



Broadcasting Public Notice CRTC 2007-89

Ottawa, 27 July 2007

Call for comments on the Canadian Association of Broadcasters' proposed Equitable Portrayal Code

In this public notice, the Commission calls for comments on a proposed Equitable Portrayal Code filed by the Canadian Association of Broadcasters (the CAB). The Equitable Portrayal Code proposes standards for the portrayal of all identifiable groups. This code would replace the CAB's Sex-role Portrayal Code, which was approved by the Commission in Public Notice 1990-99.

Background

1. In March 2005, the Commission issued Broadcasting Public Notice 2005-24, which set out the Commission's response to the report of the Task Force for Cultural Diversity on Television (the Task Force Report). The Task Force Report was the culmination of an earlier initiative sponsored by the Canadian Association of Broadcasters (CAB) in response to a call by the Commission, set out in Public Notice 2001-88, for industry-sponsored research to identify "best practices" and to help define the issues and present practical means for ensuring the accurate reflection and portrayal by broadcasters of the diverse groups they serve.
2. In Broadcasting Public Notice 2005-24, the Commission noted that a review by the industry of its existing codes and standards governing acceptable content would be an important step toward ensuring that the self-regulatory system is in tune with, and effective in responding to, the concerns of Canada's visible minority and Aboriginal communities regarding their portrayal on Canadian television, as identified in the Task Force Report. The Commission expected the CAB to report on its findings with respect to its review of industry codes by no later than 21 July 2005.
3. In July 2005, the CAB requested an extension to the deadline for the filing of its review of industry codes in order to complete its research study on issues relating to the presence, portrayal and participation of persons with disabilities in television programming, and to allow the CAB to also take into consideration any concerns relating to the reflection and portrayal of persons with disabilities arising from the research in its review of existing codes. The Commission approved the CAB's request for an extension. On 23 December 2005, the CAB filed its report entitled *CAB Review of Industry Codes – Broadcasting Public Notice CRTC 2005-24*.
4. The CAB submitted that the interests of private broadcasters, the public and the Commission would be best served by the development of an expanded portrayal code that would replace the current *CAB Sex-Role Portrayal Code for Radio and Television Programming* (SRPC). According to the CAB, most of the proscriptive provisions contained in the SRPC are as applicable to the portrayal concerns identified in the Task

Force Report and its report entitled *The Presence, Portrayal and Participation of Persons with Disabilities in Television Programming* (the Persons with Disabilities Report) as they are to gender. The CAB therefore submitted that such provisions can, and should, be revised to include industry standards concerning the depiction and portrayal of ethnocultural and Aboriginal groups and persons with disabilities.

5. The CAB submitted a draft of its proposed portrayal code to the Commission in June 2006. In response to input from Commission staff, the CAB amended its proposal and submitted a finalized version, entitled the *Equitable Portrayal Code* (the proposed Code), dated 12 March 2007. This latest version is appended to this public notice and is the subject of this call for comments.

The CAB's proposed Equitable Portrayal Code

6. The CAB stated that its proposed Code is designed to address the concerns identified in the research conducted by the industry with respect to portrayal of ethnocultural minorities, Aboriginal peoples and persons with disabilities. The Commission notes in this regard that the CAB has expanded the scope of the proposed Code to address negative portrayal and stereotyping of all identifiable groups (based on race, national or ethnic origin, colour, religion, age, gender, sexual orientation, marital status, physical or mental disability).
7. The proposed Code addresses all radio and television programming, including fictional and non-fictional programming as well as commercial messages. Guidance is also incorporated within the proposed Code and in its appendix of resources to assist licensees in implementing their obligations.
8. The Commission set out its guidelines for developing industry-administered standards in Public Notice 1988-13. In that notice, the Commission stated that public consultation is a necessary element of any standard proposed by the industry for which Commission approval is sought. The CAB contacted 36 groups consisting of ethnocultural, Aboriginal, disability and other relevant organizations and individuals in the English- and French-language markets during April and May 2006 for their feedback on the proposed Code. The CAB selected these groups on the basis that many of these stakeholder organizations were consulted in the research studies on cultural diversity and persons with disabilities or were members of the CAB's Outreach Committee for its Persons with Disabilities Report. The CAB reported that, of the 36 groups that were contacted, 7 organizations and individuals responded to the CAB's request for comments.
9. The Commission notes that, of those 36 groups, only one representative from one women's group was included in the consultation. The CAB explained in its cover letter accompanying its proposed Code of 12 March 2007 that it did not target organizations dealing with the ongoing issue of portrayal of women in the media specifically because it was expanding, not removing, the provisions included in the SRPC to include all groups. The CAB also noted that many of the organizations involved in the development of the

SRPC are no longer active. The CAB further explained that, in order to underscore the continued importance of ensuring the fair and equitable portrayal of women in programming, it has included in the appendix to the proposed Code reference to research dealing with women in the media, such as Women in Film and Television's *Frame Work: Employment in Canadian Screen-Based Media*.

10. In the Commission's view, the SRPC is a key public policy tool designed to address inequities in the portrayal of women in broadcasting and a tool that was an outcome of 20 years of policy development on the part of the broadcasting industry, the Commission, academia, various advocacy groups and an array of concerned citizens.
11. Given the importance of the SRPC, which the Equitable Portrayal Code intends to replace, (and given the importance of the findings in the industry's research concerning the portrayal of ethnocultural minorities, Aboriginal peoples and persons with disabilities), in accordance with Public Notice 1988-13, the Commission considers it appropriate to call for comments on the CAB's proposal in order to ensure that all interested parties have the fullest possible opportunity to contribute their views respecting the CAB's proposed Code.

Call for comments

12. The Commission calls for comments on the CAB's proposed *Equitable Portrayal Code*, which is appended to this public notice. Comments on the proposed Code must be received by the Commission no later than **29 October 2007**. The CAB, as the author of the proposed Code, will be provided with the opportunity to respond to comments submitted. The CAB will have until **29 November 2007** to respond, should it choose to do so.
13. The Commission will not formally acknowledge 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.

Procedures for filing comments

Interested parties can file their comments to the Secretary General of the Commission:

- **by using the**
[Broadcasting Intervention/Comments Form](#)

OR

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

OR

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

14. Submissions longer than five pages should include a summary.
15. Please number each paragraph of your submission. In addition, please enter the line ***End of document*** following the last paragraph. This will help the Commission verify that the document has not been damaged during transmission.

Important notice

16. Note that all information that you provide as part of this public process, except information granted confidentiality, whether sent by postal mail, facsimile, e-mail or through the Commission's Web site at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's Web site. This information includes your personal information, such as your full name, e-mail address, postal/street address, telephone and facsimile number(s), and any other personal information you provide.
17. The personal information you 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.
18. Documents received electronically or otherwise will be put on the Commission's Web site in their entirety exactly as you send them, 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.
19. Please note that the information you 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 webpage of this particular public process. As a result, a general search of our Web site with the help of either our own search engine or a third-party search engine will not provide access to the information which was provided as part of this public process.
20. The Commission encourages interested parties to monitor the public examination file and the Commission's Web site for additional information that they may find useful when preparing their comments.

**Examination of public comments and related documents at the following
Commission offices during normal business hours**

Toll-free telephone: 1-877-249-2782
Toll-free TDD: 1-877-909-2782

Central Building
Les Terrasses de la Chaudière
1 Promenade du Portage, Room 206
Gatineau, Quebec K1A 0N2
Tel.: 819-997-2429
Fax: 819-994-0218

Metropolitan Place
99 Wyse Road
Suite 1410
Dartmouth, Nova Scotia B3A 4S5
Tel.: 902-426-7997
Fax: 902-426-2721

205 Viger Avenue West
Suite 504
Montréal, Quebec H2Z 1G2
Tel.: 514-283-6607

55 St. Clair Avenue East
Suite 624
Toronto, Ontario M4T 1M2
Tel.: 416-952-9096

Kensington Building
275 Portage Avenue
Suite 1810
Winnipeg, Manitoba R3B 2B3
Tel.: 204-983-6306
TDD: 204-983-8274
Fax: 204-983-6317

Cornwall Professional Building
2125 - 11th Avenue
Room 103
Regina, Saskatchewan S4P 3X3
Tel.: 306-780-3422

10405 Jasper Avenue
Suite 520
Edmonton, Alberta T5J 3N4
Tel.: 780-495-3224

530-580 Hornby Street
Vancouver, British Columbia V6C 3B6
Tel.: 604-666-2111
TDD: 604-666-0778
Fax: 604-666-8322

Secretary General

Related documents

- *Commission's response to the report of the Task Force for Cultural Diversity on Television*, Broadcasting Public Notice CRTC 2005-24, 21 March 2005
- *Representation of cultural diversity on television – Creation of an industry/community task force*, Public Notice CRTC 2001-88, 2 August 2001
- *Guidelines for Developing Industry-Administered Standards*, Public Notice CRTC 1988-13, 29 January 1988

This document is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>

Appendix 1 to Broadcasting Public Notice CRTC 2007-89

Canadian Association of Broadcasters' Equitable Portrayal Code

Revised Final – March 2007

Administered by the Canadian Broadcast Standards Council

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Introduction

This Code, which replaces the *Canadian Association of Broadcasters* (“CAB”) *Sex-Role Portrayal Code*, has been created to ensure the equitable portrayal of all persons in television and radio programming. Canada’s private broadcasters recognize the cumulative societal effect of negative portrayal and, by creating this *Equitable Portrayal Code* (“Code”), establish common standards to prevent such portrayal.

The CAB solicited input on the Code from 36 public stakeholder organizations representing ethnocultural, Aboriginal, and disability groups in the English- and French-language markets.

The *CAB Equitable Portrayal Code* reflects the responsibilities of licensees, under the *Broadcasting Act*, to ensure that their programming and broadcast services achieve the highest standards, and demonstrates the private broadcasters' commitment to the equitable portrayal of all persons in their programming.

Background

In July 2004, the Canadian Association of Broadcasters endorsed the recommendations included in *Reflecting Canadians – Best Practices for Cultural Diversity in Private Television*, the report of the Task Force for Cultural Diversity on Television (“Task Force Report”). A key recommendation was that the CAB review its industry codes for the purpose of determining whether they addressed concerns identified in the Task Force’s research findings regarding the reflection and portrayal of ethnocultural and Aboriginal groups. The Task Force Report was followed by a report commissioned by the CAB, *The Presence, Portrayal and Participation of Persons with Disabilities in Television Programming* (“CAB Persons with Disabilities Report”), which was released in September 2005. The CAB Persons with Disabilities Report also noted a lack of industry reference points or standards concerning the depiction and portrayal of persons with disabilities and called for a review of existing codes to address this concern.

The CAB was guided by the research findings in both the Task Force Report and in the CAB Persons with Disabilities Report relating to reflection and portrayal in developing this Code.

Specifically, the Task Force report, and in particular the Phase IV Focus Group research, identified the following areas of concern with respect to achieving the fair and accurate portrayal of ethnocultural and Aboriginal groups:

- Stereotyping;
- Negative and Inaccurate Portrayal; and
- Unbalanced Portrayal in Newscasts.

The CAB Persons with Disabilities Report, and in particular Part III of the Research Report, identified similar concerns regarding the reflection and portrayal of persons with disabilities focusing primarily on inaccurate or stereotypical portrayals in dramatic and news and information programming and concerns regarding the victimization of persons with disabilities in programming.

This Code is designed to complement the research conducted and the initiatives undertaken by Canada’s private broadcasters and other industry stakeholders in the area of diversity, and the general principles contained in the other CAB and industry codes referenced in Appendix A, namely, the *Radio Television News Directors Association (“RTNDA”) Code of (Journalistic) Ethics*, the *Advertising Standards Canada Gender Portrayal Guidelines for Advertising* and the *Canadian Code of Advertising Standards*.

This *CAB Equitable Portrayal Code* is the response of the Canadian Association of Broadcasters to concerns identified in the Task Force Report and the CAB Persons with Disabilities Report regarding depiction and portrayal. It will be administered by the Canadian Broadcast Standards Council.

Statement of Intent

It is the intent of this Code that broadcasters shall encourage equitable portrayal. This Code is intended to assist in overcoming unduly negative portrayal and stereotyping in broadcast programming, including commercial messages, based on matters of race, national or ethnic origin, colour, religion, age, gender, sexual orientation, marital status or physical or mental disability.

General Principles

- a) The objective of equitable reflection of identifiable groups is well recognized by broadcasters, who consider that the portrayal of such groups shall be comparable to, and reflective of, their actual social and professional achievements, contributions, interests and activities.
- b) Television and radio programming shall strive to present all identifiable groups in various social and occupational roles, at home and at work outside the home.
- c) Nothing in this Code should be interpreted as censoring the depiction of healthy sexuality; however, broadcasters shall avoid and eliminate the depiction of gratuitous harm toward individuals in a sexual context, as well as the promotion of gender-related degradation.
- d) Broadcasters and the public should also refer to the *CAB Voluntary Code Regarding Violence in Television Programming*, which contains provisions prohibiting programming that sanctions, promotes or glamorizes violence against identifiable groups; and the *RTNDA Code of (Journalistic) Ethics* and certain clauses of the *CAB Code of Ethics*, which deal with news and public affairs programming.
- e) Broadcasters shall evaluate individual programs within the context of their overall schedule, on the one hand, and broadcast services and other media available within their market, on the other, to ensure a varied approach to programming content that reflects the equitable portrayal of identifiable groups.

- f) Assessment of a station's performance in relation to program development, acquisition and scheduling should take into account the station's overall schedule and record on the issue of the portrayal of individuals or groups on the basis of race, national or ethnic origin, colour, religion, age, gender, sexual orientation, marital status or physical or mental disability.
- g) Any appreciation of portrayal in television and radio programming is assessed in the fictional or non-fictional context of a program, feature, character, dialogue, voice-over or visual interpretation. Taking into consideration the societal, educational and entertainment purposes of program creation, it is recognized that balance in portrayal within a specific or individual program is not always possible or even desirable.
- h) No code can reasonably anticipate every circumstance of negative portrayal. Consequently, the CAB expects all such circumstances to be dealt with in accordance with the spirit and intent, as well as the wording, of this Code.

Code Application and Administration

Application of this Code is the responsibility of the individual licensee. Complaints and inquiries should be addressed to and dealt with by the broadcaster involved.

Complaints not resolved between the complainant and the broadcaster will be referred to the Canadian Broadcast Standards Council, which is charged with the administration of this Code and the process which that entails.

To create awareness of this Code, the CAB will work with the Canadian Broadcast Standards Council, which will distribute copies to interested parties, post the Code on its website in the CBSC's wide range of Aboriginal and ethnocultural languages, and encourage broadcasters to broadcast relevant public service announcements.

The Code

1. Equitable Portrayal

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

2. Human Rights

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

3. Negative Portrayal

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

4. Stereotyping

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

5. Stigmatization and Victimization

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

6. Derision of Myths, Traditions or Practices

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

7. Degrading Material

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

8. Exploitation

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

9. Language and Terminology

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

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

10. Contextual Considerations

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

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

Appendix A

The following is intended to provide readers with a non-exhaustive list of research undertaken, as well as reference material and tools private broadcasters and related industry stakeholders have developed or applied, in the area of diversity that may provide additional guidance in achieving the equitable portrayal of all groups in television and radio programming:

Industry Codes

- *CAB Code of Ethics* – www.cbsc.ca
- *RTNDA Code of (Journalistic) Ethics* – www.cbsc.ca
- *CAB Code Regarding Violence in Television Programming* – www.cbsc.ca
- *Canadian Code of Advertising Standards* - www.adstandards.com
- *Advertising Standards Canada Gender Portrayal Guidelines for Advertising* – www.adstandards.com

Industry Research and Resources

- *Reflecting Canadians: Best Practices for Cultural Diversity in Private Television*, Final Report of Task Force for Cultural Diversity on Television, 2004 – www.cabacr.ca/diversityinbroadcasting
- *The Presence, Portrayal and Participation of Persons with Disabilities in Television Programming*, Final Report by Canadian Association of Broadcasters, 2005 - www.cabacr.ca/diversityinbroadcasting
- *Framework: Employment in Canadian Screen-Based Media - a National Profile*, Women n Film and Television - Toronto, 2004 - www.wift.com
- *Advancing the Inclusion of Persons with Disabilities*, Human Resources and Social Development Canada, 2004 – www.hrsdc.gc.ca
- *Media Stereotyping* - Media Awareness Network - <http://www.mediaawareness.ca/english/issues/stereotyping/index.cfm>

Industry Initiatives and Tools

- *Recommended Guidelines on Language and Terminology – Persons with Disabilities: A Manual for News Professionals*, Canadian Association of Broadcasters, 2006 -www.cab-acr.ca/diversityinbroadcasting

- *Employment Opportunities in the Canadian Broadcasting and Affiliated Production sector*, Canadian Association of Broadcasters, 2006 - www.cabacr.ca/diversityinbroadcasting
- *Diversity Online*, CHUM Limited - diversity.chumtv.com *Diversity Online* is a free online database providing all media with unprecedented, direct access to over 300 dynamic and articulate subject experts representing diverse communities from every province and territory, including aboriginal peoples, visible minorities, women, gay and lesbian people, youth and people with disabilities.
- *Everyone's Story – Reflecting Canada's Diversity: A User Guide for Electronic Journalists* – RTNDA The Association of Electronic Journalists, 2007 – www.rtdacanada.com