

November 25, 2022

Filed via GCKey

Mr. Claude Doucet
Secretary General
Canadian Radio-television
and Telecommunications Commission
Ottawa, Ontario K1A 0N2

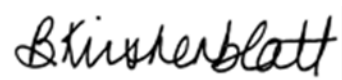
Subject: Société Radio-Canada's response to the Commission's requirement to provide a report pursuant to paragraph 24 of Broadcasting Decision CRTC 2022-175 dated June 29, 2022

Dear Mr. Doucet,

- 1 This is in response to the Commission's requirement to provide a report as required in paragraph 24 of *Complaint against Société Radio-Canada regarding the use of an offensive word on air*, Broadcasting Decision CRTC 2022-175, for which the Commission has granted an extension until November 25, 2022.
- 2 Specifically, in the decision, the Commission required the Société Radio-Canada (SRC) to report "on internal measures and programming best practices, including guidelines to on-air hosts, commentators and guests, that it will implement to ensure that it better addresses similar issues in the future, if they come up in the news."
- 3 In a public statement issued on July 13, 2022, and provided to the Commission, CBC/Radio-Canada indicated its intention to undertake an internal review to examine its policies and standards regarding language that can be hurtful, independently of the Commission's conclusions in Broadcasting Decision CRTC 2022-175, which CBC/Radio-Canada has appealed (Federal Court of Appeal, file number 22-A-11).
- 4 Pursuant to that internal review, guidelines concerning offensive language in news and information programs were issued in November 2022. These guidelines are attached.

5 The guidelines are publicly available on [this page](#) of the CBC/Radio-Canada website.

Yours sincerely,

A handwritten signature in black ink, reading "Bev Kirshenblatt". The signature is written in a cursive style and is enclosed in a thin black rectangular border.

Bev Kirshenblatt
Executive Director, Corporate & Regulatory Affairs

Encl.

Guidelines

Potentially Offensive Language in News and Information Programming (Audio and Audiovisual)

Preamble

CBC/Radio-Canada, like all Canadian broadcasters licensed by the CRTC, is subject to a regulatory requirement to ensure that content broadcast on its platforms is compliant with the [Canadian Association of Broadcasters' Equitable Portrayal Code](#) (the “**EP Code**,” attached as Appendix A).

That requirement is a condition of licence applicable to all of CBC/Radio-Canada's radio and television services. Furthermore, as of September 1, 2022, content on CBC/Radio-Canada's online audio and audiovisual platforms must also comply with the EP Code, in accordance with the expectation stated in CRTC Broadcasting Decision 2022-165, which renewed CBC/Radio-Canada's broadcasting licences. In addition, independently of these regulatory requirements, CBC/Radio-Canada adheres to the principles stated in the EP Code because they promote equity, diversity and inclusion and align with the objectives of CBC/Radio-Canada's [EDI plan](#).

The following guidelines clarify the internal decision-making process at CBC/Radio-Canada regarding the broadcasting of potentially offensive language in the specific context of news and information programming (audio and audiovisual), to ensure compliance with the EP Code.

Definition

For the purposes of these guidelines, “offensive language” means language that is abusive, degrading or unduly discriminatory, stereotypical or negative as concerns race, national or ethnic origin, skin colour, religion, age, sex and gender, sexual and gender orientation, marital status or a physical or mental disability.

Scope of the guidelines

News and information programming on CBC/Radio-Canada's radio, television and online audio and audiovisual platforms.

GUIDELINES

General principles

CBC/Radio-Canada does not broadcast offensive language. In exceptional cases where broadcast of potentially offensive language during a program is considered:

- An analysis of the context and the editorial justification for its broadcast must be undertaken, on a case-by-case basis;
- When in doubt, editorial management — either the editor in chief or the content manager — must be consulted; and
- An analysis of the appropriateness of adding an audience advisory must be conducted.

Case-by-case analysis

The context and editorial justification analysis must be undertaken for each type of broadcast as well as for rebroadcasts in other contexts or formats (e.g., subsequent broadcast on another network, online version for on-demand access, inclusion in an abridged version of the program, etc.).

The EP Code states that broadcasters “shall remain vigilant with respect to the evolving appropriateness or inappropriateness of particular words and phrases, keeping in mind prevailing community standards” (section 9). The Code further states that there may be contextual circumstances, such as “intellectual treatment” (programs for academic, artistic, humanitarian, journalistic, scientific or research purposes), which are considered in the analysis of the justification for the broadcast of potentially offensive language.

Audience advisory

If it is decided that broadcasting potentially offensive language is justifiable and necessary in a specific broadcast context, we must also examine whether inclusion of an audience advisory may mitigate its impact.

Offensive language used by guests on live programs

If a guest (interviewee who is not a CBC/Radio-Canada employee or contractor) unexpectedly and unjustifiably uses offensive language during a live program, the host or reporter must act to reduce the risk of that guest repeating the hurtful statement during the interview, and must apologize to the audience if deemed necessary in the context of the program. If the interview is rebroadcast or made available on demand on any CBC/Radio-Canada platform, the offensive statement must be removed where there is no editorial justification for its use.

Appendix A

Full text of [Canadian Association of Broadcasters' Equitable Portrayal Code](#)

1. Equitable Portrayal

Television and radio programming shall respect the principle of equitable portrayal of all individuals.

2. Human Rights

Recognizing that every person has the right to the full enjoyment of certain fundamental rights and freedoms, broadcasters shall ensure that their programming contains no abusive or unduly discriminatory material or comment which is based on matters of race, national or ethnic origin, colour, religion, age, gender, sexual orientation, marital status or physical or mental disability.

3. Negative Portrayal

In an effort to ensure appropriate depictions of all individuals and groups, broadcasters shall refrain from airing unduly negative portrayals of persons with respect to race, national or ethnic origin, colour, religion, age, gender, sexual orientation, marital status or physical or mental disability. Negative portrayal can take many different forms, including (but not limited to) stereotyping, stigmatization and victimization, derision of myths, traditions or practices, degrading material, and exploitation.

4. Stereotyping

Recognizing that stereotyping is a form of generalization that is frequently simplistic, belittling, hurtful or prejudicial, while being unreflective of the complexity of the group being stereotyped, broadcasters shall ensure that their programming contains no unduly negative stereotypical material or comment which is based on matters of race, national or ethnic origin, colour, religion, age, gender, sexual orientation, marital status or physical or mental disability.

5. Stigmatization and Victimization

Recognizing that members of certain of the following identifiable groups face particular portrayal issues, broadcasters shall ensure that their programming does not stigmatize or victimize individuals or groups on the basis of their race, national or ethnic origin, colour, religion, age, gender, sexual orientation, marital status or physical or mental disability.

6. Derision of Myths, Traditions or Practices

Broadcasters shall avoid the airing of content that has the effect of unduly deriding the myths, traditions or practices of groups on the basis of their race, national or ethnic origin, colour, religion, age, gender, sexual orientation, marital status or physical or mental disability.

7. Degrading Material

Broadcasters shall avoid the airing of degrading material, whether reflected in words, sounds, images or by other means, which is based on race, national or ethnic origin, colour, religion, age, gender, sexual orientation, marital status or physical or mental disability.

8. Exploitation

- a) Broadcasters shall refrain from the airing of programming that exploits women, men or children.
- b) Broadcasters shall refrain from the sexualization of children in programming.

9. Language and Terminology

Broadcasters shall be sensitive to, and avoid, the usage of derogatory or inappropriate language or terminology in references to individuals or groups based on race, national or ethnic origin, colour, religion, age, gender, sexual orientation, marital status or physical or mental disability.

- a) Equality of the sexes must be recognized and reinforced through the proper use of language and terminology. Broadcasters shall employ language of a non-sexist nature in their programming, by avoiding, whenever possible, expressions which relate to only one gender.
- b) It is understood that language and terminology evolve over time. Some language and terminology may be inappropriate when used with respect to identifiable groups on the basis of their race, national or ethnic origin, colour, religion, age, gender, sexual orientation, marital status or physical or mental disability. Broadcasters shall remain vigilant with respect to the evolving appropriateness or inappropriateness of particular words and phrases, keeping in mind prevailing community standards.

10. Contextual Considerations

Broadcasts may fairly include material that would otherwise appear to breach one of the foregoing provisions in the following contextual circumstances:

- a) Legitimate artistic usage: Individuals who are themselves bigoted or intolerant may be part of a fictional or non-fictional program, provided that the program is not itself abusive or unduly discriminatory;
- b) Comedic, humorous or satirical usage: Although the comedic, humorous or satirical intention or nature of programming is not an absolute defence with respect to the proscriptions of this Code, it is understood that some comedic, humorous or satirical content, although discriminatory or stereotypical, may be light and relatively inoffensive, rather than abusive or unduly discriminatory;
- c) Intellectual treatment: Programming apparently for academic, artistic, humanitarian, journalistic, scientific or research purposes, or otherwise in the public interest, may be broadcast, provided that it: is not abusive or unduly discriminatory; does not incite contempt for, or severely ridicule, an enumerated group; and is not likely to incite or perpetuate hatred against an enumerated group.

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