

APPENDIX 6 OMBUDSMAN - ENGLISH SERVICES

- A. Board of Directors' response to the ombudsmen's reports
- B. English services management's response to the Ombudsman's report
- C. Annual Report of the Office of the Ombudsman, English Services


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

Minutes of the Meeting held on

June 21, 2016

Ottawa, ON

 = by videoconference

 = by telephone


Members of the Committee present:

Rémi Racine, Chairperson of the Committees
Hubert T. Lacroix, President and Chief Executive Officer
Edward Boyd
Sonja Chong
Robert Jeffery
Marni Larkin
Terrence Leier
Maureen McCaw
Brian Mitchell
Marlie Oden




Members of the Committee absent:

Norman May

In attendance:

Sylvie Gadoury, Vice-President, Legal Services, General Counsel and Corporate Secretary
Ester Enkin, Ombudsman, English Services ()
Guy Gendron, Ombudsman, French Services
Pierre Tourangeau, former Ombudsman, French Services
Tranquillo Marrocco, Associate Corporate Secretary

Also participating:

Louis Lalande, Executive Vice-President, French Services () (Item 1)
Michel Cormier, Executive Director, News and Current Affairs, French Services () (Item 1)
Jennifer McGuire, General Manager and Editor in Chief, CBC News and Centres () (Item 2)

Opening of the Meeting

At 1:30 p.m., the Chairperson called the meeting to order. He also welcomed Guy Gendron to his new role as Ombudsman of French Services.

1. Adoption of Minutes

On a motion duly moved and seconded, **IT WAS RESOLVED**, — That the Minutes of the February 23, 2016, meeting of the Committees be approved.

3. 2015-16 Annual Report of the English Services' Ombudsman

Esther Enkin acknowledged Pierre Tourangeau's collaboration during the course of his mandate. She then provided an overview of her report, including the number and subject-matter of the complaints received during the fiscal year, the reports of the independent election coverage panels, the types of complaints received during the election period and the manner in which they were handled, the issue with respect to online comments, and the need to review the *Journalistic Standards and Practices* (JSP).

Jennifer McGuire provided an overview of the federal election coverage and noted that the response time with respect to election coverage complaints could be improved. She also noted that Management agreed with the Ombudsman's comments, including the need to review the JSP. She then explained the manner in which the joint English Services-French Services JSP review would be conducted. She also reported that the online commenting policy has been changed to reflect the requirement of real names.

Committee members inquired about the possibility of using a journalistic ethicist for the JSP review, the need to review the conflict of interest guidelines applicable to journalists, how our Ombudsman structure and processes compared with those of other broadcasters, her role as the President of the organization of news Ombudsmen and the ownership and use of drones. They also discussed online commenting in general.

On a motion duly moved and seconded, **IT WAS RESOLVED**, — That the Board of Directors recognize Laura Marshall for her 20-year contribution to the Office of the Ombudsman for English Services.

2. 2015-16 Annual Report of the French Services' Ombudsman

Pierre Tourangeau (who was the Ombudsman during the 2015-16 reporting period) thanked the President and Chief Executive Officer for truly respecting the Ombudsmen's independence. He then provided an overview of his report, including the number and subject-matter of the complaints received during the fiscal year, the types of complaints received during the election period and the manner in which they were handled, the need to review the JSP and the conflict of interest guidelines applicable to journalists, the use of "native" or "branded-content" advertising, the use of various technology tools (such as drones, web scrapers, and social media) for gathering and reporting information, and the changes made to the complaints review process to curb abuses.

Louis Lalande and Michel Cormier thanked Pierre Tourangeau for the quality of his reflections and reports.

Michel Cormier noted that: the JSP will be reviewed in collaboration with English Services; the need to develop a "native" advertising policy; and the need to review the conflict of interest guidelines applicable to journalists. He also provided an overview of the federal election coverage, as well as leaders' debates and the manner in which questions had been determined.

Committee members inquired about the Editor in Chief's blog, the use of "native" advertising, and the general tone of interviews with politicians and news broadcasts.

On a motion duly moved and seconded, **IT WAS RESOLVED**, — That the Board of Directors recognize Pierre Tourangeau for his exceptional contribution as Ombudsman for French Services during his five-year mandate, as well as his efforts to strengthen the collaboration between the English Services and French Services Ombudsmen.

4. Board's Response to the Annual 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.

5. In Camera Session

The Committees met in camera to discuss various matters respecting the Offices of the Ombudsmen.

Adjournment

At 3:25 p.m., the meeting was adjourned.



English Services' Response
to the
Ombudsman's 2015-16 Annual Report

Accountability to Canadians is a high priority at CBC, as it should be for a public broadcaster. It is of particular importance at CBC News. There is no greater display of this accountability than the Ombudsman process. And we wish to begin by expressing our gratitude to the current Ombudsman Esther Enkin and her long-time assistant Laura Marshall for their excellent work.

They represent the audience well, challenging our work and inspiring conversations at the highest level about how to practice the craft of journalism. This is invaluable at a time when the quality of both our reporting and our conduct is a key differentiator in demonstrating our role in Canadian society compared to competitors large and small.

This was a remarkable year in news. The highlight event was a long (in the Canadian context) and polarizing federal election. But CBC News also broke ground with numerous investigative reports on a wide range of topics. Several of them, including landmark work on Missing and Murdered Indigenous Women, have already earned our journalists high-profile awards.

Original, investigative journalism is invariably contentious. So we are quite pleased and encouraged to see that despite increasing the number of these stories – and despite the contentious election campaign – there was great stability from last year in both the number of stories which prompted a review, and the number of stories which drew criticism from the Ombudsman. We should of course strive for perfection. But with the nature of the industry putting more time pressure on journalists than ever before, the Ombudsman’s annual report validates that we have been able to maintain our appropriately demanding standards.

We are happy to comment on some of the key details contained within the annual report:

The Federal Election

As is always the case, the entire CBC pays incredible attention to the values of fairness and balance during an election campaign.

In the case of the 2015 election, we succeeded on this count by every measure possible. We kept careful measurement throughout the campaign internally on how much time was offered to each party to make its case on our airwaves, and we adjusted course whenever necessary. We also engaged an outside firm (Cormex Research) to measure the volume and tone of our coverage on each platform - and for the first time, social media as well. The overall conclusion from Cormex is that not only was there no indication of bias in CBC's coverage, but that key coverage choices made by our editors - to spend more time on substantive issues and more time hearing from voters – contributed to making our information package to Canadians more balanced than other major media.

This fits in well with what we see in the Ombudsman's Annual Report. In nearly every instance her independent panels seemed very satisfied that CBC's coverage was fair. And the election-related criticism found in the Ombudsman's reviews were minor issues that related more to optics and execution around specific work rather than anything that suggests a broader problem in our journalism. We have already worked with the journalists involved to ensure better performance in the future.

We agree with the Ombudsman that we can do more next election to ensure that all complainants receive a response inside the writ period. We came close this time, but volume was high during those 11 weeks. We would consider adding extra temporary staff in 2019 to ensure the responses are crafted more quickly, given the stakes involved in an election campaign.

Social Media

We share the Ombudsman's viewpoint here that we need to do more work on the use of social media by our journalists. In this regard, CBC is not alone among

media organizations. Everyone is grappling with the challenge of how best to engage with the audience, and how to be memorable in this arena while still maintaining the standards we set on every other platform.

Some of this is increased education among our staff, including casuals. But some of it is in re-assessing the policies themselves. We're making the examination of our social media rules for journalists a prominent part of a review we have just launched of our entire Journalistic Standards and Practices.

The JSP

The review mentioned above dovetails nicely with the recommendations made by the Ombudsman in her annual report. In fact, we plan to examine every single one of the issues she has raised – along with a few others.

This is of course a joint project for CBC and Radio-Canada. We believe firmly that the core of the current Journalistic Standards and Practices, written in 2010, works effectively. So this review is not expected to be an overhaul. Rather, it is an effort to modernize, update, and improve the document to serve our journalists and our audience better in the years ahead.

To give you a sense of the scope of this project, we have broken it down into three distinct umbrellas of issues:

Our Promise to the Public: How our behaviour shapes public confidence in our work and our integrity. This means everything from the particular impact that conflict of interest rules has on our journalists, to how we fund documentaries, to partnerships with other organizations, to the circumstances under which we would unpublish stories online.

Forms of Expression: How CBC journalists should be expected to express themselves in the public realm, as well as the role of opinion and commenting in our work. This means a check-in on our attitudes toward analysis and opinion in the current media landscape, a thorough consideration of the social media

guidelines we currently give our staff, and best practices when our journalists are harassed by members of the public either in person or online.

Investigation and Journalism: How we conduct ourselves while gathering and verifying information. This could mean everything from how we use new technologies such as drones, but also will re-ask core questions about how and when we use techniques such as hidden cameras, and confidential sources, in a world where everyone carries a cellphone camera in their pockets. And, of course, the standards we should maintain when using or verifying information and content provided to us by the audience.

This is not an exhaustive list of the topics we'll be examining. But it should give you a sense of the ambition and seriousness we are bringing to the task.

Comments

There is no doubt that this past year posed some interesting challenges for us in the area of commenting. The primary issue is how to protect and promote free expression and the exchange of ideas, while at the same time protecting our users from hate speech.

This became a pronounced problem for two communities this year: Indigenous Canadians, and francophone Canadians in the Maritimes. The first instance prompted us, for the moment, to stop allowing comments on Indigenous-related stories; the second instance prompted a more fundamental change: we are now demanding commenters use real names rather than pseudonyms on our site.

It will not surprise you to learn that both these measures were controversial, and sparked many of the complaints to which the Ombudsman refers in her annual report.

The Ombudsman has called for improved responsiveness and transparency. The Audience Services Team is working on both those fronts. Last month it unveiled a new website, cbc.ca/help that boasts a more streamlined user experience and improved self-serve functions. The idea is to create more personal and relevant

connections with the audience by focusing on real-time digital engagement. This strategy makes sense in the modern context and better supports the corporate 2020 strategy, as well. There will be more to come, but we are hopeful this new approach will reduce frustration for both the audience and the Ombudsman.

Media analysis report examining news coverage of the 2015 federal election:

Summary of key findings



Introduction

By its nature, the term “balance” evokes measurement. An assessment of balance and fairness should be a quantitatively-measurable, methodologically-rigorous exercise if it is to avoid the very accusations of unfairness or imbalance it is trying to answer. Fairness and balance in reporting is a core journalistic principle for CBC News: that in covering issues of public interest, it must “supplement the exposition of one point of view with an equitable treatment of other relevant points of view.” In particular, CBC News singles out in its code of journalistic practices the need to ensure fairness and balance in covering elections and referendums.

To meet this need, CBC English Services employed Cormex Research in July 2015 to design a measurement-based evaluation of news media coverage of the 2015 federal election campaign. The study approached the adjudication of fairness and balance by employing a statement-by-statement content analysis of all election coverage offered by CBC News and competing platforms across national television newscasts, public affairs shows, radio newscasts, digital platforms and Twitter. The study approached the analysis at a granular level, looking at each statement and determining the speaker, the topic, the people addressed, the source of information, party references and the tone for each party. Statements were weighted based on their estimated duration or length, depending on the platform. The final analysis combines these elements and uses them to understand the key media effects in the election.

Over the course of any election campaign, there emerge both latent, expected effects, and effects that are unique to a campaign that manifest themselves accordingly. Latent effects are mostly tied to incumbency. This *incumbency effect* is that, in the process of providing each competing party with equitable opportunity to present their case to audiences, weaker and/or opposition parties will use those opportunities to criticize the stronger and/or incumbent party. This generates media coverage in which incumbents tend to see more media visibility than their opponents, and often more negative coverage overall. As a result, incumbents may need to be afforded more opportunity to respond. In analysis of the 2011 federal election, as well as in other election analysis conducted by Cormex at the provincial level, this type of incumbency effect has been observed. The appearance of incumbency effects in reporting on election campaigns is normal and expected and often points to the presence, rather than the absence, of fair reporting.

A second type of effect comes from the emergence of certain issues that by their nature will yield more or less favourable coverage of one party compared to another. For some issues, the parties may be relatively equal in their exposure to criticism and/or support, but for other issues, fair reporting would necessitate that one party which is responsible for the issue bear most of the criticism or support for its outcome.

These two types of effects are important to understand from the outset because they both played a critical role during the 2015 writ period in how the parties were portrayed by the news media. An incumbency effect concerning the Conservatives was expected and observed, but the degree to which it reflected normal reporting, and the degree to which it was influenced by the unique issues that emerged over the record 78-day campaign, needs to be properly understood and analyzed for its overall implications for fair and balanced reporting.

While the analysis highlighted certain findings unique to each platform, it was clear there were themes common across platforms, for both CBC and the benchmark outlets. Changes in volume over time, in the topics reported, in the speakers used to comment on the election and, finally, the relative tone and level of attention devoted to the parties, all showed similar patterns. This summary focuses on these elements — volume, topic, use of speakers as well as sources, and share and tone for the parties — and determines how these overall themes and trends in CBC’s election coverage affected the fairness and balance in its reporting.

1. Volume

There are two main points observed about CBC’s overall approach to the election campaign in terms of the volume of attention and resources devoted to covering it. First, CBC provided a high level of coverage that also matched or exceeded levels observed during the 2011 campaign. Second, it was clear that there were two phases to CBC’s coverage of the election:

- A) an initial phase that began with the launch on 2 August and ran largely to Labour Day. During this phase, there was generally less coverage across all CBC platforms observed compared to later in the election period, and coverage was largely event-driven, first by the *Maclean’s* debate and, with greater effect, the Duffy trial; and
- B) a post-Labour Day phase, which saw volume of coverage rise noticeably on all platforms, ranging from more than double on CBC.ca, to 25% higher on CBC Radio (almost 59% more on *World at Six* but only a slight increase on the shorter *World Report* segment). Moreover, the increase was led by more proactive coverage by CBC News, particularly drawing in a wider range of speakers, producing more special segments including its series of party leader interviews with Peter Mansbridge, and including more local/regional reporting, primarily on CBC Radio and digital platforms. It was also characterized by a greater range in the issues reported, a higher percentage share of non-party content (primarily on national TV and digital platforms), and an increase in citizen-led content, rising from 3% to 10% on CBC’s *The National*, and from 3% to 7% on CBC Radio.

These changes, while not uniform to all CBC platforms, were sufficiently prevalent to denote a broad shift in the approach to the election in the post-Labour Day period. On the benchmark outlets, while there was an equally large increase in average per day coverage in the post-Labour Day period on several outlets, it was generally less prevalent or, in some cases, occurred later in the election campaign in October.

There were two clear phases to CBC’s reporting: a pre-Labour Day phase, and then a much more active post-Labour Day phase that combined greater volume and breadth to CBC’s coverage.

There were four main topics covered during the writ period: the Duffy trial, refugees and citizenship, the economy, deficits and trade, and finally campaign events and issues. Combined, these four topics accounted for 77% of coverage, and dictated the tenor of the campaign.

2. Topics

The main topics covered by CBC and other outlets during the election changed over time, and can be summarized as follows. Campaign activities and issues, excluding polls and debates, was the single biggest topic of coverage ranging from 22% on *Power and Politics* to over 46% on CBC.ca platforms. In general, with the exception of the political affairs shows, CBC tended to devote more attention to campaign events and issues than the benchmark outlets. However, it is important to emphasize that this did not necessarily entail coverage of specific federal parties, as a higher share of coverage on this topic was comprised of non-party stories about voter profiles and participation. Non-party coverage about campaign activities and issues comprised 35% of total coverage on all CBC platforms combined, compared to 24% on the benchmark platforms. Campaign activities and events were covered throughout the election, but comprised by far the highest share of reporting by October as election coverage moved to focus mostly on the activities of the final days of campaigning.

After campaign activities and events, three major topics comprised a significant share of coverage. The first was the Duffy trial, which dominated coverage in August, less so on CBC than on the benchmark outlets, but which largely faded by the end of August and did not

FIGURE 1-1

Topic breakdown, all CBC platforms by month, compared with benchmark

The Duffy trial dominated CBC's coverage in August, followed by the Syrian refugee crisis in September. Campaign events and issues were a major subject throughout the writ period, as well as economic, trade and budget topics. Compared to CBC, benchmark outlets paid more attention to the Duffy trial and polls, and proportionately less to campaign activities and issues.

	CBC				Bench- mark
	Aug-15	Sep-15	Oct-15	TOTAL	TOTAL
Campaign events and activities	25%	25%	46%	32%	28%
Economy, trade and budget	21%	14%	14%	16%	16%
Citizenship and refugees	0%	22%	9%	12%	11%
Senate/ethics	23%	2%	3%	8%	11%
Taxes and social benefits	7%	8%	5%	7%	7%
Debates	7%	7%	2%	6%	5%
Defence and security	4%	8%	2%	5%	5%
Polls	3%	4%	7%	5%	8%
Energy and environment	3%	3%	2%	3%	3%
Other	7%	8%	9%	8%	8%

Based on statement as the unit of analysis, weighted by duration/length. Measured by percentage share of total coverage for CBC and benchmark, with monthly breakdown for CBC. For the period 3 August–19 October 2015. For all CBC television, radio and digital programs analyzed, excluding *The House*, compared with benchmark private outlets. N=78,225.

return as a major story for the rest of the election period. The second was the Syrian refugee crisis and the subsequent debate that emerged over citizenship issues in Canada. This topic dominated in early September and remained significant but less visible through to election day. Finally, a combination of discussion about the economy, deficit financing and, later, trade and the Trans-Pacific Partnership deal, garnered a consistent level of media coverage throughout the writ period. Combined with campaign activities, these topics comprised 77% of total coverage about the election on CBC platforms.

The benchmark outlets covered the same topics as CBC in roughly the same proportion, but gave more attention to the Duffy trial, and paid more attention to polls.

These same four topic areas were also the major subjects on the benchmark outlets, but with some variations. First, as noted, benchmark outlets generally paid less attention to campaign activities and issues overall, but within this topic reported a higher share of party-specific stories. Second, the benchmark overall paid more attention to the Duffy trial—11% of total volume compared to 8% for CBC—with even higher reporting on this story in certain private outlets. Conversely, CBC tended to pay slightly more attention to citizenship and refugee questions, and less to economic topics, but this varied depending on the platform, and the comparative difference with the benchmark was marginal.

Finally, benchmark outlets paid more attention to polls. Among all CBC platforms reviewed, polls as a topic accounted for 5%, and all poll-related coverage (statements about polls, polls cited in reference, or commentary by a pollster) rose to 6% of CBC's coverage, compared to 10% on the benchmark programs. The difference was more noticeable between the two competing political affairs shows, but was still apparent to a lesser extent on national TV newscasts and on digital platforms, while poll-related content was proportionately lower on CBC Radio than on any other CBC platform. Furthermore, the use of polls in reporting on the benchmark outlets tended to intensify as election day approached, while the increase was less evident on CBC.

These topics affected party tone in two important ways. First, it caused tone to shift over the course of the record 78-day campaign. In a shorter campaign, there might not have been the degree of change in topic categories. Second, and more importantly for tone, they had specific consequences for the incumbent Conservatives, particularly the Duffy trial, and subsequently the Syrian refugee crisis, both of which required the government to manage an issue while still campaigning as a party.

3. Speakers

In reporting on an election campaign, there is an explicit expectation that journalists will provide each party with equitable treatment, and the degree of airtime allotted to party speakers is a key measurement. Important in this context is that, in contrast to almost any other previous Canadian election campaign, each of the three main political parties entered the race roughly equal in terms of public support. It was expected that each of the three parties would therefore be afforded an equitable opportunity to present their case and respond to criticism and issues.

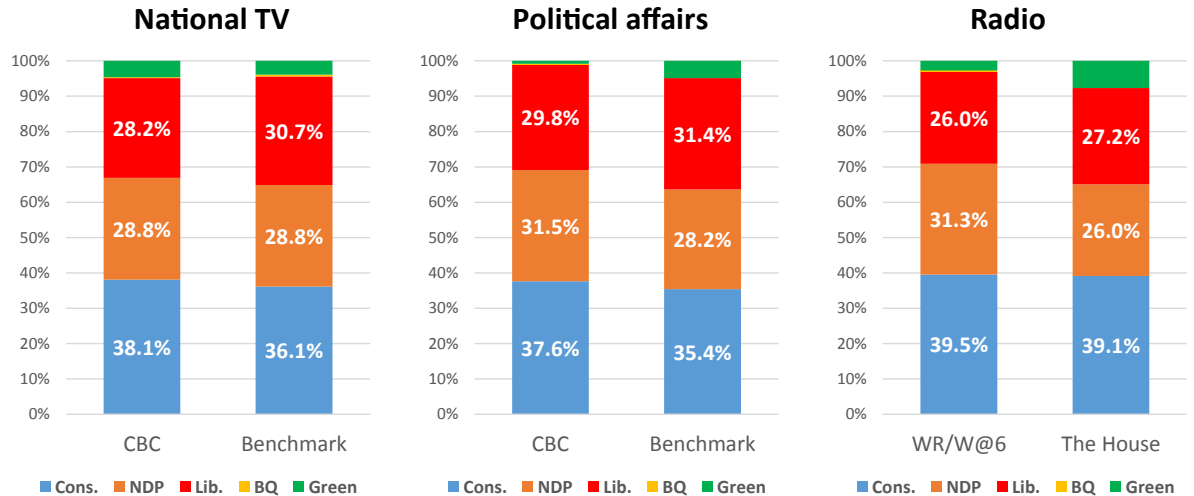
In this regard, the overall analysis of CBC's allocation of party speakers met this criteria of providing equitable treatment, underscored by two main findings.

CBC platforms afforded opposition party speakers equal airtime.

- 1) CBC platforms afforded opposition parties with largely equal airtime, as illustrated in Figure 1-2. Airtime between Liberal and NDP-aligned speakers was equal on CBC Radio’s *The House* and on CBC-TV’s *The National*. There was a slight variance in favour of NDP speakers observed on *Power and Politics* but the gap was not considered significant and appeared mostly in the last days of the campaign. If the election and this trend continued it may have resulted in a more significant gap, but by the end of the writ period, the overall gap was relatively small, and there was general parity between the two parties on the show for most of the election campaign. There was, however, a broader gap observed in speaker airtime between the Liberals and NDP on national radio newscasts, mostly in the latter days of the campaign. Conversely, the benchmark outlets tended to afford Liberals more airtime relative to New Democrats, although the gap again between the two opposition parties was not considered significant.
- 2) CBC afforded a higher share of coverage to the Conservative Party, but this mostly reflected the opportunity for the incumbent party to respond to criticism and questions, from both the media and from opponents. As shown in Figure 1-3, the

FIGURE 1-2

Share of party by speaker by platform, compared with benchmark



Opposition speaker share on CBC’s *The National* was equal, while there was a slight skew observed on *Power and Politics* and a more evident skew on *World at Six* in favour of the NDP that was mostly evident from the final weeks of the campaign. Benchmark outlets tended to skew towards Liberal speakers. Share of speaker airtime was uniformly higher for the incumbent Conservatives, with the Tories normally seeing a slightly higher share on CBC platforms than on the benchmark.

Based on statement as the unit of analysis, weighted by duration. Measured by percentage share of total coverage for CBC and benchmark. For the period 3 August–19 October 2015. For all CBC television, and radio programs analyzed, excluding *The House*, compared with benchmark private outlets. N=16,464.

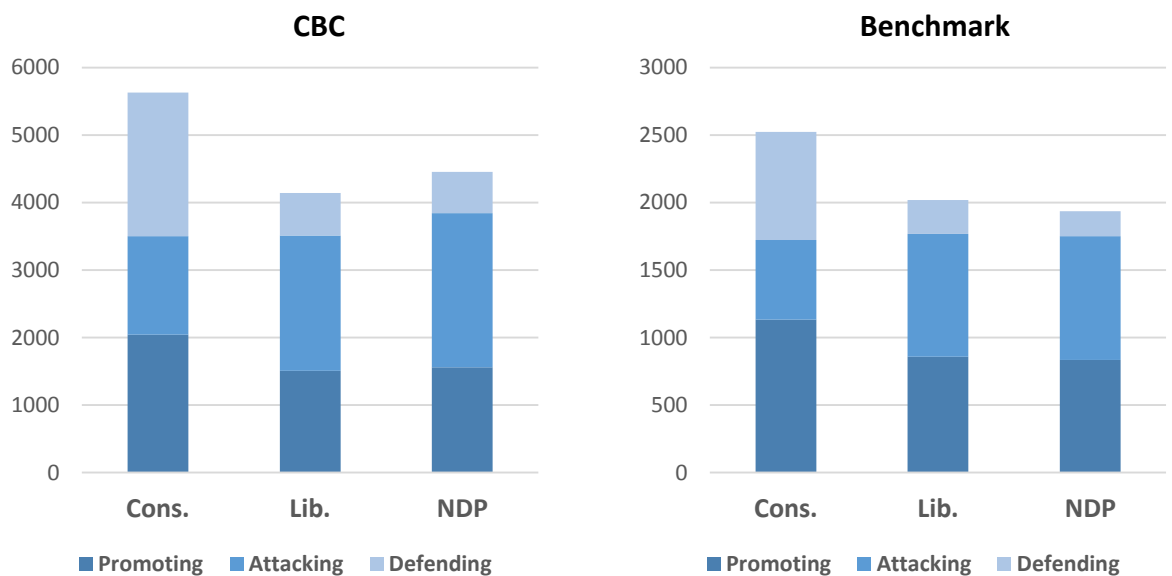
The higher share of airtime afforded Conservative speakers came mostly from statements defending themselves from critics, and was in keeping with fair and balanced treatment.

Conservatives saw a higher share of party-generated coverage than the opposition parties, but much of the variance can be attributed to statements in which the incumbents were defending their record. Coverage afforded the Conservatives on CBC platforms largely conformed with that afforded on the benchmark outlets.

Three other points need to be noted connecting speaker share and the influence on tone that affected the overall assessment of fairness and balance in reporting on the federal parties. First, the approach by CBC’s *Power and Politics* to allocate a higher share of its total program to discussions led by party-affiliated speakers had implications for both party attention and tone, generally leading to a situation of balance in reporting party positions. Second, CBC’s allocation of a higher share of airtime to citizen-generated commentary as well as expert and third-party advocates on its flagship radio and television national newscasts also had an overall implication on tone, topic selection and other factors that influenced balance in election reporting, as discussed below.

FIGURE 1-3

Volume of party-generated coverage only, by source, CBC and benchmark



The Conservatives were afforded a higher level of party-generated coverage than the opposition parties on CBC platforms, but most of the increase stemmed from statements in which the incumbents were defending their policies and record. The CBC’s party-generated statement profile of the three main parties largely matched the benchmark, with a slightly higher share for the NDP relative to the Liberals.

Based on statement of the party as the unit of analysis, weighted by duration/length. Measured by number of statements about the party in which the party is the source through promoting policies, attacking opponents, or defending their record. For the period 3 August–19 October 2015. For all CBC television, digital and radio programs analyzed, excluding *The House*, compared with benchmark private outlets. N=74,213.

The opposition parties saw rough parity in total volume of coverage on CBC platforms. The Tories saw a higher share, partly due to a natural incumbency effect compounded by certain issues, such as the Duffy trial.

4. Party and tone

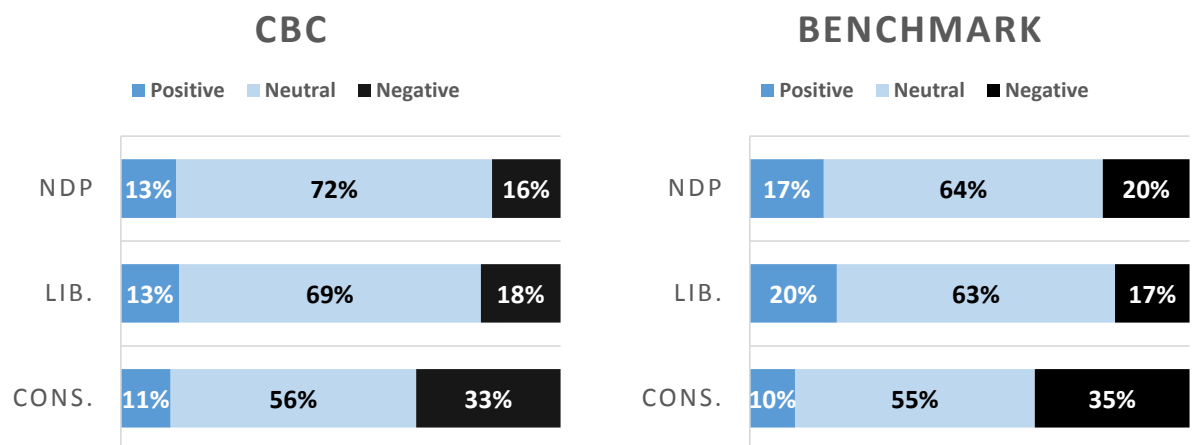
Finally, analysis of all platforms examined the overall share of coverage experienced by a party and, within that subset, determined the share of neutral, positive and negative coverage.

In terms of overall level of attention paid to each party, the analysis indicated again a parity in coverage of the Liberals and NDP, with the Liberals seeing 25.9%, and the NDP 25.4% across all CBC platforms combined. Among benchmark platforms, opposition parties were close to parity, but with slightly more attention to the Liberals at 25.0% compared to 23.2% for the NDP. Overall, the profile of the Green Party on CBC platforms was also low at 2.5% of total party coverage, but was higher on certain key platforms, including CBC.ca. (4.9%), *The House* (5%) and CBC-TV's *The National* at 3.2%. The Bloc (1.2%) saw a low profile.

The Conservatives saw the majority of coverage at 45% of total volume on all CBC platforms combined, slightly higher on the benchmark at 47%. This higher level of attention was predictable, as coverage of the Tories was partly a product of its incumbency, with a higher share of coverage generated by opponents. It was also partly a product of the topic profile of the campaign, as the Conservatives were cited in 61% of all coverage relating to refugee and citizenship issues, and 65% of all coverage relating to the Duffy trial.

FIGURE 1-4

Tone by major party, CBC and benchmark



Tone for the opposition parties on CBC platforms was roughly equal, while slightly more variance was observed on the benchmark. Favourable coverage for all three parties on CBC platforms comprised close to the same share of total volume. While the incumbent Conservatives saw higher negative coverage compared to the opposition parties, tone was marginally less negative on CBC compared to the benchmark.

Based on statement of the party as the unit of analysis, weighted by duration/length. Measured by percentage share of statements about the party for CBC and benchmark. For the period 3 August–19 October 2015. For all CBC television, digital and radio programs analyzed, excluding *The House*, compared with benchmark private outlets. N=71,292.

Another key theme was the percentage of coverage that did not concern a specific party, as the share of non-party coverage on CBC platforms, excluding political affairs shows, was 39%, compared to 29% on the benchmark outlets surveyed.

In terms of overall tone breakdown, highlighted in Figure 1-4, two main points are evident:

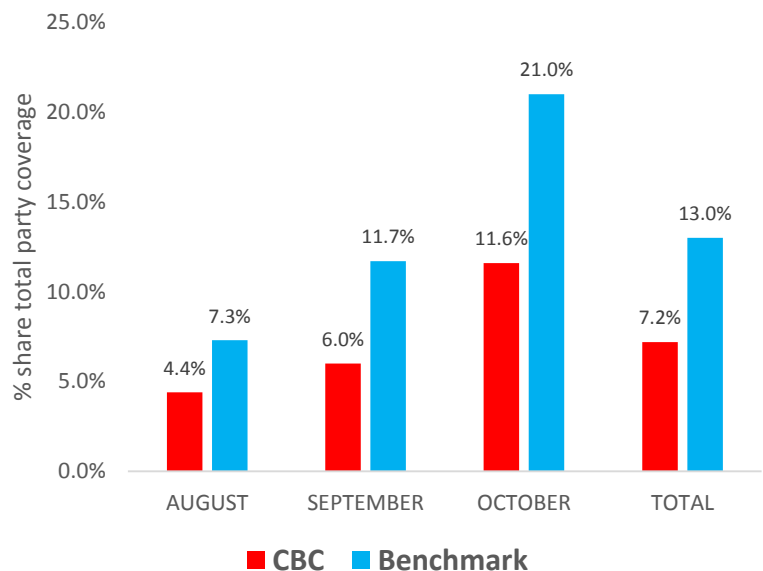
- 1) **Tone for the opposition parties was roughly the same on the CBC platforms**, with a slight edge towards the NDP. A wider gap was evident on the benchmark outlets, favouring the Liberals; and
- 2) **The Conservatives saw more negative coverage than the opposition parties by a notable margin**, but tone was slightly less negative on CBC compared to the benchmark, and there was relatively little difference in positive coverage between the Conservatives and the opposition parties.

While the factors behind both these main results have been noted, it is worth reviewing them in the context of looking at all CBC and benchmark platforms as an aggregate.

FIGURE 1-5

Poll-related coverage as a share of total party volume, CBC and benchmark

Both CBC and the benchmark saw a steady increase in which polls influenced the coverage of the main political parties, but the share was consistently higher in the private benchmarks. The rise was not restricted to any one channel, with higher poll-related content observed on various platforms.



Based on statement of the party as the unit of analysis, weighted by duration/length. Measured by percentage share of poll-related statements about the three main parties by month. Poll-related defined as about poll results, citing polls, or a statement from a pollster. For CBC and benchmark. For the period 3 August–19 October 2015. For all CBC television, digital and radio programs analyzed, excluding *The House*, compared with benchmark private outlets. N=71,292.

Tone diminished for the Liberals in the last week on CBC platforms—a product of the reporting of CPC and NDP campaigns that directed more of their attacks on the front-running Liberals.

1. The opposition parties

First, as noted, tone between the two opposition parties on CBC platforms was very close to parity. There was only a two percentage point gap between the Liberals and NDP in terms of differences between positive and negative share that over the course of the election campaign would not be considered significant. The gap in NDP and Liberal tone was partially a reflection of reporting early in the campaign that recognized NDP popularity in Quebec and strength in certain polls. Another factor was an increase in opposition-generated coverage aimed at the front-running Liberals later in the campaign. Before October, opposition-generated statements about the Liberals had averaged 15% on CBC platforms, but in October, the share had climbed to 19%; opposition coverage on the benchmark outlets was lower at 10% in August and September, and climbed only to 11% in October. The result was that the Liberals encountered more opposition-generated coverage on the CBC in the final weeks of the campaign that was much less evident on the competing platforms. However, as noted, the difference appeared at the end; for the writ period overall, the difference in tone between the two opposition parties was not significant. More importantly, the negative coverage experienced by the Liberals was a reflection of CBC News reporting on comments by Liberal opponents, who used campaign events to press home their attacks, particularly on positions regarding the TPP, the deficit budget promise, and the Dan Gagnier case.

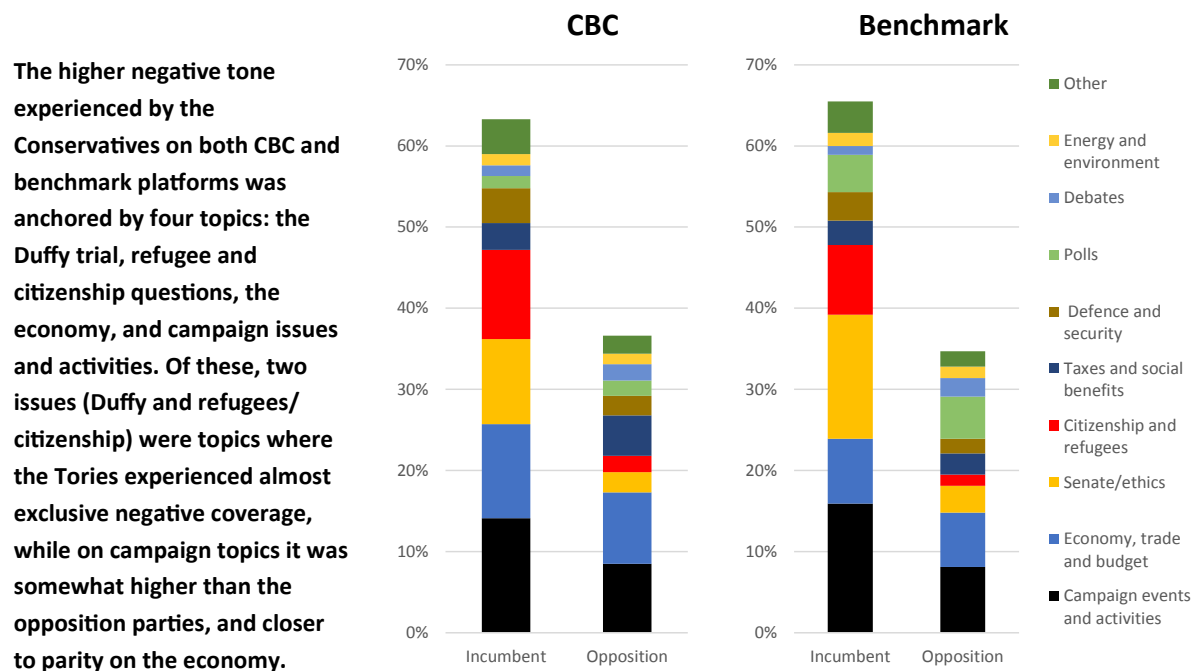
In fact, more evident was the gap between opposition parties that appeared on the benchmark sample that favoured the Liberals. Overall, as indicated in Figure 1-4, there was a six percentage point gap in positive and negative share between the Liberals and NDP favouring the Liberals on the combined benchmark outlets, compared to the two-point gap on CBC platforms favouring the NDP. Analysis points to polls and their influence as a factor in the difference in reporting on the two opposition parties. Polls were a factor in 7% of CBC's coverage of the three main parties, but 13% for the benchmark. In terms of tone for different parties, the impact was more pronounced. For the NDP, polls were cited in 26% of total negative coverage on benchmark outlets (8% each for the CPC and Liberals), compared to 10% on CBC. In terms of positive poll-related coverage, polls accounted for 27% of total favourable reporting for the Liberals on benchmark outlets, compared to 16% for the Tories and 20% for the NDP. Polls ranged between 7% and 15% of positive party reporting on CBC. Polls were the single biggest factor explaining the variance in tone between the opposition parties on benchmark outlets.

Moreover, as shown in Figure 1-5, the effect of polls increased as the election continued. While poll-related content became more prevalent in both CBC and benchmark coverage as the campaign progressed, particularly in October, it was more noticeable in the benchmark outlets. For example, for the NDP, its declining fortune in the polls was noted in 23% of the party's negative coverage on CBC platforms in October, but comprised 50% of its negative coverage on private platforms. For the Liberals, its improving poll numbers were noted in 21% of its favourable coverage on CBC platforms, but 43% of positive coverage on the benchmark platforms.

Polls had an increasing influence on tone for all parties, particularly the opposition parties. Poll-related content was much more evident on the benchmark newscasts, and comprised an increasing share of NDP and Liberal coverage that ultimately affected tone of coverage in the latter weeks.

FIGURE 1-6

Negative tone by topic, Conservative vs. opposition parties, CBC and benchmark



Based on negative statement of the party as the unit of analysis, weighted by duration/length. Measured by percentage share of statements about the party, for the Conservatives, Liberals and NDP only. For the period 3 August–19 October 2015. For all CBC television, digital and radio programs analyzed, excluding *The House*, compared with benchmark private outlets. N=16,690.

2. The incumbent party

What was behind the higher negative coverage experienced by the Conservatives during the election campaign? As the incumbents, it was expected that negative coverage might be higher for the Tories as they would be subject to attack from both the Liberals and NDP over their record in office in the course of news organizations providing equitable opportunity to the opposition parties. The question arises as to whether the tone profile experienced by the Conservatives during the 42nd federal election campaign was a normal consequence of this incumbency effect, or whether it reflected other factors at play.

The Duffy trial and the Syrian refugee crisis were two election issues that were major topics and, in terms of generating negative coverage, were unique to the Conservatives.

A breakdown of all negative coverage experienced by the CPC relative to their opponents by topic provides some answers, and is illustrated in Figure 1-6. A high share of the Conservatives’ negative coverage came from two issues—the Duffy trial and Senate/ethics issues, and the Syrian refugee crisis and the subsequent debate over the *niqab* and Canadian citizenship. These two stories were unique in that they emerged in the middle of the campaign, and the Syrian refugee issue engaged the Conservatives as the government as well as a campaigning party. The Mike Duffy scandal, while affecting the Conservatives for several years, became an election story when the trial occurred in the early days of the record 78-day writ period. The opposition parties, expectedly, saw relatively little negative

coverage on these two issues. The two stories contributed 35% of the Conservatives' negative coverage on CBC, and 38% on the benchmark outlets. In particular, the Duffy trial saw proportionately more attention and contributed a higher share of negative coverage on the benchmark platforms compared to the CBC.

Two other topics also contributed significant negative coverage for the Conservatives, but there was less of a difference in negative volume compared with the opposition parties. The first was campaign activities and events. This topic produced the highest single share of negative coverage for the Conservatives at 22% on CBC platforms and 24% on benchmark outlets. Moreover, tone on this topic was worse for the Conservatives, with negative comprising 28% compared to 8% favourable on CBC, and even more negative on the benchmark outlets at 33% negative to 7% favourable. The opposition parties saw a rough 1:1 parity in tone on this topic on both CBC and benchmark outlets—a better tone than the Conservatives, but this topic also produced the single biggest (and roughly the same) share of the total negative coverage experienced by the Liberals and NDP on both platforms. The second topic concerned the economy, deficit financing and trade, and followed a similar pattern: the Conservatives experienced a more negative tone than the opposition parties, but all parties saw significant negative coverage on this subject. Excluding these four issues, the share of negative coverage experienced by the Conservatives was relatively in line with that experienced by the opposition parties.

On two other major election topics—the economy, and campaign events and issues—the Conservatives saw more negative coverage than their opponents, but all parties saw notable negative coverage equally from CBC and benchmark platforms.

Conclusion

By any standards, and to all those that followed it or participated in it, the 42nd federal election campaign was remarkably challenging to cover as journalists. Over the 78 days, it was a particular challenge, given the events that took place, to maintain a fair and balanced perspective. Nonetheless, the analysis did not uncover any evidence in CBC's coverage of the campaign that would suggest its approach was not fair or balanced in covering the federal political parties. There were key findings that support this conclusion.

First, CBC platforms almost universally provided balanced airtime during the election campaign to the speakers representing the views of the main political parties. Speakers with the two main opposition parties saw rough parity maintained throughout the campaign. Speakers with the incumbent Conservatives saw a slightly higher share that was in keeping with its position as the government that primarily involved defending its record from critics, with equal opportunity for all three parties to promote positions and attack opponents.

Second, CBC's coverage of the two main opposition parties overall was highly balanced. On several different indicators examined, including speaker share, source, topic and above all tone, there was very close proximity in coverage of the NDP and the Liberals throughout the campaign. In particular, towards the end of the campaign, the influence of polls that would pull tone one way for the two parties was balanced on most broadcasts by the

increased criticism by opponents of the front-running Liberals. The only platform to show more of a skew, CBC Radio's *World At Six*, did not last long and would not be considered sufficient to indicate the show's coverage overall of the parties was unbalanced.

Third, and most importantly, was CBC's handling of the campaign and how it affected coverage of the Conservative Party of Canada. The biggest issue raised in the analysis was how to interpret the relatively high level of negative coverage experienced by the Conservatives. The analysis pointed to certain definitive culprits—the Duffy trial and the Syrian refugee question primarily—that had a particular and specific negative effect on the Conservatives' tone of coverage. If the campaign were shorter, the Duffy trial might have had less of an impact, and the Syrian refugee issue was unusual in that it sparked a new and unique crisis for a government while in the midst of a campaign. Adding to these two issues were additional negative coverage associated with campaign events and issues as well as the stewardship of the economy, but unlike the Duffy trial and the Syrian refugee issue, these former topics were areas that comprised proportionately as much negative coverage for the opposition parties as for the Conservatives.

Incumbents normally experience more negative coverage by virtue of the criticism they encounter from opposition parties and the requirement to defend a record while in government. However, the issues summarized above exacerbated this normal incumbency effect. What is notable about CBC's approach to the election, however, is that the steps it took in covering the election likely mitigated these effects. Overall, negative coverage for the Conservatives on CBC platforms was notable, but less negative than that observed on benchmark platforms. Moreover, the gap in tone of coverage for the opposition parties on the benchmark platforms was consistently wider than on competing CBC platforms.

CBC's approach of substantially increasing its post-Labour Day reporting on the election—but in doing so by paying less attention to poll-generated content, and more to citizen and third-party content on its news platforms—contributed to diluting the horse race frame that often overtakes political reporting of election campaigns. This approach was shown to reduce the overall level of party-related content in reporting on several CBC platforms, proportionately reduce attention to certain hot-button political issues such as the Mike Duffy scandal in favour of other subjects, and also reduce the rising influence of poll-related content and its disparate effects on party reporting. Conversely, by allowing a higher level of party partisan content on *Power and Politics*, it achieved the same balanced end. The analysis underscores that CBC's approach to the election was one that supported fair and balanced coverage for both the incumbent and the opposition parties despite the events and their challenges presented by the campaign.

Methodology

The sample outlets and sample size measured by number of statements:

- **CBC-TV *The National*** N=7981.
- **CBC Radio *World Report 7am and 8am*** N=2999.
- **CBC Radio *World at Six, World This Weekend*** N=4360.
- **CBC Radio *The House*** . N=3248
- **CBC News Network *Power and Politics*** N=21465.
- **CTV National News** N=3605.
- **Global National** N=4087.
- **CTV News *Power Play*** N=10652.
- **CBC.CA** N=10043.
- **CTVNews.ca** N=6971.
- **Globeandmail.com** N=6068.

The Twitter sample consisted of 50 accounts, 20 from CBC, and 30 from other news media organizations serving as a benchmark. The accounts used were as follows:

The study employed the following search strings used to identify applicable items: LIBERAL OR LIBERALS OR CONSERVATIVE OR CONSERVATIVES OR NDP OR "NEW DEMOCRATS" OR "NEW DEMOCRATIC" OR "BLOC QUEBECOIS" OR BLOC OR "GREEN PARTY" OR GREENS OR TRUDEAU OR HARPER OR MULCAIR OR DUCEPPE OR "ELIZABETH MAY" OR ELECTION OR CAMPAIGN OR CAMPAIGNING OR CAMPAIGNS OR VOTER OR VOTERS

Source materials for TV broadcast were obtained from IQMediacorp of Conshohocken, Pennsylvania, from CBC archives for radio, and from the host digital sites using a digital web-crawling technology used to identify items. Closed captioned text was used where available, and reviewed by the coder with the provided audio/video tape to ensure accuracy.

Measurement for the study was based on the statement as the unit of analysis. Statements in digital were based on the sentence. Statements in broadcast were determined by the coders. A statement was bounded by either a change in speaker, a change in party reference, a change in issue or topic, a change in source of information, or a change in tonality.

Digital statements were weighted based on length, with average length serving as one. Broadcast statements were weighted based on estimated duration in seconds. Items were deemed applicable to the study if they involved the activities of five main federal parties, their candidates, leaders and party representatives, as well as coverage of general election issues, political opinion polling, and issues specifically identified by the news media as pertaining to the election.

Each mention of a political party within a statement was coded for the following four variables:

1. **Source of party mention:** Defined as who/what is generating the mention of the party.
2. **Directionality/tone:** Defined as "What is the tone towards the party in the statement." Tone was designated simply as positive, neutral/balanced, and negative.
3. **Subject:** Defined as "Who/what is being addressed as the subject of the statement as it pertains to the party." (Leader, Candidate, Spokesperson, Pundit, Party member, General).
4. **Topic:** There were forty-four separate sub-topics provided in which to classify each party statement.

Each speaker was identified within the broadcast item by name, and then further categorized by type

Eight coders involved in the coding of the mainstream media sample were tested for reliability. A stratified random sample was generated based on a random sample of statements from three different data sets comprised of mentions of each of the three main political parties, with 75 statements each for the Liberals, the Conservatives and the NDP.

Coders were tested for four variables: source, subject, tone, and topic. Krippendorff's *alpha* was the coefficient used to evaluate intercoder reliability. Analysis indicated acceptable reliability scores for the study.

The study was undertaken by a team of 12 individuals, led by Dr. Andrew Laing, President, Cormex Research.



OFFICE OF THE OMBUDSMAN | ENGLISH SERVICES

OMBUDSMAN

Annual Report 2015-2016

April 2016

Mr. Rémi Racine, Chair, Board of Directors, CBC/Radio-Canada

Mr. Hubert T. Lacroix, President and CEO, CBC/Radio-Canada

Members of the Board of Directors, CBC/Radio-Canada

Dear Mr. Racine, Mr. Lacroix and Members of the Board of Directors:

I am pleased to submit the annual report of the Office of the Ombudsman, English Services, for the period April 1, 2015, to March 31, 2016.

Sincerely,



Esther Enkin
Ombudsman
English Services

THE OMBUDSMAN'S REPORT

2015-16

I am pleased to present the Office of the Ombudsman's annual report for 2015-2016. This year there were 2,782 comments, complaints and expressions of concern. Of those, 1,859 pertained to information content, and 923 were outside the mandate of this office. Many of those outside the mandate find their way to my inbox because there seems to still be a challenge in providing adequate responses from other parts of the corporation. I understand there are ongoing efforts to improve the number and quality of responses. I support any such efforts.

I conducted 61 reviews this year. In 20 cases I found some infraction of policy or room to improve. There was no discernible pattern to the breaches of policy.

It will come as no surprise that the federal election coverage attracted the largest amount of correspondence this year. Evan Solomon's departure from Power and Politics generated a great deal of mail. Almost all of it was outside the mandate of this office, as it dealt with his dismissal from the program. Members of the public continue to be concerned with the use of graphic images in news reporting. There were questions about the use of the image of Alan Kurdi, the toddler who drowned while attempting to escape to Turkey. On the whole, I think CBC News does a good job balancing editorial need with respect for the audience's sensibilities. There has been improvement in the use of warnings, but there are still some lapses.

I note one change in the pattern of this office. There was a spike in the number of complaints that were sent to the programmers for their information, without obligation to reply. These emails contain a comment or information about a story, they are broad and sweeping statements about coverage of a particular topic, or they are angry denunciations of someone or something. I attribute the spike to the fact that this was an election year, and this office received many emails that were broad criticisms and accusations of bias. In some cases, I asked the complainant to provide a specific example so that programmers could provide a meaningful response. Most declined.

The other cause of the spike is, sadly, that the tone and content of discourse seems to become angrier and more offensive with each passing year. I try to maintain a high threshold – after all,

people are only writing me when they have a complaint – but the inappropriate language and personal attacks put a certain number of comments outside an acceptable range. The number is still relatively small, but it is growing. In response, both the Radio-Canada ombudsman and I have added a specific mention on our websites. On the [complaint review process page](#), you will see this:

The Ombudsman will not handle anonymous complaints, or complaints containing insults, offensive remarks, profanities or gratuitously aggressive language.

This office remains committed to open and civil dialogue in a world where it seems there are few limits to self-expression.

CONFLICT OF INTEREST

Last year I undertook to the Board to look into best practices of other ombudsmen with regard to investigating conflict of interest allegations. I canvassed my fellow members of the Organization of News Ombudsmen, which includes ombudsmen and public editors from other public broadcasters. No one had a model that involved the ombudsman at an earlier stage. To the contrary, in most cases conflict of interest allegations were seen to be the responsibility of management. It has led me to the conclusion that while the model at CBC may not be perfect, it stands out in that the Ombudsman does become involved in making judgments about these allegations. I do not have a recommendation for any change in process at this time.

FEDERAL ELECTION

It was one of the longest election campaigns in Canadian history, and it made for a busy time in the office of the Ombudsman. There were 374 comments, complaints and expressions of concern related to the election. The complaints are ones you would expect in the midst of a campaign – that CBC news was biased in favour of a particular political party. The greatest number asserted an anti-Conservative bias.

Beyond those generalized partisan complaints, there were three distinct clusters of correspondence. The first involved an article published on CBCNews.ca before the election call. Urged on by a blogger who has a mission to call out the CBC, people wrote in to complain that a piece by Dean Beeby about pensions, entitled “[Document Raises questions about Harper retirement policy](#)” omitted facts, had an agenda or “cherry picked the facts.” Many emphasized that they pay for the CBC and demanded a higher standard. Each complaint must

be treated on its merits, but there is always a nagging feeling that many of the folks who wrote had not even read the piece. That does not take away their right to file a complaint, but these calls to action distort the process. As one person rather more honestly wrote: "I have been made aware of some poor reporting over the weekend about pensions for seniors. The report cherry picked..." The "cherry picked" phrase occurred over and over again. Some correspondents simply forwarded a screenshot from the call to action.

Interestingly, not one of these complainants asked for a review. I cite this example because these calls to action can generate quite a lot of energy but distort the overall picture. There is no better echo chamber than the internet to magnify a set of views and give them prominence. While there was a high volume of complaints, relatively few complainants requested reviews. This could be because quite a large number of communications were part of one campaign or another.

There were two other complaints that attracted a great number of emails, but only one resulted in a review. The second cluster of correspondence was reaction to a satiric video of Stephen Harper appearing to repeat the word "friends." The video made an appearance on the CBC's Facebook page. Complainants accused CBC of mocking the prime minister and thereby showing its bias. The explanation provided by CBC management was that this was a humorous treatment of the campaign and that there should have been an indication that there would be others. Indeed, over the next two weeks similar videos were posted of Justin Trudeau and Thomas Mulcair. It was an oversight not to explain why the first video was put up. I would also add, although I did not review this matter, that while *CBC Journalistic Standards and Practices* allows for achieving balance over time, during an election campaign it is better for that time span to be very short. If the videos were not all put up at the same time, they should have followed very quickly.

The third cluster of emails involved a story about a satiric video created by comedian Mary Walsh. Ms. Walsh is a well-known performer and for many years was a regular on the CBC comedy program, *This Hour Has 22 Minutes*. The video is an excoriation of former Prime Minister Stephen Harper, referring to him as "Herr Harper" and as "Stasi Steve." The complainants thought this was a veiled allusion to Hitler and were angry about the comparison. It was a piece of theatre in a self-proclaimed campaign to defeat the Conservative prime minister in the federal election. The CBCNews.ca Newfoundland and Labrador news page featured a story about her campaign. The video was embedded in the story, and was only a click away. Because of the way it was presented, and because of Ms. Walsh's long standing association with a CBC television program, complainants assumed the satire was connected to CBC. Management explained that there was no connection to CBC in the creation of the video,

originally posted on YouTube. I note that the explanation did not come until after the election campaign. In my review I suggested it would have been more appropriate to have an external link to the video – thereby distancing CBC News from it to some degree.

Most of the election issues were dealt with within the period of the writ. Some were not. While the 20 day rule is still in effect, I urge management to make every effort to respond to election complaints during the campaign. It is especially important to investigate, as it would be critical to address any possible error, in as timely a fashion as possible.

FEDERAL ELECTION – INDEPENDENT ADVICE PANELS

As in past elections, three panels were convened to provide independent advice and an overview of election coverage to the Ombudsman and, through this office, to CBC management. You will have received the full reports earlier this year, but I wanted to put a summary of the findings in this public record. The panels are asked to assess election coverage against a series of questions, based on the values articulated in the *Journalistic Standards and Practices (JSP)*:

- Does the content equitably reflect the relevant facts and significant points of view expressed during the campaign?
- Is the content dealing fairly with individual politicians, parties, elections issues and events?
- Is the coverage in any way misleading or false?
- Were the major issues explored from a sufficient number of perspectives and presented clearly enough to allow citizens to draw their own conclusions?

Due to the surprise early call of the election, and holiday schedules, formal monitoring did not begin until September 8, 2015, and carried on through the campaign. There were three panels – one was asked to monitor online and social media, one to monitor World Report, World at Six and World this Week End, and the third to monitor The National.

One of the things I learned from this process is that Power & Politics should be one of the programs monitored during the campaign.

The three principal reports on radio, television and online coverage found that CBC adhered to its basic journalistic principles. The radio panel had the fewest concerns about the coverage, stating that “to a large and commendable degree, [radio did] fulfill its aim of properly informing

Canadians.” There were some specific recommendations around reporting polls, better cross promotion of programs to ensure depth of coverage and extending the length of World Report during the campaign. The panel also recommended that more radio programs be included in their mandate.

The report on The National also concluded that “the vast majority of journalistic content during the assessment period was found to conform to the CBC’s journalistic standards and practices.” There was some criticism of some aspects of the coverage:

Concern was raised from time-to-time about the balance and fairness of the coverage. The panel recognizes that reporting fairly and accurately on issues raised in the daily campaign, and presenting a nightly news show that remains fair against the backdrop of significant shifts in party popularity – particularly with respect to the Liberal “break-out” toward the end of the campaign – was a challenge. However, the panelists submit that a pattern, often subtle but sometimes overt, emerged within the coverage, suggesting a privileged regard for the Liberals at the expense of the NDP. This began with the decision to air the at-length interview with Justin Trudeau on October 8, following the Labour Day interview with Stephen Harper. The decision appeared to ignore the fact that the NDP, at the time of dissolution, was the official opposition. The report offers further specific instances of perceived privileged reporting, either favouring the Trudeau Liberals, or detracting from the Mulcair New Democrats, or both. When examined, these instances reflect a continuing discursive frame.

Most criticism was not about misleading or biased reporting, but rather a suggestion for greater depth in coverage: “By far, the independent panel identified depth of reporting as its greatest area of concern.” The panel had some specific suggestions about some of the features on The National as well as areas of inquiry that might have been given more coverage. One panellist noted a lack of in-depth economic coverage.

In addition, at the beginning of October, I asked the chair of the panel monitoring The National to conduct an assessment of Power & Politics. James McLean provided a detailed assessment of the program’s election coverage from October 4 – October 18. The details make excellent reading, and the overall assessment was that “there were no instances where the CBC’s journalistic integrity came into question.” The overall impression of Ms. Barton’s performance was of a skilled interviewer, sometimes aggressive but someone who “is adept at guiding professional politicians back on topic when they try to divert the discussion into number

quagmires and questionable truth-claims.” The assessment provides some good feedback and advice for programmers.

The online group also had some thoughts about depth of coverage. The panel thought “The daily news driven news cycle is given prominence in terms of site content and story hierarchy at the expense of more in-depth, bigger-picture coverage.” There are detailed recommendations about the site’s content and architecture and editorial oversight of its principal interactive features, Poll Tracker and Vote Compass. The recommendations deserve close attention. There was no concern about overall balance and fairness. The recommendations deal with programming and platform experience. I would like to draw management’s attention to some comments about assessing whether JSP needs some revision to “better reflect digital content”. There has been so much growth and change since the last revision of JSP, it is a good idea to have another look. (Elsewhere in this report I will deal with other thoughts on policy.)

OTHER KEY ISSUES

SOCIAL MEDIA

The use of social media as a means to inform the public continues to grow. It is an area that is fraught – because of the way it quickly escalates, and because once it is out there, it is impossible to undo. Tweets are an acceptable way to share information in breaking stories, and to share impressions on the scene. It is hard to build in the kind of oversight that goes into other forms of publishing, so the need for news staff and even casual CBC employees to clearly understand the policies around the use of social media, and to be well versed in how best to use them, is critical. It is something news management might want to consider as part of ongoing staff education around best practices and standards. Two separate incidents which attracted quite a bit of correspondence illustrate the point.

The first is fairly straightforward: A reporter chose to tweet something about a complex and controversial matter. In this case, Middle East correspondent Saša Petricic tweeted about a story in Ha’aretz, an Israeli newspaper, about foreigners serving in the Israel Defense Force. He tweeted:

“Fighting for/ag #ISIS isn’t only combat drawing youth to MidEast. Many more foreign recruits to #Israel, inc Cdn haaretz.com/news/national/ ... #CBC”

Many felt the tweet was creating an equivalence between ISIS and the IDF. As Jack Nagler, Director of Journalistic Accountability and Public Engagement, wrote to the complainants, there

was no intention to create that equivalence but to let Canadians know that people from western countries, some of them Canadians, went to Israel to volunteer. He did say that the tweet was clumsy. And that is the object lesson. 140 characters does not allow for nuance. Being clear about how and when to use Twitter is worth thinking about.

The second incident involved a gardening columnist. The columnist appeared on air in Saskatchewan and Alberta. He is a freelance contributor. Nevertheless, using the Twitter handle “@cbcgardener” he tweeted some rather derogatory comments about then Prime Minister Stephen Harper. A gardening columnist will clearly never be involved in political coverage. As a casual contributor, he had some latitude. However, he violated policy because he used @cbcgardener as his hashtag to send the tweet. The columnist was apparently completely unaware of the protocol. Management might want to make sure that these casual employees understand their obligations when using social media.

COMMENTS

It is disappointing that three years into my mandate, I still have to bring the issue of online comments to the attention of the Board. We seem to have had a manageable solution. The number of complaints stabilized and even declined. A new feature was introduced – we were sending complainants to a link where they would purportedly be able to get a response about specific comments. Well, we sent them, but they never got a response. The net effect of this is an undermining of the credibility of my office, as well as the corporation as a whole.

In January, there were changes in the moderation process, and the complaints skyrocketed. The changes were introduced without any announcement or explanation. In this day and age, especially in the social media sphere, the need for transparency and accountability is imperative. There may be reasons to avoid actually telling members of the public why changes are made and how it will affect them, but it truly does undermine what we are trying to do. As the public’s representative, I once again repeat the plea for improved responsiveness and transparency.

RECOMMENDATIONS FOR JSP

Finally, I would like to address some broader issues. The practice of journalism is changing at warp speed. Technology continues to shape and drive many of these changes, lots of them positive and innovative. Others work against thoughtful and meaningful journalism. Because of these changes and innovations, there are times the guidance and policy provided by *Journalistic Standards and Practices* is either absent or inadequate. The JSP was last revised in

2010. Along with my Radio-Canada colleague, Pierre Tourangeau, we recommend that a review be undertaken to update the document. It is not the job of the Ombudsman to set policy, but based on the nature of complaints, and our experience in using the JSP to adjudicate them, we offer some recommendations of areas to be re-considered. Periodic re-evaluation of the JSP is in the best interests of the public, as well as the staff of CBC/Radio-Canada.

1. I mentioned in my annual report last year that I thought Conflict of Interest guidelines should be reconsidered. There is a need for better and clearer guidance for news staff, based on the corporate policy. A transparent process to evaluate and declare conflicts of interest would increase trust and serve the needs of both the audience and CBC journalists.

2. The Social Media policy was written at a time when its use was growing. Digital platforms and social media are increasingly central to news gathering and publishing. The underlying principle in JSP is that the standards and practices are the same no matter what the platform. But it may be worthwhile reviewing for gaps and new practices that should be addressed. News and current affairs staff must manage sometimes difficult and aggressive relationships in the social media world. For example, I had to adjudicate a complaint from a citizen who protested when a CBC reporter blocked him from his Twitter account. His position was that he was cut off from a source of news from CBC. It turned out any news that went out under the reporter's own Twitter handle also went out under a more generic news account as well. I also believe that while reporters must be accessible and accountable, they don't have to be abused. Some guidance might be useful.

3. In a recent review, I asked that management take a look at its existing policy on the use of hyperlinks. In this case, a regular columnist had air time and a column on the CBC New Brunswick page. His company was mentioned, and a link provided directly to his business page. Because of the amount of exposure, it can leave an appearance of an endorsement. The convention of the internet is to provide links as a service. Those two competing needs should be addressed to align with CBC's need for independence.

4. One new tool in the journalistic kit is drones. Some news organizations have already written some policy and guidelines about their use. I think it would be wise for CBC to provide leadership and develop policy. There are other digital newsgathering tools that did not exist six years ago. Any review should address them.

5. "Native advertising" or "sponsored content" is in widespread use in many news organizations in search of income streams. The Canadian Association of Journalists published a

discussion paper about native advertising this past year (full disclosure: I was part of the effort). Its starting point is that native or sponsored content does not meet the criteria of journalism:

Despite the blurring of lines from the consumer's point of view, journalism may be clearly distinguished from sponsored content by focusing on the purpose behind the material's creation. Our committee's 2012 paper, "What is Journalism?" set out to define what journalism is. In that paper, we stated that to be considered journalism, content must meet the test of disinterested purpose: Journalists draw their own conclusions about the necessity and direction of a story – and of the underlying veracity of facts. Such conclusions are drawn in a disinterested way – that is, independently of consideration of the effect, for good or ill, of the coverage provided. The economic or other benefits to companies, organizations or movements do not drive journalists' choices. The converse is clear: content created to serve the private interests of those paying for its publication is not journalism. The way this content is produced and the level of involvement of the private interest, or sponsor, may vary, but at the end of the day its primary purpose is to enhance awareness and promotion of a particular brand or issue. Thus: not journalism.

6. There is the potential that sponsored material from other content areas will find its way into news and current affairs sites. It would be useful to address this ahead of time. It would also be useful to reinforce a principle that is already in JSP: that the heads of news are to be consulted when other content areas are producing news content and that they are the interpreters of JSP and its application.

7. The broadened scope of the JSP has been useful in bringing consistency to the standards for information content. I would observe however, that the knowledge and understanding of its application among non-news staff and managers could be better. After living with this reality for several years now, I would recommend evaluating if the application should be limited to only balance and fairness, and should actually include the other fundamental news values. It is hard to parse where one ends and the other begins, and it makes adjudicating more difficult. It also creates confusion in the minds of members of the public who do not see things in as discrete categories.

8. Point of View Documentaries: There is specific policy around point of view documentaries which states that no "advocacy, lobby or government group" can fund a point of view documentary. The funding models for documentaries have changed dramatically. There are likely to be multiple funders, and some may fit this criteria. It would seem sensible to look at

this policy to provide discretion to the heads of news to look at the range of funders and assess whether the presence of any group excludes the airing of the documentary. There may be value in considering ways to make funding completely transparent to members to the public. This area epitomizes the challenge between creating policy that reflects contemporary reality, but does not compromise the underlying principles of JSP.

CONCLUSION

The election was not the only significant event in the Ombudsman's office this year. The others are of a more personal nature.

My Radio-Canada colleague, Pierre Tourangeau, has retired, and I want to acknowledge our collegial and fruitful collaboration. I could not have asked for a better, more thoughtful collaborator. I look forward to the same excellent relationship with his successor, Guy Gendron.

And finally, this is the last annual report to be prepared with the assistance of Laura Marshall. I am the fourth Ombudsman she has supported. I want to thank her for her dedication, skill and support. The public does not know the debt they owe to her for providing consistent and excellent service in the running of this office.

Esther Enkin
Ombudsman, English Services

RAPPORT DE L'OMBUDSMAN

2015-2016

Je suis heureuse de vous présenter le rapport annuel du Bureau de l'ombudsman pour l'exercice 2015-2016. Cette année, mon Bureau a reçu 2 782 commentaires, plaintes ou messages exprimant des préoccupations. De ce nombre, 1 859 étaient liés aux contenus d'information, et 923 ne relevaient pas du mandat de mon Bureau. Une bonne partie de ces dernières m'ont été acheminées parce que les plaignants auraient toujours du mal à obtenir des réponses adéquates des autres secteurs de la Société. Cela dit, je suis consciente que des efforts continus sont déployés pour mieux répondre à plus de plaignants, et je soutiens ces efforts.

Cette année, j'ai produit 61 révisions. J'ai constaté des infractions à la politique ou des possibilités d'amélioration dans 20 cas. Aucune tendance perceptible ne se dégage en matière d'infractions à la politique.

Personne ne sera étonné d'apprendre que c'est la couverture des élections qui a entraîné la correspondance la plus volumineuse cette année. Le départ d'Evan Solomon de l'émission *Power & Politics* a aussi généré beaucoup de courrier, dont la grande majorité portait sur son licenciement et ne relevait donc pas de mon mandat. L'utilisation d'images choquantes dans les reportages continue de préoccuper les membres du public. J'ai notamment reçu des questions sur l'utilisation de la photo d'Alan Kurdi, le bambin mort noyé en tentant de fuir la Turquie. Dans l'ensemble, j'estime que CBC News réussit bien à s'acquitter de ses responsabilités journalistiques tout en respectant la sensibilité des auditoires. Il y a eu des progrès dans l'utilisation d'avertissements, mais il reste encore du travail à faire.

Je constate un changement dans les activités de mon Bureau cette année. Le nombre de plaintes envoyées aux programmeurs à titre informatif, sans obligation de répondre, a fortement augmenté. Dans leurs courriels, ces plaignants formulent un commentaire ou fournissent de l'information à propos d'un reportage, font des déclarations à l'emporte-pièce sur un sujet donné, ou encore dénoncent rageusement quelqu'un ou quelque chose. J'attribue cette pointe au fait qu'il s'agissait d'une année électorale, situation qui explique que mon Bureau a reçu de nombreuses critiques générales et accusations de parti pris. Dans certains cas,

j'ai demandé aux plaignants de donner un exemple précis afin que les programmeurs puissent préparer une réponse pertinente. La plupart d'entre eux ont refusé de le faire.

Par ailleurs, à cette hausse s'ajoute le fait que, malheureusement, le ton employé par les plaignants est, d'année en année, de plus en plus colérique et insultant. J'essaie d'être très tolérante envers ce genre de chose – après tout, les gens m'écrivent pour se plaindre –, mais le langage inapproprié et les attaques personnelles rendent certains commentaires inacceptables. Ceux-ci sont encore relativement peu nombreux, mais leur nombre augmente. En réponse à ce phénomène, l'ombudsman de Radio-Canada et moi-même avons ajouté un avis sur nos sites web. À la page [Procédures pour formuler une plainte](#), vous pouvez lire ceci :

L'ombudsman ne fait pas de suivi à une communication anonyme, ni à une plainte qui contient des insultes, un langage vulgaire ou inutilement agressif, ou des propos haineux.

Mon Bureau s'engage à entretenir une conversation ouverte et courtoise dans un monde où l'expression de soi semble à peu près sans limites.

CONFLITS D'INTÉRÊTS

L'an dernier, j'ai demandé au Conseil d'administration d'examiner les pratiques exemplaires d'autres ombudsmans en matière d'enquêtes sur les allégations de conflits d'intérêts. J'ai également interrogé à ce sujet les autres membres de l'Organization of News Ombudsmen, qui regroupe des ombudsmans et des rédacteurs publics de radiodiffuseurs publics. Personne d'entre eux n'applique de modèle où l'ombudsman est sollicité tôt dans le processus. Au contraire, dans la plupart des cas, les allégations de conflits d'intérêts sont considérées comme étant la responsabilité de la direction. J'en conclus que si le modèle de CBC n'est pas parfait, il se démarque par le fait qu'on fait appel à l'ombudsman pour porter un jugement sur ces allégations. Je ne recommande pas de modifier le processus pour le moment.

ÉLECTIONS FÉDÉRALES

C'était une des plus longues campagnes électorales de l'histoire au Canada, et elle nous a tenus occupés au Bureau de l'ombudsman. Nous avons reçu 374 commentaires, plaintes ou messages exprimant des préoccupations à propos des élections. La nature des plaintes reçues n'a rien de surprenant en pleine campagne électorale : CBC News aurait eu des intentions partisans pour un des partis en lice. La plupart des plaignants prêtaient à CBC News un parti pris contre les conservateurs.

Outre les plaintes portant sur une partisanerie alléguée, trois événements ont entraîné une correspondance importante. Le premier est la publication d'un article sur CBCNews.ca avant le déclenchement des élections. Incités à le faire par un blogueur qui s'est donné comme mission d'interpeller CBC, des citoyens nous ont écrit pour se plaindre que dans son reportage sur les pensions [Document raises questions about Harper retirement policies](#), Dean Beeby aurait omis des faits, aurait eu des intentions cachées ou aurait soigneusement sélectionné les faits rapportés. Bon nombre des plaignants affirmaient qu'ils payaient pour CBC et exigeaient des normes de qualité plus élevées. Chaque plainte doit être traitée en fonction de ses fondements et, dans ce cas, j'avais l'impression persistante que beaucoup de ces plaignants n'avaient même pas lu l'article en question. Ils ont tout à fait le droit de se plaindre, mais ces appels à l'action faussent le processus. Une personne a écrit de façon plus juste : « J'ai appris qu'un reportage publié durant le week-end sur les pensions pour les personnes âgées était mal fait. Le journaliste y avait soigneusement sélectionné [...] ». L'expression voulant qu'on ait « soigneusement sélectionné » les informations était reprise à profusion. Certaines personnes nous ont simplement transmis une saisie d'écran de l'appel à l'action du blogueur.

Fait intéressant, aucun de ces plaignants ne demandait de révision. Je donne cet exemple parce que ces appels à l'action peuvent générer beaucoup de travail pour nous et déformer le tableau d'ensemble de la situation. Internet est une formidable caisse de résonance qui peut facilement grossir une façon de voir les choses pour lui donner de l'importance. Nous avons reçu beaucoup de plaintes, mais relativement peu de plaignants demandaient une révision, peut-être parce que bon nombre d'entre eux agissaient dans le cadre d'une campagne.

Deux autres événements ont généré un grand nombre de courriels, dont seulement un a donné lieu à une révision. Le deuxième est la diffusion d'une vidéo satirique où l'on voit Stephen Harper répéter le mot « friends » (amis). Cette vidéo a été vue sur la page Facebook de CBC, et des internautes ont accusé CBC de se moquer du premier ministre et d'ainsi montrer son parti pris. La direction de CBC a expliqué qu'il s'agissait d'un traitement humoristique de la campagne, et qu'il allait probablement y en avoir d'autres. Effectivement, des vidéos similaires sur Justin Trudeau et Thomas Mulcair ont circulé dans les deux semaines suivantes. Cela dit, on aurait dû fournir des explications sur l'affichage de la première vidéo. Même si je n'ai pas fait de révision de cette question, j'ajouterais aussi que si, en vertu des Normes et pratiques journalistiques (NPJ) de CBC/Radio-Canada, l'équilibre peut être atteint dans le temps, durant une élection, il est préférable qu'il le soit dans un très court laps de temps. À défaut d'avoir été affichées toutes en même temps, les vidéos qui ont suivi celle sur M. Harper auraient dû être diffusées très rapidement.

Le troisième événement est une vidéo satirique créée par l'actrice Mary Walsh. M^{me} Walsh est une artiste reconnue et a été durant de nombreuses années une habituée de l'émission d'humour *This Hour Has 22 Minutes* de CBC. La vidéo écorchait l'ancien premier ministre Stephen Harper en l'appelant « Herr Harper » et « Stasi Steve ». Les plaignants ont interprété ces propos comme une allusion à peine voilée à Hitler, et la comparaison les a beaucoup choqués. Il s'agissait d'une performance théâtrale dans le cadre d'une campagne orchestrée par M^{me} Walsh pour que le premier ministre conservateur soit défait à l'élection fédérale. Le site de nouvelles de CBCNews.ca pour Terre-Neuve-et-Labrador a publié un article sur sa campagne, et la vidéo en question y était intégrée. Il suffisait de cliquer dessus pour la regarder. En raison de la manière dont elle était présentée et de l'association de longue date de M^{me} Walsh avec une émission de télévision de CBC, les plaignants ont présumé que sa vidéo satirique était liée à CBC. La direction a expliqué que CBC n'avait en aucune façon participé à la création de la vidéo, d'abord publiée sur YouTube. Je note que l'explication n'a été fournie qu'après les élections. Dans ma révision, j'ai indiqué qu'il aurait été plus approprié d'intégrer à l'article un lien externe vers la vidéo afin de distancer, dans une certaine mesure, CBC News de son contenu.

La plupart des questions relatives aux élections ont été traitées durant la campagne électorale, mais certaines ne l'ont pas été. La règle des 20 jours est toujours en vigueur, mais j'enjoins la direction à faire tous les efforts possibles pour répondre aux plaintes liées aux élections durant la campagne électorale. Il faut absolument enquêter sur ces plaintes, car il est essentiel de corriger toute erreur potentielle le plus vite possible.

ÉLECTIONS FÉDÉRALES – COMITÉS CONSULTATIFS INDÉPENDANTS

Comme pour les élections précédentes, trois comités consultatifs indépendants ont été constitués pour conseiller l'ombudsman et lui présenter un survol de la couverture des élections. Vous avez reçu leurs rapports complets plus tôt cette année, mais je souhaite inclure un sommaire de leurs conclusions dans le présent document public. Les comités devaient évaluer la couverture des élections en fonction d'une série de questions basées sur les valeurs définies dans les NPJ :

- La couverture rapporte-t-elle les faits pertinents et reflète-t-elle impartialement les points de vue significatifs?
- La couverture réserve-t-elle un traitement juste et équitable aux politiciens, partis politiques, enjeux électoraux et événements?
- La couverture est-elle de quelque façon fautive ou trompeuse?

- Les principaux enjeux abordés sont-ils présentés selon suffisamment de perspectives différentes et expliqués assez clairement pour que les citoyens puissent tirer leurs propres conclusions?

En raison du déclenchement hâtif des élections et des vacances, la couverture officielle de la campagne n'a débuté que le 8 septembre 2015 et s'est poursuivie jusqu'aux élections. Trois comités consultatifs ont été formés – le premier devait surveiller la couverture en ligne et dans les médias sociaux, le deuxième, celle des émissions *World Report*, *World at Six* et *World this Week End*, et le troisième, celle de l'émission *The National*.

Ce processus m'a permis de comprendre, entre autres, que *Power & Politics* devait aussi faire l'objet d'une surveillance durant la campagne.

Les trois principaux rapports sur la couverture à la radio, à la télévision et en ligne ont conclu que CBC avait respecté ses principes journalistiques de base. C'est le comité qui a travaillé sur la radio qui a exprimé le moins de préoccupations sur la couverture, indiquant que « dans une large mesure, [la radio] a atteint son objectif de bien informer les Canadiens ». Il a cependant formulé des recommandations précises sur la couverture des sondages, et a suggéré d'améliorer la promotion croisée des émissions afin d'assurer une couverture approfondie, et de prolonger l'émission *World Report* durant la campagne. Le comité a également recommandé que son mandat comprenne plus d'émissions de radio.

Le comité qui travaillait sur *The National* a également conclu que « la grande majorité du contenu journalistique diffusé durant la période de l'évaluation était conforme aux Normes et pratiques journalistiques de CBC/Radio-Canada », mais il a critiqué certains aspects de la couverture :

Des préoccupations ont parfois été soulevées quant à l'équilibre et à l'équité de la couverture. Le comité reconnaît qu'il a été difficile d'assurer une couverture équitable et exacte des questions soulevées quotidiennement durant la campagne électorale, et de présenter le soir un bulletin de nouvelles qui demeure équitable malgré la popularité changeante des différents partis – en particulier pour ce qui est de la montée des libéraux vers la fin de la campagne. Cette tendance a débuté avec la décision de diffuser dans son intégralité l'entrevue avec Justin Trudeau le 8 octobre, à la suite de l'entrevue réalisée avec Stephen Harper à la fête du Travail. Cette décision ne semble pas tenir compte du fait qu'au moment de la dissolution du Parlement, le NPD formait l'opposition officielle. Le rapport donne d'autres exemples de

couverture semblant privilégier les libéraux de Justin Trudeau ou nuire aux néodémocrates de Thomas Mulcair. Lorsqu'on les examine, ces exemples reflètent un cadre discursif continu.

La plupart des critiques formulées ne portaient pas sur des contenus partiels ou trompeurs, mais visaient plutôt à suggérer une couverture plus approfondie : « Le comité indépendant a indiqué que la profondeur des reportages était de loin son inquiétude la plus marquée. » Le comité a formulé des suggestions précises sur certains des reportages présentés à *The National* et sur des sujets qui auraient reçu une couverture plus importante. Un membre du comité a noté une couverture insuffisante de l'actualité économique.

De plus, au début d'octobre, j'ai demandé au président du comité chargé de surveiller les contenus de *The National* d'évaluer aussi ceux de *Power & Politics*. James McLean a fourni une évaluation détaillée de la couverture de la campagne de l'émission, entre le 4 et le 18 octobre. Il a produit un rapport détaillé très intéressant dans lequel il évalue globalement qu'« aucun exemple ne permet de douter de l'intégrité journalistique de CBC ». Il a déterminé que M^{me} Barton était une intervieweuse douée aux manières parfois vigoureuses, qui « arrive avec brio à ramener les politiciens dans le vif du sujet lorsqu'ils détournent la discussion en citant des chiffres à répétition ou en faisant des revendications discutables ». Son évaluation comprend une rétroaction positive et des conseils pour les programmeurs.

Le comité chargé d'examiner les contenus diffusés en ligne avait aussi des remarques sur la profondeur de la couverture. Il est d'avis qu'« on a donné à l'actualité quotidienne une place prépondérante sur le site et dans la hiérarchie des nouvelles, au détriment d'une couverture plus approfondie qui s'inscrirait dans un contexte plus large ». Il a formulé des recommandations détaillées sur le contenu et l'architecture du site, et sur la surveillance, par la rédaction, de ses principaux éléments interactifs : le Poll Tracker et le Vote Compass. Ces recommandations méritent une étude attentive. Dans son rapport, le comité n'exprime aucune préoccupation sur l'équilibre et l'équité des contenus. Les recommandations formulées portent sur la programmation et l'expérience des internautes sur les plateformes. J'attire l'attention de la direction sur certaines remarques à savoir si les NPJ devraient être révisées afin de « mieux refléter les contenus numériques ». Les choses ont tellement bougé et évolué depuis la dernière révision des NPJ que j'estime que c'est effectivement une bonne idée d'y jeter un coup d'oeil. (J'aborde aussi la politique ailleurs dans le présent rapport.)

AUTRES ENJEUX CLÉS

MÉDIAUX SOCIAUX

L'utilisation des médias sociaux pour informer le public poursuit sa croissance. Cela dit, il s'agit d'une réalité complexe, car les choses peuvent rapidement s'envenimer sur ces plateformes, et une fois qu'une publication y est affichée, on ne peut plus revenir en arrière. Twitter est un outil acceptable pour partager de l'information sur des nouvelles de dernière heure, et pour faire part de ses impressions sur les lieux mêmes de la nouvelle. Comme il est difficile de superviser les contenus publiés sur les réseaux sociaux comme on le fait pour d'autres plateformes, les effectifs des services de nouvelles, et même les employés occasionnels de CBC, doivent absolument bien comprendre les politiques sur l'utilisation des médias sociaux et comment les utiliser le mieux possible. Les directions des services de nouvelles voudront peut-être penser à intégrer ce sujet à la formation continue des employés sur les normes et les pratiques exemplaires. Deux incidents distincts ayant généré une correspondance assez abondante illustrent bien cet enjeu.

Le premier est plutôt simple : un reporter a publié un tweet sur une question complexe et sujette à controverse. Plus précisément, Saša Petricic, correspondant au Proche-Orient, a publié un tweet à propos d'un reportage paru dans le quotidien israélien *Ha'aretz* sur des volontaires étrangers qui joignent les rangs de l'Armée de défense d'Israël. Voici son tweet :

Combat pour/contre #EI pas seul à attirer jeunes au Moyen-Orient. Beaucoup plus de recrues étrangères pour #Israel, incluant Canadiens
haaretz.com/news/national/ ... #CBC

Beaucoup de gens ont eu l'impression que ce tweet établissait un parallèle entre le groupe armé État islamique et l'Armée de défense d'Israël. Comme M. Jack Nagler, directeur, Responsabilité journalistique envers le public et Participation citoyenne, l'a écrit au plaignant, le journaliste n'avait aucunement l'intention de créer un tel parallèle, mais souhaitait plutôt informer les Canadiens que des occidentaux, y compris des Canadiens, se rendait en Israël pour s'engager dans les forces militaires. Il a toutefois mentionné que le tweet était certainement maladroit, et rappelle que parce qu'ils sont limités à 140 caractères, les messages diffusés sur Twitter ne prêtent pas à la nuance. L'établissement de lignes directrices claires sur l'utilisation de Twitter mérite réflexion.

Le second incident concerne un chroniqueur jardinage – un collaborateur pigiste – qui participe à des émissions diffusées en Saskatchewan et en Alberta. Utilisant le mot-clic @cbcgardener, il a tweeté des commentaires désobligeants sur le premier ministre Stephen Harper. Évidemment, un chroniqueur jardinage ne couvre jamais l'actualité politique. À titre de collaborateur pigiste, il bénéficiait d'une certaine marge de manoeuvre, mais il a contrevenu à

la politique un utilisant le mot-clic @cbcgardener pour publier son message Twitter. Apparemment, le chroniqueur ne connaissait pas du tout le protocole. La direction devrait peut-être s'assurer que ses employés occasionnels comprennent leurs obligations relatives aux médias sociaux.

COMMENTAIRES

Il est regrettable qu'après trois ans en poste, je doive toujours parler de la question des commentaires au Conseil. Pourtant, nous pensions avoir trouvé une solution, et le nombre de plaintes s'est stabilisé et a même diminué. En effet, nous avons lancé une nouvelle procédure : nous invitons les plaignants à cliquer sur un lien qui leur permettrait supposément d'obtenir une réponse à propos de commentaires précis. Seulement, ceux qui l'ont fait n'ont jamais reçu de réponse. Ce raté vient miner la crédibilité de mon bureau et de toute l'organisation.

En janvier, le processus de modération a été modifié, et nous avons été inondés de plaintes. En fait, les changements ont été faits sans avoir été annoncés ou expliqués. De nos jours, particulièrement dans les médias sociaux, la transparence et la responsabilisation sont essentielles. Des raisons expliquent peut-être le fait que les membres du public n'aient pas été informés des changements et de leurs répercussions sur eux, mais cette façon de faire nuit véritablement à notre mission. En tant que représentante du public, je lance encore une fois un appel à une transparence accrue et à un plus grand souci de répondre aux préoccupations des auditoires.

RECOMMANDATIONS RELATIVES AUX NPJ

Enfin, je voudrais parler de questions plus générales. La pratique du journalisme évolue à une vitesse fulgurante. Les technologies continuent de façonner ces changements et de faire évoluer les choses, souvent de façon positive et innovante, alors que quelques avancées technologiques nuisent à un journalisme réfléchi et pertinent. Au fil des changements et des innovations, les NPJ ne fournissent pas toujours des lignes directrices claires et appropriées. Les NPJ ont été révisées en 2010, et mon collègue de Radio-Canada, Pierre Tourangeau, et moi avons recommandé qu'elles soient à nouveau révisées et mises à jour. Ce n'est pas aux ombudsmans de déterminer la politique, mais selon la nature des plaintes reçues et notre utilisation des NPJ pour porter un jugement sur ces plaintes, nous vous soumettons des recommandations sur des passages à revoir. Une réévaluation des NPJ est dans l'intérêt supérieur du public et des employés de CBC/Radio-Canada.

1. J'ai mentionné, dans mon rapport de l'an dernier, que j'estimais que les lignes directrices sur les conflits d'intérêts devraient être revues. Nous devons donner aux employés des services de nouvelles des lignes directrices plus claires et meilleures, basées sur la politique institutionnelle. L'application d'un processus transparent pour évaluer et déclarer les conflits d'intérêts aurait pour effet d'accroître la confiance et de répondre aux besoins des auditoires et des journalistes de CBC.

2. La politique sur l'utilisation des médias sociaux a été rédigée à une époque où l'utilisation de ces médias était en croissance. Aujourd'hui, les plateformes numériques et les médias sociaux occupent une place de plus en plus centrale dans la collecte et la diffusion de nouvelles. Le principe fondamental des NPJ est que les lignes directrices sont les mêmes pour toutes les plateformes. Cela dit, il pourrait être utile de revoir les écarts et les nouvelles pratiques. Les employés des services de nouvelles et d'actualités doivent parfois gérer des relations difficiles et agressives dans les médias sociaux. Par exemple, j'ai dû me prononcer sur une plainte d'un citoyen qui déplorait qu'un reporter de CBC l'ait bloqué sur son compte Twitter. Il arguait que ce faisant, le reporter l'avait privé d'une source de nouvelles de CBC. Il s'est avéré que toutes les nouvelles publiées sur le compte du reporter étaient aussi publiées sur un compte plus générique. J'estime que si les reporters doivent être accessibles et responsables de leurs publications, ils n'ont pas à être maltraités par le public. Des lignes directrices en la matière pourraient être utiles.

3. Dans une récente révision, j'ai demandé que la direction jette un œil à sa politique sur l'utilisation d'hyperliens. Ce cas concernait un chroniqueur qui était présent à l'antenne et avait une chronique sur le site Internet de CBC New Brunswick. Son entreprise a été mentionnée, et un lien vers le site de son entreprise était fourni. En raison de la visibilité de cette information, on pouvait alors penser que CBC approuvait les activités de son entreprise. Sur Internet, la convention veut qu'on ne fournisse des liens qu'à titre de service. On devrait se pencher sur ces deux besoins contradictoires afin d'arrimer les pratiques au besoin d'indépendance de CBC.

4. Les journalistes peuvent maintenant se servir de drones. Des médias d'information ont déjà établi une politique et des lignes directrices sur l'utilisation de ces appareils. Je crois que CBC aurait tout intérêt à faire preuve de leadership et à développer une politique en la matière. Certains outils numériques de collecte de l'information qui sont utilisés aujourd'hui n'existaient pas il y a six ans. Toute révision devrait en tenir compte.

5. Le « journalisme natif », ou « contenu commandité », est très utilisé par de nombreux médias d'information qui cherchent de nouvelles sources de revenus. L'Association canadienne des journalistes (ACJ) a publié un document de travail sur la publicité native l'an dernier (par

souci de transparence, je mentionne que j'ai participé à ces travaux). L'ACJ part du principe que le contenu natif ou commandité ne respecte pas les critères de journalisme :

Les frontières entre le journalisme et le contenu commandité sont de plus en plus floues pour les consommateurs, mais il est possible de les distinguer clairement en se demandant pour quelle raison le matériel a été créé. Notre rapport *What is Journalism?*, publié en 2012, visait à définir le journalisme. Dans ce rapport, nous indiquions que pour être considéré comme du journalisme, le contenu doit avoir été produit à des fins désintéressées. Ainsi, les journalistes tirent leurs propres conclusions sur la nécessité de publier un reportage et sur l'orientation à privilégier, de même que sur la véracité intrinsèque des faits. Et ils tirent ces conclusions d'une façon désintéressée, c'est-à-dire indépendamment de l'effet, bon ou mauvais, de la couverture. Les avantages – économiques ou autres – pour des entreprises, des organisations ou des mouvements ne dictent pas les choix des journalistes. À l'opposé, le contenu créé pour servir les intérêts de parties du secteur privé qui paient pour sa publication n'est pas du journalisme. La manière dont ce contenu est produit et l'ampleur de la participation de la partie du secteur privé, ou du commanditaire, peuvent varier, mais au final, ce contenu a pour objectif premier de faire connaître et de promouvoir une marque ou un enjeu. Il ne s'agit donc pas de journalisme.

6. Il est possible que du contenu commandité d'autres secteurs se retrouve sur les sites des services de nouvelles et d'actualités. Il serait utile de se pencher sur cette question de manière anticipée. Ce serait aussi une bonne idée de renforcer un principe déjà présent dans les NPJ : que les directeurs des services des nouvelles doivent être consultés lorsque d'autres secteurs produisent des contenus d'information, et qu'ils sont responsables d'interpréter et d'appliquer les NPJ.

7. La portée élargie des NPJ a permis d'uniformiser les normes sur les contenus d'information. J'observe néanmoins que les employés et les gestionnaires hors nouvelles pourraient mieux connaître ces normes et comprendre les modalités de leur application. Après avoir vécu avec cette réalité depuis plusieurs années, je recommande d'évaluer si l'application des NPJ devrait se limiter à l'équilibre et à l'équité, ou si elle devrait inclure les autres valeurs fondamentales liées aux nouvelles. Il est ardu de déterminer où s'arrête et où se termine la portée de chaque valeur, et le public, qui n'analyse pas forcément les choses selon des catégories distinctes, pourrait mal comprendre leur application.

8. Documentaires d'opinion : Nous avons une politique sur les documentaires d'opinion selon laquelle « des gens qui représentent des intérêts particuliers, un groupe de pression ou un organisme gouvernemental » ne peuvent pas financer ces productions. Les modèles de financement des documentaires ont été complètement transformés. Ces productions sont parfois financées par plusieurs personnes, et certaines d'entre elles pourraient correspondre à cette définition. Il me paraît sensé d'examiner cette politique afin de donner aux directeurs des services des nouvelles un pouvoir discrétionnaire pour qu'ils puissent passer en revue nos bailleurs de fonds et déterminer si la présence de certains groupes justifierait la non-diffusion d'un documentaire. Il pourrait être utile d'envisager des façons de rendre le financement complètement transparent pour les membres du public. Ce phénomène illustre la difficulté de créer des politiques qui reflètent la réalité d'aujourd'hui sans compromettre les principes fondamentaux des NPJ.

CONCLUSION

Les élections n'ont pas été le seul événement important de l'année pour le Bureau de l'ombudsman. Les autres sont de nature plus personnelle.

Mon collègue de Radio-Canada, Pierre Tourangeau, a pris sa retraite, et je tiens à souligner l'esprit de collégialité et la collaboration fructueuse qui ont caractérisé nos rapports. Je n'aurais pas pu rêver d'un meilleur collaborateur et d'un homologue plus prévenant. Je suis heureuse de poursuivre cette belle collaboration avec Guy Gendron.

Pour terminer, le présent rapport est le dernier que je prépare avec l'aide de Laura Marshall. Elle a soutenu trois autres ombudsmans avant moi. Je veux la remercier sincèrement pour son dévouement, son savoir-faire et son soutien. Durant toutes ces années, elle a géré ce Bureau de main de maître tout en plaçant l'intérêt du public au coeur de son travail.

Esther Enkin
Ombudsman, Services anglais

NUMBER OF COMMUNICATIONS RECEIVED

	INFORMATION PROGRAMMING	GENERAL PROGRAMS/ OTHER	TOTAL	REVIEWED	REVIEW UNDER WAY/CARRIED OVER
2015-16	1859	923	2782	61	1
2014-15	1706	1171	2877	70	4
2013-14	1671	1225	2896	68	3
2012-13	1586 (919 plus 667 O'Leary petition)	1032	2618	70	3
2011-12	2954 (2074 plus 880 election debates)	927	3881	91	1
2010-11	3363 (1926 plus 1437 election debates)	749	4112	62	18
2009-10	1204	824	2028	84 (incl. 12 re one program)	28
2008-09	1618	1048	2666	44	31
2007-08	1052	785	1837	51	20
2006-07	1326	491	1817	37	17
2005-06	1391 (+ 43,466 Green Party petition)	477	1868	40	9
2004-05	1809 (incl. 1077 re Green Party & debates)	241	2050	69	1
2003-04	1590	326 (+239 Cherry)	2155	75	5
2002-03	1273	376	1649	73	6
2001-02	582	442	1024	54	1
2000-01	597	537	1134	45	3
1995-96	221	65	286	37	7

MANDATE OF THE OFFICE OF THE OMBUDSMAN

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://jsp.cbc.ca/apps/pol>). 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

1. 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 summarising 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.

2. 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 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.

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