most such organizations in other jurisdictions are called upon to deal with similar problems. Some seek our advice on problems they have encountered; we correspondingly seek their input. We also communicate frequently with other organizations dealing with issues of self-regulation, media literacy, violence on television, sex-role portrayal, journalistic ethics and other matters of common interest.

2. The CBSC's Component Parts

Although the CBSC is a compact organization, it deals with many complaints from television viewers and radio listeners, much correspondence, and a host of issues that belie its size. The Council is made up of a National Chair and National Executive, five Regional Councils, and a Secretariat.

The **National Chair**, appointed by the CAB, generally for a three year term, must be fluent in both English and French and have no current ties to the broadcasting industry. The Chair oversees the functions of the National Executive, assists and advises the Regional Councils as necessary, and sits *ex-officio* on all Regional Council adjudications. The Chair also provides direction to the Secretariat and represents the Council through public speeches, interviews, and appearances before public bodies and other groups and audiences within and beyond the Canadian borders.

The **National Executive** is composed of 10 members (the Chairs and Vice Chairs of each of the Regional Councils) and the National Chair. Except for the National Chair, who is not a broadcaster, its membership is drawn equally from the broadcasting industry and the public. The National Executive is responsible for initiating and overseeing the CBSC's informational and educational activities, reviewing the complaints process, understanding complaint and decision trends. The National Executive makes recommendations to the CAB on necessary Code changes based on the complaints the CBSC receives. It also approves the Annual Report, advises on policy related questions, and reviews the progress of the Council in meeting its objectives.

The five **Regional Councils** (Atlantic, Quebec, Ontario, Prairie and British Columbia) adjudicate complaints concerning member broadcasters in their respective regions. The Regional Councils may also recommend changes to the CAB Codes. These Councils represent the CBSC in their respective regions by making public appearances on behalf of the CBSC, coordinating recruitment campaigns, and coordinating broadcaster education and awareness programs. Members of the Regional Councils are appointed by the CBSC, in close collaboration with the CAB and in consultation with regional broadcasters' associations and other interested groups and individuals. Three members on each Regional Council represent the public, and three represent the broadcasting industry. The Chair and Vice Chair of each Council alternate between these two sectors.

The **Secretariat** is responsible for the day to day administration of the Council. Located in Ottawa, the Secretariat replies to complaint letters and directs them to broadcaster members for response, responds to public requests for information, issues news releases and decisions regarding complaints and other matters, prepares the Annual Report, maintains complete records of CBSC membership, and liaises with its members and the CRTC as necessary.

3. History of the CBSC

The idea to create the industry self regulatory body which became the Canadian Broadcast Standards Council dates from 1986. Details of the historical development of the concept and the Council have been provided in earlier Annual Reports and will be found on the Council's website, which is in the process of construction and will be available by the time this Report is published.

Suffice it to say for the purposes of this Report that the Council has, since 1990, brought together nearly all of the private radio and television broadcasters in Canada in this self-regulatory structure. The CBSC has established an effective complaints resolution mechanism: by greatly simplifying its complaints process and accessibility from the public's point of view; broadening its approach to the interpretation of the Codes; and radically altering its method of rendering and publicizing its decisions.

It has been a goal of the CBSC to make the prospect of complaining about a broadcast *undaunting*, to coin a word. A couple of years ago, the Council dropped the legalistic waiver form which complainants originally had to sign to initiate the adjudication process in favour of a *simple* Ruling Request form and we always emphasize that complainants do not need to write a "thesis" or a "legal tract" to proceed. Once the Council's Secretariat has the complaint in hand, *the Council* determines which Codes apply to the problem. This is not a burden placed on the complainant. The Regional Councils always deal with whatever issues are raised by the viewer or listener but they also look at any other Code-related matters which members consider may apply.

Over the years, the CBSC added another "missing" piece to the puzzle. As the Council reflected on the dialogue it had always encouraged between broadcasters and the public, it became clear that an important link was missing. The complaint process seemed dry and detached, the evaluation of a complaint against a code provision purely objective and, in some ways, unresponsive to the concerns of either the broadcaster or the listener/viewer. The *dialogue* was the link, the involved and subjective communication between the broadcast and the recipient ears and eyes. And yet there was no emphasis on the link in the process. That principle, enshrined in the 1993 decision in *CFOX-FM re the Larry and Willie Show* (CBSC Decision 92/93-0141, August 30, 1993) has been consistently applied by the Council since that time. Overall, the CBSC believes this bifurcated responsibility, to respect the Codes, on the one hand, and to communicate with the audience meaningfully, on the other, has become an extremely valuable concept from the perspective of everyone involved in the complaints process.

The Council continues to believe that a more flexible approach to the Codes is a matter of great importance. The process of code amendment is necessarily long and involved. Not every circumstance can possibly have been envisioned in the three CAB Codes (*Ethics, Sex Role Portrayal and Violence*) and yet one may justifiably assume that the spirit guiding broadcaster programming practices exists in those Codes. Accordingly, the various Regional Councils have consistently felt comfortable in departing from a strict adherence to the Code language, occasionally expanding the obviously implied principles by reference to the *Broadcasting Act*, the *Radio Regulations* or the *Television Regulations* adopted pursuant thereto, and even other codes from other jurisdictions. These have thereby enabled the Council to deal with almost every specific complaint entering its offices. This approach permits the CBSC's members to know with greater confidence that complaints can almost always be dealt with within the self regulatory framework rather than in the more formal governmental environment.

The presentation of the decisions themselves has evolved. Believing that these should be a more useful guide to acceptable broadcasting standards than the "bare bones" rules of the Codes themselves for both broadcasters and the public, the CBSC now provides as much detail as possible regarding the programming complained of, including the allegedly offensive remarks, transcribed in full, the Code provisions, any "imported" external code or statutory text, and the Council's detailed explanation of the reasons for its findings.

In order to make these more expository decisions more useful to broadcasters and the public, it was necessary that their existence be publicized. Well aware of the fact that the media tended to disregard the Council's decisions, the CBSC adopted a new approach to their release. They are disseminated well beyond the region in which they were rendered by fax and courier (and soon by e-mail) to journalists across the country who had manifested an interest in the the work of the Council or the media. The result has been much greater attention to the CBSC's decisions.

While the CBSC has remained faithful to the principles underlying its existence, its bridging role between the broadcasters and the public has evolved considerably. As its recognition among the radio and television audience develops, the systems to cope with that growth are now solidly in place. As anticipated in the National Chair's Message, the development of the Internet will place the Council on the edge of a quantum leap from this history forward.

. Codes Administered by the CBSC

The CBSC administers three Codes developed by the CAB and one created by the RTNDA (Radio Television News Directors Association of Canada).

The Code with the broadest scope is the *CAB Code of Ethics*, which dates from February, 1988. The considerable territory covered by this Code includes delineating broadcasters' responsibilities for programming and journalistic standards. Matters dealt with in the Code include abusive or discriminatory material or comment; bias and editorialization in the news; treatment of controversial public issues; content and conduct of contests and promotions; limited advertising related issues; and sex role stereotyping. The frequent use of the Code in adjudicating broadcast complaints has resulted in an expansion of its application to open-line or talk shows, broadcast commentaries and potentially offensive humour. It has, in those regards, played an important role in fleshing out sets of criteria that apply to those broadcast genres.

The CBSC constantly looks for matters which could be dealt with more effectively in a revised *CAB Code of Ethics*. While such issues have arisen from time to time, the Council has had extensive opportunity to use a flexible approach in interpreting the Code in its decisions. The Council looks forward in due course to the prospect of codifying many of the principles it has established in its decisions.

The revised *CAB Voluntary Code Regarding Violence on Television* is now in its third year of use. Developed in consultation with a broad range of media and citizen groups, including the CBSC, this Code affirms the broadcasters' commitment to self regulation in this area. The Code has been widely accepted as the most innovative regulatory instrument of its type in North America, if not the entire world.

While the Code begins from the principle of freedom of expression, it recognizes that, for Canadians, that freedom has its limits. As a general principle, for example, the Code prohibits the broadcasting of gratuitous or glamorized violence at any hour of the broadcast day. In recognition of the need for special attention to children in our society, the Code also establishes a watershed hour of 9:00 p.m., before which no violent material intended for mature audiences may be shown. By permitting the broadcast of violent material intended for mature audiences after the watershed hour, the Code acknowledges the principle of creative freedom. The Code also recognizes that information plays an essential role; consequently, programming containing material that may be problematic to viewers, particularly children, who may after all be watching television even after the watershed hour, *must* include advisories alerting viewers to potential content problems.

Children, defined as persons under the age of 12, are further protected by a special set of principles that apply only to *their* programming. These rules require a cautious approach to the use of violence in children's programming, permitting it when essential to develop character and plot; the rules also mandate avoiding themes that threaten children's security or that could invite dangerous imitation. Programs containing realistic scenes of violence must not minimize the effects of the violent acts or suggest that violence is the preferred or only way to resolve conflict.

The Code contains special provisions dealing with violence against women, animals and specific groups. It also addresses the special cases of violence in sports, news and public-affairs programming.

The classification system envisaged by the Code will likely come into effect in the coming fiscal year. An industry committee, the Action Group on Violence on Television, is hard at work developing and testing the new system.

The *CAB's Sex Role Portrayal Code for Radio and Television Programming*, which the CBSC has administered since the Code was endorsed by the CRTC in October 1990, addresses such issues as exploitation of women, men and children; the portrayal of the diverse roles (family, professional and other)

played by women and men; the portrayal of Canada's demographic diversity; and the balance, visibility and involvement of women in broadcasting.

The CBSC also administers the *Radio-Television News Directors Association Code of Ethics*, which deals with journalistic practices. Because of its detailed provisions on journalistic practices, this Code has proved to be an invaluable tool in dealing with news, which is one of the most active areas of viewer and listener concerns. This Code also has the virtue of having been well-known to news directors for more than a quarter of a century. In that respect, its rules require no introduction to radio and television news rooms. The precision of the matters covered in the Code has permitted the CBSC to deal more effectively with certain matters than it would have been able to do in the absence of the *RTNDA Code of Ethics*.

5. In Tune With the Process: More Canadians addressing their concerns to the CBSC

The year 1995-96 marked an upsurge in the volume of complaints heard by the CBSC Regional Councils. Clearly, and perhaps as a result of well-publicized past decisions such as that for the *Mighty Morphin Power Rangers* series, Canadians came to recognize the CBSC's complaints process as an effective avenue for voicing their concerns and influencing programming content. In addition, the CBSC simplified its process last year by eliminating the necessity for a waiver form.

The types of complaints heard by the Regional Councils in 1995-96 fell into three broad categories:

Public commentary

Canadians wrote to express their opinions about commentaries by radio hosts and about the approach taken by hosts of television talk shows.

Violence and sex-role portrayal

Canadians' concerns included the airing of controversial programming and the scheduling of programs with violent content.

News and public affairs programming

The way in which broadcasters treated sensitive issues in the news was a concern for some Canadians.

The CBSC also received a number of 'general' complaints that did not fall into any of the above categories but recognized the CBSC as a vital part of the complaints process.

Public commentary

Television viewers and radio listeners complained about editorial comments they found objectionable. The decisions of the CBSC Regional Councils helped to clarify the distinction between discourse that is provocative and that which is abusive; they also drew a solid line between inoffensive jokes and abusive comments masquerading as humour.

Getting personal

A listener to CKAC radio in Montreal faxed a letter directly to Gilles Proulx, the host of a daily call-in show to express displeasure with Proulx's treatment of various issues and his comments about Quebecers. The listener described the host as self-absorbed and complained that he criticized Quebecers' language and speech patterns as though he, himself, were not a Quebecer. The letter went on to give examples of grammatical errors the host made on occasion, and criticized various characters Proulx had created and featured regularly on the show.

The following day, Mr. Proulx read portions of the listener's letter on air and attacked the writer personally. The listener responded with another strongly worded faxed letter, stating that the host had simply confirmed the listener's impressions of him with his on-air diatribe.

The following day, the host read the second letter on the air and again attacked the writer. The listener wrote to the station's programming director, enclosing copies of the correspondence sent to Mr. Proulx and stating that, if the station tolerated Mr. Proulx's conduct, it was in complicity with unacceptable action

that exceeded the bounds of decency and, in the writer's opinion, the rules to which broadcasters are subjected. The listener also wrote to the CRTC, enclosing all of the correspondence, describing the incidents, and asking that a sanction be levied against CKAC radio.

The station responded by stating that the listener's first letter to Mr. Proulx [translation] 'had a tone that one could call provocative.' The station went on to say that [translation] 'What you have considered to be insults were, in fact, strong commentaries by the host, Gilles Proulx.' The position of station CKAC was that [translation] '...our hosts may sometimes invite criticism because of their comments... That is why we meet with our hosts regularly to discuss these issues with them. During our next meeting with Mr. Proulx, we will review the principles that prompted you to respond.'

The listener was not satisfied with this response and asked that the CBSC Quebec Regional Council consider the matter. The Regional Council reviewed all of the correspondence and listened to tapes of the two shows in which the host referred to the listener's letters. The Council members considered the host's comments to be highly abusive, constituting 'verbal violence' against the listener. Further, the Council criticized the host for launching a personal attack against the listener and, by reading the letters on the radio, airing personal information about that individual:

Even if the complainant's initial letter had been unduly provocative regarding the host's on-air attitudes, tone and practices ... it would not give rise to an entitlement on the part of the host to ridicule, demean and insult the letter-writer. The host's right to defend himself and his style does not extend to the personalized debasing of his critics. The listening public has every right to expect higher standards of those persons whom broadcasters choose to place on the airwaves.

The Council members held that the station is responsible for the on-air actions of the host, even when dealing with controversial issues. It decried the station's attempt to place the blame for the host's comments on the listener and the original letter written to the host. The Council found that the station had breached the provision of the *Code of Ethics* dealing with full, fair and proper presentation of news, opinion, comment and editorial, as well as the RTNDA *Code of (Journalistic) Ethics*. In his use of pejorative language against women, the host was also in breach of the *Sex-Role Portrayal for Television and Radio Programming Code*, which states that there should be no exploitation of women. The station was required to air an announcement to these effects.

Equal time

Three viewers of CFTM-TV in Montreal wrote to the CRTC to complain about the conduct of Jean-Luc Mongrain, host of the talk show *Mon grain de sel*, during a segment dealing with a [translation] 'religious group known as the Raëliens.' The show had been spurred by a recent event that had led to an inquest over the conduct of the President of the Canadian Raëliens, by his professional order. The President responded by initiating a complaint with the Quebec Human Rights Commission, alleging discrimination on the basis of religion. The viewers complained about the way in which the host had introduced the subject and treated the leader of the movement (Raël) and the President of the Canadian Raëliens (Daniel Chabot).

Before a commercial break, Mr. Mongrain introduced the segment with the Raëliens as follows:

[translation] After the break; you know the popular saying "Travelers from afar can lie with impunity" or, in Goebbels' words "the bigger the lie, the more likely people are to believe it."

During the segment, the host challenged Raël by revealing his birth name, recapping Raël's story of having been kidnapped by the [translation] 'Elohims, extraterrestrial beings who took you to their world, and there, lucky you, you had an opportunity to eat with Jesus Christ, Mohammed, Moses and the rest of those guys.'

In addressing Chabot, Mongrain provided viewers with information about the controversy that had led to Chabot's removal from the Order of Psychologists:

[translation] That's what all the controversy is about. Daniel Chabot is a psychologist, and at a conference, he extolled the virtues of masturbation as a means of reaching cosmic orgasm. And now his professional association is pointing a finger at him and telling him: "tsk, tsk, tsk, you're not fit to practice your profession," and an investigation of his conduct is underway.

Mongrain asked Chabot whether, in his profession, he was influenced by his religious beliefs. After asserting his professional integrity, Chabot presented the issue as an attack on his fundamental right of religious association.

One viewer wrote directly to Mongrain, saying [translation] '...your attitude is an incitement to hatred towards members of the religious minority of which I am a member.' He went on to say, [translation] 'You have shown a lack of respect not only for Raël and Daniel Chabot but, through them, for thousands of honest people who support them.'

Legal counsel for CFTM-TV responded to all three complainants by asserting that:

[translation] The facts surrounding this investigation and the absence of any formal complaint against Mr. Chabot were presented in a completely objective manner at the start of the program by the journalist, France Gauthier.

Later in the program, the founder of the Raélien movement was invited to explain what the movement was all about. In addition, Mr. Daniel Chabot also presented his point of view concerning the investigation into his conduct.

The complainants were not satisfied with this response and asked that the matter be referred to the Quebec Regional Council.

The Council members reviewed the tape of the program in question and the related correspondence. They noted that the CAB *Code of Ethics* requires 'the full, fair and proper presentation of news, opinion, comment and editorial.' The Code also underlines broadcasters' responsibility 'to treat fairly, all subjects of a controversial nature.' The Council considered that the host had provided balance in the treatment of the issue by allowing the guests ample opportunity during the 24-minute segment to respond to Proulx's comments. It found that '...Mongrain's provocative statements encouraged debate and enabled clarification of the position of the Raéliens.' The Council members added:

Moreover, as the host of a popular public affairs program, he would not have been fulfilling the role of the broadcaster to present "news and opinion on any controversy which contains an element of the public interest" had he not questioned the public assertions of the Raélien movement, many of which would be seen by society in general as being well removed from mainstream perceptions.

In reaching its conclusions, the Regional Council followed the wording of the English version of the *Code of Ethics*, which calls for news programming to treat controversial subjects in a manner that is 'full, fair and proper,' rather than the French version of the Code, which calls for an approach that is '*objective, complète et impartiale*.' The Council members considered the French version, obviously an unrepresentative translation of the original English, to be unworkable in the context of much of the public affairs programming to which it must be applied, since editorial comment, by its very nature, cannot be objective.

Jewish mothers and Legal Aid crisis

Numerous listeners to CHUM-AM radio in Toronto, and organizations representing the Jewish community, wrote to complain about comments by news reader Brian Henderson. In his Thursday morning Commentary, Mr. Henderson spoke about problems with Ontario's Legal Aid plan, saying:

Provincial Attorney General Charles Harnick may not realize it but the root cause of the crisis in the Legal Aid system is Jewish mothers. I don't ever recall my parents suggesting a career choice for me but, rightly or wrongly, Jewish mothers are infamous for advising their offspring to become doctors or dentists or lawyers, or marry a doctor or dentist or lawyer, and the result is we have too many of all three in this province ... most especially lawyers.

And even a bad lawyer can make a good living through Legal Aid. ... We also have too many laws, which may actually be the real problem but for now it's more convenient to just blame the lawyers.

There's a Jewish proverb about two farmers who both claim to own the same cow. And so there they were: one farmer pulling the cow's head, the other man yanking the cow's tail, with a lawyer right in the middle milking the cow for all he's worth. Something like legal aid.

CHUM played a tape of the Commentary on its public access telephone line for a period after the broadcast. A representative of the Canadian Jewish Congress contacted the station to complain. Later on the day of the broadcast, the President of CHUM Group Radio issued a press release saying:

Today, in his Commentary, Brian Henderson made remarks that were interpreted as being anti-Semitic. I must first make the point that, as far as we at CHUM are concerned, Brian Henderson is in no way anti-Semitic and has, in past Commentaries, been very supportive of the Jewish community.

We at CHUM Group Radio are very concerned about any feeling that we or our employees harbour any anti-Semitic feelings. Such is just not the case. We are deeply concerned that the remarks made on our radio station may have offended any of our listeners. We can only ask those who were offended by the remarks to accept our most sincere apologies.

The apology was read on air by the President of CHUM Group Radio that day and twice the following day. It was also played on the CHUM access telephone line.

In reaction to the on-air apology, B'nai Brith Canada, a Jewish-community organization, issued a press release saying that 'the statement kindled new flames as listeners felt that the station was not expressing a feeling of true remorse.'

The Canadian Jewish Congress, along with many other groups and individuals, wrote to the station and to the CRTC about the content and implications of the editorial comment. All of the letters of complaint, from a total of 40 individuals-more than for any previous program-were forwarded to the CBSC. The Canadian Jewish Congress expressed their complaint in the following terms:

In our view, the Commentary is more than tasteless; it is anti-Semitic and has no place on the public airwaves. This Commentary expressly blamed members of the Jewish community for a serious societal problem, and it did so by invoking a litany of offensive stereotypes.

Is this 'political correctness'?

To further complicate the matter, on the Monday following Brian Henderson's Commentary, Dick Smyth, a commentator at CFTR-AM, said the following:

There's truth and then there's political correctness. Item: My old colleague Brian Henderson finds himself in a confrontation with the Jewish community because of some rash but nevertheless true words. A quick inspection of the Toronto phone book reveals that there is indeed a disproportionate number of Jewish lawyers, dentists and doctors. In many cases their profession is the result of family pressure...

This Commentary led to many more complaints addressed to the CBSC, one of whom asked that the complaint be referred to the Ontario Regional Council. The complainant said, in part:

It is not an issue of being "politically correct" or thin skinned as Smyth stated. Henderson blamed a very specific ethno religious group, i.e. the Jews for the economic ills of several societal institutions without providing any supporting evidence, and to make matters worse, Smyth backed him up.

The day after the Dick Smyth Commentary aired, CFTR-AM aired a rebuttal of his statements, saying in part:

Yesterday at this time, Dick Smyth delivered a commentary with which the management of this radio station vehemently disagrees. Dick chose to support the recent comments of a broadcaster on another radio station who, according to reports, suggested that the Legal Aid system was in jeopardy because too many Jewish mothers had encouraged their children to become lawyers. We found those comments to be unfair and *totally* without basis and for Dick to condone these remarks was, we feel, completely inappropriate. ... It is not, as Dick suggested, a matter of political correctness. It is a matter of common decency. We apologize to all those listeners whose confidence in this radio station was diminished in any way by Dick's remarks.

B'nai Brith Canada issued a press release the same day, with the headline, 'B'nai Brith Encouraged by Quick Response to Biased Broadcast: CFTR Apologizes, but Host Refuses to Retract Remarks.'

Actions to redress a wrong

Meanwhile, the CHUM Group Radio President and Brian Henderson met with senior representatives of B'nai Brith in Toronto and agreed to take the following actions to redress the ill caused by the original Commentary:

1. Mr. Henderson would broadcast a mutually agreed-upon apology.
2. Members of B'nai Brith Canada would come to the radio station to conduct a human rights educational program for the entire staff.
3. Station 1050 CHUM would provide public service announcements addressing human rights issues.
4. The station and B'nai Brith would conduct an ongoing dialogue about co sponsoring a program promoting human rights in elementary and secondary schools across Canada.

Mr. Henderson's on-air apology was broadcast three days later, and was repeated several times the following day. It was also broadcast on CHUM-AM's sister station CITY-TV and played on the telephone access line. The apology said in part:

My attempt, to preface a serious topic, with a not so subtle bit of ethnic humour, was clearly poorly conceived because it was not only misunderstood by many of our listeners but created an atmosphere of ill will and mis trust.

...

One thing that must be made perfectly clear. ... I came up with the idea for that Commentary ... I wrote it ... I read it ... and so, if there's any blame to be assigned, for the pain and in some cases even fear, that my obviously misguided attempt at making light of a serious situation caused, lay it on my desk. I can't

take it back (live radio doesn't allow for that), but I can offer a sincere and heartfelt apology, for an insensitive error in judgement.

B'nai Brith Canada followed up by issuing a press release praising the apology and expressing its wish to work with CHUM-AM 'to prevent such situations from occurring again.'

The CHUM Radio Group President wrote to all who had written to complain about the Brian Henderson Commentary, apologizing for the remarks and explaining how the station had responded to the situation. He described the action that CHUM-FM was taking, saying that '...the dialogue in which we have engaged with leaders of the Jewish community has, it is hoped, resulted in positive steps that will assist in the advancement of tolerance and racial harmony.'

Three of the complainants were not satisfied with the broadcaster's response and asked that the matter be referred to the CBSC Ontario Regional Council.

What does 'disproportionate' mean?

The same day as the Brian Henderson apology, Dick Smyth apologized, saying in part:

My quotation of Brian Henderson, widely but wrongly seen as a blanket endorsement, was used only as an example. I never endorsed the concept that mothers of Jewish lawyers were the root cause of our Legal Aid difficulties.

The word "disproportionate" has had a negative connotation to many listeners and I regret having chosen that word. It hurts me deeply that I have been branded an anti Semite for remarks broadcast on this station.

CFTR's Executive Vice President and General manager wrote to the individual who had, in a complaint about Dick Smyth's Commentary, said that Brian Henderson's comments had nothing to do with 'political correctness' or being 'thin-skinned.' The letter of response described CFTR's reaction to the Commentary and the immediate actions it had taken, including the station's 'unequivocal corporate repudiation of the opinions expressed by Mr. Smyth.' The listener was not satisfied with this response, and asked that the matter be referred to the Ontario Regional Council.

The Ontario Regional Council considered the Brian Henderson and Dick Smyth Commentaries, and the actions taken by the two radio stations, separately. In each case, the Council members listened to tapes of the original broadcasts and all subsequent comments, and reviewed correspondence from those complainants who had asked for Regional Council referral.

Was the original Commentary acceptable?

In the case of the original comments by Brian Henderson, the Council considered whether the station was in breach of the CAB *Code of Ethics*, which requires broadcasters to ensure that their programming does not contain abusive or discriminatory material or comment based on matters of race, national or ethnic origin, colour, religion, age, sex, marital status or physical or mental handicap. It also considered whether the broadcast constituted 'the full, fair and proper presentation of news, opinion, comment and editorial' as required under the Code. In order to better explain its understanding of that phrase, the Council applied a section of the *Radio Regulations, 1986*, which requires broadcasters not to air:

...abusive comment that, when taken in context, tends or is likely to expose an individual or a group or class of individuals to hatred or contempt on the basis of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

The Council members determined that the Brian Henderson Commentary had indeed breached the *Code of Ethics*. They found that this case was not a matter of listeners interpreting the announcer's comments as abusive. Instead, the comments were 'unrelated, irrelevant and factually unsupportable.' The Regional Council members went on to say that:

His original Commentary was incorrect and inappropriate, a textbook case of what Canada's private broadcasters sought to avoid when they mandated in the *Code of Ethics* which they created for themselves that "their programming contain no abusive or discriminatory material..."

The members concluded that such discriminatory material as Brian Henderson's Commentary is not tolerable on Canadian airwaves, and that:

While each individual must determine his or her limits of tolerance at home, the manifestation of such intolerance on the publicly owned airwaves is unacceptable. The freedom to speak or express does not include the freedom to defame.

The Council members considered the response of the broadcaster, *after* the initial apology, to be exemplary. It praised the on-air statement by Brian Henderson, its repetition on television and radio, the meeting with representatives of the Jewish community, and the planned activities extending beyond the Jewish community and the City of Toronto.

How far does broadcasters' liberty of expression extend?

In the matter of the Dick Smyth Commentary, the Ontario Regional Council considered whether the same provisions of the *Code of Ethics* had been breached. They found that the Commentary was abusive and discriminatory. The Council considered that Smyth's Commentary had been:

...a poorly executed attempt to support a beleaguered colleague. In radio, where there is no video component, words are, if not everything, nearly everything. Poor or unskilled choices reflect on the person broadcasting. Thoughtless or wrong choices which are abusive or discriminatory reflect on the person listening. The broadcaster's liberty of expression does not extend that far.

The Council found, however, that the station had responded quickly, firmly and unequivocally, and did not require CFTR-AM to do more than it had already done.

Abusive 'humour'

A listener to radio station CKTF-FM wrote to complain about a 'newfie joke' told by the host of the afternoon program *Voix d'Accès*. Speaking in French, the host imitated Lucien Bouchard as he told the story of two people from Newfoundland at a ski centre in the Outaouais region of Quebec. The skiers asked for the same ski instructor they had had the previous year. When asked to describe the instructor, the skiers replied that he had blond hair and blue eyes, and 'two assholes.' When the clerk at the ski centre asked for an explanation, the skiers replied, '...when we skied with him last year, he met another instructor, and the other instructor asked him, "So, how's it going with your two assholes?"

The listener telephoned the radio station and was not satisfied with the response. Following up with a letter to the CRTC, the complainant said that the 'joke' was upsetting because it was '...such a negative racial slur which serves nothing more than to reinforce a negative stereotype against Newfoundlanders as being stupid, which is exactly as the joke implies.'

Upon receiving the letter of complaint, the station's General Manager responded by describing the actions he had taken to address the matter with the on-air host:

I met immediately with our program director, to whom you had spoken the day after the incident, on February 28 around 4 p.m. ... After listening to the program, on the same day, we sent a memorandum to the host in question (see the attached copy) to inform him of your complaint and its grounds, and reminding him of our policies in this regard.

In conclusion, we are completely aware of the poor judgement of our host and we apologize. We believe the measures we have taken internally will prevent such an incident from recurring.

The General Manager also sent the listener a copy of a memorandum he had sent to the host, which stated:

After listening to the program, we noted that the comments lacked judgment and were prejudicial to the national origin of the complainant. The offensive comments broadcast did not comply with the laws and regulations which govern us or with Radiomutuel's policies regarding spoken word content.

You will find enclosed the policies of Radiomutuel regarding spoken word content, approved by the CRTC for all station programming. I strongly suggest that you re read them and put them into practice in order to ensure that a similar situation does not recur.

The listener was not satisfied with this response and asked that the matter be heard by the Quebec Regional Council. The Council members considered whether the joke contravened the *CAB Code of Ethics*, which requires broadcasters to ensure that their programming does not contain abusive or discriminatory material or comment based on matters of race, national or ethnic origin, religion, age, sex, marital status or physical or mental handicap. They decided that, in broadcasting the joke, the station had contravened the Code. The members asserted that not all 'ethnic' jokes or comments will or should be considered as crossing the boundary of acceptability. The members distinguished between acceptable and unacceptable humour as follows:

There are those which are sanctionable and those which, even if tasteless or painful to some, are not. 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. Nonetheless, the airwaves are a special and privileged place and those who occupy that territory are expected to play a more restrained and respectful social role.

The members asserted that the use of the word 'asshole' to describe any 'ethnic, racial, national or other discernible group was derogatory, abusive and discriminatory and in violation of clause 2 of the *CAB Code of Ethics*.' In considering the adequacy of the broadcaster's response, the Council members noted that the station had taken internal steps to ensure that a similar situation would not occur and that its response to the listener was 'thoughtful, collaborative.' Because the action had breached the *Code of Ethics*, however, the Regional Council required the station to air an announcement to that effect in the subsequent 30 days.

Is ethnic humour discriminatory?

A listener wrote to the CRTC to complain that an episode of CHUM-FM's weekly comedy show, *Sunday Funnies*, had used abusive and discriminatory language against Polish people. The CRTC forwarded the letter to the CBSC.

The show in question had included a routine by American comedian Foster Brooks, who told many stories about his in-laws, who are of Polish descent. For example, Brooks told a story about his brother-in-law going ice-fishing for the first time. 'He brought home two hundred pounds of ice. [Audience laughter.] His wife fried it and they both drowned. [Audience laughter.]'

The listener said the routine 'attempted to portray Polish people as stupid and brainless via a series of denigrating jokes.' The listener added, 'I cannot believe that in 1995, in a pluralistic society that Canada aspires to, CHUM had the nerve to air such an obvious attack on Poles.'

In his response, CHUM-FM's Program Director noted that Foster Brooks had not referred directly to Polish people, but had attempted to portray his in laws in funny situations. The Program Director went on to say that situations like this one are part of the foundation of comedy:

Whether you are Catholic, Protestant, Black, White, Jewish or from Newfoundland, Scotland, Poland or wherever, comedians have always used these real life realities to develop their humorous routines. It is not uncommon for Black people, Jewish people, or Newfoundlanders to poke fun at themselves. This does not mean they are racist, bigots or anti Semitic. It is simply their attempt at humour, and nothing more.

He added that the Sunday-night program had been on CHUM FM for 15 years, and that the station always ran a disclaimer at the beginning of the show 'advising listeners that some of the material they hear may be objectional [*sic*]. This allows our audience to make their own choice on whether or not to listen to the show.'

The viewer was not satisfied with this response and asked the Ontario Regional Council to consider the matter. The Council members listened to a tape of the segment, and reviewed all of the related correspondence.

The members considered whether the broadcast had contravened the CAB's *Code of Ethics*, which stipulates that broadcasters must avoid abusive or discriminatory material or comment based on matters of ethnic origin. They also referred to the *Radio Regulations, 1986*, which say that broadcasters must avoid abusive comment that may expose individuals, groups or classes of individuals to hatred or contempt based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability.

Humour must be considered in context

In making their decision, the Council members drew a distinction between serious and humorous dialogue. The Council members decided that the dialogue in this case was clearly intended to be comedic.

After all, where the audience is given no reason to expect that the substance of the comments made is serious, their attitude could reasonably be expected to be different. A remark which might reasonably be assessed as abusive in a serious context and thus in breach of the *Code of Ethics* may not be so viewed in the comedic environment.

Members agreed that humour is commonly based on national, ethnic, racial or gender traits, and that such content cannot be the sole reason for sanction. To be sanctionable, such humour must be coupled with another defining criterion; namely, it must be abusive or discriminatory. The issue, ultimately, was to decide when a humorously intended comment may reasonably be viewed as having gone too far.

In this case, the Council agreed that the humour did not exceed the bounds of reasonableness. There had been no intent to abuse people of Polish background, and Council members assessed that most people would not reasonably believe that such jokes would have a discriminatory or abusive impact. In fact, Council members agreed that the primary thrust of the humour was toward in laws and *not* people of Polish descent. However, they also agreed that, had the latter been the case, they would still not have found the jokes abusive or discriminatory.

Members did say that they understood some people might be offended by the humour. For this reason, they commended the station for using the advisory at the beginning of the weekly show. Council

members agreed that the Program Director was correct to point out to the complainant that this was CHUM FM's practice.

Jewish mothers and light bulbs

A listener to Toronto radio station CHFI-FM wrote to the CRTC to complain about a joke told by Mr. Don Daynard, the host of a morning show. The complainant considered the joke, which was a variation on the light bulb joke, to be anti-Semitic. In the letter, the listener contended that the subject of the joke was 'a Jewish mother sitting in the dark and making her children feel guilty.' The complainant found the joke to be 'offensive to Jews in general and Jewish women in particular.'

The listener had called the radio station and spoken with the Vice President of Programming. The Vice President said that he, himself, was Jewish and had not been offended by the joke. The listener was not satisfied with this opinion and followed up with a complaint. The CBSC forwarded the letter to the station for response. The Vice President of Programming, in his written response, explained that the joke was part of a regular feature, 'The Really Bad Joke of the Day'. It was told as one of a series of light bulb jokes and did not include any mention of guilt or of the mother making her child feel guilty. The letter went on to explain:

There is no reference to a child. It may have been a better idea for Mr. Daynard to delete any reference to a nationality, but he was reading from a published book and read the item verbatim.

The Vice President indicated that he believed Mr. Daynard had meant no offence, but apologized for any discomfort the listener may have felt upon hearing the joke. He further indicated that he had asked Mr. Daynard to delete the joke from his files.

The listener was not satisfied with this response and asked that the Ontario Regional Council consider the matter.

The Council members reviewed a tape of the program and the exchange of correspondence. They considered whether the joke contravened the *Code of Ethics*, which prohibits the broadcasting of any material that is abusive or discriminatory based on matters of race, national or ethnic origin, colour, religion, age, sex, marital status or physical or mental handicap. They concluded that the joke was not abusive or discriminatory.

It was told in the context of a series of light bulb jokes aimed at feminists, Marxists, surrealists, accountants, etc. It poked fun but did not bludgeon. It tickled but was not nasty. ... The CBSC does not expect that the airwaves will be pure, antiseptic and flawless when society is not.

The members stated that the joke did not belittle Jewish people or cast aspersions upon this particular group. They conceded that not all listeners might find the joke humorous, but considered that it contained no negative connotation about Jewish people. The Council members also concluded that the broadcaster's response had been adequate.

Violence and sex-role portrayal

Canadians expressed concerns about television programming that included violent scenes intended for adult audiences, foul language, and what they considered to be explicit sexual content. Their complaints often focused on the suitability of airing certain material at times of the day when children might be unsupervised.

'No redeeming values'?

A viewer of CFCF-TV in Montreal wrote to the CBSC to complain about the program *Matrix* which, in the viewer's opinion, had 'absolutely no redeeming values.' In the letter to the CBSC, the viewer quoted a section of the CAB's *Voluntary Code Regarding Violence in Television Programming*, which prohibits the airing of 'scenes of violence intended for adult audiences' before 9:00 p.m. The viewer objected to the scheduling of this program at 8:00 p.m. on Saturday evenings.

The CBSC forwarded the letter to the station for response. The station's Vice-President of Programming/Production responded by informing the viewer that it had moved the show to 9:00 p.m. on Fridays. He also advised that the program had not been aired during the network's Olympic coverage in the previous month. Further, he informed the viewer that the program was going to be taken off the air in the following month.

The viewer was not satisfied with this response and asked that the matter be reviewed by the Quebec Regional Council. The Council members watched a tape of an episode of the program that had aired at the time of the viewer's original letter to the CBSC. They found that there had been one violent scene, in which an individual was hit by an automobile. The Council members considered that neither this scene, nor the rest of the episode, constituted gratuitous violence or violence aimed at an adult audience.

The Regional Council acknowledged that they had viewed only one episode of the series and that other episodes could have included more violent content but that they could not determine this. Since CFCF-TV had moved the program to a 9:00 p.m. time slot, however, it had responded to the requirement under the *Violence Code* for late-evening scheduling of programs containing scenes of violence intended for an adult audience.

Foul language, disgust and outrage

A viewer in Trenton, Ontario, wrote to the Director of Programming at CJOH-TV to complain about the 9:00 p.m. airing of the movie *White Men Can't Jump*. The viewer was 'absolutely disgusted and shocked that anyone at [the] station would see fit to air this movie, unedited.'

As the viewer stated, the movie contained:

...oft repeated exclamations like "cocksucker!", "mother fucker", "Jesus Christ!", "bullshit!", "asshole", and, quite literally, an innumerable amount of simple "fuck!"s (this only from the first 30 minutes that I chose to observe, dumbfounded)!

The viewer pointed out that, at 9:00 p.m., the film's audience could include a number of 'impressionable minds, unable to discriminate...'

The Vice-President and Station Manager of CJOH-TV responded by offering the station's apologies for the fact that the viewer found the film distasteful. He then explained the development of the CBSC's new *Voluntary Code Regarding Violence in Television Programming* and the specific sections of the Code that deal with the timing of programs containing violence intended for adult audiences. Such programs may not be aired before 9:00 p.m. He also explained that CJOH, like many other broadcasters, had chosen to adopt 9:00 p.m. as a 'watershed hour' before which they would not broadcast material that contained mature themes, foul language, or nudity. The Station Manager explained the station's decision as follows:

To that end the decision was made that this film would be telecast after 9 pm, and would carry appropriate advisories, to enable viewers to make an informed decision on whether or not the film would be suitable for them.

The advisory which aired throughout the first hour of the program was as follows:

"Tonight's feature deals with mature subject matter and contains some sex and coarse language throughout. Viewer discretion is advised." That oral and printed viewer advisory was aired at the start of the film and again at 9:15, 9:27 and 9:42 p.m.

The Station Manager explained that CJOH had decided not to edit the profane language used in the film to preserve its artistic integrity. As he explained:

It was the view that while use of the coarse language could possibly be offensive to some viewers, it was not gratuitous, in that it suited the nature of the characters and the physical setting of the plot.

Within the context of the overall story, the script reflects the language of the street, and as such is part of the lexicon of that particular reality. To have cut all the coarse language would have impaired the dialogue continuity. That in turn would have been a disservice to the film's creators and, in the end, to those viewers who wish to see films presented in as much of their original theatrical version as possible.

The viewer was not satisfied with this response and asked that the matter be referred to the Ontario Regional Council. The Council members watched a tape of the film as it had aired on CJOH-TV and reviewed all of the correspondence.

The Council agreed with the complainant that the language used in the film was 'coarse, even incessantly so for at least the first half hour of the film.' The members expressed the view, however, that such language was appropriate for the story being told and for the scene within which the film was placed. It referred to previous CBSC decisions on language used on air and reiterated that 'current broad social norms must be applied.' Thus the Council acknowledged that language that has become commonplace in some segments of society may find its way to the airwaves even though it is clearly abhorrent to some viewers. The viewer advisory is the vehicle to warn individuals that they may be offended by the content of a given program.

The Council also considered whether the broadcaster erred in airing this film at 9:00 p.m. Indeed, as the Station Manager indicated, the Council agreed that such timing was entirely appropriate for a program with 'mature' content. The Regional Council therefore found that the station was not in breach of any of the codes. The Council members also assessed the station's response to the viewer to be 'extremely thorough, thoughtful and appropriate...'

Two minutes, two men, true love?

A viewer in St-Luc, Quebec, wrote to the President of the Réseau de Télévision Quatre Saisons Inc. to complain about the content of a movie he happened upon at 9:35 one evening. The viewer said that, in 15 minutes of viewing, he was witness to:

- two men dancing a strip-tease;
- a man explaining how he had found true love in a two-minute sexual encounter;
- nude men in a public shower showing full frontal nudity to the camera; and
- a man looking at a homosexual magazine and saying that he was so excited that he would have to go out that night.

The complainant expressed the view that the film should not have been aired at that time of the evening, even with the viewer advisories that were shown after commercial breaks.

The Programming Director at Télévision Quatre Saisons responded to the viewer by explaining that the film in question was a documentary. He stated that the station had taken great care in scheduling the film at 9:00 p.m. because of its mature subject matter. The film had been introduced by its producer, who had described the film's approach and subject matter. As a film about homosexuality in modern society, it had, in fact, included many testimonials from homosexual men and [translation] 'some scenes of nudity and of

tenderness between men. These scenes of nudity were presented carefully, in a well-defined context.' The Programming Director went on to describe the station's actions to alert viewers to the film's content:

[translation] Because of the sensitive nature of the subject matter of this film, it was scheduled for late programming, at 9:00 p.m. ... In addition, we placed the following written and oral viewer advisory at the film's start:

"16 years and over."

"This film contains scenes of sexuality and language that may not be suitable for young children. Parental judgement is advised."

The written advisory was repeated at 9:34 p.m.

The viewer was not satisfied with this response and asked that the matter be referred to the Quebec Regional Council. The Council members watched the film and reviewed all of the correspondence. Given the documentary nature of the film, the members agreed that the scenes of intimacy between men were well contextualized. Further, they considered that the film did not contain explicit scenes of sexuality.

The Council members are of the view that the depiction of sexuality between men was entirely appropriate for this film whose theme was love and sexuality among homosexual men. In this context, the scenes are not gratuitous, excessive or exploitative.

For these reasons, they decided that the film was appropriate for viewing, even at a time when older children might be watching television. They found that the station had not breached any of the CAB Codes. They also found that the broadcaster's response to the viewer was appropriate, thoughtful and complete.

Advertising obscenity

An organization wrote to CITY-TV's advertising manager to voice its concerns about a late-night advertisement that the television station had aired for a pornographic-video store.

The organization alleged that there were criminal charges pending, and expressed its concerns as follows:

We question the ethics and integrity of local television stations, advertising committees and panels, in allowing this person commercial time, due to the ongoing circumstances.

In its response to the organization's concerns, CITY-TV's General Sales Manager assured the organization that his station takes into account the 'sensitivities of our viewing audience' when they decide whether or not a commercial is suitable for broadcast. The sales manager went on the note that the commercials never aired before 8:00 p.m., and provided no 'provocative footage or descriptions of specific titles.' The sales manager stated that, aside from 'rejecting commercials that are in obvious and extremely bad taste, we do not feel it is our rightful role to act as a censor board.'

The sales manager also mentioned that the station is a member of the broadcaster-supported Telecaster Committee, which 'pre-screens all commercial before they go to air on member stations,' and that the committee had approved the commercial in question.

The organization was not satisfied with the station's response, and asked the Ontario Regional Council to consider the matter.

Members agreed that the content of the commercial was not obscene. The language used was 'mild,' and there were no depictions of scenes that could be considered in poor taste. The Council therefore decided that the station had not contravened the CAB's *Code of Ethics*.

They also explored the complainant's concern that, because the owner of the business was allegedly involved in a criminal proceeding, he should not have been allowed to advertise on the station. The Council, noting that the Codes did not address this issue, decided that the legal proceeding was not relevant to the advertisement. They stated that, had the business owner been denied air time on the basis of the charges pending, it might have constituted an infringement on his freedom of expression.

The members noted that the Telecaster Committee was not recognized by the CRTC as a regulatory body, and that this Committee's approval did not absolve the broadcaster of responsibility for all programming content.

The Council decided that the commercial was neutral and not in poor taste, and did not contravene the CAB's *Code of Ethics*. The Council also noted that the broadcaster's response met the CBSC's standards of responsiveness.

Fashion Television obscene?

A viewer wrote a letter to the CBSC complaining about an episode of *Fashion Television* on CITY-TV. In a 3-minute segment of the 30-minute episode, a former fashion model turned photographer was featured. The segment included six photographs from her recently released book showing women's breasts and, in one instance, full frontal nudity. The viewer was particularly upset because the program was shown in the early evening.

These are prime time family viewing hours and it is highly inappropriate for such sexually explicit material to be shown on television. It has been brought to my attention that my 13-year-old nephew watches Fashion TV. His parents had no idea that these fashion shows contained nudity and sexually explicit material since they do not watch these type of shows. His mother thought that they were innocent fashion shows which decently displayed women's apparel. When I informed them of the content of these shows they were deeply disturbed.

The CBSC forwarded the viewer's letter to CITY-TV for reply. The station's Program Director responded by explaining that the station has always taken a 'strong stance against gratuitous violence and especially anything that features women in violent unconsenting sexual situations.' The Program Director disagreed with the viewer's assessment of *Fashion Television* as exploitative of women:

We report on fashion shows as they happen and we do not equate nudity with pornography. Fashion and photography to our mind are art and we would no more condemn designers and photographers and their stylists than we would any other artist who chooses to represent the human form.

In response to the viewer's concerns about the time at which the program aired, the Program Director stated that the program has 'been on at the same time for 9 years and we have had only a handful of complaints.'

The viewer was not satisfied with the station's response, and asked the CBSC's Ontario Regional Council to consider the matter. Council members noted that the complainant had filed an earlier complaint with the Council, and that it had issued a decision concerning that complaint in favour of the broadcaster.

The members noted that the photographs referred to in the complaint were excerpts from a book. Therefore, the depictions of nude women were not directly filmed by the producer, but were televised representations of still photographs taken by another photographer. Council members agreed that the broadcaster could legitimately show fashion photography as part of this program, since the program's theme is fashion.

Moreover, the members decided the material was neither sexually explicit nor pornographic, as the complainant had contended. Members drew the distinction between nudity and pornography, and stated that 'this program depicted the former, not the latter.' The Council members agreed that there was no exploitation of women in the segment, and there was no abusive or discriminatory material or comment based on matters of sex.

The Council decided that the Fashion Television segment in question did not breach either the CAB's *Code of Ethics* or the *Sex-Role Portrayal Code*. The Council members also agreed that the broadcaster had been responsive to the viewer's concerns.

News and public affairs programming

As videotapes become more widely available as sources for news stories, more controversial images are appearing on some news broadcasts. Canadians' complaints about news and public affairs programming in 1995-96 included concerns about graphic scenes in videotaped segments and comments by news readers.

Privacy in public?

A participant in a vigil commemorating the victims of the Montreal massacre wrote to the CBSC to protest the behaviour of a news crew from CJOH-TV in Ottawa. The participant said the news team had disregarded the women's request to not film the final few moments of the vigil, which was held in a public park.

It was to be a private moment shared by the women in attendance. I emphasize the was because it is now public. The CJOH news team ignored the request to not film and hence intruded and invaded upon what should have been a private, emotional, poignant moment. They continued to film even when many women shouted at them to turn the camera off. A woman literally blocked the camera lens & the cameraman merely moved over and continued to film some more.

The complainant was particularly angry with the crew's response to the concerns expressed by participants. The reporter had replied that the news crew had been invited to cover the event by its organizers, and that the participants were not allowed to tell them when they could and could not tape. The reporter referred her to the Vice President of News at the station.

The participant was dissatisfied with the response received from the Vice President of News. He had agreed with the news crew's response, and said that the final moments of the vigil were of interest to the general public and deserved news coverage. He also pointed out that the park where the vigil was held is a public place, which made the vigil completely open to unrestricted news coverage.

The complainant stated that the:

...disregard for our collective request to allow us a private moment of grief/rage/sorrow/etc. demonstrates a complete blatant lack of respect for us as women. In my opinion it also is another example of violence against women, our voices/requests not being heard nor respected.

The CBSC forwarded the letter of complaint to CJOH-TV for reply. In his response, the Vice-President and Station Manager at CJOH mentioned that the complainant had accurately described the circumstances of the event. However, he explained that CJOH-TV had assigned a crew to cover the vigil after being invited by the organizers. He explained that the station had not been informed, either in the news release or at the beginning of the ceremonies, that only part of the service in the park would be available for videotaping.

He said that the station did not believe its crew had violated the RTNDA *Code of (Journalistic) Ethics*, and stated that the purpose of broadcast journalism is to inform the public in an accurate, comprehensive and balanced manner. He acknowledged that journalists must not sensationalize or distort news items, and that they must always respect the dignity, privacy and well-being of everyone with whom they deal. This includes ensuring that individuals' privacy is infringed only when necessary to satisfy the public interest and accurately report the news. The Station Manager said that he believed the station had not violated any of the applicable Codes.

It is our view that the report which subsequently aired after the vigil portrayed accurately and comprehensively all the events which had occurred, without sensationalizing the proceedings, because of the responsible behaviour of our crew members who were in full compliance with the RTNDA Code.

We also believe that our reporting on this event, and the behaviour of our reporter and cameraperson fully met the industry's Code of Ethics standards, for "full, fair and proper presentation of news."

In our view, the issue of invasion of privacy is not relevant, given that the event occurred in a public place.

The complainant was not satisfied with CJOH-TV's response, and asked the Ontario Regional Council to consider the matter. In their deliberations, Council members referred to the CAB's *Code of Ethics* and the RTNDA's *Code of (Journalistic) Ethics*. The Council noted that it was a participant of the demonstration who had asked that the coverage be stopped at the last moment of the vigil, not the organizers of the vigil themselves. For this reason, members concluded that 'the complainant's position was not that of the event organizers.'

The Regional Council also considered the need for the news crew to videotape the women's private moment. The members felt that this portrayal 'heightened the story, without sensationalizing it.' One member noted that, since the demonstration took place in a public area, the journalists had not intruded on a private event. Since the organizers had issued a press release announcing the vigil, it could not be 'considered a "private" expression of grief.'

Council members concluded that, since the vigil had occurred in a public place and was announced publicly, the news coverage had not been intrusive or exploitive, and had therefore not breached either of the codes of ethics.

Freedom of the press is not a tap that can be turned off at the whim of the *news maker*. In law, a person who wishes to introduce an admission made by another party cannot choose the *best* parts of the admission while discarding the balance. When a politician makes a public speech, he or she cannot request that only those parts of it which he or she wants reported will be reported while the less desirable parts will not be. When a story is in the public interest, the press will *legitimately* expect to be able to report it.

The initial choice, in other words, was that of the organizers: a small *private* vigil or a large *public* vigil. Having chosen their path, the organizers could not expect to control the reporters admitted to travel on it.

In their decision, Council members also noted that CJOH-TV's response to the original complaint had been exemplary.

News and violence:

The Airborne Regiment's hazing video

A viewer of CTV's Canada AM wrote to the Coalition for Responsible Television expressing disgust at the broadcast of a videotape of the Canadian Airborne Regiment's hazing practices.

The scene of the Canadian military eating vomit and the acts of violence against the other members of the armed forces ... and the black man being abused ... I have been gagging. It was far too explicit. This was disgusting. I gagged three times.

The Coalition submitted the complaint to the CBSC two months later. While this was well beyond the usual deadline for broadcaster to retain tapes of their programs, the CBSC forwarded the complaint to CTV for reply. In his response to the complainant, the Vice President of CTV News stated that:

...we debated this story thoroughly before playing the tape. It is unfortunate that horrible events, such as the dehumanization and degradation of human beings, occur, but to shy away from the reality and not make the facts available to the public only makes matters worse.

He also stated that CTV had followed its policy of warning viewers about upcoming footage that may be disturbing. In fact, the newscaster's introduction to the hazing video had described the video to come as 'vulgar,' 'repulsive,' 'offensive,' and showing 'drunk soldiers being smeared with human feces, urine and vomit.' He also mentioned that CTV had decided to omit other more disgusting segments on the videotape 'out of concern for our viewers' feelings.'

The viewer was unsatisfied with this response, and requested that the Ontario Regional Council consider the matter. In an accompanying letter to the CBSC, the viewer expressed the view that the Vice-President's response was 'somewhat cavalier,' and said that the viewer could not recall a more disturbing display of 'facts' in television news. With the letter to the CBSC, the complainant enclosed a copy of the letter of reply to CTV.

In making their decision, Council members viewed a tape of the program in question and read all related correspondence. The Ontario Regional Council considered the complaint under the CAB's *Voluntary Code Regarding Violence in Television Programming*, and the RTNDA *Code of (Journalistic) Ethics*.

Broadcasters must use caution in showing videos depicting violence

Among other relevant provisions, these codes stipulate that broadcasters must use appropriate editorial judgment when reporting and showing videotape of violence, aggression or destruction in their news and public-affairs programs, and use caution in selecting and repeating video which depicts violence. They must also advise viewers before showing scenes of violence or graphic reporting on matters such as sexual assault, or court action related to sexual crimes, particularly when children could be watching.

This was the first occasion for the Council to consider the provisions of the news and public affairs section of the 1993 *Violence Code*. The Council decided that, in a democratic society, one of the fundamental rights of individuals is access to the news of the day-it is the 'cornerstone of the citizens' collective knowledge base and the foundation of their own ability to evaluate public policy and the performance of their governments at all levels.' In this light, Council members stated that broadcasters' reporting of the news is more than a right; it is a responsibility:

...if anything, there must be a greater tolerance by society in the reporting of *reality* than in the *creation* of dramatic programming to entertain the public...The Code recognizes that society has a right, if not an obligation to have presented to it the reality of the news, however unpleasant or even intolerable that news may be from time to time.

The CAB's *Violence Code* stipulates that, while broadcasters cannot exaggerate or exploit situations of aggression, conflict or confrontation, they must also be careful not to sanitize the 'reality of the human condition.' They must also be sure they are not sensationalizing or distorting their news items.

The Council judged that CTV News had fulfilled all of its responsibilities under the codes. In the first place, the Council agreed that the story had to be told, and that CTV News, 'while clearly not *sanitizing* the report, had *not* either exaggerated or exploited it as a function of what *could* have been showed.' In

addition, the Council agreed that the advisory the newscaster had read before the video was shown was clear, unambiguous, and constituted ample warning.

What about privacy?

The RTNDA *Code of (Journalistic) Ethics* stipulates that broadcasters must respect the dignity, privacy and well being of everyone they deal with, ensuring that their privacy is infringed only when necessary to satisfy the public interest and accurately report the news.

In answer to the complainant's concern about the invasion of privacy of the persons shown on the home video, the Council felt that the issue was not so much the recording and broadcasting of the image of the individual as it was the identification of the person. Where the broadcaster provides no information permitting the public at large to identify the individual, such as in this case, the broadcaster has not interfered with that person's right to privacy.

The Council members agreed that the broadcaster had been extremely cooperative in providing the tapes long after the required date. In addition, the Vice-President's letter, although brief, was to the point and responded fully to the briefer comments provided in transcript form by the Coalition for Responsible Television. The Council did not agree with the complainant's contention that the reply was cavalier. 'That the incident was a "disturbing display" was not CTV's fault.'

Violence without context

A viewer from Osgoode, Ontario, wrote a letter to the CRTC to complain about a CTV Canada AM newscast which included a 22-second item describing how police in California had shot and killed a woman following a high-speed chase. The CRTC forwarded the complaint to the CBSC.

About nine seconds into the news report, the Canada AM newsreader had alerted the audience that the video sequence to come was graphic in nature. Seven seconds later, the video showed a woman getting out of a van and being shot.

The viewer expressed the objections as follows:

A news clip showing a woman being shot and killed by police in my opinion was both an obscene pictorial representation and excessively violent for public broadcasting. I found this extremely disturbing.

The complainant then made some very specific points about the news clip, including the fact that the event was not covered by the CBC, the *Ottawa Citizen*, the (Montreal) *Gazette*, or the Canadian Press, and that the event was shown in 'graphic detail.' The complainant asked why the video had been shown, and answered the question by saying that 'It was not a major news story ... It was shown, in my opinion, only for its sensationalism.'

The CBSC sent the viewer's letter to CTV, and the network's Vice President of News responded to the complainant. His letter stated that he had screened the videotape in question, and agreed that it was graphic in nature.

Our news editor felt it was necessary to show this story given the fact that the woman was the twelfth person shot by this same California Police unit in the last two years. This kind of footage, shown without a more in depth explanation of the story is, in fact, contrary to CTV's journalistic standards. We have therefore reviewed CTV's policy with this editor and will ensure that all our editors are reminded of and adhere to this policy.

The Vice-President of News also stated in his letter that CTV has a policy of warning viewers about footage that may be disturbing, to allow parents to prevent their children from being exposed to the item. He mentioned that a warning had been aired that morning.

The viewer was unsatisfied with this response, and asked that the Ontario Regional Council consider the matter. Council members viewed a tape of the program, and read the correspondence.

Violent videos must have a context

In making their decision, the members compared the news story with the video of the Airborne hazing incident, the other occasion on which the CBSC had considered the news and public affairs provisions of the *Violence Code*. With the Airborne video, the broadcaster had been careful to ensure the video was placed in context. With the California shooting videotape, however, Council members found there was no fundamental relevance of this American story to Canadian viewers, and that the broadcaster had not made any attempt to establish such a link.

In general terms, there was no editorial context given for the piece, for viewers in any country. Furthermore, except for the moment of the shooting, no story was even told. There had been no information on the reasons for the shooting and no details on whether the woman in question had been armed. There was neither introduction nor follow-up.

Consequently, the Council determined that the program had aired the video purely for its 'shock value.' They considered the news item in question to be an unnecessary 'pictorial representation of violence,' contrary to the CAB's *Violence Code*. In airing the story without providing any context, the Council determined that the broadcaster had also sensationalized the news, contrary to the RTNDA's *Code of (Journalistic) Ethics*.

The fact that the broadcaster had aired a viewer advisory did not change the Council's view. They noted that the advisory had not been placed at the beginning of the news story. It was aired almost halfway through the segment and only seven seconds before the actual shooting. Council concluded that there 'was scarcely time for a viewer to respond to the warning before the shot was fired.'

The Council members considered the response from CTV's Vice President of News to be responsive to the complainant, when he acknowledged the item was 'contrary to CTV's journalistic standards.' CTV was, however, required to announce the Council's decision during prime time.

Broadcasting offensive opinions

A listener in Sudbury, Ontario, wrote directly to CJRQ radio complaining that comments about OHIP and sex-change operations, which the station aired as part of its 'comments line' show, were offensive.

The listener advised that 'one caller launched into a tirade about "mincing queers" and other comments too offensive to repeat.' When both the listener and the listener's spouse called the station to lodge complaints, they were told that 'people had a right to their opinion.' The complainant then wrote to the station, sending a copy of the letter to the CBSC.

The General Manager at CJRQ responded by expressing thanks for the listener's input and stating that the incident had been a learning experience for its newsroom. 'It has forced them to "examine" their policies related to the daily "poll" and the listeners' comments.' The station's policy on broadcasts was attached to its response.

The complainant was not satisfied with this response and asked that the matter be referred to the Ontario Regional Council. In reviewing the case, the Council members noted that the newsroom staff had chosen three of 198 calls it had received on the topic for its news report. Ninety percent of the callers had stated

that OHIP should not cover sex-change operations, and all three comments the station staff used were against OHIP coverage.

Council members were 'troubled' by the station's selection of messages to air, particularly since the first message contained the words 'sick, demented, obviously disturbed homosexual...misfit of the natural order.' Members felt that the comment was 'outrageous and abusive,' and stated that, since its staff had selected it, the station was clearly responsible for the message's content.

The Council members decided that, by selecting particularly inflammatory telephone messages to air during its news report, the station had sensationalized the issue to shock the listener, thereby contravening the RTNDA *Code of (Journalistic) Ethics*. In fact, the members noted that the program did not even meet the station's own internal newsroom policies, as provided in the response to the complainant.

In this case, the offending phrases used on air were those of the first caller. They included the following unacceptable phraseology: "some sick demented obviously mentally disturbed homosexual", "minces into a hospital or clinic" and "this misfit of the natural order". ... The language used by the other callers as well as that used by the on-air host was temperate, opinionated but not of a nature to trample on the human rights of any identifiable group. The Council is never troubled by the expression of opinion, as long as it does not become abusively discriminatory.

The Council members stated that the selection of listener comments contained abusive and discriminatory material based on matters of sex, which could be understood to include sexual orientation. Therefore, the Council determined that the radio station had also contravened the CAB's *Code of Ethics*. Members further agreed that the station had failed to meet the standard of responsive that the CBSC expects in responses to complainants. They stated that the response had not addressed the substance of the complainant's concerns, or provided an explanation or discussion of the matter. The station was required to air an announcement about this negative CBSC decision during peak listening hours.

Unintended exclusion

A listener to Montreal's CKAC radio wrote to the CRTC to complain about a news reader's use of the expression '*un Québécois pure laine*' to describe the recipient of an Olympic gold medal.

When Jean-Luc Brassard won the gold medal for mogul skiing at the 1994 Olympic Games, the announcer on the CKAC morning newscast reported that Canada's first gold medal of the Games had been earned by a '*Québécois pure laine*.'

The listener complained that the term used was 'racist', akin to the inclusion of information about a person's race or ethnicity, and did not belong in a news story unless the information was essential for context.

I believe the important part of the story is that Brassard is a Quebecer - what is NOT important or germane is the fact that he is "pure laine". This unnecessary distinction only encourages listeners to differentiate among people based on their ethnic origins.

...I was hurt and insulted by the comment. The implication of the "pure laine" reference is that Quebecers were supposed to be prouder of this Olympic medal win because the skier was not a black-Quebecer, or an aboriginal-Quebecer, or a Chinese-Quebecer, but a white francophone Quebecer, a "true" Quebecer.

The News Director at CKAC, responding on behalf of Télémedia Communications Inc., agreed with the listener that news organizations must not mention race, colour or ethnic background unless germane to the story. He indicated that the station abides by this rule.

Nevertheless, in this instance, the words "pure laine" were not used to stress or mention race, colour or ethnic background. They merely are a colloquial expression and were used as such in the news bulletin.

The News Director apologized for the hurt and insult experienced by the listener but reiterated that the station had had no intention to hurt or insult anyone.

The listener was not satisfied with this response and asked that the matter be referred to the Quebec Regional Council. The Council members listened to a tape of the broadcast and reviewed the exchange of correspondence. They considered whether the use of the expression '*pure laine*' contravened the CAB *Code of Ethics* and the RTNDA *Code of (Journalistic) Ethics*. Both of these codes require broadcasters not to air material or comment that is abusive or discriminatory toward individuals or groups, based on their race, national or ethnic origin, religion, age, sex, marital status or physical or mental handicap.

The members noted that the expression '*un Québécois pure laine*' is a colloquialism that is well-known in Quebec. They considered that, in this case, the expression was used in a positive context to express enthusiasm and excitement over a gold-medal victory, and was not intended to exclude or hurt Quebecers with origins outside the province or outside the wider French-speaking community. Nonetheless, the members acknowledged that the expression can have the effect of making Quebecers of other origins feel excluded or set apart from their compatriots, when it is used in other contexts:

... the use of the expression "Québécois pure laine" or similar expressions meant to convey the same idea ... can, in a pluralistic society such as Quebec's, create an unwelcome or negative, if not discriminatory, sense among those who do not fall within the ambit of the term. The Council believes that radio and television stations ought to be particularly vigilant in avoiding the use of such expressions on the airwaves which are, after all, *publicly* owned.

The members considered that, in a newscast, the expression is clearly superfluous. However, in the Quebec context, since it does not designate an individual's racial or ethnic origin, its inclusion in the newscast was not in contravention of the CAB or RTNDA ethics codes. The Regional Council also considered that the station's response to the listener was thoughtful and appropriate. They noted in particular that the station had taken the care to respond in English to an individual who, although clearly bilingual, had written to the station in English.

6. Membership

In 1995/96, CBSC membership was 90% of all CAB members. The table below gives CBSC membership by member stations, as well as CBSC membership as a proportion of all CAB members. Call letters of all CBSC members are provided in another section of this report.

| | Radio | | Television | | Total | |
|------------------|------------|-----------|------------|-----------|------------|-----------|
| | # | % | # | % | # | % |
| Atlantic | 35 | 100 | 5 | 100 | 40 | 100 |
| Quebec | 40 | 83 | 15 | 83 | 55 | 85 |
| Ontario | 103 | 92 | 17 | 85 | 120 | 91 |
| Prairie | 77 | 88 | 20 | 100 | 97 | 89 |
| British Columbia | 58 | 88 | 7 | 100 | 65 | 89 |
| TOTAL | 313 | 90 | 64 | 91 | 377 | 90 |

Appendix A Summary Tables of Complaints

1. Overview

In 1995/96, the CBSC received 243 complaints.

- Of these, it actually handled 190, or 78%
- The CBSC responded to all the complaints, and sent the remaining 53 to the CAF, the CTSC, or a non-member broadcaster.

2. Radio and Television Complaints

Of the 190 complaints handled by the CBSC,

- 89 dealt with radio programming (47%)
- 99 dealt with television programming (52%)
- 2 could not be determined (1%).

3. Language of Program

Of the 190 complaints handled by the CBSC,

- 178 dealt with English-language programming (93%)
- 10 dealt with French-language programming (5%)
- 2 dealt with third language (ethnic) programming (1%)
- 2 could not be determined (1%)

| Language of Program | | | | | | |
|---------------------|-----------|------------|------------|------------|------------|------------|
| | Radio | | Television | | Total | |
| Language | # | % | # | % | # | % |
| English | 89 | 100 | 87 | 88 | 176 | 94 |
| French | 0 | 0 | 10 | 10 | 10 | 5 |
| Other | 0 | 0 | 2 | 2 | 2 | 1 |
| TOTAL | 89 | 100 | 99 | 100 | 188 | 100 |

Note: In the case of 2 complaints, the complainants did not specify whether their concern was about television or radio programming.

4. Source of Program

Of the 190 complaints handled by the CBSC,

- 129 dealt with Canadian programming (68%)
- 47 dealt with foreign programming (25%)
- 12 could not be determined (6%)
- 2 did not specify whether their concern was about radio or television programming (1%)

| Source of Program | | | | | | |
|-------------------|-----------|------------|------------|------------|------------|------------|
| Source | Radio | | Television | | Total | |
| | # | % | # | % | # | % |
| Canadian | 89 | 100 | 40 | 41 | 129 | 69 |
| Foreign | 0 | 0 | 47 | 47 | 47 | 25 |
| N/D | 0 | 0 | 12 | 12 | 12 | 6 |
| TOTAL | 89 | 100 | 99 | 100 | 188 | 100 |

Note: In the case of 2 complaints, the complainants did not specify whether their concern was about television or radio programming.

5. Type of Program - Radio

Of the 89 radio complaints,

- 60 dealt with public affairs programming (67% of radio complaints)
- 11 dealt with informal discourse or conversation (11% of radio complaints)
- 10 dealt with open line programming (10% of radio complaints)

| Type of Program - Radio | | | |
|-------------------------|-----------------------|-----------------------|---------------------|
| Type of Program | # of Radio Complaints | % of Radio Complaints | % of all Complaints |
| Public Affairs | 60 | 67 | 32 |
| Informal Conversation | 10 | 11 | 5 |
| Open line | 9 | 10 | 5 |
| News | 3 | 3 | 2 |
| Sports | 2 | 2 | 1 |
| Other spoken word | 1 | 1 | 1 |
| Music | 1 | 1 | 1 |
| Advertising | 1 | 1 | 1 |
| General | 1 | 1 | 1 |
| TOTAL | 89 | 100 | 100 |

6. Type of Program - Television

Of the 99 television complaints,

- 44 dealt with drama or comedy programming (44% of television complaints)
- 28 dealt with news programming (28% of television complaints)
- 9 dealt with advertising (9% of television complaints)

| Type of Program - Television | | | |
|------------------------------|--------------------|--------------------|---------------------|
| Type of Program | # of TV Complaints | % of TV Complaints | % of all Complaints |
| Drama/comedy | 44 | 44 | 23 |
| News | 28 | 28 | 15 |
| General | 12 | 12 | 6 |
| Advertising | 9 | 9 | 5 |

| | | | |
|----------------|-----------|------------|------------|
| Human Interest | 3 | 3 | 2 |
| Public Affairs | 2 | 2 | 1 |
| Sports | 1 | 1 | 1 |
| TOTAL | 99 | 100 | 100 |

7. Codes and Clauses

Often, a complaint will refer to more than one code or clause. Thus, the number of complaints considered under the codes and clauses can appear to exceed the number of letters received by the CBSC.

CAB Code of Ethics

Most of the complaints received under this code concerned matters of human rights or the presentation of news and related programming.

| CAB CODE OF ETHICS Clause | Radio # | TV # | Total # |
|----------------------------------|----------------|-------------|----------------|
| Human Rights | 66 | 19 | 85 |
| News | 7 | 12 | 19 |
| Controversial Public Issues | 0 | 2 | 2 |
| Sex-Role Stereotyping | 0 | 1 | 1 |
| TOTAL | 73 | 34 | 107 |

CAB Sex-Role Portrayal Code

Most of the complaints considered under this code related to the question of the exploitation of women, men and children.

| SEX-ROLE PORTRAYAL CODE Clause | Radio # | TV # | Total # |
|---------------------------------------|----------------|-------------|----------------|
| Changing Interaction | | 1 | 1 |
| Diversity | 2 | 2 | 4 |
| Exploitation | 6 | 4 | 10 |
| TOTAL | 8 | 7 | 15 |

RTNDA Code of (Journalistic) Ethics

Most of the complaints considered under this code dealt with the accuracy and comprehensiveness of news programming, and with the distortion or sensationalism of news.

| RTNDA CODE OF ETHICS Clause | Radio # | TV # | Total # |
|------------------------------------|----------------|-------------|----------------|
| Accuracy/comprehensiveness | 20 | 3 | 23 |
| Relevant information | 3 | 2 | 5 |
| Distortion/sensationalism | 7 | 2 | 9 |
| Respect for privacy | 2 | 1 | 3 |
| Politeness of journalists | 1 | | 1 |
| TOTAL | 33 | 8 | 41 |

CAB Voluntary Code Regarding Violence in Television Programming

Most of the complaints considered under this code concerned the content of programming (gratuitous violence) and with the scheduling of programs (before or after the "watershed" hour of 9 p.m.).

| TV VIOLENCE CODE Clause | TV # |
|----------------------------------|-------------|
| Content | 16 |
| Children's Programming | 2 |
| Scheduling | 7 |
| Viewer Advisories | 1 |
| Violence Against Women | 3 |
| Violence Against Specific Groups | 2 |
| Violence Against Animals | 2 |
| Violence in Sports Programming | 1 |
| TOTAL | 34 |

General Complaints

In addition, the CBSC handled a number of general complaints (relating to no particular code or clause) and general complaints concerning television violence.

| General Complaints | Radio # | TV # | Total # |
|--------------------------------------|----------------|-------------|----------------|
| General (no code) | 13 | 21 | 34 |
| General complaints about TV violence | | 10 | 10 |
| TOTAL | 13 | 31 | 44 |

Appendix B National Chair and Regional Councils

National Chair

Ronald I. Cohen was named National Chair of the CBSC on June 23, 1993 and began his term on July 1. A film producer and lawyer by profession, Mr. Cohen was founding Chair of the Academy of Canadian Cinema and Television in 1979. He served in that role for four years and remains Special Advisor to the Board. He was a Director of the Consumers' Association of Canada and acted as Senior Counsel to Quebec's Commission of Inquiry into Organized Crime. Mr. Cohen has been a Director of the Banff Television Foundation and other organizations. He is the author of *Quebec Votes: An Analysis of Quebec Voting Patterns in Federal Elections*; *The Regulation of Misleading Advertising: A Comparative Approach*; and *The Constitutional Validity of a Trade Practices Law for Canada*; and is nearing completion of *Sir Winston Churchill: A Bibliography of His Published Writings*, which will be published by Cassell in London in 1998.

Atlantic Regional Council

Paul H. Schurman chairs the Atlantic Regional Council and continues to serve as a broadcaster member. Formerly President and General Manager of CJRW Radio in Summerside, Mr. Schurman was President of the Atlantic Association of Broadcasters. He was named to the Order of Canada and the P.E.I. Sports Hall of Fame. He is also in the CAB Broadcast Hall of Fame.

Zoe Rideout is Vice-Chair of the Atlantic Regional Council. Active in a number of community volunteer groups, Ms. Rideout serves as President of the Greater Moncton Association of Community Living and is the chair of the Greater Moncton "We Care for Kids" telethon. She co-chaired the 1992 Task Force on Universal Suffrage.

Carolyn Thomas is a public member on the Regional Council. She has worked for the Nova Scotia Human Rights Commission since 1973 and is the Chairperson of the Provincial Advisory Committee for Race Relations. Among her former and present memberships are the Interdepartmental Committee on the Status of Women, and the Black Professional Women's Group of Nova Scotia.

Roger Augustine also represents the public on the Atlantic Regional Council. Chief of the Eel Ground Indian Band and President of the New Brunswick-Prince Edward Island First Nations, Mr. Augustine was appointed in 1993 to a federal Royal Commission studying Indian land claims. He also serves on the Atlantic Regional Policy Congress of First Nation Chiefs and the Bank of Montreal's Aboriginal Business Circle.

Kaye MacAulay continues as a broadcaster member of the Regional Council. She is continuity writer and traffic director at CFSX in Stephenville, and was also a co-host of an afternoon program at the station, where she has worked since 1971.

Carol McDade is past Chair of the Atlantic Regional Council, and is currently a broadcaster member of the Regional Council. Ms. McDade is Assistant News Director at MITV in Halifax. Prior to joining MITV, she was a writer, producer and co-anchor of ASN's late edition newscast; she has also worked in radio in Halifax and Sydney.

Quebec Regional Council

Jocelyn Deschênes is Chair of the Quebec Regional Council. Currently Director of External Productions at Télé-Métropole, Mr. Deschênes was a film producer at Communications Claude Héroux International.

He holds degrees in Film Studies, Art History and Comparative Literature. He has served on the Board of Directors of the Festival des grandes écoles de cinéma and of MusicAction.

Pierre Audet continues as a public member on the Quebec Regional Council. Formerly President of Montreal advertising agency FOUJ Réseau DMB&B, he has also worked as Creative Director and Senior Vice-President of the BCP advertising agency. He is also a sessional lecturer on social marketing at a number of universities.

Yvon Chouinard also represents the broadcasting industry on the Regional Council. A past Director of the Canadian Association of Broadcasters (CAB), Mr. Chouinard has served as a Director of the Radio Marketing Bureau, BBM, MusicAction and the Association canadienne de la radio et de la télévision de langue française. He is the Executive Vice-President of Power Broadcasting Inc./Diffusion Power Inc.

Luc Harvey joined the Quebec Regional Council as a broadcaster representative this year. Mr. Harvey works for Cogeco Inc., where he is Programming Director for Cogeco Television Stations in Sherbrooke.

At the end of the fiscal year, two public positions were vacant.

Ontario Regional Council

Al MacKay is Chair of the Ontario Regional Council. A broadcast and communications consultant, Mr. MacKay is currently involved with the Action Group on Violence on Television (AGVOT) in developing a classification system for television programming. A 25-year veteran of the broadcast industry, Mr. MacKay was Vice-President and Station Manager of Ottawa's CJOH-TV before establishing his own firm. He also taught broadcast journalism at Carleton University and at Algonquin College.

Robert Stanbury is a public member of the Regional Council, and is its Vice-Chair. He is a lawyer with the Hamilton firm of Inch, Easterbrook and Shaker. A former Vice-Chairman of the Board of Directors (Employers) of the Workers Compensation Board, Mr. Stanbury was a Member of Parliament (1965-1977) and held cabinet portfolios in Citizenship, Communications and National Revenue. He is a member of the Nunavut Arbitration Board, the Canadian Council of Administrative Tribunals, and the Advisory Council of the University of Western Ontario Graduate School of Journalism.

Meg Hogarth joined the Ontario Regional Council this year to serve as a public representative. A media consultant and cultural activist, Ms. Hogarth was Executive Director of MediaWatch, the national organization monitoring the portrayal of women and girls in the media, for four years. A past President of the Alliance of Canadian Cinema, Television and Radio Artists, she was active in federal and provincial policy and legislative matters including status of the artist and copyright issues, public funding of cultural agencies, and regulation. Ms. Hogarth has served on the Board of TVOntario since 1991 and has chaired its Programming Committee since 1992.

Taanta Gupta serves on the Ontario Regional Council as a public representative. Prior to joining the Ontario Council, Ms. Gupta served on the B.C. Regional Council. Ms. Gupta is currently the Director of Customer Contact Communications at Cantel. She was the Executive Director of the Rick Hansen Fellow Programme at the University of British Columbia, and has worked as General Manager of the Satellite Radio Network. She has also worked as a news reporter on Parliament Hill and as News Director for CKWX/CKKS-FM in Vancouver.

Paul Fockler represents broadcasters on the Ontario Regional Council. He began his career in broadcasting in 1955 in Toronto; he later became an owner and operator of several northern Ontario radio stations. Currently, Mr. Fockler works in Regulatory Affairs for Shaw Radio in Barrie. A past President of the Central Canada Broadcasters Association, Mr. Fockler volunteers on several clubs, including the United Way.

Madeline Ziniak continues on the Regional Council as a broadcaster representative. She is Vice-President and Executive Producer at CFMT-TV in Toronto and serves on the CAB's Joint Societal Issues and Trends Committee. In addition, Ms. Ziniak participates on committees of the Canadian Advertising Foundation and the Canadian Ethnic Journalists' and Writers' Club.

Marianne Barrie ended her term as a public representative on the Ontario Regional Council this year. She chaired the Ontario Regional Council since 1992 and was its Vice-Chair from 1990 to 1992.

Prairie Regional Council

Sally Hall chairs the Prairie Regional Council and is its past Vice-Chair. A strong consumer advocate and representative of the public interest, Ms. Hall was President of the Consumers' Association of Canada in Manitoba and Alberta and was National President for four terms. She is also a volunteer public representative on a variety of civic, provincial and national boards and committees including: the Alberta Press Council, Capital City Savings and Credit Union Ltd., Credit Union Central of Alberta and the Capital Health Authority Coordinating Council on Bioethics.

Carol Armit continues as a public representative on the Prairie Regional Council. She is an independent media consultant with offices in Winnipeg and Regina. A past President of the Winnipeg Press Club, Ms. Armit was a reporter for the *Winnipeg Free Press* and the *Ottawa Journal*, and worked at CJOB Radio in Winnipeg.

David C. Ward (Kiviasq) also continues as a public representative on the Regional Council. A lawyer practising in Edmonton, Mr. Ward was recognized in 1981 as Canada's first Inuit law school graduate, and in 1983 as Canada's first Inuit lawyer. He also served as an Alderman in Edmonton. Mr. Ward was a pro bono legal counsel for the Edmonton Multicultural Caucus and for the Canadian Boxing Federation.

Daryl Braun joined the Prairie Regional Council in 1993/94 as a broadcaster representative, replacing Jim Rusnak. A member of the Radio Television News Directors Association (RTNDA), Mr. Braun has been News Director at Winnipeg's CKRC and CKLU-FM since 1986. He is a former Chairperson for the National Editorial Committee of *Broadcast News* and is on the Board of the Volunteer Centre of Winnipeg.

Dwayne Dietrich ended his terms on the Prairie Regional Council, after serving most recently as its Vice-Chair and previously as its Chair. He is President of Monarch Broadcasting Ltd. and has worked as General Manager of CHAT-TV and CHAT-AM in Medicine Hat. He was also Sales Manager at CFCN in Lethbridge and Market Research Director at CFCN-TV in Calgary.

At the end of the fiscal year, two broadcaster seats were vacant.

B.C. Regional Council

Erin Petrie was named Chair of the the B.C. Regional Council this year and represents broadcasters. As VP-Programming for Okanagan Radio Limited, Ms. Petrie works with the 11 AM/FM licenses held by the company. She is also President of the B.C. Association of Broadcasters and serves on the Radio Board of the CAB and as Treasurer of the Executive Board of the CAB. Ms. Petrie also sits on the BC Minister's Advisory Council on Information Technology. Formerly Vice-President/General Manager of the Rogers' Satellite Radio Network, Ms. Petrie has worked for 18 years in the radio industry. Her past industry contributions include Chair of the Radio Advisory Board for the BC Institute of Technology's broadcast program. Ms. Petrie has 2 sons (Alex, 10 & Geoff, 14) who ensure that skiing, camping, tennis & family time are equally as important as work.

Monica Becott is Vice-Chair of the Regional Council. A past City Councillor in Prince George, Ms. Becott was Chairman of Regional District Fraser Fort George, and served on the Prince George Town Centre Business Association, the B.C. Gaming Commission, and the B.C. Heritage Trust.

Robert Mackay continues as a public representative on the B.C. Regional Council. He is associate counsel with Vancouver law office of the national law firm, Gowling, Strathy and Henderson, and has advertising and marketing experience with Procter and Gamble Canada, McKim/Benton and Bowles Advertising Ltd., and Scott Paper Ltd. Mr. Mackay serves on the B.C. Council of the Advertising Standards Council.

Catherine Murray joined the Regional Council as a representative of the public this year. An Associate Professor of Communication at Simon Fraser University, Dr. Murray has written and spoken widely on broadcasting and telecommunications issues. Prior to joining Simon Fraser University, Dr. Murray was Vice-President, Media and Telecommunications at Decima Research, and taught as a sessional lecturer and assistant professor at Toronto's York University. She is a member of the Board of Owl Communication, BC Film, and the Vancouver International Film Festival, and is a Director of the WTN Foundation on Training and Research.

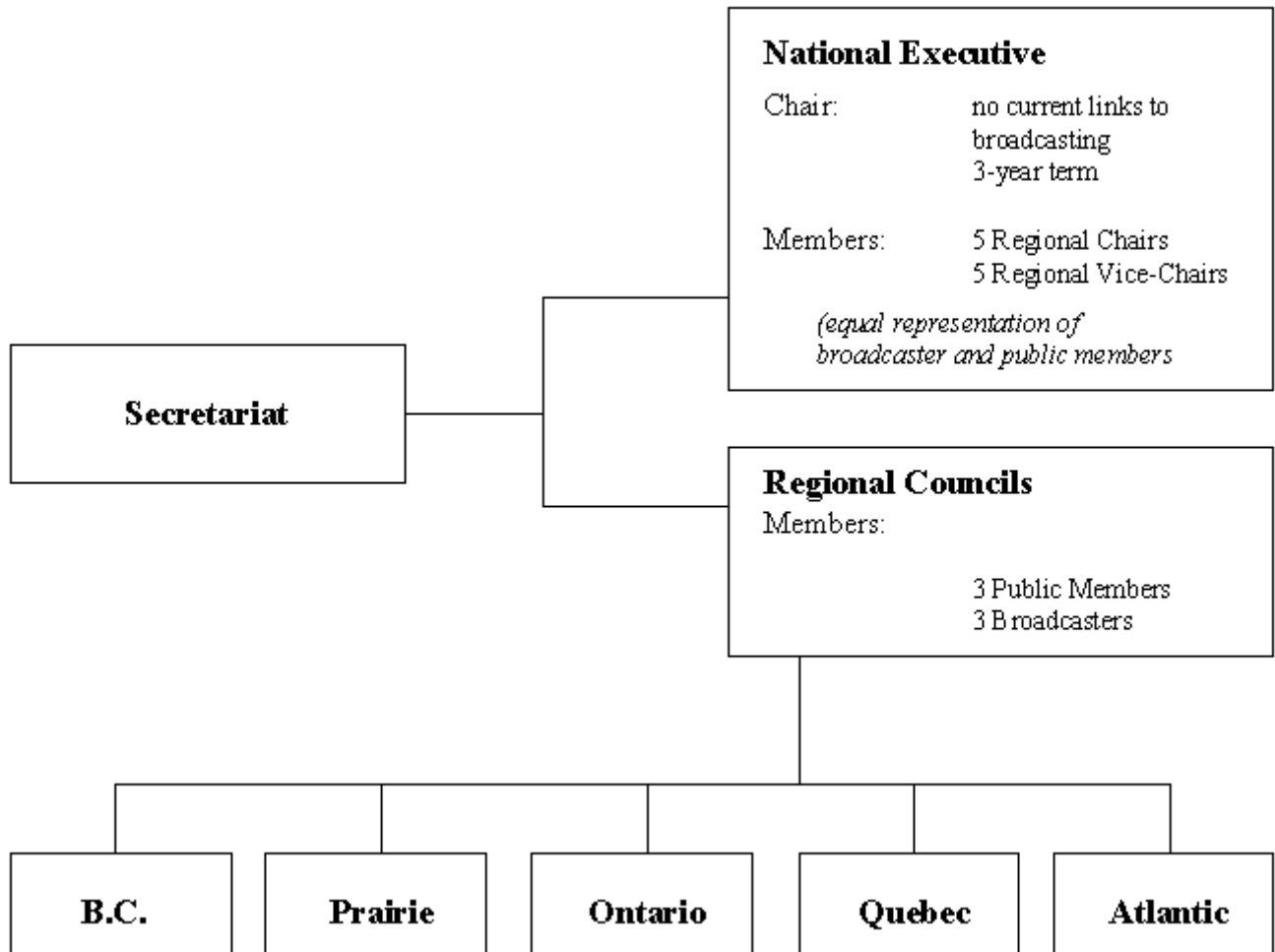
Gordon Vizzutti continues on the B.C. Regional Council as a broadcaster representative. He is a member of the Radio Television News Directors Association of Canada (RTNDA) and is presently News Director at CHBC-TV in Kelowna.

Susan Brinton joined the Regional Council as a broadcaster representative this year. She is the Western Director of Canadian Productions for CanWest Global and works at CKVU-TV. A member of the CAB's Joint Societal Issues and Trends Committee, the B.C. Motion Picture Association, and Canadian Women in Communications, Ms. Brinton has been active in film and television production in Vancouver since 1987.

Alden Diehl retired from his position as Chair of the B.C. Regional Council and from his work with Shaw Radio. A founding member of the B.C. Council and its Chair since inception, Mr. Diehl was Vice-President and General Manager of CKLG/CFOX-FM in Vancouver. He worked in the broadcasting industry in Edmonton, Prince Albert, Winnipeg, Ottawa and Windsor.

Bryan Edwards also retired as a broadcaster representative on the Regional Council. Currently President and Chief Executive Officer of the Okanagan Skeena Group in Terrace, Mr. Edwards has been involved in broadcasting since 1969. He is on the CAB Radio Board and is a past President of the B.C. Association of Broadcasters. He was one of the founding members of the B.C. Regional Council.

Appendix C Structure of the CBSC



Appendix D

How to File a Complaint with the CBSC

The CBSC encourages viewers and listeners who have concerns about a broadcaster's programming to contact the broadcaster directly. Most concerns are resolved through this direct dialogue between broadcasters and their audiences. In the event that viewers and listeners wish to contact the CBSC first, the Council will handle the complaint according to the process described below.

What can you do about it?

Write it down

If you see or hear something that concerns you, write down

- the date and time of the program
- the name of the program or the on-air person involved
- a short summary of what concerned you.

Contact the station

You should first contact the broadcaster - you can phone, write or fax a note - and tell the station about the problem. The station will take your concerns seriously. Senior staff, often the station manager, will respond to your complaint. Most complaints are settled this way.

Write to us

If you are not happy with the broadcaster's response, write to us or fax us a letter. When you do, tell us what it was about the television or radio program that concerned you. Broadcasters must keep tapes of all radio and television programs for a short time after they air. For this reason, it is important that you let us know if you have a complaint about a specific program within 3 weeks of the date it aired. We will investigate your complaint further.

What will we do about it?

The Council will consider your complaint

We will send your letter and the broadcaster's response to one of our Regional Councils. These Councils represent your region and are made up of an equal number of broadcasters and members of the public.

The Regional Council will decide whether or not the broadcaster has respected the codes

The Regional Council members will watch a videotape of the television show or listen to a tape of the radio broadcast. They will decide whether or not the broadcaster has met the standards set out in the codes. We will send you a copy of their decision.

We will make the decision public

All of our Council decisions are available to the public and we announce each of them to the media. If the broadcaster has breached any of the codes, it must make a public announcement during prime time television hours or peak radio listening hours. If the Council decides that the broadcaster has met the standards set out in the codes, it will explain why it has reached that decision.