



Community Media Advocacy Centre
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February 8, 2020

Mr. Claude Doucet
Secretary General
Canadian Radio-television and
Telecommunications Commission (CRTC)
Gatineau (Québec)
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The Honourable Steven Guilbeault
Minister of Canadian Heritage
15 Eddy Street, 12th Floor
Gatineau, Quebec
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The Honourable Steven Blaney
Shadow Cabinet Heritage Critic
115 President Kennedy Road
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The Honourable Alexandre Boulerice
NDP Canadian-Heritage Critic
1453 Beaubien Street East
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ONLINE SUBMISSION

Re: Broadcasting Notice of Consultation CRTC 2019-379, 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.

Re: DM#3791911 - Procedural Request by FRPC and DM#3761220 - Procedural Request - Friends of Canadian Broadcasting

1. In this letter, the Community Media Advocacy Centre (CMAC) files procedural requests motivated by our research of the public record and data available for CRTC 2019-379. Below, we highlight the procedural requests in bold for your convenience.

Introduction

2. The Community Media Advocacy Centre (www.CMACentre.ca) is a non-profit organization that is uniquely comprised of academics, lawyers, policy consultants and experienced community media practitioners. CMAC supports the self-determination of Indigenous, racialized, and disAbled peoples 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 landscape generally.
3. 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.

Background

4. CMAC was hoping to intervene in these proceedings to advocate for the rights of Indigenous, racialized, and disAbled peoples to access, reflection and employment at the CBC/Radio-Canada (hereafter referred to as CBC), Canada's national broadcaster. After reviewing all the documents on record, it became apparent that neither the CRTC nor CBC have provided the public with any detailed data that can help assess how the national broadcaster is performing in regards to delivering on the rights guaranteed by the *Charter*, the *Multiculturalism Act* and the *Broadcasting Act*, to what the CRTC calls "diversity groups."
5. This is concerning, given the fact the CRTC clearly anchored these proceedings in two files: Discoverability and Diversity. In fact, the CRTC stated in the "outcomes" expected in the Notice: "(CBC) 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;

- is of high quality and supports Canadian producers and content creators;
 - is accessible and discoverable across Canada and abroad; and
 - contributes to democratic life in Canada;"
6. The Commission recognizes that reflecting the views and realities of “women, Indigenous groups, ethnic and multicultural groups, official language minority communities (OLMCs), children and youth, Canadians with disabilities, and LGBTQ2 Canadians,” or what the CRTC calls “diversity groups,” is crucial to the advancement of democratic life in Canada; especially given how the two issues of Indigenous liberation/reconciliation and immigration/integration dominate the news cycle and electoral process. But if the CRTC does not provide the public and advocacy groups with detailed statistics on the realities of access, reflection and employment for “diversity groups” at the CBC, the recognition of these issues in the Broadcasting Notice of Consultation for CRTC 2019-379 becomes nothing more than lip-service.
7. In their Supplementary Brief posted for these proceedings, CBC devoted one paragraph to the issues of “diversity” buried in page 10 of the 12 pages document. The issues of Immigration/integration dominate the news and electoral cycles in Canada, and the national broadcaster offers a paragraph on a condition of license to begin reporting on diversity markers:
- 1) the percentage of diverse staff that are hired during the broadcast year and at the management level at CBC/Radio-Canada; 2) annual statistics regarding diversity in CBC/Radio-Canada’s commissioned and in-house programs in terms of onscreen/audio performance; 3) annual statistics regarding diversity in CBC/Radio-Canada’s commissioned programs on the production side (i.e., diversity in key creative positions such as producer, director, writer, showrunner or lead performer).
8. Similarly, CBC promises license conditions to report on markers that can measure their compliance with their duties to provide access, reflection and employment to Indigenous people and Women in Canada. Not one mention is made of Canadians living with disAbilities; and certainly no license conditions are offered on reporting progress towards providing these communities with any of their rights.
9. While CMAC welcomes the proposal of CBC/RDI-Canada to condition their license on reporting annually on the aforementioned diversity markers, we take the position that it reaffirms our assertion that reporting on such markers during this license renewal proceedings is crucial to give the public and advocacy groups the ability to correctly evaluate if the national broadcaster has been

delivering on its legally binding obligations to provide access, reflection and employment, to what the CRTC calls “diversity groups.”

10. After failing to find any relevant information on the record provided by the CBC and the CRTC to help evaluate if the applicant is delivering on its legal responsibilities; CMAC decided to widen its search for information. The documents we found include the CBC's Employment Equity Report¹, Diversity and Inclusion Numbers², Diversity and Inclusion Action Plan for 2018-2021³ and Annual Report⁴.
11. The CBC 2018-2019 Annual Report is astonishing, for in its 137 pages, it uses the categories “minorities” and “disability” only 2 times each, and “women” three times. The Annual Report makes up for these glaring failures by overcompensating and over-hyping its work to deliver on its legal responsibilities towards Indigenous Nations. When we investigated the CBC Employment Equity Report, it was clear that no concrete numbers are available for the “diversity groups.” The report only provides general numbers that cannot help determine if the employees that identify as members of a “diversity group” were employed only in front of the mic/camera, or have any technical, editorial or administrative roles in the organization.
12. The CBC 2018-21 Diversity and Inclusion Action Plan is also vague, setting goals to study, investigate, and train the workforce, to produce “diversity” “content” and change “workforce culture” in the hopes of finally beginning to deliver on diversity within the “workforce.” Finally, CBC’s Diversity and Inclusion Numbers posted on their corporate website provide only a broad overview of employee percentages reported as belonging to a “diversity group.” Even these broad numbers reveal the CBC’s lack of accomplishment. Overall, the corporation fails to match “Labor Force Availability” for “Visible Minorities” and “Persons with Disabilities,” and the situation is even more appalling in the French services (RDI-Canada). It should be noted that the Labour Force Availability markers are drastically lower than actual population representation for “diversity groups,” indicating a broader institutional bias in educational and media systems that discourage “diversity groups” from joining the profession.

¹ Retrieved from:

<https://site-cbc.radio-canada.ca/documents/impact-and-accountability/diversity-inclusion/2018-employment-equity-report-en.pdf>

² Retrieved from:

<https://cbc.radio-canada.ca/en/working-with-us/jobs/diversity-inclusion-cbc-rc/our-numbers>

³ Retrieved from:

<https://cbc.radio-canada.ca/en/impact-and-accountability/diversity-and-inclusion/diversity-and-inclusion-plan/action-plans/cbc-radio-canada>

⁴ Retrieved from:

<https://site-cbc.radio-canada.ca/documents/impact-and-accountability/finances/2018-2019-annual-report.pdf>

13. CMAC reviewed the web pages of the CBC Board of Directors⁵ and Senior Executive Team⁶, and the data provided affirms that the corporation's top decision makers are homogeneous and do not reflect or give access to "diversity groups." This situation is problematic, given that the CBC's senior executive team was reorganised last year and the corporation did not recruit "diversity" talent. The CBC chose to move around some of its homogeneous leadership, and failed to deliver on its legal obligations to provide access, reflection and employment to "diversity groups" (beyond White or non-racialized women) at the highest decision making positions in a national institution entrusted with shaping the nation's identity.
14. During our research, CMAC found multiple references to the CBC "Annual Cultural Census" (Census). We attempted to find this Census via public resources, but failed to do so. CMAC believes that the Census may hold valuable information that sheds light on the situation of employment equity for "diversity groups" at the Corporation.
- 15. In light of the above, CMAC respectfully requests that the CRTC order the CBC to release all Annual Cultural Census reports it has compiled since it first started preparing them in the first quarter of 2018; within a reasonable timeframe.**
- 16. CMAC further requests that the CRTC orders the CBC to release the complete notes and reports that resulted from each stage and activity it conducted within its 2018-21 Diversity and Inclusion Plan as posted on its corporate site.**
- 17. Finally, CMAC requests that the CRTC delay the deadline for comments on the file, and set it to be 15 days after CBC posts its Annual Cultural Census reports and above data on the record.**
18. CMAC is of the opinion these procedural amendments will strengthen the public process by guaranteeing access to the information required for informed and meaningful public engagement with the Commission regarding CRTC 2019-379 without unduly burdening CBC.

Procedural requests by Friends of Canadian Broadcasting (FCB) and the Forum for Research and Policy in Communications (FRPC)

19. CMAC reviewed the procedural requests of the FCB and FRPC, and we are of the opinion that these requests support our procedural requests above that seek to uphold rights of the public to access crucial information necessary to formulate an informed opinion on the state of compliance at the CBC.

⁵ Retrieved from: <https://cbc.radio-canada.ca/en/vision/leadership/board-of-directors>

⁶ Retrieved from: <https://cbc.radio-canada.ca/en/vision/leadership/senior-executive-team>

20. The Commission should prioritize the public's right to access information on how public funding is being used to deliver on the CBC obligations under broadcasting laws and policies. The public's right to access this information, overweighs any claims to "privacy" and "industry secrets," especially given the licenses up for renewal are those of the national public broadcaster; and not a private corporate station.

To the Honorable Minister of Heritage and opposition party Critics

21. CMAC has been engaged at CRTC policy and licensing hearings since 2015, with a focus on ensuring that the rights of Indigenous, Racialized and disAbled peoples, to access, reflection and employment, are respected. Our experience at the Commission working on these files, can be at best described as contentious. We have become accustomed to the CRTC refusing to order the release of any information and data that can help measure compliance with obligations towards what the CRTC calls "diversity groups" in some of the most important files.

22. We made similar procedural requests during the rewriting of the Community Television and Local News Policy (CRTC 2016-224), the relicensing of Community Television stations (CRTC 2017-160), the relicensing of the 9(1)h mandatory carry licenses (CRTC 2017-365), and finally during the Canadian programming expenditures hearing. In all these important files, the CRTC decided that ordering the release of data that can measure compliance with the legal obligations to deliver access, reflection and employment to "diversity groups" is "beyond the scope of these proceedings."

23. In light of the release of the Parliamentary Broadcasting and Telecommunications Legislative Review Panel's Final Report⁷, with its declared interest on "An enhanced focus on research and data (1.3.2)" and the report's recommendation on "Updating the mandate of the public broadcaster (3.7.1)," and given that if this hearing does not deliver on the expectations of the Panel, the CRTC will not be able to deliver on them until the next license renewal hearing for the CBC in 2027.

24. And given the legal obligations of Canada to deliver on access, reflection and employment to "diversity groups" enshrined in laws and policies, including the *1991 Broadcasting Act* (or the Act),⁸ the Canadian Charter of Rights and Freedoms (or the Charter) and *Constitution Acts*,⁹ Ethnic Broadcasting Policy CRTC 1999-117 (or the Policy),¹⁰ the Native Broadcasting Policy¹¹ Public Notice

⁷ Retrieved from: <https://www.ic.gc.ca/eic/site/110.nsf/eng/00012.html>

⁸ Retrieved from: <http://laws-lois.justice.gc.ca/eng/acts/B-9.01/>

⁹ Retrieved from: <http://laws-lois.justice.gc.ca/eng/Const/FullText.html>

¹⁰ Retrieved from: <http://www.crtc.gc.ca/eng/archive/1999/PB99-117.HTM>

¹¹ Retrieved from: <https://crtc.gc.ca/eng/archive/1990/PB90-89.htm>

CRTC 1990-89, the UNESCO *Convention on the Protection and Promotion of the Diversity of Cultural Expressions* (CPPDCE),¹² the United Nations' *Declaration on the Rights of Indigenous Peoples* (UNDRIP),¹³ the United Nations' *Convention on the Rights of Persons with Disabilities* (CRPD),¹⁴ CMAC respectfully requests that the Honorable Minister and Critics write to the CRTC and support the Commission's approval of CMAC's above procedural requests.

Sincerely,
Laith Marouf
CMAC Policy Consultant

*****End of document*****

¹² Retrieved from:

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

¹³ Retrieved from: http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

¹⁴ Retrieved from:

<https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/convention-on-the-rights-of-persons-with-disabilities-2.html>