



Broadcasting Decision CRTC 2004-374

Ottawa, 27 August 2004

Jim Pattison Industries Ltd.

Medicine Hat, Pivot, Alberta and Maple Creek, Saskatchewan

Application 2001-1424-9

Public Hearing in the National Capital Region

7 June 2004

CHAT-TV Medicine Hat and its transmitters – Licence renewal

*In this decision, the Commission **renews** the broadcasting licence for the television programming undertaking CHAT-TV Medicine Hat and its transmitters, from 1 September 2004 to 31 August 2011.*

The application

1. The Commission received an application by Jim Pattison Industries Ltd. (Pattison) to renew the broadcasting licence for the television programming undertaking CHAT-TV Medicine Hat and its transmitters CHAT-TV-1 Pivot, Alberta and CHAT-TV-2 Maple Creek, Saskatchewan. CHAT-TV is an affiliate of the Canadian Broadcasting Corporation (CBC) network.
2. The Commission received one intervention in support of this application.

Local reflection

3. In its application, Pattison made a commitment to broadcast a weekly average of 10 hours 30 minutes of original local programming that would be reflective of the community. This commitment exceeds the licensee's commitment made in respect of the previous licence term. The licensee indicated that its local reflection programming would consist primarily of news. The Commission expects the licensee to adhere to its commitments.

Priority programming

4. The licensee indicated that the priority programming aired by CHAT-TV will originate with the CBC.

The Commission's analysis and determination

Reflection of Canada's diversity

5. In its renewal application, Pattison stated that it supports the reflection of Canada's diversity by providing free time to various ethnic groups for the promotion of cultural events and programs, and by broadcasting public service announcements requesting feedback from cultural groups for the Community Advisory Board for CHAT-TV which meets quarterly. The licensee also indicated that CHAT-TV's news operation employs members of visible minorities, and seeks out news stories which reflect the cultural differences of various ethnic groups. Further, Pattison stated that CHAT-TV's *Eye in the Community* feature, which is broadcast approximately 20 times each week helps to create awareness of the Métis and of other cultural groups in Medicine Hat.
6. All broadcasting licensees have a responsibility to contribute to the reflection and portrayal of Canada's cultural diversity in furtherance of the policy objectives contained in section 3(1)(d) of the *Broadcasting Act* (the Act). Specifically, broadcasters share responsibility for assisting in the development of a broadcasting system that accurately reflects Canada's ethno-cultural minorities and Aboriginal peoples. Broadcasters must therefore ensure that the portrayal of such groups, through their presence and participation on-screen, is accurate, fair and non-stereotypical.
7. In addition to the initiatives undertaken by the licensee, the Commission encourages Pattison to also develop a corporate diversity plan, in order to allow it to assess its progress towards meeting the objectives flowing from the Act.
8. As noted in *Introduction to Broadcasting Decisions CRTC 2004-6 to 2004-27 renewing the licences of 22 specialty services*, Broadcasting Public Notice CRTC 2004-2, 21 January 2004, the Commission considers that the presence, portrayal and participation of persons with disabilities is also an important objective. The Commission notes that the Canadian Association of Broadcasters (CAB) is developing a plan to examine issues surrounding the presence, portrayal and participation of persons with disabilities in television programming. The Commission considers that initiatives designed to make programming more reflective and inclusive of Canada's ethno-cultural diversity can, in many cases, be extended or adapted to also ensure fair, balanced and inclusive reflection and representation of persons with disabilities. Accordingly, the Commission expects the licensee to include persons with disabilities in its corporate planning for cultural diversity.

Service to persons who are blind or whose vision is impaired

9. Section 3(1)(p) of the Act states that, as part of the broadcasting policy for Canada, "programming accessible by disabled persons should be provided within the Canadian broadcasting system as resources become available for the purpose." Accordingly, the Commission expects all broadcasters to work toward improving the accessibility of their programming to persons who are blind or whose vision is impaired.

10. Greater programming accessibility can be achieved through the provision of audio description¹ and/or of video description². All broadcasters can, and should, provide audio description. The licensee indicated that CHAT-TV's on-air news personalities regularly provide audio description of weather and sports programming. Accordingly, the Commission expects the licensee to continue to provide audio description wherever appropriate.
11. In its licence renewal application, Pattison stated that it does not currently have the capability to use the secondary audio program (SAP) channel, which would allow the station to provide programming with video description to viewers who are visually impaired. The Commission notes that, in *Licenses for CBC English-language television and radio renewed for a seven-year term*, Decision CRTC 2000-1, 6 January 2000, the CBC was encouraged to provide programming with video description. Over the course of the new licence term for CHAT-TV, the CBC is therefore likely to present some described programs. Accordingly, the Commission expects the licensee to include in its plans for technical upgrades of CHAT-TV, changes that will allow Pattison to use the SAP channel in order to deliver video description to its audience. Moreover, at the time of CHAT-TV's next licence renewal, the Commission intends to ask the licensee to make specific commitments to the number of hours of described video that it will provide.

Employment equity and on-air presence

12. As part of its licence renewal application, Pattison indicated that it specifies in all recruiting advertisements that it is an "Employment Equity Employer", and recruits potential members of the designated groups at post-secondary institutions. The licensee added that it has implemented an internal procedure to advise staff members in each location of employment opportunities at other locations with the company.
13. Pattison further stated that all of its managers are provided with a handbook which details Pattison's Employment Equity policies, and that a human resources staff member is responsible for monitoring the implementation of those policies. Further, the licensee indicated that it provides adjusted work schedules for staff members with families, monitors the group health plan to ensure it meets the needs of employees, and has ensured that its offices are wheelchair accessible.
14. The Commission notes the licensee's efforts in this regard, and encourages the licensee to consider employment equity issues in its hiring practices and in all other aspects of its management of human resources.

¹ Audio description consists of basic voice-over recitations or descriptions of the text or graphic information that is displayed on the screen. Although a measure of sensitivity and creativity on the part of a broadcaster is necessary to ensure the quality and effectiveness of audio description, no special equipment is required.

² Video description, or described video, takes the form of a narrative description of a program's key visual elements which permits the audience to create a mental image of what is on the screen. It is generally provided using the secondary audio program (SAP) channel.

15. With respect to on-air presence, the Commission expects the licensee to ensure that its programming is reflective of Canadian society and that members of the four designated groups (women, Aboriginal persons, persons with disabilities and members of visible minorities) are presented fairly and accurately.

Service to persons who are deaf or whose hearing is impaired

16. In *Licence renewal for CHAT-TV and its transmitters*, Decision CRTC 95-572, 23 August 1995, the Commission encouraged the licensee to caption all local news programming and at least 90% of all programming during the broadcast day, by 31 August 2002.
17. During the 2002-2003 broadcast year, the Commission's analysis of CHAT-TV's logs revealed that Pattison had captioned only 0.02% of all local news programming and that only 86% of all programming broadcast on CHAT-TV was captioned.
18. The Commission notes that, in its licence renewal application, Pattison did not make a commitment to caption all local news programming and at least 90% of overall programming broadcast on CHAT-TV during the broadcast day, throughout the new licence term. This is despite the fact that nine years have elapsed since the licensee was first encouraged to reach the targets noted above. The Commission considers that the licensee must improve its performance in this area, beginning early in the new licence term.
19. Additionally, the Commission is imposing a **condition of licence** providing that, beginning 1 September 2009, Pattison caption 100% of all local category 1 – News programming, and not less than 90% of all programming aired during the broadcast day. This condition of licence is set out in the appendix to this decision.

Conclusion

20. The Commission is generally satisfied that, during the current licence term, the licensee has adhered to the requirements of the *Television Broadcasting Regulations, 1987*, and has complied with its conditions of licence and the Commission's expectations, specifically those regarding Canadian programming and local news. Concerns with respect to closed captioning of local news have been addressed earlier in this decision.
21. On the basis of the Commission's review of this licence renewal and of the licensee's past performance, the Commission **renews** the broadcasting licence for CHAT-TV Medicine Hat and its transmitters from 1 September 2004 to 31 August 2011. The licence will be subject to the conditions specified therein, and to the **conditions of licence** set out in the appendix to this decision.

Secretary General

This decision is to be appended to the licence. It is available in alternative format upon request, and may also be examined at the following Internet site: <http://www.crtc.gc.ca>

Appendix to Broadcasting Decision CRTC 2004-374

Conditions of licence

1. The licensee shall operate this broadcasting undertaking as an affiliate of the English-language television network operated by the Canadian Broadcasting Corporation.
2. The licensee shall provide closed captioning for all local news programs, and not less than 90% of all programs aired during the broadcast day, beginning not later than 1 September 2009.