

**CANADIAN RADIO-TELEVISION AND
TELECOMMUNICATIONS COMMISSION**

Broadcasting Notice of Consultation CRTC 2019-379

Hearing: January 22, 2021

Gatineau, Québec

**ORAL SUBMISSION OF:
COMMUNITY MEDIA ADVOCACY CENTRE
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Oral Presentation of the Community Media Advocacy Centre
Hearing of Broadcasting Notice of Consultation CRTC 2019-379
Friday January 22, 2021

1. [KC] Good morning Chairperson Scott, Vice-Chair Simard, Commissioners Barin, Lafontaine, and Anderson, Madame Secretary, and CRTC Staff. My name is Kristiana Clemens and I am the Vice President of the Community Media Advocacy Centre or CMAC.
2. [OMME] Bonjour, je m'appelle Omme-Salma Rahemtullah. Je suis une membre fondatrice de CMAC et une membre du conseil d'administration.
3. [LAITH] My name is Laith Marouf, and I am a Policy Consultant at CMAC. Thank you for this opportunity to participate in today's hearing.
4. Before we begin, we would like to note that we are speaking virtually addressing the Commission on issues of equity at the CBC/SRC, which we shall refer to as "the Corporation." We acknowledge that Canada is a Settler Colonial Apartheid State, built on the unceded territories of Indigenous Nations and Inuit Peoples.
5. CMAC is here today to address the failures of the CBC to deliver on its obligations under the *Broadcasting Act*, the *Canadian Charter of Rights and Freedoms*, and the *Multiculturalism Act* to provide Access, Reflection, and Employment to what the Commission refers to as "Diversity Groups." CMAC uses the term "Protected Groups" to refer to groups granted protections under the law to rights they have been denied. This includes Women, Indigenous and racialized people, and people with disAbilities.¹

¹ CMAC takes-up the anti-oppressive practice used by some community media practitioners, like volunteer programmers with "The Avalanche" on CKUT Radio 90.3fm in Montreal, to foreground the abilities of people who live with disAbilities by capitalizing the 'A' in disAbility.

6. [KC] The CRTC is mandated to ensure that the Corporation complies with Canadian Laws and Regulations, as well as obligations under international agreements that Canada has signed onto, at the UNESCO and the UN, that are cited in our submissions on the record. In order to reflect and uphold the rights of Protected Groups in these proceedings, CMAC requested multiple times, in our submissions, for the appointment of a Panel that reflects the composition of Canadian society: including Commissioners who are Indigenous, racialized and living with disAbilities. Today we appear in front of a panel that includes the first Indigenous woman appointed to the Commission. Still, we recognize that racialized peoples and persons with disAbilities are under-represented in this panel and proceeding.
7. CMAC anchored our review of the Corporation's application for license renewal in the obligations outlined in the *Broadcasting Act* and international agreements, to assess how the Corporation is meeting its obligations to Protected Groups.
8. Our presentation focuses on CMAC's findings concerning Equity in Access, Employment, and Reflection at the Corporation. In our conclusion, we will suggest measures that need to be taken to correct issues of systemic and overt Racism and Inequity at the Corporation.
9. In the context of this license review, the Corporation has obstructed CMAC's efforts to obtain meaningful information and detailed data on Access, Reflection, and Employment for Protected Groups. The information requested by CMAC is in the public interest, and the Corporation's refusal to provide it is indicative of a

barrier to equity in itself, as well as hindering the ability of CMAC and the public to verify the equity and diversity claims made by the Corporation.

10. [OMME] In the Broadcast Notice of Consultation initiating this process, the CRTC's planned outcomes included that the Corporation's [quote] "*activities should be regulated in the next licence term with a view to ... ensuring that its programming ... reflects and meets the needs and interests of Canadians, including diversity groups, in both official languages*" [end quote].
11. This has been one of the longest hearing proceedings in the history of the CRTC, providing ample opportunity for the Corporation to provide the public with meaningful information and data on Equity and Inclusion. After reviewing all the documents on record, CMAC concludes that the Corporation has not provided the public with any meaningful information and detailed data that can help to assess how it is performing in regards to delivering on the communications rights of Protected Groups.
12. Since February 8th, nearly a year ago now, CMAC has submitted four procedural requests. A timeline and summary of our submissions are provided in [Annex A](#) of this presentation. With each request, CMAC hoped to provide the CRTC and the Public with information required to understand how the Corporation is, or is not, through its programming and employment, achieving its obligation to [quote] "*reflect the multicultural and multiracial nature of Canada*" [end quote], as stated in the *Broadcasting Act*.
13. [LAITH] On November 10, 2020, the CRTC formally denied CMAC's third procedural request. However, in the same ruling, the CRTC requested that the

Corporation deposit, on the record, information about the reflection of “diversity groups” in its programming. The Commission asked for this information to include the names and roles of key employees on each program. This request acknowledges CMAC’s position, supported by scholarship and research demonstrating the link between reflection and employment equity in media.

14. Unfortunately, the Corporation has refused to deposit any of the information requested on the record, citing confidentiality. The CRTC published another BNC in reply to the Corporation on December 18th, stating [quote] “*The Commission is dissatisfied with the Corporation’s reply. It is important for the Commission to have the necessary information to consider how the Corporation is, through its programming, reflecting the circumstances and aspirations of all members of Canadian society. The Commission intends to question the Corporation on these issues at the ... public hearing*” [end quote].

15. CMAC respectfully observes that throughout these proceedings, the Corporation has refused to release detailed employment equity and reflection numbers, and at times presented incomplete or misleading information that cast their shortcomings in a better light. This begs the question: what does the Corporation have to hide?

16. CMAC would also like to thank Commissioner Anderson for requesting again that the Corporation submit its Annual Cultural Census, which the Corporation had previously refused to provide when CMAC requested. We thank the Commission for putting this important document on the public record.

17. [KC] Given the obstructions put in place by the Corporation to delay or deny access to vitally relevant data, CMAC worked to extract key information requested by the Commission in advance of this hearing. Because of the public nature of media work, CMAC was able to access some open source data concerning equity in reflection and employment. This data was collected, analyzed, and submitted for the record by CMAC on July 24th² and January 4th.³

18. Moving on to CMAC's findings during this process, we will first address Access. Clearly, not all residents in Canada have equitable access to all content produced by the Corporation. This was true before the digital shift, and has been exacerbated by the new strategy emphasizing online content. Currently, Indigenous content is mainly concentrated in the North; whereas the majority of Indigenous peoples, and Canadians in general, reside in the south and cannot access this content on linear platforms in their regions. Likewise, the majority of "Ethnic" content is available through online platforms; while the content on linear channels is overwhelmingly White. The digital shift means only those with access to expensive broadband internet,⁴ that is not even reliably available in all regions, are granted access to diverse content.

19. Whereas linear media platforms offer a shared audience experience that is often absent from the fragmented online environment, the digital shift also means that the "diversity" content found online is largely viewed by those seeking it. We believe the lack of equity for Protected Groups on linear platforms skews

² Link to data leaked in July 24 Procedural Letter: [Employment Equity Members at CBC/SRC](#)

³ Link to data released in February 4 Procedural Letter: [Accounting for Diversity in CBC 2020 TV Programming](#)

⁴ CRTC maps illustrate the limited reach of broadband Internet in Canada: <https://crtc.gc.ca/cartovista/internetcanada-en/>

audience perceptions of society in the state of Canada, diminishes chances of cross-cultural understanding, deteriorates social cohesion, and ultimately contradicts the CRTC's goal of ensuring the Corporation [quote] "contributes to democratic life in Canada." [end quote]

20. [OMME] En termes d'emploi, les données publiques montrent que la Société n'assurer pas l'équité en matière d'emploi pour la plupart des groupes protégés. La situation de l'équité en matière d'emploi est pire dans les opérations francophones de la Société, mais dans l'ensemble, la prise de décision est dominée par les Blancs. CMAC a trouver dans nos recherche que lorsque la Société a fait des progrès en matière d'équité entre les sexes, ceux-ci ont profité plus aux femmes blanches, et parfois au détriment des femmes autochtones et racialisées. We have included a summary of "Employment Equity Members at CBC/SRC" in **Annex B**. Research cited by CMAC emphasizes that Employment equity in decision-making roles is crucial to achieving access and reflection for Protected Groups in media.⁵

21. As for Reflection, CMAC notes that the Corporation has refused to comply with the Commission's order to deposit information on Reflective programming. In response to this refusal, CMAC submitted for the record our own study of the CBC's English television programming for the 2020 season. CMAC's data shows that the Corporation's programming overwhelmingly reflects whiteness, while people who are Indigenous or racialized are under-represented or not reflected at

⁵ Research continuously provides evidence of the direct link between who is represented in programming and who owns media organizations or who is working within media organization in employment and governance, noting that lack of diversity on air corresponds to lack of diversity within broadcasting organizations ([Women in View, 2019](#); [Conway, 2017](#); [Byerly and Ross, 2006](#)).

all. We have included a summary of CMAC's study "Accounting for Diversity in CBC 2020 TV Programming" in [Annex C](#).

22. In addition, the transcript of this proceeding shows that the Corporation is drastically cutting its expenditures on news and entertainment programming for linear channels, and spending more resources on newly launched online platforms. The rationale given for these cuts, is that online programming is cheaper, which allows the CBC to produce more reflective programming. This argument means that the Corporation is intentionally choosing to spend less on reflective programming. The majority of "reflective" content is concentrated in locally or regionally broadcasted programming or online. This means audiences accessing the linear content of the Corporation see an image of Canada centering whiteness.

23. Even content touted by the Corporation as Reflective on its linear platforms operates through the lens of whiteness, as the recent scandal related to "Trickster" demonstrates. This program, the Corporation's first foray into Indigenous drama and its flagship of diversity programming, is an adaptation of a series of books authored by Indigenous writer Eden Robinson. In the books, issues of racism and colonization are addressed through the frame of science fiction and Indigenous mythologies. The books focus far more on issues of Colonialism and its adverse effects; whereas the show subsumes these issues under the science fiction storyline. Recently, the director, Michelle Latimer, was outed as a white woman who had identified as Indigenous to further an agenda of cultural appropriation in order to advance her career.

24. [LAITH] Finally, CMAC would like to briefly address the Corporation’s Journalistic Standards and Practices policy (or JSP) and how this impacts Equity in Access, Reflection, and Employment for Protected Groups. CMAC submitted, in our procedural requests, the demands of CBC union members⁶ calling for action on systemic racism within the Corporation in the aftermath of worldwide protests in support of Black Lives Matter following the murder of George Floyd. Black, Indigenous and racialized employees at the Corporation have called for reforms to the JSP, including social media and conflict of interest guidelines that are disproportionately applied against Indigenous and racialized employees by a management force that is 84% white. There is an urgent need to update the JSP, as demonstrated by the case of Ahmar Khan, whose termination was recently found unjust by the Labour Arbitration Board.⁷ The arbitrator noted that Khan’s white manager and co-worker seemed to have devised a [quote] “enthusiastic plan to cause trouble” [end quote] for Khan.

25. The JSP also promotes censorship at the Corporation. A recent example occurred on “The Current,” on August 18, 2020, when Indigenous host, Duncan McCue, aired an interview with Joe Sacco, a world renowned cartoonist and journalist. Sacco was invited to promote his latest work, an illustrated volume on the struggles of the Dene Nation in the land of Denendeh, now fractured between the Northwest Territories and the Yukon. During the course of the interview, the

⁶ See “CBC union members demand action on systemic racism”:

<https://www.cmg.ca/en/2020/07/14/cbc-union-members-demand-action-on-systemic-racism/>

⁷ See Canadian Broadcasting Corporation v Canadian Media Guild, 2021 CanLII 761 (CA LA):

<https://www.canlii.org/en/ca/cala/doc/2021/2021canlii761/2021canlii761.html>

host referred to Sacco's seminal work titled *Palestine*, which chronicles the struggles of the Palestinian people for liberation of their land.

26. Using the JSP, someone at the Corporation chose to delete the word "Palestine" from the online version of the interview, and forced the host to publish an apology the next day for using the Indigenous term to refer to the land and title of the book in question.⁸ CMAC is not sure who the apology was targeted to, and what the intent behind this course of action was, save for erasing the existence of the Indigenous people of Palestine from the programming. These examples highlight that the JSP itself requires a separate process to adequately dive into and analyse its impact on Equity in Access, Reflection, and Employment for Protected Groups at the Corporation.

27. In summary, CMAC's research indicates that the Corporation is failing in its obligations to uphold the communication rights of Protected Groups through Access, Reflection, and Employment. The Corporation's administrative hierarchy, its programming, and its Journalistic Standards and Practices policy, center white voices and reinforce colonial narratives rooted in cultural genocide and racism.

28. In this era of Truth and Reconciliation, the Calls to Action for Missing and Murdered Indigenous Women and Girls, and the demands of the Black Lives Matter movement, the Corporation must do better to provide Access, Employment, and Reflection for Indigenous and racialized peoples across Canada.

29. [KC] Given all the above, CMAC respectfully asks the Commission to consider the following conditions in renewing the Corporation's licenses:

⁸ As documented by *Mondoweiss*: <https://mondoweiss.net/2020/08/palestine-deleted/>

- a. The licensee shall adhere to its legal obligations to provide Protected Groups with Equitable Access to all its Canadian Programming, and must therefore ensure that all the Canadian Programming it airs on its linear channels is also available on its digital platforms, and vice versa.
- b. The licensee shall adhere to its legal obligations to provide Protected Groups with Employment Equity, matching or surpassing Canada's census in its hiring practices at all levels and in all its branches of activities; French, English, linear and digital.
- c. The licensee shall adhere to its legal obligations to provide Protected Groups with Equitable Reflection, by, for, and about them, in quantity, quality and budget, and must match or surpass Canada's census in its programming reflection at all levels, News, Entertainment and Children's Programming included, and in all its branches of activities; English, French, linear and online.
- d. The licensee shall publicly publish meaningful information and detailed data in annual financial and statistical reports on the above COLs concerning Access, Employment, and Reflection for Protected Groups.
- e. The licensee shall modify its Journalistic Standards and Practices policy, through public consultation with Protected Groups and according to the demands made by CBC union members last year.

30. CMAC stands by our methodology and recommendations for this proceeding.

31. Thank you for listening to our presentation. We look forward to your questions.

Annex A:

Timeline and Summary of CMAC's Submissions for CRTC 2019-379

February 8, 2020	CMAC sent its 1st Procedural Request (LINK) , asking for CRTC to order the CBC to release its Annual Cultural Census, the complete notes and reports that resulted from each stage and activity it conducted within its 2018-21 Diversity and Inclusion Plan, and for the CRTC to delay deadlines for comments to fit the release of information.
<i>The CRTC delayed our Procedural Request for a week before forwarding it to the CBC or publishing it on the public record, and ruled on our request after 11 days and only one day before the intervention deadline.</i>	
February 19, 2020	The Commission sent CMAC a letter denying our Procedural Request, but stating “CMAC can, at its discretion, include the above-noted requests in its intervention.”
February 20, 2020	CMAC deposited our Intervention (LINK) for the first phase, and as instructed by the CRTC, included our previous procedural request. CMAC's intervention also discussed the dramatic and rapid decline in CBC/SRC news budget on all platforms and in all languages; over 50% in a time of pandemic and lockdowns. Finally, CMAC's Intervention discussed the media blackout on this hearing, and the failures of the CRTC to outreach and engage the Canadian public and organizations representing its diversity.
March 6, 2020	The CBC submitted its reply to the interventions, and ignored the request for detailed (and searchable) equity information made in the procedural letter and intervention of CMAC.
<i>On May 25, unarmed civilian George Floyd is murdered by police in the US, sparking worldwide protests and a resurgence in the Black and Indigenous Lives Matter movements in the US and Canada. Afterwards, on June 8, BIPOC CBC journalists begin tweeting about systemic racism at the CBC on #BlackintheNewsroom. CBC News host Wendy Mesley is suspended from hosting on June 9 for using racist language at work. Canadaland, on June 22, interviewed Adrian Harewood in “A CBC News Anchor on Systemic Racism at Work.”</i>	
June 22, 2020	The CRTC issued BNC 2019-379-3, where it set the date for the Public Hearing on January 11, 2021. The Notice also reported more information on the Corporation's “digital activities and future plans for those activities,” and set a deadline for phase two, allowing the public to comment “with respect to the additional information added to the public record only.”
<i>On July 7, 2020, the CMG members of the Joint Committee on Equity, Diversity and Inclusion delivered a letter to the CBC senior management team to demand action on systemic racism.</i>	
July 24, 2020	CMAC submitted a 2nd Procedural Request (LINK) , observing that the CRTC and CBC could provide the public with more information

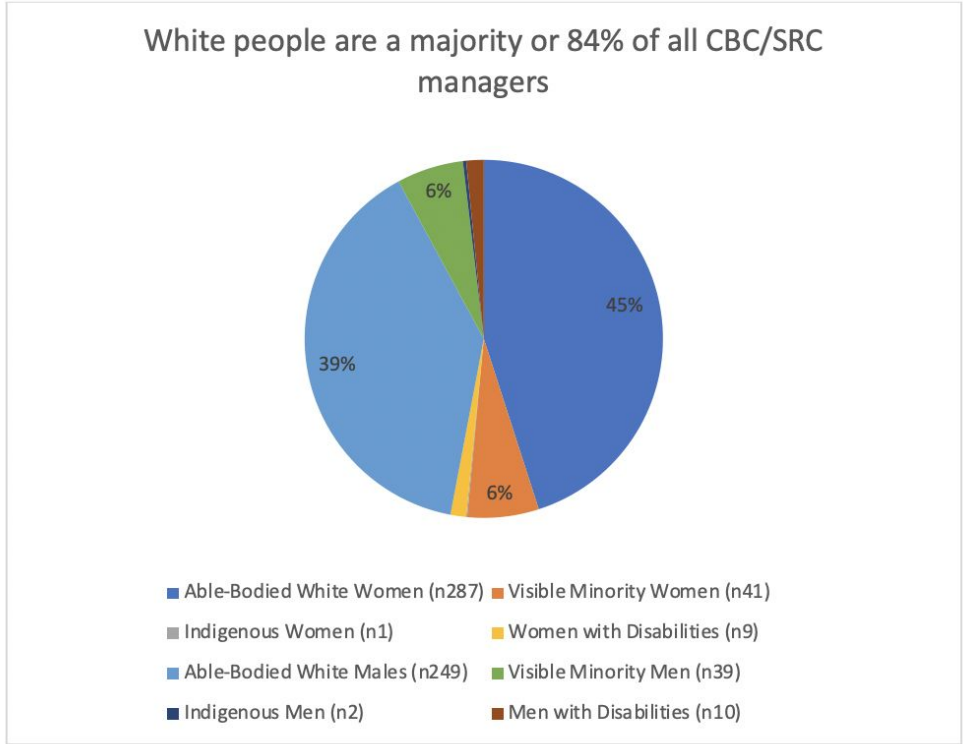
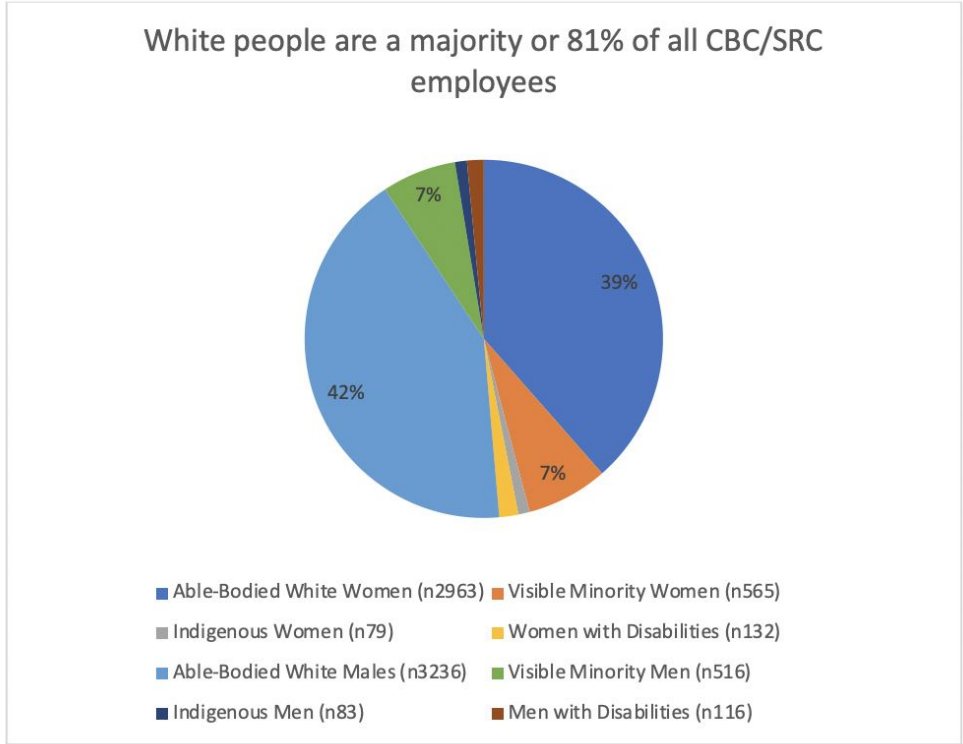
	<p>regarding the employment status of “diversity groups” at the Corporation, and that the Commission, given that the hearing is six months away, could order the Corporation to comply with CMAC’s request with no undue burden to CBC. CMAC also noted, the Commission could then publish the obtained information and add a separate intervention stage (or Phase 3) for the public to give its opinion on this new information “only” (as it had done in BNC 2019-379-3). The letter cited the Black and Indigenous Lives Matter movements that had dominated the news since the police murder of George Floyd, and the increasing numbers of CBC/SRC Indigenous and racialized employees speaking publicly about their experiences of systemic racism at the Corporation; as logical motivators for the opening of a third public comment phase dedicated to issues of Equity and Reflection. The letter also deposited Annex A: Employment Equity Members (LINK) that leaked internal data on equity in employment at the CBC/SRC that are far more detailed than the information deposited by the Corporation on the record. Finally, CMAC also asked the Commission to appoint a Panel to preside over the Hearing made up of Commissioners who identify as Indigenous, racialized, or living with a disAbility.</p>
<p>July 29, 2020</p>	<p>The CBC/SRC replied to CMAC’s procedural request arguing that our request for employment equity numbers falls outside the powers of the <i>Broadcasting Act</i>, and resides under the powers of the <i>Employment Equity Act</i> regulated by the Human Rights Commission, and, therefore, the CBC/SRC argued that there is no legal basis for CMAC’s request for further details. CBC did not refute the internal employment equity data submitted on the public record by CMAC.</p>
<p>August 4, 2020</p>	<p>The CRTC allowed CMAC a reply to the CBC/SRC. CMAC’s Reply (LINK) argued that the requested detailed information was necessary to assess whether or not the CBC/SRC was achieving the policy objectives set out in sections 3(1)(d)(iii) and 3(1)(m)(viii) of the <i>Act</i>. CMAC also sent in the same reply a 3rd Procedural Request (LINK) that the Corporation “deposit information on access, reflection, on-air presence, and the fair portrayal of Protected Groups or what the CRTC calls diversity groups, namely women, Indigenous and racialized people, and people with disAbilities.”</p>
<p><i>After 98 days, the CRTC replied to CMAC’s 3rd Procedural Request.</i></p>	
<p>November 10, 2020</p>	<p>In a letter to CMAC, the CRTC formally denied CMAC’s request that the Commission order the CBC/SRC to deposit employment equity data on the record, and largely disregarded all the other points in CMAC’s July 24th procedural request and our August 4th reply and procedural request. Additionally in the ruling, the CRTC requested that the CBC/SRC deposit on the record information about the reflection of “diversity groups” in its programming, including the names and roles of key employees on each program; an approach that acknowledges</p>

	CMAC's position supported by scholarship and research that demonstrates the link between reflection and employment equity. The CRTC also published BNC CRTC 2019-379-4, reminding "parties that additional information relating to this proceeding may continue to be added to the public record."
December 1, 2020	The CBC/SRC replied to the CRTC's order by refusing to deposit any of the information requested on the record, citing confidentiality. CMAC submitted that this is not a situation in which issues of employee privacy or confidentiality are engaged. Additionally, media workers will affirm that anonymity is potentially fatal to a career. It should be further noted that every employee in a video production is listed in the credits of broadcasts and available on CBC/SRC platforms/websites, is credited on IMDB, and is eligible for public awards in their field.
December 18, 2020	The CRTC issued BNC CRTC 2019-379-5, noting that "The Commission is dissatisfied with the Corporation's reply. It is important for the Commission to have the necessary information to consider how the Corporation is, through its programming, reflecting the circumstances and aspirations of all members of Canadian society. The Commission intends to question the Corporation on these issues at the 11 January 2021 public hearing."
<i>On December 21, 2020, Michelle Latimer resigned as the director of "Trickster" due to being outed as a white woman who had identified as Indigenous to advance her career.</i>	
January 4, 2021	CMAC deposited our 4th Procedural Request (LINK) along with additional information compiled in Annex A: Accounting for Diversity in CBC 2020 TV Programming (LINK) . Based on the public data CMAC reviewed, it was not possible to account for disAbility or LGBTQ reflection and employment numbers. Our research concentrated on Protected Groups (White Women, Visible Minority Women, Indigenous Women, Visible Minority Men, and Indigenous Men) working or reflected in Anthology, Comedy and Drama programming (or 21 shows). Of the 21 shows surveyed and cross-referenced by CMAC with public data sourced from Wikipedia, IMDB and CBC/SRC websites: only 4 programs aired by CBC TV are centered in non-White realities; translating to 19% of Anthology, Comedy and Drama shows, and this conclusively accounts for only 5.3% of programs when counting all 75 distincts shows aired on CBC TV in 2020. Consequently, these numbers also mean that 71 out of 75 TV programs or 94.7% of all TV programs are White centered.
<i>To date, the Commission has yet to publish CMAC's 4th procedural letter on the public record, although it did publish a procedural letter that was deposited by another intervener at a date after our letter. On January 18, Senior Legal Counsel Mr. James Wilson responded to CMAC to reiterate that "CMAC's procedural request along with some other procedural requests have been taken under advisement by the Commission and will be ruled on at a future point in time." Mr. Wilson added, "CMAC may, if it chooses, speak to the information</i>	

included with its procedural request of 4 January 2021. The inclusion of these remarks on the record is also subject to the Commission's ultimate determination on the admissibility of the information." This reply by the CRTC's legal staff indicates that the Commission acts as the gate-keeper of not only the public record, but also whatever information will be articulated in its decisions.

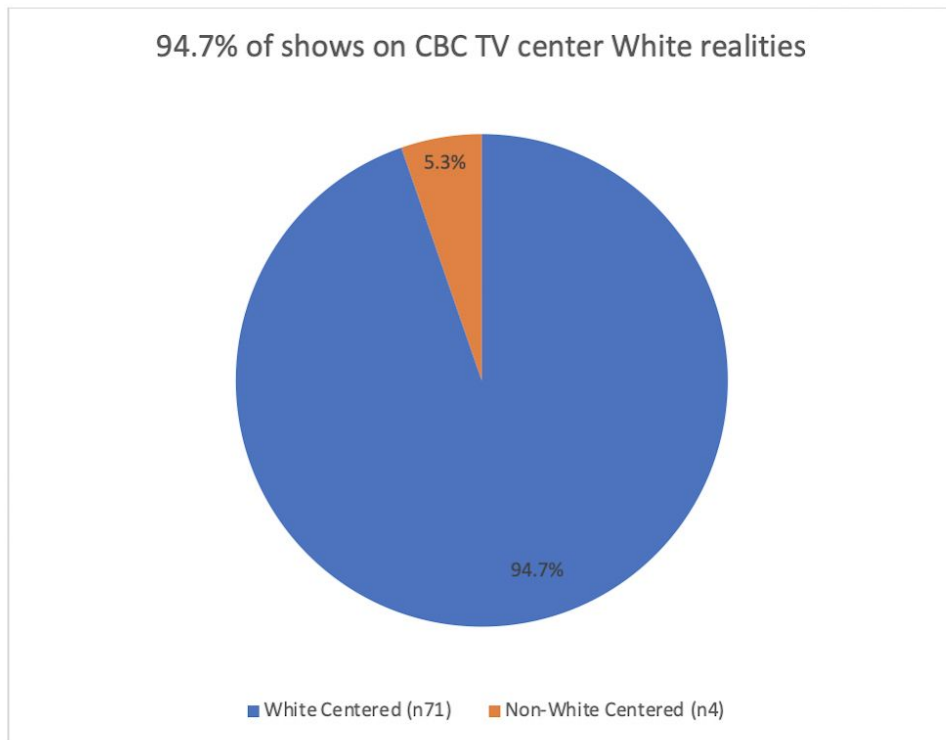
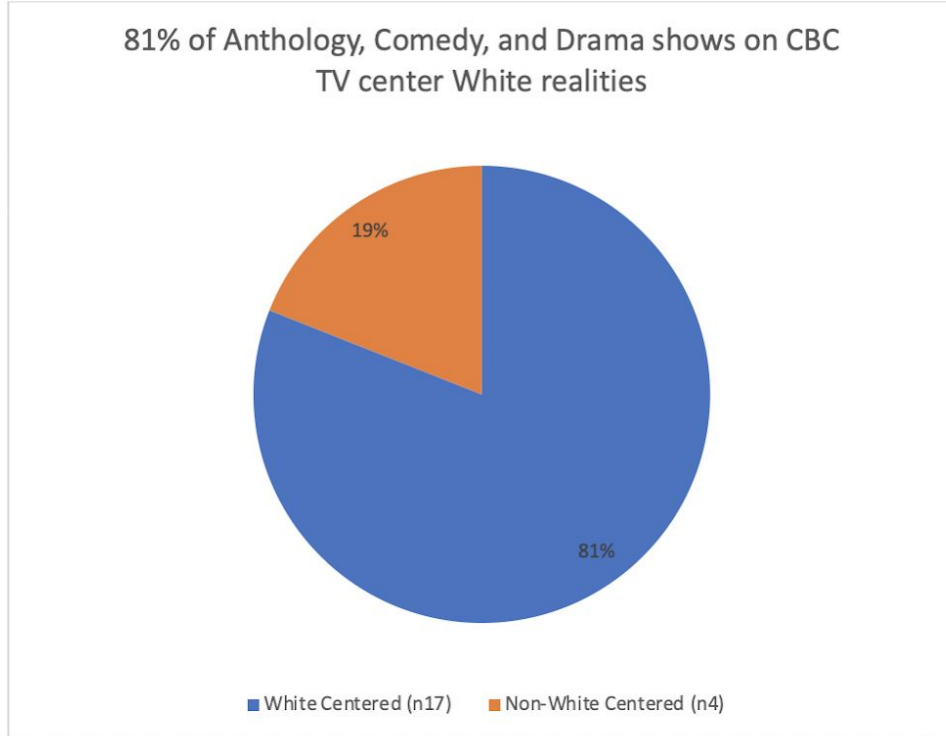
Annex B:

**Summary of “Employment Equity Members” ([LINK](#))
filed with CMAC’s 2nd Procedural Request for CRTC 2019-379**



Annex C:

**Summary of “Accounting for Diversity in CBC 2020 TV Programming” ([LINK](#))
filed with CMAC’s 4th Procedural Request for CRTC 2019-379**



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