



Community Media Advocacy Centre
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January 4, 2021

Mr. Claude Doucet
Secretary General
Canadian Radio-television and
Telecommunications Commission (CRTC)
Gatineau (Québec)
K1A 0N2

The Honourable Steven Guilbeault
Minister of Canadian Heritage
15 Eddy Street, 12th Floor
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The Honourable Steven Blaney
Shadow Cabinet Heritage Critic
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NDP Canadian-Heritage Critic
1453 Beaubien Street East
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Montréal, Quebec
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ONLINE SUBMISSION

PROCEDURAL REQUEST

Re: Broadcasting Notice of Consultation CRTC 2019-379, 2019-379-1, 2019-379-2, 2019-379-3, 2019-379-4 and 2019-379-5; applications by the Canadian Broadcasting Corporation/Société Radio-Canada (the Corporation) to renew the broadcasting licences for its various English- and French-language audio and audio-visual programming services.

In this letter, CMAC files a fourth procedural request motivated by the refusal of the CBC/SRC to deposit on the record of the Hearing any meaningful information that could help assess their compliance with the responsibility to deliver on the reflection on what

the CRTC calls “diversity groups,” as stipulated by *1991 Broadcasting Act*,¹ the *Canadian Charter of Rights and Freedoms and Constitution Acts*,² the *1985 Canadian Multiculturalism Act*³, *Ethnic Broadcasting Policy* CRTC 1999-117,⁴ the *Native Broadcasting Policy* Public Notice CRTC 1990-89,⁵ the UNESCO *Convention on the Protection and Promotion of the Diversity of Cultural Expressions*,⁶ the United Nations’ *Declaration on the Rights of Indigenous Peoples*,⁷ and the United Nations’ *Convention on the Rights of Persons with Disabilities*.

Sincerely,
Gretchen King
CMAC Secretary

Cc regulatoryaffairs@cbc.ca, info@cmg.ca
The Honourable Steven Guilbault
The Honourable Steven Blaney
The Honourable Alexandre Boulerice

¹ Retrieved from: <http://laws-lois.justice.gc.ca/eng/acts/B-9.01/>

² Retrieved from: <http://laws-lois.justice.gc.ca/eng/Const/FullText.html>

³ Retrieved from: <https://laws-lois.justice.gc.ca/eng/acts/C-18.7/page-1.html>

⁴ Retrieved from: <http://www.crtc.gc.ca/eng/archive/1999/PB99-117.HTM>

⁵ Retrieved from: <https://crtc.gc.ca/eng/archive/1990/PB90-89.htm>

⁶ Retrieved from:

http://portal.unesco.org/en/ev.php-URL_ID=31038&URL_DO=DO_TOPIC&URL_SECTION=201.html

⁷ Retrieved from: http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

Introduction

1. The Community Media Advocacy Centre (www.CMACentre.ca) is a non-profit organization uniquely comprised of academics, lawyers, policy consultants and experienced community media practitioners. CMAC supports the self-determination of people who are racialized, Indigenous, or living with disAbilities in the media through research, relationship-building, advocacy, and learning. In our work, CMAC prioritizes the perspectives, voices and lived experiences of Indigenous Peoples, racialized people, third language and disAbility communities because these voices are underrepresented in the media space generally.
2. CMAC promotes access to multimedia (radio, television, in print and online) Indigenous and community-owned communication infrastructure by advocating for community-based, nonprofit and noncommercial broadcasting, as well as media produced by volunteers and/or underrepresented communities. CMAC offers advocacy and support to Indigenous and community organizations that wish to explore licensing, funding, and launching their own nonprofit broadcasting organizations.

The Process

3. On July 24, 2020, CMAC sent the Commission a second⁸ Procedural Request, disclosing leaked⁹ CBC/SRC employment equity data and requesting that the CRTC order the Corporation to deposit on the record more information on employment equity and a record of complaints of discrimination within the working force of the CBC/SRC. The letter also requested that the Commission appoint a diverse panel for the Hearing scheduled for January 11, 2021.
4. On July 29, 2020, the CBC/SRC replied to our procedural request arguing that CMAC's request for employment equity numbers falls outside the powers of the *Broadcasting Act*, and resides under the powers of the *Employment Equity Act* regulated by the Human Rights Commission, and, therefore, the CBC/SRC argued that there is no legal basis for CMAC's request for further particulars.
5. The CRTC allowed CMAC a reply to the CBC/SRC. On August 4, 2020, CMAC replied arguing that the requested information was necessary to assess whether

⁸ Second Procedural Request from CMAC:

<http://cmac.gwradio.koumbit.org/wp-content/uploads/2020/07/Amended-2nd-Procedural-Request-CRTC-2019-379.pdf>

⁹ [Leaked] CBC/SRC figures that detail the numbers and percentages of employees at the Corporation over the three year period 2017-2020 (Annex A – Employment Equity Members);

<http://cmac.gwradio.koumbit.org/wp-content/uploads/2020/07/Annex-A-Employment-Equity-Members.xlsx>

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 *Act*. CMAC also requested in the same reply, a third¹⁰ procedural request 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.”

6. After 98 days, on November 10, 2020, the CRTC formally denied CMAC’s request to order CBC/SRC to deposit employment equity data on the record, and largely disregarded all the other points in the July 24th procedural request and the August 4th reply and procedural request. Additionally in the ruling, the CRTC requested that the CBC/SRC deposit on the record information about reflection of “diversity groups” in its programming, The Commission also asked for the information requested from the CBC/SRC on its programming reflection to include the names and roles of key employees on each program; an approach that acknowledges CMAC’s position supported by scholarship and research that demonstrates the link between reflection and employment equity. Finally, the CRTC stated, “The Commission reminds parties that additional information relating to this proceeding may continue to be added to the public record.”
7. On Dec 1, 2020, the CBC/SRC replied to the CRTC request by refusing to deposit any of the information requested on the record, citing confidentiality. CMAC submits 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.
8. On December 18, 2020, the CRTC replied to the CBC/SRC, 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.”

Additional Information

9. CMAC hopes to provide the CRTC and the Public, “the necessary information to consider how the Corporation is, through its programming, reflecting the circumstances and aspirations of all members of Canadian society” and thus has researched relevant CBC/SRC TV programming for the year 2020 to extract the

¹⁰ Reply and Third Procedural Request from CMAC:
<http://cmac.gwradio.koumbit.org/wp-content/uploads/2020/08/CMAC-REPLY-to-CBC-CRTC-2019-379.pdf>

key information requested by the Commission and denied by the Corporation. Because of the public nature of the work of public broadcasters and media workers, CMAC was able to access most of the data concerning equity in reflection and employment open source research.

10. Given that the CRTC's reply came on December 18, and that Dec 25 to January 3rd are statutory holidays, CMAC was unable to conclude its research at a date prior to the holidays, and respectfully deposits the Procedural Request below on the first business day of 2021 or January 4th. We attach our findings to this letter as "Annex A: *Accounting for Diversity in CBC/SRC 2020 TV Programming.*"
11. Due to brevity of time, our research concentrated on the Corporation's English TV programming only. This focus is justified because all data on the record deposited by CBC/SRC shows that employment diversity numbers are worse in the radio and French aspects of the Corporation's operations. Acknowledging the link between employment equity and diversity in reflection, CMAC assumes that reflection realities in the CBC/SRC radio and French sectors are worse than our findings detailed in this letter of the Corporation's English TV programming. Based on the public data CMAC reviewed, it was not possible to account for DisAbility or LGBTQ reflection and employment numbers.
12. Overall, 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 (21 shows). Our review of data discounted programming with ZERO priority or centering to protected groups in them, including Reality, Game, News, Documentary (24 shows), Children (24 shows), Sports (2 shows), and non-Canadian programming (4 shows).
13. Our findings are concerning. Of the 21 shows surveyed and cross-referenced with public data sourced from Wikipedia, IMDB and CBC/SRC websites:
 - a. 1 show is centered in Indigenous realities or predominantly reflective;
 - b. 1 show is centered in Black realities or predominantly reflective;
 - c. 1 show is centered in East Asian realities or predominantly reflective;
 - d. 1 show is centered in multiculturalism realities or predominantly reflective of these.
 - e. 7 shows are centered in White women realities, which means White women's reflection dominates the representation of protected groups (or 63.6% of the 11 shows) at the CBC/SRC.
14. What the forgoing means is that only 4 programs aired by CBC/SRC 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/SRC TV in the year 2020.

Consequently, these numbers also mean that 71 out of 75 TV programs or 94.7% of all TV programs are White centered.

15. It should be further noted that each CBC/SRC TV show employs hundreds of workers and CMAC investigated only the lead positions occupied by workers from protected groups, as requested by the CRTC to the CBC/SRC. Of the 106 media workers from protected groups counted by CMAC in CBC/SRC's TV programming, White Women (n56) make up more than half of the representation found of protected groups working in lead positions in the Corporation's English TV programming. This means that Visible Minority Women, Indigenous Women, Visible Minority Men, and Indigenous Men are collectively underrepresented in lead TV programming positions for protected groups at the Corporation. Concerning underrepresented protected groups, most of the representation in lead TV programming positions is predominantly found on shows reflecting their community. For example, of the 6 Indigenous Women working in lead positions in the Corporation's English TV programming, nearly all of them (n.5) work on *Trickster* or the one CBC/SRC program centered in Indigenous realities.

Procedural Request

16. CMAC respectfully requests that the Commission honour its commitment to provide "additional information relating to this proceeding" by adding our letter and its Annex A to the public record, in order to inform discussions on the CBC/SRC's failure to deliver on its obligations to provide reflection to protected groups.
17. Finally, CMAC respectfully requests that the CRTC move our presentation slated last on January 22nd, to the morning slot, as our lead consultant is on a contract overseas in a time zone 7 hours ahead of EST, and it would be inconvenient for him to join the Hearing after what will be midnight at his location.
18. CMAC appreciates the opportunity to file this procedural request and participate in this important Hearing.

Sincerely,
Laith Marouf
Policy Consultant
CMAC

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