

**Speaking Notes for
Ron Cohen**

**National Chair
Canadian Broadcast Standards Council**

**Innoversity 2009:
Setting Standards, Raising Expectations Panel**

**Toronto, Ontario
March 9, 2009**

Check against delivery

Thank you, Rita. And thank you, ladies and gentlemen; it's great to be here with you today.

I'd like to begin by congratulating the founders and organizers of the Innoversity Summit. Over the years, Innoversity has proven to be an unrivalled forum for the discussion of diversity and innovation in the media; the proof of its success is that its name has become part of the broadcasting vocabulary.

And by bringing together such a collection of broadcasters, government policy-makers and other players, Innoversity has become more than a gathering place for the exchange of ideas. It has made a *tangible* difference, by fostering greater diversity in broadcasting and beyond.

Today's panel is a good example of what I mean. My fellow panellists, Frans and Don, will be giving us some concrete examples of how broadcasters can do a better job of reflecting their audiences, and/or serving those audiences more effectively.

For my part, I'm here to introduce the new *Equitable Portrayal Code*, one of the seven codes which the CBSC administers. It is, however, the *latest* in that system of codes that define program content for all broadcasters in Canada.

And it will serve those very audiences by establishing what viewers and listeners have every right to expect from their media in the diversity area. Moreover, it will do this in 42 languages (in addition to French and English) and in other accessible formats. More of that in a moment.

The new Code is intended to overcome, if possible to *banish*, unduly negative portrayal in broadcasting, when dubious portrayals are based on matters of race, national or ethnic origin, colour, religion, age, gender, sexual orientation, marital status or physical or mental disability.

You should know that it was developed and drafted by Canada's private broadcasters, encouraged and ultimately endorsed by the CRTC. All licensed broadcasters, public and private, are required to adhere to this Code. But before discussing it further, permit me to briefly describe the CBSC, for participants who are not familiar with our work.

The CBSC is an independent, non-governmental organization, created by the Canadian Association of Broadcasters almost 20 years ago, to administer the codes and standards established by Canada's private broadcasters. We have more than 720 members: conventional radio and television stations, specialty services and networks, satellite radio and pay television services, programming in English, French and a multiplicity of other languages.

The private broadcasters created this system of codes because they recognized that their programming has the ability to influence public opinion, modify attitudes and shape

minds. And they live in the communities in which they broadcast. They share the values and concerns of their neighbours.

That's why the industry has set high standards for all of their programming, while allowing different strokes for different folks.

At the end of the day, balance is the name of the game, balance between serving the interests, sensitivities and needs of audiences, on the one hand, and preservation of creative, editorial and journalistic freedom, on the other.

In addition to assisting in the effective application of these broadcast standards, the CBSC is charged with *informing* the public of the existence of these standards and the self-regulatory system.

We do this in various ways, through: public service announcements on TV and radio, dissemination of informative brochures, and a widely consulted website. Leaving nothing to chance, and in order to make this information available to every Canadian household, we have translated a great deal of our content into 42 other languages.

We are also on the verge of providing material in Braille and other formats to make it accessible to audience members with disabilities.

Content Problems: The Recourse

When something goes wrong on the airwaves, though, audiences need to be assured they can complain. That's also our job. We set the rules *and* we enforce them.

The CBSC has created an effective procedure which encourages the resolution of complaints at the local level, directly between broadcasters and their audiences. That does work, about 75% of the time.

But when it doesn't, when a complaint is not resolved through dialogue between the complainant and the broadcaster, the CBSC will review the complaint and the broadcast, and, if necessary, convene a Panel composed of public and industry representatives to adjudicate the matter.

The CBSC then renders a decision, a thoughtful, independent, objective decision, which looks and feels like a judicial pronouncement, but is as user-friendly as we can make it.

Most important, broadcasters are required to act on the dictates of the Panel decisions. They must adapt their programming to reflect the rules established in the decisions.

And I'm pleased to assure you that broadcasters do act on them. The system works. Some programs have been modified. Others have left Canada's airwaves. Commentaries, particularly in areas of diversity, generally manifest the respect that the 21st century requires.

Over the past 18 years, the CBSC has dealt with nearly 18,000 complaints. We have handed down 445 formal Panel decisions, all of which can be found on our website, together, transparently, with the text of the complaints and the broadcasters' replies, as well as the program transcripts.

And, since 2001, 73% of those formal decisions have been decided in favour of the complainant, and the broadcasters in question have been required to make programming changes to conform to the standards.

The New Code

Which brings us back to the new CAB *Equitable Portrayal Code*.

As I mentioned, it deals with portrayals based on matters of race, national or ethnic origin, colour, religion, age, gender, sexual orientation, marital status or physical or mental disability.

The Code is designed to overcome unduly negative portrayal in broadcast programming. It acknowledges up front that "Negative portrayal can take many different forms, including (but not limited to) stereotyping, stigmatization and victimization, derision of myths, traditions or practices, degrading material, and exploitation."

It recognizes the danger in stereotyping, "a form of generalization that is frequently simplistic, belittling, hurtful or prejudicial, while being unreflective of the complexity of the group being stereotyped."

It understands the dangers of "unduly deriding the myths, traditions or practices of groups," whether these are reflected in the wearing of a turban, a burqa, a niqab, a patka, a yarmulke, a cross, or a kirpan.

And degradation, exploitation, stigmatization and victimization are equally unacceptable under this new, original *Equitable Portrayal Code*.

I recognize that some may question the need for such a code. It is fashionable to mock so-called "political correctness" and to complain about how overly sensitive and easily offended our "granola-crunching", "cappuccino-sipping" society has become.

I know some people say that the answer to discriminatory comments about gays, Muslims, Jews, blacks, persons with disabilities or other identifiable groups is, "Well, ... if you don't like what's on television or the radio, change the channel or turn it off."

Is a talk-show host justified in making insulting or abusive comments about a cultural community or about someone's sexual preference, under the guise of "political commentary" or "opinion"?

Are there no limitations on those who are licensed to use the public airwaves? Is *whatever* they say just fine because they have opened their lips? Is that what freedom of expression was designed to protect?

Not at all.

It's not the right approach. It's wrong to expect the person who has been insulted or abused to remove himself, or herself, from the group. Such commentary marginalizes its targets and, equally important, it desensitizes the audience.

If we advocate simply ignoring offensive programming, what about the audience members who don't change the channel, either because they aren't offended by the insults aimed at *others*, or because they're too young to know the difference?

In other words, it's as much about *desensitizing the audience* as marginalizing the targets of the comments. Those ready to accept such commentary about identifiable groups should not find their biases endorsed on the limited, licensed airwaves.

As Mr. Justice Létourneau of the Federal Court of Appeal said in the CHOI-FM decision, "freedom of expression, freedom of opinion and freedom of speech do not mean freedom of defamation, freedom of oppression and freedom of opprobrium. Nor do I think I am mistaken in saying that the right to freedom of expression under the Charter does not require that the State or the CRTC become accomplices in or promoters of defamatory language or violations of the rights to privacy, integrity, human dignity and reputation by forcing them to issue a broadcasting licence used for those purposes."

Even those of us who would not be so influenced, or who may think we're above it, are all part of the audience. We all watch or listen to programming every day.

For some, it's the morning show on the TV in the kitchen while you're getting the kids ready for school ...

... A TV news report streamed on your computer at the office ...

... The afternoon drive-home show, on the car radio ...

... Or listening to your hometown radio station over the Internet, while you're away from home.

Broadcasting is part of our day-to-day reality.

Abusive comments or images, conveyed on a respectable public medium like a TV network or a radio station, normalize such negative portrayals and, by desensitizing the audience, bring them into the mainstream. In so doing, they undermine the ideals of mutual respect and co-operation that are the very pillars of Canada's equitable society.

That is why I believe so strongly in what the private broadcasters stand for and what the CBSC is doing. And it's why I am so pleased to have the opportunity to come to the Innoversity Summit and introduce the *Equitable Portrayal Code*. Thank you.