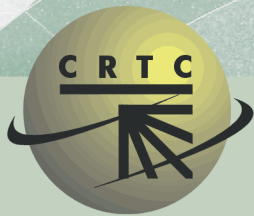




Canadian Radio-television and
Telecommunications Commission

Conseil de la radiodiffusion et des
télécommunications canadiennes

Official Languages



2004-2005 ACTION PLAN

Implementation of section 41 of the Official Languages Act

Canada



Les Terrasses de la Chaudière
1, Promenade du Portage
Hull (Québec)
K1A 0N2

Président / Chairman

14 May 2004

Judith A. Larocque
Deputy Minister
Canadian Heritage
25 Eddy St., 12th Floor
Gatineau, Quebec
K1A 0M5

Dear Deputy Minister:

I am very pleased to send you the first action plan of the Canadian Radio-television and Telecommunications Commission following its designation under section 41 of the *Official Languages Act* on 22 August 2003.

As you will see, this plan shows the Commission's wish to continue, within the limits of its mandate, its efforts to ensure a better balance of Canadian broadcasting services in a minority environment.

The Commission consulted the representative organizations of official language minority communities in the development of this plan. These consultations were a continuation of those held in 2000 and the relationships established since then with representatives of these communities.

One of the Commission's objectives is to enable, over the coming months, the continuation of exchanges with representatives of the concerned communities. We are confident that these exchanges will foster the application of the adopted measures, achieve target objectives and support the development of the next action plan.

As required by our designation, we will submit to the Minister of Canadian Heritage, a year-end report on the achievements and results of the 2004-2005 action plan.

Sincerely,

Charles M. Dalfen

Encl.

Canada

**CANADIAN RADIO-TELEVISION
AND TELECOMMUNICATIONS COMMISSION**

2004-2005 ACTION PLAN

**IMPLEMENTATION OF SECTION 41
OF THE *OFFICIAL LANGUAGES ACT***

23 March 2004

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1. General Information

- Identification of agency:

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Telecommunications Commission (CRTC)
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Ottawa, Ontario
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- Mandate of agency:

The mandate of the CRTC is to regulate and supervise the Canadian broadcasting and telecommunications system in accordance with the objectives set out in sections 3 and 5 of the *Broadcasting Act* and section 7 of the *Telecommunications Act*.

- Officer responsible:

Diane Rhéaume
Secretary General, CRTC

- Period covered by the action plan:

The action plan covers the period from 1 April 2004 to 31 March 2005.

2. Context of the CRTC's designation under Section 41 of the *Official Languages Act (OLA)*

In August 1994, the Government of Canada approved the establishment of an accountability framework for the implementation of sections 41 and 42 of the *Official Languages Act*.¹ Under section 41, the federal government is committed to enhancing the vitality of English and French linguistic minority communities in Canada and to supporting and assisting their development, thus fostering the full recognition and use of both English and French in Canadian society. This commitment is aimed at ensuring not only that those communities have access to services in their own language, but also that all federal departments and agencies take an active part in enhancing their vitality and supporting and assisting their development. In 2003, the Accountability and Coordination Framework provided for in the federal government's Action Plan for Official Languages validated the 1994 decision.

The Department of Canadian Heritage is the interdepartmental coordinator for implementation of section 41 of the *Official Languages Act (OLA)* and provides guidance to institutions covered by the 1994 accountability framework.

On February 3, 2003, the Standing House of Commons Committee on Official Languages recommended that the Government of Canada add the CRTC to the list of designated federal institutions in the accountability framework adopted in 1994.

After the government accepted that recommendation, the Minister of Canadian Heritage informed the CRTC on August 22, 2003, of its designation under section 41 and pointed out that the decision was motivated by the important role the CRTC played with respect to minority official language communities.

The Minister's letter also stated the CRTC is required to develop, following consultation with minority official language communities, an action plan on official languages that takes the priorities of those communities into account in order to enable the CRTC, within the limits of its mandate, to include appropriate measures in planning its activities.

The action plan is to be submitted to the Minister of Canadian Heritage annually, together with a report on the results obtained during the year.

¹ Sections 41 and 42 OLA reproduced in Appendix 1.

3. The CRTC's achievements in enhancing the vitality of Official Language Minorities

Since it was created in 1968, the CRTC, in furtherance of the objectives set out in section 3 of the *Broadcasting Act*, has contributed to significant advancement in the implementation and development of broadcasting services in the two official languages.

More recently, in May 2000, the CRTC undertook a comprehensive public consultation with Francophone communities in Canada on the state of French-language broadcasting services. The resulting report, entitled *Achieving a better balance* (Public Notice CRTC 2001-25), contains a policy statement aimed at increasing the availability of French-language Canadian broadcast services in minority environments. This report, as well as the policy and regulatory amendments following from it, bear witness to the CRTC's intent to ensure that Canadian broadcasting services reflect the reality of official language minorities throughout Canada.

Measures adopted to ensure increased distribution of specialty services in both English and French

- **Distribution of television programming services**

Digital distribution

On September 1st, 2001, the CRTC amended the *Broadcasting Distribution Regulations* (Public Notice CRTC 2001-100) to require Class 1 and Class 2 cable distributors² that use high-capacity digital technology, that is, a nominal capacity of at least 750 MHz, to offer all Canadian specialty television services, both English and French, and at least one pay television service, with the exception of Category 2³ digital specialty services and pay-per-view television services.

All Class 1 and Class 2 cable distributors that use lower-capacity digital technology, that is, a nominal capacity less than 750 MHz, are required to offer at least one Canadian specialty service in the minority official language in either analog or digital mode for every 10 programming services (Canadian or non-Canadian) distributed in the majority official language.

² Class 1 – 6,000 or more subscribers; Class 2 – 2,000 or more subscribers, but fewer than 6,000.

³ Category 2 digital specialty services: services offering niche programming to particular audiences, services that provide multiple viewing opportunities for particular types of programming, and services that repackage existing programming in creative ways.

All Class 3⁴ cable distributors that use medium- or high-capacity digital technology, that is, a nominal capacity of at least 550 MHz, are required to distribute at least one Canadian specialty service in the minority official language for every 10 programming services (Canadian or non-Canadian) distributed in the majority official language.

Analog distribution

When the regulations were amended (Public Notice CRTC 2001-100), the CRTC, on the strength of its belief that most subscribers would, for the time being, continue to receive their programming services in analog mode, decided not to permit a reduction in the number of Canadian French-language services distributed in analog mode in English-speaking markets. Class 1 and Class 2 cable distributors were not allowed to reduce the French-language services that were being distributed on analog channels on March 10, 2000.

Satellite (DTH) distribution

Since the arrival of satellite direct-to-home (DTH), the *Broadcasting Distribution Regulations* require that all licensed English-language and French-language specialty services be distributed where channels are available (Public Notice CRTC 1997-150).

• Reflection of minority communities in television services

Conditions of licence and licensee commitments linked to national public and private French-language broadcasters include measures, as applicable, to adequately reflect the reality of Canada's official language minorities.

The CRTC also encourages licensees of French-language specialty and conventional television services that will be accessible throughout Canada in digital mode to make greater use of independent producers throughout Canada, and in some cases requires as a condition of licence a commitment from broadcasters to devote a percentage of their original programming budgets to regional productions.

⁴ Class 3 – fewer than 2,000 subscribers.

4. 2004-2005 Action Plan

4.1 Organizations consulted

The following seven national organizations representing the communities concerned were consulted:

- Alliance nationale de l'industrie musicale (ANIM);
- Alliance des producteurs francophones du Canada (APFC);
- Alliance des radios communautaires du Canada (ARC);
- Association de la presse francophone (APF);
- Fédération des communautés francophones et acadienne du Canada (FCFAC);
- Fédération culturelle canadienne-française (FCCF);
- Québec Community Groups Network (QCGN).

The CRTC would like to thank the representatives of those organizations for their assistance and cooperation in gathering the information needed to prepare the plan.

4.2 Priorities identified by the organizations during the consultations

The organizations consulted unanimously recognize the CRTC's compliance with the various policies on bilingualism in both its operations and its communications.

The organizations also want the CRTC to present a simple action plan containing targeted and easily measured objectives for:

- access to television and radio services in the language of minority official language communities;
- increased programming that reflects minority communities and is produced regionally;
- an increase in the information received from the CRTC regarding its activities (licensing hearings, consultations, notices, etc.);
- assistance from the CRTC for organizations preparing applications, briefs and representations;

- awareness among CRTC staff and commissioners of the reality and needs of minority official-language communities;
- careful monitoring by the CRTC of broadcasters' and distributors' conditions of licence, and sanctions where appropriate;
- frequencies for community radio stations.

4.3 Targeted measures and objectives

The action plan will be the foundation for development in the years ahead of synergy between the CRTC and minority official-language communities.

The first step was to put forward the following measures and objectives based on the comments received during the consultations and considering the CRTC's mandate.

4.3.1 Continue implementing the recommendations in the CRTC report on broadcasting services in a minority environment in order to:

a) promote access to both English- and French-language television services throughout Canada for minority official language communities;

b) encourage broadcasting licensees to continue efforts to increase production and broadcast of regionally produced programs reflecting the realities of those communities.

a) Promote access to both English- and French-language television services throughout Canada for minority official language communities:

Following the consultations held in 2000, the CRTC endeavoured to find the best available means to ensure that minority official language communities have access to services in their own language.

The CRTC considers that the best means is a technological approach: access for minority official language communities will gradually be made possible as Canadian cable operators increasingly offer digital service.

Measures adopted

- Section 18 of the *Broadcasting Distribution Regulations* amended in September 2001 (Public Notice CRTC 2001-100) to require cable companies using digital technology to offer Canadian specialty television services in both English and French (see section 3 of this plan).
- Advise distribution undertakings of this measure; and follow up to ensure implementation.
- Periodic reports on the capacity of Canadian broadcasting distribution undertakings;
- The CRTC will continue to monitor compliance with conditions of licence and the *Broadcasting Distribution Regulations* when national broadcasters and distributors apply for renewal of their licences, particularly licences that have a bearing on access to television services in the language of official language minorities.
- The CRTC will at all times be attentive to complaints from individuals or groups concerning compliance with conditions of licence or the *Broadcasting Distribution Regulations*.

b) Encourage broadcasting programming services licensees to continue efforts to increase production and broadcast of regionally produced programs reflecting the realities in those communities:

To meet in particular, the needs of French-language communities in a minority environment, and to better reflect the reality of those communities, several tools must be used together, among them access to more French-language broadcasting services, increased production of quality programs and better on-screen portrayal by conventional, specialty, educational and community broadcasters.

Measures adopted

- When the licences of national broadcasters come up for renewal, the CRTC intends to take into account the importance of reflecting the reality of minority official language communities.
- The CRTC will continue to encourage stakeholders to pursue their efforts to ensure an increase in the number of original productions produced in minority official language environments and broadcast by Canadian broadcasters. To that end, the CRTC will, within the limits of its mandate, provide stakeholders all the pertinent information they need and will encourage broadcasters whose services are accessible throughout Canada to use independent producers from throughout Canada.
- The CRTC will continue to closely monitor broadcasters' compliance with their commitments in these areas.
- The CRTC will at all times be attentive to any complaints it receives from individual or groups, about compliance with conditions of licence.

Objectives related to access and production

- Ensure that with the development of digital technology, all Canadians whose language is English or French have access to television services in their own language.
- Remind all distribution undertakings of the recommendations in the CRTC report on broadcasting services in a minority environment and the subsequent amendments to the *Broadcasting Distribution Regulations*.
- Ensure that official language communities continue to have access to regionally produced programs that are in their own language and that reflect the communities in which they live.
- Ensure compliance with conditions of licence, particularly those related to access to television services in the language of minority official language communities and those related to the presence of regional productions.

4.3.2 Promote dialogue between the CRTC and minority official-language communities

The consultations confirmed the importance minority official language communities attach to being informed about CRTC activities and issues that affect them directly, which encourages them to provide feedback.

The organizations consulted also suggest that CRTC staff and commissioners become more aware of their realities.

Measures adopted

- Inclusion of organizations representing minority official language communities on the distribution list for CRTC news releases.
- Upon invitation, a representative of the CRTC may attend annual meetings of organizations representing minority official language communities, as well as meetings of committees set up by those organizations in order to inform their members about CRTC activities that affect them directly.
- Interested organizations will be able to meet with CRTC staff or commissioners.
- National organizations representing minority official languages communities will keep the CRTC informed of their broadcasting concerns by means of newsletters and other literature, which will be circulated to appropriate CRTC staff.

Objectives

- Enable the communities to be informed of CRTC activities, in particular CRTC policies, public notices, regulations and public hearings, and enable them to engage in discussions with CRTC representatives.
- Provide the organizations concerned, and all stakeholders alike, with information needed to properly present applications, briefs or representations to the CRTC.

- Enable the CRTC to be better informed of the activities and needs of the various official language communities in minority environments.
- During the period covered by this first action plan and in subsequent years, give these organizations the opportunity to meet with CRTC staff and commissioners.

4.3.3 Recognize the special role of community radio stations

Community radio stations are an important element of the Canadian broadcasting system. They address the interests of the communities they serve, including minority official language communities, and contribute to the diversity of the Canadian broadcasting system.

It is therefore important, when community stations are competing with other types of radio stations during the licence application process, to use criteria that can assess their special role and particular circumstances.

Measure adopted

- Licence applications from community radio stations will be evaluated on the basis of the community radio policy (Public Notice CRTC 2000-13), the rules of which are intended to streamline the regulatory requirements by focusing on programming requirements that are simple, effective and easily measured.

Objective

- Continue to assess applications from official language community radio stations in a minority environment based on the criteria in the community radio policy, even within the framework of a competitive process.

5. . Communication Plan

Once it is approved by the CRTC, the action plan will be submitted to the Minister of Canadian Heritage.

Copies of the plan will also be sent to the following individuals and groups:

- each of the organizations consulted

- CRTC staff and commissioners
- the Commissioner of Official Languages
- the members of the Standing House of Commons Committee on Official Languages
- the members of the Standing Senate Committee on Official Languages.

The action plan will also be posted on the CRTC's Web site.

Charles Dalfen
Chairperson
Canadian Radio-television and
Telecommunications Commission

APPENDIX 1

OFFICIAL LANGUAGES ACT

PART VII

SECTIONS 41 and 42

Section 41. The Government of Canada is committed to enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development; and fostering the full recognition and use of both English and French in Canadian society.

Section 42. The Minister of Canadian Heritage, in consultation with other ministers of the Crown, shall encourage and promote a coordinated approach to the implementation by federal institutions of the commitments set out in section 41.