



## Broadcasting Decision CRTC 2009-444

Route reference: 2009-196

Ottawa, 24 July 2009

### **Société de télédiffusion du Québec**

Montréal, Gatineau, Chapeau, Sherbrooke, Trois-Rivières, Québec, Saguenay, Val d'Or, Rouyn, Sept-Îles, Rimouski, Carleton, Anse-aux-Gascons, Percé, Gaspé, Grand Fonds and Baie-Trinité, Quebec

*Application 2009-0383-2, received 19 February 2009*

### **CIVM-TV Montréal and its transmitters – Licence renewal**

*The Commission **renews** the broadcasting licence for the television programming undertaking CIVM-TV Montréal and its transmitters from 1 September 2009 to 31 August 2016. The terms and **conditions of licence** are set out in the appendix to this decision. As requested by the licensee, the network licence is not renewed.*

### **The application**

1. The Commission received an application by Société de télédiffusion du Québec (Télé-Québec) to renew the broadcasting licence for the television programming undertaking CIVM-TV Montréal and its transmitters CIVM-DT Montréal, CIVO-TV Gatineau, CIVP-TV Chapeau, CIVS-TV Sherbrooke, CIVC-TV Trois-Rivières, CIVQ-TV Québec, CIVV-TV Saguenay, CIVA-TV Val d'Or, CIVA-TV-1 Rouyn, CIVG-TV Sept-Îles, CIVB-TV Rimouski, CIVK-TV Carleton, CIVK-TV-1 Anse-aux-Gascons, CIVK-TV-2 Percé, CIVK-TV-3 Gaspé, CIVB-TV-1 Grand-Fonds and CIVF-TV Baie-Trinité. The licence expires 31 August 2009. The licensee requested that its network licence not be renewed because it will not be offering regional programming breakaways during its new licence term.
2. Télé-Québec is a not-for-profit educational and cultural education television service whose mission is to develop a thirst for knowledge, foster learning, promote arts and culture and reflect the regional life and the diversity of Quebec society.
3. Télé-Québec recognizes the need for children and youth to see themselves reflected in television programming. Accordingly, programming for children and adolescents figures prominently in Télé-Québec's schedule. The licensee pointed out that programs targeted to young people accounted for just under half of its programming schedule in the 2007-2008 broadcast year.

4. The Commission received several interventions in support of this application, as well as one comment by the Centre for Research-Action on Race Relations (CRARR). The interventions are available for consultation on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) under "Public Proceedings."

#### **Programming commitments**

5. As an educational and cultural programming undertaking, Télé-Québec's three main programming objectives focus on:
  - renewed programming for young people adapted to each age group and increasingly interactive via the Internet;
  - a dynamic approach to culture that specifically fosters audience development and promotion of new talent; and
  - educational programming for an audience interested in learning about breakthroughs in science, day-to-day life skills and their options as members of society.

#### **Priority programming**

6. Télé-Québec indicated that it expected to broadcast on average 8 hours of priority programming per week between 6 p.m. and midnight. Télé-Québec stated that this commitment was conditional upon the funding that it receives in support of its programming from the Canadian Television Fund being maintained throughout the new licence term.

#### **Children's programming**

7. Over its last licence term, Télé-Québec broadcast, depending on the year, 35 to 65 hours of children's programming on average in each broadcast week, which far exceeds its commitment of 21 hours per broadcast week. Télé-Québec committed to broadcast at least 21 hours in each broadcast week of Canadian programming targeted to children between the ages of 2 and 11 during the new licence term.

#### **Independent productions**

8. Télé-Québec stated that more than 95% of its current programs were independent productions. It indicated that it planned to continue using independent producers in the same proportions during the new licence term.

#### **Regionally produced Canadian programming**

9. According to Télé-Québec, the importance of local audiences is conveyed through its willingness to reflect regional life in many programs by inserting regional stories in its programming and producing feature programs in the regions. Télé-Québec stated that it had adopted the practice of using both in-house and independent productions. The

regional productions are developed by employing the resources of Télé-Québec's regional offices as well as those of regional producers.

#### **Reflection of cultural diversity in programming**

10. Télé-Québec stated that it takes in account social groups in its programming, whether these groups are distinguished by their ethnic origin, language, gender or sexual orientation.
11. Télé-Québec's involvement in various Aboriginal cultural events, such as leasing equipment and participating in Aboriginal productions, is a way of supporting and encouraging cultural diversity in its programming.

#### **Conversion to digital**

12. Télé-Québec indicated that it will comply with the Commission's policies and timetable for the conversion to digital as announced in Broadcasting Public Notice 2007-53.

#### **Closed captioning and services for persons with visual impairments**

13. Télé-Québec committed to comply with the policy on closed captioning for persons who are deaf or hard of hearing set out in Broadcasting Public Notice 2007-54 and to caption 100% of its programs over the broadcast day, with the exception of advertising and promos, in each year of the next licence term.
14. Without making any commitment regarding described video services, Télé-Québec stated that it would be able to offer one hour of described video in each broadcast week starting in the second year of its new licence term.

#### **Commission's analysis and determinations**

15. The Commission notes that Télé-Québec has complied with its conditions of licence and regulatory obligations and maintained the educational character of its programming during the previous licence term.
16. The Commission notes Télé-Québec's conditional commitment to broadcast an average of 8 hours of priority programming in each broadcast week between 6 p.m. and midnight.
17. The Commission notes Télé-Québec's commitment to broadcast at least 21 hours in each broadcast week of Canadian programming targeted to children between the ages of 2 and 11, as well as its intention to continue using independent producers for most of its programming during the new licence term. The Commission also notes the importance Télé-Québec places on regional reflection in its programming.
18. The Commission notes Télé-Québec's commitment to comply with the Commission's policy on closed captioning for the persons with hearing impairments. A **condition of licence** to that effect is set out in the appendix to this decision.

19. The Commission notes the CRARR's concerns regarding Télé-Québec's performance in representing the racial and ethnocultural diversity of society.
20. In its application, Télé-Québec stated that its programming policy contains provisions intended to ensure that the on-screen portrayal of minority groups is accurate, fair and free of stereotypes.
21. 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 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."
22. The Commission expects the licensee to develop and implement a comprehensive corporate 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.
23. With respect to corporate accountability, the plan should address how Télé-Québec will 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.
24. With respect to the reflection of cultural diversity in programming, the plan should focus 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.
25. As for feedback, the corporate plan should describe the specific mechanisms Télé-Québec will implement to ensure that it receives effective input from the community groups concerning its progress in reflecting cultural diversity in programming.
26. 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.
27. The Commission reminds Télé-Québec that the expectations set out above with respect to cultural diversity are over and above its longstanding and more general expectations concerning employment equity in on-air presence. Specifically, the Commission expects the licensee to continue to ensure that the on-air presence of members of the four designated groups (women, Aboriginal persons, persons with disabilities and members of visible minorities) is reflective of Canadian society and that the members of these groups are presented fairly and accurately.
28. The Commission further notes that during the licence term covered by this renewal, Télé-Québec will be required to stop transmitting television signals in analog mode. Specifically, as set out in Broadcasting Public Notice 2007-53, licensees will be authorized to broadcast only digital over-the-air signals after 31 August 2011.
29. The conditions of licence set out in the appendix to this decision will remain in effect despite the conversion from analog to digital. In the event that the conversion results in amendments to the conditions of licence, these amendments will be carried out accordingly. The Commission reminds Télé-Québec that it must comply with the technical requirements of the Department of Industry throughout the entire licence term.

## **Conclusion**

30. In light of the foregoing, the Commission **renews** the broadcasting licence for the television programming undertaking CIVM-TV Montréal and its transmitters from 1 September 2009 to 31 August 2016. The licence will be subject to the terms and **conditions** set out in the appendix to this decision.

Secretary General

**Related documents**

- *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007
- *Determinations regarding certain aspects of the regulatory framework for over-the-air television*, Broadcasting Public Notice CRTC 2007-53, 17 May 2007

*This decision is to be appended to the licence. This document is available in alternative format on request and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>.*

## Appendix to Broadcasting Decision CRTC 2009-444

**Terms, conditions of licence, commitments and expectations for the television programming undertaking CIVM-TV Montréal and its transmitters CIVM-DT Montréal, CIVO-TV Gatineau, CIVP-TV Chapeau, CIVS-TV Sherbrooke, CIVC-TV Trois-Rivières, CIVQ-TV Québec, CIVV-TV Saguenay, CIVA-TV Val d'Or, CIVA-TV-1 Rouyn, CIVG-TV Sept-Îles, CIVB-TV Rimouski, CIVK-TV Carleton, CIVK-TV-1 Anse-aux-Gascons, CIVK-TV-2 Percé, CIVK-TV-3 Gaspé, CIVB-TV-1 Grand-Fonds and CIVF-TV Baie-Trinité**

### Terms

The licence will be in effect from 1 September 2009 to 31 August 2016.

### Conditions of licence

1. The licensee shall devote in each broadcast year:
  - not less than 60% of its programming to the broadcast of Canadian programming over the broadcast day; and
  - not less than 52% of its programming to the broadcast of Canadian programming over the evening broadcast period.
2. The licensee shall caption 100% of its programming (as defined in the *Television Broadcasting Regulations, 1987*) over the broadcast day, with the exception of advertising and promos. This requirement is subject to exceptions that take into account instances, but not patterns, of equipment/technical malfunctions and human errors that are beyond the licensee's control or circumstances beyond the licensee's control where captioning may not be available.
3. The licensee shall adhere to the Canadian Association of Broadcasters' *CAB Violence Code*, as amended from time to time and approved by the Commission.
4. The licensee shall adhere to the Canadian Association of Broadcasters' *Equitable Portrayal 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 member in good standing of the Canadian Broadcast Standards Council.
5. The licensee shall adhere to the Canadian Association of Broadcasters' *Broadcast code for advertising to children*, as amended from time to time and approved by the Commission.

## **Commitments**

The licensee commits to broadcast an average of 21 hours a week of Canadian programming targeted to children between the ages of 2 and 11.

## **Expectations**

The Commission expects the licensee to abide by its advertising code, as amended in March 2008.

The Commission expects the licensee to devote on average 8 hours of each broadcast week to the broadcast of priority programming.