

Self-Regulation on the Airwaves: A Canadian Success Story

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The Canadian Broadcast Standards Council is the cornerstone of a successful approach to a delicate subject. Program content on the air. Does anything and everything go in the name of free speech? Possibly in the United States but not in Canada. It's not really our style. We're, well, reasonable and balanced in our approach to lots of things, including what goes on our airwaves. We have standards. Broadcast standards. And the key is that they are administered on a *self*-regulatory basis. Funded by the industry, which remains hands-off. An overall approach to the issue which sets us apart from most other western countries.

The CBSC administers four Codes: the Canadian Association of Broadcasters (CAB) Code of Ethics, the CAB Sex-Role Portrayal Code, the CAB Violence Code, and the Radio and Television News Directors Association (RTNDA) Code of (Journalistic) Ethics. Both the Sex-Role Portrayal and Violence Codes have been approved by the CRTC, but both were created by the private broadcasters. The principles enunciated in these codes are Conditions of Licence for all broadcasters in Canada.

In some nearby nations, there are those who view *any* broadcast codes as the slippery slope on the way to fearsome government regulation but, in Canada, our experience is diametrically opposed to that hypothetical prospect. If anything, the Canadian experience has been that official involvement in content issues has *decreased* since the private broadcasters proposed the model of the CBSC in 1988.

It took a couple of years to move the concept from the drawing board into the public domain. Following the approval of the CAB's model by the Commission in PN CRTC 1991-90, five Regional Councils were created to represent BC, the Prairies, Ontario, Quebec and the Atlantic Provinces. Six members sit on each, three from the public and three from industry.

If the even numbers sound like trouble, in the form of endless deadlocking, I'm glad to tell you it's not the case. It may be hard to believe but, in the 178 decisions released from our first, "Brian Mulroney on the Line", through the end of September, 176 have been unanimous. CBSC Regional Council members never come to the table with an axe to grind. No public representatives with the view that broadcasters are always wrong. No industry reps with the view that broadcasters are always right.

The resulting balance in the CBSC's decisions, even in the face of the rather process-stressful *Power Rangers*, *Howard Stern* and *Dieu Reçoit* decisions, has provided credibility to the assertion by Canada's private broadcasters that they could regulate their own professional on-air content conduct. And why should anyone have assumed the contrary? The doctors do it. So too the accountants, the lawyers, the architects and most other professional groups. A good system and never better than when, even in the face of adverse decisions, the broadcasters continue to endorse and support the process.

But the CBSC always needs to be ready to adapt to new infrastructural demands. Our annual work load built from an average of 250-275 file openings to an average of 1200 in each of the last two years. At the same time, our decision load grew from an average of 11 per year to 33 in 1996-97 and then 45-47 in each of the last two years. We needed to institute new coping mechanisms (at unincreased staff levels). We introduced the "Summary Decision". Whenever a complaint is either frivolous, vexatious or harassing, on the one hand, or its subject matter is one which has been clearly decided in the past, the CBSC Secretariat deals with it summarily and on its own. The Summary Decision letter is drafted with the care and thought of a formal CBSC decision and refers to the Council's previous jurisprudence, but it avoids the costly and time-consuming reference to a Regional Council. Last year, there were nearly as many of these as formal decisions, 39 to be precise.

The growing number of Specialty Service members also necessitated structural change. It was clear that they were national and, well, specialized. Logic dictated a decision-making body which would not result in, say, one decision in Ontario regarding a particular program and an opposite conclusion in the Prairies. The solution, a National Council. Furthermore, for those conventional broadcast issues which are network and national, a similar solution was adopted. Our National Council has two panels, one to be composed of Specialty Service representatives and the other of Conventional Broadcaster members. In either case, an equal number of public representatives will balance the panel; however, in this instance, the National Chair will serve as panel chair, making a total of seven persons on each decision.

I believe that the private broadcasters' experiment of a decade ago has proven itself a nearly unqualified success. In comparative international terms, the CBSC's uniqueness is reflected in its blend of the public and industry, its entire reliance on private-sector support, its decision-making independence, and its adaptability to the needs of, and changes in, the public and the broadcasting system.