

## APPENDIX 6

# BOARD OF DIRECTORS' RESPONSE TO THE RECOMMENDATIONS PRESENTED IN THE OMBUDSMENS' REPORT

BOARD OF DIRECTORS of the CANADIAN BROADCASTING CORPORATION  
**STANDING COMMITTEES ON ENGLISH AND FRENCH LANGUAGE BROADCASTING**

**Minutes of the Meeting held on**

June 18, 2014

Ottawa, Ontario

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 = by videoconference







**Members of the Committee present:**

Rémi Racine, Chairperson of the Committees  
Hubert T. Lacroix  
Edward Boyd  
Peter Charbonneau  
George Cooper  
Pierre Gingras  
Marni Larkin  
Terrence Leier  
Maureen McCaw  
Brian Mitchell  
Marlie Oden

**Members of the Committee absent:**

Cecil Hawkins

**In attendance:**

Maryse Bertrand, Vice-President, Real Estate, Legal Services and General Counsel  
Heather Conway, Executive Vice-President, English Services ()  
Louis Lalande, Executive Vice-President, French Services ()  
Michel Cormier, Executive Director, News and Current Affairs, French Services ()  
Stéphanie Duquette, Chief of Staff to the President and CEO  
Esther Enkin, Ombudsman, English Services ()  
Tranquillo Marrocco, Associate Corporate Secretary  
Jennifer McGuire, General Manager and Editor in Chief, CBC News and Centres, English Services ()  
Pierre Tourangeau, Ombudsman, French Services ()

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**Opening of the Meeting**

At 1:10 p.m., the Chairperson called the meeting to order.

## 1. 2013-2014 Annual Report of the English Services' Ombudsman

Esther Enkin provided an overview of the number of complaints received during the fiscal year and the key subject matters raised, which included the controversy about paid speaking engagements by CBC personalities, the reporting on results polls, the style of, and views expressed by, a commentator, questions relating to matters of taste, the coverage regarding the mayor of Toronto, and the website's section for comments. She also addressed the manner in which non-news and current affairs complaints are being handled by the Corporation.

Jennifer McGuire provided an overview of Management's response to the Ombudsman's Report and the measures taken to address them, which included the training provided to the staff of CBC North, the online publication of a list of CBC personalities' external engagements, the development of strategies to address online commenting, and a review of how responses to complaints are processed.

Committee members inquired about the feasibility of creating a uniform complaint response process across English Services and French Services.

## 2. 2013-2014 Annual Report of the French Services' Ombudsman

Pierre Tourangeau provided an overview of the number of complaints received during the fiscal year and the key subject matters raised, which included the Quebec Charter of Values and the Quebec election. He also noted the recurrence of mistakes previously covered in a complaint or in an Ombudsman review. He then concluded by commenting on the clarity that the March 2012 changes to the Ombudsmen's mandate have brought on the Ombudsman's role.

Michel Cormier provided an overview of Management's response to the Ombudsman's Report and the measures taken to address them, which included a correction and an apology aired regarding a report on the Israeli-Palestinian issue, the polls commissioned and the variety of opinions aired regarding the Quebec Charter of Values, the expansion of the roles of the editors-in-chief to include oversight over their desk's web postings, the use of independent panels to assess Radio-Canada's electoral coverage, the development of training videos on the *Journalistic Standards and Practices*, and the creation of a new position of Director of Complaints.

Committee members inquired about the online publication of responses to complaints, the coverage of elections by investigative journalists, and the impact of current affairs programs that also provide news information.

## 3. Boards' Response to the Reports of the Ombudsmen

On a motion duly moved and seconded, **IT WAS RESOLVED**, – That the Reports of the Ombudsmen, the Management's Responses thereto, and a summary of the Committee's proceedings thereon, be included in the Board's report to the CRTC.

## Adjournment

At 2:00 p.m., the meeting was adjourned.

# OMBUDSMAN



**OFFICE OF THE  
OMBUDSMAN**  
FRENCH SERVICES

**ANNUAL REPORT  
2013-2014**

**Bureau de l'ombudsman des Services français**

Le 23 mai 2014

Monsieur Rémi Racine  
Président du Conseil d'administration

Monsieur Hubert T. Lacroix  
Président-directeur général

Membres du Conseil d'administration

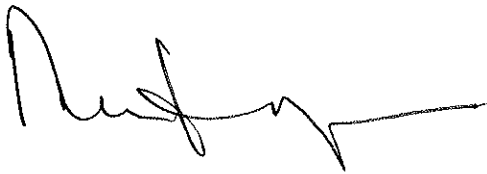
**Objet** : Rapport annuel du Bureau de l'ombudsman pour l'année 2013-2014

Messieurs,  
Membres du Conseil,

Voici mon rapport annuel à titre d'ombudsman pour l'année 2013-2014.

Je vous souhaite une bonne lecture.

L'ombudsman des Services français



Pierre Tourangeau

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The French version of this annual report may be found on the Web at:  
<http://www.ombudsman.cbc.radio-canada.ca/fr/ressources/rapports-annuels/>

# HIGHLIGHTS

No two years are ever alike for the Office of the CBC/Radio-Canada French Services Ombudsman. In this regard, its activities are clearly driven by the news, much like the media themselves.

Over the past year, Quebec wasn't embroiled in a never-ending social crisis, characterized by daily, sometimes violent protests; no Radio-Canada journalists made the jump into politics; and with peace talks under way, it was fairly smooth sailing on the Israeli-Palestinian front, a conflict that usually generates a sizable number of complaints and reviews.

That said, the news never sleeps and something always comes along to remind the Ombudsman that life is anything but dull. Quebec was the focus of another big story this year with the so-called "Charter of Values" or "Secular Charter," for which the Office of the Ombudsman received 107 complaints leading to eight reviews. In three cases, I sided with the complainants.

The Parti Québécois' minority government also called a general election, but this happened a little over three weeks before the end of the 2013–2014 fiscal year, with voting day coming at the start of the following one, on April 7. As a result, the bulk of the election campaign occurred during the year covered in this report. From March 5 to 31, I received 266 complaints about election coverage, for which I conducted three reviews without finding any violations of the *Journalistic Standards and Practices* (JSPs<sup>1</sup>).

As the Office of the Ombudsman has been doing since 1998, at the request of the Corporation's Board of Directors, I created three five-member advisory panels tasked with observing and analyzing election coverage provided by Radio-Canada's TV, radio and web platforms. For each of these panels, I appointed a chair responsible for coordinating the work of the other members. On the day after the election, the three chairs delivered a report to me with their panel's findings and observations. At the time of writing, the three reports had been submitted to the Board of Directors. I'll discuss them publicly in next year's annual report.

As is often the case in Quebec, the election prompted voters to line up along traditional federalist/sovereignist lines. Similar to the debate surrounding the Charter of Values, the election campaign stirred up passions and my office received its usual share of complaints claiming that Radio-Canada reporters were biased in favour of one or the

<sup>1</sup> <http://www.cbc.radio-canada.ca/en/reporting-to-canadians/acts-and-policies/programming/journalism/>

other camp. More often than not, these complaints were based solely on angry assertions or ad hominem arguments, and rarely on facts, actions or specific remarks.

It should be noted that social media, which allow citizens to participate more and more extensively – and directly – in the public debate, are having a definite impact on the number and nature of the complaints sent to my office during election periods or in times of social tension. This is also true for complaints in general.

This phenomenon is one that I intend to cover in greater depth during the coming year.

But you can already get a sense of its importance by comparing the statistics from 2000–2001 with those from today: 14 years ago, the Office of the Ombudsman handled a total of 241 complaints, 176 of which involved news, leading to 17 reviews.

In 2013–2014, the Office received a total of 1,266 complaints<sup>2</sup>, 912 of which involved news content. It's a notable drop from last year, but once again, 2012–2013 was an unusually busy year.

I asked the various departments and program managers concerned to respond to 500 of the complaints that I received. In 36 cases, the complainants were not satisfied with the reply and asked me to review the case. I therefore conducted 36 reviews, which I completed in an average of seven days, more or less maintaining the same short turnaround time that I strove for last year.

In six of these reviews, I concluded that the complaint was entirely justified, while in the other four, I determined that it was only partially so. For the 26 others, I found that none of CBC/Radio-Canada's JSPs had been violated.

In last year's annual report, I argued at length about the need to be more transparent in acknowledging mistakes and airing corrections, as well as more open about discussing our journalistic practices with audiences. In my opinion, it's not only healthy that a public broadcaster's own rules should promote greater openness, but it's also a duty when one's primary mission is to serve the public interest (while retaining, under freedom of the press, the exclusive privilege of defining what that interest is).

I pointed out a number of obvious shortcomings in this regard and formulated specific recommendations. I can't say that they were received with great enthusiasm by the News and Current Affairs department, which followed them somewhat or not at all.

As with all professions, the job of Ombudsman has its fair share of frustrations. That should be expected and it would be out of place for me to complain about it. But I can't stay silent about the fact that the errors or shortcomings identified in my reviews continue to be repeated, without any apparent way to prevent them. And this is despite the

<sup>2</sup> Table on communications received by the Office of the Ombudsman, p. 6.



goodwill and various actions taken by News management to follow up on the recommendations contained in my decisions. In my opinion, this inability points to serious problems in editorial oversight.

Lastly, the adoption in March 2012 of the new mandate for CBC/Radio-Canada Ombudsmen effectively cleared up the confusion that had reigned for several years within French Services as to the scope of the JSPs and the Ombudsman's jurisdiction.

I'm pleased to report that all programs that had previously considered themselves exempt from the JSPs, and therefore outside the Ombudsman's purview, have now willingly and unreservedly agreed to be governed by them.

Pierre Tourangeau  
French Services Ombudsman  
May 23, 2014

COMMUNICATIONS RECEIVED BY THE OFFICE OF THE OMBUDSMAN

	NEWS/INFORMATION PROGRAMMING	GENERAL PROGRAMMING	TOTAL
<b>2013–14</b>	<b>912</b>	<b>354</b>	<b>1,266</b>
2012–13	1,130 (+ 235: Jean-Martin Aussant's exclusion from leaders' debate <sup>3</sup> )	253	1,383
2011–12	741 (+ 501: Elizabeth May's exclusion from leaders' debate <sup>4</sup> )	420 (+ 318: Question about Palestine on <i>Connivence</i> )	1,161
2010–11	760 (+ 1,130: Elizabeth May's exclusion from leaders' debate <sup>5</sup> )	517	1,277
2009–10	609 (+ 43: <i>Six dans la cité</i> )	456 <sup>6</sup>	1,065
2008–09	768 (+ 54: investigative reports on Total Biology and Falun Gong + 155: <i>Paix et propaganda</i> + 22: map of Kurdistan)	681	1,449
2007–08	567 (+ 37: expression "catholiques intégristes" [fundamentalist Catholics])	473	1,020
2006-2007	548 (+ 1,234: leaders' debate)	422	970

<sup>3</sup> In parentheses, recurrent complaints on the same subject, requiring a single response. The 236 complaints received on Jean-Martin Aussant's exclusion from the leaders' debate have been counted as a single complaint.

<sup>4</sup> In 2011–12, the 502 complaints regarding E. May's exclusion from the leaders' debate have been counted as a single complaint.

<sup>5</sup> In 2010–11, regarding E. May's exclusion from the leaders' debate, 502 complaints were received after March 31 (2011–12), but are not included in this figure.

<sup>6</sup> The 150 complaints about the closing of the Windsor station are included in this figure.

# WHEN THE MESSAGE DOESN'T ALWAYS GET THROUGH

During the 2011–2012 and 2012–2013 fiscal years, the Office of the Ombudsman produced twenty-odd reviews about Israel in general and the Israeli-Palestinian conflict in particular.

This year, the number of complaints on this topic leading to reviews dropped dramatically: only four complainants weren't satisfied with the replies they received from News and Current Affairs and requested that I review their case.

This substantial drop is essentially due to two factors. First, relations between Israelis and Palestinians have improved somewhat since the resumption of peace talks between the two sides, whereas the previous year had been marked by a full-blown war between Israel and Hamas, and the year before that, by a number of violent incidents.

Radio-Canada also changed its coverage of the region, shifting away from the Israeli-Palestinian dispute to focus more on the upheavals in the Arab world, particularly the civil war in Syria. To this end, the Corporation decided to base its Middle East correspondent in Beirut, Lebanon, rather than Tel Aviv, as in the past.

Unfortunately, I find that whenever Israel makes it into the news, the resulting coverage still generates its fair share of complaints. What concerns me most is that a number of these complaints deal with aspects or errors that I've already pointed out, sometimes on multiple occasions and in no uncertain terms.

After this many justified complaints in three years, many regarding the value of accuracy in CBC/Radio-Canada JSPs; after making recommendations at the end of my reviews and in my annual reports to the Corporation's Board of Directors; after the actions taken by newsroom management to reflect these recommendations, I'm at a loss to explain why erroneous reports keep getting produced about Israel and the perpetual conflict with the Palestinians.

We all know that even the best journalist will make mistakes from time to time. And let's be clear: I don't doubt that these errors were made in good faith. But the fact remains that flagrant errors keep occurring – errors that have been clearly documented and that, most important, have been broadcast or posted online after getting past the people tasked with vetting and approving news content. Indeed, I find it hard to believe that news reports on a story that generates this many Ombudsman reviews and warnings wouldn't set off alarm bells among editorial managers before getting on air or the web.

## **A systemic problem?**

Coverage of Israel wasn't the only area where I found mistakes previously covered in a complaint or Ombudsman review being repeated.

For example, in January 2013, in a review called *Domestic Violence: Behind the Official Data*, I informed News and Current Affairs management of the pitfalls of using certain statistics on domestic violence without understanding or explaining what they actually mean.

Since then, however, I keep seeing the same shortcuts used on air, referring to the same or similar statistics. And I keep hearing from audience members complaining about them.

In another example, last year, multiple people criticized hosts and reporters for making inappropriate use of the concept of wind-chill factor in weather forecasts.

These people were right in pointing out that the wind doesn't contribute to lowering the temperature, and that at 25 below, it's no colder when the wind is blowing at 100 km/h than when there's no wind at all. In short, that the concept of wind-chill factor was created to indicate the perceived decrease in air temperature felt by the body on exposed skin and that it's wrong to say, for instance, that it's "25 below, but 40 below with the wind chill factor." As one audience member noted, it's rare for people to go out in skimpy clothing during the winter.

After consulting its meteorologists and at my request, News and Current Affairs management responded to the complainants, acknowledging that they were right and informing them that a detailed explanation of the concept of wind chill would be sent out to all journalists likely to discuss the weather – which was done.

Then winter gave way to spring and summer, and then to another fall, which ended with yet another incorrect use of the concept of wind chill. This led to fresh recriminations being received from the same complainants, the same explanations being sent to the same hosts and reporters, and so on.

It seems that each winter brings the same mistake as surely as the ice and snow, regardless of the number of memos and reminders. While it may well be more "exciting" to announce temperatures of 40 below rather than 25 below, there's no need to engage in sensationalism to convince Canadians that their winters are harsh and interminable.

In October 2013, I was asked by a viewer to conduct a review of a documentary aired by RDI on *Les grands reportages*. My review was called "Shock" Docs: Scenes of Violence Presented without Viewer Advisory<sup>7</sup>. I concluded that, as the viewer had argued, audiences should have been warned about the violence and disturbing nature of certain

<sup>7</sup> <http://www.ombudsman.cbc.radio-canada.ca/fr/revision-des-plaintes/2013/documentaire-coup-de-poing-des-scenes-violentes-presentees-sans-mise-en-garde-les-grands-reportages/>

scenes, given such factors as the time of broadcast. Some of my predecessors had also ruled on similar complaints.

I've since received other complaints of the same nature and witnessed first-hand that some reports or documentaries aired in prime time complied neither with CBC/Radio-Canada JSPs in this regard, nor with Canadian Radio-television and Telecommunications Commission (CRTC) rules also referenced in the JSPs.

Each time that I followed up with the managers of the programs in which the content aired, I noted that they had little or no knowledge of these rules and standards. However, the JSPs clearly state that programming managers must be familiar with and adhere to these guidelines. Evidently, they also hadn't got around to reading my recent review on the topic.

### **No easy solution**

I wouldn't go so far as to say that my suggestions are falling on deaf ears. I regularly have the opportunity to discuss the opinions and assessments contained in my reviews with the people concerned, who, it should be noted, always receive them openly and sincerely.

But as witnessed in the handful of examples that I gave above, there's still a real problem in getting people to act on the Ombudsman's reviews, findings and recommendations. Either the messages from management aren't getting to the troops; either there are shortcomings in how journalists are supervised or in the pre-broadcast vetting process; either follow-ups are only being done occasionally; or existing mechanisms aren't sufficient to ensure ongoing supervision and monitoring of editorial content.

These are only hypotheses, and the true reasons for these shortcomings could be entirely different. At any rate, it's not my job to identify them or find solutions, just as it's not up to me to dictate how news and program content managers should conduct themselves. I am only too familiar with the conditions they work under, as well as the size of Radio-Canada's multiplatform machine, to know that the most simple-looking problems can often require highly complex solutions.

That said, finding and applying lasting solutions is not an impossible task. I point to how management controlled the presentation, promotion and discussion surrounding two investigative reports that aired during the 2014 Quebec election campaign: the first about an offshore bank account held by Quebec Liberal leader Philippe Couillard; the second about the alleged involvement of Pauline Marois' husband in Parti Québécois fundraising activities.

During the previous election, in 2012, the broadcast of two reports by the same team had sparked controversy and resulted in multiple complaints landing on my desk.

I had determined that the reports themselves didn't violate CBC/Radio-Canada's JSPs, but that the headlines, supers, intros and teasers used to promote and advertise the reports on RDI lent themselves to varying interpretations. I added that other aspects of the coverage had caused viewers to perceive the reports in a way that the news department hadn't intended. I then urged the department to think about how best to control perceptions of its investigative reports during election campaigns.

Clearly, in this particular case, the actions taken to prevent a repeat of these types of errors were effective. I therefore encourage News and Current Affairs, as well as other departments that produce news-related content, to take whatever steps they deem necessary to avoid the recurrence of JSPs violations already clearly pointed out in the Ombudsman's reviews and recommendations.

# JSPs: TOWARD MORE REASONED APPLICATION

In March 2012, CBC/Radio-Canada's Board of Directors reviewed the mandate of the Corporation's English and French Services Ombudsmen.

As I explained in my 2011–12 annual report, the revised mandate is in step with the new JSPs that have been in effect since 2010. Prior to the new mandate, disparities in the wording of the two documents were cause for confusion, and sometimes led to differing interpretations by the Ombudsman and Corporation departments as to the scope of the JSPs and the Ombudsman's right of oversight.

On occasion, the broadcast employees and those in charge of certain programs would consider that their show was not subject to the JSPs because they reported to a department other than Radio-Canada's news division, such as the General Radio, General TV, or Web units.

It must be understood that the structure at English Services is not the same as that of French Services at CBC/Radio-Canada, and that certain types of programs or content that fall under CBC News jurisdiction lie in the purview of, say, General Radio or the Regions department at Radio-Canada.

Within French Services, although certain programs may be similar in nature, one could be managed by News, another by General Radio, and a third by Regions under the supervision of a manager who may well oversee both news and general-interest content.

Responsibility for programming and content is not as fragmented at CBC, and the scope of the JSPs has consequently proven less problematic there. But given the context at Radio-Canada, it is easy to see how inaccurate, mismatched or even contradictory wording between the JSPs and the Ombudsman's mandate has bred confusion with respect to the scope of the former and the jurisdiction of the latter.

To avoid any misunderstanding, the amended JSPs and Ombudsman's mandate, adopted in 2010 and 2012 respectively, no longer apply to the news programs themselves, but to the news content and those who produce it, regardless of the program or the platform broadcasting it.

## **An end to ambiguity**

Two years after the new Ombudsman mandate came into effect, time and the required explanations have run their course, and I am now pleased to see that what once caused so much friction doesn't seem to pose any problems today.

I should mention that experience has shown that just because news content produced by the Radio, General Television or Web unit is now clearly subject to the JSPs, that doesn't mean viewers, listeners and readers lodge more complaints about it than before. Likewise, the fact that the Ombudsman accepts criticism of that content doesn't mean the complainant will automatically request a review, and neither will the Ombudsman necessarily end up ruling in his or her favour should a review be requested.

We mustn't forget a fundamental aspect of the Ombudsman's work – before taking on the role of judge and determining whether an audience complaint is well founded or not, the Ombudsman acts first and foremost as an intermediary between the complainant and those responsible for the subject of the complaint, and also as a mediator. That's why in most cases, the dispute is settled by a conversation between the two parties and the complainant doesn't go so far as to request a review by the Ombudsman.

In that regard, I must stress that the teams working on programs newly subject to the Ombudsman's oversight have shown a great deal of goodwill and been fully transparent each time they've had to deal with complaints I've referred to them. Moreover, when they felt the complaint was founded or partially founded, they did not hesitate to set the record straight as needed. In most instances, this goodwill and openness satisfied the complainant, who didn't take the matter further and did not ask me to complete a review.

The figures below confirm what I've just explained. For the year in question, of the 36 reviews I produced, only 6 had to do with news content aired during programs that fell under General Radio and General Television jurisdiction – 4 of them dealt with three ICI Radio-Canada Première shows (*Médium large*, *C'est bien meilleur le matin*, and *Pas de midi sans info*), and the 2 remaining ones concerned ICI Radio-Canada Télé's *Tout le monde en parle*. I didn't find that the JSPs had been breached in any of the 6 reviews.

I see this as a clear demonstration that openness, honesty, transparency and, as needed, acknowledgement and correction in good faith of one's errors are mindsets beneficial to the image and credibility of Radio-Canada and its employees. They also signal comprehension of the duties and responsibilities that Radio-Canada's public nature requires of its managers and broadcast staff, and their profound respect for their audiences.



# ANOTHER LOOK AT THE “NEED FOR TRANSPARENCY”

In last year’s report, I wrote at length about the necessity of being transparent in acknowledging errors. I also brought to light that, with respect to the news, Radio-Canada has a duty “to act responsibly,” quoting from one of the four guiding principles of the Corporation’s JSPs.

I went even further to posit that complete openness in that regard would be perfectly in line with Radio-Canada’s mandate as a public institution, and would also help strengthen its brand image and secure audience trust in its journalists, as well as credibility for its news content.

I came to the following conclusion:

It is with this goal in mind that I ask all departments subject to the JSPs, either wholly or partially, to develop and implement a formal procedure for acknowledging and correcting errors. I would like the procedure to be permanent and truly visible, rather than ad hoc, arbitrary or hidden (such as buried in a website).

For a public institution like Radio-Canada and the people who work there, accountability and transparency are not only duties and obligations; they are also ways to shore up the Corporation’s credibility, which is essential to gaining public trust and support. They need to be seen as trademarks – and as competitive advantages.

## **No genuine interest . . .**

One year has now passed since I wrote those words, and one can’t exactly say that much has changed on the issue. In his response to my 2012–13 annual report, executive director of news Michel Cormier politely acted on my request to implement “a formal procedure for acknowledging and correcting errors.” His sole commitment, however, was limited to asking his department’s director of complaints to ensure “better response times and systematic application.”

I therefore observed no genuine interest from the news director in this greater transparency that I advocate – I believe Radio-Canada could benefit from it and be proud of it.

Most of all, I see that we're still far from having the "permanent and truly visible" error acknowledgement and correction procedures I hoped for last year. In addition, the procedures are applied in an "isolated" manner, and can only be found by navigating through a "maze-like" website.

**. . . But the door is open a crack**

I must, however, add that I approached ICI Radio-Canada.ca management on my own initiative in late summer 2013, to encourage creation on the platform of a veritable "ethics showcase" section that would be user-friendly and easily accessible.

I advanced the idea that the section would include all corrections and clarifications regarding news content from all programs and across all platforms; links to Ombudsman decisions and website, along with the Conseil de presse du Québec site, CBC/Radio-Canada's JSPs, and complaint procedures; and also articles from various sources on topics that deal with journalistic ethics issues, or have to do with the freedom or practices of the press, etc.

I even suggested that the news director could write a recurring blog that would help him establish contact and maintain a wide-ranging dialogue with the public about Radio-Canada's journalistic practices and news content.

In a nutshell, I freely shared my ideas, and management is still thinking on it together with those in charge. I very much hope that our discussions, which are ongoing, will lead to something tangible whose scope and exact nature have yet to be determined.

**Welcome improvements**

That said, I must stress that those in charge of the news service are always highly cooperative with me in my capacity as Ombudsman. Director of diversity and community relations Luc Simard and I have an especially cordial and effective relationship that, in most cases, results in comprehensive examination of complaints by us both in our respective roles.

Interestingly, I also note that complaints handling has been streamlined to allow for uniform processing of all submissions, based on the same criteria. It's important to note that complaints about news content produced by Radio-Canada's various departments (News, Regional, General Radio, General Television, Web, etc.) do not all end up at the Office of the Ombudsman – far from it. A great number are sent to the Corporation's Audience Relations team, the news unit, or other departments concerned. Program teams also receive many complaints, as do reporters, researchers and hosts, and they are all free to communicate directly with members of the public.

There have been years where the Office of the Ombudsman has received up to 1,500 complaints, and Audience Relations also fields around the same number each year

regarding news content. Factor in those received by all other programs and departments, and it's easy to understand the importance of using the same table of criteria to fairly handle complaints, no matter who receives them.

Efforts have therefore been made to centrally process as many complaints as possible at the Community Relations Office. For instance, Audience Relations now systematically forwards all news content complaints it receives to the Office. The director of diversity and community relations responds to each complaint, and informs complainants that they have the right to appeal with the Ombudsman if dissatisfied with the response they receive.

To its merit, this centralized approach standardizes the complaints handling process, improves the system's efficiency by eliminating overlap, for instance, and treats everyone equally within the same timeframe. This qualifies as a welcome improvement.

# COMPLAINTS REVIEWED BY THE OMBUDSMAN

Rectify? Or Beat Yourself Up?

## **David Ouellette**

*Médium large*, ICI Radio-Canada Première

David Ouellette is Associate Director, Public Affairs (Quebec) of the Centre for Israel and Jewish Affairs (CIJA), an organization that presents itself as the official voice for some 400,000 Canadian Jews.

He filed a complaint about part of an international feature report titled *Tour du monde*, by Radio-Canada International journalist Khady Beye, that aired on the program *Médium large* on ICI Radio-Canada Première on March 5, 2013.

The part in question concerned the crowning of the new Miss Israel 2013, Yityish Titi Aynaw, a beauty queen of Ethiopian descent.

In a discussion with the program's host, Catherine Perrin, Ms. Beye mentioned a past controversy about the possible existence of an Israeli government program aimed at implementing birth control among Ethiopian immigrants without their knowledge.

Mr. Ouellette claimed that Ms. Beye's assertions were false.

The program producers admitted the charge and agreed to air a clarification. However, the complainant was not satisfied with the clarification.

## **Review (April 11, 2013)**

I concluded that the reporter had indeed presented allegations as established facts, whereas they have yet to be proven. The report was therefore inaccurate. However, as required by the JSPs, the mistake was corrected and a clarification that I found to be correct and adequate was broadcast.

Published on <http://www.ombudsman.cbc.radio-canada.ca/fr/revision-des-plaintes/2013/rectifier-ou-s-autoflageller-medium-large/>

**Complaint unfounded.**

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**Simon Carrier**

*Tout le monde en parle*, ICI Radio-Canada Télé

Viewer Simon Carrier complained about an interview with Johane Despins, host of *L'épicerie*, on the talk show *Tout le monde en parle*, broadcast on ICI Radio-Canada Télé on March 10, 2013. Mr. Carrier claimed that Ms. Despins had expressed the incorrect view that there is no difference between organic foods and conventional foods.

**Review (April 12, 2013)**

I first reminded the complainant that *Tout le monde en parle* is a talk show, and not a news program, where the light tone and general humour necessarily prompt invited journalists to temporarily abandon the seriousness and detachment normally required of them, especially at Radio-Canada.

To ensure the impartiality of journalists, reporters and analysts in particular, the code of ethics requires them to maintain a certain distance with respect to the topics and people they cover.

In my opinion, Ms. Despins's presentation was far more nuanced than the complainant says.

Published on <http://www.ombudsman.cbc.radio-canada.ca/fr/revision-des-plaintes/2013/journalistes-et-varietes-divertir-sans-deraper-tout-le-monde-en-parle/>

**Complaint unfounded.**

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Adjectives and Adverbs: Overstating One's Case

**Pierre Fortin**

*Les grands reportages*, ICI RDI

The complainant, Quebec City lawyer Pierre Fortin, was unhappy with the way host Simon Durivage presented a documentary on late Venezuelan president Hugo Chavez. The French documentary was broadcast on ICI RDI on March 5, 2013, on the program *Les grands reportages*. Mr. Fortin thought that the presentation was "far too negative" and therefore biased.

**Review (April 18, 2013)**

The issue here was to determine whether the host had been right to assert that Hugo Chavez had created "an implacable, nepotistic and extremely violent socialist system."

I underscored the fact that Mr. Durivage's introduction, as it was worded, presented assertions as established facts. The documentary does indeed show that Mr. Chavez's government is socialist and authoritarian, but that its implacability is open to discussion.

I concluded that the introduction to the documentary overstepped the bounds of impartiality required by the JSPs.

Published on <http://www.ombudsman.cbc.radio-canada.ca/fr/revision-des-plaintes/2013/adjectifs-et-adverbes-l-erreur-hyperbolique-les-grands-reportages/>

### **Complaint founded.**

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What Is a Political Prisoner?

#### **David Ouellette, Michelle Whiteman**

*Le radiojournal*, ICI Radio-Canada Première

The complainant was David Ouellette, Associate Director, Public Affairs (Quebec) of the Centre for Israel and Jewish Affairs, a group that defends the rights of the Jewish community and seeks to increase support for Israel.

Another group also filed a complaint for the same reasons. HonestReporting Canada is a media-monitoring organization that seeks to correct misinformation about reporting on Israel. Its complaint was signed by its Quebec director, Michelle Whiteman.

The complainants were unhappy with a live report by journalist Ginette Lamarche, broadcast on ICI Radio-Canada Première's seven o'clock news on April 4, 2013. They maintained that the Middle East correspondent was wrong to describe Palestinians held in Israel as political prisoners.

#### **Review (April 30, 2013)**

There is clearly no consensus on the definition of a "political prisoner." Mr. Ouellette and Ms. Whiteman put it in the same category as "prisoner of conscience" or "prisoner of opinion," two terms that everyone agrees refer to people imprisoned solely for having peacefully expressed or stood up for ideas or opinions.

However, the non-governmental organization Amnesty International uses the term "political prisoner" to refer to people found guilty of a crime that they have committed for political reasons, thus distinguishing the term from "prisoner of opinion" and "prisoner of conscience."

Other NGOs around the world use the term "political prisoner" in the same way.

The Parliamentary Assembly of the Council of Europe has been using the term in this way since October 3, 2012, and applies it to some of the Palestinians held in Israeli prisons.

I therefore feel it is reasonable to use the term “political prisoner” to refer to prisoners who committed or planned to commit violent acts for political reasons.

Nevertheless, while the expression “political prisoner” is being used increasingly with the meaning given to it by the Council of Europe, among other organizations, it clearly still does not have the same connotation for all. It should therefore be used with care, and put into context.

In the report at issue here, I feel that the journalist should have mentioned the fact that one of the prisoners in question had been found guilty of involvement in a terrorist plot.

I concluded that one aspect of the report did not meet the standard of accuracy required by the JSPs.

Published on <http://www.ombudsman.cbc.radio-canada.ca/fr/revision-des-plaintes/2013/qu-est-ce-qu-un-prisonnier-politique-radiojournal/>

### **Complaint founded, in part.**

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How Far to Go to Be Fair?

#### **Chantal Lapointe**

*Le téléjournal/midi*, ICI Radio-Canada Télé

The complainant, Chantal Lapointe, was upset about a report filed by journalist Émilie Dubreuil on the conflict between the Commission scolaire des Patriotes [school board] and the parents and teachers of École de la Roselière. She felt that the report broadcast on Radio-Canada’s *Téléjournal/midi* newscast of March 29, 2013, was unfair because it only gave the school board’s side of the story and not that of the school’s parents and teachers.

By way of background, I should point out that École de la Roselière, in Chambly, south of Montreal, is an alternative school that follows the Waldorf approach to pedagogy, based on the educational theories of late 19th-century spiritualist philosopher Rudolf Steiner. He was the creator of anthroposophy, a current of thought that believes spiritual phenomena can be understood scientifically.

#### **Review (May 6, 2013)**

I can understand the dissatisfaction of the complainant, who would have liked Ms. Dubreuil to examine the underlying issues, that is, the arguments of the experts’ report that persuaded the school board not to renew the alternative school’s licence.

But that wasn't the choice that the journalist and her news editors made. They decided that it wasn't the kind of topic that lent itself to a less-than-two-minute report in a newscast.

The JSPs, which provide guidelines for journalists to follow, establish the principle of editorial independence, as well as the independence of news and information programs.

Ms. Dubreuil and her news editors therefore had complete freedom to choose the angle they wanted to take to report on the conflict between the Commission scolaire des Patriotes and the parents and teachers of École de la Roselière.

Published on <http://www.ombudsman.cbc.radio-canada.ca/fr/revision-des-plaintes/2013/jusqu-ou-faut-il-aller-pour-etre-equitable-tj/>

### **Complaint unfounded.**

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Blunders and Pirouettes

#### **Jacques Gagnon**

*C'est bien meilleur le matin*, ICI Radio-Canada Première

Jacques Gagnon complained about a comment made by René Homier-Roy, host of *C'est bien meilleur le matin* on ICI Radio-Canada Première. He felt that the comment, presented as an apology, was actually more of an insult.

To provide some background, Mr. Homier-Roy, on the April 17, 2013 show, mentioned that Nova Scotia singer Rita MacNeil had passed away. He then commented on her appearance, but apologized for his comment the next day.

#### **Review (May 13, 2013)**

The JSPs are based on a certain number of principles and values. One of them is fairness, which requires journalists to treat "individuals and organizations with openness and respect."

Journalists and hosts, even the most experienced ones, can always make mistakes, especially when broadcasting live.

The JSPs dictate, however, that mistakes must be owned up to and rectified, in all openness.

Mr. Homier-Roy made a mistake, he acknowledged it publicly and apologized at length for it, in his own inimitable style.



The important thing, to my mind, is that Mr. Homier-Roy willingly admitted that he had gone too far, that his comments were crude and completely inappropriate under the circumstances.

I should also note that he was very effusive in his praise and appreciation of the singer and her artistry.

At the same time, the JSPs establishes that Radio-Canada has a duty “to be honest with its audiences.”

I couldn’t fail to notice in this case that none of the various responses that Mr. Gagnon received, at my request, met his expectations.

Published on <http://www.ombudsman.cbc.radio-canada.ca/fr/revision-des-plaintes/2013/boulettes-et-pirouettes-c-est-bien-meilleur-le-matin/>

### **Complaint unfounded.**

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Mistake or Legitimate Opinion?

#### **Will Dubitsky**

*Le téléjournal*, ICI Radio-Canada Télé

Will Dubitsky was unhappy with an analysis by two of the members of the regular political panel on the 10 p.m. *Téléjournal* newscast that aired on ICI Radio-Canada Télé on May 16, 2013. He thought their interpretation of the results of the British Columbia provincial election was off the mark and that the two analysts should be replaced.

To provide some background, I should add that every Thursday the national edition of the evening *Téléjournal* newscast included a political panel with three non-Radio-Canada journalists.

#### **Review (July 10, 2013)**

This was not the first complaint that Mr. Dubitsky had filed with the Radio-Canada Ombudsman; he had already complained because he thought the news service either should or should not have presented a specific opinion, reported a fact or event or chosen a different angle of coverage from the one it chose.

In response to his complaints and a request from him, my predecessor in the position of French Services Ombudsman at CBC/Radio-Canada, Julie Miville-Dechêne, produced four reviews between September 2008 and February 2011. Each time she ruled that Mr. Dubitsky’s complaint was not founded, because by virtue of the freedom of the press and the principle of independence set out in the JSPs, its news service was fully entitled to choose the topics it reported on and their reporting angle.

Ms. Miville-Dechêne also noted that by virtue of the same principles and standards, Radio-Canada is completely free to invite whoever it wants as an analyst or guest on its shows.

The case at hand is easy to deal with, as it is quite similar to those my predecessor ruled on.

I therefore concluded that the *Téléjournal* news editors had complete freedom, and were fully entitled, to invite analysts from different perspectives onto their show; that the analysts were perfectly free to express their own views and analyses regarding the B.C. provincial election; and that these views and analyses, whether the complainant likes it or not, are worth hearing just as much as his point of view on the issue.

Published on <http://www.ombudsman.cbc.radio-canada.ca/fr/revision-des-plaintes/2013/erreur-ou-opinion-legitime-tj/>

### **Complaint unfounded.**

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Choice of Adjectives: The Thin Red Line

#### **Robert Barberis-Gervais**

*Le téléjournal*, ICI Radio-Canada Télé

Viewer Robert Barberis-Gervais complained about a report aired on the late *Téléjournal* newscast on ICI RDI and on ICI Radio-Canada Télé on May 11, 2013. He maintained that the parliamentary correspondent at the Quebec National Assembly, Martine Biron, had given a very subjective account of a speech by Quebec premier Pauline Marois.

He was unhappy with the terms used by the reporter in her introduction to describe Premier Marois's speech to her caucus. His criticism concerned the following remarks made by Ms. Biron: "Those who thought that the return of the Parti Québécois to power would bring a more civilized tone to the debate will be disappointed. Pauline Marois launched a fierce, even vicious, attack on the Liberals, tying them to corruption."

#### **Review (July 11, 2013)**

My review dealt more with language than ethics, focusing on the healthy suspicion that journalists must entertain with respect to the words they use.

After checking what Ms. Marois said and how it was perceived by several other journalists in attendance, I came to the conclusion that the words the correspondent used went over the line and failed to respect the value of accuracy and the standard of precise, appropriate language required by the JSPs.

Published on <http://www.ombudsman.cbc.radio-canada.ca/fr/revision-des-plaintes/2013/epithetes-la-mince-ligne-rouge-tj/>

## Complaint founded.

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Smart Meters: A Scientific Magazine Is Not a Public Affairs Program

### **André Fauteux**

*Découverte*, ICI Radio-Canada Télé

The complaint was filed by André Fauteux, who is apparently the publisher of the magazine *La Maison du 21e siècle*. Mr. Fauteux complained about a report that aired on ICI Radio-Canada Télé's popular science program *Découverte* on June 2, 2013. He thought that the report on the potential effects of electromagnetic waves on human health, and more specifically the effect of the new smart meters that Hydro-Québec wants to install in Quebec homes, was unbalanced and biased.

Mr. Fauteux feels that the *Découverte* reporting team presented only "one side of the story," limiting their coverage to the views of experts who claim that the electromagnetic waves emitted by cellphones, smart meters and other such devices are harmless.

### **Review (July 12, 2013)**

Not wanting to get involved in an endless debate, I restricted my analysis to what was essential with respect to the application of the JSPs.

My own checks confirmed what the *Découverte* reporting team maintained, which is that the vast majority of the validated scientific studies conducted over the last 30 years or more have found that the radiofrequency waves have no effect on human health. I should note in passing that tens of thousands of such studies have been done.

I also found that hundreds of scientists have worked on these studies for decades and that the studies were peer reviewed. It seems clear that, contrary to what the complainant claims, not all these scientists have a conflict of interest or are being paid off by industry.

When I watched the show, I also noticed that the reporters did indeed mention the few studies that might suggest that electromagnetic waves could have effects on human health and that some people might feel effects they blame on those waves.

It is clear, however, that the report did not give as much importance to these observations as to the validated studies and research finding that the waves are harmless.

And for good reason: *Découverte* is a popular science show, not a public affairs program that debates an issue by taking all views into account, whether they are fully established or not. As a result, there is no point in criticizing the program for not going into more depth about doubts and fears for which there is no scientific evidence.

Published on <http://www.ombudsman.cbc.radio-canada.ca/fr/revision-des-plaintes/2013/compteurs-intelligents-un-magazine-scientifique-n-est-pas-une-emission-d-affaires-publiques-decouverte/>

### **Complaint unfounded.**

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Fonds de solidarité RRSP: Vague Criticism of Selective Advertising

#### **Mario Tremblay**

*La facture*, ICI Radio-Canada Télé

The complaint was filed by Mario Tremblay, a lawyer and Vice President, Public and Corporate Affairs, of the Fonds de solidarité [solidarity fund] of the Fédération des travailleurs et travailleuses du Québec (FTQ).

Mr. Tremblay was unhappy with the content of an item titled *La pub en question*, broadcast on March 5, 2013, on ICI Radio-Canada Télé, on the consumer affairs program *La facture*. In the report, host Pierre Craig devoted about a minute to analysing an advertisement extolling the advantages of the Registered Retirement Savings Plan (RRSP) offered by the Fonds de solidarité FTQ.

The complainant was of the view that the report failed to respect the Radio-Canada's JSPs in several respects.

After the complainant sent formal notices to and exchanged correspondence with the program producers, they agreed to alter some aspects of the report and to have a clarification read on air. This was not enough to satisfy the complainant, however, who asked me to review the case.

#### **Review (August 12, 2013)**

In light of the respective arguments made by representatives of the Fonds de solidarité and Radio-Canada's News and Current Affairs, I came to the conclusion that the initial version of the report contained quite a few inaccuracies and lacked nuance.

The producers of *La facture* admitted it and rectified the report ahead of a rebroadcast and in the text version published on ICI Radio-Canada.ca.

A clarification was also broadcast on the Web and when the show ran again on ICI RDI.

However, the report was still short on nuance in some respects.

Published on <http://www.ombudsman.cbc.radio-canada.ca/fr/revision-des-plaintes/2013/reer-du-fonds-de-solidarite-critique-impresise-d-une-publicite-selective-la-facture/>

## **Complaint founded, in part.**

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Weather: Too Much on Quebec, Not Enough on Ontario?

### **Paul-François Sylvestre**

Weather Forecasts, ICI RDI

The complainant, Paul-François Sylvestre, of Toronto, felt that the weather forecasts on ICI RDI should cover more places in Ontario.

Mr. Sylvestre wanted ICI RDI to treat Ontario on an equal footing with Quebec when it comes to weather forecasts.

### **Review (August 13, 2013)**

I began my review by checking what my predecessor, Julie Miville-Dechêne, had to say about the matter. In response to a request from the same Mr. Sylvestre, Ms. Miville-Dechêne reviewed a related issue on November 16, 2010.

Here is what she had to say:

Weather is a sensitive topic for many viewers. Since I took up this job, many French speakers from outside Quebec have written to me to complain that too much time is devoted to the weather in Quebec and too little to forecasts for the rest of the country. Radio-Canada has the difficult job of finding a balance between its national mandate – i.e., to serve French-speaking Canadians across the country – and the demographic reality of the fact that the vast majority of French speakers live in Quebec.

I have noticed, over the last three years, that in response to these complaints, efforts have been made to give more time to weather forecasts for areas outside Quebec. Nevertheless, the demographic weight of French-speaking communities remains a major factor that I think is difficult to argue with.

I would add that these increased efforts concern not only weather forecasts, but all regional news, to which ICI RDI has been devoting more time and resources.

However, I felt that the responsibility to reflect and serve adequately the diversity of French-speaking Canadians was not solely that of ICI RDI, but rather that of all Radio-Canada's platforms and that Radio-Canada was using them to broadcast content tailored to each of its audiences.

But I underscored the fact that ICI RDI was still a service intended for a national audience, that is, for all regions of the country at the same time. And that the artisans and management of ICI RDI would have to continue to strive for a balance, as my predecessor wrote, between their national mandate and demographic reality, and resist

the temptation to push regional news and information, including the weather, completely off onto other platforms.

Published on <http://www.ombudsman.cbc.radio-canada.ca/fr/revision-des-plaintes/2013/meteo-trop-pour-le-quebec-pas-assez-pour-l-ontario-rdi/>

### **Complaint unfounded.**

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Regional Diversity: Responsibility of the Whole Network, Not Just One Show

#### **Paul-François Sylvestre**

*Le téléjournal/midi*, ICI Radio-Canada Télé, ICI RDI

Complainant Paul-François Sylvestre was unhappy that the June 3 and 4, 2013, editions of the *Téléjournal/midi*, a newscast that airs across Canada, contained only news and reports about Montreal and Quebec. He thought this was unacceptable for a national newscast that is supposed to report on current affairs from across the country, and not just from Quebec.

#### **Review (August 15, 2013)**

The JSPs require the public corporation to provide Canadians with a “national public news and information service” that is “rooted in every region of the country” and “reports on Canada and the world.”

The news service must also reflect “accurately the range of experiences and points of view of all citizens” by presenting news that is “relevant to them” and “reflects regional and cultural diversity.” Its information content must reflect a “diversity of opinion” and present “a wide range of subject matter and views.”

I was quick to agree with the news and information service’s assertion that it must take into account the demographic reality that 86 percent of its potential audience is in Quebec. And that its editors and journalists enjoy editorial freedom, which is a condition essential to a free press, and allows them to craft their programs and newscasts according to their specific objectives and audiences.

With the assistance of the Radio-Canada Archives, I analysed the content of the 10 *Téléjournal/midi* weekday newscasts that aired between May 27 and June 7, 2013. My analysis revealed that of the 175 segments broadcast during that period, only 14 concerned news from outside Quebec.

I specified, however, that it wouldn’t be fair to restrict the comparison to the 14 segments dealing with news from outside Quebec, out of the total of 175 segments, as not all of the 161 segments that did not concern news from outside Quebec actually dealt with Quebec

and Montreal stories, far from it. The subject breakdown of the 175 segments is as follows:

- 14 on non-Quebec Canadian news,
- 78 on Quebec and Montreal news,
- 24 on pan-Canadian national news, including federal politics,
- 25 on international news,
- 24 on sports news,
- 10 on economic news (Gérald Fillion's regular column).

I thus came to the conclusion that, over the two weeks, the *Téléjournal/midi* newscast had devoted

- 8 percent of its content to non-Quebec Canadian news,
- 44.6 percent to Quebec and Montreal news,
- 13.7 percent to pan-Canadian national news, including federal politics,
- 14.3 percent to international news,
- 13.7 percent to sports news,
- and 5.7 percent to economic news.

In strictly mathematical terms, the 10 *Téléjournal/midi* weekday newscasts that aired between May 27 and June 7, 2013, carried five to six times more content on Quebec and Montreal news than on non-Quebec Canadian news. This proportion (6 to 1) is essentially the same as the proportion of the French-speaking population of Quebec (6,801,890) to the French-speaking population of the other provinces (1,090,305).

However, this arithmetic does not account for everything. The figures alone are not sufficient to establish whether or not the *Téléjournal/midi* newscast reflects the country's "regional and cultural diversity."

I would add that, ultimately, however, the question is not really relevant, as meeting this obligation does not depend solely on the *Téléjournal/midi* newscast.

The JSPs impose this objective on Radio-Canada as a whole, not on one newscast, one program, one platform or one service in particular.

All newscasts, all news and current affairs programs, and all information content, both national and regional, broadcast on ICI Radio-Canada Télé, ICI Radio-Canada Première, ICI Radio-Canada.ca or mobile platforms must therefore be taken into account when determining whether Radio-Canada is fulfilling its mandate with respect to regional diversity.

I should note in passing that each year ICI RDI devotes 33 percent of its “original programming hours” (excluding rebroadcasts) to regional news programs and topics concerning western Canada, Ontario, Quebec excluding Montreal, and Atlantic Canada.

I should also point out that news on Radio-Canada is not by any means the sole responsibility of its news service. It is also the responsibility of another separate department, Regional Services, which heads up 17 stations or radio, television and Web production centres across the country.

Published on <http://www.ombudsman.cbc.radio-canada.ca/fr/revision-des-plaintes/2013/diversite-regionale-la-responsabilite-de-l-antenne-pas-d-une-seule-emission-tj-midi/>

### **Complaint unfounded.**

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Zero Gravity Clinic: Is It Unfair to Give Airtime to the Cases of Dissatisfied Customers Without Hearing from Satisfied Ones?

#### **Yves Bélanger and Marc Bureau**

*La facture*, ICI Radio-Canada Télé

The complainants were Yves Bélanger and Marc Bureau, both chiropractors and cofounders of the Zero Gravity Clinic. Messrs. Bélanger and Bureau were unhappy with a report broadcast on the ICI Radio-Canada Télé program *La facture* on April 9, 2013. The report concerned the “spinal decompression” treatment offered by their clinic. In their view, the report contravened Radio-Canada’s JSPs in several respects.

The two complainants felt that “the nature of the report would have been very different” if the author, journalist François Dallaire, had taken into account the information they gave him.

The main point of the complaint concerned the way in which the journalist conflated “traction” of the spinal column, a technique used by some chiropractors, and the “spinal decompression” technique performed with automated equipment at the complainants’ Zero Gravity Clinic, among others.

Mr. Bélanger and Mr. Bureau claimed that the report created “considerable confusion [...] by putting this technology, conventional traction and stretching of the spine on the same level.”

#### **Review (September 20, 2013)**

The complaint filed by Messrs. Bélanger and Bureau raised a number of legitimate issues about the content of the *La facture* report. The news service’s response to their complaint addressed these issues in considerable detail and argued with them on several points.



While this exchange was quite instructive, it sometimes took us away from the crux of the matter that I had to settle for the review. What I had to determine was whether the report on Zero Gravity that aired on *La facture* violated the JSPs, and if so, how and why, and not give my opinion on whether the clinic's methods were effective or not, nor on who was right in the debate between those who think "spinal decompression" is effective and useful and those who maintain it is merely another form of spinal traction and, therefore, just as ineffective and useless.

What I had to determine therefore was whether the viewpoints, opinions, arguments and facts put forward in the report were legitimate, and whether they had been correctly presented, without bias and with due respect, and in accordance with the requirements of the JSPs.

After considering the two sides' many arguments, I came to the conclusion that they did. At the same time, however, I thought that the use of a slow-motion shot contravened the JSPs guidelines for the use of production techniques.

Published on <http://www.ombudsman.cbc.radio-canada.ca/fr/revision-des-plaintes/2013/clinique-zero-gravite-est-il-inique-d-exposer-des-cas-de-clients-mecontents-sans-donner-la-parole-a-ceux-qui-sont-satisfaits-la-facture/>

### **Complaint founded, in part.**

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Charter of Values: Is It Legitimate to Have Ill-Informed Children Make Accusations of Racism?

#### **Réjean Beaulieu**

*Le téléjournal*, ICI Radio-Canada Télé

Réjean Beaulieu, of Vancouver, filed a complaint about a report that aired on ICI Radio-Canada Télé's late *Téléjournal* newscast on September 17, 2013. He felt that the report on Quebec's proposed Charter of Values contravened the Radio-Canada's JSPs because it used pictures and quotations of children out of context. I also received other complaints about this report, including one from Liberal senator Céline Hervieux-Payette.

The report by Vancouver correspondent Frédéric Arnould presented the reactions of a wide range of people, from ordinary citizens to civil servants, union spokespersons, civil libertarians and others. To illustrate the report, Mr. Arnould used a soccer team made up of young players from a dozen or so different ethnic minority groups. We see them, and hear them, as well as their coach, express their views on Quebec's proposed Charter of Values.

## Review (September 27, 2013)

I have to admit that this report definitely left me feeling ill at ease. First of all, because it sets out to tell us about a charter that would restrict the wearing of religious symbols in the Quebec public service, but instead shows us a Vancouver multicultural soccer team; and secondly because the journalist presents the very clear-cut opinions of 12- to 15-year-old soccer players, although it is unclear what they are reacting to exactly or whether they really know what they are talking about.

Focusing on this team and these children in the context of a report on the proposed Charter of Values is, in my view, a distortion of reality that affects the entire piece right from the start. As if it was all the result of a misunderstanding. Indeed, the proposed Charter has nothing to do with the wearing of religious symbols in public, and even less with the wearing of them by young people.

The report, which sets out to compare the situation in British Columbia with that in Quebec, also presents this multicultural soccer team as if it were something unique to B.C., a team where “harmony” reigns, and not “difference.”

What are we supposed to understand? That there are no soccer teams in Quebec as culturally diverse as those in British Columbia? Or that if there are, then “difference” is promoted, and not “harmony”? Anyone who has been to soccer fields in the greater Montreal area knows perfectly well that neither of these statements is true.

I concluded that the report flouted the value of accuracy stipulated in the JSPs.

The journalist also used comments made by the children that he says were in reference to Quebec’s proposed Charter of Values. What exactly did these children know about the proposed Charter? How could the journalist know whether their opinions were actually well informed? That they were indeed their own opinions, as opposed to their parents’ opinions or their coach’s? What did he ask them exactly?

Yet the report doesn’t hesitate to back up what the children have to say by emphasizing that they “don’t pull their punches when it comes to the Quebec Charter of Values.” Indeed, the opinions they express are hardly subtle: “The Charter’s racist and discriminatory and prevents us from expressing ourselves the way we want to,” according to the journalist’s translation.

It seems to me that the journalist should have given this issue careful consideration before deciding to focus on children expressing such strong opinions as accusations of racism and discrimination regarding such a controversial topic that they don’t know much about.

I therefore ruled that the report also disregarded the value of balance set out in Radio-Canada's JSPs. I don't think the "relevance" of the children's views heard in the report, nor "how widely held these views are" were taken into account, thus contravening the JSPs.

Lastly, it seems clear to me that the soccer coach, Dino Anastopoulos, was answering a question from the reporter when he said, with reference to Quebec premier Pauline Marois, that he would be willing to coach her. And this was confirmed to me by the journalist.

In a report that appears to be saying that Quebec cultivates "difference" rather than "harmony," that its government is proposing to introduce a "racist, discriminatory" charter that will apply even to children and to the public sphere, including soccer fields, viewers will have reasonably understood that it is in this respect that Mr. Anastopoulos has advice to give to Ms. Marois.

I therefore do not believe that, in the context of the report, the premier of Quebec was treated "with openness and respect," as required under the JSPs value of fairness.

Published on <http://www.ombudsman.cbc.radio-canada.ca/fr/revision-des-plaintes/2013/charte-des-valeurs-peut-on-faire-porter-par-des-enfants-peu-informes-des-accusations-de-racisme-tj/>

### **Complaint founded.**

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Social Media: There is Nothing Private About Facebook, Nor About Comments on Facebook Pages

#### **Pierre-Olivier Bergeron**

News, Saguenay–Lac-Saint-Jean

The complainant, Pierre-Olivier Bergeron, felt that journalist Véronique Dubé, of Radio-Canada in Saguenay–Lac-Saint-Jean, had violated the JSPs by stating opinions on her personal Facebook page.

Mr. Bergeron had been accepted as a "Facebook friend" by the journalist and therefore had access to the comments she published and the discussions she held on her page. When he disagreed with her interpretation of a survey on the proposed Quebec Charter of Values that was published in the September 21, 2013, edition of *Le Quotidien* newspaper, Mr. Bergeron initiated a debate with her that degenerated.

#### **Review (October 3, 2013)**

Journalists regularly ask me how they should conduct themselves on social media, in both their professional capacity and private life. Given their questions and concerns, it

seems clear to me that there is a great deal of confusion about how they should act. In reality, however, the matter is fairly straightforward.

Journalists, and all Radio-Canada employees, must not lose sight of the fact that, as the term indicates, “social media” are first and foremost “media.” Consequently, they should follow the same rules of conduct as when they publish in any other medium.

In other words, they shouldn’t act differently on Twitter or Facebook or any other social medium than they would on Radio-Canada network or website. The same applies to their “personal” use of social media, where they should exercise the same reserve as if they were in a public assembly or a place where their remarks may be reported.

Radio-Canada’s rules governing the expression of opinions and the interaction of journalists, as well as other producers of information content, with the public are detailed and very clear: they are not allowed to express their personal opinions publicly.

Published on <http://www.ombudsman.cbc.radio-canada.ca/fr/revision-des-plaintes/2013/medias-sociaux-facebook-n-a-rien-de-prive-pas-plus-que-les-commentaires-qu-on-y-fait-saguenay-lac-saint-jean/>

### **Complaint founded.**

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Charter of Values: Don’t Shoot the Interviewer

#### **Michel Lincourt**

*Pas de midi sans info*, ICI Radio-Canada Première

Michel Lincourt complained about the conduct of Jacques Beauchamp, host of *Pas de midi sans info*, on ICI Radio-Canada Première, during a debate he moderated between two feminists on September 25, 2013, in connection with the Quebec government’s proposal to bring in a Charter of Values.

On this occasion, Mr. Beauchamp hosted journalist and documentary filmmaker Francine Pelletier, who was against banning the wearing of religious symbols by public sector employees, as proposed under the draft charter, and Julie Latour, a lawyer, former president of the Montreal Bar Association and recently appointed board member of the Conseil du statut de la femme, who was in favour of the ban.

Mr. Lincourt felt the host treated Ms. Latour “horribly,” cutting her off and launching, he said, “into a diatribe to use up her airtime and undermine what she was trying to say.”

#### **Review (October 22, 2013)**

I fully understand that, as with all sensitive issues that fuel public debate, the proposed Charter of Quebec Values stirs up feelings. I often have the opportunity to observe and explain that in this kind of context, listeners and viewers perceive the information they

receive through the filter of their own opinions, and the more clear-cut their opinions, the more hostile this perception can be. As a result, every interview, program, editorial choice, analysis or comment may be perceived as an attack, or even an assault.

I listened very closely to the debate between Ms. Pelletier and Ms. Latour, moderated by Mr. Beauchamp. At no time during the debate did the host show any lack of respect toward either of the guests, nor was he aggressive or impolite with them.

Mr. Beauchamp gave Ms. Latour all the time she needed to have her say, and she responded at length—for almost two minutes—to his first question. I also noted that two other replies by Ms. Latour were over a minute long and that most of the others were around 30 seconds or more. The few times that Mr. Beauchamp did interrupt Ms. Latour, it was to repeat the question that had been asked or to clarify it, or to give the other guest, Francine Pelletier, a chance to speak, which is the interviewer's role.

I also noted that Ms. Latour had twice as much air time as Ms. Pelletier to make her case and that the host rarely took more than 10 seconds to ask a question.

Published on <http://www.ombudsman.cbc.radio-canada.ca/fr/revision-des-plaintes/2013/charte-des-valeurs-ne-tirez-pas-sur-l-intervieweur-pas-de-midi-sans-info/>

### **Complaint unfounded.**

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Municipal Elections: Media Outlets Are Free to Invite Whomever They Want to the Debates They Organize

#### **Raymond Masson**

*Le téléjournal/Grand Montréal*, ICI Radio-Canada Télé

Complainant Raymond Masson was unhappy with the fact that a story published on ICI Radio-Canada.ca, titled *Élections à Montréal: un débat sans surprise* [Montreal Elections: An Uneventful Debate], about a debate involving some candidates running for mayor of Montreal, did not mention the other candidates who were not invited to take part.

More specifically, Mr. Masson was upset with the fact that Michel Brûlé was not mentioned in the article.

In a later exchange of information with my office, Mr. Masson specified that his complaint also concerned the fact that the candidate Michel Brûlé had not been invited to take part in the debate organized and broadcast by the *Téléjournal/Grand Montréal* on October 9, 2013.

#### **Review (October 24, 2013)**

The question of whether third-party candidates—those who are not well known or have little established support—should be invited to take part in debates organized by the media

is raised every election, whether municipal, provincial or federal. Each time there are voters, whether supporters or not of the excluded candidates, who are offended and file a formal complaint.

The last time I wrote on this topic was back on August 3, 2012, in connection with that year's Quebec election. And as I noted then, the Radio-Canada Ombudsman's response is "always the same each time."

I therefore reiterated that all my predecessors in the role of Radio-Canada Ombudsman, as well as the Canadian Radio-television and Telecommunications Commission (CRTC) and the courts, have always ruled in the same way on the issue over the last 20 years.

I have therefore limited myself to underscoring the fact that, by virtue of the freedom of the press guaranteed under the charters of rights and freedoms, the news and information media are free to decide on their editorial content. A debate between candidates in an election, organized by a media outlet, is an information program like any other. Radio-Canada, like other broadcasters, has complete freedom to make the program into whatever it wishes, with whomever it wishes.

In the case of Radio-Canada, this freedom must, nevertheless, be exercised within the framework of the principles, values, guidelines and practices set out in the JSPs.

Published on <http://www.ombudsman.cbc.radio-canada.ca/fr/revision-des-plaintes/2013/elections-municipales-les-medias-peuvent-inviter-qui-ils-veulent-dans-les-debats-qu-ils-organisent-tj-grand-montreal/>

### **Complaint unfounded.**

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Hard-Hitting Documentary: Violent Scenes Shown with No Audience Advisory

#### **Pierre Bouchard**

*Les grands reportages*, ICI RDI

Viewer Pierre Bouchard filed a complaint about a documentary titled Pinel that aired on the program *Les grands reportages* on ICI RDI on September 5, 2013.

Mr. Bouchard felt the program was disturbing because it showed, as he put it, "individuals being forcibly restrained" and thought that viewers should have been warned beforehand about the disturbing nature of some of the scenes. In his opinion, the film was a form of "voyeurism with respect to patients who are rebelling or angry."

Nor did he appreciate the fact that the report featured "psychiatrists, whose diagnoses do not have the same credible validity as the scientific formulas of physics or chemistry."

### **Review (October 31, 2013)**

While I was quite sensitive to Mr. Bouchard's grievances, I found I could not agree with most of the arguments he put forward.

However, like him, I thought the scenes of anger, rage, violence and forcible restraint shown in the documentary would have been disturbing to some viewers.

The broadcaster thus failed to comply with the JSP standard titled Respect for Young Audiences – Watershed Hour, as the report aired before 9 p.m. without any audience advisory.

By failing to provide an advisory before broadcasting images that some viewers might find disturbing, ICI RDI did not comply with the JSPs standard on scenes of violence, nor with the CRTC rules governing such scenes.

ICI RDI therefore should have warned its prospective audience about the disturbing nature of certain scenes in the documentary by providing an advisory at the start of the broadcast and repeating it at appropriate times in the course of the program.

Published on <http://www.ombudsman.cbc.radio-canada.ca/fr/revision-des-plaintes/2013/documentaire-coup-de-poing-des-scenes-violentes-presentees-sans-mise-en-garde-les-grands-reportages/>

### **Complaint founded, in part.**

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Interview: Questioning and Arguing Is Not the Same As Taking a Position

#### **Robert Barberis-Gervais**

*Après tout c'est vendredi*, ICI Radio-Canada Télé

Complainant Robert Barberis-Gervais thought that journalist Anne-Marie Dussault did not give fair treatment to the Quebec government minister responsible for democratic institutions and active citizenship, Bernard Drainville, whom she interviewed for her program *Après tout c'est vendredi* on ICI Radio-Canada Télé on October 18, 2013.

Mr. Barberis-Gervais was also of the opinion that the interviewer showed bias in putting her questions to Mr. Drainville, as she systematically expressed views different from his.

### **Review (November 4, 2013)**

I am regularly called upon to review complaints about an interviewer's alleged bias and lack of fairness. Most of the time these complaints arise when society is rocked by an especially fierce political or social debate, such as during a referendum or electoral campaign, or as was the case during the student strikes of 2012, and during the debate on the Government of Quebec's proposed Charter of Values.

Each time the complainants feel that a journalist or interviewer gave a guest an unnecessarily rough ride and did so because he or she is biased.

Mr. Barberis-Gervais deemed that the questions Ms. Dussault asked were proof of her bias; I saw in her questions evidence that she was playing her role as interviewer exactly as she should.

Published on <http://www.ombudsman.cbc.radio-canada.ca/fr/revision-des-plaintes/2013/entrevue-questionner-et-argumenter-n-est-pas-prendre-position-apres-tout-c-est-vendredi/>

### **Complaint unfounded.**

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News and Information Producers Are Free to Set Their Broadcasting Priorities

#### **Robert Blanchard**

ICI RDI

Complainant Robert Blanchard, of Lamèque, New Brunswick, was unhappy with ICI RDI for not devoting sufficient coverage to the House of Commons debates on certain senators' expense claims.

He maintained that Radio-Canada had contravened its institutional Program Policy 1.1.31, titled Broadcasts of National Importance, which states that events of national importance, such as the opening of Parliament, the budget speech and State funerals, warrant "full or extended live television coverage on the networks, including pre-emption of other programming."

#### **Review (November 8, 2013)**

In his complaint, Mr. Blanchard called for Radio-Canada to comply with its mandate, which, he claims, "consists in keeping Canadians informed" and reporting on events and debates at the federal level for the benefit of all Canadians "from coast to coast."

In fact, the mandate of Radio-Canada's news service, like that of CBC's, is set out in the introductory chapter of the Corporation's JSPs, the basic principles of which require it to serve the public interest and reflect diversity, among other things.

I would add that these principles are in line with CBC/Radio-Canada's institutional policies, which are themselves based on the Canadian Broadcasting Act.

These policies and the Act state, inter alia, that Radio-Canada must "reflect Canada and its regions to national and regional audiences while serving the special needs of those regions."



They also clearly establish that the public broadcaster must protect and “enhance the freedom of expression and the journalistic [...] independence.”

What I take away from all these principles, values, standards and policies is that Radio-Canada’s news service must report on current events across the country and provide audiences with information that is relevant to the greatest number, while meeting the specific needs of the regions.

The reality of the audiences served by CBC/Radio-Canada’s French and English services is different. Radio-Canada’s audience is 95-percent concentrated in Quebec and the broadcaster has no choice about taking that into account.

Producers and editors in the news service and at ICI RDI are faced on a daily basis with meeting objectives that often appear contradictory, as in the case submitted by Mr. Blanchard. They must weigh the importance of the events to be covered in relation to their various audiences and make decisions taking the public interest into account, as required by the JSPs.

These decisions, these editorial choices, depend on the journalistic judgment of the editors and producers on duty when they have to be made. These choices never meet with unanimous approval, as each viewer’s opinions about what should be broadcast depend on his or her own interests and priorities.

Nonetheless, the Canadian Broadcasting Act, like the Radio-Canada’s internal policies and its JSPs, like the freedom of expression and freedom of the press guaranteed by the Canadian Constitution, give journalists and news producers and editors total freedom to decide what serves the public interest and what does not, and therefore to choose what they air.

Lastly, I consider that the application of CBC/Radio-Canada Policy 1.1.31 on “Broadcasts of National Importance,” to which Mr. Blanchard referred to support his claim that ICI RDI had failed to fulfil its mandate, is not within my jurisdiction.

Why not? Because the JSPs makes no reference to that policy and because my mandate restricts my sphere of activity to the application of the JSPs.

Having said that, I nevertheless told the complainant that Policy 1.1.31, to which he referred, did not apply in the case he submitted to me. Debates during the House of Commons question period are not included on the list of political events “of national importance” that CBC/Radio-Canada is required to broadcast under Policy 1.1.31.

Published on <http://www.ombudsman.cbc.radio-canada.ca/fr/revision-des-plaintes/2013/les-responsables-de-l-information-sont-libres-d-etablir-leurs-priorites-de-diffusion-rdi/>

**Complaint unfounded.**

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Islam: Talking About Something Doesn't Have to Mean Talking About It Negatively

**Abdourahman Kahin**

*Médium large*, ICI Radio-Canada Première

The complainant, Abdourahman Kahin, is the spokesman for Présence musulmane, an organization “devoted to creating a platform for dialogue, cooperation and exchange about Islam.”

Mr. Kahin thought that Catherine Perrin, host of the ICI Radio-Canada Première program *Médium large*, may have “harmed Islam” and contributed to “strengthening the rise of Islamophobia” as a result of a comment she made and her failure to correct what one of her guests said.

He was especially upset about a comment she made in a discussion with two Quebec women who had converted to Islam and an anthropologist and author on the October 21, 2013, edition of *Médium large*.

He was also unhappy that the host failed to correct “an inappropriate remark” made by humorist Christopher Hall when she interviewed him on her October 16 show.

**Review (November 12, 2013)**

By way of background, I should mention that on October 21, 2013, Ms. Perrin’s guests were anthropologist Géraldine Mossière, author of the book *Converties à l’islam: Parcours de femmes au Québec et en France* [Converts to Islam: Women’s Experiences in Quebec and France], and Geneviève Lepage and Aurée Marsolais, two Quebec women raised in the Judeo-Christian tradition, but who have converted to Islam.

The 20-minute discussion moderated by Ms. Perrin focused on exploring the motivations of the two women guests who had converted to Islam and their conception of that religion. Through her questions, Ms. Perrin also tried to get Ms. Lepage and Ms. Marsolais to give their views on the rise of fundamentalism, which, in her opinion, gives Islam bad press, and to establish the differences between the moderate Islam practised by the vast majority of Muslims and the distorted version created by extremists and the governments in power in some countries.

During the conversation, the host expressed her frustration with the fact that fundamentalists in power in some countries had perverted the principles of justice and equality advocated by Islam to the point where women had virtually no civil rights.

She did not say, as Mr. Kahin claimed in his complaint, that there was a perversion “in” Islam, but rather a perversion “of” Islam, which is completely different.

As for the other aspect of the complaint, concerning the interview with humorist Christopher Hall, I had to admit, quite candidly, that I couldn't see in what way Mr. Hall's remarks were inappropriate, nor with respect to what or in what way the host should have corrected him.

Published on <http://www.ombudsman.cbc.radio-canada.ca/fr/revision-des-plaintes/2013/islam-ce-n-est-pas-parce-qu-on-en-parle-qu-on-en-parle-en-mal-medium-large/>

**Complaint unfounded.**

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Lac-Mégantic Tragedy: Making Accessible Without Making Mistakes

**Georges Paquet**

*Découverte*, ICI Radio-Canada Télé

An Ottawa resident, Georges Paquet, complained about a report on the Lac-Mégantic railway disaster broadcast on the ICI Radio-Canada Télé program *Découverte*.

Mr. Paquet thought the reporters had erred when they stated that a loss of air pressure had prevented the train's brakes from operating properly.

He sent an email directly to the program representatives asking for an explanation.

**Review (December 2, 2013)**

Needless to say, I am neither a railway expert nor a mechanical engineer. And neither is the complainant nor the author of the *Découverte* report.

I therefore decided to ask some specialists whether the information in the report about train braking systems was accurate.

In order to make their explanation accessible to a lay audience, the *Découverte* reporters had to simplify the technical details of the braking systems as much as possible.

Still, based on what I learned from my consultations on how railway braking systems work, I concluded that nothing in the report was wrong.

Published on <http://www.ombudsman.cbc.radio-canada.ca/fr/revision-des-plaintes/2013/tragedie-de-lac-megantic-vulgariser-sans-se-tromper-decouverte/>

**Complaint unfounded.**

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News: We Can't Investigate Everything, All the Time

**Jean-Pierre Provost**

ICI Radio-Canada.ca

A reader, Jean-Pierre Provost, complained about an item titled Montreal: New Web-Based Police Reporting Service, published on ICI Radio-Canada.ca on September 23, 2013. He was unhappy that journalist Bruno Maltais failed to look into the confidentiality of a new online procedure for filing a police report, announced by the Montreal police department, the SPVM, when he wrote about it.

**Review (December 17, 2013)**

The article Mr. Provost complained about was very short, being limited to announcing a new SPVM service that allows residents to file a police report on line. And, true enough, the issue of confidentiality was not touched on. Nor was any other related issue: nothing about the cost of the new service, or its potential economic benefits, increased efficiency, speed, etc.

Mr. Provost felt that by failing to deal with this aspect of the issue, Radio-Canada was in breach of its JSPs in several respects.

I checked and found that nothing in Mr. Maltais's article was inaccurate. Failure to mention or investigate something related to a news item cannot be equated with inaccuracy.

Every day, countless topics, reporting angles, aspects and viewpoints are rejected or disregarded when decisions about the choice and treatment of news are made. It is simply unrealistic to think that any media outlet can delve into every topic it deals with to the point of systematically investigating every official announcement made by a public organization or private enterprise.

Published on <http://www.ombudsman.cbc.radio-canada.ca/fr/revision-des-plaintes/2013/nouvelles-on-ne-peut-pas-enqueter-sur-tout-tout-le-temps-radio-canada-ca/>

**Complaint unfounded.**

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Shale Gas: The Truth Should Always Be Told

**Robert Morin**

*Le téléjournal*, ICI Radio-Canada Télé

Robert Morin complained about a report that aired on ICI Radio-Canada Télé's November 6, 2013, *Téléjournal* newscast regarding the shale gas royalties paid to some Pennsylvania agricultural producers. He felt the report was incomplete and not critical enough.

He was also unhappy that the *Téléjournal* team had not mentioned a news release from the Quebec ministry of the environment.

#### **Review (December 20, 2013)**

I have often had occasion to explain that you can disagree with the importance given to whatever topics are chosen for a newscast, and feel that other subjects or different reporting angles are more worthwhile, but journalists and news editors and producers are totally free to make their own choices.

Editorial choices never meet with unanimous approval. Even in what would appear to be obvious cases, there will always be some people who feel that there's too much, or not enough, that the reports are too accommodating or too critical, that the right people are not being asked the right questions, and so on and so forth.

But democracies thrive on freedom of the press and freedom of expression, which are fundamental, constitutionally guaranteed rights.

At Radio-Canada, the JSPs that guide journalists in their work are based on these same fundamental principles.

Mr. Morin also felt that the *Téléjournal* report was too easy-going and too full of praise for "the fabulous spinoffs from the development of shale gas deposits in the United States."

But facts are facts: the reporter did not invent the fact that many farmers have become millionaires thanks to the shale gas on their land. In my opinion, the report focused essentially on the facts and was not accommodating in any way.

Moreover, it was just as much of public interest as the harmful consequences of shale gas development, which the reporter also mentioned and about which he solicited the views of the millionaire farmers he interviewed.

Published on <http://www.ombudsman.cbc.radio-canada.ca/fr/revision-des-plaintes/2013/gaz-de-schiste-toute-verite-est-bonne-a-dire-tj/>

#### **Complaint unfounded.**

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Reports of Abuse at Sainte-Justine: Gaps in the System Are in the Public Interest

**Jean-Yves Frappier; Antonio D'Angelo; Josée Dubois**

*Enquête*, ICI Radio-Canada Télé

The complainants are three physicians at the Centre hospitalier universitaire (CHU) Saint-Justine de Montréal, a children's hospital: Dr. Jean-Yves Frappier, director of the pediatrics department, Dr. Antonio D'Angelo, head of emergency medicine, and Dr. Josée Dubois, director of the radiology department.

They took issue with the episode of the program *Enquête* aired on November 21, 2013, on ICI Radio-Canada Télé, which dealt with reports of abuse brought forward by CHU Sainte-Justine's Socio-Legal Paediatric Clinic and Quebec's youth protection agency, the Direction de la protection de la jeunesse (DPJ). They thought the report was, among other things, biased and sensationalistic.

The three complainants felt that "the program *Enquête* had chosen to portray as one-dimensional and vindictive the work of physicians, who are required to report a child's situation whenever there are reasonable grounds to suspect abuse."

More specifically, the three physicians claimed that "the sole entities permitted to judge a physician's conduct or competence are the Collège des médecins, a hospital's competent authority via the complaints handling process, and the courts."

They went on to say that it was "completely unconscionable and biased" to identify them in the report, because the bodies in question had never ruled on the complaints involving some of them, and that it was "not justified" that their conduct be questioned, for they had acted "according to scientific law."

#### **Review (January 8, 2014)**

First, I sought to avail myself of an assertion that would fully transcend the complaint lodged by Drs. Frappier, D'Angelo and Dubois, to the effect that only the Collège des médecins, hospital authorities and the courts were fit to assess the conduct of physicians.

I find that point of view to be completely at odds with the basic principles on which democratic societies are founded – freedom of speech, and in turn, freedom of the press and the right of the people to be informed.

I posited that, were it necessary to wait for the "appropriate authorities" and the courts to deal with the complaints submitted to them to gain the right to report untoward behaviour on the part of organizations, businesses or individuals, one would undoubtedly have to wait a very long time, and in any event, some acts of this kind never end up before the courts.

The facts in journalist Pasquale Turbide's report clearly show that to be true – in one of the cases she presents, the parents (in all likelihood) falsely accused of abusing their child had lodged a complaint three years earlier with CHU Sainte-Justine's disciplinary board, and their case was far from being settled.

I added that it is the media's duty to monitor the conduct of institutions, courts, governments and public administrations. All such bodies must be held to account. Journalists and the media therefore play a critical role in democracy. The JSPs recognize this when they establish that, where the news is concerned, Radio-Canada must serve the public interest and safeguard its independence.

Published on <http://www.ombudsman.cbc.radio-canada.ca/fr/revision-des-plaintes/2014/signalements-de-maltraitance-a-sainte-justine-les-failles-du-systeme-sont-d-interet-public-enquete/>

### **Complaint unfounded.**

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Values Charter: A 250-Person Discussion Can't Be Summed Up in the Impressions of Two Participants

#### **Catherine Lu**

ICI Radio-Canada.ca

The complainant, Ms. Catherine Lu, is an associate professor in the Political Science Department at McGill University in Montreal. She felt that an article posted on ICI Radio-Canada.ca on September 17, 2013, made some claims that were factually false and misleading.

The article in question by journalist Bruno Maltais, entitled “Un voile et des propos qui font réagir à McGill,” (“a veil and some statements get a reaction at McGill”) intended to deal with the inherent challenges of a classroom debate on the very delicate topic of the Charter of Quebec Values brought forward by the Quebec government.

For the purposes of his article, Mr. Maltais interviewed two students who attended a lecture by Professor Lu for a political science course (Modern Political Thought) she teaches at McGill University. The students maintained that Ms. Lu had called people who support the Charter “ethnic nationalists”; that her statements portrayed Quebecers as racists; that she had compared the Charter debate to the one that led to genocide in Rwanda; and that it basically came down to a language-based dispute between Francophones and Anglophones.

The complainant therefore requested that these passages be removed from the body of the article available on the web, and that a correction to her satisfaction be added at the end of the article.

#### **Review (January 16, 2104)**

First, I found that the reasons the journalist gave for agreeing not to identify the two students he quoted in his article to be frivolous and in breach of the JSPs.

In my opinion, the information the students provided to the journalist and its potential impact were not sufficiently important to warrant agreeing not to identify the source – nor were the “personal or professional hardship” or “possible danger” they might have faced if their identity had been disclosed.

“Fear of being judged” by classmates seems somewhat frivolous when one compares this “danger” to those faced by sources to whom we would normally grant confidentiality.

I then noted that the journalist had not been at Professor Lu’s lecture and his article was founded on the statements of only two students at a university lecture attended by about 250 students . . . on the unique impression, therefore, that two of those individuals got of Professor Lu’s presentation, based on their personal understanding and interpretation of her statements.

As for the students’ statements, they were only interpretations – falsehoods, even, as I realized when I listened to a recording of Ms. Lu’s lecture. And yet, the journalist did not present them as such.

I asked that a correction be made, and that a clarification be added below the article.

Published on <http://www.ombudsman.cbc.radio-canada.ca/fr/revision-des-plaintes/2014/charte-des-valeurs-une-discussion-a-250-personnes-ne-se-resume-pas-aux-impressions-de-deux-d-entre-elles-ici-radio-canada-ca/>

### **Complaint founded.**

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Secular Charter: There’s No Rule Requiring That All Points of View Be Included in an Article

#### **André Gagnon**

ICI Radio-Canada.ca

The complainant was Mr. André Gagnon, president of LGBT pour la laïcité, an organization advocating the position of members of the gay, lesbian, bisexual and transgender (LGBT) community who support the Quebec government’s proposed Secular Charter.

Mr. Gagnon took issue with an article that was posted on ICI Radio-Canada.ca, and then modified at his request.

The article was about the close to thirty individuals from the group LGBT pour un Québec inclusif, who took a stand against the Charter and submitted a brief to the parliamentary committee studying the proposed bill.

First, the complainant felt the title of the original article, posted on January 10, 2014, implied that the group, which he qualified as “unknown (and) pulled out of thin air,” represented the entire LGBT community.

He complained about this in a January 13 email to ICI Radio-Canada.ca news director Pierre Champoux, who responded to Mr. Gagnon within the hour, stating that he would



“change the title so that it better reflects the angle of the article.” Mr. Champoux also had a sentence added to the end of the article to specify that other points of view had been expressed within the LGBT community, including that of the organization the complainant represented.

Mr. Gagnon remained dissatisfied with the changes, however, stating that the “incorrect” article had already been online for three days, and that the damage was done to his organization and would endure.

#### **Review (January 17, 2014)**

I could understand Mr. Gagnon’s frustration that the original title might imply that the LGBT pour un Québec inclusif group featured in the article represented the LGBT community as a whole.

I did, however, note that the title itself, taken out of the context of the article, says only one thing – that the “LGBT community will have its say on the Charter.” That is an entirely accurate statement.

Obviously, given the article it heads up, the title is indeed ambiguous, and Mr. Gagnon was quick to complain about it, with good reason.

ICI Radio-Canada.ca management was also quick to address the complainant’s arguments.

A title open to misinterpretation was corrected as soon as the complainant brought it to the attention of the news director. If he had signalled it three days earlier, the correction would have been made three days earlier.

I perceive no bias in an ambiguous title remaining online for three days, nor do I consider it close-minded or disrespectful of the complainant or his organization.

Moreover, I specified that just because the article presents the position of a new organization in the LGBT community, there was no absolute requirement to present in that same article the position of all LGBT organizations and prominent members of that community.

By the way, I was able to ascertain that on one or more of its platforms, Radio-Canada had already covered the position of LGBT pour la laïcité, the organization Mr. Gagnon leads.

Published on <http://www.ombudsman.cbc.radio-canadaca/fr/revision-des-plaintes/2014/charte-de-la-laicite-rien-n-oblige-a-presenter-tous-les-points-de-vue-en-meme-temps-ici-radio-canada-ca/>

**Complain unfounded.**

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Elections: A Report Is Not a Catalogue

**Josée Goudreau**

*Le téléjournal/Grand Montréal*, ICI Radio-Canada Télé

Josée Goudreau filed a complaint about a report broadcast on ICI Radio-Canada Télé's *Téléjournal/Grand Montréal* newscast. She felt that the report by journalist Jean-Sébastien Cloutier, which was part of Radio-Canada's coverage of Quebec's November 3, 2013, municipal elections, promoted and was in favour of Saint-Jean-sur-Richelieu mayoral candidate Michel Fecteau.

Ms. Goudreau also wondered how Mr. Cloutier and the host he was talking to managed to "ignore the allegations of the use of fictitious names" and of illegal funding made against Mr. Fecteau's party.

**Review (January 21, 2014)**

The complainant maintained that Mr. Cloutier, by focusing exclusively on Michel Fecteau, in addition to giving him a chance to speak, turned the report into a Fecteau campaign promotional effort.

The discussion in which Saint-Jean-sur-Richelieu was mentioned was presented as an "overview" of the "contests to keep tabs on" and the "electoral issues" in several South Shore municipalities – eight of them, in fact, that the journalist and host covered in under six minutes.

This kind of report is not a listing of all the candidates running in each municipality, nor an exhaustive presentation of all the topics and issues of each election campaign.

In each case, the journalist has to choose the reporting angle that he or she feels provides the most informative description of the electoral situation. That is precisely what Mr. Cloutier did, relying on his knowledge and expertise, as required by the JSPs.

I also underscored the fact that the clip of the interview with Mr. Fecteau used by Mr. Cloutier did not feature the candidate making a case for his election, but instead emphasized the unusual situation of the nine-candidate electoral race in Saint-Jean-sur-Richelieu.

As for the allegations of the use of fictitious names that the complainant raised, the only reference to them I found appeared in an article in the weekly newspaper *L'écho de Saint-Jean-sur-Richelieu* and was based on confidential information, unconfirmed by Quebec's Chief Electoral Officer.

Given these circumstances, Radio-Canada was right not to mention and spread allegations it was unable to corroborate itself.

Published on <http://www.ombudsman.cbc.radio-canada.ca/fr/revision-des-plaintes/2014/elections-un-reportage-n-est-pas-un-catalogue-tj-grand-montreal/>

## **Complaint unfounded.**

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Syria: Reporting and Recounting Are Not the Same as Corroborating and Endorsing

### **Serge Charbonneau**

ICI Radio-Canada.ca and *Le téléjournal* (ICI Radio-Canada Télé)

A reader of ICI Radio-Canada.ca, Serge Charbonneau, complained about an article published on the website on January 20, 2014, which he felt constituted propaganda and a “flagrant breach of the most basic journalistic honesty.”

Titled Evidence of Torture and Mass Killings in Syria, the article described a report by an international team of war crimes experts. On the basis of photographic evidence provided to them by a source the experts deemed credible, their report, written in English, concluded that there is “clear evidence, capable of being believed by a tribunal of fact in a court of law, of systematic torture and killing of detained persons by the agents of the Syrian government.”

The complainant argued that “any honest journalist can immediately see that there is absolutely nothing incriminating visible” in the photographs included in the report and that they did not contain “any evidence that would clearly condemn the Syrian government.”

He also levelled essentially the same charges against a report on the same subject by Middle East correspondent Marie-Ève Bédard that aired on ICI Radio-Canada Télé’s *Téléjournal* newscast.

### **Review (January 22, 2014)**

I began by noting that just because a media outlet reports on the content of a document or mentions its existence does not mean it endorses or corroborates that content.

Clearly, journalists must exercise their editorial judgment to decide whether a subject, whatever it may be, is of public interest and deserves to be reported.

In the case at hand, the three authors of the report were all recognized “war crimes” experts who had served as prosecutors at the international criminal courts for the former Yugoslavia and for Sierra Leone. Moreover, the existence of the report, as well as its content, had already been disclosed by CNN and the U.K. daily *The Guardian*, which are well-known media outlets.

It is easy to understand why these facts would prompt ICI Radio-Canada.ca and *Le téléjournal*, as well as many other press agencies and media, to cover the report.

There is no doubt in my mind that if these same experts had instead concluded that the forces opposed to the regime of President Al-Assad were responsible for the atrocities, all these media outlets would have acted in the same way.

Regarding the substance of the report, Mr. Charbonneau might well think that the report by the three war crimes experts at issue here was nothing more than a propaganda tool, that it wasn't believable and that the disclosure of its content on the eve of the Syrian peace conference made it highly suspect.

Other viewers might well think so, too, or think exactly the opposite.

All my comments also apply to the live report on the *Téléjournal* newscast by journalist Marie-Ève Bédard.

I should add that Ms. Bédard was careful to specify that, even if the experts maintained that there appeared to be some "government involvement" in the reported massacres, there was no evidence that this involvement "included political leaders," notably Bachar Al-Assad.

Published on <http://www.ombudsman.cbc.radio-canada.ca/fr/revision-des-plaintes/2014/syrie-rapporter-et-relater-n-est-pas-valider-ni-endosser-ici-radio-canada-ca-et-le-tj/>

### **Complaint unfounded.**

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Israeli-Palestinian Conflict: Losing the Map in a Minefield

#### **David Ouellette**

*Le téléjournal*, ICI Radio-Canada Télé

David Ouellette, Associate Director, Public Affairs (Quebec), of the Centre for Israel and Jewish Affairs, was unhappy with a report that aired on ICI Radio-Canada Télé's *Téléjournal* newscast on January 16, 2014. He thought this report on the history of Canada's relations with Israel contained factual errors that reflected incompetence and an anti-Israeli bias.

The report was produced on the occasion of Canadian prime minister Stephen Harper's official visit to Israel.

Mr. Ouellette complained about the maps presented at the start and end of the report that were supposed to show the change in Palestinian territory since 1946.

He also contested a number of statements the journalist made.

### **Review (February 17, 2014)**

In its reply to the complainant, the news service admitted straight out that the first map shown in the report was wrong. However, it contested all the other points raised in the complaint.

I concluded that the report could have been more accurate in a number of respects and that an issue as complex as Israeli-Palestinian relations couldn't risk being ambiguous, imprecise, confusing and short on distinctions. With the exception of the use of a distressingly inaccurate map, however, I felt that the report complied with Radio-Canada's JSPs.

I also pointed out that in spite of some 20 or so reviews regarding this issue over the last two years, in spite of my many recommendations concerning it, and in spite of the fact that the news service has been quite open in responding to complaints, very basic errors continue to be made.

Published on <http://www.ombudsman.cbc.radio-canada.ca/fr/revision-des-plaintes/2014/conflit-israelo-palestinien-perdre-la-carte-en-terrain-mine-tj/>

### **Complaint founded.**

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Feisty, Unrelenting, Provocative: Interviewers Are Not Robots

### **Robert Barberis-Gervais**

*24/60*, ICI RDI

The complainant, Robert Barberis-Gervais, maintained that journalist Anne-Marie Dussault had been unprofessional and biased when she interviewed Quebec minister of higher education, research, science and technology Pierre Duchesne. The interview was broadcast on the ICI RDI program *24/60* on January 22, 2014.

By way of background, I should note that Mr. Duchesne was designated by his party to stand in for his colleague Éline Zakaïb, the minister for industrial policy and the Banque de développement économique du Québec. Ms. Zakaïb had been asked to explain remarks she made in a conversation with Fédération des travailleurs du Québec (FTQ) president Michel Arsenault. The conversation, obtained by police wiretap, was submitted as evidence and heard at the Charbonneau Commission investigating the awarding and management of public contracts in the construction industry.

Here is an excerpt of Mr. Barberis-Gervais's complaint:

Ms. Dussault began the interview by complaining very aggressively about the fact that Ms. Zakaïb had not shown up for the interview. She continued in this aggressive manner throughout the interview. Ms. Dussault was argumentative,

disagreeable, unpleasant, scathing and continued to ask questions without listening to what the minister had to say, looking at her notes, not having a conversation with him at all. Her hostility made it very difficult for the slightest bit of information to be exchanged about the subjects brought to light by the wiretap. The message she conveyed was the following: It is unacceptable for Ms. Zakaïb not to show up for the interview, and there is nothing you can say, Mr. Duchesne, that can justify her absence.

#### **Review (February 25, 2014)**

Mr. Barberis-Gervais filed an initial complaint about Ms. Dussault on October 18, 2013, regarding an interview she did with the Quebec minister responsible for democratic institutions and active citizenship, Bernard Drainville.

The complainant was of the opinion that the interviewer had shown bias in the way she asked her questions because she systematically expressed views different from his.

Mr. Barberis-Gervais again used the same arguments.

When I reviewed his complaint of October 2013, I explained at length that it is not the job of journalists and interviewers to promote their guests or put them in a good light, especially if they are elected officials or holders of a public office who, because of their responsibilities, are accountable to voters, must answer for their actions and must defend their positions. Under these circumstances, it is only normal, I wrote, for journalists, and interviewers in particular, to argue with their guests, sometimes even in a brusque, insistent way.

My conclusion has therefore not changed. I would simply add that none of Ms. Dussault's questions referred to by the complainant showed a lack of respect on her part: she was in no way malicious, arrogant, insolent, disrespectful or scornful toward her guest, nor did she insult him.

And that is what counts. Journalists are not robots. A journalist is perfectly entitled to be feisty, fierce, even provocative. He or she is also entitled to show frustration with a guest's answers and attitude; that is not a sign of a lack of respect.

Published on <http://www.ombudsman.cbc.radio-canada.ca/fr/revision-des-plaintes/2014/fougueux-insistants-provocants-les-intervieweurs-ne-sont-pas-des-robots-24-60/>

**Complaint unfounded.**

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Stephen Harper's Speech in Israel: Legitimate Interpretation or Twisting of the Truth?

**Michelle Whiteman**

*Le téléjournal*, ICI Radio-Canada Télé; *Le club des ex*, ICI RDI

Michelle Whiteman represents the lobby group HonestReporting Canada, which monitors Canadian media coverage of issues concerning the Jewish community and the State of Israel to ensure coverage is, in its view, fair, balanced and free of bias.

In January 2014, Canadian prime minister Stephen Harper made an official visit to Israel during which he delivered a speech to the Knesset, the Israeli parliament. In the speech, Mr. Harper reiterated Canada's and the Canadian government's support for Israel. Some analysts saw in the wording of his remarks a condemnation of any form of criticism of Israel, going so far as to say that Mr. Harper equated any such criticism with anti-Semitism.

Ms. Whiteman's complaint raised a number of points regarding the coverage of the prime minister's speech to the Knesset.

She disapproved in particular of the interpretation of the speech given by analyst Jean-François Lépine on the late *Téléjournal* newscast on January 20, 2014.

The misrepresentation of Stephen Harper's remarks," she wrote, "misled viewers in two respects: not only did Mr. Lépine give an inaccurate account of what Mr. Harper said, but he also claimed that, for the prime minister, any criticism of Israel is anti-Semitic. That is in fact exactly the opposite of what Mr. Harper said.

Ms. Whiteman was also unhappy with the remarks made, again on January 20, 2014, by the commentators on the ICI RDI program *Le club des ex* and by the host, Simon Durivage.

**Review (March 6, 2014)**

Radio-Canada journalists must show they are unbiased and must never give their personal opinions, not just on air, but also anywhere where their opinions might be heard publicly or be reported.

With respect to the complaint at hand, this rule does apply to *Club des ex* host Simon Durivage, a journalist who works at Radio-Canada.

It does not apply, however, to the members of the *Club des ex*, who are former politicians chosen precisely for their ideological leanings to represent, in accordance with the JSPs, "a wide range of comment and opinion on significant issues."

The same applies – though only recently, it must be said – to Jean-François Lépine, who retired from Radio-Canada last year and now appears sometimes as an "independent

expert on international issues.” He no longer has any employment relationship with Radio-Canada.

However, I can well imagine that Mr. Lépine’s new status may not immediately be clear to viewers who have been listening to him present his analyses and views since he retired. In particular, his appearance on the *Téléjournal* newscast that Ms. Whiteman complained about was in no way different, with respect to form, from his reports viewers had become accustomed to seeing when he was still a Radio-Canada employee: the program producers and host did nothing to explain Mr. Lépine’s new status.

If the news service intends to abide by both the spirit and letter of the JSPs, it should henceforth ensure that Mr. Lépine’s contributions are clearly identified as those of an independent expert, unassociated with Radio-Canada, who is entitled to give his personal opinions in his analyses.

As for Mr. Durivage, his remarks simply summarized his reasonable understanding of what Mr. Harper said and were in no way wrong or biased.

Published on <http://www.ombudsman.cbc.radio-canada.ca/fr/revision-des-plaintes/2014/discours-de-stephen-harper-en-israel-interpretations-legitimes-ou-gauchissement-de-la-verite-tj-et-le-club-des-ex/>

### **Complaint unfounded.**

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*TLMEP*: Codes of Ethics Do Not Prevent Producer Guy A. Lepage from Showing Contempt

#### **Guillaume Pelegrin**

*Tout le monde en parle*, ICI Radio-Canada Télé

A viewer, Guillaume Pelegrin, filed a complaint about a comment made by Guy A. Lepage, host and producer of the talk show *Tout le monde en parle*, which airs on ICI Radio-Canada Télé. Mr. Lepage’s remarks were published on the website of the newspaper *Le Soleil* on March 9, 2014. The complainant felt they showed contempt for the public.

Mr. Pelegrin, like many other viewers, first complained about *Tout le monde en parle* and Radio-Canada’s decision to broadcast an interview with Quebec premier and Parti Québécois leader Pauline Marois on April 6, 2014, the eve of the Quebec general election.

Like the other complainants, Mr. Pelegrin thought the decision gave “a major advantage [...] to one political party over the others.” He claimed this created at least “an appearance of favouritism and lack of independence by Radio-Canada.”



Radio-Canada's decision was announced on Sunday, March 9, and Mr. Pelegrin sent his complaint to my office that same day.

In an article published on the website of the daily *Le Soleil*, attributed to journalist Simon Boivin, Guy A. Lepage was quoted as follows:

Anyone who sees some form of political and media machination in this affair is, in Mr. Lepage's estimation, "a complete idiot [hostie de cave]." Pauline Marois will be interviewed in the same thorough way as all the incumbent premiers who have appeared on the show, says the host, who has never hidden his sovereigntist convictions.

Mr. Pelegrin then sent me an addendum to his complaint of the day before. Here is the main part:

I would like to add to my complaint something that arose subsequent to my initial request. Surely a star talk show host on Radio-Canada should not be referring to taxpayers who challenge the appropriateness of a decision by the Corporation as "complete idiots." This kind of contempt for the public deserves to be censured by the Ombudsman.

Ultimately, on Monday, March 10, Radio-Canada and the producers of *Tout le monde en parle* agreed that broadcasting an interview with a party leader the night before an election was not appropriate and decided against it.

#### **Review (March 14, 2014)**

Before dealing with the substance of Mr. Pelegrin's complaint, I first situated it in the specific context of how Radio-Canada's JSPs apply to talk shows like *Tout le monde en parle*.

I explained that *Tout le monde en parle*, being a talk show, is not fully subject to the JSPs, which normally apply only to information content broadcast about current affairs. And even then, only the values of balance and fairness apply to it.

On the other hand, during an election period, the show is subject to all JSPs requirements when such content is "related to the campaign, parties or candidates."

Regarding the substance of the complaint, I had to determine whether Mr. Lepage contravened the JSPs when he referred to some members of the public who saw a "political and media machination" in the decision to broadcast an interview with premier Pauline Marois the night before the election as "complete idiots."

I deemed that the JSPs value of fairness did not apply in the case at hand because the remark for which Mr. Lepage was criticized was not made in the process of "information gathering and reporting," as specified in the standard.

Since Mr. Lepage is not a Radio-Canada employee, but a producer of *Tout le monde en parle*, it seemed obvious to me that he is not bound by the JSPs rules governing the expression of opinions, as it is clearly indicated that they apply to journalists, which he is not, and to news service staff, to which he does not belong, either.

Furthermore, he made the remarks at issue in an interview he gave to a *Le Soleil* reporter when explaining the reasons for a decision made as part of producing his show. The decision to interview premier Marois the night before the vote was evidently “a subject of public debate.” And Mr. Lepage was definitely expressing a personal opinion when he called people who saw some kind of political and media machination in the decision “complete idiots.”

However, he made the comment to justify a production decision in his capacity as a producer of *Tout le monde en parle*, and not in the performance of his role as an interviewer producing “information content.” In this sense, it is my judgment that he did not contravene the value of impartiality.

The JSPs also require the CBC/Radio-Canada’s institutional policies to be applied, including the Code of Conduct, which establishes the “values and expected behaviours that guide CBC/Radio-Canada employees in all activities related to their professional duties.”

The code requires Corporation employees to “treat every person with respect and fairness.”

Yet it is important to note, once again, that Mr. Lepage has no employment relationship with Radio-Canada and is not subject to the Code of Conduct.

Published on <http://www.ombudsman.cbc.radio-canada.ca/fr/revision-des-plaintes/2014/tlmepl-les-codes-d-ethique-n-empechent-pas-guy-a-lepage-le-producteur-d-etre-insolent-tout-le-monde-en-parle/>

### **Complaint unfounded.**

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Interview: There’s the Manner, and There’s the Ethics

#### **Michel Ouellette**

*24/60*, ICI RDI

A viewer, Michel Ouellette, complained about an interview that journalist Anne-Marie Dussault did with MP Maria Mourani. The interview was broadcast on the ICI RDI program *24/60* on December 18, 2013. The complainant felt that Ms. Dussault had shown a nationalist bias during the interview.

Here is the complaint:

Worst performance ever for Anne-Marie Dussault – her interview with Maria Mourani. She was really biased and didn't let her guest answer the questions. Awful!

I've never written to you before to complain, but this was just too much! There's no way I can be the only one.

Indeed, some 20 or so viewers wrote in to complain about Ms. Dussault's conduct during the interview. The complainants thought the interviewer was unnecessarily aggressive, that she interrupted her guest too often and didn't give her time to explain, or that she gave the impression she was trying to settle a score.

#### **Review (March 17, 2014)**

I began by acknowledging that Ms. Dussault's interview with Ms. Mourani was particularly combative, that the interviewer often interrupted her guest and that she was very insistent on certain points.

But taking the opposite position to the one presented and defended by a guest is a technique often used by journalists in general and by interviewers in particular. Making use of this technique is not a failing in journalism, but rather a quality.

The JSPs require Radio-Canada journalists to treat people "with openness and respect." In the exchanges between Ms. Dussault and Ms. Mourani, I didn't see anything that, given the nature of the interviewer's role, could be regarded as a breach of that rule.

Each journalist or interviewer has his or her own style, which everyone is free to like or dislike. Viewers may also appreciate, disapprove of or be unable to stand the work of an interviewer or reporter for all kinds of reasons, and he or she may not always be in top form, which is only normal. This does not mean, however, that what may be regarded as a failing or shortcoming is a breach of the rules of journalistic ethics.

Published on <http://www.ombudsman.cbc.radio-canada.ca/fr/revision-des-plaintes/2014/entrevue-il-y-a-la-maniere-et-il-y-a-l-ethique-24-60/>

#### **Complaint unfounded.**

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Analysis: Not Everything Is to Be Taken Literally

#### **Constant Marcove**

*Le téléjournal*, ICI Radio-Canada Télé

A viewer, Constant Marcove, complained about an analysis that aired on ICI Radio-Canada Télé's 10 p.m. *Téléjournal* newscast on March 10, 2014. He thought the language used by analyst Sébastien Bovet indicated a bias.

Here is the essence of his complaint:

According to Mr. Bovet, the Liberal Party and the CAQ sharpened their knives and stayed up most of the night getting ready to put forward today their responses to the arrival of PKP.

Mr. Marcove thought that the expression “sharpening their knives” suggested “that there was (going to be) blood.”

There is already too much violence in our society,” he wrote, “and it is irresponsible to gratuitously add more!

#### **Review (March 18, 2014)**

The complainant interpreted Mr. Bovet’s remarks in a very literal way.

I found it hard to believe that the journalist, when he used the expression “sharpen their knives,” meant that the Liberals and the CAQ had really spent the night sharpening weapons in preparation for armed combat with the PQ.

French, like all languages, has a wealth of colourful set expressions that have become part of regular usage. Obviously they are not meant to be taken literally.

No one would think of filing a complaint with the Society for the Prevention of Cruelty to Animals when someone says he has “d’autres chats à fouetter,” [literally, “other cats to whip,” but figuratively, “other fish to fry”].

The expression “sharpen one’s knives” [“aiguiser ses couteaux”] has had an entry in the Dictionnaire de l’Académie française since the 19th century. It means “to prepare oneself for fighting and arguing.”

Few people believed that the Quebec Liberal Party and the Coalition Avenir Québec would sit by without reacting in the face of the surprise announcement that Pierre Karl Péladeau had joined the Parti Québécois. In the context of an election campaign, it was only to be expected that they would prepare themselves “for fighting and arguing.”

At Radio-Canada, analysis is a high-wire balancing act, as journalists are prohibited by the JSPs from giving their personal opinions. Yet it is only right to allow them to make full use of the many colourful expressions in the French language.

Published on <http://www.ombudsman.cbc.radio-canada.ca/fr/revision-des-plaintes/2014/analyse-tout-n-est-pas-a-prendre-au-pied-de-la-lettre-tj/>

**Complaint unfounded.**

**Monique Hamel**

ICI Radio-Canada.ca, 10 p.m. *Téléjournal* newscast

A viewer, Monique Hamel, complained about a report that aired on ICI Radio-Canada.ca and on ICI Radio-Canada Télé's *Téléjournal* newscast on March 17, 2014. She thought the sources and research on which the report was based were insufficient.

The report was prepared by two reporters and a researcher from Radio-Canada's *L'épreuve des faits* team, as part of the coverage of the campaign leading up to the Quebec provincial election of April 7, 2014. The purpose of the report was to determine to what degree statements by candidates and promises by political parties were accurate and realistic.

Ms. Hamel's complaint concerned a report that set out to assess whether Quebec Solidaire's undertaking to cut greenhouse gas emissions by 40 percent from 1990 levels was realistic.

**Review (April 1, 2014)**

I first noted that the version of the report that aired on the *Téléjournal* newscast was very short: barely a minute, preceded by a 25-second introduction by host Céline Galipeau.

None of the "experts" the reporters said they consulted for the report was cited.

The more-detailed Web version of the report cited two of the sources: the report of the Commission sur les enjeux énergétiques du Québec [Quebec commission on energy issues] and Pierre-Olivier Pineau, a university professor and energy expert who, contrary to what the complainant seemed to be claiming, is perfectly credible, neutral and well respected.

The other specialist who was directly consulted by the *L'épreuve des faits* team, but not cited in the report, was André Bélisle, president of the Association québécoise de lutte contre la pollution atmosphérique (AQLPA), an environmental lobby group focusing on air pollution.

I didn't raise any doubts about the report's conclusions. I added that these "fact-checking" reports are very much in line with the mission of Radio-Canada's news service, as defined in the JSPs.

I did emphasize, however, that it would have been better if the fact-checking team had identified all its sources, or at the minimum the main ones that supported the conclusions presented in the report, at least in the Web version.

I deemed this “lapse” to be no more than a slip-up, as the content of the report was founded on what I considered to be solid evidence. I did mention, however, that a report has more credibility when the assertions it makes are based on reliable sources.

I therefore urged the news service producers to think about this issue and to try to ensure that reporters’ sources are made known as often as possible, especially for reports that claim to be “checking the facts” and setting the record straight, particularly at election time.

Published on <http://www.ombudsman.cbc.radio-canada.ca/fr/revision-des-plaintes/2014/epreuve-des-faits-plus-credible-en-citant-ses-sources-ici-radio-canada-ca-tj/>

**Complaint unfounded.**

# APPENDIX I

## COMPLAINTS FORWARDED TO DEPARTMENTS FOR A RESPONSE

### BY MEDIA LINE

	TV	RDI	RADIO	WEB	RADIO- WEB-TV <sup>8</sup>	TOTAL COMPLAINTS
<b>2013–14</b>	<b>249</b>	<b>109</b>	<b>52</b>	<b>65</b>	<b>25</b>	<b>500</b>
2012–13	201 <sup>9</sup>	155	67	68	33	524
2011–12	141 <sup>10</sup>	76	40	51	16	324
2010–11	115 <sup>11</sup>	67	49	94	27	352
2009–10	148 <sup>12</sup>	63	57	75	19	362

<sup>8</sup> These complaints cover multiple platforms.

<sup>9</sup> The 236 complaints received in 2012–13 about Jean-Martin Aussant's exclusion from the leader's debate are recorded as a single complaint.

<sup>10</sup> The 502 complaints received in 2011–12 about E. May's exclusion from the leaders' debate are recorded as a single complaint.

<sup>11</sup> The 1,131 complaints received in 2010–11 about E. May's exclusion from the leaders' debate are recorded as a single complaint.

<sup>12</sup> The 44 complaints received about the program *Six dans la cité* (comments regarding the André Brassard biography) were calculated as a single complaint.

# APPENDIX II

## RESPONSE TIME FROM DEPARTMENTS

	COMPLAINTS PROCESSED	AVERAGE RESPONSE TIME (IN DAYS)
<b>2013–14</b>	<b>500</b>	<b>12.4</b>
2012–13	524 <sup>13</sup>	8.7
2011–12	324	7.1
2010–11	352	11
2009–10	362	8.1

<sup>13</sup> The 236 complaints received in 2012–13 about Jean-Martin Aussant's exclusion from the leader's debate are recorded as a single complaint.



# APPENDIX III

## REVIEWS BY THE OMBUDSMAN

	COMPLAINTS PROCESSED	AVERAGE RESPONSE TIME (IN DAYS)
<b>2013–14</b>	<b>36</b>	<b>7</b>
2012–13	42	8.1
2011–12	23	38.8 <sup>14</sup>
2010–11	41	16.6
2009–10	40	11.7

## REVIEW OUTCOMES

	UNFOUNDED COMPLAINTS	PARTIALLY FOUNDED COMPLAINTS	FOUNDED COMPLAINTS
<b>2013–14</b>	<b>26</b>	<b>4</b>	<b>6</b>
2012–13	31 <sup>15</sup>	7	4
2011–12	15	5	3
2010–11	23	12	6
2009–10	20	10	10

<sup>14</sup> The Ombudsman, French Services position was vacant for three-and-a-half months.

<sup>15</sup> This figure includes the Ombudsman's clarification on Jean-Martin Aussant's exclusion from the leader's debate.

# APPENDIX IV

## Mandate of the Office of the Ombudsman

(Terms of reference adopted by the Board of Directors on March 21, 2012)

### I. Principles

CBC/Radio-Canada is fully committed to maintaining accuracy, integrity, balance, impartiality and fairness in its journalism, as expressed in its unique code of ethics and practice, the *Journalistic Standards and Practices* (<http://www.cbc.radio-canada.ca/en/reporting-to-canadians/acts-and-policies/programming/journalism/>). Our journalistic mission is to inform, to reveal, to contribute to the understanding of issues of public interest and to encourage citizens to participate in our free and democratic society. We base our credibility on fulfilling that mission through adherence to the values, principles and practices laid out in the *Journalistic Standards and Practices*.

The Ombudsman is completely independent of CBC program staff and management, reporting directly to the president of CBC and, through the president, to the Corporation's Board of Directors.

### II. Mandate

#### Audience Complaints and Comments

- a. The Ombudsman acts as an appeal authority for complainants who are dissatisfied with responses from CBC information or program management.
- b. The Ombudsman generally intervenes only when a correspondent deems a response from a representative of the Corporation unsatisfactory and so informs the Office of the Ombudsman. However, the Ombudsman may also intervene when the Corporation fails to respond to a complaint within a reasonable time.
- c. The Ombudsman determines whether the journalistic process or the broadcast involved in the complaint did, in fact, violate the Corporation's *Journalistic Standards and Practices*. The gathering of facts is a non-judicial process and the Ombudsman does not examine the civil liability of the Corporation or its journalists. The Ombudsman informs the complainant and the staff and management concerned of the review's findings and posts such findings on the Ombudsman's website.
- d. As necessary, the Ombudsman identifies major public concerns as gleaned from complaints received by the Office and advises CBC management and journalists

accordingly. The Ombudsman and CBC management may agree that the Ombudsman undertake periodic studies on overall coverage of specific issues when it is felt there may be a problem and will advise CBC management and journalists of the results of such studies.

- e. The Ombudsman establishes a central registry of complaints and comments regarding information content, and alerts journalists and managers on a regular basis to issues that are causing public concern.
- f. The Ombudsman prepares and presents an annual report to the president and the Board of Directors of the Corporation summarizing how complaints were dealt with and reviewing the main issues handled by the Office of the Ombudsman in the previous year. The report includes mention of the actions, if any, taken by management as a result of the Ombudsman's findings, provided such disclosure does not contravene applicable laws, regulations or collective agreements. The annual report, or a summary thereof, is made public.
- g. The Office of the Ombudsman reports annually on how each media component has met the CBC standard of service for the expeditious handling of complaints.

#### **Compliance with journalistic policy**

- a. The Office of the Ombudsman is responsible for evaluating compliance with the *Journalistic Standards and Practices* in all content under its jurisdiction. It can be assisted in this role by independent advice panels. Panel members are chosen by the Ombudsman; their mandate is to assess content over a period of time, or the overall coverage of a particular issue by many programs, and report their findings to the Ombudsman. The Ombudsman will advise CBC management and journalists of these findings.
- b. The evaluation measures performance in respecting the fundamental principles of CBC journalism:
  - balance, impartiality, accuracy, integrity and fairness for information content; and
  - balance and fairness for general-interest programs and content when dealing with current issues.
- c. The Office reports bi-annually.

#### **III. Jurisdiction**

The jurisdiction of the Office of the Ombudsman covers all news, current affairs and public affairs content on radio, television and the internet (whether in-house or produced by a

third party) that falls within the scope of the Corporation's *Journalistic Standards and Practices*, as amended from time to time.

This includes news and all aspects of current affairs and public affairs (political, economic and social) as well as journalistic activities in agriculture, arts, music, religion, science, sports, and variety.

This also includes user-generated content when incorporated in news, current affairs and public affairs stories.

Complaints beyond the Ombudsman's mandate should be addressed directly to the programs concerned, or Audience Relations.

#### **IV. Appointment**

- a. When filling the Ombudsman's position, the CBC openly seeks candidates from outside as well as inside the Corporation.
- b. After appropriate consultation, the president and CEO establishes a selection committee of four. Two members, including the committee chair, must be from the public. People currently employed by the Corporation or employed by the Corporation within the previous three years will be excluded from nomination as public members. The other committee members are chosen, one among CBC management, the other among its working journalists. Members representing the Corporation and journalists jointly select the committee chair among the two representatives of the public.
- c. The selection committee examines applications and selects a candidate to be recommended for appointment by the president and CEO.
- d. The Ombudsman's appointment is for a term of five years. This term may be extended for no more than five additional years. The Ombudsman's contract cannot be terminated except for gross misconduct or in instances where the Ombudsman's actions have been found to be inconsistent with the Corporation's Code of Conduct Policy 2.2.21.
- e. The outgoing Ombudsman may not occupy any other position at the CBC for a period of two years following the end of his/her term, but can, at the discretion of the incoming Ombudsman, be contracted to work for the Office of the Ombudsman.

Note: This document can be found on the Web:  
<http://www.cbc.ca/ombudsman/about/terms-of-reference.html>

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**2013–2014**

**French Services**

**Response from Management to the  
Annual Report of the Ombudsman**

**June 6, 2014**

French Services' Management would like to thank ombudsman Pierre Tourangeau for his work and feedback over the course of the year. Radio-Canada strives to meet some of the highest reporting standards. Our relationship with the ombudsman is part of an ongoing dialogue about our profession and the ways we can improve when necessary.

Last year the ombudsman received 912 complaints regarding news content. He reviewed 36 of those cases, deeming 6 to be founded, and 4 partially founded. In other words, 10 out of a total of 912. We are pleased to note that, despite the large volume of content that we produce, only a handful of our reports were deemed erroneous. That said, we realize that any violation of the *Journalistic Standards and Practices* undermines the audience's trust in CBC/Radio-Canada journalists. We therefore continue working hard to develop measures aimed at keeping errors to a minimum.

Mr. Tourangeau points out, quite correctly, that there were fewer current affairs-related controversies last year than in 2012–2013, which saw an unprecedented social crisis in Quebec. Nevertheless, two major events fuelled public debate and stirred emotions: the Parti Québécois government's tabling of its draft charter of secular values and the provincial election. We will discuss our coverage of these two events later. Note that the ombudsman deemed that 3 of the 107 complaints we received relating to our coverage of the charter were founded or founded in part. The election campaign generated 266 complaints between March 5 and 31. He deemed none of them to have violated CBC/Radio-Canada's *Journalistic Standards and Practices*.

### **The Israeli-Palestinian conflict**

The Israeli-Palestinian issue is extremely complex and controversial, lending itself to often contradictory readings of history and interpretations of the facts. It therefore must be handled with particular care. That is why we are pleased to note that the number of complaints involving this topic declined. Moving our Middle East bureau from Tel Aviv to Beirut has allowed us to cover events in Israel in a more focused way, concentrating on the most important stories. We also note that not a single complaint was received about the coverage provided by our new correspondent, who has extensive experience in the region.

On the other hand, when Prime Minister Harper was in Israel in January 2014, our 10 p.m. *Téléjournal* newscast ran a feature report on the Israeli-Palestinian conflict that contained a number of inaccuracies and showed a map with wrong

information. As soon as we received the complaint about this report, we aired a correction and an apology. The Executive Director of News and Current Affairs laid down the rule that, henceforth, any reports on the Israeli-Palestinian conflict had to be not only produced by a reporter familiar with the Middle East, but also vetted even more closely by the show's chief editor prior to broadcast.

### **Charter of secular values**

The Quebec government's tabling in the fall of 2014 of a draft of its charter of secular values immediately unleashed a heated public debate. Public opinion crystalized around the issue of the wearing of conspicuous religious symbols, in particular the wearing of veils and headscarves by Muslim women. Having learned from our experience covering last year's student crisis, which also caused a deep social rift, we moved from the outset of the debate to ensure balanced coverage reflecting the broadest possible range of opinions on the subject. Besides interviewing official spokespersons, we made efforts to find out what people thought in various communities, in both multiethnic Montreal and rural Quebec, and to see what impression the debate on secularism and the wearing of religious symbols was having on government representatives. We also organized panel discussions, on the radio and on RDI, where a wide range of opinions could be heard. To obtain a clear idea of public opinion on this issue, we also commissioned a poll to provide a more detailed view of where Quebecers stood on specific charter-related questions. This kind of independent survey of public opinion on controversial topics helps us provide more appropriate, informed coverage.

In an effort to situate the Quebec debate in a broader context, we asked our national reporters and foreign correspondents how this issue was experienced in other provinces, countries and regions, especially in France, the United Kingdom and the Middle East. The management team also met regularly to review our reporting on the issue to make sure we were covering all angles and that all points of view were being represented, adjusting our coverage as needed.

Despite that, one of our reports on the reaction in British Columbia to the Quebec charter was unbalanced.

Two articles from the Radio-Canada website were also reviewed by the ombudsman. Mr. Tourangeau noted that social media and digital platforms are new realities that we need to think seriously about. He also noted that our information officer at ICI.Radio-Canada.ca is attentive to complaints and reacts



quickly to correct inaccuracies even when they do not actually violate our *Journalistic Standards and Practices*. We are aware that this is an area that requires better oversight, given the speed at which news is published on the web.

### **Quebec election campaign**

Although the 2014 Quebec election campaign ended on April 7, after the close of the 2013–2014 fiscal year, the ombudsman nevertheless made some preliminary observations to which we should respond. He reported that he did not find any breach of the JSPs in the three cases he reviewed out of the 266 complaints received about our coverage. He also noted that we took steps to make sure our investigative reports during the campaign did not create confusion, the way they did during the last election in the summer of 2012. To prevent any shift in the meaning or scope of our reports, we decided that only one person would write the headlines and introductions. As the ombudsman wrote: “Clearly, in this particular case, the actions taken to prevent a repeat of these types of errors were effective.”

Like the ombudsman, we organized panels of voters of various backgrounds and political persuasions to assess our coverage from week to week. The reports by the panels, compiled by the Director of Diversity and Community Relations, revealed that overall our coverage was deemed to be fair and balanced. Our decision to draw up a plan to cover the electoral campaign that focused on the issues, fact checking and voters also allowed us to provide coverage that was more independent of official political party lines and ensured we were not held hostage to partisan debate, even though we couldn’t avoid it entirely.

### **Oversight of journalists**

The ombudsman has expressed some concern about what he calls repeated mistakes in the news department and the lack of editorial oversight that could explain them.

We are well aware that any decision by the ombudsman that concludes there has been a breach of our JSPs is damaging to the news department. We have taken steps over the past year to make reporters more aware of our profession’s guiding principles and to try to spot errors and fix them before they are broadcast. We have accelerated the online JSP training, which introduces journalists to the concepts across the country. We have produced a series of videos on specific cases, which are also available to all online. For each

complaint, whether reviewed by the ombudsman or not, the news department follows up with the reporter concerned. In important cases, the Executive Director, News and Current Affairs, personally follows up with the reporter who produced the inaccurate report and the team that aired it.

We have also made changes to the report-checking process. In addition to the usual copy editors, the senior lineup editors now take part in vetting or editing copy. These measures should help reduce the number of errors.

## **Transparency**

In his latest report, the ombudsman said he hoped the news department would implement “a standardized procedure for admitting and correcting errors.” He noted that, in his opinion, such a “permanent and truly visible” procedure is still far from a reality. He pointed out, however, that discussions on the subject are ongoing and that he always receives the news department’s full cooperation.

The matters of transparency and diligence in handling complaints and acknowledging our mistakes, fixing them and, above all, preventing them from happening again, are a constant concern to us. It is true that we haven’t come as far as the ombudsman would like in setting up formal mechanisms, but we have made significant progress over the past year and intend to continue to do so.

In particular, with the appointment of a new complaints manager, we took the opportunity to revise the duties of the position. As a result, the Director of Diversity and Community Relations is now not only in charge of complaints, but also oversees on-air diversity (people and viewpoints) and community relations. This allows us to foster a more sustained relationship with our audiences.

One of the reasons that people complain about our shows is that they don’t see themselves reflected in them. Redefining the complaints manager’s mandate aims to address this problem. A complaints manager who is also responsible for developing the diversity of viewpoints on air and community relations will be naturally more attentive to audience needs and expectations. This should, we hope, defuse many frustrations before they turn into formal complaints.

With the rise of social media and a closer relationship with public institutions, citizens expect greater dialogue and transparency. We not only strive to adopt a respectful tone toward complainants, but we also make a point of clearly explaining our operating and decision-making methods. This aims to increase

complainants' satisfaction with our responses and thus reduce the number of complaints referred to the ombudsman. Providing the complaints manager with an additional resource is another initiative designed to shorten complaint response times and facilitate dialogue with our audience.

Moreover, the scope of the Diversity and Community Relations Director's mandate now extends beyond the news department, encompassing all ICI Radio-Canada Première shows. This broadened mandate means that all the radio teams are now exposed to the JSPs. The responses to listeners' complaints are thus, by definition, more detailed and more thorough than those that our audience service department, which used to deal with them, could provide. This is a definite improvement in relations between listeners and Radio-Canada.

During the last Quebec election campaign, the Executive Director of News and Current Affairs had the opportunity to observe personally how broadening the scope of our standards and practices beyond the news department has been beneficial.

The other measures recommended by the ombudsman – a formal recognition mechanism on the web or on the program site, or starting up a news management blog – are still at the conceptual stage.

The quality of the relationship between the news department and its audience is central to our mandate as a public broadcaster. In the past year, we have redefined the roles and responsibilities of those who handle complaints and audience relations to reflect these new realities. In the coming year, we will be developing the mechanisms needed to accomplish that mission.