



AMENDMENTS TO POLICY 2.2.17: POLITICAL ACTIVITY AND JOURNALISTIC STANDARDS AND PRACTICES

TO:	Human Resources and Governance Committee/ Board of Directors
MEETING:	November 25–26, 2013
FROM:	Maryse Bertrand, Vice-President, Real Estate Services, Legal Services and General Counsel
DECISION SOUGHT:	Approval of an amended Policy 2.2.17: Political Activity and minor amendments to the “Conflict of Interest – Introduction” section in the <i>Journalistic Standards and Practices</i> (“JSPs”)
NEXT STEPS:	Communicate the amended Policy 2.2.17 to affected staff. Amend external production contracts and contracts with external contributors to reflect the changes to Policy 2.2.17.
DATE:	2013-11-14

s.21(1)(b)



A1. BACKGROUND

- Independence and impartiality are fundamental to CBC/Radio-Canada's credibility. As a result, the Corporation sets guidelines and restrictions on the political activities of certain Corporation employees and on-air personalities.
- On June 19, 2013, the Board of Directors adopted a comprehensive overhaul of Policy 2.2.17 aimed at a) clarifying the restrictions on the political activities of certain employees and on-air personalities; and b) ensuring consistency with the wording of our various collective agreements and contracts with external contributors.
- Further to this adoption, the scope of certain restrictions, particularly:
 - the ban on running for public office of any kind; s.21(1)(b)
 - the ban on donating to a candidate or political party;
 - restrictions being imposed on the immediate families of affected employees.
- After discussion, the SET proposed some amendments to the revised Policy 2.2.17 to clarify it and promote employee buy-in.



A2. KEY DECISION ELEMENTS

Policy 2.2.17:

- The policy will only apply to federal, provincial, territorial and municipal elections.
- As for donating to a candidate or party, since in many instances donations are public, each affected employee's specific circumstances, such as hierarchical level, nature of job and duties, must be assessed to determine whether such donations are permitted. The employee in question must inform their manager at the earliest opportunity of any issues in this regard.
- The immediate families (parents, children or siblings) of restricted employees will no longer be covered by the policy; only their spouses will be. That means if the spouse of an employee in the restricted group (SET members, executives reporting directly to them, Communications employees representing CBC/Radio-Canada in its relations with its various audiences, or news, current affairs and public affairs staff) engages in a political activity likely to have a negative impact on the Corporation, the employee in question must inform management so that action can be taken to mitigate this impact (e.g., a vice-president's spouse running in a federal election).



A2. KEY DECISION ELEMENTS

- When a restricted employee's supervisor must be notified under the policy, the appropriate component vice-president must be notified as well.

JSPs:

- "Conflict of Interest – Introduction" section: minor adjustments to ensure consistency with the rest of the JSPs, including an explicit reference to all employees involved in creating content subject to JSPs.



A3. BENEFITS

- Clarifies the policy and makes it less restrictive, thereby promoting union and employee buy-in.
- Specifies the types of elections covered by the restrictions, namely federal, provincial, territorial and municipal. Elections to school boards or civic bodies are excluded.
- Relaxes restrictions on political donations based on the specific circumstances of affected employees, thus allowing them to donate in certain cases.
- Removes all restrictions on the political activities of affected employees' immediate families, apart from spouses.



A3.IMPACTS

- The changes will make it easier to implement the new policy without compromising CBC/Radio-Canada's independence and impartiality.

- The impacts anticipated when the revised policy was adopted on June 19 remain the same:
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s.21(1)(b)



A3. KEY RISKS

Risk	Response
<p>Employees may consider the restrictions to be an unreasonable infringement on their democratic rights.</p>	<p>With these changes, CBC/Radio-Canada is making the policy clearer, less restrictive and, therefore, more likely to obtain employee buy-in. This considerably decreases the risk in question. A communications plan will be developed.</p> <p>s.18(b) s.21(1)(b)</p>



A4. OTHER OPTIONS CONSIDERED

Other Options	Reasons for Rejection
Keep the revised policy as is	<ul style="list-style-type: none">• The new policy was likely to face considerable opposition in its original form, whereas it could be made less restrictive without compromising CBC/Radio-Canada’s independence and impartiality.• The policy was too broad in imposing restrictions on employees’ immediate families. Only spouses are close enough for their political activities to have a potential negative impact on CBC/Radio-Canada; hence, the recommendation to relax this restriction.
Allow all employees to make political donations	<ul style="list-style-type: none">• Certain employees donating to a candidate or political party could clearly compromise CBC/Radio-Canada’s independence and impartiality (e.g., a donation by a CBC news anchor).• The pre-June 19 policy prohibited all affected employees from “publicly supporting a candidate.” Because donations are usually made public, they must be considered public support and were therefore already prohibited under the previous policy.
Don’t restrict the political activities of employees’ spouses.	<ul style="list-style-type: none">• The relationship between spouses is too close for CBC/Radio-Canada to ignore the risk of their political activities adversely affecting the Corporation’s independence and impartiality.• The policy doesn’t prevent restricted employees’ spouses from engaging in political activity; it merely imposes an obligation to inform management so that action can be taken to mitigate any potential negative impact.



A5. SUCCESS MEASURES

- Communications plan developed by Industrial Relations that clearly explains the amended policy to the restricted group,
 - Highlight how the policy has been made less restrictive to ensure understanding and promote buy-in. s.21(1)(b)
 - Present the limited nature of the changes, their necessity, and what they mean for employees.
- New policy implemented by adding clauses to the contracts of English Services' external contributors and to relevant contracts on certain outside productions (news / current affairs programs or those dealing with controversial issues).
- CBC/Radio-Canada's credibility, independence and impartiality protected as a result of clear, reasonable new measures being adopted on political activity.



A6. RESOLUTION

The Human Resources and Governance Committee recommend that :

- (1) the amended policy on political activity (Policy 2.2.17) be approved;
- (2) the amended “Conflict of Interest – Introduction” section of the *Journalistic Standards and Practices* be approved.



B. APPENDICES

1. Proposed Policy 2.2.17: Political Activity (with track changes)
2. *Journalistic Standards and Practices*, “Conflict of Interest – Introduction” section (with track changes)

POLICY 2.2.17: POLITICAL ACTIVITY

REVISED: ~~June 19, 2013~~

RESPONSIBILITY:

Vice-President, People & Culture and Vice-President, Real Estate Services, Legal Services and General Counsel

STATEMENT:

Independence and impartiality are fundamental to CBC/Radio-Canada's credibility. Not only must the Corporation be independent, impartial, fair and honest, but it also must be perceived as such. It is essential that CBC/Radio-Canada not take a position on controversial issues. Consequently, some employees, owing to the nature of their job or duties, are restricted from engaging in certain political activities.

Members of the Senior Executive Team (SET), the Executive employees reporting directly to them, as well as Communications employees representing CBC/Radio-Canada in its relations with its various audiences ("restricted management group") may not engage in certain political activities, including for example: (1) standing for nomination or being a candidate for public office in federal, provincial, territorial and municipal elections; (2) publicly supporting a candidate or political party; (3) attending a partisan political event, except as required in the performance of CBC/Radio-Canada duties; (4) organizing or attending a fund-raiser for a candidate or political party, except as required in the performance of CBC/Radio-Canada duties; ~~(5) donating to a candidate or political party~~ ("designated political activities").

As for donating to a candidate or political party, since in many instances donations are or can become public, each employee's specific circumstances, such as hierarchical level, nature of job and duties, must be assessed to determine whether such donations could have a potential negative impact on CBC/Radio-Canada's impartiality, independence and credibility. The employee in question must inform their manager at the earliest opportunity of any issues in this regard.

News, current affairs and public affairs personnel who are subject to CBC/Radio-Canada's *Journalistic Standards and Practices* ("JSPs") may not engage in designated political activities.

General programming on-air personalities dealing with controversial issues must adhere to the values of fairness and balance provided for in the JSPs, which state, among other things, that individuals and organizations must be treated even-handedly. During an election or referendum period, all content related to the campaign, parties or candidates, regardless of the department concerned, is subject to the JSPs, including the values of impartiality and integrity.

All other employees are not restricted in their political activities (“non-restricted employees”). However, should they decide to stand for nomination or be a candidate for public office, they must provide their manager and their component vice-president with prior written notice. They may also apply for a leave of absence without pay for this purpose.

APPLICATION:

All CBC/Radio-Canada employees.

RESPONSIBILITY:

All questions pertaining to the interpretation or application of this policy should be referred to the Vice-President, People & Culture or the Corporate Secretariat.

HISTORY:

Policy 2.2.17 dated January 1st 2003, revised June 19, 2013.

PROCEDURES:

Restricted Management Group

All members of the restricted management group must inform their manager, the component vice-president and the President and CEO before standing for nomination or being a candidate for public office, copying the Vice-President, People & Culture. They must also apply for a leave of absence without pay until the election date or request a suspension of their contract. The decision’s potential impact will then be discussed.

If elected, the employee shall immediately resign from CBC/Radio-Canada or shall immediately terminate their contract; if not, in keeping with operational needs and to avoid any potential negative impact on CBC/Radio-Canada’s independence, impartiality and credibility, they may be assigned new or different responsibilities upon their return or have their contract renegotiated. If the new assignment is refused or the parties fail to reach an agreement, the employee shall be considered to have resigned from CBC/Radio-Canada or, if applicable, have terminated their contract.

~~A close relative (spouse, parent, child or sibling)~~ The spouse of a member of the restricted management group engaging in designated political activities could have a potential negative impact on CBC/Radio-Canada’s impartiality, independence and credibility. In these cases, the employee in question must inform their manager, the component vice-president and the President and CEO at the earliest opportunity so that action can be taken to mitigate any potential negative impact. A copy of any evidence of such action should be sent to People & Culture.

Personnel Subject to JSPs

News, current affairs and public affairs personnel must inform the General Manager and Editor in Chief, the component vice-president and the President and CEO in writing before standing for nomination or being a candidate for public office, copying the Vice-President, People & Culture. The person must also apply for a leave of absence without pay until the election date or request a suspension of their contract. The decision's potential impact will then be discussed.

If elected, the person shall immediately resign from CBC or shall immediately terminate their contract; if not, in keeping with operational needs and to avoid any potential negative impact on CBC's independence, impartiality and credibility, they may be assigned new or different responsibilities upon their return or have their contract renegotiated. If the new assignment is refused or the parties fail to reach an agreement, the person shall be considered to have resigned from CBC or, if applicable, have terminated their contract.

~~A close relative (spouse, parent, child or sibling)~~ The spouse of a news, current affairs or public affairs employee engaging in designated political activities could have a potential negative impact on CBC's impartiality, independence and credibility. In these cases, the person in question must inform their manager ~~and~~, the General Manager and Editor in Chief, the component vice-president at the earliest opportunity so that action can be taken to mitigate any potential negative impact. A copy of any evidence of such action should be sent to People & Culture.

If general programming on-air personalities who deal with controversial issues consider engaging in designated political activities, they should inform program management beforehand so that the decision's potential impact can be discussed. In the event that a designated political activity is undertaken, the on-air personality will, where appropriate, clearly inform the public that they are doing so in a purely personal capacity and that their actions and opinions are strictly their own. They must never exploit their connection with CBC nor engage in activities likely to compromise the Corporation's independence and credibility.

In the event that one of these on-air personalities decides to stand for nomination or be a candidate for public office, they must provide program management with prior written notice, copying the component vice-president and the Vice-President, People & Culture. They must also apply for a leave of absence without pay until the election date or request the suspension of their contract. The decision's potential impact will then be discussed.

If elected, the on-air personality shall immediately resign from CBC or immediately terminate their contract; if not, in keeping with operational needs and to avoid any potential negative impact on CBC's independence and credibility, they may be assigned new or different responsibilities upon their return or have their contract renegotiated. If the new assignment is refused or the parties are unable to reach an

agreement, the on-air personality shall be considered to have resigned from CBC or, if applicable, have terminated their contract.

Non-Restricted Employees

After being informed that a non-restricted employee has decided to stand for nomination or be a candidate for public office, the component vice-president must decide whether the employee can maintain their regular CBC/Radio-Canada duties while campaigning and retain their full-time position if successful. The decision must be conveyed to the employee as soon as possible so that the required arrangements can be made.

References:

- Journalistic Standards and Practices
- Policy 2.2.3: Conflict of Interest and Ethics
- Policy 2.2.6: Leave
- Policy 2.2.21: Code of Conduct

Amendments to Journalistic Standards and Practices in the context of the revision of Policy 2.2.17. Political Activity

Conflict of Interest - Introduction

Our credibility is the foundation of our reputation. The credibility of our news, current affairs and public affairs programs rests on the reputation of its journalists who are, and are seen to be, independent and impartial.

The integrity of the organization is ultimately shaped by the individual integrity and conduct of everyone, in their work, and in their outside activities.

To preserve that independence, all employees involved in the creation of content that is subject to those who are subject to the *Journalistic Standards and Practices*, whether journalists or hosts of general interest programs who deal with controversial issues and are required to uphold the values of fairness and balance, must carefully consider what organizations they are publicly associated with. They should be mindful that public statements, whether face-to-face or through social media, may create the impression of partisanship or of advocacy for a cause. If we believe there could be a conflict of interest, we inform our supervisor.

In particular, if an employee ~~of CBC News~~ is asked to participate as a speaker, panelist or moderator for an outside group or professional association, approval is needed from editorial management. This includes unpaid as well as paid participation. Before agreeing to write or contribute to a book, editorial management must be consulted and adherence to Guidelines for Employees Writing Books is required.

Conflict of Interest guidelines are spelled out in Corporate Policy 2.2.03 (Conflict of Interest and Ethics), 2.2.21 (Code of Conduct) and 2.2.17 (Political Activity). All people whose work is governed by the *Journalistic Standards and Practices* must read them and comply with their requirements. There may be other situations that create a potential conflict of interest. It is always wise to consult a supervisor if there is any doubt. The links to all Corporate policies that cover conflict of interest are provided in the section called "Links to Corporate Policies."