



February 1, 2018

Mr. Claude Doucet  
Secretary General  
Canadian Radio-television and Telecommunications Commission  
Ottawa, Ontario  
Canada, K1A 0N2

**Re: Broadcasting Notice of Consultation CRTC 2017-183, Renewal of Société de télédiffusion du Québec licence, [2017-0830-7](#)**

Dear Secretary General Doucet,

### **Introduction**

1. The English-Language Arts Network (ELAN) represents over 6,000 English-speaking artists in Quebec. The Quebec Community Groups Network (QCGN) officially represents Quebec's English-speaking community but, in the complex realm of broadcasting, QCGN calls upon ELAN to use its expertise to intervene on behalf of the English-speaking community of Quebec, which represents the 750,000 English-speakers in the Greater Montreal area, and another 250,000 in the regions outside Montreal.
2. The priority interests for the official language minority community (OLMC) are local content and community reflection. We are well served with local English-language Montreal news, but are otherwise poorly served in local or regional reflection.
3. Furthermore, we do not have an educational channel that is equivalent to TFO, although Quebec's English-speaking population is significantly larger than the Franco-Ontarian population. We do not have any significant participation in Télé-Québec (TQ) or its programming, and see no indication of plans for a Quebec minority language version of TFO.

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4. ELAN is a strong supporter of public broadcasting, and a strong supporter of Télé-Québec. Everything in this intervention should be seen in that light. We support the renewal of TQ's licence.
5. However, despite our support for TQ's current programming, we have questions about the minimal visibility for Quebec's English-language minority in TQ's programming. We are also concerned about the lack of diversity in TQ's programming, and the role of independent English-language producers in the production of its programming. Quebec society in 2018 is much more culturally diverse than it was back in 1968, when Radio-Québec was founded, and should be reflected in TQ's programming.

### Legislative and Regulatory Mandates

6. The *Broadcasting Act* provides the CRTC mandate to support English and French programming, as well as underserved linguistic communities. Here are relevant excerpts from Section 3 (emphasis added).
  - **“3 (1)** It is hereby declared as the broadcasting policy for Canada that
    - **(b)** the Canadian broadcasting system, operating primarily in the English and French languages and comprising public, private and community elements, makes use of radio frequencies that are public property and provides, through its programming, a public service essential to the maintenance and enhancement of national identity and cultural sovereignty;
    - **(d)** The Canadian broadcasting system should
      - **(iii)** through its programming and the employment opportunities arising out of its operations, serve the needs and interests, and reflect the circumstances and aspirations, of Canadian men, women and children, including equal rights, the linguistic duality and multicultural and multiracial nature of Canadian society and the special place of aboriginal peoples within that society, and
    - **(i)** the programming provided by the Canadian broadcasting system should
      - **(iii)** include educational and community programs,
    - **(t)** distribution undertakings
      - **(iv)** may, where the Commission considers it appropriate, originate programming, including local programming, on such terms as are conducive to the achievement of the objectives of the broadcasting policy set out in this subsection, and in particular provide access for underserved linguistic and cultural minority communities.”

7. In addition to the *Broadcasting Act*, the *Official Languages Act* (OLA) is an important element in Federal jurisdictional legislation. Section 41 commits the Government of Canada to take “positive measures”<sup>1</sup> to support official language minorities, both French outside Quebec and English inside Quebec.
8. Of course, Télé-Québec was established under provincial legislation, notably S-12.01 - *Act respecting the Société de télédiffusion du Québec*, as well as P-30.1 – *Act respecting educational programming*. See Appendix A below (emphasis added).
9. Educational programming is defined as “meeting the needs of the population” without identifying or limiting the population to any linguistic, ethnic, or cultural group.
10. “The population” means the entire citizenry of Quebec. The population represented on TQ, and educated by its programming, should be as diverse as Quebec’s population of taxpayers.
11. The legislation says educational programming should “promote the access of citizens to their cultural heritage.” That heritage is not defined. We believe it includes the heritage of English-speaking Quebecers.
12. Educational programming, according to the Act<sup>2</sup>, should reflect life among the “various ethnic communities” and favour inter-regional and “inter-cultural exchanges.” Ethnic community or culture is left undefined in order to be, we presume, as broadly inclusive as possible.
13. Educational programming should also grant a “favoured position to the Quebec culture.” While Quebec culture is not defined, we understand it was intended to mean French-language culture. However, a “favoured position” is not an exclusive position, and Quebec has a long history of producing internationally renowned artists whose creative language is English. Dubbing and sub-titles readily make stories from one language available in another. This is also a valuable means of facilitating “inter-cultural exchanges.”

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<sup>1</sup> OLA, S.41(1):“The Government of Canada is committed to (a) enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development...”, and S.41(2):“Every federal institution has the duty to ensure that positive measures are taken for the implementation of the commitments under subsection (1). For greater certainty, this implementation shall be carried out while respecting the jurisdiction and powers of the provinces.”

<sup>2</sup> Chapter P-30.1 – *Act respecting educational programming*. Div.II, 3(a)

14. Based on this provincial legislation, we believe there is room for far greater diversity in Quebec educational programming, a diversity that should include the English-language minority. For a precedent, we look at MATV where 20% of its Montreal budget and schedule is dedicated to the English-language minority.
15. We can see from the last TQ license renewal in 2009 that diversity as defined in the *Broadcasting Act* was a concern of the Commission at that time. TQ said it took account of social groups in its programming, “whether these groups are distinguished by their ethnic origin, language, gender or sexual orientation.”<sup>3</sup>
16. The CRTC was so concerned about the lack of diversity on TQ’s schedule, that it asked TQ for a corporate plan to solve this problem. See Appendix B below (emphasis added). We are not in a position to evaluate the results of that corporate plan.
17. On January 26, ELAN wrote to Mme Marie Collin, PDG of Télé-Québec, asking for information about how Québec’s English-speaking community is reflected in TQ’s programming, and how much of the programming is produced in collaboration with Anglo-Québécois production houses.
18. Mme Collin replied on January 29. In response to the question about how Québec’s English-speaking community is reflected in TQ’s programming, she acknowledged that TQ recognizes a responsibility to reflect the complete diversity of Québec society, and that it takes positive action to do so.
19. Mme Collin noted that variety programs such as *Belle et Bum*, regularly offer a showcase for emerging and established Anglo-Québécois artists.
20. Mme Collin also noted that TQ current affair programs ‘ont abordé des sujets qui préoccupent la communauté anglophone québécoise et(ou) reçu des invités représentatifs de cet communauté...’
21. The English-speaking community appreciates this effort to create pertinent content and programming, but we have questions about who decides what is pertinent. And what policy is in place for engaging in a meaningful dialogue with the English-speaking community? Does TQ maintain any records of the mother-tongue of its viewers and which programs they are watching?
22. In response to ELAN’s question about how much of the programming is produced in collaboration with Anglo-Québécois production houses, Mme Collin replied that when TQ works with private producers (which often produce in both French and English), the only language in question is that of the production, which is invariably French. As for acquisitions produced in English, TQ would be unable to distinguish an Anglo-Québécois

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<sup>3</sup> CRTC 2009-444, “CIVM-TV Montréal and its transmitters – Licence renewal”, #10

'Canadian' production from productions made in any Canadian province. Yet, surely, each production company has an address for its head office, which would make it a simple matter to distinguish Anglo-Québécois producers from Canadian producers based in other provinces.

### **The Loss of MATV and English-language Community Programming**

23. We mention MATV in this intervention for two reasons. First, it sets a precedent for a bilingual television channel in Montreal. In fact, it is also a precedent for a francophone channel that successfully added English programming to 20% of its schedule<sup>4</sup>. Second, we fear the loss of MATV in Montreal if Vidéotron follows the Canadian trend of transferring community TV resources (MATV) to news production (TVA).<sup>5</sup>
24. Following the CRTC's 2015-31 decision<sup>6</sup>, Videotron established English programming on its Montreal area MATV channels. Videotron has allocated 20% of its MATV schedule, and 20% of its budget, to English community programming.
25. MATV's Montreal operation has proven, once again, that a bilingual community channel can work. In our opinion, the quality of MATV's English community programming is very high, and covers a diverse cross-section of Montreal's English-speaking community, including visible and aboriginal minorities. This was a tremendous step forward and gave the Montreal OLMC English-language community programming and diverse regional reflection for the first time in more than a generation.<sup>7</sup>
26. English community TV programming on MATV was a significant success that improved the vitality of our community. In addition, Videotron thought it was a big success, as they said repeatedly at a CRTC OLMC Advisory Committee meeting. MATV helped viewers from both linguistic communities see each other's programming, each other's reality, and know more about each other. This has proved a valuable means of facilitating "inter-cultural exchanges."

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<sup>4</sup> Another 20% precedent exists. The Quebec Government cultural agency, SODEC, funds English-language production. It has a mandate that allows it to fund up to 20% non-French production.

<sup>5</sup> CRTC 2016-224, "Policy framework for local and community television", June 15, 2016

<sup>6</sup> CRTC 2015-31, "Complaint by Independent Community TV against Videotron G.P. and its community channel MATV"

<sup>7</sup> We remind the CRTC that CF Cable's community channel, which operated in the largely anglophone areas of Montreal island, was bilingual. When CF Cable was purchased by Videotron over twenty years ago, the English community programming was eliminated.

27. Vidéotron is able to track the mother tongue of viewers and the language of programming (English and French) that they view, which provides valuable information about the transformation of Montreal society away from 'Two Solitudes,' and the development of cross-cultural curiosity.

### **The Continuing Decline of OLMC Production**

28. We have another concern. In 2015-16, total English-language domestic production in Quebec hit an historic low of \$127 million. This was a loss of \$79 million from the previous year.<sup>8</sup> During the last twenty years, English-Quebec production has fallen from 22% of total English-language production in Canada, to only 7%.
29. Thus, the OLMC production industry is in serious decline, causing a wider loss of community vitality.
30. TQ could use its mandate and resources to collaborate proactively with the OLMC production industry to help fulfil its mandate for diverse reflection of Quebec society. We need all the support we can get. We need the CRTC to take "positive measures."

### **Recommendations on the Renewal of the Télé-Québec Licence**

31. Despite local Montreal news, and new MATV production, there is a dearth of OLMC local reflection on Quebec television, especially outside the Montreal area; and
32. Given that the Quebec OLMC does not have access to an educational channel such as the OLMC outside Quebec has with TFO; and
33. Given that the programming on TQ lacks diversity because there is insufficient content showing the reality of the English-Quebec communities, or Aboriginal content, or visible minority content.
34. Therefore, we respectfully request that the CRTC renew the Télé-Québec licence, and through the following conditions of licence:
  - a) Require TQ to develop and publish a policy to reflect the full diversity of Quebec society,
  - b) Require TQ to develop and publish an action plan for creation of content that fulfils its diversity policy and a promotion policy to encourage viewership from members of Quebec society who have not traditionally felt reflected,

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<sup>8</sup> Source: CAVCO data for CPTC tax credit production. 2015-16 is the most recent year for which reliable data is available.

- c) Require TQ to track the language of its viewers so that it knows which language groups are watching which programs,
- d) Create a consultative committee that includes the diversity of Quebec society, which will advise the board of directors on issues concerning the broadcasters diversity of programming throughout the license period.
- e) Place ads in English-language media when pertinent programming for the English-speaking minority is scheduled and when new programs are being developed,
- f) Create an on-line playlist of Anglo-Québécois reflective content (following the NFB's example),
- g) Require TQ to increase the production and programming of content reflecting the Quebec minorities, especially English-language, indigenous, and visible minority communities to at least 20% of the schedule, and at least 20% of the production budget; and
- h) Require TQ to establish English-language programming for 10% of its schedule, and 10% of its production budget, to reflect the English-language community in Quebec.

35. Thank you.

Yours truly,

A handwritten signature in black ink, appearing to read "Guy Rodgers", with a long horizontal flourish extending to the right.

Guy Rodgers,  
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## Appendix A

### S-12.01 - Act respecting the Société de télédiffusion du Québec

#### CHAPTER II

#### OBJECTS AND POWERS



**16.** The object of the Société is to operate an educational and cultural television broadcasting undertaking so as to ensure, by any means of broadcasting, that its products are accessible to the public. The Société may, in addition, operate a production and distribution service for audiovisual, multimedia and broadcasting material, including subordinate and accompanying material. The main purpose of such activities is to develop a desire for learning, to foster the acquisition of knowledge, to promote arts and culture and to reflect the regional realities and the diversity of Québec society.

1996, c. 20, s. 16.



**17.** The Société must submit all of its programming to the Comité de reconnaissance du caractère éducatif de la programmation, in accordance with the Act respecting educational programming ([chapter P-30.1](#)).

1996, c. 20, s. 17.

chapter P-30.1

#### ACT RESPECTING EDUCATIONAL PROGRAMMING

#### DIVISION I

#### INTERPRETATION



**1.** In this Act, unless the context indicates otherwise,

(a) “cablecasting firm” means a person who operates a cable or wire network or system that distributes one or more audio or audio and video programmings intended to entertain, inform or instruct the audience linked with it;

(b) “broadcasting firm” means a person who operates an audio or an audio and video broadcasting station the programs of which are intended to be received directly by the general public, and any network of such stations;

(c) “programming” means the ordered arrangement of programs composing the program schedule of a broadcasting station or of a cablecasting channel;

(d) *(paragraph repealed)*.

1979, c. 52, s. 1; 1988, c. 8, s. 91; 1996, c. 20, s. 29.



**2.** For the purposes of this Act, the expression “educational programming” designates any programming or any part thereof



(a) designed for presentation both in a context suitable for enabling the audiences for whom it is intended to pursue their education by acquiring knowledge, improving their knowledge or extending their scope of perception, and in conditions that make it possible to supervise or evaluate such acquisition or improvement of knowledge or such extension of the scope of perception; or

(b) intended to supply information on the courses of study dispensed, or to present special events of educational value, within the educational system.

1979, c. 52, s. 2.

## **DIVISION II**

### **EDUCATIONAL PROGRAMMING**



**3.** Educational programming shall

(a) favour the exercise of the right of citizens to education, particularly by presenting programs that meet specific needs of the population, lead towards diplomas or meet the needs of continuing education;

(b) promote the access of citizens to their cultural heritage, particularly by reflecting life in the various regions and among the various ethnic communities, favouring inter-regional and inter-cultural exchanges, encouraging the creation and broadcasting of Québec audio, video or audio-visual productions, or generally granting a favoured position to the Québec culture;

(c) promote the access of citizens to economic and social well-being by presenting programs that meet their needs of economic and social education; or

(d) favour the exercise of the right of citizens to freedom of expression and to information, particularly by encouraging discussion of matters of common interest and presenting them from every viewpoint, and encouraging greater openness to the world, or maintaining a fair balance between matters dealt with, interests concerned and opinions expressed.

1979, c. 52, s. 3.

## **DIVISION III**

### **COMITÉ DE RECONNAISSANCE DU CARACTÈRE ÉDUCATIF DE LA PROGRAMMATION**

1996, c. 20, s. 30.



**3.1.** A committee called the Comité de reconnaissance du caractère éducatif de la programmation is hereby established, to be composed of

(1) the chairman of the Conseil des arts et des lettres du Québec;

(2) a person designated by the Minister of Higher Education, Research, Science and Technology;

(3) a person designated by the Minister of Immigration and Cultural Communities;

(4) the chairman of a body designated by the Minister and composed of senior executives from university-level educational institutions.

The members shall appoint a president from among their number.

1996, c. 20, s. 31; 1996, c. 21, s. 61; 2011, c. 16, s. 110, s. 123; 2013, c. 28, s. 178.

## Appendix B

### CRTC 2009-444

Télé-Québec stated that it takes in account social groups in its programming, whether these 10. groups are distinguished by their ethnic origin, language, gender or sexual orientation.

Télé-Québec's involvement in various Aboriginal cultural events, such as leasing equipment 11. and participating in Aboriginal productions, is a way of supporting and encouraging cultural diversity in its programming.

In its application, Télé-Québec stated that its programming policy contains provisions 20. intended to ensure that the on-screen portrayal of minority groups is accurate, fair and free of stereotypes.

Section 3(1)(d)(iii) of the *Broadcasting Act* states that the Canadian broadcasting system should, "through its programming and the employment opportunities arising out of its 21. operations, serve the needs and interests, and reflect the circumstances and aspirations, of Canadian men, women and children, including equal rights, the linguistic duality and multicultural and multiracial nature of Canadian society and the special place of Aboriginal peoples within that society."

The Commission expects the licensee to develop and implement a comprehensive corporate 22. plan that sets out how it intends to continue to improve its representation of Canada's cultural diversity and to file its plan with the Commission within three months of the date of this decision.

With respect to **corporate accountability**, the plan should address how Télé-Québec will 23. create an environment that supports the cultural diversity objectives outlined above. The measures should be the following:

- creating a corporate culture that recognizes and supports Canada's and Quebec's cultural diversity;
- assigning accountability to a senior executive for corporate practices related to cultural diversity and ensuring that management becomes more reflective of Canada's and Quebec's multicultural reality;
- ensuring that managers receive proper training; and
- setting out plans for the hiring, retention and ongoing training of visible minorities and Aboriginal peoples.

With respect to the **reflection of cultural diversity in programming**, the plan should focus 24. on how Télé-Québec will ensure the presence and the fair, accurate and non-stereotypical portrayal of cultural minorities and Aboriginal peoples in the programming it produces or acquires. Specifically, the plan should include provisions for making certain that:

- on-air personalities reflect Canada's and Quebec's diversity;

- those responsible for casting, in particular for casting leading and recurring roles, make a concerted effort to hire visible minority and Aboriginal actors;
- those responsible for script development ensure that minorities and Aboriginal peoples are not portrayed stereotypically; and
- programming obtained from independent producers reflects the presence of visible minorities and Aboriginal peoples in Canadian society and provides for their accurate portrayal.

As for **feedback**, the corporate plan should describe the specific mechanisms Télé-Québec<sup>25</sup> will implement to ensure that it receives effective input from the community groups concerning its progress in reflecting cultural diversity in programming.

<sup>26</sup>The Commission is of the view that the above-noted measures will ensure that the on-screen portrayal of groups is accurate, fair and free of stereotypes.

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