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Mr. Claude Doucet, Secretary General  
Canadian Radio-television and  
Telecommunications Commission  
Ottawa, Ontario K1A 0N2

Notice numbers: 2019-379-1 Notice of Hearing, May 25, 2020, Gatineau, Quebec.  
Licence Renewals for the Canadian Broadcasting Corporation/Société Radio-Canada's  
English and French language audio and audio-visual programming services: French-  
language audio services (2019-0279-2) / English-language audio services (2019-0280-0)  
/ French-language audio-visual services (2019-0281-7) / English-language audio-visual  
services (2019-0282-5).

Dear Mr. Doucet:

1. Further to Broadcasting Notice of Consultation 2019-379-1, I am submitting this intervention in support of CBC/Radio-Canada's licence renewal application. I request to appear at the public hearing.

### **Introduction**

2. As Commissioner of Official Languages, I am mandated to "take all actions and measures within [my authority] with a view to ensuring recognition of the status of each of the official languages and compliance with the spirit and intent of [the *Official Languages Act*]." Since the very purpose of the *Official Languages Act* (OLA) includes supporting the development of official language minority communities (OLMCs) and ensuring the equality of English and French in Canadian society, I would like to participate in this process to offer my perspective on the renewal of the broadcasting licenses for various CBC/Radio-Canada services.
3. The Office of the Commissioner of Official Languages and the CRTC each have an important and distinct role to play to ensure that, on one hand CBC/Radio-Canada respects its language obligations under the OLA, on the other hand, the duties set out in the *Broadcasting Act* (BA). As the organization responsible for regulating and supervising the Canadian broadcasting system, the CRTC ensures compliance with Canada's broadcasting policy, including subsection 3(1)(m) of the BA regarding CBC/Radio-Canada's programming.

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This provision states that CBC/Radio-Canada should provide programming of equal quality in English and French that reflects the different needs and circumstances of each official language community, including the particular needs and circumstances of English and French linguistic minorities.

4. This renewal process is therefore an opportunity for the CRTC to ensure that this objective is met: for example, by enforcing or tightening licensing expectations and conditions regarding content that must be provided in English or French as well as local and regional content that must be provided in the official language of the linguistic minority.
5. The OLA provides me with ways of achieving objectives that are complementary to those of the CRTC. My mandate also obliges me to look at the positive measures taken by CBC/Radio-Canada to support the vitality and development of OLMCs and promote the equal status and use of English and French in Canadian society.
6. As the national public broadcaster, CBC/Radio-Canada plays a vital role in the Canadian public space and even helps to shape it. It is an institutional pillar that helps develop and renew a sense of Canadian identity. The services of the national public broadcaster ensure that there is a place where OLMCs can see, hear and recognize themselves among the citizens of our vast country. CBC/Radio-Canada plays and will continue to play a crucial role in producing, broadcasting, distributing and promoting equivalent Canadian content in both official languages, which includes discovering and promoting emerging Canadian talent in outlying areas as well as major urban centres. Canada's geographical size, its dispersed population and its linguistic and cultural environment—on both a national and continental level—mean that it is in great need of high-quality public broadcasting that brings Canadians together and fosters a shared sense of belonging. CBC/Radio-Canada's services make a unique contribution to achieving the principles underlying federal language policy: namely, national equality of English and French, vitality of OLMCs and respect for language rights. It is therefore essential that these services continue to reflect Canada's regional and linguistic diversity and provide forums for each language community while also helping the communities understand each other better.
7. CBC/Radio-Canada enjoys an independence and a dual structure that are useful and necessary to achieving the complementary missions of the CBC and Radio-Canada. Nevertheless, the national public broadcaster has a role to play in promoting dialogue between the country's two major language communities. CBC/Radio-Canada is in a unique position to help bring members of the two official language communities together on topics or issues of shared interest and to present the different facets, cultural expressions and realities of each community, which it is already doing in different ways.

### **CBC/Radio Canada's regulatory commitments**

8. In its application, CBC/Radio-Canada proposes a new approach for genre content commitments. This approach would involve lowering the minimum amount of genre content—such as children's and youth programming and local programming—required by current conditions of licence to be broadcast on conventional television while creating an expectation that the total amount of programming spanning traditional and digital platforms exceeds the amount required by current conditions of licence. CBC/Radio-Canada notes that this would allow it “the flexibility to serve Canadians on whichever platform they choose to access [their] programming.”
9. I applaud CBC/Radio-Canada's commitment to provide programming to Canadians regardless of the platform they use to access media.
10. However, OLMCs do not always have a wide variety of cultural resources available in their language. This is particularly true when the only English- or French-language services the OLMCs can access are the national public broadcaster's radio or television services. I am concerned that lowering the minimum amount of genre content required by current conditions of licence to be broadcast on conventional television will decrease access to genre content for members of OLMCs.
11. CBC/Radio-Canada's commendable commitment to make media accessible on digital platforms must not come at the expense of conventional television. I therefore suggest that CBC/Canada's current conditions of licence regarding genre content broadcast on conventional television be maintained or even enhanced.
12. I also suggest that the CRTC set out an expectation that CBC/Radio-Canada make as much of its programming as possible available on digital platforms that are equally accessible in all parts of the country.

### **Independent production**

13. I recognize and applaud CBC/Radio-Canada's significant support of independent producers across the country. I acknowledge the effect this support has had in driving Canada's cultural sector.
14. I therefore support CBC/Radio-Canada's proposed increases in the conditions of licence for independent production.

### **Official language minority communities**

15. CBC and Radio-Canada must be fully committed where OLMCs are concerned and must think about the impact of their services on the communities and the regions.

16. I recognize that, since its last license renewal, CBC/Radio-Canada has made significant strides toward improving the vitality of OLMCs—by producing content relevant to OLMCs, by spearheading promotional efforts, by holding formal consultations with OLMCs in each region of the country, by reporting annually to the CRTC on measures taken to represent and serve OLMCs and by collecting relevant data. I wholeheartedly applaud these efforts.
17. CBC/Radio-Canada has proposed a condition of licence that at least 3% of ICI TÉLÉ's independent programming expenditures be spent on independent production outside of Quebec.
18. According to the 2016 Census, more than 12% of Francophones live outside Quebec; therefore, the 3% figure is not proportional to the size the French OLMC population.
19. I support the suggestion of the Alliance des producteurs francophones du Canada and the Fédération des communautés francophones et acadienne that at least 4.8% of programming expenditures be spent on independent production outside of Quebec.
20. I suggest that, over the long term, CBC/Radio-Canada endeavour to allocate independent programming expenditures to producers in OLMCs at a rate that will eventually rise to match or exceed these communities' sizes relative to the total population of Anglophones or Francophones.
21. CBC/Radio-Canada's services must reflect the vitality of OLMCs, raise awareness among the entire Canadian population of their realities and serve as a tool to help those who want to develop or deepen their knowledge and understanding of and appreciation for the language and culture of the linguistic minority.
22. I recognize that the CBC and Radio-Canada must maintain their journalistic freedom to broadcast a variety of different views, including views on Canada's official languages and their speakers.
23. It is important, however, that on-screen portrayals of each of Canada's official language groups be accurate, fair and non-stereotypical, and that, wherever possible, CBC/Radio-Canada promote the vitality of OLMCs and the value of linguistic duality.
24. I also suggest that CBC/Radio-Canada ensure that the daily realities from a variety of OLMCs are present in its programming, including smaller and/or more isolated OLMCs, for example, Anglophone OLMCs outside of Montreal and Francophone OLMCs outside of Ontario and New Brunswick.
25. As part of this licence renewal process, the CRTC will no doubt receive numerous interventions from national groups, community organizations and artistic organizations dedicated to the development of OLMCs and the equal status of English and French in Canadian society.

I urge the CRTC to listen closely to the concerns of these organizations and to take them into account when assessing CBC/Radio-Canada's licence renewal application. Doing so will ensure that the vitality of OLMCs is not only maintained, but enhanced.

26. I trust that this intervention will assist the CRTC in its reflections.

Please do not hesitate to contact me if you have any questions.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'R. Th  berge', with a long horizontal flourish extending to the right.

Raymond Th  berge

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