



## Broadcasting Notice of Consultation CRTC 2016-195

PDF version

Reference: 2015-86

Ottawa, 20 May 2016

### Call for comments on standard requirements for television stations, discretionary services, and on-demand services

*The Commission calls for comments on standard conditions of licence, expectations and encouragements for television stations, discretionary services (i.e., pay television and specialty services), and on-demand services (i.e., pay-per-view and video-on-demand services). These broad licensing categories, which consolidate virtually all types of television programming services, will be implemented at licence renewal.*

*The deadline for comments is **20 June 2016**.*

#### Introduction

1. In March 2015, the Commission issued Broadcasting Regulatory Policies 2015-86, 2015-96 and 2015-104, setting out policy determinations from its review of the television system that was initiated by the Let's Talk TV proceeding. In Broadcasting Regulatory Policy 2015-86, the Commission stated its intention to streamline the licensing approach for television programming services by consolidating virtually all such services into the following three broad licensing categories:
  - television stations<sup>1</sup> (including over-the-air [OTA] conventional and community television stations, and provincial educational television services);
  - discretionary services (all pay television and specialty services, including those services, other than conventional television stations, granted mandatory distribution on the basic service pursuant to section 9(1)(h) of the *Broadcasting Act* [the Act]); and
  - on-demand services (i.e., pay-per-view [PPV] and video-on-demand [VOD] services).
2. In the appendices to the present notice, the Commission proposes standard conditions of licence, expectations and encouragements for each of the above-noted licensing

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<sup>1</sup> In Broadcasting Regulatory Policy 2015-86, these were referred to as “basic television services.”

categories.<sup>2</sup> Those relating to television stations are set out in Appendix 1; to discretionary services, Appendix 2; and to on-demand services, Appendix 3.

3. As stated in Broadcasting Regulatory Policy 2015-86, OTA community television stations and provincial educational services will be licensed as television stations, with individual conditions of licence that differentiate these services from other television stations. Similarly, national news and mainstream sports services will be licensed as discretionary services, but will remain subject to the requirements set out in the appendix to Broadcasting Regulatory Policy 2015-436 (national news) and in Appendix 1 to Broadcasting Regulatory Policy 2009-562-2 (mainstream sports). As is currently the case, the Commission will have the option of imposing individual conditions of licence on particular services. The new licence categories will be introduced through the licence renewal process and will come into effect for each service at the beginning of its next licence term.
4. The proposed requirements implement certain of the policy determinations set out in Broadcasting Regulatory Policies 2015-86, 2015-96 and 2015-104, including those relating to:
  - the elimination of the genre exclusivity policy;<sup>3</sup>
  - the unbundling of multiplexes<sup>4</sup> and restrictions on future multiplexes;
  - the implementation of the Wholesale Code;<sup>5</sup> and
  - improvements to the accessibility<sup>6</sup> of programming.

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<sup>2</sup> The current requirements for various types of television programming services are set out in the following regulatory policies: conventional television stations, the appendix to Broadcasting Regulatory Policy 2011-442; specialty Category A services, Appendix 1 to Broadcasting Regulatory Policy 2011-443; pay television Category A services, Appendix 2 to Broadcasting Regulatory Policy 2011-443; Category B specialty services, Appendix 1 to Broadcasting Regulatory Policy 2010-786-1; Category B pay services, Appendix 2 to Broadcasting Regulatory Policy 2010-786-1; Canadian discretionary services operating as national news services, the appendix to Broadcasting Regulatory Policy 2015-436; Canadian specialty services operating in the genre of mainstream sports, Appendix 1 to Broadcasting Regulatory Policy 2009-562-2; PPV services, the appendix to Broadcasting Regulatory Policy 2013-561; and VOD services, Appendix 2 to Broadcasting Regulatory Policy 2015-355.

<sup>3</sup> The genre exclusivity policy limited programming services to offering certain types of programming (that is, a “nature of service”) and in some cases precluded other services from offering that programming.

<sup>4</sup> Multiplexed services are services in which programming is spread across multiple “channels” offered together.

<sup>5</sup> Set out in the appendix to Broadcasting Regulatory Policy 2015-438, the Wholesale Code governs certain aspects of the commercial arrangements between broadcasting distribution undertakings, programming undertakings, and exempt digital media undertakings.

<sup>6</sup> This relates to the provision of closed captioning, audio description and described video.

5. The Commission has also taken this opportunity to consolidate provisions that were similar but not identical in nature, to update the wording of current standard requirements, and to remove obsolete provisions.

## Regulations

6. Television stations are currently subject to the *Television Broadcasting Regulations, 1987*, and will remain subject to those regulations.
7. Specialty services (with the exception of national news services and mainstream sports services) are currently subject to the *Specialty Services Regulations, 1990* (the Specialty Services Regulations), whereas pay television services are subject to the *Pay Television Regulations, 1990* (the Pay Television Regulations). Licensees of PPV and VOD services are required, by condition of licence, to adhere to the Pay Television Regulations, with certain exceptions.<sup>7</sup>
8. In fall 2016, the Commission intends to issue a notice of consultation to call for comments on a proposal to merge the Specialty Services Regulations and the Pay Television Regulations into one set of regulations to be known as the *Discretionary Services Regulations*, which the Commission expects will come into force on 1 September 2017. Discretionary services will be subject to the *Discretionary Services Regulations* upon their creation, whereas licensees of on-demand services will be required, by condition of licence, to adhere to those regulations, with any exceptions to be noted.
9. The *Discretionary Services Regulations* will include the majority of provisions already set out in the Pay Television Regulations and the Specialty Services Regulations, streamlined and modified as necessary to create a cohesive set of regulations. In creating this cohesion, the *Discretionary Services Regulations* intends to extend provisions allowing advertising to all discretionary services. The new regulations will also include existing provisions relating to undue preference and reverse onus, as well as provisions currently found in the Specialty Services Regulations relating to the technical requirements set out in the *ATSC Recommended Practice A/85: Techniques for Establishing and Maintaining Audio Loudness for Digital Television*, published by the Advanced Television Systems Committee Inc. As a result, requirements relating to the above will be imposed on licensees of on-demand services through regulation rather than by condition of licence. For this reason, such requirements have been omitted from the proposed standard requirements for on-demand services set out in Appendix 3.
10. The Commission also intends to implement in the *Discretionary Services Regulations* its determinations relating to the exhibition of Canadian programming for discretionary services set out in Broadcasting Regulatory Policy 2015-86.

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<sup>7</sup> For both PPV and VOD services, sections 3(2)(d), 3(2)(e) and 3(2)(f) relating to the distribution of programming containing commercial messages and filler programming and section 4 relating to logs and records; for VOD services, also section 6.1 relating to undue preference or disadvantage.

## **Proposed requirements for discretionary services**

11. In light of the policy determinations set out in Broadcasting Regulatory Policy 2015-86, the separate designations of Category A and B pay and specialty services are no longer meaningful. With the exception of 9(1)(h) services, both types of service are offered to Canadians at their discretion, by subscription, as add-ons to their basic service. With the exception of provisions relating to the exhibition of Canadian programming, the broadcast of commercial messages and multiplexing, the standard requirements for those services are essentially identical. As a result, the requirements proposed in Appendix 2 eliminate the distinctions in the interest of streamlining. They also align these services with the policy determinations set out in Broadcasting Regulatory Policies 2015-86, 2015-96 and 2015-104, and with changes to be reflected in the *Discretionary Services Regulations*.

## **Proposed requirements for on-demand services**

12. Given the similarities between PPV and VOD services, the regulatory approaches and requirements for these services have been generally consistent. However, the Commission maintained separate licensing frameworks for these services in light of their technological differences and their parallel but competitive evolution. While certain requirements for PPV services are harmonized, such as those relating to the broadcast of Canadian content, with those for VOD services, provisions relating to contributions to Canadian programming and to support for feature films have been historically different.

13. The requirements proposed in Appendix 3 would allow further harmonization between the two types of services and would align these services with the policy determinations set out in Broadcasting Regulatory Policies 2015-86, 2015-96 and 2015-104. The Commission also proposes to delete the current conditions of licence for PPV and VOD services relating to the following:

- requirements relating to the calculation and payment of the contribution to Canadian programming;
- the requirement to remit to the rights holders of all Canadian feature films 100% of revenues earned from the exhibition of these films;
- the broadcast of commercial messages; and
- the requirement to implement a public alerting system.

## **Requirements relating to the calculation and payment of the contribution to Canadian programming**

14. In regard to contributions to Canadian programming, licensees of PPV and VOD services are required, by condition of licence, to contribute 5% of their services' gross annual revenues to independent production funds. However, the condition of licence

for each type of service differs as to how the contributions are calculated and paid, and may not be consistent with those of other programming services.

15. The Commission proposes to continue authorizing licensees of on-demand services to calculate and pay their contributions as they currently do, but to delete the provisions setting out how contributions must be calculated and paid. The Commission would replace those provisions with the following definition of “gross annual revenues”:

“gross annual revenues” refers to total revenues that are earned directly or indirectly for the distribution of any on-demand programming, including but not limited to gross revenues from subscriptions, commercial messages and grants.

16. The Commission invites comments on this proposal, as well as proposals for alternate definitions, with detailed rationale, including financial evidence. The Commission notes that it will continue to be able to use the annual returns to evaluate compliance with the requirement to contribute 5% of gross annual revenues to an independent production fund.

#### **Requirement to remit to the rights holders of all Canadian feature films 100% of revenues earned from the exhibition of these films**

17. PPV and VOD services are required, by condition of licence, to remit 100% of the gross annual revenues earned from the exhibition of Canadian feature films to the rights holders, distributors and providers of such films. However, the allocation of those revenues is different whether the service is a PPV or a VOD service.
18. Given that licensees of PPV and VOD services are authorized to negotiate revenue sharing agreements with the rights holders, distributors and providers of Canadian feature films, and given that other conditions of licence support the distribution of Canadian feature films on an on-demand basis, the Commission considers that this condition of licence may no longer be necessary. Its deletion would also result in licensees of such services no longer being permitted to exclude the amount remitted to Canadian feature film rights holders as revenue for the purpose of calculating the required contribution to Canadian programming discussed above.
19. The Commission invites comments on whether this condition of licence should be maintained. Interveners should provide a detailed rationale, including financial evidence. Interveners should also submit proposals regarding a harmonized condition of licence for on-demand services.

#### **Broadcast of commercial messages**

20. PPV and VOD services are currently prohibited, by condition of licence, from broadcasting commercial messages, unless the following conditions are met:
  - the commercial message is already included in a program broadcast on a linear service;

- the commercial message is inserted in a program obtained from a Canadian rights holder;
  - the commercial message is subject to an agreement with the programming service that owns the rights to the program, and
  - the commercial message complies with the *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission, and to the technical requirements set out in the *ATSC Recommended Practice A/85: Techniques for Establishing and Maintaining Audio Loudness for Digital Television*, published by the Advanced Television Systems Committee Inc., as amended from time to time.
21. The commercial messages PPV and VOD services broadcast may directly or indirectly advertise alcoholic beverages, but only under the conditions set out in Broadcasting Regulatory Policies 2013-561 and 2015-355, respectively.
22. The Commission invites comments on whether on-demand services should continue to be prohibited by condition of licence from broadcasting commercial messages unless certain conditions are met, or whether they should no longer be subject to such a prohibition. Should the prohibition be lifted, on-demand services would be fully authorized to sell and broadcast commercial messages on a going forward basis. Licensees would nevertheless continue to be required to adhere to the *Broadcast Code for Advertising to Children* by condition of licence.
23. In Broadcasting Regulatory Policy 2015-86, the Commission stated that Canadians will continue to migrate from scheduled television to a more on-demand television environment, and introduced measures to facilitate and lead the transition to that on-demand environment. Allowing individual licensees to adjust their business models could put them in a better position to meet the outcomes set out in Broadcasting Regulatory Policy 2015-86.
24. In the alternative, the Commission seeks to ensure that any prohibitions relating to the broadcast of commercial messages that are retained are as targeted as possible and consistent with the above-noted outcomes. It therefore invites comments on the specific restrictions that should be retained, with detailed rationale, including financial evidence.
25. As part of streamlining for discretionary services, the Commission will be proposing in the *Discretionary Services Regulations* to permit all discretionary services, including those currently licensed as pay television services, to broadcast advertising. The removal of restrictions on ads for on-demand services would also be consistent with this proposed approach.

## **Requirement to implement a public alerting system**

26. Licensees of VOD services are currently subject to a condition of licence relating to the broadcast of emergency alert messages. Licensees of PPV services are not subject to such a condition of licence.
27. As set out in the *Broadcasting Distribution Regulations*, broadcasting distribution undertakings (BDUs) are required to insert emergency alerts in all programming services they distribute to subscribers located in an area targeted by the alert. Given that requirements relating to emergency alerting were announced in 2014 and came into force 1 March 2015 for broadcasters, parties have had sufficient opportunity to establish their systems. Since on-demand services can only be accessed by subscription through a BDU, maintaining this condition of licence for VOD services would appear to be duplicative. Accordingly, the Commission proposes the deletion of this condition of licence.

## **Local and community programming**

28. In Broadcasting Notice of Consultation 2015-421, the Commission launched a proceeding to review the policy framework for local and community television programming. Since that policy framework review will provide more information as to the requirements relating to local and community programming that should be set out as standard requirements for television stations, discretionary services and on-demand services, there may be changes to the current standard requirements. Accordingly, requirements relating to local and community programming have been omitted from the present notice, but will be included in the finalized standard requirements.

## **Call for comments**

29. The Commission calls for comments on the standard conditions of licence, expectations and encouragements for television stations, discretionary services, and on-demand services, set out in the appendices to this notice. The Commission will accept comments that it receives on or before **20 June 2016**. The Commission will not formally acknowledge written comments. It will, however, fully consider all comments, and they will form part of the public record of the proceeding, provided that the procedures for filing set out below have been followed.
30. The Commission is open to considering ways to further streamline the standard requirements, and welcomes comments to that effect. However, it requests that any such comments be limited to matters falling within the scope of this process.

## **Procedure for filing comments**

31. The *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) apply to the present proceeding. The Rules of Procedure set out, among other things, the rules for content, format, filing and service of interventions, answers, replies and requests for information; the

procedure for filing confidential information and requesting its disclosure; and the conduct of public hearings. Accordingly, the procedure set out below must be read in conjunction with the Rules of Procedure and related documents, which can be found on the Commission's website under "[Statutes and Regulations](#)." The guidelines set out in Broadcasting and Telecom Information Bulletin 2010-959 provide information to help interested persons and parties understand the Rules of Procedure so that they can more effectively participate in Commission proceedings.

32. The Commission encourages interested persons and parties to monitor the record of the proceeding, available on the Commission's website, for additional information that they may find useful when preparing their submissions.
33. Submissions longer than five pages should include a summary. Each paragraph of all submissions should be numbered, and the line \*\*\*End of document\*\*\* should follow the last paragraph. This will help the Commission verify that the document has not been damaged during electronic transmission.
34. Pursuant to Broadcasting and Telecom Information Bulletin 2015-242, the Commission expects incorporated entities and associations, and encourages all Canadians, to file submissions for Commission proceedings in accessible formats (for example, text-based file formats that allow text to be enlarged or modified, or read by screen readers). To provide assistance in this regard, the Commission has posted on its website [guidelines](#) for preparing documents in accessible formats.
35. Submissions must be filed by sending them to the Secretary General of the Commission using only **one** of the following means:

**by completing the**  
[\[Intervention/comment/answer form\]](#)

or

**by mail to**  
CRTC, Ottawa, Ontario K1A 0N2

or

**by fax at**  
819-994-0218

36. Parties who send documents electronically must ensure that they will be able to prove, upon Commission request, that service/filing of a particular document was completed. Accordingly, parties must keep proof of the sending and receipt of each document for 180 days after the date on which the document is filed. The Commission advises parties who file and serve documents by electronic means to exercise caution when using email for the service of documents, as it may be difficult to establish that service has occurred.

37. In accordance with the Rules of Procedure, a document must be received by the Commission and all relevant parties by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. Parties are responsible for ensuring the timely delivery of their submissions and will not be notified if their submissions are received after the deadline. Late submissions, including those due to postal delays, will not be considered by the Commission and will not be made part of the public record.
38. The Commission will not formally acknowledge submissions. It will, however, fully consider all submissions, which will form part of the public record of the proceeding, provided that the procedure for filing set out above has been followed.

### **Important notice**

39. All information that parties provide as part of this public process, except information designated confidential, whether sent by postal mail, facsimile, email or through the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca), becomes part of a publicly accessible file and will be posted on the Commission's website. This information includes personal information, such as full names, email addresses, postal/street addresses, telephone and facsimile numbers, etc.
40. The personal information that parties provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.
41. Documents received electronically or otherwise will be put on the Commission's website in their entirety exactly as received, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.
42. The information that parties provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of the Commission's website with the help of either its own search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.

### **Availability of documents**

43. Electronic versions of the interventions and of other documents referred to in this notice, are available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) by visiting the "Participate" section, selecting "Submit Ideas and Comments," and then selecting "our open processes." Documents can then be accessed by clicking on the links in the "Subject" and "Related Documents" columns associated with this particular notice.
44. Documents are also available from Commission offices, upon request, during normal business hours.

## **Location of Commission offices**

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Secretary General

## **Related documents**

- *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015
- *Revised standard conditions of licence for Canadian discretionary services operating as national new services*, Broadcasting Regulatory Policy CRTC 2015-436, 23 September 2015
- *Notice of hearing – A review of the policy framework for local and community television programming*, Broadcasting Notice of Consultation CRTC 2015-421, 14 September 2015, as amended by Broadcasting Notices of Consultation CRTC 2015-421-1, 20 October 2015, 2015-421-2, 17 December 2015, 2015-421-3, 12 January 2016, and 2015-421-4, 3 February 2016
- *Revised exemption order for certain classes of video-on-demand (VOD) undertakings and updated standard conditions of licence for licensed VOD undertakings*, Broadcasting Regulatory Policy CRTC 2015-355 and Broadcasting Order CRTC 2015-356, 6 August 2015

- *Filing submissions for Commission proceedings in accessible formats*, Broadcasting and Telecom Information Bulletin CRTC 2015-242, 8 June 2015
- *Let's Talk TV: Navigating the Road Ahead – Making informed choices about television providers and improving accessibility to television programming*, Broadcasting Regulatory Policy CRTC 2015-104, 26 March 2015
- *Let's Talk TV: A World of Choice – A roadmap to maximize choice for TV viewers and to foster a healthy, dynamic TV market*, Broadcasting Regulatory Policy CRTC 2015-96, 19 March 2015
- *Let's Talk TV: The way forward – Creating compelling and diverse Canadian programming*, Broadcasting Regulatory Policy CRTC 2015-86, 12 March 2015
- *Revised regulatory framework for pay-per-view services*, Broadcasting Regulatory Policy CRTC 2013-561, 23 October 2013
- *Conditions of licence for competitive Canadian specialty services operating in the genres of mainstream sports and national news – Definition of “broadcast day” for mainstream sports services*, Broadcasting Regulatory Policy CRTC 2009-562-2, 25 May 2012
- *Standard conditions of licence, expectation and encouragements for specialty and pay television Category A services*, Broadcasting Regulatory Policy CRTC 2011-443, 27 July 2011
- *Standard conditions of licence, expectations and encouragements for conventional television stations*, Broadcasting Regulatory Policy CRTC 2011-442, 27 July 2011
- *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010
- *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

# **Appendix 1 to Broadcasting Notice of Consultation CRTC 2016-195**

## **Proposed standard conditions of licence, expectations and encouragements for television stations**

### **General**

The following terms, conditions of licence, expectations and encouragements are applicable to all television stations, except where an authorization that represents a change from or addition to these terms and conditions is included in any decision pertaining to a particular licence.

Television stations are also subject to the *Television Broadcasting Regulations, 1987*, as amended from time to time.

### **Conditions of licence**

#### **Operation and Control**

1. Except as authorized by the Commission, the programming undertaking shall be operated in fact by the licensee itself. The broadcasting licence cannot be transferred or assigned.
2. The licensee shall not affiliate with or disaffiliate from any network operator without the prior written approval of the Commission.
3. The licensee shall operate the station on the basis of the contours and particulars approved by the Commission.
4. 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 any 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.

#### **Adherence to various codes**

5. The licensee shall adhere to the *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.
6. The licensee shall adhere to the *Equitable Portrayal Code*, the *Violence Code* and the *Journalistic Independence 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 broadcaster associate in good standing of the Canadian Broadcast Standards Council.

7. The licensee shall adhere to the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, in its dealings with any licensed or exempt broadcasting undertakings.

### **Accessibility**

8. 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.
9. Consistent with *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009, the licensee shall:
- a) ensure that advertising, sponsorship messages and promos in the English and French languages are closed captioned; and
  - b) 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.
10. In regard to the quality of closed captioning:
- a) for French-language services, the licensee shall adhere to the requirements set out in the appendix to *Quality standards for French-language closed captioning – Enforcement, monitoring and the future mandate of the French-language Closed Captioning Working Group*, Broadcasting Regulatory Policy CRTC 2011-741-1, 21 February 2012; and
  - b) for English-language services, the licensee shall adhere to the requirements set out in the appendix to *Quality standards for English-language closed captioning*, Broadcasting Regulatory Policy CRTC 2012-362, 5 July 2012.
11. In accordance with *Let's Talk TV: Navigating the Road Ahead – Making informed choices about television providers and improving accessibility to television programming*, Broadcasting Regulatory Policy CRTC 2015-104, 26 March 2015, the licensee shall file a report relating to the provision of closed captioning on non-linear online platforms, in a format deemed acceptable by the Commission, by no later than 30 November of each year for the broadcast year ending the previous 31 August, consistent with other reporting requirements.
12. The licensee shall provide audio description for all the key elements of Canadian information programs, including news programming.

13. In accordance with *Let's Talk TV: Navigating the Road Ahead – Making informed choices about television providers and improving accessibility to television programming*, Broadcasting Regulatory Policy CRTC 2015-104, 26 March 2015:

- a) The licensee of a television station that was subject to described video requirements prior to its last licence renewal or that belongs to a vertically integrated entity shall, by 1 September 2019, provide described video for all programming that is broadcast during primetime (i.e., from 7 p.m. to 11 p.m.) and that is drawn from program categories 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 is programming targeting preschool children (0-5 years of age) and children (6-12 years of age).
- b) For an undertaking not captured by a) above, the licensee shall provide four hours of programming with described video per broadcast week by the fourth year of the first licence term in which this condition applies.

The minimum four hours of described video programming broadcast each broadcast week may be drawn from program categories 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 preschool children (0-5 years of age) and children (6-12 years of age).

The program categories for television stations are set out in Item 6 of Schedule 1 to the *Television Broadcasting Regulations, 1987*, as amended from time to time.

## **Expectations**

### **Accessibility**

1. If closed captioning is available, the Commission expects the licensee to provide viewers with a closed-captioned version of all programming aired during the overnight period.
2. The Commission expects the licensee to ensure that when programming with closed captioning on traditional platforms is made available on non-linear online platforms, the closed captioning is included.
3. The Commission expects the licensee to acquire and make available described versions of programming such that all content that was offered with described video at some point in the broadcasting system is offered with described video when it is rebroadcast.

4. The Commission expects the licensee to:
  - a) 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
  - b) make information available regarding the described programs that it will broadcast.

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

5. The Commission expects the licensee to endeavour, through its programming and employment opportunities, to reflect the presence in Canada of ethnocultural minorities, Indigenous 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**

6. 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 *Employment Equity Act*. If the licensee has from 25 to 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, Indigenous 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.
7. In regard to the implementation of the licensee's employment equity plan, the Commission further expects the licensee to:
  - a) ensure that the details of the licensee's employment equity policies are communicated to managers and staff;
  - b) assign a senior level person to be responsible for tracking progress and monitoring results; and
  - c) dedicate financial resources to the promotion of employment equity in the workplace.

#### **Encouragements**

1. 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.

2. 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.

## Definitions

For the purposes of these conditions of licence, expectations and encouragements:

“Audio description” refers to announcers reading aloud the key textual and graphic information that is displayed on the screen during information programs.

“Broadcast day” and “broadcast year” shall have the same meanings as those set out in the *Television Broadcasting Regulations, 1987*, as amended from time to time.

“Broadcast week” shall have the same meaning as that set out in the *Radio Regulations, 1986*, as amended from time to time.

“Described video” (also referred to as videodescription or described narrative) consists of a narrated description of a program’s main visual elements, such as settings, costumes and body language.

“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.

“Overnight period” means the total time devoted to broadcasting between midnight and six o’clock in the morning during each day.

“Vertically integrated entity” refers to an entity that owns or controls both audiovisual programming and distribution undertakings, or both audiovisual programming undertakings and production companies.

## **Appendix 2 to Broadcasting Notice of Consultation CRTC 2016-195**

### **Proposed standard conditions of licence, expectations and encouragements for discretionary services**

#### **General**

The following terms, conditions of licence, expectations and encouragements are applicable to all discretionary services, including those operating as specialty services or as pay television services, except where an authorization that represents a change from or addition to these terms and conditions is included in any decision pertaining to a particular licence.

Discretionary services are also subject to the *Discretionary Services Regulations*, as amended from time to time.

#### **Conditions of licence**

##### **Operation and Control**

1. Except as authorized by the Commission, the programming undertaking shall be operated in fact by the licensee itself. The broadcasting licence cannot be transferred or assigned.
2. 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.

##### **Adherence to various codes**

3. The licensee shall adhere to the *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.
4. The licensee shall adhere to the *Equitable Portrayal Code* and 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 broadcaster associate in good standing of the Canadian Broadcast Standards Council.
5. The licensee shall adhere to the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, in its dealings with any licensed or exempt broadcasting undertaking.

### General programming

6. The licensee shall file with the Commission the name of the service and a brief description of the programming offered by the service, and update this information with the Commission prior to making any changes.
7. The licensee may draw programming from all of the program categories set out in Item 6 of Schedule 1 to the *Discretionary Services Regulations*, as amended from time to time.
8. The licensee shall devote not more than 10% of the programming broadcast during the broadcast month to live professional sports programming, which falls under program category 6(a) Professional sports.

### Broadcast of Canadian programming

9. In addition to the minimum levels for the broadcast of Canadian content set out in the *Discretionary Services Regulations*, if programming is drawn from program category 8(b) Music video clips for broadcast on the service, the licensee shall:
  - a) devote not less than 20% of the total number of music video clips broadcast during each broadcast week to Canadian music videos, if the service is in its first year of operation;
  - b) devote not less than 25% of the total number of music video clips broadcast during each broadcast week to Canadian music videos, if the service is in its second year of operation;
  - c) devote not less than 30% of the total number of music video clips broadcast during each broadcast week to Canadian music videos, if the service is in its third or subsequent year of operation.

### Multiplexing

10. The licensee shall not offer multiplexed channels, unless authorized to do so by condition of licence. If authorized to do so by condition of licence originally imposed prior to **[publication date of regulatory policy resulting from this notice]**, the licensee is prohibited from offering more multiplexed channels than permitted under that condition of licence.
11. If the licensee is authorized by condition of licence to offer multiplex channels, for each multiplex channel offered, it shall adhere to the conditions set out herein and as specified in its individual conditions of licence.

### Accessibility

12. 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.

13. Consistent with *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009:
  - a) for a service operating in its first licence term, 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;
  - b) for a service operating in its second or subsequent licence term, the licensee shall ensure that advertising, sponsorship messages and promos in the English and French languages are closed captioned.
14. Consistent with *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009, the licensee shall 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.
15. In regard to the quality of closed captioning:
  - a) for French-language services, the licensee shall adhere to the requirements set out in the appendix to *Quality standards for French-language closed captioning – Enforcement, monitoring and the future mandate of the French-language Closed Captioning Working Group*, Broadcasting Regulatory Policy CRTC 2011-741-1, 21 February 2012; and
  - b) for English-language services, the licensee shall adhere to the requirements set out in the appendix to *Quality standards for English-language closed captioning*, Broadcasting Regulatory Policy CRTC 2012-362, 5 July 2012.
16. In accordance with *Let's Talk TV: Navigating the Road Ahead – Making informed choices about television providers and improving accessibility to television programming*, Broadcasting Regulatory Policy CRTC 2015-104, 26 March 2015, the licensee shall file a report relating to the provision of closed captioning on non-linear online platforms, in a format deemed acceptable by the Commission, by no later than 30 November of each year for the broadcast year ending the previous 31 August, consistent with other reporting requirements.
17. The licensee shall provide audio description for all the key elements of Canadian information programs, including news programming.

18. In accordance with *Let's Talk TV: Navigating the Road Ahead – Making informed choices about television providers and improving accessibility to television programming*, Broadcasting Regulatory Policy CRTC 2015-104, 26 March 2015:

- a) The licensee of a discretionary service that was subject to described video requirements prior to its last licence renewal or that belongs to a vertically integrated entity shall, by 1 September 2019, provide described video for all programming that is broadcast during primetime (i.e., from 7 p.m. to 11 p.m.), and that is drawn from program categories 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 is programming targeting preschool children (0-5 years of age) and children (6-12 years of age).
- b) For a service not captured by a) above, the licensee shall provide four hours of programming with described video per broadcast week by the fourth year of the first licence term in which this condition applies.

The minimum four hours of described video programming broadcast each broadcast week may be drawn from program categories 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 preschool children (0-5 years of age) and children (6-12 years of age).

The program categories for discretionary services are set out in Item 6 of Schedule 1 to the *Discretionary Services Regulations*, as amended from time to time.

### **Advertising**

19. 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 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 12 minutes of advertising material referred to in subparagraph a), the licensee may broadcast partisan political advertising during an election period.

- d) Unless otherwise authorized by condition of licence, the licensee shall not broadcast any paid advertising material other than paid national advertising.<sup>8</sup>

### **Programming in high definition**

20. 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.

### **Programming policies**

21. If the licensee broadcasts religious programming as defined in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, it 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.
22. If the licensee broadcasts adult programming, it 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**

1. If closed captioning is available, the Commission expects the licensee to provide viewers with a closed-captioned version of all programming aired during the overnight period.
2. The Commission expects the licensee to ensure that when programming with closed captioning on traditional platforms is made available on non-linear online platforms, the closed captioning is included.
3. The Commission expects the licensee to:
  - a) 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
  - b) make information available regarding the described programs that it will broadcast.

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<sup>8</sup> As is currently the case, third-language services may be granted exceptions by condition of licence to continue to be allowed to broadcast no more than 6 minutes of local advertising per clock hour.

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

4. The Commission expects the licensee to endeavour, through its programming and employment opportunities, to reflect the presence in Canada of ethnocultural minorities, Indigenous 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**

5. 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 *Employment Equity Act*. If the licensee has from 25 to 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, Indigenous 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.
6. In regard to the implementation of the licensee's employment equity plan, the Commission further expects the licensee to:
  - a) ensure that the details of the licensee's employment equity policies are communicated to managers and staff;
  - b) assign a senior level person to be responsible for tracking progress and monitoring results; and
  - c) dedicate financial resources to the promotion of employment equity in the workplace.

### **Broadcast of adult programming**

7. 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 the licensee to submit any future changes that it makes to its internal policy on adult programming for Commission approval prior to their implementation.
8. 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

1. 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.
2. 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.

## Definitions

For the purposes of these conditions of licence, expectations and encouragements:

“Audio description” refers to announcers reading aloud the key textual and graphic information that is displayed on the screen during information programs.

“Broadcast day” shall have the same meaning as that set out in the *Television Broadcasting Regulations, 1987*, as amended from time to time, unless otherwise specified in the service’s individual licence.

“Broadcast year,” “broadcast month” and “clock hour” shall have the same meanings as those set out in the *Television Broadcasting Regulations, 1987*, as amended from time to time.

“Broadcast week” shall have the same meaning as that set out in the *Radio Regulations, 1986*, as amended from time to time.

“Described video” (also referred to as videodescription or described narrative) consists of a narrated description of a program’s main visual elements, such as settings, costumes and body language.

“Paid national advertising” shall mean “advertising material” as defined under the *Discretionary Services Regulations*, as amended from time to time, and that is purchased at a national rate and receives national distribution on the service.

“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.

“Overnight period” means the total time devoted to broadcasting between midnight and six o’clock in the morning each day.

“Vertically integrated entity” refers to an entity that owns or controls both audiovisual programming and distribution undertakings, or both audiovisual programming undertakings and production companies.

## **Appendix 3 to Broadcasting Notice of Consultation CRTC 2016-195**

### **Proposed standard conditions of licence, expectations and encouragements for on-demand services**

#### **General**

The following terms, conditions of licence, expectations and encouragements are applicable to all on-demand services, except where an authorization that represents a change from or addition to these terms and conditions is included in any decision pertaining to a particular licence.

#### **Conditions of licence**

##### **Adherence to regulations**

1. The licensee shall adhere to the *Discretionary Services Regulations*, as amended from time to time, with the exception of sections **[to be determined]**.

##### **Operation and Control**

2. Except as authorized by the Commission, the programming undertaking shall be operated in fact by the licensee itself. The broadcasting licence cannot be transferred or assigned.
3. 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.

##### **Adherence to various codes**

4. The licensee shall adhere to the *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.
5. The licensee shall adhere to the *Equitable Portrayal Code*, the *Pay television and pay-per-view programming code regarding violence*, and 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 broadcaster associate in good standing of the Canadian Broadcast Standards Council.

6. The licensee shall adhere to the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, in its dealings with any licensed or exempt broadcasting undertaking.

### **Exhibition and promotion of Canadian content**

7. If feature films are offered, the licensee shall ensure that not less than 5% of the English-language feature films and not less than 8% of French-language feature films available to subscribers in each broadcast year are Canadian.
8. If feature films are offered, the licensee shall ensure that the feature film offering includes all Canadian feature films released in the past 12 months.
9. The licensee shall ensure that not less than 20% of all programming other than feature films available to subscribers in each broadcast year are Canadian.
10. If feature films are offered, the licensee shall ensure that Canadian feature films are promoted in the same manner as non-Canadian feature films.
11. If a bilingual service is offered and a barker channel is provided, the licensee shall ensure that subscribers have access to a barker channel in the official language of their choice.
12. If a barker channel is provided, the licensee shall ensure that at least 25% of the titles promoted each month on its barker channel are Canadian titles.

### **Contribution to Canadian programming**

13. The licensee shall contribute 5% of the service's gross annual revenues to an existing Canadian program production fund administered independently of its undertaking.

### **Programming rights**

14. The licensee shall not acquire exclusive rights for any of the programming offered on its programming service.
15. The licensee is prohibited from offering a non-Canadian subscription on-demand package that is directly competitive with a Canadian linear discretionary service, unless the package is exclusively comprised of live events that do not include any wrap-around programming.

### **Accessibility**

16. The licensee shall caption 100% of the English- and French-language programs in its inventory, consistent with the approach set out in *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007, with the exception of community access television programming.

17. Consistent with *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009, the licensee shall 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.
18. In regard to the quality of closed captioning:
- a) for French-language services, the licensee shall adhere to the requirements set out in the appendix to *Quality standards for French-language closed captioning – Enforcement, monitoring and the future mandate of the French-language Closed Captioning Working Group*, Broadcasting Regulatory Policy CRTC 2011-741-1, 21 February 2012; and
  - b) for English-language services, the licensee shall adhere to the requirements set out in the appendix to *Quality standards for English-language closed captioning*, Broadcasting Regulatory Policy CRTC 2012-362, 5 July 2012.

### **Program lists**

19. The licensee shall maintain for a period of one year and submit to the Commission upon request a detailed list of the programming available on the service. The list must identify each program by programming category, language, country of origin, whether captioning and/or video description is available and whether it is produced by the licensee. The list must also indicate the period of time that each program was on the server and available to subscribers as well as, if applicable, whether the program is an event and the time and dates of broadcast.

### **Aggregate statistical data**

20. As part of its annual return to be submitted to the Commission on 30 November of each year, the licensee shall file aggregate statistical data for the broadcast year ending the previous 31 August relating to the following:
- video server capacity or number of channels – current;
  - video server capacity or number of channels – projected for the end of the next broadcast year;
  - total number of titles offered;
  - total number of Canadian titles offered;
  - breakdown of titles in both official languages;
  - total number of feature films offered;

- total number of Canadian feature films offered;
- total number of orders of Canadian programs;
- total number of orders of non-Canadian programs;
- total number of orders of Canadian feature films; and
- total number of orders of non-Canadian feature films.

### **Programming in high definition**

21. The licensee is authorized to make available for distribution both a standard definition and a high definition version of its service, provided that no 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 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.

### **Expectations**

#### **Programming offering in both official languages**

1. The Commission expects the licensee to make its programming offering available to the maximum extent possible in both official languages.

#### **Accessibility**

2. If closed captioning is available, the Commission expects the licensee to provide viewers with a closed captioned version of all advertising, sponsorship messages and promos offered in its programming.
3. The Commission expects the licensee to ensure that 100% of original community access television programming is closed captioned.
4. The Commission expects the licensee to ensure that when programming with closed captioning on traditional platforms is made available on non-linear online platforms, the closed captioning is included.
5. The Commission expects the licensee to acquire and make available described versions of programming, where possible, and to ensure that its customer service responds to the needs of persons with a visual impairment, as set out in *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009.

6. The Commission expects the licensee to:
  - a) 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
  - b) make information available regarding the described programs that it will broadcast.
7. The Commission expects the licensee to provide an audio description of all programming that provides textual or graphic information, including programming broadcast on the barker channel.

### **Broadcast of adult programming**

8. If the licensee broadcasts adult programming, the Commission expects the licensee to provide its proposed internal policy on adult programming at least one month prior to the implementation of the service, 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.
9. Where applicable, the Commission expects the licensee to adhere to its internal policy on adult programming once reviewed and approved by the Commission.

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

10. The Commission expects the licensee to endeavour through its programming and employment opportunities to reflect the presence in Canada of ethnocultural minorities, Indigenous 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**

11. 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 *Employment Equity Act*. If the licensee has from 25 to 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, Indigenous 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.

12. In regard to the implementation of the licensee’s employment equity plan, the Commission further expects the licensee to:
- a) ensure that the details of the licensee’s employment equity policies are communicated to managers and staff;
  - b) assign a senior level person to be responsible for tracking progress and monitoring results; and
  - c) dedicate financial resources to the promotion of employment equity in the workplace.

### **Encouragements**

1. The Commission encourages the licensee to share aggregate information on viewing of on-demand programs with broadcasters if such information is available.
2. 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.

### **Definitions**

For the purposes of these conditions of licence and expectations:

“Audio description” refers to announcers reading aloud the key textual and graphic information that is displayed on the screen during information programs.

“Broadcast year” shall have the same meaning as that set out in the *Television Broadcasting Regulations, 1987*, as amended from time to time.

“Community access television programming” has the same meaning as that set out in the *Broadcasting Distribution Regulations*, as amended from time to time.

“Described video” (also referred to as videodescription or described narrative) consists of a narrated description of a program’s main visual elements, such as settings, costumes and body language.

“Gross annual revenues” refers to total revenues that are earned directly or indirectly for the distribution of any on-demand programming, including but not limited to gross revenues from subscriptions, commercial messages and grants.

“Linear discretionary service” refers to a discretionary service that presents programming in a scheduled manner.

“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.

“Wrap-around programming” means any other programming that is offered together with the live event itself (for example, pre-or post-commentaries of the event).