

**Interim Report to the Board of Directors, 2015-16**

November 2015

It will come as no surprise that for the first half of this fiscal year, the Office of the Ombudsman was primarily involved in complaints and communications regarding coverage of the federal election. In all there were 371 communications, complaints and inquiries related to the election. There were three broad areas of concern that generated a good percentage of that total. There were flurries of letters concerning a piece done on Canada's ranking on providing public pensions to seniors. The accusation was that the story "cherry picked" information, and deliberately chose to make the Conservative government look bad during an election campaign. Several bloggers exhorted citizens to write to my office and complain, and they obliged. I am quite certain some of the complainants never actually read the story that caused offence, but rather linked to the online critique.

The response from CBC News was timely. No one asked for a review, and in one or two cases when I asked for clarification if I should do so, the response was there was no point because this office was also biased and, as many of the writers stated, the solution was for CBC to be defunded. It is disheartening that dialogue does not seem possible and that there is a subset of people who define lack of bias as a world that simply reflects their own view. The impact of social media on galvanizing and empowering groups of people continues to grow, and these complaints are part of that phenomenon. It also unfortunately seems to contribute to a nasty and unpleasant tone in the correspondence. It continues to be the policy of this office to support and encourage civil and open dialogue. Some complaints were not processed due to excessive profanity, and personal and ad hominem attacks.

The second election-related topic to generate a great deal of response was a satire posted on CBC's Facebook page. It was a short video in which Stephen Harper appeared to be repeating the word "friends." Complainants wondered why the candidate was singled out to be mocked. Again, CBC management replied in a timely fashion and admitted they had not done a proper job in this case. The posting should have indicated, they explained, that this was the first of a series of satires to be done of all the leaders. And indeed, they subsequently did post others. Again, no review was generated on this matter. It does point out the extreme sensitivity and vigilance required during an election campaign. It is true policy allows for balance and fairness over time, but during a campaign there is little wriggle room.

The third episode that generated a significant number of complaints involved an online story about a very strongly anti-Harper YouTube video created by comedienne Mary Walsh. The video was included in the story. There was some confusion, because of Ms. Walsh's association with CBC, that the video was condoned or created by CBC. Nevertheless, many thought it should not have been published at all. Management has just responded to these complaints, which is an unfortunately long time given they were launched during the election campaign. I strongly believe and would recommend that responses to election-related matters be sent well within the 20 business days guideline.

These three topics accounted for about a third of all election-related complaints. It is interesting that of all these complaints, very few have resulted in reviews. I did only four, and I did not find violation of policy in any of them.

While all the correspondence was sent to CBC management, a significant number were sent for information only, and I did not insist on a response. That is because these complaints and criticisms were of such a broad and sweeping nature that it is difficult to respond without specifics. The broader question of overall coverage will be dealt with from this office with the presentation of the three independent advice panels that were convened to monitor the campaign coverage on radio, TV and online. Those reports were not completed at the time of the submission of this interim report.

There is a subset of Canadians who believe, while citing little evidence, that CBC News had an “agenda” and was completely unfair to the governing party. Many of these letters not only mentioned CBC, but the “media party” – including other journalists and networks in their criticism. Many of these letters ended with a call for the defunding of CBC.

Having said that, there were also a minority of letters equally adamant that coverage was biased against the other major parties as well. That is not to be flip or to dismiss concerns or perceptions of members of the public. But there does seem to be an unfortunate move toward a polarized view of the universe, with little desire to engage in meaningful dialogue. Often these letters were so ad hominem in their criticisms that it would be difficult to know what, other than ideology, underpinned the complaints. Often it felt that there was a lack of understanding of the purpose of journalism or the nature of campaigns. If you review the independent reports done for the news department and the ombudsman over the years, it is clear that the incumbent party will almost certainly have more negative stories about them. The incumbents are the ones with the record to defend, and the accountability for existing policy. During the election there were several issues that could be considered negative in tone toward the government – the Duffy trial being the greatest example. The issue of the Syrian refugees was another. The coverage could have provided multiple perspectives, but it was government action and policy that was the issue.

Election complaints comprised about a third of the correspondence that fell within the mandate. Of the 1611 complaints, inquiries and communications this office received between April 1, 2015 and October 31, 2015, 1106 fell within the mandate. Of those, 550 went to programmers for response. 75 are still pending at this time. The Ombudsman conducted 43 reviews, and 3 are still pending. In 25 I found no fault. In 7 cases I did, and in 9 cases, while there was no technical violation of policy, there was room for improvement. There is no discernible pattern in the violations – they range from an error in fact (corrected long before the review) to conflict of interest (Lang). There was only one case where I upheld a complaint of lack of balance, and that involved an item on The Exchange which did not adequately represent the union side in a dispute.

Members of the public still question the use of graphic and powerful images in news reporting. And once again, there has been ample opportunity to do so – the image of Alan Kurdi, the drowned toddler on a Turkish beach, the live shooting of a camera operator and reporter in Virginia, and the mass killing at a Colorado college. While in the cases I reviewed I upheld the decision to use the material, there could be more discipline around the use of consistent and clear warnings to audience members, especially on television.

There was a spate of complaints around coverage of the growing issue of childhood vaccination – the complaints coming from those who question their safety and efficacy. I explained to these individuals that to present the argument on the same level as the compelling scientific and medical evidence would be to create a false equivalence. These are passionate lobbies of people who are able to reinforce one another via social media. They are entitled to their views, but in the name of balance and fairness, CBC is not obliged to include them.

As for the non-mandate communication, I see some improvement in responsiveness to these concerns. I have some concerns that complaints about comments go largely unacknowledged. A clear policy or communication strategy, even if it were to make it clear that there is no obligation to respond, would go some way to reduce the impact these complaints have. I have said, since I started in this role, that the contrast between the detailed process for news and current affairs complaints and the haphazard nature of all other responses does not reflect well on the commitment to transparency.

The working relationship with the news department remains open and cordial. I acknowledge their work and co-operation.

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