

APPENDIX 6

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

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

Minutes of the Meeting held on

June 18, 2014

Ottawa, Ontario

 = by videoconference







Members of the Committee present:

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

Members of the Committee absent:

Cecil Hawkins

In attendance:

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

Opening of the Meeting

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

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

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

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

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

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

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

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

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

3. Boards' Response to the Reports of the Ombudsmen

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

Adjournment

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

OMBUDSMAN



**OFFICE OF THE
OMBUDSMAN**
ENGLISH SERVICES

**ANNUAL REPORT
2013-2014**

April 2014

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, 2013, to March 31, 2014.

Sincerely,



Esther Enkin
Ombudsman
English Services

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THE OMBUDSMAN'S REPORT 2013-14

It is my pleasure to present the Board of Directors with my second annual report.

It was a livelier year than last. Or maybe it just feels that way because this was my first full year as Ombudsman. The most significant number of complaints this year was around what constitutes conflict of interest for CBC staff and freelancers. There were 111 complaints about the outside activities of CBC News staff. With the ongoing Rob Ford saga, the Olympics, the Ukraine crisis, it was a busy time. And while there was only one complaint about CBC use of polling, it led to a review which found some deficiencies in News practices.

In all this office handled nearly three thousand (2,896) complaints, communications, inquiries, and expressions of concern. Of those, 1,671 pertained to information content and 1,225, or 42%, were "other." There were 67 reviews conducted, with three carried over to next fiscal year. The numbers are quite similar to last year's. In 11 cases I found some infraction of policy. While none are acceptable, generally speaking they were small infractions; forgetting to note a correction on a web page, for example. Only in two cases was there a significant lapse of journalistic judgment which resulted in stories that were seriously inaccurate. Since both those stories came from the same region, it bears some ongoing oversight.

CONFLICT OF INTEREST

The stand-out issue for the year was the controversy about paid speaking engagements by CBC personalities, notably Rex Murphy and Peter Mansbridge. As attention to the issue grew, other CBC hosts were cited too. As a result of several blogs, and an editorial on the Sierra Club web site urging people to contact the CBC, many wrote to express their concern. While the focus of some of the mail was Mr. Murphy's support for oil sands development, there are underlying issues to address. The correspondents felt that CBC news people are in a conflict of interest when they take money to speak to advocacy groups and to organizations they may very well be covering in the future. They were concerned that payment from an organization undermines the ability to cover it or its causes objectively.

News management is developing new policy to deal with these issues. I am glad they are doing so. The public deserves clarity and transparency. News management might want to reconsider whether full-time news staff should accept payment, or what role reporters, hosts and producers can assume at outside events. Management should consider a clear process and

criteria for what is permissible and ensure that it is publicly available. CBC policy is clear that it is essential to avoid the appearance of a conflict of interest. Taking money to speak does create just that.

Other media organizations explicitly prohibit their news staff from accepting fees. Some allow it under certain circumstances, but have a clear process for approval and disclosure. Management might want to consider making available to the public what events CBC news staff have participated in, as well as releasing the remarks made. The details of disclosure are for management to decide, but a completely open system appears to be a critical response to the public's concerns.

There is a further complication in Rex Murphy's case. Mr. Murphy has a regular feature as a commentator on The National, where he expresses opinions on various issues of the day. As a freelancer, that is an appropriate role. He also hosts Cross Country Checkup, a current affairs program. As a professional he is able to distinguish the roles, and over the years there have not been many complaints about his impartiality as Checkup host. Nevertheless, management might want to find a way to make his status more obvious.

The face of journalism has so drastically changed. Journalism is committed by an eyewitness with a smart phone in the right place at the right time. Bloggers with varying degrees of independence pronounce on the issues of the day. People can be the subject of journalism and the creator of it at any given time. There is so much information out there, moving at such an extraordinary speed, it is overwhelming. It is also sometimes difficult to assess the value of the information. That is why full disclosure and transparency about who does what and how it's done is so critical.

POLLS AND POLLING

While there was only one complaint about polls and polling, it revealed that CBC News was not abiding by its own policies.

Like journalism itself, public opinion polling has come under increasing scrutiny. The industry struggles with creating validated, truly representative samples in a world of caller ID, cell phones and computers. There is a lot of polling out there – much of it excellent and a valuable tool to gauge public mood and to help develop public policy. The industry is developing new norms for using online polling and a mix of random dial and internet sampling. Companies are doing interesting and innovative work. But like every other product and industry not all polls are alike. It isn't just sample and sample size that is an issue – design matters, and numbers can be interpreted in more than one way. It is understandable that polling companies will try to claim the most they can from the data to get the media's attention.

CBC policy on polls calls for rigorous standards, whether CBC commissions the poll or reports on existing ones. The policy also clearly differentiates between scientific polls and the much less

formal “question of the day,” whether it be internet based or posed over the air, or both. The policy also requires the active partnership of the Research department in the design, implementation and reporting of polls. CBC News is lucky to have a talented and responsive partner in the department. In the review of a complaint against Power and Politics and its use of some of its poll-based features, I found they were not complying with policy because the Research department was not properly overseeing the work. It was an opportunity to remind News that polling requires a great deal of oversight and that processes should be in place to ensure proper scrutiny.

Journalists, especially senior and executive producers, should have a degree of polling literacy. CBC News management should ensure those in decision-making roles get the training necessary to make smart assessments of polls that cross their desks with some frequency. A clearly-defined and open process and set of criteria for both developing polls and reporting on existing ones would ensure compliance to policy.

KEVIN O’LEARY

Kevin O’Leary continues to be a lightning rod for complaints. There is a segment of CBC’s viewership that finds his positions and the way he expresses them highly offensive. Most of them object to the message, others simply don’t like the style. While there were several episodes of the Lang and O’Leary Exchange that prompted response, none were as provocative as the episode where he tossed off a remark about an Oxfam study. About 80 viewers wrote to express their displeasure on this one matter. The study reported that the 85 wealthiest people in the world were worth as much as almost half the world’s population. O’Leary’s extemporaneous comment that this was a good thing because it would motivate poor people deeply offended many viewers. This is the usual pattern: O’Leary, in bantering with his co-host, makes some hyperbolic statement.

Strictly speaking there is no violation of policy because Mr. O’Leary is a commentator. Freelance or not, anyone engaged by CBC and appearing on its programs must abide by the basic values of CBC’s *Journalistic Standards and Practices*. Once again, there is a potential confusion of roles. He is a commentator, and a freelancer, but he functions as a co-host on an information program. The program responsibly handled the criticism of the episode by revisiting it and having a more reasoned discussion about the study, and the issue of wealth distribution. It is an issue the program has handled from a variety of perspectives

TASTE

CBC News consumers continue to have lots of questions on matters of taste. When a bus and train collided in suburban Ottawa last fall, there were lots of questions about the coverage. Two issues were raised: one was about the appropriateness of the images of the carnage used, and the other was about the decision of the morning show to air a painful and very raw

interview with the widow of the bus driver. I only reviewed a complaint about the interview, and again found it to conform to policy. Warnings were provided, and the team had appropriately conferred and thoughtfully went about the broadcast. And while it was certainly painful to listen to, there was real editorial value because she was able to provide information about rumours that had been circulating about her husband. Compliance in providing suitable warnings generally has improved but it would be useful if News managers would remind programmers that there is a need for consistent use of warnings before publishing or broadcasting disturbing content.

MAYOR ROB FORD COVERAGE

Not surprisingly, there were quite a few complaints about CBC News coverage of the Rob Ford saga. Most of the criticism came early on, when people were concerned and puzzled by the fact that CBC News chose to repeat allegations of drug use in spite of the fact that no CBC journalist had actually seen the video. I found no violation of policy in any of the reviews I conducted.

ONLINE COMMENTS

The comments section on the website continues to be a serious source of irritation for a very engaged, very motivated segment of the CBC audience. Every time management changes the terms of engagement, or introduces a new tool, the Ombudsman's inbox is flooded. With the co-operation of the News department and Digital Media, this office established a new protocol for responding to these complaints. The complaints were sent to Audience Relations and were monitored by Tessa Sproule, Director of Digital Content. There is no realistic way to individually answer each of these complaints, largely demands to know why a particular comment was rejected. It would be an unwise use of resources in my opinion. However, the protocol and this system are not working. People return to my office time and again, complaining of no response at all, or demanding that they be heard in some way. It is frustrating for them, and frustrating for me. I strongly urge that Communications and News come up with a workable protocol to manage the audience around comments. It seems to me the corporation needs a level of consistency in its dealing with the public.

RESPONSE TO COMPLAINTS OUTSIDE THE MANDATE

The comment complaints are just one aspect of a growing irritant to members of the public. There continues to be confusion about how to navigate CBC bureaucracy to get attention for a complaint. While these areas are not actually part of my mandate, as the public's representative, I must underline the unsatisfactory way non-news and current affairs complaints are dealt with. The public is currently not well served. Individuals are bewildered and unable to figure out who to contact. They contact this office. We do our best to redirect

the inquiries to the appropriate department or to Audience Relations for triage. Again, from the repeat emails, this is a very flawed system, and people are not getting the responses they expect, if they get any response at all. I quote one long-suffering correspondent who got shuffled to various locations, but never answered:

First of all, I'd like to note that even finding a path to communicate w/CBC is very difficult. I can't remember how I navigated to here (through "Accountability", and then through a tiny little link at the bottom of the page maybe??) EVERY website has a prominent "contact us" button on their homepage now, and has for years. Come on guys, you are (a) a media outlet that is (b) publicly owned. This should embarrass you!! You should be eager for the public to contact with you, and make it embarrassingly easy!

I understand the resource pressures that CBC is under. Transparency and response in the age of social media are almost the price of admission. I suggest that CBC management find a better way to manage its correspondents and be more open and honest about what it can fully respond to.

Since this is one place they do get heard, we are the recipient of much of that frustration. My long-suffering assistant, Laura Marshall, spends far too much of her time dealing with non-mandate matters. Anecdotally, I can't count how many times complainants have either written or said to me, "What do you mean it is not your mandate, you are the CBC Ombudsman aren't you?" I believe there is damage being done to the credibility of my office, and certainly it does no good for CBC's claims of transparency and accountability. The solution to this state of affairs is not mine to suggest, although I urge management to look for timely solutions. But the question does prompt one modest, and perhaps obvious suggestion; and that is to change the title of this office from CBC Ombudsman to CBC News Ombudsman.

NEW WEBSITE

The year began with the launch of a brand new website. With the excellent support of Marie-Eve Roy and her team, the CBC and Radio-Canada sites now are harmonized. They are considerably nicer to look at and, more importantly, easier to navigate and use. And thanks to the initiative of my Radio-Canada colleague, Pierre Tourangeau, we now give our users the option of subscribing to our reviews and blogs. This is one more way we are trying to make people aware of the work we do. Twitter has been useful in this fashion. The Canadian Association of Journalists now tweets about our reviews, and this too has been a helpful way to get the word out. While we have no measurements, it is to be hoped this increases awareness of the Ombudsman's work. Being open and accessible are key goals for this office.

RESPONSE TIME

To conclude on a positive note, I want to thank and congratulate the News department for its increased responsiveness. Last year they committed to implementing a better tracking system. Clearly it has paid off. The number of outstanding complaints at year end has been cut almost in half. Response times have improved. I thank them for their co-operation.

Finally, it is my pleasure to once again acknowledge and thank my assistant, Laura Marshall. She manages the deluge of data through this office with great skill. She provides support and assistance from dealing with the mail to excellent proofreading of my writing. She sets a high bar of professionalism and excellence.

Esther Enkin
Ombudsman, English Services

LE RAPPORT DE L'OMBUDSMAN POUR L'EXERCICE 2013-2014

Je suis heureuse de remettre mon deuxième rapport annuel au Conseil d'administration.

Cette année a été plus mouvementée que la précédente. Ou peut-être ai-je cette impression parce que c'était ma première année complète dans mes fonctions d'ombudsman. Quoi qu'il en soit, c'est la définition de la notion de conflit d'intérêts pour les employés et les pigistes de CBC qui a suscité le plus grand nombre de plaintes. En effet, 111 plaintes portaient sur les activités extérieures du personnel de CBC News. Avec la saga Rob Ford, les Jeux olympiques et la crise en Ukraine, nous avons connu une année chargée. Nous n'avons reçu qu'une seule plainte sur l'utilisation de sondages par CBC, mais elle a donné lieu à une révision qui a mis au jour des faiblesses dans les pratiques de CBC News.

Au total, mon Bureau a traité près de trois mille (2 896) plaintes, communications, demandes de renseignements et expressions de préoccupation. De ce nombre, 1 671 étaient liées aux contenus d'information, et 1 225 – soit 42 % – étaient de nature autre. Soixante-sept révisions ont été effectuées, dont trois qui se poursuivront au cours du prochain exercice. Les chiffres n'ont pas beaucoup bougé depuis l'an dernier. J'ai constaté des infractions à la politique dans 11 cas. Bien qu'à proprement parler aucune d'entre elles n'est acceptable, il s'agissait pour la plupart d'infractions mineures, comme l'oubli de corriger une page web. Dans deux cas seulement il y a eu un manque significatif de jugement journalistique qui a mené à la diffusion de reportages comportant de graves inexactitudes. Comme ces deux reportages provenaient de la même région, une supervision continue devrait y être exercée.

CONFLIT D'INTÉRÊTS

Cette année, la controverse entourant les allocutions rémunérées de personnalités de CBC, notamment Rex Murphy et Peter Mansbridge, a tenu le haut du pavé. À mesure que l'intérêt pour cette question s'est accru, d'autres animateurs de CBC ont été pointés du doigt. En réaction à plusieurs billets de blogues et à un éditorial publié sur le site web du Sierra Club incitant les lecteurs à communiquer avec CBC, de nombreux citoyens nous ont écrit pour nous exprimer leurs préoccupations. Si certains des courriels reçus mettaient l'accent sur l'appui de M. Murphy au développement de l'industrie des sables bitumineux, des questions sous-jacentes doivent être abordées. Nos correspondants avaient le sentiment que les gens de CBC News se plaçaient en situation de conflit d'intérêts lorsqu'ils étaient payés pour parler devant des groupes de pression et des organisations qu'ils pourraient fort bien devoir couvrir dans le

cadre de reportages à venir. Ils s'inquiétaient que le paiement, par une organisation, d'une somme à un représentant de CBC nuise à la capacité de celui-ci d'offrir une couverture objective de cette organisation et de ses actions.

La direction de CBC News établit actuellement une nouvelle politique sur ces questions, et j'en suis ravie, car le public mérite clarté et transparence. Dans le cadre de cette initiative, elle devrait se pencher sur l'opportunité, pour un employé à temps plein de CBC News, d'accepter une rétribution d'un tiers, ainsi que sur le rôle que devraient jouer nos reporters, animateurs et réalisateurs lors d'événements externes. La direction devrait également envisager la mise en œuvre d'un processus et de critères précis afin de déterminer ce qui est acceptable, et s'assurer que cette information est disponible. La politique de CBC est claire : il est essentiel d'éviter toute apparence de conflit d'intérêts. Accepter de l'argent en échange d'une allocution va totalement à l'encontre de cette prescription.

D'autres organisations médiatiques interdisent explicitement au personnel de leur service des nouvelles d'accepter toute rétribution, alors que certaines le permettent dans certaines circonstances, mais appliquent un processus précis d'approbation et de divulgation de l'information. La direction pourrait songer à informer le public des événements auxquels des employés de CBC News ont participé et à publier leurs interventions. À la direction de déterminer les modalités de cette procédure, mais il appert que la mise en place d'un système totalement ouvert répondrait efficacement aux préoccupations du public sur ce plan.

Le cas de Rex Murphy est plus complexe. En effet, M. Murphy participe régulièrement à titre de chroniqueur à l'émission *The National*, où il donne son avis sur des sujets d'actualité – rôle parfaitement approprié pour un pigiste. Parallèlement, il anime l'émission d'actualités *Cross Country Checkup*. En tant que professionnel, il est en mesure de faire la distinction entre ces deux rôles, et, au fil des ans, son impartialité à la barre de *Cross Country Checkup* a rarement été remise en question par le public. Cela dit, la direction devrait trouver un moyen de mieux définir son statut.

Le journalisme s'est radicalement transformé. Il suffit maintenant de se trouver au bon endroit au bon moment, et d'être armé d'un téléphone intelligent. Des blogueurs plus ou moins indépendants se prononcent sur les manchettes de l'heure. Les gens peuvent à tout moment devenir un sujet d'actualité ou créer l'actualité. Ce tourbillon d'information peut facilement devenir étourdissant, sans parler de la vitesse de propagation des nouvelles. Par ailleurs, il est parfois difficile d'évaluer la fiabilité de l'information. Voilà pourquoi la transparence est si cruciale, et ainsi la divulgation de renseignements sur qui fait quoi, et comment.

SONDAGES

Nous avons reçu seulement une plainte concernant les sondages, mais elle a révélé que CBC News ne respectait pas ses propres politiques en la matière.

Comme le journalisme, les sondages d'opinion ont fait l'objet d'une attention particulière. Dans un monde où les afficheurs, les téléphones cellulaires et les ordinateurs sont omniprésents, l'industrie a du mal à constituer des échantillons validés et réellement représentatifs. Toutefois, les coups de sonde se multiplient, et cette pratique représente généralement un outil utile et précieux pour connaître l'opinion publique et aider à développer une politique publique. L'industrie établit de nouvelles normes pour l'utilisation de sondages en ligne et d'échantillonnages aléatoires comportant des volets téléphoniques et en ligne. Des entreprises font d'ailleurs sur ce plan des propositions intéressantes et novatrices. Mais à l'instar de l'ensemble des produits et des industries qui nous entourent, tous les sondages ne sont pas égaux. L'échantillon sondé et sa taille sont évidemment en cause, mais la conception du sondage importe aussi, et les chiffres peuvent être interprétés de plusieurs façons. On peut comprendre que les maisons de sondage tentent de tirer le plus de conclusions possible des données obtenues afin d'attirer l'attention des médias.

Dans sa politique sur les sondages, CBC exige que soient appliquées des normes rigoureuses, lorsqu'elle commande des sondages et lorsqu'elle produit des reportages sur des sondages existants. En outre, notre politique fait une distinction claire entre les sondages scientifiques et les capsules de type « question du jour » – processus beaucoup moins officiel – qu'elles soient lancées en ligne ou en ondes, ou les deux. Elle exige également la participation active du Service de la recherche dans la conception et la réalisation des sondages, et dans la production de reportages connexes. CBC News a la chance de pouvoir compter sur un partenaire compétent et diligent en la matière au sein du service. À l'occasion de la révision d'une plainte contre l'émission *Power and Politics*, qui portait sur l'utilisation de certains de ses éléments basés sur des sondages, je me suis aperçue que l'équipe ne respectait pas la politique, car le Service de la recherche ne supervisait pas ses travaux comme il se doit. Ce manquement m'a donné l'occasion de rappeler à CBC News que la réalisation de sondages requiert une supervision importante, et que des procédures devraient exister pour encadrer le tout.

Les journalistes, tout particulièrement les premiers réalisateurs et les réalisateurs-coordonnateurs, devraient avoir un certain niveau de connaissance des sondages. La direction de CBC News devrait s'assurer que les décideurs obtiennent la formation requise pour évaluer de manière éclairée les sondages qui atterrissent régulièrement sur leur bureau. Une procédure ouverte et clairement définie, ainsi qu'un ensemble de critères pour la création de sondages et la production de reportages sur des sondages existants, assureraient le respect de la politique en question.

KEVIN O'LEARY

Kevin O'Leary continue de s'attirer les foudres des téléspectateurs. Une partie de l'auditoire de CBC trouve ses positions et sa manière de les exprimer très choquantes. La plupart des plaintes reçues portent sur les messages qu'il véhicule, alors que d'autres visent plutôt son style. Si *Lang and O'Leary Exchange* a provoqué des réactions à plusieurs reprises, M. O'Leary a atteint des sommets de provocation avec sa remarque sur une étude d'Oxfam. Environ 80 téléspectateurs

nous ont écrit pour nous exprimer leur mécontentement à la suite de la diffusion de cette émission. L'étude en question révélait que la fortune des 85 personnes les plus riches est pratiquement égale à celle de la moitié de l'humanité. Le commentaire impromptu de M. O'Leary voulant que ce soit une bonne chose parce que les pauvres y trouveraient une motivation à améliorer leur sort a profondément choqué de nombreuses personnes. C'est pourtant dans les habitudes de l'émission : Kevin O'Leary plaisante avec sa coanimatrice et fait des déclarations hyperboliques.

À proprement parler, la politique n'a pas été enfreinte, car M. O'Leary est un chroniqueur. Pigiste ou non, toutes les personnes embauchées par CBC et qui apparaissent dans ses émissions doivent respecter les valeurs de base des *Normes et pratiques journalistiques* de CBC. Encore une fois, il y a possible confusion des rôles. M. O'Leary est chroniqueur et pigiste, mais il assume les fonctions de coanimateur d'une émission d'information. L'équipe de l'émission a géré les critiques formulées de manière responsable en revisitant le segment en cause et en proposant un débat éclairé sur l'étude et sur la problématique de la distribution de la richesse. L'affaire a été réglée à plusieurs égards.

QUESTIONS DE GOÛT

Les consommateurs de contenus de CBC News continuent de nous interpeller régulièrement sur des questions de bon goût. L'automne dernier, un autobus est entré en collision avec un train en banlieue d'Ottawa. Nous avons reçu beaucoup de questions sur notre couverture de cet événement. Deux points ont été soulevés : le choix des images de la tragédie montrées et la décision de l'émission matinale de diffuser une entrevue déchirante et très directe avec la veuve du chauffeur de l'autobus. Je n'ai révisé qu'une seule plainte sur cette entrevue, que j'ai trouvée conforme à la politique. Un avertissement avait été fait, et l'équipe s'était réunie pour en discuter et, après réflexion, avait décidé d'inclure l'entrevue. Le témoignage de la dame était certes difficile à entendre, mais il avait une réelle valeur sur le plan du contenu, puisqu'elle y fournissait des précisions sur des rumeurs qui circulaient à propos de son mari. En règle générale, les directives sur l'émission d'avertissements appropriés sont mieux respectées qu'auparavant, mais il pourrait être utile que la direction de CBC News rappelle aux programmeurs que les avertissements doivent toujours être faits avec la publication ou avant la diffusion de contenu dérangeant.

COUVERTURE DE L'AFFAIRE ROB FORD

Sans surprise, nous avons reçu bon nombre de plaintes à propos de la couverture par CBC News de la saga Rob Ford. La majorité des critiques sont venues tôt dans l'affaire, tandis que la population était préoccupée et perplexe de voir CBC News relayer les allégations de consommation de drogue malgré le fait qu'aucun journaliste de CBC n'avait vu la vidéo en question. Les plaintes que j'ai révisées ne m'ont permis de constater aucune infraction à la politique.

COMMENTAIRES EN LIGNE

La section des commentaires sur le site web est toujours une source d'irritation pour un segment très engagé et mobilisé de l'auditoire de CBC. Chaque fois que la direction modifie les conditions d'utilisation ou lance un nouvel outil, le Bureau de l'ombudsman est inondé de courriels. En collaboration avec CBC News et les Médias numériques, nous avons établi un nouveau protocole pour répondre à ces plaintes. Celles-ci sont maintenant acheminées aux Relations avec l'auditoire, et Tessa Sproule, directrice, Contenu numérique, en assure le suivi. Toutefois, le protocole et le système en place ne fonctionnent pas. Soyons réalistes : nous ne sommes pas en mesure de répondre à chacune de ces plaintes, dont la grande majorité constitue des demandes de justification du rejet de commentaires. À mon avis, il s'agirait d'un usage peu judicieux de ressources. Résultat : des citoyens me relancent constamment pour se plaindre de ne pas avoir reçu de réponse à leur demande ou pour exiger d'être entendus d'une manière ou d'une autre. Cette situation est frustrante pour eux comme pour moi. C'est pourquoi j'exhorte vivement les Communications et CBC News à trouver un protocole praticable pour gérer la question des commentaires formulés par l'auditoire. Je suis d'avis que la Société doit respecter un certain niveau d'uniformité dans ses échanges avec le public.

RÉPONSE À DES PLAINTES NE RELEVANT PAS DU MANDAT DE L'OMBUDSMAN

Les plaintes à propos des commentaires ne sont qu'une facette d'un irritant croissant pour le public, soit la confusion – toujours présente – quant à la façon de traiter avec les services administratifs de CBC pour obtenir réponse à une plainte. Bien que ce problème ne relève pas de moi, j'ai le devoir, à titre de représentante du public, de souligner les imperfections dans le traitement des plaintes relatives aux contenus non liés aux nouvelles et aux actualités. Actuellement, le public est mal servi sur ce plan. Les citoyens sont déroutés et, comme ils ne savent pas à qui s'adresser, ils communiquent avec le Bureau de l'ombudsman. Nous nous efforçons alors de transmettre leurs demandes aux services concernés ou aux Relations avec l'auditoire aux fins de triage. Je répète que ce système est plus qu'imparfait, car les plaignants, souvent obligés d'envoyer de multiples courriels, ne reçoivent pas les réponses auxquelles ils s'attendent, lorsque réponse il y a. Je cite ci-après un malheureux correspondant, qui s'est fait transférer de service en service sans jamais obtenir de réponse :

Tout d'abord, j'aimerais vous faire remarquer qu'il est très difficile de trouver comment faire pour communiquer avec CBC. Je ne me rappelle même pas par où je suis passé pour arriver ici (en accédant à la section sur la responsabilisation puis en cliquant sur un minuscule lien au bas de la page peut-être?) TOUS les sites web ont un bouton « Nous joindre » placé en évidence sur leur page d'accueil, et c'est le cas depuis des années. Franchement! Vous êtes (a) un média (b) du secteur public. Vous devriez avoir honte! Vous devriez

souhaiter ardemment recevoir des nouvelles du public et rendre le processus simple comme bonjour! [Traduction]

Je suis consciente des pressions qui s'exercent sur CBC et sur ses ressources. Cependant, à l'ère des médias sociaux, la transparence et la réactivité sont des incontournables. Je suggère que la direction de CBC trouve une meilleure façon de gérer ses relations avec ses correspondants et fasse preuve d'une ouverture et d'une honnêteté accrues quant aux demandes auxquelles elle peut répondre pleinement.

Comme le Bureau de l'ombudsman prête toujours une oreille attentive aux citoyens, il reçoit une bonne partie de cette frustration. Ma pauvre assistante, Laura Marshall, consacre beaucoup trop de temps à traiter de questions qui dépassent les limites de mon mandat. D'ailleurs, je ne compte plus les plaignants qui m'ont dit ou écrit « Comment, ce n'est pas dans votre mandat? Vous êtes l'ombudsman de CBC, non? » Je crois que cette situation nuit à la crédibilité de mon Bureau, ainsi qu'aux prétentions de transparence et de responsabilisation de CBC. Ce n'est pas à moi de proposer une solution, mais j'enjoins à la direction de trouver une façon de régler ce problème rapidement. Cela dit, une suggestion toute simple, peut-être évidente, me vient naturellement à l'esprit : pourquoi ne pas modifier le nom de mon bureau, actuellement *Bureau de l'ombudsman de CBC*, pour l'appeler le *Bureau de l'ombudsman de CBC News*?

NOUVEAU SITE WEB

L'année a commencé avec le lancement d'un tout nouveau site web. Grâce au précieux soutien de Marie-Ève Roy et de son équipe, les sites web de CBC et de Radio-Canada sont maintenant harmonisés. Leur apparence a été grandement améliorée et, surtout, ils sont plus faciles à utiliser et la navigation y est plus fluide. En outre, l'initiative de mon collègue de Radio-Canada, Pierre Tourangeau, permet maintenant à nos utilisateurs de s'abonner à nos révisions et à nos blogues. Voilà une autre façon de faire connaître notre travail. D'ailleurs, Twitter est également un joueur utile sur ce plan. En effet, l'Association canadienne des journalistes (ACJ) publie maintenant des tweets sur nos révisions, ce qui nous a aidés à promouvoir nos activités. Nous n'avons pas de chiffres à l'appui, mais nous pouvons espérer que ce faisant, l'ACJ contribue à améliorer la sensibilisation au travail de l'ombudsman. L'ouverture et la simplicité d'accès sont des objectifs clés pour le Bureau de l'ombudsman.

DÉLAIS DE RÉPONSE

Pour conclure sur une note positive, je tiens à remercier et à féliciter CBC News d'avoir amélioré sa réactivité. L'an dernier, l'équipe de CBC News s'est engagée à mettre en œuvre un meilleur système de suivi. Manifestement, elle récolte les fruits de ses efforts. Le nombre de plaintes en attente de traitement à la fin de l'année a été réduit presque de moitié, et les délais de réponses ont été raccourcis. Je remercie tous les membres de l'équipe de leur collaboration.

Enfin, j'ai le plaisir de reconnaître le travail de mon assistante, Laura Marshall, et de la remercier chaleureusement. Elle gère dans les règles de l'art le déluge de données qui s'abat sur le Bureau de l'ombudsman. Elle m'offre du soutien sur tous les fronts, du courrier à la relecture de mes textes. Son professionnalisme et son excellence l'honorent.

Esther Enkin
Ombudsman, Services anglais

COMPLAINTS REVIEWED BY THE OMBUDSMAN

April 5, 2013

Anonymous

CBCNews.ca

Complaint

Ms. X asked that two articles about her brother be removed from the CBC website. She believed the presence of the articles was “worsening my brother’s mood which is closely associated with his illness...” and causing her family considerable stress. The articles were published in August 2009 after she asked for media and police help in finding her brother, who had gone missing from an Ottawa area hospital. The second article noted he had been found.

CBC Response

Marissa Nelson, Senior Director of Digital Media for CBC News, said she could appreciate Ms. X’s concern but that it is generally CBC’s policy not to remove or alter archived stories “other than in the most exceptional circumstances.” Even if a story is inaccurate, it is corrected and the changes are noted, but it is not removed. She explained that to selectively alter or remove stories is a form of censorship, of altering the past, and news organizations pretty consistently decline to do so. She did, however, remove the photo of the complainant’s brother from the website.

Review

The request to remove published material is an ongoing challenge for all news organizations in this digital age. Access to information is virtually eternal, ubiquitous and easily searchable. Even if a news organization does agree to delete a story, there is no guarantee that it is not cached on another search engine, or part of the story has not been picked up or quoted on another website. The general principle of CBC’s policy is that material should remain part of the record, and be corrected if wrong. There is consideration of removal if there is a “legal or personal safety threat.” The challenge is where to set the bar for that threat. The case was further complicated by the fact that Ms. X approached the media for help when her brother was missing. Both the police and Ottawa city councillors were involved, so her brother’s case was part of the public record. CBC cannot simply expunge it. It is understandable that Ms. X believed that media access was a time limited need and, since the situation no longer pertains, the record should disappear. In this case I respected the judgment made by CBC journalists. As a concession to Ms. X’s request for privacy, I agreed to post the review on the Ombudsman’s website without using her name. It seemed reasonable to spare her family further distress.

April 10, 2013
Mike Fegelman
The National

Complaint

On November 14, 2012, The National carried a report by Middle East correspondent Saša Petricic following an Israeli airstrike in Gaza that killed a Hamas commander in the region. The report noted how Israel had claimed responsibility for the killing and that both sides in the dispute had intensified their airstrikes. Amid the footage was video provided by the Reuters news agency of a Palestinian man being carried from the carnage. It occupied about two seconds in the three-minute segment. Mike Fegelman, Executive Director of HonestReporting Canada, a media watchdog on Middle East coverage, pointed out that subsequent video aired by the British Broadcasting Corporation clearly showed the seemingly injured man recovered and walking around. The CBC report thus featured “staged and fraudulent” footage to vilify Israel, Fegelman wrote. On November 18, Fegelman noted that CNN had asked Reuters about the footage. Reuters had not gathered any footage featuring the man walking around, and did not know the origin of the image or whether it was taken before or after the footage it collected of the man being carried away. Because of the uncertainty, CNN decided it would not use either image again. Radio-Canada also told Fegelman that it would not use the footage in future.

CBC Response

Jennifer McGuire, General Manager and Editor in Chief of CBC News, emphasized that the report was not designed “to portray Israel in any particular light.” Rather, she said, it reported the increased violence factually and without bias. She wrote that CBC News had sought more information about the Reuters footage. She acknowledged it showed the man carried from the scene of violence, treated by the side of the road, then walking around. While he was not bleeding, “the absence of such visible wounds is not evidence of fakery,” McGuire wrote. “It does not preclude his being concussed or stunned, for example, and recovering sufficiently half an hour later to be standing.”

Review

(Given that the report aired when the current CBC Ombudsman was executive editor of CBC News, the complaint was referred to the former Ombudsman, Kirk LaPointe, at the time the Office’s Special Advisor, under a protocol established by CBC to avoid conflicts of interest.)

The report was fair and accurate. It blended information about airstrikes and their impact, along with statements from the disputing parties, to provide a reasonable picture of a violent and changing region. In correspondence, CBC’s director of journalistic standards and practices, David Studer, said CBC News staff in Jerusalem discussed the matter with the photojournalist Reuters used in the region. The photojournalist recalled that the man was initially “stunned or concussed” by the blasts and pulled from the scene, but sufficiently recovered to return to look

for friends and family and what else might be salvaged from the scene. It is true that some organizations addressed the question of possibly contradictory images and decided not to rebroadcast the images. But CBC News went further than the others and later dealt directly with the local photo-journalist. It gathered better information than did the other organizations and reached a better conclusion: The man was injured but recovered. The early image CBC broadcast of the man being pulled from the scene was not inaccurate. Given that CBC did not show the later image of the man walking around, there was no need to clarify the matter for its audience. What the audience saw was not confusing and what others aired cannot be the responsibility of CBC News to address. There was no violation of CBC News *Journalistic Standards and Practices*.

April 10, 2013
Tony Wohlfarth
Ottawa Morning

Complaint

Tony Wohlfarth objected to the use of Tom McSorley as the regular film critic on Ottawa Morning, CBC Radio's Ottawa area morning show. He felt there was a conflict of interest because McSorley is also head of the Canadian Film Institute (CFI). His concerns were twofold: One, that a "F/T (sic) film industry executive" can be a film critic at all without being in a conflict of interest, and that it does not seem appropriate for the head of the Canadian Film Institute to promote CFI events if he is also the film critic. He also expressed concern that Ottawa Morning could ever fairly cover any event related to CFI.

CBC Response

Ruth Zowdu, Executive Producer of Radio Current Affairs at CBC Ottawa, reviewed Mr. McSorley's work going back to September 2012. She felt that Mr. Wohlfarth had raised a valid issue: "I do think that you make a good point about the perception of conflict in having Mr. McSorley review films that are a part of festivals he has helped to organize." She said programmers had been advised that he should not review films associated with CFI. In the case where programmers felt an upcoming CFI film festival was an important enough cultural event to merit coverage, McSorley would appear to talk about the festival and would not be paid on those occasions. "We will treat these as straight interviews, for which none of our guests are paid. We will also be very clear in our on-air introduction so that the audience knows his role." McSorley could come on the program to review a film or to talk about a CFI event, but not both at the same time.

Review

The Canadian Film Institute is a not for profit organization whose mandate, according to the website, is to promote an appreciation of 'moving images' through screenings of films and publication of material about them. It is hard to discern what the inherent potential conflict would be in reviewing commercial movies in general release. While Mr. McSorley generally

chooses the films he will review, producers have final say. The conflict is much more concrete when a film being screened through the auspices of CFI is reviewed by the head of the organization. I agreed that was a conflict and a policy violation. He should also not talk about his Institute work when being paid to do a film review. Ruth Zowdu assured Mr. Wohlfarth that would not happen again. I strongly recommended that no matter in what capacity Mr. McSorley appears on air, his affiliation be noted.

April 16, 2013

Viggo Lewis

The Sunday Edition

Complaint

Viggo Lewis complained about an opening essay by Michael Enright on The Sunday Edition concerning the state of the Republican Party. He characterized the commentary as a rant, saying it “bordered on hate speech and was totally devoid of any semblance of balance.” He felt there should have been some defence of the party especially when it came to Mr. Enright’s assertion that the party is working for the downfall of the American government. The context was the on-going gridlock in the U.S. Congress.

CBC Response

Susan Mahoney, Executive Producer of The Sunday Edition, responded: “Michael’s essays are opinion pieces, but they must reside within the bounds of fair comment based on fact. In my view, his essay about the Republican party met that standard.” She pointed out that the Republicans in Congress blocked the raising of the debt ceiling and significant nominations for important positions. She also pointed out that prominent Republicans had levelled some of the same criticisms about the tone and behaviour of the party. She went on to say that Enright is not easily categorized and that his essays come from his own unique perspective.

Review

Michael Enright’s essay was entitled “The GOP is destroying itself.” He painted a picture of a party that had dug in and represented some fairly extreme views on a variety of issues. He contrasted this with the historical party whose presidents include Eisenhower, Reagan and Lincoln. He said, “It has gone from being an enlightened, open, moderately-conservative, pragmatic political party to a nativist, backward-looking, mean-minded haven for every gun-nut, birther, misogynist fanatic in the United States.” He went on to quote a political writer who backed up his view, although allowing some of those comments might be “a bit over the top.” One might say the same of some of Mr. Enright’s turns of phrase – but the question at hand was whether the essay violated CBC policy on balance and fairness, and opinion. It is a grey zone where analysis ends and opinion begins. The essay was not an argument about who was at fault in Congress, it was an essay about the state of the Republican Party. And while the language was inflammatory, its conclusions were based on evidence. Given this was a commentary, not a segment of the program devoted to examining the issues in depth, there

was not the same requirement to touch on opposing points of view. Senior journalists like Michael Enright, especially in current affairs programs as opposed to newscasts, have a certain latitude to bring their considerable knowledge and depth to events of the day. Parts of this essay were in context, and fact based. They made a cogent argument about the state of the Republican Party. Asserting that in Congress “it (the Republican Party) toils for its real employer, Fox News,” and references to the Taliban, crossed the line.

April 17, 2013

Paul Gazin

CBC News Network

Complaint

Paul Gazin objected to two different instances of “misinformation given by CBC” in CBC News Network coverage of U.S. President Barack Obama’s arrival in Israel. The first instance involved the showing of some images of defaced posters featuring Obama. The host, Heather Hiscox, said that the video was from Jerusalem, which was incorrect. The second instance was a statement made by CBC News Middle East correspondent Saša Petricic. In reply to the host’s question about what would be the main topic of conversation between Obama and Israeli Prime Minister Benjamin Netanyahu he said: “Obviously the talk that can’t be avoided is the topic of peace between Israel and the Palestinians. That’s actually a topic that Prime Minister Netanyahu of Israel has avoided for the last couple of years. He has avoided negotiations with the Palestinians.” Mr. Gazin asked that the CBC “issue swift on-air corrections to remedy the misinformation it broadcast and set the record straight.”

CBC Response

Jonathan Whitten, Executive Director of News Content, responded. He explained that CBC had inadvertently wrongly identified where the defaced posters were located. They were in fact in Ramallah and not Jerusalem. A correction and apology ran in a similar time slot on CBC News Network the following Monday morning. On the second point, Mr. Whitten replied: “Under CBC’s Journalistic Standards and Practices journalists are able to make assessments based on facts. That was the case here.” He went on to say, “For Mr. Petricic to say he is avoiding the issue is a fair choice of language and a reasonable exercise of judgment based on his assessment of the circumstances.” He provided a fairly lengthy analysis of Mr. Netanyahu’s statements and positions in the last four years or so as an illustration of those circumstances.

Review

Since CBC corrected the error related to the video and made an on-air correction, there was no need for any comment from me. On the second point, Israeli Prime Minister Benjamin Netanyahu is on record as saying he is willing to negotiate a two-state solution with the Palestinians. He is on record setting some conditions for support of a two-state solution that have been rejected by his negotiating partners. It is an ongoing challenge for journalists to tell any part of the story without having to background and qualify everything they say. Clearly that

is not practical or possible. It demands clarity of language and precision to do the job well. It also allows for some judgment on the part of the reporter based on evidence and experience. One of the CBC *Journalistic Standards and Practices* stated values is impartiality, which in part states: “We provide professional judgment based on facts and expertise.” That value was observed here. The reporter was not providing analysis of the relative positions of the two sides. He was giving the audience some sense of what Prime Minister Netanyahu and President Obama would be tackling in their upcoming meeting. He did not say Mr. Netanyahu was solely responsible for the lack of talks. He said he had “avoided” talks. Mr. Gazin did not agree with Mr. Petricic’s comment, nor the analysis provided to explain the thinking behind it. But that did not make it inaccurate or denote bias. There was no violation of CBC policy.

April 23, 2013
Roman Balicki
CBCNews.ca

Complaint

During his run for the leadership of the Liberal Party of Canada, Justin Trudeau responded to a question about whether he could defeat Prime Minister Stephen Harper by invoking the words of his father, Pierre Elliot Trudeau, “just watch me.” A passenger on the same flight as Trudeau passed him a note with the question and got a written response in return. The passenger posted the note on Twitter, and the incident went viral – it caused quite a stir in the social media world. Mainstream publications picked up the story and the reaction to it. Roman Balicki strongly objected to the headline on CBC’s story, which read, in the main headline: “Justin Trudeau sparks twitter frenzy with ‘just watch me’ note.” The second line of the headline said: “Justin Trudeau tells Canada to ‘just watch’ him beat Prime Minister Stephen Harper.” Mr. Balicki called this a “fantastic lie. He did not tell this to Canada and I deeply resent the CBC for spreading this lie.”

CBC Response

Marissa Nelson, Senior Director of Digital Media, explained the background to the story. She acknowledged that the note was addressed to Mike, the passenger, but “in publishing it, ‘Mike’ came to stand for all Canadians. To say he ‘tells Canadians’ is a figure of speech – synecdoche – in which one comes to stand for the whole, in this case, all Canadians.”

Review

It is true that Justin Trudeau wrote a note to one individual. I would imagine that any public figure, especially a politician in the midst of a leadership race, would expect and indeed hope that a note passed in this fashion would quickly be widely shared. The body of the story provided the context needed to understand the reference. It would take a very literal reading of the sub-head, out of context to the rest of the story, to completely misunderstand its meaning. This headline, because it was part of a two-line explanation, managed to stay on the

right side of acceptable. I did not agree that this was a lie. There was no violation of CBC policy.

April 24, 2013

Dr. William Lewinski

CBCNews.ca

Complaint

Almost six years ago, Vancouver resident Paul Boyd was shot and killed by a police officer after an altercation. There were no charges brought against the officer involved, nor did he face any disciplinary action. There were a number of internal and external reviews and investigations, and a decision by the B.C. Criminal Justice Branch not to bring charges. In March of 2012 the Police Complaint Commissioner released the results of a finding that upheld the decision not to impose discipline on the officer involved. Both the Office of the Police Complaint Commissioner and the Vancouver Police Department engaged Dr. William Lewinski's services for his expert opinion. Dr. Lewinski's complaint centred around how he was portrayed in a cbcnews.ca story in which Paul Boyd's father called into question the use of Dr. Lewinski as an expert. He felt that reporter Curt Petrovich "did not treat me with dignity, respect or fairness. His reporting was far from accurate and reflected no research of me other than quotes from attorneys who have opposed me in court." He was not available to do an interview but felt that access to the website of his organization, Force Science Institute, as well as his curriculum vitae, if used properly, would have led to different conclusions.

CBC Response

Wayne Williams, News Director in Vancouver, did not agree with Dr. Lewinski's characterization. He said that "CBC and Mr. Petrovich acted fairly and honestly in their dealings with you and the stories we published." He said that Petrovich had tried to contact Lewinski over a period of time and was very clear about the focus of his story. He went on to explain that after the video of Paul Boyd's shooting became public, questions were raised about the findings of the Office of the Police Complaint Commissioner. "You were quoted heavily in the Commissioner's report and much was made of your expertise in these matters. Now that the case has been reopened it should not come as a surprise that your role in the original OPCC findings is also under scrutiny." He added that while there were quotes from people critical of Dr. Lewinski in the online stories, balance was achieved by stating his accomplishments and quoting a judge who praised his work.

Review

The two cbcnews.ca stories were prompted by the re-opening of the case of Paul Boyd, after a video of his shooting became public. In questioning the conclusions of the Vancouver police and its oversight body, Boyd's father raised questions about the role of the analysis given by Dr. Lewinski. Given the prominence accorded Dr. Lewinski's work, and it being called into question by the father of the victim, it was well within journalistic practice to seek out opinions of people

with some expertise and some knowledge of his work. That is what the news pieces did. The stories provided both criticism and support for Dr. Lewinski's role in the field. There was no violation of CBC journalistic policy.

April 25, 2013
Kevin Larson
CBC News

Complaint

Starting April 1, 2013, a series of stories ran on all CBC News platforms about two young Canadians from London, Ontario who were involved in an attack on an Algerian gas plant in January 2013. There was considerable loss of life, including some of the perpetrators. CBC was able to identify two of the dead perpetrators as Canadians Xris Katsiroubas and Ali Medlej. On the second day of coverage the stories revealed that a third young man had gone abroad with the other two, but it was unclear whether he was involved in the gas plant attack. That third Canadian was identified as Aaron Yoon, who turned out to be alive and incarcerated in Mauritania. CBC News eventually tracked him down and interviewed him. Kevin Larson felt CBC had unfairly condemned Yoon and had no proof to link him to the attack in Algeria. He did not specify which stories he had heard, but later said they were on network radio news broadcasts on April 4 and 5. He said that the Radio One newscast "referred to the third individual linked to the bombing in Algeria."

CBC Response

Marissa Nelson, Senior Director of Digital Media, responded as it was unclear that his concerns were about a Radio broadcast. She gave the context of the week of CBC's coverage and pointed out that in the online stories it was made clear that no other participants were involved in the gas plant attack. She pointed out that the stories used phrases like "A third man, Aaron Yoon, travelled to North Africa with Medlej and Katsiroubas before the attack but did not participate in it."

Review

I reviewed newscasts for April 4 and 5 on Radio One. I checked the scripts for World Report, The World This Hour, and World at Six. I reviewed the hourly newscasts as well. The scripts did not in any way use phrasing remotely linking Aaron Yoon to the attack on the gas plant in Algeria. Many but not all of the stories mentioned all three young men, so there was an association. The association was in the context of their recruitment and leaving the country. While only one script explicitly stated "a third man, Aaron Yoon, travelled to North Africa with the two men but did not participate in the attack," it was clear in all of them that he wasn't in the attack, as he was jailed in Mauritania long before it occurred. I was glad to tell Mr. Larson that his concerns were unfounded.

May 3, 2013
Bradford Singh
CBC News

Complaint

At the beginning of April, 2013, CBC News broke a story about the use of foreign workers at one of Canada's major banks, RBC. The story had quite a lot of impact – both on the companies that use the foreign workers and on the government, which administers the foreign worker programs. On April 29, the government announced changes to the program, essentially making it more difficult and more expensive to hire foreign workers. Bradford Singh's complaint was around Amanda Lang's involvement in the story. An article by Ms. Lang, co-host of The Lang & O'Leary Exchange, was published in the Globe and Mail. Mr. Singh wrote: "Ms. Lang claims that Canadian ITers are being outsourced because they lack the skills of Indian ITers. This is blatantly false and potentially libelous." He also felt that Ms. Lang was in a conflict of interest because she was slated to be the keynote speaker at a conference on outsourcing, partly sponsored by a company that was associated with the RBC stories in the news.

CBC Response

Jennifer McGuire, General Manager and Editor in Chief of CBC News, informed Mr. Singh that Ms. Lang had in fact withdrawn from the speaking engagement at the outsourcing conference because "there was the potential for at least a perceived conflict of interest." In response to his concern about the Globe and Mail article, she pointed out that while he may disagree with the views expressed, "under CBC's Journalistic Standards and Practices experienced journalists are able to make assessments based on facts. That was the case here."

Review

CBC's *Journalistic Standards and Practices* has very clear policies on its journalists expressing opinion: "Our value of impartiality precludes our news and current affairs staff from expressing their personal opinions on matters of controversy on all our platforms." The policy also allows for analysis, and drawing conclusions based on facts. The challenge for the audience, and the journalists themselves, is to understand where analysis based on facts and expertise ends, and where it crosses over to opinion. This point is somewhat subjective. Ms. Lang's article in the Globe and Mail did not reference other points of view, nor did it explicitly reference facts or evidence that led to the conclusions. It was an opinion piece and as such failed to live up to CBC's policy. Ms. Lang wisely withdrew from the conference to avoid any perception of conflict, not necessarily a real one. CBC policy is clear that even the perception should be avoided. This flags a delicate problem for news management. CBC has some very senior and respected journalists who are often sought out as speakers at various events. It requires careful consideration as to what is appropriate and what can lead to a perception of conflict, if not a real one. News management does work with its journalists to provide guidance for them. The efforts should continue.

May 7, 2013
Ronaldo Ibarra
Radio News

Complaint

On March 26, 2013, the Toronto Star reported that Toronto's mayor, Rob Ford, was asked to leave an event because he appeared intoxicated. It documented other episodes and reported that staff at city hall had concerns about the mayor's use of alcohol. Throughout the day there were developments on the story, including a denial from the mayor. Ronaldo Ibarra questioned CBC News reporting the story based on the work of the Toronto Star, which used some anonymous sources. "My complaint is how CBC has reported something without having facts to prove what they said."

CBC Response

Jack Nagler, Managing Editor of Radio News, explained that CBC News felt obliged to cover the story even though they had not done the legwork because the story in the Toronto Star had prompted public reaction from the mayor and had become a story of some public interest. He explained that the Star's reporters had spent weeks developing the story, and that CBC could not duplicate that work in one day. "The only way for CBC News to report it then was to attribute it to The Star. And that is what we did. Our only other choice would have been to ignore the story altogether – that would have been, in our assessment, a failure to serve our audience."

Review

The question is one journalists grapple with all the time, and it has become even more pressing in the age of instant news and information via social media. As Mr. Nagler explained, news staff weighed the pros and cons of running the story and opted to do so, given the limitations. Throughout the day they continued to try to verify the work done by Star reporters. At the end of the day, on The World At Six, reporter Maureen Brosnahan was able to balance the story with the mayor's response and to have independently confirmed at least some aspects of the Star story. Her story provided further context, reminding listeners that in the past Mr. Ford had been convicted of impaired driving in Florida, and mentioned other instances when his behaviour due to alcohol had been an issue. The story was clear about which information was provided by the Star and which was independently confirmed by CBC, and it represented the views of those who support the mayor. It was a comprehensive summary of the day's events and in no way violated CBC policy.

May 16, 2013
Thomas Woodley
A Universal Language

Complaint

Thomas Woodley, president of Canadians for Justice and Peace in the Middle East, complained about the documentary *A Universal Language* which ran on CBC's digital documentary channel on April 18, 2013. The production documented a tour, spearheaded and organized by Yuk Yuk's founder and CEO, Mark Breslin, of six Canadian comics performing and travelling in Israel. They performed in Tel Aviv, Jerusalem, and East Jerusalem, an area annexed by the Israelis, but internationally recognized as occupied territory. Mr. Woodley wrote: "A comedy tour proposed by the Government of Israel and financed by the advocacy group Centre for Israel and Jewish Affairs clearly fits within the prohibition intended by subsection 4 of the CBC's Journalistic Standards and Practices with regard to Point of View Documentaries. A documentary whose sole subject is this comedy tour should not have been allowed to pass, even if arranged to have the production of the documentary itself funded by other sources." He also objected to the performance in East Jerusalem, designed, he felt, to be provocative because one of the comedians began his performance by saying, "We're having such an incredible time here in Israel." He felt this was deliberate and when the audience reacted negatively, he thought this was portrayed in a negative light and needed context and explanation.

CBC Response

Before requesting a review Mr. Woodley had corresponded with Bruce Cowley, Creative Head, Digital Channels, Commissioned and Scripted Programming. He informed Mr. Woodley that, "While the film does follow people on a trip that may have been financed by interested parties, the film-maker was independent of those ties and the film was not funded at all by third party interests. Further CBC has strong editorial and creative leadership to ensure that the content is appropriate to the assignment and that it is fair and balanced, bearing in mind that the film is but one small part of CBC's significant coverage of Middle East issues."

Review

The film explored the reactions of local audiences and local comedians to the group of Canadian performers, which specializes in a kind of edgy, often graphic and obscene brand of comedy. It also explored the reactions of the Canadian comics as they came up against cultural differences and struggled to connect to their audiences. At the performance in East Jerusalem one of the performers opened the show by saying, "We're having an absolutely incredible time here in Israel." The tension was palpable. One table of guests walked out. To my eyes, after several viewings, this sequence could be taken at face value. The performer was woefully ignorant and unwittingly caused offence. The documentary made no pretense to take on the big issues of the Middle East.

Concerning the financing of the film, the documentary acknowledged that Mark Breslin approached the Israeli embassy and the project arose from that meeting. Igal Hecht, the documentary film maker, said he heard about the plan and approached Breslin's partner, Jeff Silverman. They agreed on the project. Both the film maker and production executives at CBC were clear that neither Yuk Yuk's, the Israeli government nor CIJA funded the production of the film. The film maker and CBC had full creative control. The funding for the tour was never hidden and, as Mr. Woodley pointed out, Breslin mentioned it in many interviews. While there

was no violation of policy, CBC management should have prominently included the information of the funding of the tour in the interests of full disclosure and transparency. A viewer would have an important bit of context to understand what was shown, and to make up his or her own mind how much influence it had on the outcome.

May 28, 2013
Mike Fegelman
As It Happens

Complaint

In early May, 2013, the Gulf state of Qatar launched a campaign to move the headquarters of the International Civil Aviation Organization (ICAO) from Montreal to Doha. ICAO has been situated in Montreal since 1947. Other aviation related industries have also located there as a result. ICAO itself has a large work force, so losing the headquarters would have significant impact. There was quite a lot of speculation about the motivation for the Qatari bid. (The proposal was withdrawn on May 24, 2013.) Mike Fegelman, Executive Director of HonestReporting Canada, objected to an As It Happens headline, as well as part of the introduction to the interview on the subject aired later in the program. He felt it was wrong to present the stated reason for the campaign – Canada’s Middle East policy – as fact, since it was not substantiated.

CBC Response

Robin Smythe, Executive Producer of As It Happens, did not agree that the program had treated as fact that anger at Canada’s mid-east policy was the reason for Qatar’s move. She pointed out that throughout the interview the host phrased questions about motive with the phrase “seem to have,” thereby showing it was based on analysis of the facts. She said it was their responsibility to put out ideas that were being discussed in the media, and ask their guests to comment.

Review

In reviewing the overall media coverage of this story it was reasonable to say that the positions Canada has taken on a variety of issues in the Middle East was a factor in Qatar’s bid for ICAO. It was raised as a factor by Opposition MPs during discussions in the House of Commons. One news organization quoted diplomatic sources confirming a meeting of Arab ambassadors at the United Nations in late April, around the time the bid was launched. Part of the discussion apparently centred around their concern over Canada’s bias toward Israel. The role of Canada’s Middle East policy in the context of this story was a legitimate journalistic inquiry. The headline presented a challenge. By their nature headlines are designed, in few words, to accurately reflect the facts, but also to quickly engage and intrigue the reader or listener. There is frequently a tension between those two goals. Declarative statements work better to hook the audience but are not always so great at achieving nuance. The headline in this case was not completely inaccurate, but failed to capture the nuance. While there was an argument to be

made that this was a significant factor, it was not clear enough to state it so unequivocally. Had it been phrased as an interrogative, or had it said Canada's Middle East policy was one of the reasons, it would have better captured the nuance of the introduction to the interview and the questions posed by the host. The introduction and the phrasing of the questions put to the guest did put the argument into a wider context.

May 30, 2013

Mark Goldberg

Go Public (CBCNews.ca, TV News, The Early Edition)

Complaint

On March 4, 2013, Go Public, an investigative feature of CBC television based in Vancouver, ran a story about a family on vacation and the high roaming fees they incurred when their son accessed YouTube videos while in Mexico. The headline on the web story said: "Dad gets \$22,000 roaming 'shock' from Fido." Mark Goldberg felt that the headline was wrong, and that the story took too long to explain that the bill was cut to a lesser figure of \$2,200. He felt the higher figure was used to be sensational, and that once pointed out, the error should have been acknowledged on the site and dealt with in a more timely manner. Mr. Goldberg pointed out a second error in the body of the piece: that "the only way for a customer to access data outside the country for less – through their carrier – is to buy a roaming package before leaving." He pointed out that "Roaming packages are available at any time – even mid-trip – from all of the carriers." He also objected to the tone and tenor of the social media exchanges he had with reporter Kathy Tomlinson: "It was the failure of CBC Go Public to respond to an issue of accuracy that led to an engagement on Twitter in which I was not treated with openness and respect."

CBC Response

Alison Broddle, the executive producer responsible for the Go Public segments, acknowledged the error in stating, on the news broadcast, that the phone bill was \$22,000, and said that when she became aware of it she had the introduction removed from the video posted on the CBC News web page. She also acknowledged the error in reference to the purchasing of roaming packages; they revised the online story the next day to include the correct information. Concerning the headline which referred to a "\$22,000 roaming shock," she believed that the story was clear. She also addressed Mr. Goldberg's complaint about the Twitter exchanges between him and Ms. Tomlinson, explaining that Ms. Tomlinson was feeling frustrated at the "seeming inability to convince you of the accuracy and fairness of the story" but that she meant no disrespect.

Review

Ultimately the two errors that Mr. Goldberg brought to the attention of the Go Public team were corrected. However, there was a violation of policy because it took over a week to make the change in the first case. And although the second error was corrected in a timely manner,

there was no correction box to acknowledge this. Concerning the tweets, one sensed a growing frustration in both Mr. Goldberg and Kathy Tomlinson. It is laudable that reporters engage with audience members who have questions or suggestions about their work. The most valuable lesson out of all of this is that Twitter should be used where appropriate, but for complex questions where there is a difference of opinion, another method of communication would be far more effective. Because Twitter is so instant, it's hard to stop and apply sober second thought. News organizations face a range of challenges with social media. CBC News management may want to provide further guidance to news staff about when and how to engage in Twitter exchanges so that they may be used effectively and enhance the openness and transparency its policies commit them to.

June 4, 2013

**Richard Blacquiere, Marc Koplowitz, Donald Lapowich
Information Morning, Fredericton**

Complaint

In April, 2013, a Fredericton art gallery mounted an exhibit entitled "A Child's View of Gaza." It was co-sponsored by two organizations: Fredericton Palestine Solidarity and Jews For a Just Peace Fredericton. The exhibit featured the art work of children who were living in Gaza during Operation Cast Lead, the Israeli incursion into Gaza in 2008-09. The exhibit has been controversial, and the Fredericton morning show tried to present views for and against the exhibit. It was the statement of the person supporting the exhibit that caused the complaints to this office.

In a recorded interview, Tracy Glynn, a representative of the Fredericton Peace coalition, and a supporter of the exhibit, said: "So we think it is really important that Canadians become educated. The exhibit depicts one of the most brutal events that happened in the history of Gaza with the 2008-09 Operation Cast Lead which killed over a 1000 people in Gaza including 320 children. So this exhibit done by children who survived that air raid, use of chemical weapons, it depicts what they see happening in their lives. It depicts what happens as well as the aftermath." The complainants all objected to the reference to chemical weapons, and the fact that it went unchallenged.

CBC Response

Jennifer McGuire, General Manager and Editor in Chief of CBC News, explained that Tracy Glynn was likely referring to the use of white phosphorus munitions in Gaza. "Its use attracted wide media coverage at the time. White phosphorus, of course, is an allotrope of the chemical element phosphorus and has been categorized both as an incendiary and chemical weapon." She added that no one has ever suggested that either side used any kind of nerve gases or weapons of mass destruction. She went on to say that "What CBC journalists state as fact must be accurate and provable. However, it is clear that statements by interview subjects and those we ask to comment cannot be forced to meet the same test, although we do make an effort to

ensure the honest opinions expressed on our programs are grounded in fact.” She felt the segment had achieved its goal of providing a range of views so that Canadians could make up their own minds “about the nature or quality of the views expressed.”

Review

I think it would be safe to say that most people hearing the term “chemical weapon” think of nasty gases and nerve agents. On the Fredericton morning show there was no context and no discussion of what was meant in this case. The format worked against it – the host was introducing a pre-packaged statement from Ms. Glynn. In a live situation he could have asked for an explanation or challenged the use of the term. At the end of the segment the host solicited audience reaction. While no reaction to the show was forthcoming, the next week CBC management received several complaints. The program could have responded on air to those complaints and pointed out the concerns about using the term chemical weapons. Ms. McGuire stated that no one has ever accused either side in the Middle East conflict of using gases or weapons of mass destruction. Without context the audience likely would have thought they were hearing exactly that accusation. The policy says “CBC takes responsibility for the consequences of its decision to publish a person’s statement in the context it chooses.” In this case, CBC news did not live up to that responsibility.

June 11, 2013

Bill Chapman

The Current

Complaint

The Current featured a discussion based on a research paper that proposed that policy makers consider various options for sustaining polar bears as they become increasingly threatened, and do so before there was a critical need. The discussion explored the option of feeding bears from the point of view of the researcher who is proposing this as an option, from the deputy minister of the environment for Nunavut, a wildlife worker who raised some concerns based on his work feeding condors in the wild, and a bioethicist who laid out the ethical dilemmas he saw in feeding wildlife to ensure a species’ survival. Bill Chapman thought the segment was sloppy “on issues surrounding the possibility that global warming is caused by man.” He thought the whole premise that polar bears are in danger was false, and mischaracterized by program host Anna Maria Tremonti. He believed the “polar bear debate is actually characterized by most scientists and most people who live with polar bears on one side and on the other side are eco-extremists, a few scientists and the news media.”

CBC Response

Jennifer Moroz, Executive Producer of The Current, responded to Mr. Chapman’s overall concerns about coverage of the global warming issue by stating: “Finally, your assertion that CBC ‘steadfastly refuses’ to interview any experts on the ‘weaknesses in the anthropogenic global warming theory’ is simply not true. CBC programs over the years have certainly included

the views of those who are skeptical of the broad scientific consensus on climate change.” She said that while CBC is committed to equitable coverage, equitable does not mean equal. “The overwhelming consensus of scientists working in relevant fields is that human activity is largely responsible for climate change.” She also explained that this particular program segment “focused on the narrow question of whether humans should prepare to step in to help polar bears down the road if ice continues to melt and large numbers of the animals are forced inland, away from their traditional food supply for long stretches.”

Review

The CBC journalistic policy on balance calls for a reflection of a range of views, and especially when it comes to issues of controversy it states: “...we ensure that divergent views are reflected respectfully, taking into account their relevance to the debate and how widely held these views are. We also ensure that they are represented over a reasonable period of time.” This means that a range of views should be acknowledged, but there is not an equivalence. Not all views and perspectives must be treated equally, or with the same frequency. While the issue of climate change was not really the focus of this episode of The Current, it is true it was an underlying assumption. And that is well within acceptable policy because the opposing views on the cause and impacts of climate change are no longer equivalent. There may be nuance on what findings mean, or what should be done, but that was well reflected in the range of interviews. The treatment of this subject was broad, thorough, balanced and fair. It was based on a premise Mr. Chapman rejects. There was no obligation for the programmers to have backed up and recreated the debate on climate change in order to fulfill their responsibilities. This edition of The Current fully complied with CBC policy.

June 13, 2013

Jim Lynn

CBCNews.ca, CBC Radio News

Complaint

Jim Lynn, Chancery, Diocese of MacKenzie, NWT, complained that web and radio stories dealing with the departure of a priest from Behchoko were inaccurate. The story stated that the priest was asked to leave by the diocese and Mr. Lynn said this was completely false. He said that Father Clement Rockey had chosen to leave. “He was asked to address some issues, which he did not comply with at the time and personally chose to return home to India.” He believed the stories were a result of “sensation journalism rather than honest journalism and slamming the church whenever we get the chance.”

CBC Response

Archie McLean, Managing Editor of CBC North, talked about the delicate nature of a story such as this, but explained that in the initial stories the focus was on dispelling rumors that the community itself asked the priest to leave. Mr. McLean conceded the story headline would have been more accurate had it simply said Father Rockey left the diocese. “It has been

changed accordingly. Similarly, we have changed the story's first sentence to say Father Clement is going back to India 'following a disagreement' with the diocese's administration." While Mr. Lynn agreed that the modification made the story more accurate, he remained concerned that other reports on the matter "extended" the damage.

Review

In synthesizing the facts, the words used by CBC should have more precisely reflected the nuance of the situation. The story should have given more details and context, and let the audience make up its own mind. In response to Mr. Lynn's complaint news staff did correct the web story to capture the ambiguity. The story was not modified until about a week after the complaint was received. In the spirit of the corrections policy, it should have happened sooner. As for Mr. Lynn's concerns about the other coverage around this incident, I found nothing inaccurate or unbalanced in the other web and radio material. The tone was even handed and the details laid out. The initial story should have reflected the complexity of the story better, and the correction should have been more timely. But the stories were not biased, and when the web story was altered they were not inaccurate.

July 8, 2013

Jennifer Brady

The National

Complaint

On May 16, 2013, Washington correspondent Paul Hunter presented a piece on the "curse of the second term." U.S. President Barack Obama was facing a variety of scandals, and the thesis of the piece was that in letting down their guard, presidents are prone to missteps in their second terms. Before getting to the specifics dogging the Obama administration, Mr. Hunter cited historical precedent: the Iran Contra scandal for Ronald Reagan, the Watergate scandal for Richard Nixon, and the sexual impropriety scandal for Bill Clinton. He referred to it as "Bill Clinton's girl trouble." Jennifer Brady found that turn of phrase offensive and sexist, and emphasized that the use of the term puts the blame on the woman for Mr. Clinton's infidelity. She added that Mr. Hunter did not address the uneven power relationship between the President of the United States and a White House intern and so did not emphasize Mr. Clinton's failure.

CBC Response

Mark Harrison, Executive Producer of The National, replied: "I can assure you we had no intention of putting Monica Lewinsky in a poor light. Indeed the point of the report was quite the opposite..." He explained that Mr. Hunter's use of the phrase "girl trouble" was intended to be light-hearted. He reviewed its use with Mr. Hunter and pointed out that the comment could be misunderstood and was not an appropriate expression to use.

Review

The use of the phrase “girl trouble” seemed to have been an attempt at humour, and humour is subjective, and tricky to pull off in the context of short news stories, especially when the topic itself is not inherently funny. While it fell short of a standard of excellence, and was not respectful, I didn’t think it was as dire or absolute as Ms. Brady portrayed it. I also didn’t think, given that this was a reference in a list of Presidential errors, that it necessarily implied that the White House intern was to blame.

Stock phrases and clichés, and I would consider “girl trouble” one of them, reflect a time and attitude. It is one best retired from active use, even when it is being used, as I suspect it was in this case, with a touch of irony. The problem with using clichés as a kind of shorthand is their imprecision, and therefore how easy it becomes to misinterpret them. The complaint was a necessary reminder that words have real power and while informal language is perfectly acceptable in news, it is important to consider the appropriateness of expressions.

July 10, 2013

Frank Berkshire

CBCNews.ca

Complaint

Frank Berkshire objected to CBC Calgary’s decision to report the fact that a fifteen year old girl was pregnant as the result of a sexual assault. This fact was reported in the context of ongoing coverage of a murder case in the Calgary area. He felt it was sufficient for readers to know that the accused had been charged, and that the added detail, exclusive to CBC, that the alleged 15 year old victim was pregnant was entirely gratuitous and would cause undue suffering to her and her family.

CBC Response

Helen Henderson, Managing Editor of CBC News in Calgary, explained the decision to make the detail of the pregnancy public was not taken lightly and that it was based on the judgment that the public interest was served in doing so: “We believe it speaks directly to potential motive, and is important to helping the public understand both the circumstances surrounding what is alleged to have happened, and to the character of the accused.”

Review

The issue Mr. Berkshire raised is one journalists frequently confront: what is the public interest, and how does one balance the potential harm versus the duty to truth telling and sharing the information available. Journalists’ instincts are always to tell what they know. The ethical dilemma they face is to find the tipping point between that potential harm and the need to know. CBC policy provides guidance and criteria, but in the end it is a judgment call in each case. The news department requires consultation at a senior level before a decision is made. I could understand why Mr. Berkshire found this detail distasteful, but while we knew the young woman was pregnant, we did not know who she was. There was no risk of increasing public

attention because her identity was shielded. It was reasonable that he disagree with the decision to mention the pregnancy. But the fact that it was done was not a violation of CBC policy.

July 10, 2013
Peter McGrath
CBC News Now

Complaint

Kevin O’Leary appears regularly in a morning slot on CBC News Now. He interacts with the host to provide commentary on a business issue or story in the news. Generally the topic is business but it also strays into other areas so that Mr. O’Leary can provide a business take on the subject. Peter McGrath objected to the fact that O’Leary is the only business commentator on the program. He felt CBC was not living up to its commitment to reflect the diverse views of Canadians. He suggested Mr. O’Leary’s regular spot should be dropped, or other voices should be heard on a regular basis to balance his perspective.

CBC Response

Todd Spencer, then Executive Director of CBC News Network, said that although Mr. O’Leary is the only business commentator, News Network provides a wide range of perspectives on the issues of the day: “...while Mr. O’Leary is the only contributor to the program to have a regular commentary, he is most certainly not the only contributor who has an opportunity to express his point of view on the program...”

Review

CBC Journalistic Standards and Practices makes a commitment to a diversity of voices. On the issue of balance, there is a commitment to provide a range of views over a reasonable period of time. It also allows for opinion if it is labeled as such, and the commentator brings an expertise to the subject. But even in this area it calls for balance over time in the range of commentary provided. Looking at the big picture of business coverage on the network it fulfills the policy requirement. Looking strictly at the issue of commentary, there is something of a grey zone. Mr. O’Leary is the only business commentator on News Network. He also appears in an hour-long show every evening on the same network, *The Lang & O’Leary Exchange*. That is a lot of exposure for one person, especially one who is very strongly associated with a very particular point of view. It would be more in the spirit of the policy of providing a range of perspectives over time if other commentators were given an opportunity to bring a wider range of perspectives to the network’s coverage.

July 12, 2013
Carlos Coimbra

Power & Politics

Complaint

The CBC devoted considerable coverage to the ongoing story of a video that purported to show Toronto Mayor Rob Ford smoking crack cocaine. A number of the mayor's staff left his office, which was one of the elements that fuelled the continuing coverage. On May 31 a sixth staff member resigned, leading Power and Politics to convene a panel to talk about the impact these events were having on the ability of the city to get its business done. Carlos Coimbra strongly objected to the panelists chosen to have the discussion: John Cruickshank, the publisher of the Toronto Star, and Rocco Rossi, a former mayoralty candidate in Toronto. He felt that this violated the tenets of fair and balanced journalism because Mr. Rossi was in the same mayoralty race that Mr. Ford subsequently won and the Toronto Star has been against the mayor even before the story broke. In other words, both guests were against Mayor Ford.

CBC Response

Todd Spencer, at the time Executive Director of CBC News Network, pointed out that Mr. Rossi's and Mr. Cruickshank's participation was just one episode in ongoing coverage of the Ford story, and that many others had also been heard from, both "vocal critics and stalwart supporters of the mayor." He felt that the two men were qualified to speak because "one is a close observer of Toronto municipal affairs" and the other "runs the newspaper that broke the first story about the alleged video."

Review

The relevant policy states: "On issues of controversy, we ensure that divergent views are reflected respectfully, taking into account their relevance to the debate and how widely held these views are. We also ensure that they are represented over a reasonable period of time." In this instance, the two guests took different positions. Mr. Rossi pushed back on the media frenzy and said the mayor was innocent until proven guilty. He said that he thought for the most part it was business as usual at city hall, "but there are some key files on which we need the mayor's leadership and those are suffering because the circus that envelops him each and every day not just of his own making but because the free press has turned into the freefull court press and they are at him every single day and every single moment. As opposed to focus on the issues." Mr. Cruickshank, on the other hand, said: "The genie is out of the bottle, no doubt about that. And frankly the mayor has not shown the ability to put the stopper back in. That is, he has not effectively addressed the issues that have been raised and he is increasingly unwilling to address any issue." This was one episode in the ongoing coverage of the story. There was no violation of CBC's *Journalistic Standards and Practices*.

July 17, 2013

Dustin Inskip

Daybreak (CBC Radio, Kamloops)

Complaint

Dustin Inskip complained about an interview about the closure of dirt biking trails near Noble Creek, close to Kamloops. The host of the program, Shelley Joyce, spoke to a dirt bike enthusiast about his concerns and what he was hoping to do to create new nearby venues for his sport. Mr. Inskip said the trails were always illegal and the closure was not news and the absence of this information slanted the interview. He thought closure was the wrong word and that the use of the trails should have been labelled trespass. By not doing so and by allowing the biker to explain what the loss of the trails meant to him, he felt the program was endorsing dirt bikes and giving the biker a forum to promote his “agenda.”

CBC Response

Lorna Haerber, the program director for CBC in British Columbia, pointed out that exploring the reasons for the closure of the Noble Creek trails was not necessary in the context of this particular interview. She said the interview was about “the recreational activity of dirt-biking and how the closure of Noble Creek and other bike trails in the vicinity has prompted Mr. Philcox to begin exploring the option of working with a variety of groups to find and create a legal and designated network of trails that dirt bikers could use in the future.”

Review

If the use of the trails was always illegal, it would have been better that the host ask Mr. Philcox about that fact, but within the context of the discussion its omission was not a sign of bias. If the trails were illegal, it is puzzling why bikers have been allowed to use them for the last 30 years. The biker would not be accountable for that, but rather those in charge of enforcing regulations. Allowing Mr. Philcox to share his experience and outline what he thinks is a solution to the need for trails near Kamloops did not imply an endorsement. The interviewer asked about some of the issues his proposals raise, and provided airtime through “Talkback” for others to provide alternate views, namely representing those who think providing trails in any form is not a good use of public space. The interview and follow-up did not focus on the issue Mr. Inskip considered most important, but it was not a violation of *CBC Journalistic Standards and Practices*.

July 25, 2013

Jim Emberger

CBC News, New Brunswick

Complaint

The CBC, especially in New Brunswick, has devoted a lot of coverage to hydraulic fracturing, often referred to as fracking, a controversial process that enables the recovery of reservoirs of natural gas and oil that have been inaccessible until quite recently. Jim Emberger is one of many citizens in the province who have been actively campaigning to halt the introduction of fracking. He objected to the recurring use of a description of the fracking process used in many CBC stories to provide a summary for readers: “Hydro-fracking is a process where companies

inject a mixture of water, sand and chemicals into the ground, creating cracks in shale rock formations. That process allows companies to extract natural gas from areas that would otherwise go untapped.” He felt that in its brevity and simplification it was “useless” and in no way accurately reflected what really happens. He also objected to another repeated phrase used to sum up the concerns of those against the development of shale gas deposits: “Opponents of the process say it could have a negative effect on local water supplies and many of them have held protests across the province.” Mr. Emberger felt that “In this current form they constitute propaganda. They are misleading by virtue of ignoring known facts (reported elsewhere by CBC itself) and by failing to provide any context...”

CBC Response

Marissa Nelson, the Senior Director for Digital Media, explained the purpose of the two paragraphs was to give readers “the context and background they need to understand the significance of the incremental developments we write about.” She said that the phrases used were a neutral way to describe fracking. She acknowledged that the single reference to a concern about water quality may be too narrow a focus. She felt that CBC News’s overall coverage enabled Canadians to make an informed decision about this contentious issue.

Review

This is a difficult story to cover because, as with many issues involving extractive industries that have such impact, there is duelling science. There is still disagreement among scientists about the level of risk involved with this technology and how it would be best managed, or if it can be managed to an acceptable level. News staff try to inform the public, reflect a variety of views, and weigh which ones most need to be reflected. That’s hard to do when there are still many unanswered questions. I did not think the phrasing that concerned Mr. Emberger came from a bias, or that it could be construed as propaganda. I agreed with him that in its brevity it misses a great deal of the complexity and nuance. I also agreed that it did not provide enough information for a reader to make up his or her mind. But I didn’t think that was a reasonable expectation. The paragraphs exist within the context of the article, the article is in the context of the ongoing coverage, which meets all of CBC’s journalistic policy requirements. Senior news staff might want to think about the ways it might summarize the debate and its many issues if they continue to feel the need to do so.

July 30, 2013

Rabbi Elisha Mandel

CBCNews.ca

Complaint

On June 6, 2013 CBCNews.ca published a column by Senior Washington Correspondent Neil Macdonald. The column was a reflection on the state of American media and the polarized state of American political discourse. He posited that stories in the media that get a lot of attention and traction are those that can be used by partisans of any side of any issue to

bludgeon their opponents. The news-consuming public looks for facts and stories that feed their assumptions, that go along with the narrative they subscribe to as a way of making sense of their world. And the media feeds into this reality by frequently reporting assertions with little analysis or nuance. Rabbi Mandel felt that Macdonald's reference to Canadian policy vis à vis Israel was one of a long list of examples of his anti-Israel bias: "His bias against Israel is evident and he consistently drags unrelated news items about Israel so that criticism can ensue. What does Israel have to do with the IRS and sex abuse in the U.S. military in his latest article? It is immoral, unethical and improper for a CBC report – a taxpayer's network – to abuse his position and to state personal opinion."

CBC Response

Jennifer McGuire, General Manager and Editor in Chief of CBC News, said the point he was trying to make, as he stated in the column, was that according to at least one source at the Neiman Journalism lab, reporters trying to set the record straight may really be providing fodder to people who have a very particular world view. She pointed out that the reference to Israel was one in a series of "four hypothetical questions" to make a point about partisans and their beliefs. It was not to be taken literally.

Review

CBC journalistic policy frowns on its journalists expressing opinion. However, it is acceptable under the policy for experienced reporters, especially when writing columns, to make inferences or draw conclusions, based on facts. The way it is described in the *Journalistic Standards and Practices* is "professional judgment based on facts and expertise." The point Mr. Macdonald was making was that partisan discussion lacks nuance and allows for no shade of gray or doubt. This column was not about Canadian policy vis à vis Israel. It did not imply that supporters of the Harper government position secretly blame Israel for its Palestinian troubles, or that the author was saying that Israel bears full responsibility. He was being provocative, in the same way he was being provocative about NDP rejection of current oil sands policy, by suggesting that partisans can make a case that is not all or nothing, but that mostly they don't, especially in the U.S. political arena. To see this as a violation of CBC policy would require taking the words literally and out of context and to agree with Rabbi Mandel's characterization of the entire piece. In this case I did not and consequently there was no violation of policy.

July 30, 2013

Eduardo Fonseca

The National

Complaint

Eduardo Fonseca felt that coverage of events at the Vatican, from the resignation of Pope Benedict XVI to the election of Pope Francis, was unrelentingly negative. He characterized the work as "the constant attack of Peter Mansbridge on the Catholic Church." He acknowledged the Church did face some serious issues but there needed to be some balance. Without it, the

coverage “has an intention to create hatred towards the Church.” He also felt that because Mr. Mansbridge kept asking questions about the need for change in Church teachings on issues like contraception and abortion, there was an implicit message that current Church positions are wrong and change is necessary.

CBC Response

Mark Harrison, Executive Producer of The National, described the scope and scale of The National’s coverage and said that it covered many aspects of Benedict XVI’s papacy and that not all of it was negative. He pointed out that it is the news media’s job to cover the challenging issues facing the Church, but that doesn’t mean the news media is biased or unfair or has one particular point of view on the issues.

Review

The programming presented a range of Catholic voices, from lapsed Catholics to abuse survivors to prominent clergy. As Mr. Fonseca noted, the issues raised were valid ones. To achieve balance and fairness, it required different perspectives on how those issues might be solved, or how relevant they are, not necessarily by featuring stories about the good the church does. There were Catholics interviewed who felt church teachings had to adapt, and others who believed that those teachings are immutable. In continuing to explore those issues from different perspectives, The National was not implying they must change but reflected the views of many North American Catholics that they should. The issues raised were all in the public interest. There were a variety of perspectives and points of view reflected in the exploration of the issue, and consequently there was no violation of CBC policy.

August 8, 2013

Jon Melanson

George Stroumboulopoulos Tonight

Complaint

The George Stroumboulopoulos Tonight website posted an article featuring a round-up of reaction to the acquittal of George Zimmerman, who had been tried for the murder of Trayvon Martin. The case was very controversial and was intensively covered in American media. The [article](#), entitled “After George Zimmerman’s Acquittal, Protests and Questions in the U.S.,” initially stated: “Zimmerman’s lawyers argued that he had acted in self-defence under Florida’s ‘stand your ground’ law, because he believed his life to be in immediate danger. After 16 hours of deliberations, the jury accepted the argument.” Jon Melanson wrote to say that this was an error: “The Zimmerman defence actually waived ‘stand your ground’. Zimmerman was acquitted under the traditional standard of self- defence.”

CBC Response

The Executive Producer of the program acknowledged the error and let Mr. Melanson know that it had been corrected with a prominent correction notice at the bottom. Mr. Melanson requested a review because he felt the piece was biased.

Review

CBC News policy on corrections states that when an error is made it is to be acknowledged and corrected. While it was unfortunate that a basic fact was wrong, it was dealt with according to the procedure and in a timely way. The inaccuracy was a violation of policy. The handling of it was not. As for Mr. Melanson's concerns about bias, I wondered if we were reading the same article. It was an accurate reflection of what was going on at the time. It also supplied some contrary views through significant quotes from online commentators. There was no violation of CBC's *Journalistic Standards and Practices*.

August 9, 2013

Guillermo Castilla

CBC News, New Brunswick

Complaint

While Guillermo Castilla felt that CBC News in New Brunswick had done some good work on shale gas exploration in the province, notably in its 2011 series "Fractured Future," he was concerned the coverage over the last year was inadequate and in violation of CBC journalistic policy. He felt there was a lack of balance in CBC's coverage. He thought opponents of hydraulic fracturing were not receiving adequate attention, and that their views and concerns were not being adequately reflected. He was particularly concerned that there was no coverage of an open letter by an alliance of opponents of shale gas development sent to the energy minister in response to his proposed rules for the oil and gas industry.

CBC Response

Andrew Cochran, Senior Managing Director for Atlantic Canada, rejected the notion that failure to cover the release of an open letter from shale gas opponents revealed bias. He pointed out that CBC News has "consistently covered the views of those who oppose shale gas development."

Review

I had recently completed a review about the way CBC news stories characterized the nature of opposition to shale gas development. In the review I noted that in an attempt to compress, there is a danger of oversimplification. To have real meaning, more context is required. Senior news staff in New Brunswick didn't disagree, and said they would find other ways to approach it. Concerning the lack of coverage of the open letter sent by the alliance of anti-fracking groups, the executive producer for News in New Brunswick, Dan Goodyear, explained that from the time the regulations were released, there had been a series of articles, stories and interviews that dealt with reaction. The news judgment was that covering the open letter itself

would not provide a lot of new insight. In general, CBC News in New Brunswick has consistently attempted to reflect a range of views and perspectives on the contentious issue of shale gas exploration in the province. Mr. Castilla cited the excellent series “Fractured Future.” It is not realistic to expect that kind of depth in day to day news coverage. It does remain available to help citizens understand the issues at stake. There was no violation of CBC’s *Journalistic Standards and Practices*.

August 23, 2013

Mandeep Sidhu

CBC News, Whitehorse

Complaint

Mandeep Sidhu was the defendant in a trial in Whitehorse in which he was tried on a charge of uttering a death threat against an RCMP officer. He was acquitted of the charge. He felt an account of the trial on CBC radio and on CBCNews.ca was biased and misleading. He felt the story did not accurately reflect what occurred at trial.

CBC Response

Archie McLean, Managing Editor for CBC North, explained that this was a “straightforward news story” and that it emphasized that Mr. Sidhu was acquitted of the charges. He added that many of the details that Mr. Sidhu provided about what happened prior to the incident that led to the charges were not relevant in this context. The story was modified in a small way to reflect that he had used the word “faggot” only once; to say he had used a homophobic slur, singular, not plural as the original story had stated. The change was noted on the website.

Review

Accuracy is a fundamental in journalism. It is set out in CBC’s *Journalistic Standards and Practices*. This story was imprecise and sloppy. My concerns were not ones of bias – it was not clear that there was any. There was no basis to say that CBC is inherently biased in favour of the RCMP. You only have to look at the body of work on the force that CBC News has done over the last few years to know that is not the case. The problem here was that the story was extremely brief, and in its compression it sacrificed presenting a full picture of what occurred in the trial. It simply did not provide enough information or context to make it meaningful to anyone who had not sat in the courtroom. And that compromised fairness, another obligation under CBC journalistic policy. If the purpose of the piece was to simply note the verdict, then it should have done only that. If the purpose of the piece was to give an account of the trial, it fell far short. I urged CBC News management to ensure reporters assigned to court or the justice beat have adequate training to do the job properly. I also strongly suggested this story be amended to more fully reflect the facts of the case.

August 23, 2013

**Joanne Charlebois, Executive Director, Canadian Association
of Speech-Language Pathologists and Audiologists
Marketplace**

Complaint

Joanne Charlebois had many concerns about a segment on Marketplace about the disparity in the cost of hearing aids in Canada and the United States. One of her concerns was the use of American engineer Russ Apfel as the lone voice in the piece. She questioned why the program did not mention that Mr. Apfel has a company which sells hearing aids online, and therefore put him in a conflict of interest. Overall, she found the piece one-sided, overly simplistic and harmful both to the professionals she represents and to the people who may require her services.

CBC Response

Tassie Notar, who was then the Executive Producer of Marketplace, replied that rather than deterring audience members from getting hearing aids, the segment would help them to make more informed choices and that the program threw “new light on a subject that is often not clear, indeed one that some feel has been deliberately obfuscated.”

Review

The segment was designed to inform consumers of the true cost of items and to explain the factors that created the high price companies charge for some products. In the case of hearing aids, this turned out to be no simple thing. In trying to get a grip on the pricing structure and the issues involved, I found that there are few clear answers and few sources of clear, straightforward information. So I had some sympathy for the difficulties the programmers faced. The expert, Russ Apfel, was described as a wearer of hearing aids and someone who “pioneered a piece of technology that’s inside every one.” However, there was no mention that he is the founder and CEO of a company called Audiotoniq, whose purpose is to sell hearing aids online. Ms. Notar noted that Mr. Apfel was not doing so at that moment. The fact that Mr. Apfel was in the business did not necessarily make his analysis any less credible. However, CBC journalistic policy is clear that it is important for audience members to know any associations that interviewees have that are relevant to the subject at hand so that they might make up their own minds about the credibility of his or her statements. The factors that go into pricing of a hearing aid are complex, and in trying to reduce it all to its simplest terms, the segment lacked clarity, to a degree that affected its fairness. There were violations of policy because of the failure to fully identify the expert’s affiliation, and because there was insufficient information on the broadcast to balance his perspective.

September 11, 2013

**L.D. Cross
CBC News**

Complaint

About two weeks after the initial reports of a video that purported to show Toronto Mayor Rob Ford smoking crack cocaine, L.D. Cross wrote to express his displeasure with CBC news coverage of the mayor. He felt CBC repeatedly transmitted hearsay evidence and that there was no public interest justification to continue reporting on the story without concrete proof.

CBC Response

Jennifer McGuire, General Manager and Editor in Chief of CBC News, replied that the “video is at the heart of serious allegations of criminal behavior involving the city’s top elected official. They could have an effect on the mayor’s performance, on the work of city council, on potential investment and on the city’s economy. The story is clearly in the public interest. Although we did not see the video, the story is important enough with such potentially wide ranging implications that it would be irresponsible not to report what three reporters working for two respected news organizations had seen.” She pointed out that CBC News also prominently reported the mayor’s response to the allegations, and that coverage featured the views of his supporters as well as his critics.

Review

I could understand, given how long the story stayed in the news, and the number of news media pursuing it, that it felt like the media was “ganging up” on the mayor. It is hard to judge, in an ongoing, rapidly developing story like this one, what is the right amount of coverage. I know CBC staff had discussions about it. They were correct to pursue the story, and they made attempts to provide the mayor’s perspective, as well as that of the people who support him. They also made attempts, in some of their current affairs programs, and online, to deal with some of the journalistic issues raised. It is certainly not ideal to have been talking about a tape that no CBC reporter had seen, but given the high profile of the people involved, and how the story evolved, the decision to stay with the story was a correct one. There was no violation of CBC policy.

September 12, 2013

Jon Melanson
CBCNews.ca

Complaint

Jon Melanson objected to the wording of the headline, “Brad Wall accused of smearing Justin Trudeau.” The premier of Saskatchewan, Brad Wall, called on Justin Trudeau to return the fee he had received a year before from a Saskatoon-based literacy group. Mr. Melanson said that “With this headline, the CBC obviously sides with the Liberal Party by focusing on the ‘smearing’ rather than the original reason for Mr. Wall’s comments in the first place.” He felt the headline should have emphasized Mr. Wall’s position and his criticism of Mr. Trudeau.

CBC Response

Marissa Nelson, the Senior Director of Digital Media for CBC News, explained that “in the speeded up news cycle these days, readers expect to find up-to-the-minute information on the stories they are interested in.” The Liberal response to the Wall statement was the latest news by the time writers in Saskatchewan got around to the story. She explained the sequence of events and the new material that went into the story.

Review

The art of headline writing is challenging. It must be accurate and meet the test of journalistic standards. But it is also designed, in a very few words, to entice an audience member to continue to read the story. So there is a certain latitude in the language and tone. It can do that by being cheeky and provocative, or by promoting the story by providing the newest information in the story. Ms. Nelson explained that was the aim in this case. The headline was not inaccurate. It represented a new development in the story. It may not have been the most elegant headline written, but I did not believe there was evidence of bias. Looking at the range of treatments, stories and perspectives that appeared on CBC platforms as this story developed, the coverage fulfilled its obligation to be balanced and fair over time.

September 16, 2014

Molly Samuel

CBC News Toronto

Complaint

Molly Samuel was troubled by the fact that on the weekend of August 17-18, 2013, CBC News in Toronto chose to feature a “pro-Morsi” rally and not another one “by those who were protesting against senseless killings of Christians by the Muslim Brotherhood.” There was a second rally in Toronto that weekend. Coptic Christians protested outside the American consulate to draw attention to the plight of their co-religionists in Egypt. She did not see any coverage of this rally and this seemed to her evidence of taking sides.

CBC Response

Jonathan Whitten, the Executive Director of News Content, stated that it was unfair to say that covering one rally but not another on the same weekend could be taken as an accurate “reflection of our overall coverage, as we have consistently represented the views of Coptic Christians with respect to the events in Egypt.” He pointed to a story run on Toronto’s News at Six, and again on the late night news, that included the view of a Coptic Christian woman as part of a package on reaction of local Egyptian Canadians to events in their former country. He also referenced an interview with a Coptic Christian living in Canada which ran on Metro Morning. He said that CBC News had given events unfolding in Egypt comprehensive coverage, encompassing a variety of opinions and perspectives.

Review

There seemed to have been a misunderstanding. Perhaps Mr. Whitten thought Ms. Samuel was complaining about the lack of coverage of the Coptic rally on local television. In fact, reporter Steven D'Souza attended the rally and it featured third in the line-up on The National on Sunday, August 18. In the course of the weekend a range of views and perspectives were represented in CBC's extensive reporting on the ongoing strife in Egypt. CBC News did its job appropriately and there was no violation of CBC policy.

September 17, 2013

Tyler Olsen

CBC TV News, CBCNews.ca

Complaint

Tyler Olsen, a photographer for the Chilliwack Times in British Columbia, was concerned that CBC News online and on television used a photo he had shot and published in the Chilliwack Times without his permission. The story was a "human interest" piece about a little girl who had been attacked by a pit bull, and a chihuahua which played a role in her rescue. When he contacted Andrew Yates, Senior Producer, Community, Yates explained that CBC chose to use the photo under the "fair dealing" provisions of the Copyright Act of Canada. He apologized for not having someone call to seek permission before hand. Mr. Olsen thought that this was an "ethical breach" regarding the use of the material. "Fair dealing" is an exemption under the Copyright Act of Canada. It applies for the purpose of research, private study, education, parody or satire and news reporting. There are some conditions that must be met in order for the exemption to apply in the case of news: the identity of the source, and if available in the source, the author, maker or broadcaster who owns the material.

CBC Response

Jennifer McGuire, General Manager and Editor in Chief of CBC News, pointed out that CBC News's use of the photo fell under the exemption outlined in the Copyright Act. She added that the CBC credited the Chilliwack Times in the print version of the story. She also said it is not always "practical, especially in light of today's busy newsrooms and 24-hour news cycle," to seek permission in each case where "fair dealing" applies.

Review

CBC News covered this story online and on television. The news team in British Columbia obtained interviews with the little girl's grandmother and visuals of the area where the attack took place, but no images of the little girl. The reporter supplemented the material obtained by taking a photo of her post-injury, holding her dog, from the Chilliwack Times web site. The cbcnews.ca story gave the source. The television story did not. It would be helpful both for the copyright holder and for CBC staff if there were some guidelines staff could apply before deciding to use fair dealing. At a minimum it might be useful if CBC News were to have a consistent practice of upward referral to talk about each case, because each case will be unique. Senior news management might want to consider going beyond making sure staff

know the legal parameters of “fair dealing” and create some guidelines on a variety of issues raised by invoking this legal doctrine. A process or checklist, and a set of practices would ensure consistent application and would be an open and transparent way to deal with this practice.

September 18, 2013

Sean Kelly

CBCNews.ca

Complaint

A brief story on CBC Calgary’s news site recounted an incident in an off-leash park where two dogs fought. One of them was a pit bull. Since the term pit bull actually encompasses several breeds, it was not clear the specific breed involved. When the owner of the dog of another, unspecified breed bent down to break up the fight, the baby he was carrying in a sling fell down and was slightly injured. The initial reports of the story stated the baby had been bitten by the pit bull. Sean Kelly complained that the story was “sensationalistic and potentially inaccurate.” He pointed out that other news agencies were reporting that the child in fact had not been bitten. He felt the story was an indication of an overall bias against pit bulls because these dogs have received considerably more coverage than others over a period of years.

CBC Response

Helen Henderson, the Managing Editor of News in Calgary, acknowledged that the first published version of the story did have incorrect information that the child had been bitten by the pit bull. She explained this was based on information given to the writer “by the Calgary Police Services inspector on duty at that time.” She also said that as soon as the mistake was identified, a clarification was broadcast on the next radio newscast and the online version was corrected with an appropriate “Corrections and Clarifications” box. She said mentioning the type of dog was not an indication of bias or sensationalism but was “pertinent information.”

Review

The story was so straightforward that it was hard to see what could be considered “sensationalism.” Including the fact that one of the dogs involved was a pit bull was accurate and part of what made the story newsworthy, as there is controversy over these dogs in many jurisdictions. The report did not violate CBC policy. But the points he raised were worth noting. Had this been a more detailed or in-depth piece of reporting about pit bulls, it would be worthwhile to provide more context about attitudes and public policy around them. The absence of context from this report did not violate policy.

September 30, 2013

Chris Young

Ottawa Morning

Complaint

Chris Young objected to an interview with Terry Woodard, the widow of Dave Woodard who was driving the bus that collided with a train in suburban Ottawa in September, 2013. He felt the interview was in bad taste, and just because “Terry was willing to be interviewed, does not mean you have to interview her.” He dismissed as rationalization that she needed to talk to express her grief.

CBC Response

Ruth Zowdu, Executive Producer of Current Affairs in Ottawa, shared a response that was written by the station’s Managing Director, Jane Anido, in response to the people who questioned the decision to air the interview. “...In any situation where someone has suffered a loss, our aim is to treat the people involved with great sensitivity. In this case, we did not press Ms. Woodard to speak with us. We approached her sensitively and she, without pressure, agreed to speak on the record. In fact she wanted to...”

Review

When tragedies strike, journalists have an obligation to get the facts, often confusing at the outset, and to make sense of what has happened. They also have a role to play in humanizing the disaster – to learn about and to tell the stories of the people who died, as well as the impact on their families and friends who live on. There is also the very human need and desire to want an immediate answer to why and how it happened. As Ms. Anido explained, the purpose of the interview was to “deepen our understanding of the story – both the emotional impact and the facts.” Mr. Young considered that a rationalization – and perhaps it could be characterized as such, but it seemed to me a legitimate goal and motivation. Ms. Woodard had already been interviewed by other news organizations. When the morning show director phoned her, she agreed to be interviewed again. The tone of the interview was gentle and respectful, and handled in a tasteful manner. Ms. Zowdu mentioned, in reviewing her decision, that it may have been a good idea to have more explicitly warned the audience that this interview was difficult to hear. I agreed with her. I thought the decision to air the interview was appropriate and there was no violation of policy.

October 9, 2013

Ron Faris

The National (At Issue panel)

Complaint

Ron Faris was concerned that the weekly political affairs panel on The National, At Issue, is too narrow in its perspective. He thought it should include “the social democratic perspective of the federal Official Opposition.”

CBC Response

Mark Harrison, Executive Producer of The National, explained that the participants in the At Issue panel were chosen because they are “experienced political analysts” and they do not take a party line in their analyses of the issues. He added that the panelists are not chosen for their alignment with one party or another, but because they present diverse views, which is what makes the discussions engaging. He did not agree that the panelists only expressed their personal political views.

Review

The CBC’s *Journalistic Standards and Practices* sets criteria for balance and fairness. Fairness is defined by the “even handed” treatment of individuals and organizations. Balance is characterized by a reflection of a variety of perspectives, over a reasonable period of time. Mr. Faris framed the At Issue panel as a partisan one. I saw no evidence of that. To judge that it is biased would require accepting his characterization of it as lacking the perspective of the New Democratic Party, but presenting the positions of the Liberal and Conservative parties. Mr. Harrison explained that the panelists are not aligned with specific parties. It is also true that the discussions are not framed along partisan lines. Mr. Faris might want to hear a more spirited defense of the NDP’s positions or a more “social democratic” take on the issues at hand, but the panelists’ role is to provide analysis and background based on the facts at hand. The At Issue panel is not in violation of CBC journalistic policy.

October 16, 2013

Jon Melanson

CBCNews.ca

Complaint

Jon Melanson was concerned about the headline on a story that appeared on the morning of the first day of the George Zimmerman murder trial. “Why is the CBC, again, taking sides (against the gun owner, of course), with its headlines?” he asked. The headline read “Zimmerman shot Trayvon Martin ‘because he wanted to.’” The words were actually spoken by the prosecutor as he opened the trial of George Zimmerman for second degree murder in the death of Trayvon Martin. He thought a more balanced, appropriate headline would have been “Zimmerman shot Trayvon Martin in ‘self-defence.’” Zimmerman was ultimately acquitted in this high profile and controversial case. He shot Martin after he spotted him walking in the gated townhouse community where Zimmerman was living. There was a struggle, and Zimmerman claimed he shot Martin in self-defence. The prosecution portrayed it as an act of vigilantism. The case touched a nerve about race relations in the United States because Martin was Black and Zimmerman is white.

CBC Response

Marissa Nelson, Senior Director of Digital Media for CBC News, explained that the headline was a reflection of what the prosecutor said in his opening remarks. It featured in the headline

because it contained the newest information. She said that the story was “revised, re-written or had new information added 39 times. A number of those revisions included a new headline reflecting the latest information.” The issue at hand was not bias, she said, but the reflection of a developing story, reported throughout the day.

Review

Online stories go through various iterations and are updated regularly. There seemed to have been four versions of the headline in this case, although the story was revised many more times. All the headlines were accurate, and all the stories presenting the case made by both prosecution and defense were fairly and accurately represented. To ask headline writers to come up with some kind of equivalence, to write to ensure that headlines reflect a range of views, rather than set up the story, is not realistic or practical. Clearly language should be even handed, and when it is not, it should be attributed. More importantly, the coverage of the trial, on that day and throughout the proceedings, presented both the prosecution and defence cases, and featured the range of perspectives and views on the verdict, and the broader implications for American society. There was no violation of CBC policy.

October 21, 2013

CBCNews.ca

David Murrell

Complaint

David Murrell felt an analysis column by Neil Macdonald about the politics of the shutdown of the United States government was highly inappropriate. The column, which he referred to as a diatribe, was titled: “Analysis: Republicans twerking for the cameras like Miley Cyrus.” He felt that Mr. Macdonald was “engaging in obscenities” because he used the word twerking and he compared Republicans to the singer Miley Cyrus.

CBC Response

Marissa Nelson, Senior Director of Digital Media for CBC News, suggested that he may have misunderstood the meaning of the word “twerking.” She said, “It is not an ‘obscene’ term, but a style of dance. The word was coined some ten years ago by hip hop artists and is widely used in hip hop culture. As the headline suggests, it came to wider prominence in recent controversy surrounding a performance by Ms. Cyrus at the MTV Video Music Awards ceremony.”

Review

The use of twerk or twerking has become widespread enough that there is now an entry in the Oxford Online Dictionary, which defines it this way: “dance to popular music in a sexually provocative manner involving thrusting hip movements and a low, squatting stance...” It is true the word describes something sexual, what might be considered an obscene gesture, but it is not a swear word or obscene in and of itself. It does not violate CBC journalistic policy on language and taste. The underlying question was really whether this was an appropriate image

or analogy to use. It is a vivid image, one Mr. Macdonald chose to play off when talking about the posturing and pronouncements in Washington. While mostly directed at Republicans in this instance, it was a not very flattering take on the political process. It may or may not have been an effective analogy, or the most appropriate way to express it, but it was not in violation of policy.

October 24, 2013

Wietse Jagersma

The Homestretch (CBC Radio, Calgary)

Complaint

On October 7, 2013, The Homestretch featured a segment on sex education in Calgary schools. The coverage was prompted by a report that a group of Edmonton parents had launched an on-line petition against one of the providers of the sex education curriculum in that city. The Edmonton Pregnancy Care Centre is a faith based organization that emphasizes abstinence in its work with young people. The Homestretch treatment featured a statement from an Edmonton school board spokesperson, who explained that the group talks about abstinence but also addresses other contraceptive methods. The school board official was followed by a studio interview with Pamela Krause, the Executive Director of Calgary Sexual Health, a group which provides some sex education in Calgary schools, as does Calgary Pregnancy Centre. The interview focused on Ms. Krause's concerns about the message she felt the Pregnancy Care Centre conveyed. She characterized their approach as judgmental. Wietse Jagersma objected to the fact that only a critic of the organization was interviewed.

CBC Response

Bernard Graham, Interim Executive Producer of Programs in Calgary replied that "as a result of the interview with Ms. Krause, the program offered the Calgary Pregnancy Care Centre the opportunity to respond to the criticism." He noted that while Mr. Jagersma correctly pointed out that CBC policy expects a balance of points of view, balance is not a "mathematical equivalency," and that balance is achieved over a period of time or a series of programs, and that is what had happened in this case.

Review

On the first day of programming, while not ideal, there was some defence of the organization from the spokesperson from the Edmonton school board. More importantly, this segment could not be seen in isolation because CBC policy explicitly states that balance and fairness are achieved over a reasonable period of time. In this case that time frame was pretty short. The Executive Director of Calgary Pregnancy Care Centre was interviewed at length the next day and was able to explain her organization's views, and to refute Ms. Krause's assertions and characterizations. That certainly fulfilled the policy obligation. But Mr. Jagersma raised an interesting point – what is an appropriate length of time. When an organization or individual is accused of something, or being criticized publicly, it is best practice to seek comment or

explanation right away. Taken together, the two days of programming did not violate CBC's journalistic policy.

October 28, 2013

Ghislain Otis
The National

Complaint

Every Sunday on The National, the "3 to Watch" panel analyzes and discusses three stories that are likely to capture the news agenda in the week ahead. On September 8, 2013, the panel discussed the imminent release of the Quebec Charter of Values. The Charter seeks to separate religion from the public sphere by banning the wearing of turbans, hijabs, burkas, kippas and large crosses by public employees, including day care workers, hospital workers, teachers and civil servants. Panelist John Moore, in response to a question from host Wendy Mesley, said: "I think it is about a phenomenon that is perhaps a bit more accented in Quebec, but exists everywhere else. I mean, if you look at the numbers, 43% of Canadians support this initiative. At its core – and I'm not going to win any popularity contest in saying it, I'm a born and bred Quebecois – I find this embarrassing because there is a certain aspect of racism and fear of otherness in the Quebecois culture." Ghislain Otis felt that these remarks discriminated against him and all Quebecois.

CBC Response

Mark Harrison, Executive Producer of The National, explained that this was Mr. Moore's opinion, not that of CBC or The National. He pointed out that Mr. Moore did provide context, saying this kind of racism and fear of otherness is widespread, not only among Quebecois. He added that it was clear that Mr. Moore was not referring to all Quebecois, and that in fact "there is some evidence that there are those in Quebec who can be fairly described as holding such views, just as there are in other provinces." He pointed out that Justin Trudeau had stated that the charter was motivated by a "defensive fear of others."

Review

Because of the issues it raises, the conversation about what it means and what is the motivation behind it is a difficult and sensitive one. Mr. Moore acknowledged he was treading in dangerous territory when he made his remark. He made an observation about what he thinks may be behind the support for the Charter. It seemed reasonably clear to me he was not referring to "a whole culture" and was not implying that every single Quebecois thinks as a collective. Mr. Otis pointed out that "the test of discrimination is not based on intent but on the effect of somebody's words or actions." The effect of Mr. Moore's words on Mr. Otis was hurtful. That was not in dispute. What was far less clear was that it had the broader effect of discriminating against an entire group of people, bringing them all into disrepute. I thought it clumsily raised some questions, but given the need for freedom of speech and openness, and the broader context of the discussion, it did not fail CBC journalistic policy.

October 31, 2013
Bruce McMinn
CBC News Network

Complaint

Bruce McMinn was angered by the use of the word “militants” to describe the gunmen who attacked a mall in Nairobi, Kenya. The attack on Westgate Mall on September 21, 2013, resulted in a four-day siege and a significant loss of life. Al-Shabab, an extremist group based in Somalia, claimed responsibility for the attack. McMinn wrote: “Any group that would spray bullets into a consort (sic) of women and children in a civic space, all whilst justifying their actions under the guise of the Islamic belief system, are nothing less than terrorists.”

CBC Response

Jennifer Harwood, Managing Editor of CBC News Network, explained that it is a long-standing practice to use the words “terrorist” or “terrorism” when they are attributed by others. The practice is “to describe the act or individual, as ‘bomber’, ‘militant’, ‘extremist’ or ‘gunman,’ for instance, and let the viewer, reader or listener make his own judgment about the nature of the event. The purpose of journalism is to reflect reality, to inform, and to give viewers and listeners enough information so that they can reach their own conclusions.” CBC has been following this practice for over thirty years.

Review

I think CBC takes a journalistically and ethically sound position when it recognizes the need for caution when using these terms, which are contentious and carry religious and ideological freight in some instances. The emphasis on specific language and the duty to provide clear, accurate information so that the audience members can make up their own minds fulfills journalistic policy and is a sound journalistic approach.

November 6, 2013
Ricardo Barros
The Lang & O’Leary Exchange

Complaint

Ricardo Barros was offended by the tone used by a guest host, Bruce Sellery, during a conversation he and Amanda Lang had about reports of a Canadian spy agency targeting the Brazilian Ministry of Mines and Energy. He felt that Mr. Sellery was mocking Brazil, implying there would be no reason for Canada to do so. He noted that Brazil is a strong economy and has significant trade and investment with Canada, and should not be mocked.

CBC Response

Robert Lack, Executive Producer of The Lang & O’Leary Exchange, said he was sorry Mr. Barros was offended by Mr. Sellery’s comments. He assured him that no such condescension or sarcasm was intended, nor did he see any evidence of it. He added that Mr. Sellery was “horrified that anybody had interpreted his comments as negative toward Brazil.”

Review

The tone and pace of the discussion between Ms. Lang and Mr. Sellery was high energy and somewhat irreverent. Aside from any information imparted, there was a significant amount of banter between the two as they discussed the report on the targeting of a Brazilian Ministry by Communications Security Establishment Canada. While the allegations were serious ones, a point Ms. Lang made, Mr. Sellery found humour in the fact that Canada spies at all. His emphasis, presumably with some degree of irony, was that it gave Canada “cred, street cred” because we actually were caught up in the Snowden spying revelations. Humour is subjective and, without context, can be open to interpretation. Mr. Barros heard it as a sarcastic commentary on Brazil. If one reads the transcript, it appears that if Mr. Sellery is being condescending about any country it would be Canada. He played off the image of Canada as bland and low key. There was nothing to suggest that there was any unfairness in the segment. The information conveyed was accurate and fairly presented. I acknowledged Mr. Barros found it inappropriate. But there was no violation of CBC journalism policy or any apparent criticism of Brazil.

Nov. 13, 2013

Mary MacDonald
CBC News, Halifax

Complaint

Saint Mary’s University in Halifax was in the news when a video of students singing a pro-rape chant went viral. The fallout continued and there was an election for a new Student Association president. One of the candidates said she was running because of the incident. Mary MacDonald was concerned that CBC was biased because it only mentioned one of the candidates running for the presidency. She felt this amounted to promoting and endorsing one candidate over all the others.

CBC Response

Andrew Cochran, Senior Managing Director for Atlantic Canada, explained that the fact Ms. Dickie said she decided to run for president because of the controversy about the frosh chant made the decision newsworthy. He explained none of the other candidates were mentioned because “this was less a story about the SMU election campaign, and more a story of additional fallout from the pro-rape chant. And in that case, the judgement was made that we did not require additional information about other candidates and what they stand for.”

Review

The decision to feature a candidate motivated to run because of an event that had happened weeks before is a reasonable news judgment. Interest in the incident and others like it across the country continued. The issue that Ms. MacDonald raised was whether it was fair or not to have mentioned only one candidate when there were three others. CBC has policy governing election coverage, when there should be an even more stringent oversight of balance and fairness. And while it was written with federal, provincial and civic elections in mind, the principles would still pertain. The important aspect of the policy here was, “We give all candidates, parties and issues equitable treatment. This does not necessarily mean equal broadcast time.” It would not be realistic for a news service broadcasting to a general audience to then do stories on all the candidates running at Saint Mary’s. It would be reasonable to think that their names might have been mentioned in the context of the piece.

November 14, 2014

David Ferrier

Go Public

Complaint

David Ferrier complained about a Go Public investigative story about a British Columbia couple who had been bumped from an overbooked Air Canada flight in Calgary. This created several problems for them: their parents were bringing their two young children back to their home in Nanaimo and didn’t have a key or the access code to get them into the house. Once the travelling couple did get back, their luggage did not. This became quite critical because their car keys happened to be in the checked luggage. Mr. Ferrier felt that the inclusion of “these inflammatory comments turned a straight news story into a sob story, a worse blunder by CBC.ca than Air Canada’s bumping passengers.”

CBC Response

Wayne Williams, Managing Editor of News for British Columbia, noted that each aspect of the couple’s experience conveyed in the story illustrated the “central theme” of the story, which was “the impact Air Canada’s over booking policy has on one couple trying to get home to their children.”

Review

Journalism is not only about the facts, but about the narrative, the story telling. It also, by CBC standards and practices, must present more than one perspective on a matter of controversy. The technique of telling the story from the point of view of the people who were bumped from the flight was completely acceptable practice. The story was about the frustration customers can experience getting bumped without warning because of the airline practice of overselling flights. The details presented were the narrative of their experience. The story also presented the perspective of Air Canada about why the practice of overbooking is necessary: to keep prices down and make up for money it loses when its highest-paying customers cancel

refundable tickets at the last minute. The presence of both perspectives satisfied the journalistic policy requirement for fairness and balance. The fact that Mr. Ferrier thought the couple were partly authors of their own misfortune meant the story did what it was supposed to do. Based on the facts presented, he came to his own set of conclusions. The story may have had more details than he considered necessary or relevant, but it did not violate CBC journalistic policies.

November 18, 2013

Marnia Robinson

Ideas

Complaint

Marnia Robinson made a complaint on behalf of her husband, Gary Wilson, who was interviewed for an Ideas production entitled “Generation Porn.” The documentary was an examination of the impact of internet pornography and featured the views of a variety of researchers and experts, as well as the experiences of a young man who was a heavy user. She said the producer of the program misrepresented the purpose of the interview and what he would ask Mr. Wilson.

CBC Response

Greg Kelly, Executive Producer of Ideas, said he had reviewed the correspondence between the producer, Hassan Santur, and Mr. Wilson, and the transcript of the interview; that he did not think there was any bad faith in Mr. Santur’s approach; and that Mr. Wilson’s views were not “misrepresented.”

Review

Mr. Wilson’s role was described on the documentary’s website as “The host of Yourbrainonporn.com, a science-based information website that helps young men overcome the negative effects of excessive porn use.” The section he was featured in conveyed his experience working with young men and touched on the reasons he sees pornography as addictive. Ms. Robinson was concerned that the “sole segment featuring my husband was my husband’s brief comments explaining addiction...” Her husband also spoke about the despair felt by men who experience sexual dysfunction as a result of porn, explained why it is even more dangerous for young adolescents, and provided a brief explanation of addiction. Later in the piece, contrary views on addiction were presented. This fully lived up to CBC Journalistic Standards and Practices. There was no bias in the reporting. Having reviewed the transcript of the interview, there was nothing in the tone, from either participant, that sounded combative or contentious. While Mr. Wilson had a different understanding of what the conditions of participation were, there was no evidence of an explicit arrangement. There was no evidence that the host or producer operated in bad faith or violated *CBC Journalistic Standards and Practices*.

November 22, 2013

**Doreen Cowin, Executive Director, Child Care Providers Resource Network
Marketplace**

Complaint

Doreen Cowin is Executive Director of the Child Care Providers Resource Network, an organization that provides resources for independent daycare providers in the Ottawa area. She complained about a Marketplace episode that originally aired in February 2013 and was rebroadcast in August 2013. The program dealt with the challenges and problems with unlicensed daycares, where 80% of Canadian children in care find themselves. The segment focused mainly on a few facilities which were either in violation of the law, or did not meet accepted standards of safety. A good part of the episode was centred on two Toronto daycares owned by the same people. The investigation revealed that the facility had more children than allowable by Ontario law, and that the owner had previously been charged with running an illegal daycare. The facility had been shut down for the same reason. Ms. Cowin felt the report was “shockingly biased” against unlicensed home daycare because “it zeroed in on clearly unsuitable and dangerous unlicensed day cares, when there are thousands of excellent ones that were never mentioned and never visited.”

CBC Response

Marie Caloz, Executive Producer of Marketplace, pointed out that the scope of the episode was very specifically on “unlicensed, unregulated daycares – the group we feel that is of particular interest to Canadian consumers.” She noted that there are good quality unlicensed childcare providers across the country, but that one of the issues in the piece is the fact that it is difficult to tell which daycares meet standards and which don’t and that Canadian parents, based on the survey they did, are not very well informed.

Review

The Marketplace segment was not a broad discussion of the pros and cons of different daycare models. The focus was on the lack of regulation in the daycare industry which leads to uneven and inconsistent standards. In the course of doing their investigation, the team came across some fairly irregular situations. Reporting on them was in the public interest, as it brings into question the safety of children. Ms. Cowin may have been correct to characterize the featured daycares as “misguided” but that did not make it inappropriate to reveal these daycares exist. *CBC Journalistic Standards and Practices* sets out values of balance and impartiality. They assume even-handed treatment of an issue but also allow, in the case of impartiality, for CBC journalists to use “professional judgment based on facts and expertise.” Balance is not equivalence. Because the segment showed bad private daycares, it was not under obligation to show good ones. It achieved balance when it allowed the operators who were shown to be in contravention of the law to be given a chance to respond. The Marketplace website includes a full statement from them. It also includes a statement from the parents of the children in that

daycare, who acknowledged that there was an overall issue of oversight in the industry, while expressing support for the daycare operators. There was no violation of CBC journalism policy.

November 25, 2013

**Mike Duggan
Ottawa Morning**

Complaint

Ottawa Morning took the show on the road to Aylmer, Quebec during the Gatineau municipal election. They talked about issues in the election with citizens and with one incumbent city councillor. Mike Duggan defeated that incumbent in the election and became the councillor for that ward. Before the election he complained that the program was unfair because none of the other candidates were interviewed or mentioned.

CBC Response

Jane Anido, Managing Director for Ottawa, explained that the broadcast was “never intended to be a campaign related event.” She said that the program was one of a series where the host, Robyn Bresnahan, and the team from Ottawa Morning visited neighbourhoods in the Ottawa area to explore the community and talk about the issues important to the people there. She did not consider that the program had interfered in the Gatineau election.

Review

Ottawa Morning went to Alymer with the same programming goals it had for the other two “Robyn in the Hood” programs they had previously featured. The program explored neighbourhoods and raised the issues that were of concern to residents. In the case of the Aylmer broadcast, they did so in the context of a campaign where the issues raised were the same ones candidates would be discussing with voters. I understood from the producer of the program that they did not intend this to be a show about the Gatineau municipal election. They interviewed city councillors as a way to talk to people who are informed about the issues of the area. She and the program staff failed to properly take into account that they were dealing with politicians and issues in the midst of a campaign. CBC journalistic policy on elections spells out the need for balance and equitable, not equal, treatment: “Canadians expect us to provide a wide range of information and context so that they can make decisions during election and referendum campaigns; We ensure that the facts and analysis we present on issues, candidates and parties is timely, accurate, fair and balanced over the course of the campaign; We give all candidates, parties and issues equitable treatment. This does not necessarily mean equal broadcast time.” The Ottawa Morning broadcast failed to live up to this standard and was in violation of policy. It is important for programmers to take into account the broader context, no matter what the specific program goals.

December 2, 2014
Chris Brown
CBC Radio News

Complaint

There was a flurry of diplomatic activity during the fall as Iranian negotiators worked with representatives of six countries to come to some agreement to monitor and to restrain Iran's nuclear program and its ability to create bomb grade uranium. Chris Brown felt that CBC news coverage was biased. He asked: "How can CBC repeatedly report concerns about potential Iranian possession of nuclear weapons, without, each time, mentioning equivalent concerns about actual Israeli possession of nuclear weapons?"

CBC Response

Paul Hambleton, Managing Editor of CBC Radio and Television News, said he understood Mr. Brown's desire for context in the coverage, but that it is not necessary to include it in every story on this subject. He pointed out that in such a complex ongoing story it is impossible to touch all the major points in each news item. He explained that "we have included information on Israel's alleged nuclear arsenal in past stories and we will again in future stories." He said the particular World Report item Mr. Brown referenced was "a brief update on a continuing story."

Review

There are times when bias can be expressed through omission. If a relevant point of view or perspective is systematically ignored, that might constitute bias. News is iterative. Mr. Brown's expectation that a fact or perspective be present in every single story is simply unrealistic, nor is it called for in CBC journalistic policy. The policy is clear that balance is to be achieved over a period of time. The World Report story in question was not even presented by a reporter, who might be more likely to provide context. It was a brief news update. A cursory examination of CBC News coverage on various platforms showed that context and analysis of this multi-faceted story had been provided. There was no violation of CBC policy.

December 12, 2014
Jim Vibert
CBC Nova Scotia election night coverage

Complaint

One of the participants in CBC Nova Scotia's election night coverage was Graham Steele. Mr. Steele served in the NDP government as Minister of Finance, and at the time of the election as Minister of Economic and Rural Development. He provided analysis of the results throughout the broadcast. While Mr. Vibert had no objection to Mr. Steele's participation, he strongly objected to the way he was represented. He felt that by not identifying the minister as a member of a government that would be in power for the next ten days, the journalists did not

provide viewers with the information they needed to form an opinion about Mr. Steele's remarks. He considered this an unethical practice.

CBC Response

Andrew Cochran, Senior Managing Director for Atlantic Canada, agreed that Mr. Steele was still a member of the Executive Council because he had not yet been replaced by a new minister. But it was equally accurate, he added, to say that he was a "former NDP finance minister" because he was no longer in that portfolio. He agreed it would have been "useful" to refer to Mr. Steele as an outgoing NDP minister as well. He explained that in the context of a live broadcast, where it became apparent early on that the current government was defeated, characterizing him as a former minister was acceptable and not misleading. He also rejected the idea that CBC News was trying to characterize Mr. Steele as a non-partisan participant: "He was clearly and consistently identified as a prominent member of the NDP."

Review

CBC News policy on "identifying interviewees" states: "We are open and straightforward when we present interviewees and their statements. We make every effort to disclose the identity of interviewees and to give the context and explanations necessary for the audience to judge the relevance and credibility of their statements...." While it would have been more precise to refer to him as a minister in the current or outgoing government, the relevant information about his background was given. It was a strange decision to identify him by a previous ministry and not his most recent appointment. This was an error, and in future, when relevant, it would be appropriate to disclose his last portfolio. This error was regrettable, but the information given provided enough information so that the audience would be able "to judge the relevance and credibility" of the commentator's analysis.

January 8, 2014

Josette Wier

CBCNews.ca

Complaint

Josette Wier was concerned by the way economist and academic Jack Mintz was identified in an article about a study he published about Canada's global tax competitiveness. She thought that only identifying Mr. Mintz as an academic was withholding important information from readers of the article. She pointed out that Mintz also sits on the Board of Directors of Imperial Oil and, therefore, "he is NOT (sic) an unbiased university scholar. Given his dual affiliations, there are many reasons to infer bias and his corporate membership should be disclosed to the readers."

CBC Response

Jack Nagler, Director of Journalistic Public Accountability and Engagement, responded. He said that when he responded to a similar complaint from Ms. Wier last March, he replied that "we

should present sufficient information that our listeners can make an informed judgment about the relevance and credibility of statements made.” He pointed out that in last year’s story, Mintz’s affiliation with Imperial was relevant, but in this case he did not think it was. He wrote: “It is true that the only title by which we identify Dr. Mintz is the academic one from his university. But we make a careful point in the article to note that he is ‘a longtime advocate of low corporate tax rates.’ This made it clear that Dr. Mintz is not a completely neutral academic analyst. And it provides readers with sufficient context so they can decide for themselves whether his opinion on global tax rates is credible. That context is the end goal, not the naming of any and all affiliations.”

Review

CBC has a policy that addresses this issue directly. It includes the phrase, “We make every effort to disclose the identity of interviewees and to give context and explanation necessary for the audience to judge the relevance and credibility of their statements.” The policy sets out the principle. It cannot, obviously, spell out exactly how much is enough in the context of any particular story. As in most reporting situations, what you leave in and what you take out is a judgment call against the principle – which is ensuring that relevant information is available so that a reader, viewer or listener can judge the credibility of a speaker. At times it is also necessary to indicate the person’s perspective. But that perspective can be provided in other ways, and often is. Most reasonably, it is provided by the expert or interviewee him or herself. In this case, Mr. Mintz’s perspective was made clear in his own words. And as Mr. Nagler pointed out, Mintz was also described as a “longtime advocate for lower corporate tax rates.” This seemed to me sufficient positioning for the readers of this article to understand Mintz’s perspective. While I didn’t believe there was a violation of the policy in this instance, I did think Ms. Wier raised an important issue that CBC News management should ensure is well understood and considered by its news staff. Mr. Nagler’s responses to her indicated that that is likely the case.

January 15, 2014

Rod Morris

The National

Complaint

In October 2013, The National ran a two-part series on the ways Canadian companies and individuals seek to avoid paying taxes in Canada by moving money offshore. Working with CBC News, a private investigator who is also a restaurant owner approached various tax advisors in Canada and Barbados to test what kind of advice he would be given to avoid paying taxes on money earned in Canada. Canadian companies legitimately set up operations in Barbados to avoid higher tax rates on profits earned outside of Canada. The premise being tested in the story was that the same system was being used to avoid Canadian tax rates on profits made in Canada. Rod Morris considered the use of a hidden camera interview of a Toronto tax lawyer featured in the October 7 broadcast to be unfair to the individual. He also thought it was a

violation of CBC's policy on hidden cameras because the technique was used without any specific knowledge of wrong doing or anti-social behavior as laid out in the policy.

CBC Response

Mark Harrison, Executive Producer of The National, explained the factors journalists considered when applying the hidden camera policy. The three factors he cited were that the story must be of "significant public interest," that the clandestine recordings in a report are central to the story and not there just for effect, and that a more open way to get the material is not available. He believed the story met all three criteria. He also explained that each of the people recorded by a hidden camera was given the opportunity to comment on what they had said. In the case of the tax lawyer Mr. Morris cited, he pointed out that the lawyer stood by his secretly recorded comments, but he regretted using the term "under-handed" in the discussion. Mr. Harrison added that "dubious or contestable financial advice intended to help wealthy citizens avoid paying taxes" meets the criterion of anti-social behavior, as laid out in *CBC's Journalistic Standards and Practices*.

Review

Mr. Morris raised the very interesting question of whether investigative journalism by its very nature is in conflict with ethical journalism. *CBC's Journalistic Standards and Practices* actually anticipates and provides some guidance on that issue: "Investigative journalism is a specific genre of reporting which can lead to conclusions and, in some cases, strong editorial judgments. A journalistic investigation is usually based on a premise but we do not broadcast an investigative report until we have ensured that the facts and evidence support the conclusions and judgments. To achieve fairness, we diligently attempt to present the point of view of the person or institution being investigated." It was written this way not to give licence to journalists to do anything they please, but to highlight that the process is different and to emphasize a high burden of proof. The CBC News teams involved in the production of these stories did extensive research, and provided insight about practices in an industry that has come under international scrutiny because of its impact on economies. While the policy on hidden cameras does not address the situation of this wider approach, the specific policy and the *Journalistic Standards and Practices* as a whole provided enough principles and criteria that guided the tax evasion investigation. Mr. Morris raised a valid point that the policy is silent for this type of investigation. Since CBC News does undertake them fairly often, management might want to add at least some reference and criteria that would address situations where a particular service or industry practice is the subject of investigation.

January 16, 2014

Richard McKean

The Lang & O'Leary Exchange

Complaint

On the December 16, 2013 broadcast there was mention of a finance ministers meeting to discuss the Canada Pension Plan (CPP) and ways to change and augment it. The discussion moved on to a heated exchange between hosts Amanda Lang and Kevin O’Leary about taxation in general and provincial corporate tax rates in particular. In the course of the discussion Ms. Lang stated that Ontario was the jurisdiction with the lowest tax rate in North America. Mr. O’Leary disagreed, saying Amanda had lied to him. This prompted Richard McKean’s complaint: “This is unacceptable. Both cannot be right. Either Ms Lang has lied or she has been falsely accused by her colleague.” He thought that the exchange itself in the heat of the moment was not a problem, but that the credibility of CBC News was affected by not providing a resolution about who got the facts right.

CBC Response

Robert Lack, the Executive Producer of The Lang & O’Leary Exchange, explained that the dialogue between the two hosts was meant to be an entertaining take on news of the day. He said it was “typical of the playful verbal jousting that Ms. Lang and Mr. O’Leary have developed in their more than eight years of working together on television.

Review

I could understand that Mr. McKean did not like the fact Mr. O’Leary said Ms. Lang was lying. But in the context of this discussion, it was a bit of hyperbole. Ms. Lang was pretty clear in stating that she was correct and it is fact. While the style may not be to everyone’s taste or preference, it was not a violation of journalistic policy. Mr. McKean felt they both could not be right. In some matters, like how one calculates the overall tax burden, there actually can be more than one conclusion. The assessment of the overall tax burden in any jurisdiction is complex, and open to interpretation. While precision is a hallmark of good journalism, it is acceptable to present a range of opinions and conclusions based on the facts. The audience member is left to draw his or her own conclusions. The program has dealt with issues of competitiveness and taxation in the past and undoubtedly will do so in the future in a way that is precise and informative. This segment may have been unsatisfying to Mr. McKean in its tone and content, but it was not a violation of journalistic principles.

January 21, 2014

Steven Scheffer

Power & Politics

Complaint

Steven Scheffer objected to an interview Evan Solomon did on the January 8, 2014, edition of Power & Politics with the Minister of Foreign Affairs, John Baird, about his government’s appointment of Vivian Bercovici as ambassador to Israel. He felt Mr. Solomon “conspicuously and maliciously” made Ms. Bercovici’s religion an issue. He also thought that Mr. Solomon deliberately mispronounced her name to draw further attention to her religion: “Not only did he suggest the inappropriateness of her appointment because she was Jewish, he attempted to

stress her Jewishness four times by referring to her as Vivian Bercovitch and then had the temerity to question Mr. Baird's honesty. Fortunately Mr. Baird was more than capable of destroying Mr. Solomon's premises."

CBC Response

Jack Nagler, Director of Journalistic Public Accountability and Engagement, disagreed that what Mr. Solomon had done was suggest that the appointment was inappropriate because of her religion. He explained the context of the interview, established at the outset, was to ask the Minister if the government was sending a signal with its selection of Ms. Bercovici. "Mr. Solomon posed questions to ask the federal government: why, for such a sensitive position, would it choose to hire someone who was not a professional diplomat, and who had such strong public views on the Middle East?"

Review

The point of Solomon's questioning was not to challenge the appropriateness of Ms. Bercovici's appointment because of her religion, but to question the minister on his statement that he did not know her background. Mr. Solomon also questioned the minister about the fact that she was not a career diplomat and was on the record with some pretty strong views on the Middle East and the peace process. Mr. Scheffer believed Mr. Solomon was drawing attention to Ms. Bercovici's religion by mispronouncing her name. Foreign Affairs Minister John Baird used the same pronunciation and he didn't know she was Jewish. It is how his office told CBC News that it is pronounced, despite the spelling. It is in fact how she pronounces it. Given the context of the interview, Evan Solomon's questioning was not inappropriate and violated no CBC policy.

January 24, 2014

Chris Edwards

Ideas

Complaint

As a follow up to the 2013 Massey Lectures, delivered by author Lawrence Hill, Ideas convened a panel to discuss notions of race and identity. The December 4, 2013 broadcast was entitled "Is Race a Fiction?" This built on Hill's reflections on the significance of blood, entitled "Blood: The Stuff of Life," in which he explored the "scientific and social history of blood" as it related to issues of race and gender identity. The discussion was based largely on the panelists' own experiences but it started with the premise that there is scientific consensus that there is no biological basis for a definition of race. Chris Edwards found this unacceptable; that it was merely one opinion, and because other views were not represented the Ideas episode violated *CBC Journalistic Standards and Practices*.

CBC Response

The producer of the segment responded on behalf of Greg Kelly, Executive Producer of Ideas. He said that "the proposition that there is something identifiable as 'race' is not a matter of

opinion, but a matter of science. This proposition, that race is a marker of human distinctiveness, is now provable, and it's been proven to be wrong... There seem to be distinct blood groups among humans, but that's about it: we humans are one species. Unlike most other species, there are no sub-species of modern Homo Sapiens. By extension, we are one race: all humans have a common ancestor originating from Africa, and any superficial differences are due to adaptation to the environment, not to race." He concluded by saying that since there is overwhelming scientific consensus on the matter, the program was not "obliged...to report on various arguments in support of what now are discredited notions of race."

Review

The commitment to reflection of a wide range of views of all Canadians must be understood within the context of the *Journalistic Standards and Practices* commitment to fairness, accuracy and impartiality. It is not a commitment to merely providing a platform for any and all thoughts. There is not an equivalence to every idea or opinion. In fact, frequently news organizations and journalists are criticized for a kind of mindless "he said, she said" approach when clearly the arguments or positions are not equally weighted. Journalists are obliged, by policy, to analyze and synthesize and weigh the value and accuracy of a position. While the program dismissed a notion of race-based science, it explored what notions of race mean, and how people take on identity based on notions of race, culture and ethnicity. Mr. Hill's opinion is that race is a fiction biologically, but it is not a fiction socially. A review of the literature supports his position. There is a strong scientific consensus that there is no biological basis for a definition of race. There is a tipping point in scientific debate. When there is this level of consensus, then there is no obligation to create a false equivalence by presenting other views, no matter how passionately held by some. The panellists did not assert, in the light of this new understanding of race, that humans are all the same or that differences do not matter. The entire program was based on exploring notions of identify, and what defines us – our ethnicity, our ancestry, our shared experience. I found it to be an intelligent and reflective program offering insights based on the lived experience and observations of a group of Canadians – poets, novelists and thinkers and educators – who reflected a range of experience and views in an appropriate way.

January 27, 2014

Hugh Blakeney

The National

Complaint

On December 16, 2013, The National ran a feature on Bob Erb, a resident of Terrace, British Columbia, focusing on his acts of kindness and generosity. Mr. Erb won a 25 million dollar lottery in 2012 and has been supporting individuals and community groups ever since. One of the things reporter Reg Sherrin explored in the piece was what motivated Erb to give away a substantial part of his winnings. Mr. Sherrin referred to Erb's prairie upbringing, and Erb added

that his uncle was a member of Tommy Douglas's government when medicare legislation was introduced in Saskatchewan. Hugh Blakeney strongly objected to this reference to Walter Erb and the fact that Mr. Sherren did not challenge it, leaving the impression that Walter Erb was a supporter of medicare. Mr. Blakeney pointed out that the minister resigned from cabinet and crossed the floor to the opposition in the thick of the struggle to implement the legislation at a time when there was significant resistance to it. He felt very strongly that the impression left by this passing reference was inaccurate and never should have been included in the piece.

CBC Response

Mark Harrison, Executive Producer of The National, replied that the reference to Walter Erb was a brief one just noting the relationship, in the context of explaining the philosophy of a man who has given away eight million dollars. He said "this was a story about the good deeds of his nephew, Bob. We would have gone into greater detail about Walter Erb's role in history if he had a larger role in the story."

Review

I sympathized with Mr. Blakeney's concern that the exchange left the impression that Walter Erb was a champion of medicare. One could argue that there can be no compromise with the truth, although it is never an absolute thing. But context does matter. This was a gentle feature about a man who is doing a lot of good. So I sympathized with the reporter as well. To intervene at that point to say that in fact Bob Erb's uncle Walter actually quit the cabinet while the medicare debate was raging would have taken a very focused story in an entirely different direction. Mr. Blakeney was correct that the statement left an inaccurate impression, but it was not untrue that Walter Erb was in Tommy Douglas's cabinet and this has a special meaning to his nephew. Even though I found that he was likely technically correct, it was hard to characterize this as a serious breach of policy. I said likely because while it was not in dispute that the timing and actions hampered medicare legislation, I would not presume to pass judgment on Walter Erb's values. It was understandable why the reporter chose not to elaborate on Bob Erb's statement, and to leave the matter there.

February 4, 2014

Barry Kiefl

Power & Politics

Complaint

Barry Kiefl, who runs Canadian Media Research and used to work at CBC, thought that some program segments on Power & Politics were violating CBC's policies on polling. He felt the material was being presented as if it met the criteria of bona fide polls, and could therefore be characterized as representative of public opinion. And in the case where polling techniques were used, he thought the policy was not being followed because there was inadequate explanation of the methodology behind the results being presented.

CBC Response

Amy Castle, Executive Producer of Power & Politics, rejected the contention that the three features – Political Traction, Nanos Number and Ballot Box – did not live up to CBC’s own standards. She pointed out that the methodology for the Political Traction feature was available on the CBC website, and said that she would ensure that a mention of where to find the data would be given on air. She said that for the Nanos Number feature “pollster Nik Nanos draws on a number of polls from reputable sources and we are always clear where the polls come from.” And she believed that the Ballot Box feature also met the criteria of CBC policy. She pointed out that the results are never referred to as a poll, and that while it is against the policy to express the results as a percentage, the absolute numbers appear on the screen as well. She undertook to revise the presentation online so that it too gave both percentages and numbers.

Review

Political Traction: Mr. Kiefl was right in his assertion that the Traction feature does not meet the criteria of a poll. I disagreed that it was being presented that way. After watching multiple segments, it was clear to me that this is a conversation about trends and issues in Ottawa and beyond the Rideau bubble. There is never any claim for being a reading of public opinion but rather a reading of the issues that are prominent in the world of people preoccupied by politics and public policy issues.

Nanos Number: This feature raised some flags. There appeared to be no rigorous or regular process for news staff to submit and get approval for polls. The Research Department had not reviewed one of the Nanos Number segments in quite a long time, and while it may have been the result of a misunderstanding of the requirements, it was a violation of policy. It also undermines CBC News’s value of credibility.

Ballot Box: It also presented some challenges. It falls under the policy on online surveys. It was true that, as Ms. Castle stated, the Ballot Box feature provides numbers as well as percentages. But the percentages are much more prominent, and in the online iteration the graphic does not provide raw numbers. It might be worthwhile to add a disclaimer when the results are given so that it is very clear that this is a way of engaging the audience and in no way measures public opinion.

Overall, there seemed to be inconsistent application of the policies on polling. I urged CBC News management to review its practices and provide practical guidelines for abiding by those policies.

February 18, 2014

Michael Barnard

Wind Rush (Doc Zone)

Complaint

Doc Zone aired a documentary entitled Wind Rush, which focused on health concerns of some residents living near wind farms. It looked at some of the other challenges, as well as some of the successes, that wind energy enterprises have experienced. Michael Barnard, a blogger and advocate for wind energy, thought the documentary was anti-wind and biased. He went so far as to say that it was “dangerous” because there are studies that show the ill health experienced by people living near wind farms is spread by discussion of the symptoms, and there are in fact no ill effects proven. He took issue with the experts who were interviewed. He thought their credentials did not merit their inclusion and that their data and research were specious.

CBC Response

Michael Claydon, Executive Producer of Doc Zone, replied that “we stand fully behind the science and journalism in this documentary.” He explained that the award-winning documentary was not “intended to be the definitive word on wind technologies, nor does it take a stand pro or con regarding wind generated power.” He said that with the growth of wind turbines in suburban and urban areas, health concerns are being raised, and it is appropriate and in the public interest to examine those concerns. He explained that the people the documentary maker chose to speak to were working on “current research” in the field.

Review

Certain issues seem to elicit extremely strong reactions, with little inclination to hear opposing positions. The development of wind energy seems to be one of them. The Office of the Ombudsman does not have a mandate to determine what is strong science and what may not be. It is the job of the Ombudsman to determine if the documentary conformed to CBC’s journalistic standards and practices, and generally accepted practices for good journalism. For example, using peer-reviewed science, even though that system may have its challenges, is generally accepted practice. The documentary makers followed this protocol. Mr. Barnard may not have agreed with the conclusions or thought there was enough emphasis on opposing views, but the documentary did present evidence that refuted the assertions of scientists and residents who believe there are medically induced health hazards involved in living near turbines. The documentary, while exploring possible medical explanations for reported ill health effects, did make it very clear that there has been no causal link discovered to date. Much of Mr. Barnard’s discomfort with this documentary was what he perceived to be sins of omission. While it is possible to show bias through what is left out, it is a much more subjective judgment. One production is not required to cover every base and provide every perspective. This work explored one aspect of the impacts of the introduction of wind farms. With the minor exception in failing to identify the association of two participants with an advocacy group, there was no violation of CBC journalistic policy.

February 21, 2014

Dr. Morris Samson

Marketplace

Complaint

Dr. Morris Samson, the hospital director at Vets Toronto and Kingston Road Animal Hospital in Toronto, was critical of the Marketplace episode entitled Barking Mad, which aired on October 4, 2013. He was one of over a dozen complainants about this story, which featured the results of undercover visits to ten veterinarians in the Toronto area. Host Erica Johnson discovered discrepancies in diagnoses and treatment options for a bulldog named Marshall, who was declared by a vet to be a healthy animal. The episode identified five areas in which there may be questions about the charges incurred. Dr. Samson considered the program to be seriously “flawed and biased.” The original version of the broadcast stated that, according to Statistics Canada, pet owners spend 90% more on vet bills than they did ten years ago. He pointed out that the figure was inaccurate and that it actually included the cost of all pet related expenses, not just medical care. He noted that Marketplace had acknowledged the error, but that the “misleading information” was still on the program accessible through the website. Overall, he thought the piece suffered because it did not provide enough context or background.

CBC Response

Marie Caloz, Executive Producer of Marketplace, said that the program originated from audience members concerned over the high cost of pet care. She explained that a great deal of research went into the creation of the segment; the program researchers and producers talked to practicing veterinarians and animal health experts. It was on the basis of what they learned from these experts that they focused in on the areas highlighted in the broadcast. She addressed each of Dr. Samson’s five objections.

Review

By raising various issues and pointing out anomalies, the program was not condemning all veterinarians. It was raising questions about some behaviors and practices, and that may be critical, but it was certainly justifiable. Professionals and organizations face extraordinary levels of scrutiny and questioning in this internet age. I noted that there are several sites that rate vets, doctors and other professionals. I could understand why Dr. Samson would want to see all the good work done, all the happy patients’ profiles, but that was not the focus of the piece. Marketplace undertook, on behalf of pet owners, to ask hard questions about veterinary service and to unearth some best practices. They did so within the parameters of CBC journalistic policy. The only exception was an initial error in accuracy, which was corrected and noted as such, as policy demands.

February 27, 2014

David Aftergood

CBCNews.ca

Complaint

In May of 2007 David Aftergood was convicted in a Calgary courtroom for an offense under the Local Authorities Election Act. He was sentenced to 14 days in jail and a fine. The charge alleged that he had supplied a ballot to another person. At the time, his wife was running for alderman in a Calgary ward during a municipal election. He stated that he was “immediately granted a stay of the sentence,” he appealed the conviction, and the charges were dropped in 2010. He wanted CBC News managers to remove the article about his sentencing because he believed it violated CBC policy of fairness and accuracy. Beginning in 2010, Mr. Aftergood’s lawyer contacted CBC several times to request that CBC remove the article. It was not removed, but two versions of the story were updated. He was concerned that the updated information is at the bottom of the articles and therefore anyone who opens the stories after doing an internet search of his name would not be aware of the update.

CBC Response

Alan Thorgeirson, Managing Director for CBC Calgary, did not agree that CBC News had violated its own journalistic standards because the story was “correct at the time it was written.” He pointed out that the story has been amended to reflect the fact that he never served the sentence, and that after appealing, and before a new trial began, the charges were stayed. He conceded that when the charges were stayed in January 2010 it would have been better had CBC News reported that outcome at the time.

Review

I sympathized that something so far in Mr. Aftergood’s past still exists and is accessible in a Google search, but it is now a reality of modern life. I noted that a search of his name, as it does with many others, reveals a range of mentions, some positive and others less so. Someone with a public profile will have more exposure, and both news organizations and news makers are grappling with what is fair and reasonable in an era of such extraordinary transparency and permanence. CBC policy insists that court cases be covered to their conclusion. In Mr. Aftergood’s case, the change came upon appeal, a process that can take years. In this instance there was almost a three year gap. It is unrealistic to think that a news organization could monitor every appeal process, but when brought to its attention, it can and should reflect the new information. CBC News acted appropriately on that count. CBC policy on the complete removal of a story from the archives, colloquially known as “unpublishing,” says in part: “Our published content is a matter of public record. To change the content of previously published material alters that record. Altering the record could undermine our credibility and the public’s trust in our journalism. There can be exceptions to this position – where there are legal or personal safety considerations to the person named.” CBC News staff followed due process in this case. Both stories Mr. Aftergood complained about over a period of time were amended. There was no violation of policy. It is not realistic to expect news staff to know about every appeal of a sentence and its outcome. More realistically, CBC management might want to think about what to do when new information is made available. That could mean creating a new story, or featuring the update or correction prominently within existing stories as was the case here.

March 6, 2014

Gord Kinahan

The Lang & O’Leary Exchange

Complaint

On the January 20, 2014 edition of the Lang & O’Leary Exchange, Kevin O’Leary and Amanda Lang had an exchange about a newly released Oxfam study on global wealth inequality. The study highlighted the issue of growing income disparity. Amanda Lang highlighted the statistic that the “combined wealth of the world’s 85 richest people is equal to the 3 and a half billion poorest people.” Kevin O’Leary replied that “it’s fantastic” and “this is a great thing because it inspires everybody – gets them motivation to look up to the one percent – and say I want to become one of those people.” Gord Kinahan was one of over 75 people who took exception to Mr. O’Leary’s statement. He said, “His response was irresponsible and bordered on spreading hate. He seemed more interested in gloating and cajoling and at no time did he enter into an intelligent discussion.”

CBC Response

Robert Lack, Executive Producer of The Lang & O’Leary Exchange, agreed that “Mr. O’Leary’s remarks, on their own, appeared at least insensitive.” He said that it was not the show’s intention, nor was it Mr. O’Leary’s. He explained that Mr. O’Leary’s style on the program is to exaggerate his “pro-capitalist persona.” But that is not usually where the matter ends. It is a launching point for a more serious and substantive discussion but that didn’t happen in this instance, partly because this was the final part of a long opening segment on the program.

Review

As I and my predecessor have said on several occasions, Mr. O’Leary is hired as a commentator, and therefore has more latitude to give opinion than most show hosts. The fact that his position is anomalous can lead to some confusion. Nevertheless, he is required, in the context of the program, to abide by the relevant CBC *Journalistic Standards and Practices*. His statement in and of itself was not a violation of policy, as commentators are able to provide their views based on the perspective they bring to the discussion. However much people disagree with Mr. O’Leary’s views, he is entitled to express them. In this instance he expressed them in an insensitive and exaggerated manner. The program producers and hosts responded in an appropriate fashion to the strong reaction they received to the remarks. On January 27, Ms. Lang and Mr. O’Leary revisited the Oxfam study. CBC journalistic policy calls for balance and range of perspective over time. Mr. O’Leary is present on the show for his experience and knowledge of the business world, and for his strong perspective. The program producers should be mindful of that strong perspective and ensure that other commentators provide different perspectives. There was no violation of policy in this case, but there was a lapse in judgement. In the same January 20 episode, during another heated exchange on another topic, Ms. Lang, somewhat tongue in cheek, admonished Mr. O’Leary: “So again, your hyperbole takes you from being partially correct to dead wrong.” That may be something the show producers might want to bear in mind.

March 7, 2014

Kris Farmer

CBCNews.ca

Complaint

Kris Farmer was concerned about a February 24, 2014 article about developments in the case of Vince Li, the man found not criminally responsible for beheading a fellow passenger on an intercity bus in 2008. Mr. Li has been receiving treatment for schizophrenia at the Selkirk Mental Health Centre in Manitoba. The Manitoba Review Board was to consider some changes in the conditions of his incarceration. Mr. Farmer objected to Mr. Li being referred to as a schizophrenic: “This language is inappropriate and offensive. You don’t call someone suffering from cancer a ‘canceric’ or someone with a flu a ‘fluic’. People suffering from mental illness are not their disease and referring to them in such a manner only serves to perpetuate stigmas and harmful misinformation surrounding mental illness. They are a human being who is suffering from a disease, i.e. Mr. Li who suffers from schizophrenia.”

CBC Response

Brodie Fenlon, Managing Editor, Digital, for CBC News, replied that the story had been rewritten and updated 50 times in the 19 hours between the time it was first published until the last update, and in none of those iterations was Mr. Li referred to as a schizophrenic. He addressed the broader issue: “CBC News does use the word ‘schizophrenia’ in stories to describe a particular illness as well as ‘schizophrenic’; a word the Oxford English Dictionary says simply means ‘a person with schizophrenia’. It is used in the same way we would say a person with diabetes is ‘diabetic’ or a person with autism is ‘autistic’. I don’t believe either is defining or offensive.” He acknowledged that language usage changes over time and committed to continue “to review and evaluate the words we use in light of the way they evolve and alter our usage appropriately.”

Review

CBC’s Journalistic Standards and Practices has no reference to specific terms. It does have policy on language which lays out some principles. It is entitled “Respect and absence of prejudice.” One of the references is the need to be aware of how minorities and vulnerable groups are perceived. A great deal has been written and a number of campaigns are underway to try and eliminate the stigma associated with mental illness. Research indicates that stigma is one of the significant barriers to treatment. This is a complex issue and beyond scope here. The policy also states that words should be chosen carefully and “with consideration for changes in the language.” CBC’s own language guide admonishes writers to “emphasize the person,” not the illness or disability, i.e. a “person with diabetes” rather than a “diabetic” or a “person with schizophrenia” rather than a “schizophrenic.” People who are affected by the condition prefer the use of the noun, as Mr. Farmer pointed out, and so long as the meaning is not obscured it seems reasonable to ask CBC journalists to adapt and adopt this approach.

As for the specifics of Mr. Farmer's complaint: Mr. Fenlon was correct that the earlier story did use the phrase "Li had undiagnosed schizophrenia." The second piece did refer to him as a schizophrenic. Given its own policy, and the clear message from people who live with mental illness, I encourage CBC News management to consider changes in language and to ensure staff is aware of the importance of using the most neutral and least offensive language.

March 12, 2014

John How

The National

Complaint

John How was one of over 70 people who complained that Rex Murphy, commentator and host of CBC Radio's Cross Country Checkup, was in a conflict of interest because he has been paid to speak at oil industry gatherings. The Sierra Club encouraged its supporters to contact the CBC to complain about Mr. Murphy's activities. The event was a gala celebration to mark the 20th anniversary of FirstEnergy Capital Corporation, a company which plays a large role in financing endeavours in the Canadian oil and gas sector. Mr. How was concerned because the speech was highly supportive of the development of the oil sands. He said when Mr. Murphy delivered a commentary on The National in January, 2014 it echoed the speech he had delivered to the industry gathering. The National commentary was in response to Neil Young's anti-oil sands remarks while on tour in support of the Athabasca Chipewyan First Nation. The National had aired an interview with Mr. Young about his criticism of oil sands development. Mr. How was especially concerned because he felt the commentary on The National was a reprise of Murphy's September speech at the gala and putting the two together made it appear that he was speaking for the oil industry.

While not part of this complaint, this office also received many queries about the activity of CBC Chief Correspondent and host of The National, Peter Mansbridge, after a blog posting mentioned he had been paid to speak at a meeting of the Canadian Association of Petroleum Producers. Here too people were concerned that a CBC journalist was paid by a special interest group and expressed concern about potential bias. Others also felt that it was not appropriate for an employee of the public broadcaster to be further compensated through speaking engagements.

CBC Response

Jack Nagler, Director of Journalistic Accountability and Engagement for CBC News, did not agree with Mr. How's "strong statements" about Mr. Murphy and CBC News. He explained that Murphy is not a reporter, and that "the very reason (he) appears on The National is to do analysis and express his point of view." He pointed out that his appearances are distinguished by the fact that his segment is entitled "Point of View," to further differentiate it from other content on The National. He added that CBC News's relationship with Murphy is a freelance

one. Mr. Murphy is not a regular employee of the corporation, and so it is “natural that he does outside work.” In subsequent responses to complainants, Mr. Nagler replied that while he did not see an issue with conflict of interest, he did acknowledge there were issues about “transparency.” He noted that news management was considering ways to increase openness on an ongoing basis: “In policy and practice we support the idea of transparency, not just for Rex Murphy but for all of our contributors. But implementing this is not always as simple as it sounds. There are a set of complicating factors, ranging from how much we can legally demand of our freelancers, to privacy rights of our employees, to what constitutes ‘full disclosure’. Is it only paid speeches we should disclose? Or do we need to be concerned about journalists who attend charity events, or moderate a public forum? Does the content of a speech matter, or does the mere act of getting in front of a lectern make it a question of public concern? And finally, how do we share the disclosure so the audience can properly judge for themselves what’s appropriate?”

Review

On the subject of Rex Murphy’s commentary about Neil Young, CBC policy on opinion states: “Our programs and platforms allow for the expression of a particular perspective or point of view. This content adds public understanding and debate on the issues of the day.” As a non-staff commentator, it is perfectly appropriate for Mr. Murphy to express his views, no matter how much many may disagree with them. His commentary did not violate CBC policy.

On the subject of speaking engagements and possible conflict of interest, there is no question of Rex Murphy’s or Peter Mansbridge’s integrity. Mr. Murphy wrote in his column, and repeated to me, that he has spoken to a wide range of groups, many for no fee. And no matter what the organization, the fee is the same. Mr. Mansbridge began speaking because CBC management encouraged him to do so. He explained in his CBC blog, and told me, that his speeches are about a sense of identity and what it means to be Canadian. He understands his role and the limits it places on him in expressing opinions and in advocating for any cause. Most of the money he receives is turned back into scholarships and other charitable endeavors. But since taking money leads to a perception of a conflict of interest, CBC management might want to consider, in the review they are undertaking, whether even with disclosure it is appropriate for CBC news and current affairs staff to get paid for their speaking engagements. I noted that in their articles dealing with this issue, both Mr. Murphy and Mr. Mansbridge mentioned the range of groups they have spoken to over time. At the least, management should think about the appearance of getting paid by interest groups who are likely to feature prominently in the news, or who are involved in public policy debates. Every ethical code that informs the practice of journalism emphasizes the need to be independent and to be seen to be independent. CBC’s own code includes “to protect our independence” as part of its mission and values: “We are independent of all lobbies and of all political and economic influence. We uphold freedom of expression and freedom of the press, the touchstones of a free and democratic society. Public interest guides all our decisions.”

March 24, 2014

Senator Donald Plett

The National, CBCNews.ca

Complaint

On February 12 and 13, 2014, CBC News did a series of stories about the travel expenses incurred by Conservative senators, both for themselves and their spouses, for the five-week period of October 14 to November 17, 2013. The data was based on public accounts voluntarily published by most Conservative senators for the last quarter of the year. The story was first reported on The National, and a more detailed version was published online. The article focused on Senator Plett and two other senators because in the period examined they were ranked the highest spenders. Senator Plett felt the information about him was “deliberately misleading.” He said that senators are allowed to travel with their wives if they are flying to Ottawa for parliamentary business. He questioned why this was newsworthy in the first place. He also pointed out an error – the original version of the story stated his wife had flown business class and this was not the case. It was amended to say that she had used a Latitude fare. The error and clarification were corrected on the website, but he thought they should also be corrected, and the story retracted, on The National.

CBC Response

Jack Nagler, Director of Journalistic Public Accountability and Engagement, said that CBC News had been fair and accurate in their reporting on Senator Plett and on the institution of the Senate as a whole. He explained that the journalists took examples from the data, and that Senator Plett happened to be near the top of the expenditure list for the period under examination. He emphasized that there was nothing defamatory nor was he targeted in some way. The report was based on the numbers. He pointed out that the reports emphasized that neither Senator Plett nor any of the other senators mentioned had violated any rules of the Senate, and that Susan Bonner, in her piece on The National, clearly spelled out what those rules were. He undertook to do a similar story when the Liberal data became available.

Review

In the case of the online piece, there was one error in the original piece which violated the policy of accuracy, but it was corrected when Senator Plett made news staff aware of it. This fulfilled the policy on corrections. Senator Plett believed that the correction should be made on The National and Power & Politics as well. However, there was no policy requirement to do so as the error was not committed there.

The purpose of the story was to draw public attention to the rules for Senate expenses. That seemed to be a legitimate public interest matter. Senator Plett was not randomly chosen as one of the senators whose expenses were discussed. In the period examined, he was the second highest spender and his wife had accompanied him three times. There was no implication that he had broken the rules, but there were questions about the costs. His point that the whole period should have been reported was a fair one, as it provided more context. But there was certainly no policy violation or problem with a focus on the shorter time period,

as it was applied consistently to everyone. The expense report attached to the cbcnews.ca article only covered the five week period. CBC managers might consider updating the documents to reflect the entire reporting period, which would provide the broader context.

March 26, 2014

Jon Melanson

Silence of the Labs (The Fifth Estate)

Complaint

The Fifth Estate broadcast a program entitled “Silence of the Labs,” that examined the controversy around Conservative government policies on scientific research. The documentary spoke to a number of research scientists who had lost their funding and their jobs in a variety of formerly government-funded projects. The program and accompanying article highlighted criticism of the federal government and its approach to research science and its relationship to public policy. Its thesis was that there has been a shift in the way science is funded, and in the priorities around science. Jon Melanson felt that the program was biased, used selective facts and generally conformed to his views about CBC news and current affairs as anti-Conservative and left wing.

CBC Response

Jim Williamson, Executive Producer of The Fifth Estate, told Mr. Melanson that the basis of the documentary was not a CBC fabrication. He pointed out that the government closure of research projects had prompted public demonstrations and public criticism of government priorities by scientists. He said that the producers requested interviews from four government ministers and several senior bureaucrats but all declined to appear on camera. Alternative perspectives were represented through Professor Peter Phillips, who is a specialist in public policy and science at the University of Saskatchewan. Mr. Williamson said that while Mr. Melanson dismissed the conclusions as left-wing and biased, they are views held by many critical of the direction of policy, they are views that deserve to be heard, and both views were present in the broadcast.

Review

Mr. Melanson seems to think that there are only two ways to characterize any political disagreement, and that anything critical, especially on CBC, is a left-wing attack on the government of the day. CBC language policy discourages “left and right wing” as descriptors because they tend to oversimplify matters that are complex. Journalists are encouraged to lay out the issues and let the audience decide. This documentary explored attitudes toward science, scientific research and public policy. It did not put this matter on the agenda. Canadian scientists themselves have been voicing concerns about the direction of science. The Conservative move toward more applied research and commercialization is also on the record. In the online piece “Research cutbacks by government alarm scientists” there was a quote from a statement provided by the current Minister of State for Science and Technology, Greg

Rickford: “Our government has made record investments in science. We are working to strengthen partnerships to get more ideas from the lab to the marketplace and increase our wealth of knowledge. Research is vibrant and flourishing right across the country.” It is a legitimate policy debate for Canadians to think about where the balance lies. The Fifth Estate program contributed to that debate. It featured the perspective of affected scientists; its information and conclusions were based on facts, and it provided other perspectives. There was no violation of policy.

March 27, 2014

Mike Fegelman

CBCNews.ca

Complaint

Mike Fegelman, Executive Director of HonestReporting Canada, took issue with a reference in an analysis piece by Neil Macdonald on the prospects of United States Secretary of State John Kerry’s Middle East peace initiative. In the course of the article Mr. Macdonald referred to a study done on the textbooks in Palestinian and Israeli schools. The purpose of the study was to assess the portrayal of the “other” in teaching children. Mr. Fegelman, by way of a post on the Honest Reporting web site, said that the study has been “thoroughly debunked and discredited” and that Mr. Macdonald should have mentioned this. In subsequent correspondence he stated that it is opinion, not analysis, to make the case that a peace deal will be difficult to achieve because of the reluctance of both sides to agree to one. He pointed out that there are others who believe that John Kerry’s efforts are “promising” and that “Israel genuinely wants a peace deal.”

CBC Response

Brodie Fenlon, Managing Editor, Digital, for CBC News, pointed out that the piece was actually a look at the long term prospects for John Kerry to achieve a final and durable peace agreement: “He sets out a number of reasons he thinks the current efforts will fail.” Mr. Fenlon explained that the article mentioned that the “inculcation of hatred” is a long standing issue for both sides but that there has been little “scientific evaluation.” The text book study was one such effort. He agreed that the Israeli government rejected the study and that some of the advisory panel were critical. He added that the study was supervised by Israelis and Palestinians, and that 14 of the 19 members of the advisory panel issued a statement confirming their support for the study. He said that “Not everyone will agree with its methodology or conclusions, but that does not disqualify it from being cited in Macdonald’s piece.”

Review

The study was initiated by the Council of Religious Institutions of the Holy Land and funded by a U.S. government grant. Given the provenance of the work there was no reason why it should not have been referenced. To say it has been “thoroughly discredited” seemed to be an overstatement. Mr. Fegelman may not have agreed with it and there was some dissenting

opinion, but that did not invalidate the work entirely. Having said that, it would have been better if Mr. Macdonald had referenced the fact that the Israeli Ministry of Education and some of the advisory panelists disagreed with the conclusion. The CBC News article linked to the study itself and those who wished to could have examined it directly and formed their own conclusions.

Mr. Fegelman also questioned the overall premise that Mr. Kerry faces an uphill battle achieving a final peace agreement by April 30. He mentioned that Israel is anxious for a peace agreement. That was not the issue here. In the column Mr. Macdonald clearly stated that there is evidence that neither side wants a deal now “at least not on the terms Mr. Kerry is proposing.” The piece was less about the positions of the two sides and more about Kerry, and indeed American diplomatic success. There is a history of failed American shuttle diplomacy in the region. The issues raised in the analysis were not about who is more responsible for the lack of a deal. It analyzed the chances of success based on the stated goal of the Secretary of State. It did not violate CBC policy.

March 31, 2014

Jon Melanson

CBCNews.ca

Complaint

Jon Melanson was concerned that on two separate occasions CBC News reported Conservative government criticism of figures associated with the Liberal party but did not mention the NDP had criticized them as well. He considered this systematic bias of CBC News, which he believes only attacks Conservatives but was “shielding their brethren,” the NDP. The first story was headlined “Justin Trudeau condemns ‘partisan attack’ against Andrew Leslie.” The second article referred to criticism of Mr. Trudeau for remarks he made about the crisis in Ukraine.

CBC Response

Brodie Fenlon, Managing Editor, Digital, for CBC News, was “puzzled” that Mr. Melanson saw the two articles as attacks.

Review

I too was puzzled by Mr. Melanson’s assertions. In the first story the Liberals and Conservatives were the principal players in the event. In the second story, some prominent Conservatives expressed what presumably others were also thinking, that the joke was inappropriate. I could not think why it was biased or wrong to report that fact. There were no grounds for his complaint.

Appendix I

NUMBER OF COMMUNICATIONS RECEIVED 2013-14

	INFORMATION PROGRAMMING	GENERAL PROGRAMS/ OTHER	TOTAL	REVIEWED	REVIEW UNDER WAY/CARRIED OVER
2013-14	1671	1225	2896	67	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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2013-14

English Services

**Management Response to the
Ombudsman's Annual Report**

June 3, 2014

Introduction

CBC News wishes to thank Esther Enkin once again this year for her work as CBC Ombudsman. She describes it in her report as a “lively” year. Indeed it was. Fortunately, CBC/Radio-Canada’s determined effort to deal respectfully with complaints has shown itself to be valuable to Canadians. And the Ombudsman is at the heart of that, offering an independent perspective wholly dedicated to the needs of the public. Ms. Enkin’s work reflects her commitment to high standards and to thoughtfulness, and she deserves our gratitude and appreciation.

We welcome the opportunity to respond to the Ombudsman’s annual report.

Even in a lively year, the overall numbers in this report cast the performance of CBC News in a particularly good light. The number of complaints about news and information programming (1,671) was very similar to last year’s, continuing a trend of fewer complaints – about 50% down from where we were in 2010/2011 and 2011/2012 – even though we produce more news content than ever before.

As the Ombudsman indicates, there were but 11 circumstances in which she found an infraction of journalistic policy. And there was no pattern of concern among these mostly minor infractions. The Ombudsman did note that there were two infractions in one particular region. So we’ll begin there as we offer some thoughts on the conclusions in her report.

Responses to Key Issues

CBC North

The Ombudsman makes reference to one region where she encountered stories that she described as “seriously inaccurate.” For the sake of directness, the region in question is CBC North.

CBC News has been proactive in working with this centre to ensure everyone who works there is fully engaged with their professional, ethical and legal obligations. Senior Managing Director John Bertrand is active on this file, and there were visits to stations in Whitehorse, Yellowknife and Iqaluit by one or more from a group that includes Director of Journalistic Public Accountability and Engagement Jack Nagler, Director of Journalistic Standards and Practices David Studer, and Toronto-based CBC lawyers Anne Ko. They briefed staff on everything from covering courtrooms to the use of social media to how to handle corrections and clarifications. The local leadership team has embraced the opportunity to learn from these mistakes and has in the second half of the year achieved excellent results on the journalistic front.

Conflict of Interest

The Ombudsman referred to this as “the stand-out issue for the year.” The controversy about paid speaking engagements by CBC personalities was instructive to us about the ongoing evolution of public sensibilities regarding the role of journalists. CBC News is proud that it found a course of action that re-affirmed our standing as best in class for ethical behaviour and public accountability, while at all times respecting the rights of our employees and obligations we have made to our unions.

CBC News General Manager and Editor-in-chief Jennifer McGuire was cognizant of the benefits we enjoy when our journalists speak to different groups in our communities. And, as she wrote in her blog post on the subject, “we know that, sometimes, preparing a speech or preparing to emcee an event can take considerable work in advance. And we have a collective agreement with the Canadian Media Guild (the union that represents our journalists) that makes clear our staff not only have the right to do outside work in their free time, they have the same right all of us do to be paid for that work.”

At the same time, many Canadians, including the Ombudsman, expressed reservations about a perceived conflict of interest when payment is involved. So here’s part of how Ms. McGuire described our solution:

“For CBC News on-air employees, we're tightening our procedures around paid speeches. We'll reject requests from companies, political parties or other groups which make a significant effort to lobby or otherwise influence public policy, even if the speech or event seems innocuous.

We're also going to centralize our tracking system for all speeches whether they are paid or not. This will help ensure that we apply our rules thoroughly and consistently. And we'll reinforce with our staff that all are accountable for understanding the rules and sharing this information. This will also apply to our radio current affairs personalities. ”

One other important change is one we began to implement in late May: to publish online a list of outside appearances – both paid and unpaid – by our on-air personalities. We believe this level of transparency will be well-received by the public, and allows Canadians an opportunity to scrutinize our actions and judge if we are living up to our commitments.

For your reference, we have included as Appendix A Jennifer McGuire’s entire blog post detailing the findings of our review.

Polls and Polling

The Ombudsman expressed concern that CBC News was not always abiding by its policies on opinion polls, based on some practices that had developed on one program, Power & Politics.

The profession of polling is changing at a rapid rate, with the ubiquity of online polling being the most obvious manifestation. We expect there will be continued pressure on pollsters, on journalists and even on academics to re-assess their views not only on what sort of information has value, but how it should be presented to retain its value.

As for our programming, there's no doubt that sharing information about public opinion and public discourse contributes to a better experience for the audience. In the case of Power and Politics, for instance, the program encourages direct audience participation through its "Ballot Box", a question of the day format. The challenge, as the Ombudsman saw it, was that we were not explicit enough, often enough, in making clear that the results of "Ballot Box" were unrepresentative of what Canadians were thinking about a given subject. We have remedied that.

And we acknowledge the Ombudsman was correct when she concluded that there were instances when we reported on polls without having their methodology scrutinized and approved by the CBC Research Department, as our policy demands.

CBC News remains committed to having the most rigorous standards possible in this area. Since the Ombudsman review we have re-emphasized our connection to the CBC Research department to provide guidance to programmers before they report on polls, and this has had the desired effect of improving the quality of not only Power & Politics, but on all our programs and platforms.

Taste

CBC News agrees with the Ombudsman's recommendation to remind programmers about the need for consistent use of warnings before publishing or broadcasting disturbing content.

We are taking the additional step of reminding our programmers that questions relating to taste must go through our Red Flag process. No matter where we draw the line, this is an area in which there will always be vigorous debate among our journalists and among our audience. But we are confident our processes will support our determination to have standards as high as any media organization in the world.

Online Comments

The Ombudsman expresses an ongoing concern about the volume of complaints that come from audience members regarding online comments. As she notes, there is no realistic way to individually answer complaints about why some comments are rejected and others are allowed through.

It's worth noting that over the past year CBC News conducted a full review of the role of commenting in our broader digital/social media strategy. Our research has told us that the public places high value on commenting as a place for them to participate in the public square of debate. Indeed, the volume of commenting at CBCNews.ca has doubled in the past year; this is a source of real opportunity for us compared to other media organizations.

The Ombudsman is correct to note the majority of complaints in this area are about moderation decisions. But the fact that the overall volume of complaints has decreased this year even as we doubled the commenting participation rate is a sign that we are making progress.

We have worked with the Audience Relations department and the Office of the Ombudsman on how to rectify the problem. Audience Relations has taken on much of the workload, and we commend their efforts to communicate much more thoroughly with the most challenging cases. We will continue to cooperate with Audience Relations in the year ahead.

Furthermore, we are looking hard at other ways to approach moderation that might decrease the number of complaints people have. We will work with Radio-Canada to reconsider our moderation strategy. One approach that shows some promise is post-moderation, meaning to post all comments initially and act to remove those which turn out to be problematic. We have tried this on our Olympic pages and other low-risk stories. We will explore whether it merits expanding our use of this technique.

Response Time

We appreciate that the Ombudsman took time to note the success we have achieved this past year with our new tracking system. We will continue to work toward even better response times, and are happy to share best practices with other departments as requested.

We are also pleased to note the absence of "Corrections" as a major issue in this year's report. Following up on last year we made a concerted effort to educate our programmers about the importance of our corrections guidelines. We made great progress in this regard. We've also taken action to make our program and location leaders more accountable. In February, we introduced a tracking system for corrections and clarifications across the entire system at News and Centres. Stations report back weekly on every correction or clarification they make. And when fully implemented, we will be able to assess performance by platform or location.

Response to Complaints Outside the Mandate

We have reviewed the Ombudsman's comments and recommendations relating to complaints that fall outside of her office's purview and mandate. We agree that the process for complaints outside of News is unclear and can be confusing for the public.

The EVP of English Services has tasked Bonnie Brownlee, the Interim Executive Director of Communications, to lead the effort to fix this.

As part of a larger reorganization, the Audience Services area is currently in the process of a full review with a focus on quickly and efficiently resolving this problem, along with others.

As it stands, there is no clear process in place for Audience Services to function as it should, therefore, we are building a strategic plan to restructure and modernize the service to meet the demands of the future and Strategy 2020.

In the meantime, we have implemented some short term fixes to ensure an appropriate level of service, and we look forward to reporting on our progress and new system in the next few months.

CBC News is prepared to assist by sharing best practices with other areas whenever it is deemed helpful.

We also note with interest the suggestion from the Ombudsman to change the name of her office so that it becomes "CBC News Ombudsman." There is merit in considering this suggestion. We do have some concern, though, that making such a change could create confusion for audience members who want to express concerns about radio morning shows or other programs that are covered by JSP but are not labelled as "news". It would be better for all if we could solve the broader communication problem.

Jennifer McGuire

General Manager and Editor in Chief

Review of speaking engagements

by [Jennifer McGuire](#) Posted: April 24, 2014 12:01 PM Last Updated: April 24, 2014 1:07 PM

Categories: [Canada](#), [Featured](#), [Journalism](#)



The uproar in recent weeks over paid speeches given by some of our journalists was a bit of a double-edged sword for me.

We were disappointed some people were willing to believe that someone the calibre of Peter Mansbridge would sacrifice his professional integrity, or that Rex Murphy's opinion is for sale. We were even more disappointed when some people hinted -- without evidence -- that our content was compromised. It was not. To be clear, our journalists' integrity is intact. And they have adhered to our policies.

At the same time, we were happy to see people engaged in how CBC News conducts itself. We welcome the scrutiny of Canadians who hold us to account as a public broadcaster. And the main message of the people who wrote, phoned or tweeted is one we share: the independence, real and perceived, of CBC journalists is critical for our credibility with Canadians.

The CBC Ombudsman weighed in with a review ([you can read it here](#)), and delved into many of the nuances around what journalistic independence really means in this day and age; around the virtues of transparency; and around the challenges distinguishing between real conflict of interest and perceived conflict of interest. It was, she noted, a "conundrum."

Conundrum was a good choice of words, because we've had to wrestle with a number of competing ideas while we reviewed our policies. On the one hand, it's important for our journalists to be out speaking to all sorts of different groups in our communities. We know that, sometimes, preparing a speech or preparing to emcee an event can take considerable work in advance. And we have a collective agreement with the Canadian Media Guild (the union that represents our journalists) that makes clear our staff not only have the right to do outside work in their free time, they have the same right all of us do to be paid for that work.

On the other hand, there is a constituency of people who say it's effectively impossible for journalists to accept any payment for a speech without tainting their professional ethic. That is hardly a universal view. But in this age of social media, it's a view they have expressed passionately. We've paid attention. So it's important to iterate what we have been doing, and what we will do differently in the future.

In the past few years, we introduced concrete language about conflict of interest into our [Journalistic Standards and Practices](#). In the past few weeks we have completed a more detailed review of our policies, and have decided to amend some of our practices.

So, what's changed?

In the past, when one of our staff reporters or hosts was invited to do a paid speech, we would allow payment as long as the speech was neutral -- thoughts about the state of journalism, or about their career. It was our practice to turn down requests if the event or its sponsor posed a direct conflict to the journalist's everyday work.

When it came to freelancers such as Rex Murphy, we were of necessity more hands off. They are independent contractors, not employees.

Now, though, we'll approach these requests differently.

For CBC News on-air employees, we're tightening our procedures around paid speeches. We'll reject requests from companies, political parties or other groups which make a significant effort to lobby or otherwise influence public policy, even if the speech or event seems innocuous.

We're also going to centralize our tracking system for all speeches whether they are paid or not. This will help ensure that we apply our rules thoroughly and consistently. And we'll reinforce with our staff that all are accountable for understanding the rules and sharing this information. This will also apply to our radio current affairs personalities.

And we're making another commitment to all Canadians that CBC News will be more transparent than ever before. Starting in May, we'll post regularly online a list of appearances by our reporters and hosts -- both paid AND unpaid. This will allow you to judge for yourselves how well we're living up to our commitments.

When it comes to freelance hosts, we will be updating their contracts so that they are compelled to disclose their paid events to us, and we in turn will disclose them to you.

We're confident that these measures will answer the concerns about perceived conflicts of interest.

And rest assured that CBC has strong editorial controls already in place to prevent any genuine conflict from seeping into our journalism. If one arises, we'd either say it on the air, recuse the journalist in question, or pull the segment down altogether. We remain as determined as ever to preserve the very highest standards while showing respect for both our employees and our audience.