



## Broadcasting Regulatory Policy CRTC 2011-443

PDF version

Route reference: 2010-952-1

Additional references: 2010-952-2 and 2010-952-3

Ottawa, 27 July 2011

### **Standard conditions of licence, expectations and encouragements for specialty and pay television Category A services**

*In this regulatory policy, the Commission sets out standard conditions of licence, expectations and encouragements for specialty and pay television Category A services for which the broadcasting licences are being renewed in Broadcasting Decisions 2011-444, 2011-445, 2011-446 and 2011-447, also issued today. These replace any applicable conditions of licence for those services set out in Appendix 1 to Public Notice 2000-171.*

1. In Broadcasting Regulatory Policy 2010-167 (the group-based policy), the Commission established a comprehensive framework for the group-based licensing of private television services affiliated with large English-language Canadian broadcast ownership groups. In Broadcasting Decision 2011-441, also issued today, the Commission has announced that it has renewed the broadcasting licences for various conventional television stations, for various specialty and pay television Category A services, and for various specialty and pay television Category B<sup>1</sup> services. That decision also sets out the various issues that were addressed by the Commission in making its determinations. The renewals of the broadcasting licences for the services of each large English-language private television ownership group are set out in the following decisions, also issued today:
  - Bell Media Inc. (Broadcasting Decision 2011-444)
  - Shaw Media Inc. (Broadcasting Decision 2011-445)
  - Corus Entertainment Inc. (Broadcasting Decision 2011-446)
  - Rogers Media Inc. (Broadcasting Decision 2011-447)
2. In the various decisions issued today, the Commission also sets out its determinations in regard to various requirements imposed on the broadcasting services of each ownership group. Whereas some of those requirements are specific to particular

---

<sup>1</sup> As set out in Broadcasting Public Notice 2008-100, effective 31 August 2011, Category 1 digital and analog pay and specialty services will be renamed Category A services, and Category 2 digital services will be renamed Category B services.

services, some apply to all services of a certain type (for example, all conventional television stations, all specialty and pay television Category A services, or all specialty and pay television Category B services). For this reason, the Commission considers it appropriate to set out, in stand-alone regulatory policies, standard conditions of licence, expectations and encouragements for conventional television stations and specialty and pay television Category A services.<sup>2</sup> The standard conditions of licence, expectations and encouragements for all four types of service will be complemented by specific conditions of licence, expectations and encouragements for individual services, set out in the broadcasting decisions noted above.

3. Accordingly, in the appendices to the present regulatory policy, the Commission sets out the standard conditions of licence, expectations and encouragements for specialty and pay television Category A services. These will apply to the specialty and pay television Category A services for which the broadcasting licences are being renewed in Broadcasting Decisions 2011-444, 2011-445, 2011-446 and 2011-447. These replace any applicable conditions of licence for those services set out in Appendix 1 to Public Notice 2000-171. The Commission notes that the standard conditions of licence, expectations and encouragements for conventional television stations are set out in Broadcasting Regulatory Policy 2011-442, also issued today.
4. The standard **conditions of licence**, expectations and encouragements for specialty Category A services renewed in the broadcasting decisions noted in paragraph 3 are set out in Appendix 1 to the present regulatory policy.
5. The standard **conditions of licence**, expectations and encouragements for pay television Category A services renewed in the broadcasting decisions noted in paragraph 3 are set out in Appendix 2 to the present regulatory policy.

Secretary General

#### **Related documents**

- *Rogers Media Inc. – Group-based licence renewals*, Broadcasting Decision CRTC 2011-447, 27 July 2011
- *Corus Entertainment Inc. – Group-based licence renewals*, Broadcasting Decision CRTC 2011-446, 27 July 2011
- *Shaw Media Inc. – Group-based licence renewals*, Broadcasting Decision CRTC 2011-445, 27 July 2011

---

<sup>2</sup> This follows the model established for the standard conditions of licence, expectations and encouragements for specialty and pay television Category B services, which are set out in Broadcasting Regulatory Policy 2010-786-1, as well as those for Category C services, which are set out in Broadcasting Regulatory Policy 2009-562-1.

- *Bell Media Inc. – Group-based licence renewals*, Broadcasting Decision CRTC 2011-444, 27 July 2011
- *Standard conditions of licence, expectations and encouragements for conventional television stations*, Broadcasting Regulatory Policy CRTC 2011-442, 27 July 2011
- *Group-based licence renewals for English-language television groups – Introductory decision*, Broadcasting Decision CRTC 2011-441, 27 July 2011
- *Standard conditions of licence, expectations and encouragements for Category B pay and specialty services – Corrected Appendices 1 and 2*, Broadcasting Regulatory Policy CRTC 2010-786-1, 18 July 2011
- *Conditions of licence for competitive Canadian specialty services operating in the genres of mainstream sports and national news – Implementation of the Accessibility Policy and other matters*, Broadcasting Regulatory Policy CRTC 2009-562-1, 18 June 2010
- *A group-based approach to the licensing of private television services*, Broadcasting Regulatory Policy CRTC 2010-167, 22 March 2010
- *Introductory statement – Licensing of new digital pay and specialty services*, Public Notice CRTC 2000-171, 14 December 2000

# Appendix 1 to Broadcasting Regulatory Policy CRTC 2011-443

## Standard conditions of licence, expectations and encouragements for specialty Category A services

### General

The following terms, conditions of licence, expectations and encouragements are applicable to all specialty Category A services, except where an authorization that represents a change from or addition to these terms and conditions is included in the decision granting a particular licence.

Specialty Category A services are also subject to the *Specialty Services Regulations, 1990*.

The distribution of specialty Category A services is subject to the applicable distribution rules set out in the *Broadcasting Distribution Regulations*.

### Conditions of licence

1. The licensee shall adhere to the *Equitable Portrayal Code*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.
2. The licensee shall adhere to the *Broadcast code for advertising to children*, as amended from time to time and approved by the Commission.
3. The licensee shall adhere to the *Violence Code*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.
4. The licensee shall caption 100% of the English- and French-language programs broadcast over the broadcast day, consistent with the approach set out in *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007.
5. Consistent with *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009, as subsequently amended by the Commission,<sup>3</sup> the licensee shall:

---

<sup>3</sup> See *Standard conditions of licence, expectations and encouragements for Category B pay and specialty services – Corrected Appendices 1 and 2*, Broadcasting Regulatory Policy CRTC 2010-786-1, 18 July 2011, *Conditions of licence for competitive Canadian specialty services operating in the genres of mainstream sports and national news – Implementation of the Accessibility Policy and other matters*, Broadcasting Regulatory Policy CRTC 2009-562-1,

- ensure that advertising, sponsorship messages and promos in the English and French languages are closed captioned by no later than the fourth year of the licence term;
  - adhere to the quality standards on closed captioning developed by television industry working groups, as amended from time to time and approved by the Commission; and
  - implement a monitoring system to ensure that, for any signal that is closed captioned, the correct signal is captioned, the captioning is included in its broadcast signal and this captioning reaches the distributor of that signal in its original form. “Original form” means, at a minimum, that the captioning provided by the licensee reaches the distributor unaltered, whether it is passed through in analog or in digital, including in high definition.
6. The licensee shall provide audio description for all the key elements of Canadian information programs, including news programming. For the purposes of this condition of licence, “audio description” refers to announcers reading aloud the key textual and graphic information that is displayed on the screen during information programs.
  7. If the service devotes 50% or more of its program schedule to programming drawn from program categories 7 Drama and comedy or 2(b) Long-form documentary, set out in item 6 of Schedule I to the *Specialty Service Regulations, 1990* (the Regulations), and/or to children’s programming, the licensee shall provide described video for a minimum of four hours per broadcast week, of which two hours must be broadcast in described video for the first time on the service. The minimum four hours of described video programming broadcast during each broadcast week may be drawn from the following program categories, set out in item 6 of Schedule I to the Regulations: 2(b) Long-form documentary; 7 Drama and comedy; 9 Variety; 11(a) General entertainment and human interest; and 11(b) Reality television, and/or may be programming targeting children.
  8. In regard to the broadcast of advertising material:
    - a) Except as otherwise provided in subparagraphs b) and c), the licensee shall not broadcast more than twelve (12) minutes of advertising material during each clock hour.
    - b) Where a program occupies time in two or more consecutive clock hours, the licensee may exceed the maximum number of minutes of advertising material allowed in those clock hours if the average number of minutes of

advertising material in the clock hours occupied by the program does not exceed the maximum number of minutes that would otherwise be allowed per clock hour.

- c) In addition to the twelve (12) minutes of advertising material referred to in subparagraph a), the licensee may broadcast partisan political advertising during an election period.
- d) The licensee shall not broadcast any paid advertising material other than paid national advertising.

For the purposes of this condition of licence:

The expression “clock hour” shall have the same meaning as that set out in the *Television Broadcasting Regulations, 1987*.

The expression “paid national advertising” shall mean advertising material as defined under the *Specialty Services Regulations, 1990* and that is purchased at a national rate and receives national distribution on the service.

- 9. The licensee is authorized to make available for distribution both a standard definition and a high definition version of its service, provided that not less than 95% of the video and audio components of the high definition and standard definition versions of the service are the same, exclusive of commercial messages and of any part of the service carried on a subsidiary signal. Further, all of the programming making up the 5% allowance shall be provided in high definition.
- 10. In order to ensure that the licensee complies at all times with the *Direction to the CRTC (Ineligibility of non-Canadians)*, the licensee shall file, within 30 days of its execution, for the Commission’s review, a copy of the programming supply agreement and/or licence or trademark agreement it has entered into with a non-Canadian party. In addition, the Commission may request any additional document(s) that could affect control of the programming or management of the service.
- 11. If the licensee broadcasts religious programming as defined in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, the licensee shall adhere to the guidelines set out in sections III.B.2.a) and IV of that public notice with respect to the provision of balance and ethics in religious programming, as amended from time to time.
- 12. If the licensee broadcasts adult programming, the licensee shall adhere to section D.3 of the *Industry code of programming standards and practices governing pay, pay-per-view and video-on-demand services*, Broadcasting Public Notice CRTC 2003-10, 6 March 2003.

## **Expectations**

### **Accessibility**

When captions are available and where the licensee broadcasts over an 18-hour broadcast day, the Commission expects the licensee to provide viewers with a closed captioned version of all programming aired during the overnight period.

Where the service devotes less than 50% of its program schedule to programming drawn from program categories 7 or 2(b), and/or to children's programming, the Commission expects the licensee to acquire and make available described versions of programming whenever possible.

Further, the Commission expects the licensee to:

- display a standard described video logo and air an audio announcement indicating the presence of described video before the broadcast of each described program; and
- make information available regarding the described programs that it will broadcast.

### **On-screen portrayal of ethnocultural minorities, Aboriginal peoples, and persons with disabilities**

The Commission expects the licensee to endeavour, through its programming and employment opportunities, to reflect the presence in Canada of ethnocultural minorities, Aboriginal peoples, and persons with disabilities. The Commission further expects the licensee to ensure that the on-screen portrayal of such groups is accurate, fair and non-stereotypical.

### **Employment equity**

In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992 (Public Notice 1992-59), licensees with 100 or more employees are subject to the *1996 Employment Equity Act*. If the licensee has between 25 and 99 employees, the Commission expects the licensee to have in place an employment equity plan that addresses the equitable representation of the four designated groups (women, Aboriginal peoples, persons with disabilities and visible minorities), as set out in Public Notice 1992-59 and in *Amendments to the Commission's Employment Equity Policy*, Public Notice CRTC 1997-34, 2 April 1997.

In implementing its employment equity plan, the Commission further expects the licensee to:

- ensure that the details of the licensee's employment equity policies are communicated to managers and staff;

- assign a senior level person to be responsible for tracking progress and monitoring results; and
- dedicate financial resources to the promotion of employment equity in the workplace.

### **Broadcast of adult programming**

If the licensee operates an adult programming service, the Commission expects the licensee to provide the Commission with a copy of its internal policy on adult programming as required by the Commission in *Industry code of programming standards and practices governing pay, pay-per-view and video-on-demand services*, Broadcasting Public Notice CRTC 2003-10, 6 March 2003. The Commission further expects that any future changes made by the licensee to its internal policy on adult programming will be submitted for Commission approval prior to their implementation.

The Commission expects the licensee to adhere to its internal policy on adult programming, as amended from time to time and approved by the Commission.

### **Encouragements**

The Commission encourages the licensee to repeat the standard described video logo and audio announcement indicating the presence of described video following each commercial break.

If the licensee has fewer than 25 employees, the Commission encourages the licensee to consider employment equity issues in its hiring practices and in all other aspects of its management of human resources.



## **Appendix 2 to Broadcasting Regulatory Policy CRTC 2011-443**

### **Standard conditions of licence, expectations and encouragements for pay television Category A services**

#### **General**

The following terms, conditions of licence, expectations and encouragements are applicable to all pay television Category A services, except where an authorization which represents a change from or addition to these terms and conditions is included in the decision granting a particular licence.

Pay television Category A services are also subject to the *Pay Television Regulations, 1990*.

The distribution of pay television Category A services is subject to the applicable distribution rules set out in the *Broadcasting Distribution Regulations*.

#### **Conditions of licence**

1. The licensee shall adhere to the *Equitable Portrayal Code*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.
2. The licensee shall adhere to the *Pay television and pay-per-view programming code regarding violence*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.
3. The licensee shall adhere to the *Industry code of programming standards and practices governing pay, pay-per-view and video-on-demand services*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.
4. With respect to any multiplex channels offered by the licensee:
  - a) The licensee shall offer its multiplexed channels only together in a package.
  - b) With respect to each multiplexed channel, the licensee shall adhere to the Canadian programming requirements set out in its individual conditions of licence.
5. The licensee shall caption 100% of the English- and French-language programs broadcast over the broadcast day, consistent with the approach set out in *A new*

*policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007.

6. Consistent with *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009, as subsequently amended by the Commission,<sup>4</sup> the licensee shall:
  - ensure that advertising, sponsorship messages and promos in the English and French languages are closed captioned by no later than the fourth year of the licence term;
  - adhere to the quality standards on closed captioning developed by television industry working groups, as amended from time to time and approved by the Commission; and
  - implement a monitoring system to ensure that, for any signal that is closed captioned, the correct signal is captioned, the captioning is included in its broadcast signal and this captioning reaches the distributor of that signal in its original form. “Original form” means, at a minimum, that the captioning provided by the licensee reaches the distributor unaltered, whether it is passed through in analog or in digital, including in high definition.
7. The licensee shall provide audio description for all the key elements of Canadian information programs, including news programming. For the purposes of this condition of licence, “audio description” refers to announcers reading aloud the key textual and graphic information that is displayed on the screen during information programs.
8. If the service devotes 50% or more of its program schedule to programming drawn from program categories 7 Drama and comedy or 2(b) Long-form documentary, set out in item 6 of Schedule I to the *Pay Television Regulations, 1990* (the Regulations), and/or to children’s programming, the licensee shall provide described video for a minimum of four hours per broadcast week, of which two hours must be broadcast in described video for the first time on the service. The minimum four hours of described video programming broadcast during each broadcast week may be drawn from the following program categories, set out in item 6 of Schedule I to the Regulations: 2(b) Long-form documentary; 7 Drama and comedy; 9 Variety; 11(a) General entertainment and

---

<sup>4</sup> See *Standard conditions of licence, expectations and encouragements for Category B pay and specialty services – Corrected Appendices 1 and 2*, Broadcasting Regulatory Policy CRTC 2010-786-1, 18 July 2011, *Conditions of licence for competitive Canadian specialty services operating in the genres of mainstream sports and national news – Implementation of the Accessibility Policy and other matters*, Broadcasting Regulatory Policy CRTC 2009-562-1, 18 June 2010; *Implementation of the Accessibility Policy with respect to new Category 2 pay and specialty services*, Broadcasting Regulatory Policy CRTC 2010-355, 8 June 2010.

- human interest; and 11(b) Reality television, and/or may be programming targeting children.
9. The licensee is authorized to make available for distribution both a standard definition and a high definition version of its service, provided that not less than 95% of the video and audio components of the high definition and standard definition versions of the service are the same, exclusive of any part of the service carried on a subsidiary signal. Further, all of the programming making up the 5% allowance shall be provided in high definition.
  10. In order to ensure that the licensee complies at all times with the *Direction to the CRTC (Ineligibility of non-Canadians)*, the licensee shall file, within 30 days of its execution, for the Commission's review, a copy of the programming supply agreement and/or licence or trademark agreement it has entered into with a non-Canadian party. In addition, the Commission may request any additional document(s) that could affect control of the programming or management of the service.
  11. If the licensee broadcasts religious programming as defined in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, the licensee shall adhere to the guidelines set out in sections III.B.2.a) and IV of that public notice with respect to the provision of balance and ethics in religious programming, as amended from time to time.

## **Expectations**

### **Accessibility**

When captions are available and where the licensee broadcasts over an 18-hour broadcast day, the Commission expects the licensee to provide viewers with a closed captioned version of all programming aired during the overnight period.

Where the service devotes less than 50% of its program schedule to programming drawn from program categories 7 or 2(b), and/or to children's programming, the Commission expects the licensee to acquire and make available described versions of programming whenever possible.

Further, the licensee is expected to:

- display a standard described video logo and air an audio announcement indicating the presence of described video before the broadcast of each described program; and
- make information available regarding the described programs that it will broadcast.

### **On-screen portrayal of ethnocultural minorities, Aboriginal peoples, and persons with disabilities**

The Commission expects the licensee to endeavour, through its programming and employment opportunities, to reflect the presence in Canada of ethnocultural minorities, Aboriginal peoples, and persons with disabilities. The Commission further expects the licensee to ensure that the on-screen portrayal of such groups is accurate, fair and non-stereotypical.

### **Employment equity**

In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992 (Public Notice 1992-59), licensees with 100 or more employees are subject to the *1996 Employment Equity Act*. If the licensee has between 25 and 99 employees, the Commission expects the licensee to have in place an employment equity plan that addresses the equitable representation of the four designated groups (women, Aboriginal peoples, persons with disabilities and visible minorities), as set out in Public Notice 1992-59 and in *Amendments to the Commission's Employment Equity Policy*, Public Notice CRTC 1997-34, 2 April 1997.

In implementing its employment equity plan, the Commission further expects the licensee to:

- ensure that the details of the licensee's employment equity policies are communicated to managers and staff;
- assign a senior level person to be responsible for tracking progress and monitoring results; and
- dedicate financial resources to the promotion of employment equity in the workplace.

### **Broadcast of adult programming**

If the licensee operates an adult programming service, the Commission expects the licensee to provide the Commission with a copy of its internal policy on adult programming, as required by the Commission in *Industry code of programming standards and practices governing pay, pay-per-view and video-on-demand services*, Broadcasting Public Notice CRTC 2003-10, 6 March 2003. The Commission further expects that any future changes made by the licensee to its internal policy on adult programming will be submitted for Commission approval prior to their implementation.

The Commission expects the licensee to adhere to its internal policy on adult programming, as amended from time to time and approved by the Commission.

**Encouragements**

The Commission encourages the licensee to repeat the standard described video logo and audio announcement indicating the presence of described video following each commercial break.

If the licensee has fewer than 25 employees, the Commission encourages the licensee to consider employment equity issues in its hiring practices and in all other aspects of its management of human resources.