

**September 6, 2016**

To: The Honourable Mélanie Joly, Minister of Canadian Heritage  
Cc. His Excellency the Right Honourable David Johnston, Governor General of Canada;  
CRTC Chairman Jean-Pierre Blais

**Re. Dismissal of CRTC Commissioner Raj Shoan**

**Dear Honourable Minister Joly,**

1. **The Community Media Advocacy Centre** and the **Urban Alliance on Race Relations** write to you concerning Raj Shoan, former CRTC Commissioner for the Region of Ontario, following his removal from the position in June by an Order of Council, for reasons which have not been publicly disclosed.
2. As organizations working to realize equitable representation and access for people of colour and Indigenous people within the media and all facets of Canadian society, we are alarmed by the allegations and implications of ongoing systemic and overt racism within the CRTC that have emerged through Shoan's case. We ask that immediate action be taken to restore Shoan to the Commission and to investigate and address issues of systemic and overt racism within the Commission. We believe these actions are necessary to affirm the legitimacy of the CRTC as a public authority regulating broadcasting and telecommunications on behalf of all Canadians, including those impacted by systemic and overt racism.
3. **The Urban Alliance on Race Relations (UARR)** is a non-profit organization working primarily and proactively with the community, public and private sectors to provide educational programs and research critical to addressing racism in our society.
4. **The Community Media Advocacy Centre (CMAC)** is a non-profit organization that engages with and supports communities to advocate for Indigenous media, non-profit community broadcasting, and media created by and for communities traditionally underrepresented in Canada's media landscape, including people of colour and third-language communities.

5. Since the creation of the CRTC in 1968, only two of 103 first-time appointments to the Commission have been granted to visible minorities.<sup>1</sup> No visible minority or Indigenous person has ever been appointed to serve as a CRTC Chairman or Vice-Chairman.<sup>2</sup> This is despite the fact that the 2011 National Household Survey determined 19.1% of Canadians are visible minorities.<sup>3</sup> Statistics Canada anticipates up to 23% of Canada's population will belong to visible minorities by 2017.<sup>4</sup>
6. Appointments to the Commission thus suggest a serious problem of inequitable representation within the administration of the federal broadcast and telecommunications regulator, rooted in systemic racism, that can be observed without touching upon any of the disclosed information or allegations related to Shoan's case.
7. As the second person of colour ever to be appointed to the Commission in its 48-year history, Shoan came to the role with manifold qualifications and skill, having served as a Regulatory Affairs Director in both the public and private media sectors, and as a Senior Advisor to the Chairman and a Legal Counsel within the Commission itself. His appointment in 2013 to a 5-year term as the Regional Commissioner for Ontario served to strengthen the composition of the Commission not simply in terms of racial diversity but also in terms of legal expertise and regulatory experience.
8. It is further clear that Shoan took his role as Commissioner extremely seriously, actively seeking and acting upon consultation from stakeholders within the Ontario region, and eager to participate in proceedings and hearings on various broadcast and telecom matters affecting communities in his region. The CRTC states that Commissioners' responsibilities include:
  - participating in processes to establish rules, policies and guidelines for licences and carriers
  - participating in public hearings and consultations; and
  - developing regulations and participation in making CRTC decisions<sup>5</sup>Shoan evidently strove to fulfill these responsibilities.
9. It is apparent that Shoan's interpretation of these responsibilities led to conflicts within the Commission which he sought to resolve through judicial arbitration. Notably, in April, 2015, Shoan applied for a judicial review of Chairman Blais' decision to accept the results of a report that concluded Shoan's behaviour towards a CRTC employee constituted harassment. Shoan's dismissal came only days after the first public hearing in this judicial review, at which presiding Justice Russel Zinn commented it was "troubling" that Chairman

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<sup>1</sup> <http://frpc.net/appointments-to-the-crtc/> "Visible Minorities" is the term used by the Canadian Government to describe non-Indigenous people of colour, and thus we adopt it here despite having numerous critiques of this terminology.

<sup>2</sup> Ibid.

<sup>3</sup> <https://www12.statcan.gc.ca/nhs-enm/2011/as-sa/99-010-x/99-010-x2011001-eng.cfm>

<sup>4</sup> <http://www.statcan.gc.ca/daily-quotidien/050322/dq050322b-eng.htm>

<sup>5</sup> <http://www.crtc.gc.ca/eng/acrtc/commissioners.htm>

Blais was both a witness in the harassment investigation and the individual who accepted the report's findings.<sup>6</sup> The final decision in this review recently determined that the report was the product of a "witch hunt" carried out against Shoan by Commission staff and appointees.<sup>7</sup>

10. In two further pending cases, Shoan contests Chairman Blais' legal authority to appoint panels of Commissioners to preside over hearings on telecom-related matters as an action which unduly restricts Commissioners' ability to vote on various matters before the CRTC. These allegations suggest that the Chairman has taken discriminatory action to prevent certain Commissioners, such as Shoan, from fulfilling their responsibilities to Canadians.<sup>8</sup>
11. Most recently and troublingly, documents filed in Shoan's legal challenge to his dismissal allege an oppressive environment of overt racism within the Commission, enforced through a culture of fear and intimidation. Shoan argues that a racist double-standard was used in handling harassment allegations against him as compared to a white Commissioner who "referred to Shoan as a 'spoiled rich brown kid who probably grew up with servants;' requested to change hotels on commission-sanctioned travel because 'there were too many black people;' and complained that it 'smelled like curry' in her office after meeting with ethnic broadcasters."<sup>9</sup>
12. Within the broader context of the complete lack of equitable representation of people of colour on the Commission, and the historic and ongoing lack of equitable access for and representation of racialized communities within Canada's media and telecommunications landscapes,<sup>10</sup> these recent allegations warrant urgent concern and immediate attention from the Minister and all Canadians.
13. Without any public disclosure of the causes for which Shoan has been dismissed, one is easily led to the conclusion that this dismissal is a direct result of his attempt to fulfill his responsibilities as a Commissioner for the region of Ontario: Canada's most racially and culturally diverse province. If this is indeed the case, by attempting to sweep matters of systemic and overt racism under a rug through the dismissal of a "problem individual," the CRTC, Minister of Canadian Heritage and Governor-in-Council have committed a grave disservice to all Canadians, particularly those impacted by racism.
14. CMAC and UARR wish to express deep sadness and disappointment about the lack of equitable representation at the Commission and the allegations of systemic and overt racism within the CRTC's highest levels of governance. Our organizations are deeply

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<sup>6</sup> <http://www.cbc.ca/news/business/crtc-rift-between-officials-gets-nasty-as-expense-fight-escalates-1.3118381>

<sup>7</sup> [http://cas-cdc-www02.cas-satj.gc.ca/rss/T-668-15%20Shoan%20v.%20AG%20%20decision%20-%20ENG%20\(2016FC1003\).pdf](http://cas-cdc-www02.cas-satj.gc.ca/rss/T-668-15%20Shoan%20v.%20AG%20%20decision%20-%20ENG%20(2016FC1003).pdf)

<sup>8</sup> Ibid.

<sup>9</sup> <http://business.financialpost.com/fp-tech-desk/crtc-faces-allegations-of-racism-at-highest-ranks-court-documents>

<sup>10</sup> [http://www.media-action-media.com/wp-content/uploads/2012/05/MAM\\_Diversity-Research-Report\\_FINAL.pdf](http://www.media-action-media.com/wp-content/uploads/2012/05/MAM_Diversity-Research-Report_FINAL.pdf); <http://www.stopracism.ca/content/racism-and-media>; <http://www.stopracism.ca/content/racism-and-media>

concerned that Shoan's dismissal represents a grave mishandling of justice and due process, raising serious concerns about the transparency of the CRTC and its purported mandate to make decisions on behalf of all Canadians.

15. CMAC and UARR urge the Minister and Governor-in-Council to reconsider the decision to dismiss Commissioner Shoan. To this end we request:
- To meet with you to discuss the context of systemic inequity in representation at the CRTC
  - That no Commissioner for Ontario, other than Shoan, be appointed until the court proceedings related to Shoan's cases are concluded;
  - That a transparent and accountable third-party process be initiated to investigate and address allegations of systemic and overt racism within the Commission;
  - That the CRTC implement comprehensive anti-racism education and training among its staff and appointees; and
  - That the Commission establish equitable representation through the appointment of Commissioners who are People of Colour, Indigenous people and people from the community broadcasting sector for the five further vacancies currently on the Commission.

Sincerely,



Kristiana Clemens  
President, CMAC



Nigel Barriffe  
President, UARR