



Ombudsman

OFFICE OF THE OMBUDSMAN | ENGLISH SERVICES

ANNUAL REPORT
2021-2022



June 2, 2022

Michael Goldbloom, Chairman of the Board
CBC/Radio-Canada

Catherine Tait, President & CEO
CBC/Radio-Canada

Members of the Board of Directors
CBC/Radio-Canada

Mr. Goldbloom, Ms. Tait and Respected Board of Directors Members:

Attached please find the Annual Report of the Office of the Ombudsman,
English Services, for the period April 1, 2021 to March 31, 2022.

Sincerely,

Jack Nagler
CBC Ombudsman, English Services

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HIGHLIGHTS

2021-22 was the most active and contentious year that I have experienced since becoming CBC's Ombudsman. The rancour and division on full display in our civic discourse was reflected in the complaints I received about the public broadcaster. Yet so varied are the perspectives from the people who approach my office, it is harder than ever to discern whether the intensity of their complaints says more about CBC, or about them.

There is no question that these complainants cranked up the volume. The number of complaints handled by the Office of the Ombudsman surged in the past year. In all, this office received 8,457 comments, complaints and expressions of concern, up 60 percent from the previous year. Of that total, 976 related to matters that fell outside the Ombudsman's mandate, but that meant that nearly 7,500 fit within it. Of those, 1,684 were sent to programmers for a response, while the rest were shared with news management so they could take the concerns expressed into account. This office does not insist on a reply from management if the nature of a complaint is too broad, or if it duplicates a complaint already received as part of an organized campaign.

So the numbers were way up, but complainants cranked up the volume in a second way, and that was through loud and angry communication. The frequency and ferocity of fury in the messages I received was jarring, and also somewhat discouraging. While I do not track the number of complaints I reject on the basis of profanity and insulting language, I can report that it has spiked significantly.

The coverage that prompted these angry complaints included subjects we know to be divisive: the pandemic-long debate over the balance between individual rights and public health; a closely-fought federal election; weeks of fighting between Israel and Hamas; and the Russian invasion of Ukraine. For each of these issues, the common theme expressed by complainants was a sense that CBC - and many other news organizations, too - framed their reports to reinforce a pre-existing narrative that complainants believe is untrue.

It made for a particularly challenging environment in which to report on controversial stories. Programmers have to find ways to report accurate information in a clear and direct manner, while hoping not to exacerbate societal cleavages. In 2021-22, that was no easy task.

By the close of the fiscal year, 44 reviews had been completed, with 24 others carried over. Of the 44 reviews completed, I found violations of policy or room for improvement in 15 of them. That ratio of 1 in 3 is, from the perspective of CBC management, an improvement over the year before. No particular pattern of errors jumped out from these reviews, other than a continued need to emphasize precision of language, particularly in the digital space.

TRENDS

| THE FEDERAL ELECTION

This office received 431 complaints about CBC's federal election coverage over the course of the campaign. That was fewer than the number I received during the 2019 election, which struck me as surprising considering the high number of complaints filed overall this past year. One could argue, I suppose, that many of the complaints I received relating to the pandemic during those weeks were also political in nature, but in general the election coverage did not inspire as many complaints as I had anticipated.

That observation was reinforced by the very small number of election-related reviews conducted by this office. There were but four requested, and three of them involved coverage which was published after election day. One, in which I found CBC at fault, involved a [case](#) in which a radio report described the People's Party of Canada as being "firmly opposed to vaccines." The report at the heart of the complaint was a solid story, but the complainant was able to demonstrate that CBC's language was imprecise for not distinguishing between opposition to mandated vaccinations, and opposition to the vaccines themselves.

As one might expect, accusations of bias are common during an election campaign. The most frequent complaint this time was that CBC was not critical enough of the incumbent party, but there were allegations of bias both for and against all the major parties.

Leaders' Debates

The campaign moment that generated the most complaints was not actually part of CBC's election coverage, but the English-language leaders debate. I noted in my [blog](#) that a question from one of the moderators was a flashpoint, and that moderator was not a CBC journalist. It limited my ability to do much beyond asking program producers to acknowledge the complaints.

How emblematic of modern-day politics that a question asked by a moderator is remembered better than the answers provided by the candidates. It is noteworthy, though, that so many citizens appear to view journalists as partisan actors, and that should be a consideration for CBC/Radio-Canada as it contemplates its role in future federal debates.

During this election, the independent Leaders' Debates Commission was responsible for the debates, and set the rules for participation. CBC and Radio-Canada were among a group of news organizations contracted to produce the events, and were responsible for their editorial direction. Whether that is an appropriate arrangement for CBC's journalists - or for the public broadcaster as a whole - is a good question that management should contemplate.

I will refrain from weighing in on whether CBC would be wiser to expand or contract its role in these debates. Instead, I will make the observation that the current arrangement did not exactly quiet the noise associated with the “Broadcast Consortium” before the creation of the Debates Commission.

Independent Advice Panels

In addition to answering complaints and conducting reviews of election stories, this office continued the satisfying tradition of convening citizen panels to monitor CBC’s election coverage.

There were three panels during this campaign: one for radio and audio, one for television and one for digital platforms, including social media. The 20 participants recruited to take part came from across the country, and represented a variety of life experiences and ideological perspectives.

I have already shared their reports with the Board of Directors, but the work done was impressive, and it is worth recapping the highlights here so that the panels’ insights are in the public domain.

The Radio group was generally positive, saying that it found CBC’s coverage to be “fair with appropriate focus on the major parties.” Panelists expressed particular praise for the way *The Current* analyzed party platforms on certain issues, and the manner in which *The House* held various political figures to account. At the same time, the panelists said that the overall coverage could have been broader and better. Among their observations:

- **Too much attention to the top three or four issues at the expense of other issues;**
- **Limited coverage of the Greens and virtually no coverage of the People’s Party until the campaign’s final days;**
- **Coverage that concentrated on urban Canada with little or no coverage of rural issues and the concerns of rural voters;**
- **More exploration of regional issues and more contrasts and comparisons of how people in different regions perceive the campaign, the issues, the parties and leaders;**
- **The need for a broader range of voices in coverage and in addressing issues e.g. young people and seniors;**

The Television group was similarly full of praise for the overall body of work, saying:

For the most part, CBC television coverage seemed accurate, honest and reasonable. It was consistent in style, tone, and editorial approach throughout. When something unpredictable happened, CBC adjusted well. Flaws in daily coverage - say, if one party seeming to have been shortchanged on a given day - were slight and could generally be put down to normal bumps in the road.

Still, this group would have liked to see more depth in CBC's coverage of the campaign. It identified issues related to Indigenous people and to foreign affairs as needing more attention, and panelists would have liked for there to be a consistent place in the schedule dedicated to offering voters clarity on what exactly the parties were proposing on complex policy issues.

The Digital group, on the other hand, felt that CBC's offerings were characterized by impressive depth:

We conclude that the CBC exceeded our expectations in its digital federal election coverage. We found considerable depth and breadth in multi-media coverage on issues and perspectives. We assessed that coverage to be accurate, fair, and widely accessible on numerous digital platforms. To its great credit, at a time when trustworthy news matters so much to democracy, CBC has clearly utilized the almost limitless potential of digital platforms to provide quality news and information to Canadians wherever they are, and whenever, and however they wish to consume it.

There was particular praise for CBC News' election newsletters, and interactives such as one allowing readers to [compare party platforms](#). The panel saw some areas for improvement, expressing a desire for more good local election stories. Their one significant criticism was an overemphasis on the main party leaders. The panel would have preferred more coverage of the policies being proposed by the Green Party and the People's Party.

| COVID-19, INCLUDING THE CONVOY

There were some 1,342 complaints filed about CBC's coverage of issues relating to the pandemic. About half of them dealt with questions relating to the protest known as the Freedom Convoy.

When I described complaints this year as being angry, this is the group that exemplified the trend. People rejecting the science behind vaccines, or opposed to mandates and passports. People incensed by mask requirements. People frustrated that their views were not receiving more sympathetic treatment by the media. Instead, they argued - often profanely - that CBC and other news outlets were doing the bidding of Prime Minister Trudeau.

The most polarized views of all concerned coverage of the convoy that set up camp near Parliament Hill. Some protesters confronted journalists on the streets, or harassed them while they tried to do their work. Other supporters wrote to me, demanding to know why mainstream media coverage, which they thought overemphasized disruption in Ottawa and the presence of extremists, did not resemble the peaceful, celebratory nature that they saw depicted in livestream videos posted by people taking part in the protests. When CBC acknowledged making a mistake in its coverage, as it did when an on-air host [asked a question](#) that seemed to imply the convoy had links to Russia, complainants seized on it as proof that CBC was disseminating "fake news".

At the same time, people on the other side of the social and political divide wrote to express the view that CBC should have done more to portray participants in the convoy as criminals and occupiers of downtown Ottawa. These complainants resented the fact that protesters were given airtime to explain their objections to public health restrictions. In the weeks prior, when CBC published an [opinion column](#) accusing governments of “moving the goalposts” on public health restrictions, there was a backlash from complainants that CBC was indulging in an anti-scientific point of view.

It all led to some interesting reviews about COVID coverage, ranging from the [links between opponents of health restrictions and extremists](#) to whether CBC was too critical of [a prominent Canadian scientist](#) who was reluctant to embrace the theory that the virus was spread primarily through the air.

It is easy to get lost in the specifics of each individual story, and each individual complaint. When I step back and look more broadly, though, my sense is that CBC has done a commendable overall job on the pandemic in the past year. It has informed Canadians about the latest developments, both scientific and social, and given them tools to make informed decisions about how to live their lives during this unusual period of time. That conclusion will be unpopular in some quarters, which is in itself a statement on where we’re at these days.

While not everyone will applaud the emphasis CBC has continued to place on the spread of the virus, it is an important public service to keep reporting this information. Journalists should acknowledge that many Canadians are opposed to the continuation of health restrictions, and respectfully reflect their arguments as an essential way of providing balanced coverage. But editors have the right to set their own course in deciding which aspects of the pandemic merit the most attention. And they have a responsibility to avoid spreading misleading or false information about the reality of the situation.

| MIDDLE EAST

This region of the world is perennially a hot topic for complaints. Thanks largely to last May’s outbreak of fighting between Israel and Hamas, I received just as many complaints about coverage of the Middle East as I did about coverage of COVID-19.

While supporters of both sides were active as always, it was noteworthy that the clear majority of people who wrote expressed the view that CBC’s coverage has been unfair to Palestinians. Most of these complaints were rather broad, and it turned out that the specific stories I was asked to review from last spring’s conflict were marked by accusations that CBC had been unfair to Israel.

There were three such reviews. The most prominent involved an accusation that *As it Happens* was confrontational when interviewing an Israeli official, but passive when interviewing an official from Hamas. In my review, I [sided](#) with the program:

The interviews allowed representatives of each side to make their case to Canadians, and nothing in the line of questions or the actions of the interviewer prevented listeners from learning what the guests were trying to say.

Each interview gave listeners information that would help them form their own opinions on the events taking place.

In the other two instances, I sided with complainants. CBC offered a poorly-worded description of one of the [ongoing issues](#) that had sparked the outbreak of violence, as well as in the [chronology of events](#) about who fired first in the early days of the fighting. I concluded the latter review this way:

It would have been wiser to choose between reporting explicitly on the chronology, or avoiding it altogether. Instead, there was only the passing reference, which left a sliver of ambiguity - just enough that its meaning could be misinterpreted.

In that sense, the report failed to live up to the JSP; the language used was not precise enough to ensure that the report was faithful and easy to understand. But any suggestion that this reflected a bias against Israel seems entirely without merit. There was a violation of policy, but it was a misdemeanour, not an indictable offence against journalism.

This review reflected a trend I've seen this year more than others - complaints focused on a single sentence, or even a single word, rather than on the calibre of reporting as a whole. As Ombudsman, I will continue to accept and weigh in on such complaints - a single word has the capacity to undermine all kinds of quality work, and the requirement for accuracy includes precision and clarity. At the same time, there is a "gotcha" element to some of these complaints that is out of proportion to the issues they raise. In the year ahead, I plan to encourage programmers and complainants alike to keep things in perspective.

| UKRAINE

The events in Ukraine are fresh enough that there have not yet been any reviews. I anticipate that this issue will play a larger role in next year's annual report. However, in the period leading up to the end of March I observed a similar pattern in complaints to the issues above. Most of the people who have written accused CBC of adopting the narrative of western governments and vilifying Russia. They suggested that CBC did not do enough to provide a Russian perspective on the events leading up to the conflict.

I share this not because I am persuaded this view is widely held by the public, but because it reflects the correspondence I have seen so far.

| JOURNALISM AND RACISM

Issues related to race continue to be featured in CBC journalism, and continue to prompt complaints.

[One prominent review](#) emanated from coverage of the attack on a Muslim family in London, Ontario. The complainant accused the CBC's Ginella Massa of violating the requirement of impartiality because of remarks she made about Islamophobia while hosting a live news special. The issues were complicated, but in the end I concluded that she had adhered to journalistic standards.

Two other reviews concerned whether CBC was contributing to racism against Asian Canadians. One came from [Senator Yuen Pau Woo](#), who thought CBC misconstrued a speech he gave during a debate over whether to label China's treatment of its Uyghur minority as a genocide, and in the process exposed him to considerable abuse. I did not agree with all of the arguments he made in his complaint, but I did agree with another complainant that CBC had engaged in the [language of subtle racism](#) in a report about the origins of the pandemic.

Quite regularly, I receive complaints from people who suggest that CBC buys into narratives about racism. For instance, there is a small but dedicated group of complainants who think CBC has not been rigorous enough in its coverage of residential schools and their impact on Indigenous people. These complainants would like to see more skepticism about claims relating to the possibility of mass graves at some of these sites. There are other complainants who accuse CBC of being racist against white people. I did one review about alleged racism against people of British descent (I [sided](#) with the programmers), and there were a couple of dozen people who accused the program Q of promoting racism against white people after they interviewed author Ben Philippe, who wrote a book in which he imagined what might happen if there were a race war, and the scenario included killing his white friends. I was not asked to conduct a review, but programmers acknowledged that they could have handled that interview differently so that it would be less likely to offend.

OTHER ISSUES

| CBC AND WE

CBC is one of the news organizations that dedicated considerable investigative resources to look at what happened with the WE charity. Supporters of WE objected to CBC's reports, and one of them - who had been interviewed for a story - complained that her remarks were taken out of context. [My review](#) found that was not the case. I found a couple of imperfections, but the broader conclusion was that CBC's investigatory work on this high-profile story was well done.

| CORRECTIONS

I am pleased to see that CBC is continuing to make healthy use of the [Corrections and Clarifications](#) web page it established more than a year ago. Having said that, I will share two thoughts about this important area of accountability.

The first is a concern about the nature of corrections. Most of the time CBC does a good job of explaining the nature of a mistake, and how a story was remedied. Every once in a while, though, that is not the case. In one review this past year, I [upheld a complaint](#) by a Conservative MP that CBC had been unfair to her in an online article, and one key demonstration of that unfairness was that after acknowledging flaws in the article, programmers published an editor's note which lacked the sort of specificity needed to provide transparency for readers.

The second is an observation that programmers sometimes use the corrections page to acknowledge mistakes on a program, but there is no similar correction on air. It may be that this is actually a good development - that CBC is at least being transparent about errors which would not have justified an on-air correction. But I want to caution programmers to remember that when significant errors occur, publishing something online would not be considered a replacement for admitting the mistake on the air.

| NON-MANDATE COMPLAINTS

Complaints to my office about CBC's commenting policies and practices continue to increase, as I received 394 over the course of the fiscal year. The frustrations expressed in these complaints echo the broader themes I've described in which people think CBC has ulterior motives in moderating their comments. This was especially the case when it came to comments about vaccines and public health restrictions.

This year saw a spike in part because CBC has also changed its practices regarding comments on its social media pages, including Facebook and YouTube. As well, complainants continue to be exasperated that they do not receive explanations for the moderation decisions that CBC makes.

| RESPONSIVENESS

When I receive a complaint and forward it to programmers for a response, there is no fixed rule about how quickly that reply has to come, but there is a general expectation that they will do so within twenty working days. The average response time this year was 19 days. That is a bit slower than last year, but considering the intensity of the issues and complaints this year, I am not overly concerned.

CBC News management has recently restructured its journalistic standards office. I am extremely pleased with the cooperation I've received so far from the Director of Journalistic Standards, George Achi, and Senior Manager Nancy Waugh. Their dedication to engaging with audience complaints is admirable, and the thoughtfulness of their replies is encouraging.

In raising any questions about responsiveness, I ought to include my own office as well. Although I conducted more reviews this year than I did last, the backlog of review requests has grown larger. My goal in the coming year is to reduce the time lag from request to completed review.

CONCLUSION

There are several issues I have not even begun to address in this report. One is an uptick in the frequency of organized campaigns hoping to use this office to influence CBC's programming choices. In one such case, a government agency in Alberta has taken to publishing online ads encouraging people to "Complain to the CBC Ombudsman". All people have to do is provide that agency with their name and email address. That automatically triggers a complaint to my office about a documentary on oil pipelines, which, at the time I write this report, has not even aired yet.

Another is that I continue to urge CBC management to develop more transparent procedures around handling requests to remove or alter past stories. This was a theme in [last year's annual report](#).

Still, I am impressed by the efforts CBC News management makes to address issues raised by this office. I have already mentioned George Achi and Nancy Waugh. I am appreciative as well for the earnestness and concern for standards demonstrated by both Editor in Chief Brodie Fenlon and Susan Marjetti, the General Manager for News, Current Affairs and Local.

President and CEO Catherine Tait has consistently demonstrated support for this office, and has embraced the imperative that I operate with independence. At a time when too many media organizations shy away from accountability, her commitment to the concept is commendable and I thank her for it.

Turning to my own office, not a day goes by that I am not grateful for the work done by my Executive Assistant, Teresa Batista. Her dedication, skill and humour make her an outstanding colleague.

I have also benefited from consulting with Professor Lisa Taylor of Toronto Metropolitan University. Her wisdom, analytical skills, journalistic integrity, and endless energy have aided this office considerably.

And finally, I wish to salute another fine colleague, Pierre Champoux. He is proving already to be an excellent Ombudsman for French Services, and I look forward to collaborating more with him in the months and years ahead.

Jack Nagler
Ombudsman, English Services

COMMUNICATIONS & REVIEWS

Number of Communications Received

YEAR	INFORMATION PROGRAMMING	GENERAL PROGRAMS/ OTHER	TOTAL NO. OF COMPLAINTS	COMPLAINTS PROCESSED	AVERAGE RESPONSE TIME (DAYS)
2021-22	7,481 (6,469 + *1,012)	976	8,457	1,684	19
2020-21	*4,399 (+ Petition: CBC Docs POV "Drag Queens" 20 *Petition: Don't let the CBC erase Palestine 92)	**872	5,271	1,657	15
2019-20	6,123 (+ Petition: CBC Docs POV "Drag Kids" - 17,315)	552	6,675	1,112	14
2018-19	3,131	562	3,693	N/A	N/A
2017-18	3,185	884	4,069	N/A	N/A

*Petitions: Complaint about funding of upcoming documentary "Yintah" 949
Two years later, CBC silent on India's colonization of Kashmir 63

Distribution of Information Programming Complaints per Platform

YEAR	TELEVISION	RADIO	NEWS NETWORK	CBC.CA	SOCIAL MEDIA	OTHER (Information Programming/ General Programs)
2021-22	754	684	2,105	1,755	169	1,978

Reviews

YEAR	NO. OF REVIEWS	FOR CBC	AGAINST CBC	RECOMMENDATIONS	PARTLY UPHELD	CARRIED FORWARD
2021-22	44	29	7	4	4	24

OMBUDSMAN'S MANDATE

| PRINCIPLES

CBC-Radio-Canada is fully committed to maintaining accuracy, fairness, balance, impartiality and integrity in its journalism, as expressed in its unique code of ethics and practice, the Journalistic Standards and Practices. 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.

| MANDATE

The Ombudsman acts as an appeal authority for complainants who are dissatisfied with responses from CBC information or program management.

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.

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.

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.

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.

The Ombudsman prepares and presents an annual report to the President and the Board of Directors of the Corporation summarizing 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.

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.

| COMPLIANCE

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.

The evaluation measures performance in respecting the fundamental principles of CBC journalism.

All employees of CBC News, as well as the content they create, and employees of Local Services, Radio Talk information programming, or any service involved in the creation of news, current affairs and public affairs content must respect all of the principles of the Journalistic Standards and Practices namely:

- **Accuracy, fairness, balance, impartiality and integrity.**

With the exception of fiction and comedy, content produced by other employees which touches on politics, social issues, economics, cultural issues, scientific issues or sports – particularly if the issues are controversial – must respect the following principles :

- **Accuracy, fairness and balance.**

User-generated content, when incorporated into information programming, must conform with the principles of the Journalistic Standards and Practices.

Moreover, in an election or referendum period, the Journalistic Standards and Practices applies to all content related to the campaign, parties or candidates that is broadcast and published by the CBC, regardless of the department concerned.

The JSP applies to all news, current affairs and public affairs content commissioned by CBC and produced by third parties.

The Office reports bi-annually.

| JURISDICTION

The jurisdiction of the Office of the Ombudsman covers all content, produced for radio, television or the internet (including social media used by CBC) that falls within the scope of the Journalistic Standards and Practices.

Complaints beyond the Ombudsman's mandate should be addressed directly to the programs concerned, or [Audience Relations](#).

| APPOINTMENT

When filling the Ombudsman's position, the CBC openly seeks candidates from outside as well as inside the Corporation.

After appropriate consultation, the President and CEO establish 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.

The selection committee examines applications and selects a candidate to be recommended for appointment by the President and CEO.

The Ombudsman 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.

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.

NOTE: Last modified February 27, 2019.

Ombudsman

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