

Submission to the Heritage Committee
Submitted by
The Racial Equity Media Collective (REMC)

REMC Amendments to the Broadcasting Act, Bill C-10

January 26, 2021
Final Version

Submitted with the support of the following organizations:

Alliance for Equity in the Music Industry
BIPOC TV&Film
Black Screen Office
Breakthroughs Film Festival
Canadian Independent Screen Fund for Black and People of Colour Creators
IMPACT (Independent Media Producers Association of Cinematic Talent)
Indigenous Screen Office
M.É.D.I.A. (Médias, Équité, Diversité, Inclusion, Accessibilité)
POV
Reelworld Film Festival
Regent Park Film Festival
Toronto Palestine Film Festival
Toronto Reel Asian International Film Festival
Women In View

Music Industry Supporting Organizations:

We support the Bill C-10 recommendations of the Racial Equity Media Collective and the Alliance for Equity in the Music Industry:

National music industry associations

Canadian Independent Music Association
Canadian Live Music Association
Music Managers Forum Canada

Provincial music industry associations

Music BC
Alberta Music
Manitoba Music
Music Nova Scotia
Music PEI
Music•Musique NB
MusicNL
MusicOntario

Festivals, Conferences, Events, Educators

5X Festival
Axé WorldFest
Canada's Music Incubator
Western Canadian Music Alliance
East Coast Music Association
Debaser
Decibel Entertainment
DIY Spring Festival
EasParkPro
Futuro Libre Creative Agency
Girls Rock Camp Toronto
House of PainT Festival of Urban Arts and Culture
EVERYSEEKER
MUNDIAL Montréal
Long Winter
M for Montréal
Lula Music and Arts Centre at Lula Lounge
POP Montreal International Music Festival
Small World Music

Artists , Managers, Labels, Entrepreneurs

Julian Taylor
July Talk Music Inc.
Just Really Good
Kelp Management
Feisty Creative
Medicine Song Woman Creations
Moonfruits
Snakes x Ladders Music
The Lifers
Ting Dun/6333699 Canada Inc/The Dears
Tragedy Ann
Vaness Kuzina
Victory Pool Music
Paixriot Inc.
popTrip entertainment
Red Music Rising
Rubaine Consulting Co.
Six Shooter Records

The Racial Equity Media Collective

The Racial Equity Media Collective (REMC) is a national not-for-profit organization committed to equity for Black, Indigenous, and People of Colour (BIPOC) creators in Canada's film, television, and digital media industries. Fueled by research and rooted in community engagement, the REMC's mission is to remove barriers to access and increase the production, export and sustainability of BIPOC content and BIPOC-led production companies.

The REMC convenes a coalition of national BIPOC organizations in the screen sector, including the Black Screen Office, BIPOC TV & Film, the Indigenous Screen Office and the Canadian Independent Screen Fund, and works closely with several regional and provincial BIPOC organizations and stakeholders.

We have prepared this brief in consultation with many BIPOC organizations working in the screen and music sectors to articulate the needs and concerns of Canadian BIPOC creators with respect to the Broadcasting Act's proposed amendments.

We would like to note that this submission and recommendations work in tandem with the advocacy efforts of the Indigenous Screen Office. The REMC is aware of and supports the specific policies and directives being pursued in recognition of the distinct rights of First Nations, Metis and Inuit peoples of Canada. Our recommendations are additional and complementary amendments to support BIPOC creators.

Positive Reflections and Welcome Changes

The REMC is pleased with many of the proposed changes introduced in Bill C-10 and commend the overall effort to see racialized communities valued in the broadcast system. Specifically, we are pleased with the language that names and includes *racialized communities and Canadians of diverse ethno cultural backgrounds* in several sections. This is an essential step in articulating the value and necessity of BIPOC creators in the screen and music sectors.

We also recognize that the Minister of Heritage has given considerable thought as to how the Broadcasting and Regulatory Policy *Better reflect Indigenous peoples, persons with disabilities and Canada's diversity* and how *Canada's broadcasting system should serve the needs and interests of all Canadians - including Canadians from racialized communities and Canadians of diverse ethno cultural backgrounds, socioeconomic status, abilities and disabilities, sexual orientations, gender identities and expressions and ages.*

We are pleased with the indication that the CRTC could be granted more explicit information-gathering powers and support the recommendations to the Governor in Council to issue a direction to the CRTC on key priorities including:

Support Diversity and Inclusion: *Ensure support for programs created and produced by racialized groups, official language minority communities, women, and LGBTQ+ communities.*

***Incentives:** This could include considering giving additional regulatory credits to broadcasting activities that are culturally desirable but otherwise less likely to be produced, such as supporting Indigenous peoples, French- language creators and racialized and ethnocultural communities.*

***Engagement Sessions:** Engage with Indigenous peoples on how best to support Indigenous storytelling. Engage with racialized and ethnocultural groups on how best to support them.*

Overview of Key Themes

Greater Accountability

While the proposed language in Bill C-10 and in Governor in Council directives clearly articulates strong intentions, the REMC believes the language must go further. It must shift from aspirational to that which is actionable and accountable under the lifetime of this bill. The REMC is presenting recommendations to introduce clear accountability mechanisms that ensure the obligations to racialized communities are being met through data collection, representative leadership and a framework towards measurable targets.

Industry stakeholders including funders (i.e. Telefilm, the CMF, Radio Starmaker, Community Radio Fund, FACTOR and Music Action), public and private broadcasters and other organizations in the creative sectors covered in this bill (radio, television, music and screen-based sectors) receiving significant federal government operational and program funds should have accountability measures that ensure the inclusion of racialized communities as a part of their internal governance and operations.

Bill C-10 follows the trend towards “framework legislation” - providing the basic framework of rights, obligations and process - with key details to be filled in later through regulations. The Minister will be granted broadened authority to make significant changes through policy directives to the CRTC. While the Minister of Canadian Heritage has expressed a clear intention to recommend that the Governor in Council direct the CRTC to support programs created and produced by racialized groups, official language minority communities, women and LGBTQ+ communities, there is no legislative imperative that this priority be sustained, monitored and evaluated over the long term with key accountabilities in place to ensure the successful achievement of the government’s stated objective in this area.

The REMC is concerned that without such accountabilities, changes could be made to the government’s priorities without parliamentary scrutiny or debate. We feel it is essential that these principles be articulated in the Bill to assure long-term commitment.

Implementation, Monitoring and Evaluation

As the recommendations to the Governor in Council already outline, the CRTC plays a considerable role in monitoring, reporting and regulating the Bill’s goals. We see an opportunity to strengthen the CRTC’s capacity for effective implementation of the Government’s equity and inclusion objectives by establishing a focal point for accountability and equipping the CRTC with data to monitor and evaluate progress. Several key institutions have already identified this necessary work and are creating a data-collection framework as we speak. Additionally, targets and benchmarks should be developed to track progress towards achieving the Government’s goals.

Community Engagement

Based on REMC's robust community consultations, it is clear that racialized creators and entrepreneurs continue to feel they are on the outside looking in on Canada's broadcast industry. This Bill must ensure that consistent and perpetual community engagement is a mandatory part of any new process or policy that is implemented to meet the Bill's equity objectives. Consulting and engaging with BIPOC communities must be normalized across the broadcast sector; however, such engagement must not be used as a placeholder or alternative to actual policy change. Instead, consistent community consultation must happen simultaneously to specific policy implementation.

Without accountability, measurement and ongoing engagement, we are bound to repeat the past

While we welcome the language in the Bill around support for racialized communities, we must point out that similar language has existed in the past. The *Broadcasting Act* has been around for 30+ years and included the objective of supporting "*the linguistic duality and multicultural and multiracial nature of Canadian society.*" However, this language and the many policies that followed were insufficient and led to little measurable change.

The CRTC enacted several policies, including the Ethnic Broadcasting Policy (1999), Native Broadcasting Policy (1990) and the Television Policy (Public Notice CRTC 1999-97). These policies articulated that the "*broadcasting system should be a mirror in which all Canadians can see themselves portrayed accurately, fairly and without stereotypes.*" The CRTC asked broadcasters to develop and report on "*corporate plans to improve how visible minorities and persons with disabilities are portrayed and represented in broadcasting.*" The CRTC has also been working with the Canadian Association of Broadcasters (CAB), resulting in research into Diversity in Broadcasting, an Equitable Portrayal Code, and other reports.

Despite research, policies and good intentions, across the ecosystem, from funders to broadcasters, there has been no way to track the level of inclusion and representation of racialized communities in the commercial art sector. As a result, the BIPOC community has not seen a sustained change.

The community of racialized creators and companies continue to experience underrepresentation and structural racism within the very system that is supposed to support the creation, release and export of their work.

The lack of data collection and reporting makes it challenging to present quantitative data on the current state of affairs for racialized creators. However recent reports and our own consultations point to the qualitative viewpoint that:

- BIPOC projects and companies remain unfunded or underfunded
- BIPOC content struggles to get radio airplay and broadcaster licenses
- BIPOC creators often do not own the IP of their content

From our community consultations, we have collected the lived experiences of members who have faced systemic racism as they share their stories, fund their productions, distribute and own the IP of their work:

- *While pitching a feature-length documentary, a story based in Canada's Muslim community, I was told by a Canadian broadcaster that they could only fund the film if it centred on a white character because it was the only way their audience would care about the story.*
- *In order to finance a film in the current funding and broadcaster systems in Canada, I had to give up my production credit and majority ownership of the work to a white production company. I made the first feature project to air on Canadian television about my diasporic community but in the process, I lost both creative control and input into important decisions around marketing and distribution. I became the tokenized add on to my own film.*

Summary of Recommendations

The REMC offers the following recommendations that move the Act and Governor in Council Directives from aspirational to accountable.

1. **Equity Oversight:** The appointment of two new senior roles - Chief Equity Officer and Equity Ombudsman - tasked with ensuring the government's equity goals are achieved.
2. **Collection of Race-Based Data:** Mandatory collection of race-based data by broadcasters and funders that is accessible by the BIPOC community and all Canadians.
3. **Including a clear objective and developing targets to increase BIPOC programming in Canada:** Including an objective in the Bill and working with BIPOC creators to develop benchmarks, targets and incentives to increase BIPOC programming.

Recommendations for Amendments to Bill C-10 and Governor in Council Directives

1. Equity Oversight

Overview

The Bill must ensure equitable representation within the industry's entire ecosystem, including the highest levels of power and decision-making (i.e. boards, executive leadership, etc.) and within the federal bureaucracy.

Equity needs to be monitored, supported, shepherded and implemented. To ensure accountability in meeting the equity and inclusion objectives of the revised *Act*, there needs to be a body that is tasked with monitoring the implementation of the policy objectives throughout the industry.

Recommendation

The creation of two new roles and a policy focused on equity and inclusion as follows:

- A. The Governor in Council should mandate that a **Chief Equity Officer** be appointed at the CRTC to oversee the implementation of Bill C-10's sections related to racialized communities and other equity/sovereignty seeking groups. The chief equity officer should

be tasked with identifying and monitoring benchmarks in meeting the *Act's* equity objective and with consulting BIPOC communities on the effectiveness of new policies, procedures and the setting of key targets.

The Chief Equity Officer should also ensure equitable representation to all appointments including appointments of CRTC Commissioners, CBC/Radio Canada and Boards of Directors posts

- B. As well as creating the role of a Chief Equity Officer as part of the CRTC's senior management team, the Governor in Council should direct the CRTC to develop and implement an **Equity and Inclusion Policy** governing all of the new *Canadian Communications Commissions'* operations. BIPOC communities should make recommendations for the development and implementation of the policy regularly.
- C. In addition, the government should appoint an **Equity Ombudsman** to ensure the fulfilment of the equity objectives of the CRTC as well as other key agencies of the Department of Heritage, including Telefilm and the Canada Media Fund.

Rationale

The appointment of Chief Equity Officer tasked with monitoring and delivering on the government's equity/sovereignty objectives is critical to ensuring the effective implementation of the Bill's aspirations on inclusion. The Chief Equity Officer must be equipped with the evidence and mandate to both demonstrate and drive progress on achieving the government's critical goal of serving the needs and interests of all Canadians - including racialized and ethno-cultural communities.

2. Collection of Race-Based Data

Overview

The CRTC took an essential step in asking Canadian Broadcasters to annually report on actions to improve how people from diverse cultures and communities are represented and portrayed in broadcasting (the CAB Annual Report). However, experience has shown that outlining equity and inclusion objectives through policy alone is not enough to deliver meaningful change throughout the industry. Precise accountability mechanisms need to be articulated in the Act and reinforced through Governor in Council Directives to the CRTC. Without such mechanisms in place, amendments to the Act alone will not be sufficient to deliver on the Minister's objectives to see a more inclusive industry in Canada, which makes space for, and includes opportunities for all Canadians.

Institutions including Telefilm, the CMF, Bell Media, and the CBC have all reported that they do not collect, store or report race-based data on their funding decisions. They have also reported that they are not compelled to do so. Without a requirement to report on inclusion and incorporate changes in contracting, hiring, licensing, and production policies, the industry and the racialized communities they serve will continue to be left in the dark on what progress has been made in the efforts towards inclusion, diversity and anti-racism. They will fail to meet the objectives of this new Bill.

The only way to ensure that broadcasters and funders meet their obligations to our communities is through the mandatory tracking of race-based data. In REMC's community consultation efforts, which have included almost every prominent BIPOC film and media organization in the country, we have received unanimous support for our efforts to ensure race-based data is the norm moving forward. We are also well aware of the same challenges and requests from our racialized peers in the music industry.

Relevant sections of Bill C-10

(2) Subparagraphs 3(1)(d)(ii) and (iii) of the Act are replaced by the following:

(iii) through its programming and the employment opportunities arising out of its operations, serve the needs and interests of all Canadians — including Canadians from racialized communities and Canadians of diverse ethno cultural backgrounds, socioeconomic statuses, abilities and disabilities, sexual orientations, gender identities and expressions, and ages — and reflect their circumstances and aspirations, including equal rights, the linguistic duality and multicultural and multiracial nature of Canadian society and the special place of Indigenous peoples within that society,

Conditions

9.1 (1) The Commission may, in furtherance of its objects, make orders imposing conditions on the carrying on of broadcasting undertakings that the Commission considers appropriate for the implementation of the broadcasting policy set out in subsection 3(1), including conditions respecting

(v) other information related to the provision of broadcasting services.

Recommendation

- A. **In the Bill:** It is our recommendation that language be added to Bill C-10 to require that the CRTC report annually on industry-wide actions to meet the Act's objective of serving all Canadians needs and interests, including those from racialized communities. All broadcast undertakings should be required to collect and report on race-based data on internal and independent production as a condition of service to monitor progress towards meeting the Act's equity and inclusion goals.
- B. **Governor in Council Directives:** Mandatory reporting on the inclusion of racialized communities at all levels should be further reinforced through the Governor in Council Directives to the CRTC to ensure that the Minister's priority on support for diversity and inclusion is fully implemented, monitored and evaluated regularly. Furthermore this directive should clearly state that data collected should be accessible to BIPOC organizations for the purpose of their own review and reporting.

Rationale

Most recently, the government's Anti-Racism Secretariat had called for "*Better, more precise, and more consistent tracking, collection and measurement of data is necessary for any effective anti-racism effort.*" The industry is poised and willing to do this. The REMC has consulted with organizations in the BIPOC community and individual creators who are willing to self identify a

clear system for using this data to better the industry. The REMC has also been party to working groups on data collection with various funders, broadcasters and guilds. The REMC's research for release in spring 2021 will provide specific recommendations for screen-based industry stakeholders on the collecting, storing, and reporting of race-based data.

3. Including a clear objective and developing targets to increase BIPOC programming in Canada

Overview

In order to ensure that the Bill's equity objectives are met, we would like to see Bill C-10 establish the principle for setting clear targets concerning content investment and production for broadcasters and funders to ensure more significant opportunity for content created by racialized creators. To ensure compliance, broadcasters should be required to report on the process towards the achievement of equity targets and meeting these targets should ultimately be a condition of service for broadcasters.

Relevant section of Bill C-10:

Programming

Paragraphs 3(1)(o) to (s) of the Act are replaced by the following:

(o) programming that reflects the Indigenous cultures of Canada and programming that is in Indigenous languages should be provided within the Canadian broadcasting system, including by programming undertakings that are carried on by Indigenous persons;

(p) programming that is accessible without barriers to persons with disabilities should be provided within the 25 Canadian broadcasting system; and

Conditions

9.1 (1) The Commission may, in furtherance of its objects, make orders imposing conditions on the carrying on of broadcasting undertakings that the Commission considers appropriate for the implementation of the broadcasting policy set out in subsection 3(1), including conditions respecting

(v) other information related to the provision of broadcasting services.

Recommendations

A. In the Bill: We recommend an additional section *(q) programming that reflects the lived experiences and cultures of different racialized communities in Canada.*

B. Governor in Council Directives: The Minister should recommend that the Governor in Council Directives include clear guidance to funders to set an appropriate consultative process to monitor and evaluate the industry's progress towards achieving benchmarks, targets and incentives to achieve the equity and inclusion objectives of the Act.

This should include guidance specifically related to the:

- Disbursement of funding to BIPOC helmed and owned projects and companies
- Inclusion of BIPOC key creatives and below the line workers on productions
- Licensing of BIPOC helmed and owned projects by broadcasters
- Rotation of BIPOC content on radio stations
- Inclusion of BIPOC in on-screen roles (in both fiction and non-fiction works)

The guidance should include a requirement that all broadcast undertakings meet these equity and inclusion goals as a condition of service.

This guidance should be created through consultation with the BIPOC community and overseen by the newly appointed equity staff.

Rationale

Previous efforts around equity and inclusion in the screen sector have failed. The mechanisms of targets, incentives and benchmarks ensure that funders and broadcasters fulfill the goals of the Act. Otherwise, BIPOC creators will continue to be left out.

Conclusion

Again, the REMC is pleased with many of the proposed changes introduced in Bill C-10 and commend the overall effort to see racialized communities valued in the broadcast system and are looking forward to seeing these changes strengthened.

For years the BIPOC community has felt underrepresented and undervalued within the Canadian broadcast landscape. Claims and efforts by the community to address the issue have often been met by skepticism and outright denial. Our communities' anecdotal evidence has been dismissed and our efforts to address systemic racism seen as ingratitude. For years, the default position of the Canadian broadcast ecosystem has been one that is overwhelmingly white, and those of us from BIPOC communities who breakthrough should be grateful for a seat at the table. This cannot continue. Racialized Canadians have just as much right to produce content and see themselves on-screen as any other Canadian. Seeing ourselves and our stories on screens and radio profoundly impacts our sense of self-worth and our identity as Canadians. For too long, racialized Canadians have had to turn to other markets for content about our communities. This must change. Our broadcast ecosystem must reflect the country we live in.

The combined efforts of our proposed interventions will enable the Department of Canadian Heritage and the CRTC to provide lasting and meaningful change for racialized creators. With the introduction of a Senior Equity Officer and support staff there will be empowered BIPOC leaders monitoring this work and ensuring ongoing consultation with BIPOC communities. Armed with data, this work will be measurable, with clear markers for growth and progress and sustainability. Finally, the landscape of Canadian media will flourish, enriched with programming that equitably reflects this nation.