

August 2012

Mr. Rémi Racine, Chair, Board of Directors, CBC/Radio-Canada

Mr. Hubert T. Lacroix, President and CEO, CBC/Radio-Canada

Members of the Board of Directors, CBC/Radio-Canada

Dear Mr. Racine, Mr. Lacroix and Members of the Board of Directors:

I am pleased to submit the annual report of the Office of the Ombudsman, English Services, for the period April 1, 2011, to March 31, 2012.

Sincerely,



Kirk LaPointe
Ombudsman
English Services

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The report's cover is a Wordle of the Ombudsman's reviews, expressing in a "cloud" the prominence of each word in proportion to its frequency in the text of this year's reviews.

THE OMBUDSMAN'S REPORT

2011-12

The Ombudsman is the public representative at CBC, so my annual report focuses on what I believe are the significant issues for the general public with CBC News, with its Journalistic Standards and Practices, and with the Office of the Ombudsman itself.

There were a record 91 reviews of CBC news and information content by this Office in the 2011-12 fiscal year. Some might infer this large total as a deepening public critique of CBC journalistic quality, but it is far more likely due to the enhanced visibility of the Office through its new website, social media distribution of reviews, and press coverage of findings.

A social media distribution network involving Twitter, Facebook and LinkedIn directly reaches nearly 10,000 for the Office's output — and, through them, potentially hundreds of thousands more as content is shared. The higher profile raised greater awareness of the Office's role, which led more to turn to it to help resolve disputes.

During the fiscal year, the Office dealt with 3,881 complaints, communications and expressions of concern, down from 4,112 a year earlier but roughly double the number from 2009-10. The total included 2,954 correspondences, all but a handful through email, on news and information content.

The largest component of correspondence comprised 880 distinct complaints on the exclusion of Green Party Leader Elizabeth May from the televised federal leaders' debate in the 2011 election. When combined with the 1,437 complaints on that matter in the final weeks of 2010-11, the total of 2,317 over two fiscal years represented the largest volume of non-petition complaints in the Office's history.

Also in the year were 747 complaints (and three in support) concerning Kevin O'Leary's interview with Occupy movement activist Chris Hedges and 197 complaints (with another 10 in support) involving Don Cherry's comments about fighting in the National Hockey League.

Efficiency and timeliness have been identified as important factors in developing public trust for Ombudsmen. There was a significant effort in the year to accelerate the review process.

Reviews are now conducted within days of a request and the average duration between the start and release of a review is slightly more than 12 days — a reduction of more than 90 per cent from the four-month-plus average. More than one-quarter of the reviews in this fiscal year came from a backlog of complaints in previous fiscal years. By comparison, only one review was held over from 2011-12 into 2012-13 and was concluded within days.

Of course, the Office's work does not entail the entire public complaint process. A review generally launches after CBC News fails to satisfy the complainant through correspondence. (The Ombudsmen can launch a review if that response takes an excessive amount of time, but that provision is unhelpful, given that it is necessary to involve CBC News in the review in any event.)

It was apparent during the year that the volume of public comments, questions and complaints to CBC News can overwhelm the system at times. The customary CBC News practice of responding within 20 business days is increasingly difficult to meet, particularly when complaints involve complexities of coverage involving the accuracy of CBC research. I would recommend the allocation of resources to ensure this standard does not slip.

I want to identify some of the lingering issues for the public.

CBC policy permits its journalists to draw conclusions and develop a point of view through judgments based on facts, but its policy also insists that journalists remain impartial. I sense a great deal of public confusion about this. For some, a conclusion based on judgment stakes out a position — not far removed from an expression of opinion — that runs counter to the principle of impartiality. In short, some see a contradiction here.

I suspect this concern will only grow as CBC journalists more frequently analyze events for broadcast and online content. I am not critical of the policy, but I would suggest that CBC elaborate on this issue so stakeholders — the public and CBC's journalists — have a clearer understanding of the modern role of its journalists, in particular the process and methods by which points of view can be developed and presented without undermining the principle of impartiality.

In my 2010-11 annual report, I argued that publishing online comments — or not publishing them — constituted an editorial decision, no different than the journalistic determination by newspapers of which letters to the editor to publish. This function of online comment moderation is outsourced by CBC News to a third party, as it is by several other major media organizations, including some CBC competitors.

The mandate of the Office of the Ombudsmen precludes review of such comments unless they are integrated in CBC's content. But year after year, this Office continues to receive a large

volume of complaints that decisions to publish or not publish comments are unfair or reflect a bias.

I commend the effort in the year by the CBC News managers overseeing the third-party moderation of comments to answer complaints this Office refers to them. That being said, those complainants often remain dissatisfied. I continue to believe that a mechanism beyond CBC/complainant correspondence should be available when the public insists that the decision-making about comments — theirs or those of others — creates or blocks content in a breach of Journalistic Standards and Practices.

Another recurrent issue in several reviews this year was the approach CBC News took in correcting content. Journalistic policy permits CBC News the discretion to decide when it is necessary to correct. In some instances, CBC communicates only to a complainant and not the wider public about an error. In some instances, it corrects online and not on radio or television. In some instances, it overwrites online content without informing readers of a mistake in an earlier version.

As the fiscal year concluded, CBC News was in the process of creating a new corrections policy to provide a clearer framework on how it will deal with corrections. I would encourage CBC News to summarize the policy and make it public. Further, I would encourage CBC to place online corrections and clarifications at the top of stories, rather than the bottom, to better ensure they are read.

CBC policy strives for fairness and balance in its content over a "reasonable period" and requires that divergent opinions be presented across a network or platform "in an appropriate time frame." A recurrent concern I heard was that these provisions were too vague and open-ended. I also heard concerns that fairness and balance should be achieved within a program, not simply on a network or across a platform, because that better reflects the audience's consumption habits. I have found most programmers strive for fairness and balance within their shows and quite quickly, and my strong preference would be for policy that reinforces that approach and presses CBC without artificially guiding its editorial decision-making.

A recurrent complaint I heard this year from the public was that it was difficult and frustrating to find the right person when it came time to complain or inquire. This Office routinely redirects queries to programmers, senior managers and to Audience Relations when the public can't find an email contact, but it seems reasonable that CBC have a prominent online directory with email contacts for its programs and programmers.

The mandate of the Ombudsman was changed in the year. The CBC President appointed a committee to examine the Office's role. Its report was completed in November and sent out for comments by CBC News, Management and the Ombudsmen. Mandate changes were submitted to and approved by the Board of Directors in March 2012.

The changes included:

- Creating a clearer jurisdiction for the Office that encompasses the “content”—not simply the “programs”—of news and information. This answered a long-nebulous question of where the CBC and Radio-Canada Ombudsmen could venture.
 - Eliminating a provision that had permitted Ombudsmen to communicate to the “wider public” on matters of “concern and consequence.” This left CBC/Radio-Canada as one of the few organizations with no such latitude for its Ombudsmen. It also left unanswered how, and even whether, the Ombudsmen could comment on matters related to journalism standards, grant interviews on their reviews, teach on related issues, or participate at events as public representatives.
 - Altering a provision that had permitted Ombudsmen to initiate special reviews of topics, themes or trends and release the findings publicly. Now reviews can be launched only when CBC management agree “there may be a problem.” Rather than distribute such findings publicly, Ombudsmen now can only “advise CBC management and journalists of the results of such studies.”
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I want to provide further comment on two reviews in the year.

The first was a finding of conflict of interest following the appointment by the British Columbia premier of a deputy press secretary who was the spouse of a CBC journalist, Stephen Smart, assigned to report on the provincial legislature. When the appointment took place, CBC undertook a protocol to mitigate direct operational conflicts in the journalist's daily work. This did not dissuade public complaints in the blogosphere — and eventually to CBC and this Office.

In my review, I did not find any issue with the reporter's journalism, but I concluded that no protocol could overcome the public perception of a conflict. I also felt the protocol hampered the reporter's effectiveness, thus ill-serving the public.

I note that the reporter's spouse has since moved to another communications role within a provincial ministry. I believe that if a review were conducted of this situation now, her position's relationship to his work would be sufficiently remote that there would no longer be a finding of conflict.

The second review reflected the viral nature of information in the digital age. A CBC interview segment with Chris Hedges, a prominent supporter of the Occupy movement, detoured into name-calling — and a violation of CBC Journalistic Standards and Practices. The incident spurred nearly 750 complaints, driven by social media sharing of the segment, even well after a review was conducted and a finding released.

The program executive producer apologized personally to the interview subject after the program, but persistent complaints suggested more was needed. Eventually the program co-host Kevin O’Leary apologized twice, once more vigorously than the other. I am sympathetic to the fact that every acknowledgment cannot be mentioned on a broadcast. But I would suggest that when a program expresses regret, it should do so to the audience and not only the subject. In my view, the same can be said of corrections — they are best expressed to the audience, not just complainants.

It is important again this year to note that CBC News was helpful in the Office of the Ombudsman’s work. Even if findings did not always meet their approval, managers and journalists were accessible to assist in the review of public complaints — a sign of support for the independence of the role and the principle of public service.

The Office is a two-person operation and it is particularly important to pay tribute to the work of the Office’s long-valued assistant, Laura Marshall, for her diligence and commitment to serve and represent the public. I also want to thank my Radio-Canada counterparts for their assistance and advice: Ombudsman Pierre Tourangeau, his predecessor Julie Miville-Dechêne, and the Office’s resourceful assistant, Laure Simonet.

I thank CBC for the opportunity to serve in this role.

Kirk LaPointe
Ombudsman, English Services

RAPPORT DE L'OMBUDSMAN

2011-12

L'ombudsman est le représentant du public à CBC, et mon rapport annuel porte donc sur ce qui, selon moi, constitue des enjeux importants pour le grand public pour ce qui est de CBC News, de ses *Normes et pratiques journalistiques*, et du Bureau de l'ombudsman proprement dit.

Durant l'exercice 2011-2012, le Bureau a procédé à un nombre record de 91 révisions de contenu des nouvelles et de l'information de CBC. Certains pourraient en déduire que ce nombre important correspond à une intensification des critiques relatives à la qualité journalistique de CBC, mais il est plutôt attribuable à la plus grande visibilité du Bureau grâce à son nouveau site web, à la distribution de ses révisions dans les médias sociaux et à la couverture de ses conclusions par la presse.

Un réseau de distribution des messages du Bureau dans les médias sociaux – Twitter, Facebook et LinkedIn – touche près de 10 000 abonnés, et des centaines de milliers d'autres abonnés potentiels, au fur et à mesure que le contenu est partagé. Cette plus grande présence a entraîné une plus grande sensibilisation au rôle du Bureau de l'ombudsman, auquel on a donc fait davantage appel pour aider à résoudre des désaccords.

Pendant l'exercice 2011-2012, le Bureau a traité 3 881 plaintes, communications et expressions de préoccupations, un chiffre en baisse par rapport aux 4 112 plaintes du précédent exercice, mais environ le double de l'exercice 2009-2010. Ce total comprend 2 954 correspondances, toutes par courriel, hormis quelques-unes, qui portaient sur du contenu des nouvelles et de l'information.

La portion la plus importante de la correspondance, soit 880 plaintes distinctes, portait sur l'exclusion de la chef du Parti vert, Elizabeth May, du débat fédéral des chefs pendant l'élection de 2011. Combiné aux 1 437 plaintes reçues à ce sujet dans les dernières semaines de 2010-2011, cela représente un total de 2 317 plaintes pour les deux exercices, soit le volume le plus important de plaintes non liées à une pétition reçues par le Bureau depuis sa création.

L'interview par Kevin O'Leary du militant d'Occupy, Chris Hedges, a occasionné 747 plaintes (et trois messages de soutien), et 197 plaintes (et 10 messages de soutien) ont été reçues au sujet des commentaires de Don Cherry sur les bagarres dans la Ligue nationale de hockey.

L'efficacité et la rapidité constituent des facteurs importants du renforcement de la confiance du public envers les ombudsmans. De nombreux efforts ont été accomplis cette année pour accélérer le processus de révision.

Les révisions sont maintenant effectuées dans les jours suivant la réception d'une demande, et la durée moyenne entre le début d'une révision et sa publication est d'un peu plus de 12 jours, une réduction de près de 90 pour cent par rapport à la moyenne qui était de plus de quatre mois. Plus du quart des révisions de l'exercice provenait d'un arriéré de plaintes reçues au cours des exercices précédents. En comparaison, une seule plainte a été reportée de 2011-2012 à 2012-2013, et elle a été réglée en quelques jours.

Bien entendu, le travail du Bureau ne couvre pas la totalité du processus visant à traiter les plaintes du public. Une révision n'a généralement lieu que lorsque CBC News n'a pas réussi à satisfaire un plaignant après un échange de correspondance. (Les ombudsmans peuvent lancer une révision si le service tarde à réagir, mais cette disposition est inutile, puisqu'il faut que CBC News participe à la révision de toute façon.)

Il était évident durant l'exercice que le volume des commentaires, des questions et des plaintes du public adressés à CBC News peut submerger le système à l'occasion. La pratique habituelle de CBC News de répondre dans les 20 jours ouvrables suivants est de plus en plus difficile à respecter, tout particulièrement quand les plaintes sont liées à des éléments complexes de la couverture des nouvelles, notamment l'exactitude des recherches effectuées par CBC. Je recommanderais que des ressources soient allouées afin que cette norme continue d'être respectée.

Je souhaite traiter de certains enjeux qui persistent pour le public.

La politique de CBC permet à ses journalistes de tirer des conclusions et de développer un point de vue d'après leur jugement et en se basant sur des faits, mais la nécessité pour les journalistes de demeurer impartiaux est également un point sur lequel la politique insiste. J'estime qu'il règne une grande confusion aux yeux du public à ce propos. Pour certains, une conclusion fondée sur le jugement des journalistes revient à prendre position – ce qui n'est pas loin d'exprimer une opinion – et va donc à l'encontre du principe d'impartialité. En bref, certains y voient une contradiction.

J'ai le sentiment que cette préoccupation ne pourra aller qu'en grandissant, puisque les journalistes de CBC doivent de plus en plus fréquemment analyser les événements pour le contenu à diffuser et à mettre en ligne. Je ne critique pas la politique, mais je suggérerais que CBC approfondisse ce sujet pour que les parties intéressées – le public et les journalistes de CBC – comprennent mieux le rôle moderne de ses journalistes, notamment le processus et les

méthodes au moyen desquels des points de vue peuvent être développés sans nuire au principe d'impartialité.

Dans mon rapport annuel pour 2010-2011, j'indiquais que la publication de commentaires en ligne – ou leur non-publication – constituait une décision d'ordre rédactionnel, qui n'est pas différente de la décision journalistique de quotidiens de publier certaines lettres adressées à la rédaction et pas d'autres. CBC News a confié la fonction de modération des commentaires publiés en ligne à un tiers, comme le font plusieurs autres organisations médiatiques importantes, notamment certains concurrents de CBC.

Le mandat du Bureau de l'ombudsman ne prévoit pas la révision de ce type de commentaires, à moins qu'ils ne soient intégrés au contenu de CBC. Mais, année après année, le Bureau continue à recevoir un fort volume de plaintes selon lesquelles des décisions de publier ou de ne pas publier des commentaires sont injustes ou traduisent un préjugé.

Je me réjouis du travail accompli cette année par la direction de CBC News pour superviser la modération des commentaires par la tierce partie, en réponse aux plaintes que le Bureau leur fait parvenir. Cela dit, ces plaignants sont souvent insatisfaits des réponses. Je persiste à croire qu'il faudrait disposer d'un mécanisme auquel recourir, en plus de la correspondance entre la Société et le plaignant, lorsque des membres du public soutiennent que le processus décisionnel relatif aux commentaires – les leurs et ceux des autres – crée ou bloque du contenu, ce qui va à l'encontre des *Normes et pratiques journalistiques*.

Un autre enjeu récurrent dans plusieurs révisions cette année concernait l'approche adoptée par CBC News pour corriger le contenu. La politique journalistique accordée à CBC News la discrétion de décider s'il y a lieu d'apporter des corrections. Dans certains cas, CBC communique au sujet d'une erreur uniquement avec le plaignant, et non avec le grand public. Dans d'autres, CBC apporte des corrections en ligne, mais pas à la radio ou à la télévision, ou encore elle remplace le contenu en ligne sans informer les lecteurs de l'erreur dans la version précédente.

À la fin de l'exercice, CBC News travaillait à créer une nouvelle politique pour la correction des nouvelles, afin de fournir un cadre plus précis sur la manière de procéder à des corrections. J'invite donc CBC News à résumer la politique et à la rendre publique. De plus, j'encouragerais CBC à placer les corrections et les précisions apportées en ligne au-dessus des articles, plutôt qu'en dessous, afin de s'assurer qu'elles sont lues.

CBC s'efforce d'assurer l'équité et l'équilibre de son contenu « dans un délai raisonnable » et exige que les opinions divergentes soient présentées à l'échelle du réseau ou de la plateforme « dans un délai opportun ». On m'a signalé à plusieurs reprises que ces dispositions étaient trop vagues et ouvertes. Et que l'équité et l'équilibre devraient être assurés dans l'émission même, et pas simplement à l'échelle du réseau ou de la plateforme, car cela reflète mieux les habitudes de consommation de l'auditoire. J'ai constaté que la plupart des programmeurs s'efforcent d'assurer l'équité et l'équilibre dans leurs émissions, et ce, assez rapidement. Je suis

fortement en faveur d'une politique qui renforce cette approche et qui insiste sur son application à CBC sans orienter de manière artificielle ses décisions rédactionnelles.

Une plainte récurrente que j'ai entendue cette année de la part du public portait sur la difficulté de trouver la bonne personne quand venait le moment de déposer une plainte ou une demande, et que c'était une source de frustration. Le Bureau de l'ombudsman fait régulièrement suivre des demandes aux programmeurs, aux cadres supérieurs et aux Relations avec l'auditoire, lorsque le public ne réussit pas à trouver une adresse courriel, mais il me semblerait raisonnable que CBC dispose d'un répertoire en ligne avec les adresses courriel de ses émissions et de ses programmeurs.

Le mandat de l'ombudsman a changé cette année. Un comité a été mis sur pied dans l'année par le président-directeur général de CBC/Radio-Canada afin de revoir le mandat du Bureau de l'ombudsman. Le comité a produit un rapport en novembre et l'a distribué pour commentaires aux responsables de CBC News, à la haute direction ainsi qu'aux ombudsmans. Les changements à apporter au mandat ont été soumis au Conseil d'administration, qui les a approuvés en mars 2012.

Ces changements comprennent les éléments suivants :

- La création d'un champ de responsabilité mieux défini qui inclut le « contenu » des nouvelles et de l'information et pas seulement les « émissions ». Cela a permis de répondre à la question longtemps nébuleuse de la portée du mandat des ombudsmans de CBC et de Radio-Canada.
- La suppression de la disposition qui permettait aux ombudsmans de s'adresser au grand public pour les questions qui peuvent être « source de préoccupation ou entraîner des conséquences ». Cette décision fait de CBC/Radio-Canada une des quelques organisations dont les représentants publics ne jouissent pas d'une telle latitude. La question de savoir de quelle manière les ombudsmans peuvent, et même s'ils doivent, faire des commentaires sur des questions liées aux normes journalistiques, accorder des interviews au sujet de leurs révisions, traiter d'enjeux connexes ou participer à des activités à titre de représentants publics.
- L'élimination d'une disposition qui autorisait les ombudsmans à lancer des révisions spéciales sur des sujets, des thèmes ou des tendances, et à rendre leurs conclusions publiques. Désormais, les révisions ne peuvent être lancées qu'avec l'admission de la direction de CBC qu'« il peut y avoir un problème ». Plutôt que de faire connaître leurs décisions publiquement, les ombudsmans ne peuvent maintenant qu'« aviser la direction et les journalistes de CBC des résultats de leurs analyses ».

Je souhaite apporter d'autres commentaires au sujet de deux révisions effectuées cette année.

La première portait sur l'existence d'un conflit d'intérêts à la suite de la nomination, par la première ministre de la Colombie-Britannique, d'une attachée de presse adjointe, qui est la conjointe de Stephen Smart, un journaliste de CBC affecté à la couverture des activités parlementaires provinciales. À l'annonce de la nomination, CBC a mis au point un protocole pour atténuer la possibilité de conflit direct dans le travail quotidien du journaliste. Cela n'a toutefois pas empêché les plaintes du public dans la blogosphère, qui ont fini par parvenir jusqu'à CBC et à mon bureau.

Dans ma révision, je n'ai trouvé aucun problème dans le travail journalistique du reporter, mais j'en ai conclu qu'aucun protocole n'était en mesure de changer la perception de conflit d'intérêts du public. J'ai aussi estimé que le protocole entravait l'efficacité du reporter dans son travail, ce qui n'a pas rendu service au public.

Je fais remarquer que la conjointe du journaliste a depuis été mutée dans un autre service de communications, au sein d'un ministère provincial, et j'estime que, si une révision de la situation actuelle était entreprise, il y aurait suffisamment de distance entre le poste qu'elle occupe maintenant et le travail du reporter, pour qu'il y ait absence de conflit d'intérêts.

La deuxième révision témoigne de la nature virale de l'information à l'ère numérique. Un segment d'une interview par CBC de Chris Hedges, un ardent défenseur du mouvement Occupy, a dérapé dans des attaques personnelles – une violation des *Normes et pratiques journalistiques* de CBC/Radio-Canada. L'incident a résulté en près de 750 plaintes, alimentées par le partage du segment en question dans les médias sociaux, et ce, même après une révision et la publication de ses conclusions.

Le réalisateur-coordonnateur de l'émission a présenté personnellement ses excuses au sujet de l'entrevue après l'émission, mais la persistance des plaintes du public indiquait qu'il en fallait plus. Finalement, le coanimateur de l'émission, Kevin O'Leary, s'est excusé deux fois, une fois plus fortement que l'autre. Je suis conscient du fait qu'il n'est pas possible de reconnaître toutes ses fautes dans une émission, mais je suis d'avis que, lorsque des regrets sont exprimés par des responsables d'une émission, ils devraient le faire à l'auditoire, et pas seulement au sujet en question. Selon moi, la même chose s'applique aux corrections – il vaut mieux s'adresser à l'auditoire, et pas seulement aux plaignants.

Il est important de souligner qu'une nouvelle fois cette année, CBC News a collaboré avec le Bureau de l'ombudsman. Même si les conclusions ne faisaient pas toujours l'affaire des gestionnaires et des journalistes, ils se sont montrés prêts à collaborer à l'examen des plaintes du public – un signe du soutien apporté à l'indépendance du rôle et du principe même de service public.

Le Bureau de l'ombudsman de CBC est géré par deux personnes, et il est essentiel de souligner le travail accompli par Laura Marshall, l'adjointe précieuse et de longue date du Bureau, ainsi que sa diligence et son engagement à servir et à représenter le public. Je souhaite aussi remercier mes homologues de Radio-Canada pour leur aide et leurs conseils : l'ombudsman actuel, Pierre Tourangeau, Julie Miville-Dechêne, qui l'a précédé, ainsi que Laure Simonet, l'adjointe pleine de ressources du Bureau de Radio-Canada.

Je remercie CBC de me donner l'occasion de remplir ce rôle

Kirk LaPointe
Ombudsman, Services anglais

COMPLAINTS REVIEWED BY THE OMBUDSMAN

April 7, 2011

Mike Fegelman
The Passionate Eye

Complaint

Mike Fegelman, executive director of HonestReporting Canada, complained about a documentary The Passionate Eye broadcast titled Budrus: The Village That Didn't Give Up. It focused on a generally peaceful resistance by a Palestinian village to the Israeli construction of a barrier in the Occupied Territories which would separate villagers from their farmland and destroy their olive trees. He felt the film violated policy under CBC Journalistic Standards and Practices because it was financed by a special-interest group, JustVision. He later wrote back that he felt JustVision should not have gained access to CBC; that the broadcaster needed to be more transparent about the producer's credentials and should have labeled it a point-of-view documentary; and that it lacked vital context about the rationale for the separation barrier.

CBC Response

Esther Enkin, the executive editor of CBC News, responded that the CBC guidelines were designed to avoid documentaries "financed by an advocacy group, lobby group, or government agency," but not "one offering an even-handed exploration of a concept" such as this one. She praised it for including several points of view and noted it had won awards. Jennifer McGuire, the editor-in-chief and general manager of CBC News, responded to his second complaint. McGuire wrote that she had little to add to Enkin's explanation, but he could submit the complaint to be reviewed by the Ombudsman.

Conclusion

The documentary featured a wide range of perspectives and had no issues of accuracy. Its producer, JustVision, counts as an advocacy group and CBC journalistic policy does not allow documentaries to be sourced from one. However, the financing came from several sources: industry-recognized documentary funds, foundations, professional and cultural networks, and personal donations. As a non-profit organization, JustVision discloses donors publicly in annual tax filings in the United States. I accepted CBC's central argument that its policy was never designed to prevent a screening of a journalistically sound production. The complaint provides an opportunity for clarity. A refined policy would satisfy the need for editorial discretion and transparency and would underscore that underwriting does not necessarily determine journalistic credibility.

April 8, 2011

Brent Fullard
CBC News

Complaint

Brent Fullard complained multiple times that the CBC was suppressing news by not providing an “honest counterpoint to the endless lies about income trusts that are advanced elsewhere in Canadian media,” specifically the federal government’s decision to start taxing trust payments in the 2011 taxation year. He said the story was thwarted twice in getting on air. He claimed CBC News did not choose his question about this issue in a Your Questions segment, despite it being the top vote-getter online. On February 26, he was featured in a story on The National about the issue, which he complained was “a hatchet job” because it didn’t have a politician to answer the question, used archive clips instead and didn’t give him the opportunity to rebut them, and used an unqualified academic.

CBC Response

Esther Enkin, the executive editor of CBC News, wrote back saying there was no substance to his many allegations. Of the two allegedly suppressed stories, for the first, a reporter could not convince senior editors of its qualities and for the second, it never aired when more topical stories emerged. She said his question was not voted the top question. Enkin responded again, this time to allegations about The National story, saying it was not an opportunity for him to debate the politician and that the expert who was interviewed was a well-cited business scholar.

Conclusion

Daily editorial decisions are outside the purview of the Office of the Ombudsman. Regarding The National’s story and the Your Question feature, CBC repeatedly sought the finance minister’s involvement and satisfied policy in saying he wasn’t available. As a news feature, chronicling the complainant’s quest for answers, the story satisfied CBC Journalistic Standards and Practices, even if it might not have fulfilled Your Question’s intention of political accountability.

April 11, 2011

Steve Hrudehy
The Current

Complaint

Steve Hrudehy, professor emeritus at University of Alberta, chaired a Royal Society of Canada panel that examined the environmental and health effects of Canada’s oil sands industry, including on Fort Chipewyan, a small community located downstream from oil sands development. Among its findings, the study concluded there was “no credible evidence to

support the commonly repeated media accounts of excess cancer in Fort Chipewyan being caused by contaminants released by oil sands operations.” After being quoted on a segment on The Current concerning the challenge of proving the causality of cancer, Hrudehy complained that the show wrongly stated his panel called for further studies. He said the editing of the clips and script “is furthering a myth that has no basis in fact and which is needlessly scaring the innocent residents of Fort Chipewyan.” After a clarification was offered on the program, Hrudehy complained that the CBC didn’t show “even a hint of admission that my complaint was based on the CBC’s selective editing.”

CBC Response

A producer for The Current responded to his first complaint and offered clarification on the next program. Linda Groen, director of CBC Radio Current Affairs, responded to his second complaint. She agreed that the program misstated his position and did not offer a forthright, clear and timely correction. She said any error was inadvertent. She recognized his dissatisfaction with the clarification, but believed it would not help to revisit the matter 10 days later and said the program would continue to follow the story.

Conclusion

The inaccuracy about the panel’s views on the need for further study and the on-air treatment of the complaint did not meet CBC standards and practices. There was also a wider obligation to the audience, which would have benefited from more background information so that not only Hrudehy’s statement was challenged, but also the statements of the doctor, quoted in the same segment, who had made a controversial diagnosis of high cancer levels at Fort Chipewyan in 2006.

April 14, 2011

Kyle Mytruk, Carl Hunt, Julian Lepinski
The Lang & O’Leary Exchange

Complaint

Kyle Mytruk complained that Kevin O’Leary said labour unions were a “parasite” on business during a wider discussion about General Motors, which he felt was unfair and not even-handed, violating the broadcaster’s standards. Carl Hunt wanted to know the dollar value of the commercials in which O’Leary said that “greed is good” and “I love money,” which gave O’Leary a soapbox to promote “American-style economics.” Julian Lepinski complained about O’Leary’s on-air disclosure of a conflict of interest while speaking with an official from BCE Inc. O’Leary noted he was a shareholder, but did not note his equity and income fund held BCE shares.

CBC Response

CBC responded individually to the complaints. The program's executive producer, Robert Lack, wrote Mytruk and said O'Leary did not violate the broadcaster's standards by expressing his opinion, which he has done in other episodes, and the program presented a diversity of views. Mytruk asked for a review of the matter. CBC News Network executive director, Todd Spencer, wrote Hunt to say that any opinions expressed were not the CBC's. Hunt asked for a review after being dissatisfied with the response when he didn't get an answer about the promotional spots' commercial value or that they should highlight O'Leary's opinions. Lack wrote Lepinski that the two references in the program, by O'Leary and a guest, left no doubt O'Leary was a BCE shareholder and satisfied policy.

Conclusion

O'Leary's presence is unique in CBC because he is employed not to be a journalist but to bring his professional experiences to a range of business topics. On The Lang & O'Leary Exchange he is meant to provide opinion and engage in debate with his co-host. The program provides a daily disclaimer at the end of the show to note his opinions are his own and not those of CBC. O'Leary is a contracted commentator somewhat outside the ambit of CBC Journalistic Standards and Practices, but the CBC kept the program within that policy. Among other things: the program features a diversity of guests, has a co-host who regularly challenges his opinions, regularly presents other viewpoints, doesn't involve him in news presentation, and has him declare any potential conflicts of interest when expressing his opinion. His conduct is not without boundaries and it is up to the program to address it if he strays offside.

In all three complaints, I concluded there was no violation of CBC policy. O'Leary's remark about unions was stark but within his historic playbook. It has been strongly challenged by several guests over a reasonable period of time. The promotional commercial content simply reflected the provocative tone of the program and those commercials are regularly replaced with new campaigns. And, his personal declaration as a shareholder effectively and sufficiently identified his conflict in the discussion with an official from BCE Inc.

It is important to note the public perception of contracted hosts and whether they are perceived simply as CBC personnel, which may at some point make it necessary to refine policy.

April 15, 2011

Gary Gerofsky

CBC News

Complaint

Gary Gerofsky complained that a report on CBC News Network about Israeli soldiers killing two Palestinians referred to the Palestinians as “militants” and not “terrorists.” He said the description minimized the impact of violence on Israel and reflected a systematic bias.

CBC Response

The executive editor of CBC News, Esther Enkin, wrote and outlined CBC policy on language use, which for over 30 years now has tried “to avoid using the words ‘terror’ and ‘terrorist’ on their own as a form of description without attribution.” She said CBC chooses its words in order to give the audience enough information to reach its own conclusion about the nature of the event.

Conclusion

CBC’s language guide counsels journalists to “*exercise extreme caution before using the words terrorist and terrorism.*” The guide says to describe the act or individual and let the audience make its own judgments. I think CBC pursues the correct approach by using descriptive — but not subjective or judgmental — language. There was no violation of CBC Journalistic Standards and Practices.

April 15, 2011

WI

CBC Radio

Complaint

WI complained about CBC Radio reports concerning the 2007 Venezuelan referendum campaign and vote, which he felt were “profoundly lacking in balance.” He said that the correspondent had taken a consistent position against Venezuelan president Hugo Chavez, the CBC focused on one campaign issue that did not reflect Venezuelans’ concerns, and the CBC did not distinguish between the class background of Chavez supporters and opponents.

CBC Response

The director of CBC Radio News programming, Jane Anido, disagreed and provided an extensive list of examples to defend the correspondent’s work. Anido outlined the president’s many supporters and opponents the correspondent spoke with and the need to put those views in context by reminding listeners about the referendum, its revolutionary goal and the abolition of term limits, which she felt was an important issue because it “would mean far greater powers for Mr. Chavez.”

Conclusion

I found no violation of CBC Journalistic Standards and Practices. Most of the correspondent's reports concerned the referendum provision, but most analysts, at the time, viewed the term-limit provision as important. Also, equitable coverage does not mean equal coverage and I found that the correspondent did well to provide a diversity of voices in the reports overall and did not position anyone in a preferential way. The coverage accurately and fairly covered a campaign for an audience that needed its awareness raised about issues.

April 21, 2011

PJ

Ottawa Morning, CBC Radio

Complaint

PJ complained that Dipna Horra, CBC Radio's Ottawa Morning arts reporter, had a potential conflict of interest since she was a working artist. He said she reported on several artists, exhibitions and events directly related to her outside interests. He said she had conducted a review of her own work, using her air time to publicize her work. He said she conducted an interview with the curator of the Ottawa Art Gallery, which announced a few weeks later she would be one of the artists exhibited there. He said Ottawa's small arts community makes this potential conflict greater.

CBC Response

Rob Renaud, the managing director of English programming at CBC Ottawa, acknowledged the challenges of balancing her knowledge with her possible conflicts. He said Horra was assigned stories by the production team and the CBC explicitly stated any connection she had to stories. He said the decision to exhibit her work at the gallery was already made when the curator interview aired, but that this may not have been apparent to listeners.

Conclusion

This complaint raises issues for journalism when community experts, like Horra, adopt part-time roles as creative contributors. Her main work as an artist provides her with knowledge that is an asset in her part-time role on CBC, provided it comes with an understanding of her conflicts. I was satisfied that the audience would understand and accept the conflict in discussing one's own work. In providing the curator report in whose exhibit she was scheduled to appear, had the CBC known, I expect it would have taken measures to deal with it. CBC did not equip the contributor with an understanding of policy on journalistic conflicts as she assumed her part-time role. It is commendable that CBC has since discussed policy with the freelancer and reinforced it with the program producers. I am satisfied that the contributor

simply didn't apprehend the concept of conflict because she was not trained or experienced. CBC recognized the need to provide training when the conflict was identified.

April 26, 2011

PA

Power & Politics

Complaint

The complainant wrote to dispute an assertion made by commentator Scott Reid on the CBC News Network program, Power & Politics, that bloggers were paid by the Conservatives.

CBC Response

Paul Hambleton, the managing editor of CBC's Parliamentary Bureau, wrote to acknowledge the error and to thank him for setting the record straight. After the complainant wrote again, Esther Enkin, the executive editor of CBC News, wrote that CBC regretted the error and would correct his remarks when the subject of partisan blogs next came up in the segment of the program "at an early opportunity."

Conclusion

Rather than wait indefinitely for the next discussion on partisan blogs, the program could have more quickly fulfilled its standards and practices with a correction at the earliest opportunity. I was satisfied that there was no intent to avoid addressing the matter but that the correction slipped into the cracks. It is noteworthy that host Evan Solomon apologized on the air for the time it took to address the matter, and that the correction was made amid an election campaign, when attention on politics is high and the correction's impact might be greatest.

April 27, 2011

David Carlos

CBC Television

Complaint

David Carlos of Straight Line Pro Moving Services complained about a story on practices by the Better Business Bureau (BBB) to rate moving companies. He was not identified in the televised report but appeared in the online text story. He said that the complaint against his company in the story was exaggerated and the customer was "irate and unreasonable."

CBC Response

Reporter Kathy Tomlinson said that the story was not at all about Carlos, but about the BBB's rating practices.

Conclusion

The television and online reports did not violate CBC Journalistic Standards and Practices. The non-inclusion of Carlos in the television report did not violate policy. Carlos was given a reasonable opportunity to present his side of the dispute in the lengthier online story that dwelled on the details of the issue.

April 28, 2011

Eduard Hiebert
The Sunday Edition

Complaint

Eduard Hiebert complained that CBC failed to properly pursue a line of questioning that would have explored the difference between privacy and secrecy on The Sunday Edition discussion on the challenges of privacy in the digital age.

CBC Response

Marjorie Nichol, the executive producer of the program, wrote that the conversation had simply ventured in a different direction and the program can be expected to pursue the issues.

Conclusion

There was no violation of CBC Journalistic Standards and Practices. The discussion involved differing views, was accurate, and was conducted in the context of other discussions on that program and across that platform.

April 28, 2011

Michael Harwood
The National and CBC Radio

Complaint

Michael Harwood complained that CBC misrepresented the Conservative government criticism of Liberal leader Michael Ignatieff in two reports on The National and several other reports on CBC Radio and online concerning Canada's unsuccessful bid for a seat on the United Nations Security Council. Foreign Affairs Minister Lawrence Cannon asserted that much of the blame for the unsuccessful bid could be attached to Ignatieff's remarks weeks earlier arguing that the Conservative government had not paid attention to the United Nations or to foreign policy in recent years. Harwood said that The National treated the Conservative assertions as "an unsubstantiated accusation."

CBC Response

Esther Enkin, the executive editor for CBC News, disagreed with him. She said the references in the story to the foreign affairs minister's position "directly and repeatedly set out the government's position — at least at that point — strongly critical of Mr. Ignatieff."

Conclusion

There was no violation of CBC Journalistic Standards and Practices. The focus of the reports was on Canada's unsuccessful bid for the Security Council seat, the claims and counterclaims on why the bid failed, and the implications. They were accurate and anchored in primary-source interviewing. They provided ample opportunity for various views to be argued.

April 29, 2011

Lionel West

Here & Now, CBC Newfoundland and Labrador

Complaint

Lionel West objected to the use of the term "exclusive" to describe a report on Here & Now about a Newfoundlander who had fled turbulent Libya after working as a pilot for about three months for one of Libya's national airlines. He said it was excessive use of the term since he had seen the report earlier on the Early Edition half hour and posted online even sooner.

Conclusion

There was no violation of CBC Journalistic Standards and Practices. The program production unit for the regional newscast learned of the story first and carried it across as many of its platforms as soon as it could. It was legitimate to call the content "exclusive" because the program unit and all its applications alone possessed the story.

May 2, 2011

H.G. Garand

The Current

Complaint

H.G. Garand complained about a documentary, *Beauty and the Beast*, carried by The Current, which examined attitudes in a community divided by a wind energy project and explored some of the project's social impact. Garand complained that the documentary selected and omitted material with a bias, lacked context and balance, and featured ageism and gender stereotyping, among other things.

Two days later, The Current interviewed Mark Mattson, a local resident who intervened in the hearings that licensed the project. He explained the history of the community and the challenges of the project and expressed concerns that residents had not been sufficiently informed and compensated.

CBC Response

H.G. Garand approached this office after remaining unsatisfied with the response received from Kristin Nelson, the producer of the documentary, who wrote, "With only 20 minutes to tell the story, this documentary was never going to be able to portray all the complexities of the situation the community is facing. The idea was to tell the human side of the story rather than address the policy and process issues."

Conclusion

The complaint reflected the challenge for media when elements of a community expect a particular form of documentary. CBC did not violate its standards and practices in choosing to edit the discussions and focus on a subject within the subject. CBC recognized, though, that it had not delivered what some in the community expected and quickly scheduled an interview with Mattson to deal with questions about the project process and to identify the larger political, environmental and scientific issues.

May 2, 2011

Charles Haydar

CBCNews.ca

Complaint

Charles Haydar complained about a story published on CBCNews.ca about two doctors charged with drugging and sexually assaulting a woman. It focused on the military involvement of one of

the accused, Dr. Amitabh Chauhan. Haydar complained that the emphasis on Chauhan's military background was irrelevant and played up discredited prejudices of those who hold the military in contempt.

CBC Response

Esther Enkin, the executive editor of CBC News, noted Chauhan's 14-year military involvement and said the provision of career background was common in prominent crime cases.

Conclusion

There was no violation of CBC Journalistic Standards and Practices, but there was room for improvement in this story to place emphasis differently. The story's heavy emphasis on the accused's military background didn't make a strong journalistic link between those activities and the crime.

May 11, 2011

Kathryn Robbins
Marketplace

Complaint

Kathryn Robbins complained about a CBC Marketplace episode about exploring claims to consumers on effectiveness of homeopathy, its products' ingredients, and its relationship to conventional medicine and science. Robbins complained that it did not meet the standards of good journalism and was biased, ignorant, and sensational.

CBC Response

Tassie Notar, the executive producer of Marketplace, wrote that CBC had no preconceptions of the story and only set out to look at homeopathy from a consumer's point of view. She said the story focused on the "pending provincial regulation of the homeopathic profession, and the efficacy of the medicines used." Only the Homeopathic Medical Council of Canada agreed to comment.

Conclusion

There was no violation of CBC Journalistic Standards and Practices. I found strong signs of fairness in the program's approach amid an overwhelming weight of conventional evidence against homeopathy. The program research reflected strong CBC standards and practices. It referred studies put forward by supporters of homeopathy for an independent review of methodology and commissioned a study of ingredients contained in two products.

May 12, 2011

Richard Schnell

The National

Complaint

Richard Schnell, director of operations for Miss Canada International, complained about a report on The National about concerns from a former Miss Teen Nova Scotia winner about her treatment after winning the pageant and moving on to a national competition. The report said the contestant filed a complaint with police to investigate if the organizer of the national contest, Sylvia Stark, was involved in fraud. Schnell complained the report was an attack on Stark and information offered was not used. He wanted the story removed from public access.

CBC Response

Esther Enkin, the executive editor for CBC News, wrote that not using all the material a reporter is provided “does not mean the story is partisan, or misleading, or inaccurate.” She said removing or altering archived stories is effectively censoring them and revising history. She added the story fairly and accurately reflected the information known at the time.

Conclusion

There was no violation of CBC Journalistic Standards and Practices. The story was accurate at the time and has not been made inaccurate with time.

May 13, 2011

J. Dan Aiken

Compass, CBC Charlottetown

Complaint

J. Dan Aiken complained about a script on CBC Charlottetown’s nightly newscast, Compass, about a Prince Edward Island provincial loan to a locally based cookware company. Aiken complained the script neglected to say Sean Casey, then a Liberal candidate in the coming federal election, used to own the company and was now a director of the firm. His wife was a P.E.I. member of the legislative assembly. He said this was “a blatant disregard for the available facts.”

CBC Response

Donna Allen, the executive producer for the program, wrote that reporters cannot reasonably be expected to include all the information available in every story because of time constraints. She defended what the report said and what it didn't.

Conclusion

There was no violation of CBC Journalistic Standards and Practices. While Sean Casey possesses preferred shares in the firm, he asserted he has not had any day-to-day involvement in the company for three years. Had he been directly involved in the operation of the company when the provincial loan was discussed or provided, it would have been appropriate to include that information in any report. I was satisfied that the additional background would not have been relevant.

May 13, 2011

Will Gerlach

Quirks & Quarks

Complaint

Will Gerlach complained about an interview on a Quirks & Quarks segment about whether nuclear power can be made safe from such disasters as the Great East Japan Earthquake. The interview was with David Novog, director of the McMaster Institute for Energy Studies and the Natural Sciences and Engineering Council (NSERC) Associate Chair in Nuclear Safety. Gerlach complained that Novog was conflicted as an academic and could not present a balanced viewpoint.

CBC Response

Jim Handman, the senior producer for Quirks & Quarks, wrote and noted Novog's credentials as one of Canada's leading experts in nuclear safety. He noted it is impossible to find an expert in this field who has not, at some point, done research in association with the people who run nuclear reactors. He added that the program was one of many to tackle the issue and Novog was one of many experts to appear.

Conclusion

I did not find a violation of CBC Journalistic Standards and Practices. I was satisfied that Novog presented balanced information about the safety systems of nuclear reactors. That being said, I believe it makes sense to remind programmers to present relevant background on guests when it might bear on the issue being discussed. Transparency helps the audience make a better decision about the context of the interviews.

May 31, 2011

SD

CBC News

Complaint

SD complained about what he viewed as a trend in CBC News coverage toward a diminished and intermediated coverage of the activities of the prime minister. He wrote again to complain about voiceovers of the prime minister's speeches and that other political parties receive equal coverage. He complained that CBC Radio used an audio clip from U.S. President Barack Obama, but not Prime Minister Stephen Harper, when 33 Chilean miners were rescued.

CBC Response

Esther Enkin, executive editor of CBC News, provided several examples of extensive coverage. She noted it is common to provide short clips of prime ministerial statements. She challenged the view that the political opposition is given equal coverage to the Prime Minister. Enkin noted a written statement was used from the prime minister during the Chilean miner rescue.

Conclusion

I did not find a violation of CBC Journalistic Standards and Practices. Clearly there are some who feel the insinuation of journalistic observation into political events erodes fairness and balance, but I do not agree. Times change, the methods by which organizations engage their audience do, too, and those methods need to include informed observations and analysis as the events proceed and not following. It is important to evaluate the scope of programming and there is sustained effort by the CBC News Network to feature and discuss all levels of politics.

June 1, 2011

Michael Akerly

The National

Complaint

Michael Akerly complained about a comment CBC's senior investigative correspondent Diana Swain made while appearing on the Reality Check feature on The National to cover the non-confidence vote in the House of Commons. Akerly complained that Swain referred to a 2008 deal between then-opposition leader Stéphane Dion and the other opposition parties as "a handshake deal." He said it was a signed agreement.

CBC Response

Esther Enkin, the executive editor of CBC News, wrote that the agreement, which the Bloc did not sign, was what Swain was referring to and not a different signed policy accord. She acknowledged Swain “might have been clearer,” but it was not inaccurate.

Conclusion

There was no violation of CBC Journalistic Standards and Practices, but there was room for improvement. Swain’s report did not ideally describe the situation. She delivered her report in an exchange with host Peter Mansbridge, not in a fully produced news item. The relative informality of presentation will at times diminish the precision of language. More care could have been given to how the deal was identified.

June 1, 2011

David Schaeffer, Mike Fegelman
The National

Complaint

David Schaeffer and Mike Fegelman both complained individually about a report from Libya by The National’s Senior Washington Correspondent, Neil Macdonald, on the country’s civil strife. It included a translation voiced by him of an interview with a man who said, “Gaddafi is like the Israelis. He kills whomever he likes.” Schaeffer asked if that quote was essential to the report. Mike Fegelman, executive director of HonestReporting Canada, raised similar concerns.

CBC Response

Esther Enkin, executive director of CBC News, emphasized it was the man’s view and not Macdonald’s or CBC’s view. She wrote that it would be dishonest and biased to suppress, alter or delete those views just because some might not agree with them or find them offensive.

Conclusion

There was no violation of CBC Journalistic Standards and Practices. I found sufficient care was taken in the script of this report to be clear that the remark was characterized as “the worst insult” he could muster. It reflected one of the many layered and engrained animosities, conflicts and attitudes within the country and the wider region. I was satisfied it in no way was presented as a journalist’s view or his organization’s.

June 8, 2011

Bruce Smith
CBC.ca

Complaint

Bruce Smith complained about CBC's Senior Political Correspondent Terry Milewski's conclusion that Tom Flanagan, former chief of staff to Stephen Harper while opposition leader, had indicated the 2004 coalition arrangement was aimed at installing Harper as prime minister.

CBC Response

Esther Enkin, the executive editor of CBC News, did not believe there was a contradiction between what Flanagan said and Milewski's reporting of it.

Conclusion

I found there was no violation of CBC Journalistic Standards and Practices. Milewski was judicious in the selection of terms to describe the arrangement among the opposition parties and Flanagan's description of it.

June 13, 2011

Dick Harling
The Lang and O'Leary Exchange

Complaint

Dick Harling complained about a quote from The Lang & O'Leary Exchange by co-host Kevin O'Leary about the financial performance of General Electric and its chief executive officer. O'Leary said: "at some point, the institutional shareholders are going to put a bullet in his head." Harling, who recollected a similar but not exact quote, said the imagery used was "totally unacceptable" and said O'Leary was "encouraging terrorism."

CBC Response

Robert Lack, the executive producer of the program, wrote that O'Leary was not inciting terrorism and his remarks reflected the particular vocabulary of the business world he operates in.

Conclusion

There was no violation of CBC Journalistic Standards and Practices. I believe O’Leary was using a common term, as many business terms carry a violent connotation.

June 15, 2011

Kathie Hogan
CBC News

Complaint

Kathie Hogan complained about the crowd estimate reported on radio, television and online about the annual March For Life gathering in Ottawa. CBC Television reported “nearly 5,000,” CBC radio said 5,000, and CBC.ca reported “thousands” and “several thousands.” Hogan asserted the crowd comprised nearly 15,000.

CBC Response

Esther Enkin, the executive editor of CBC News, responded that the reported estimate was provided by police.

Conclusion

I did not find a violation of CBC Journalistic Standards and Practices. CBC understood the importance of and wanted to receive accurate crowd estimates. While the RCMP and CBC disagree on what the actual estimate was (the RCMP asserted it said 7,000 and the CBC asserted it was told 5,000), I could find no evidence that CBC did anything other than repeat what police were saying about the crowd size.

June 17, 2011

R.T. Richards
CBC News Now

Complaint

R.T. Richards complained about CBC reporter Terry Milewski’s comments about a Conservative political rally held by Prime Minister Stephen Harper. On CBC News Network’s CBC News Now program, Milewski said that after a series of questions, Harper began to speak in French and the crowd started to cheer. When the applause ended, Milewski attempted to ask a follow-up question, but a Conservative official prompted the crowd to continue cheering and Harper left the stage. Richards said this was false. He said the Prime Minister was simply starting to answer

the question in French when the cheering started. He asserted that Milewski's observations were part of a pattern of partisan attacks on the prime minister.

CBC Response

Esther Enkin, the executive editor of CBC News, wrote that Milewski was trying to follow up his question and that asking campaigning politicians good questions is good journalism, and does not constitute a 'partisan attack.'

Conclusion

There was no violation of CBC Journalistic Standards and Practices. I did not conclude Milewski's method of questioning — or subsequent reporting of that method — to constitute partisanship, a personal attack or anything other than a persistent quest for an answer.

June 21, 2011

Avery Burdett, Kim Deimert
CBC.ca

Complaint

CBC News' 2011 federal election online presence at CBC.ca included a survey, called Vote Compass, that it said calculated users' positions in the political landscape and showed them the respective positions of the five principal parties (Conservatives, Liberals, NDP, Bloc Quebecois and Greens). Avery Burdett complained that Vote Compass had "built-in biases" because it stationed the Liberals toward the centre. Kim Deimert complained that it "provided inaccurate, biased, results and that it should in no way be used to gauge your political alignment."

CBC Response

Esther Enkin, the executive editor of CBC News, wrote that Vote Compass was neither a scientific poll nor a device "to provide voting advice." It was primarily an educational tool. She asserted there was no bias in the survey and that its design and operation were conducted independently.

Conclusion

Given that Vote Compass was not CBC's journalism, it was difficult to apply policy to it. I concluded there was no foundation in the assertion about bias. I concluded that CBC fulfilled its policies on accuracy and fairness. It might be useful for CBC News to examine how such surveys can be assessed within CBC's policy, given the popularity of Vote Compass suggests it is the first of several.

June 27, 2011

Barry Shainbaum

The National

Complaint

Barry Shainbaum complained that The National said Osama bin Laden had “killed 3,000 people” during the attacks of September 11, 2001. He wrote that the blame is not fact-based because bin Laden is not empirically linked to the so-called 9/11 attacks.

CBC Response

Mark Harrison, the executive producer of The National, wrote that United States government and independent investigations have concluded the Al-Qaeda leader was responsible and bin Laden’s videotaped messages supported that conclusion.

Conclusion

There was no violation of CBC Journalistic Standards and Practices. International intelligence agencies have validated the video of bin Laden admitting his involvement.

June 29, 2011

Mike Fegelman

CBC Radio

Complaint

Mike Fegelman, executive director of HonestReporting Canada, complained that a CBC radio report about a Palestinian woman who died following a protest a few days earlier in the West Bank village of Bil’in relied entirely on Palestinian sources and did not note the Israeli army’s contention with the account. Fegelman wrote again to note an Israeli army investigation of her death concluded that she died from medical treatment at the hospital. He asked for an update to the story. After he received a response, he asked for greater clarity on when stories are updated.

CBC Response

Esther Enkin, the executive editor of CBC News, wrote that the information known at the time was fairly and accurately reported, including the army's promise to investigate. Enkin noted the Israeli army's conclusion about the cause of the woman's death is contested by Palestinians.

Conclusion

There was no violation of CBC Journalistic Standards and Practices in the story as the most accurate information available was fairly portrayed. Existing policy states stories should be updated "when a situation changes significantly." Given that CBC News creates hundreds of stories daily, it is impractical to update all but the few most significantly changed and it is impossible to draw a boundary that would codify such practice. There was no violation by not updating the story, but I believe there was room for improvement. There could have been an acknowledgement of the new development, mainly because the deceased woman was the focal point of the original story.

June 29, 2011

Brian Stewart
The National

Complaint

Brian Stewart complained that a segment on The National about a leaked draft version of a report from the office of Auditor General Sheila Fraser was missing information and biased. The segment included information from Fraser that the public should wait for her final report, but he noted CBC "deliberately" did not include Fraser's quote that "sometimes during the process of fact validation, additional information is brought to our attention." This exclusion "smacks of bias," he said.

CBC Response

Mark Harrison, the executive producer of The National, wrote that he agreed the comment might have strengthened the story, but its absence did not imply the story was biased. The report repeatedly stated the document was a draft and ministers were afforded the opportunity to rebut allegations.

Conclusion

There was no violation of CBC Journalistic Standards and Practices, but there was room for improvement in the report to include Fraser's cautionary statement.

July 5, 2011

Charles Pascal

The National

Complaint

Amanda Lang, CBC's senior business correspondent, conducted six Reality Check segments on economic issues during the federal election campaign. One Reality Check examined the challenges of the New Democratic Party in financing its campaign platform. Charles Pascal complained that Lang's brother was a candidate in the Toronto riding against Jack Layton, which he thought was a conflict of interest.

CBC Response

Mark Harrison, the executive producer of The National, disagreed. Harrison said the feature in question did not focus on Layton, but was a broad segment on how the NDP was going to finance its promises. Harrison noted CBC expects journalists to be impartial, but it would be unfair to hold them accountable for their family members' activities. He added the reporting decision was not Lang's, but the program's senior editors'.

Conclusion

There was nothing problematic about Lang's reporting in the campaign. This review was less about the journalism than about the perception that a conflict was not handled properly. CBC policy states an employee cannot be involved in the coverage if a close relative is a major actor in the story. Lang's brother was not, but his opponent was. CBC had three options: self-police with no disclosure, reassign, or provide a degree of disclosure and work through the conflict. A literal interpretation of the language led me to conclude CBC News did not violate Journalistic Standards and Practices policy, but could have taken measures to better fulfill the spirit of the policy. The review also led me to conclude further work is necessary to strengthen policy elements by clarifying and publicly communicating conditions and protocols involving conflicts of interest.

July 13, 2011

Garson Hunter

Early Edition (CBC Radio British Columbia)

Complaint

Garson Hunter complained about an interview with Don Cherry on CBC Radio British Columbia's Early Edition after the so-called "riots" in Vancouver following the Stanley Cup final. He

complained that the host, Rick Cluff, did not challenge Cherry about who was responsible for the riot nor for his homophobic comments about his clothing choices.

CBC Response

Lorna Haerber, the program director for CBC Radio British Columbia, wrote that Cherry referred to the government who let “the punks get away with it” as pinkos and not the rioters. Regarding the homophobic comment, Haerber wrote that Cherry’s attempt at humour fell flat.

Conclusion

I was satisfied that Cherry’s views on the rioters and the government were part of a diverse blend of views on CBC Radio British Columbia and elsewhere that day and beyond. It would have been better to contest his perspective on the riots than to note that they were ‘typical Grapes,’ but there was no violation of CBC Journalistic Standards and Practices. His clothing remark fed division and did not reflect the values of the CBC. CBC hosts need to speak up immediately when remarks venture from CBC programming principles.

July 18, 2011

Theodore Zafiris
CBC News

Complaint

Theodore Zafiris complained that there was no coverage of the annual Bilderberg conference, which is closed to media, that several Canadians attended. He complained there was no coverage of the protests about the gathering.

CBC Response

Esther Enkin, the executive editor of CBC News, wrote to say that the news organization had to choose the few dozen stories of greatest significance and interest to Canadians from thousands of possibilities.

Conclusion

The Ombudsman’s mandate does not directly deal with what CBC News chooses to cover day-to-day. Only if there were a pattern of avoiding a theme or creating a distorted view of an issue through its choices might there be reason to possibly cite a violation of CBC Journalistic Standards and Practices. I could not find any such violation.

August 5, 2011

Ron Sloan
The Current

Complaint

Ron Sloan complained about an interview on The Current with Alice Walker, the author who was scheduled to imminently participate in a flotilla aimed at breaching an Israeli maritime blockade of the Gaza Strip. Sloan complained that the host, Anna Maria Tremonti, gave Walker free rein “to attack Israel without substantiating her comments.” He said Tremonti’s approach to interviews on this issue always challenged Israeli points of view and enabled Palestinian ones, veering into anti-Semitism.

CBC Response

Jennifer Moroz, the acting executive producer of The Current, wrote that the CBC was not being anti-Semitic. She said it was the CBC’s obligation to present differing views fairly and accurately to give Canadians the opportunity and the information to make up their own minds.

Conclusion

The segment, on its own, neither reflected the program’s contextual and curious approach nor violated CBC Journalistic Standards and Practices. The segment had occasions when the interviewee’s views were not challenged, but this was just not the time and place for it. There was some room for improvement.

August 5, 2011

Dennis Taylor
CBC News

Complaint

Dennis Taylor complained that CBC News referred to Anders Behring Breivik, the Norwegian who confessed to bombing an Oslo government office and conducting a mass shooting, as a “Christian fundamentalist.” Taylor complained that there was “absolutely no evidence” that he was one and the characterization reflected CBC’s “left-wing agenda.”

CBC Response

Esther Enkin, the executive editor of CBC News, wrote that in the early going CBC had simply attributed the information to the deputy police chief in Oslo. “When our reporters do not know

something with certainty, when they cannot independently confirm information, we expect that they will attribute it,” she wrote. “That way, listeners, viewers or readers know the source of the information and can make their own judgment about its reliability.”

Conclusion

I concluded that CBC News had little choice but to convey the information and attribute it to police. Though it has had its accuracy questioned since, I did not believe that the attributed characterization was malignant or indicative of any inherent bias.

August 19, 2011

Kyle Mytruk

The Lang and O’Leary Exchange

Complaint

Kyle Mytruk complained that an interview with Jack Layton on The Lang and O’Leary Exchange about the Canada Post labour dispute had a superimposed banner that read: “UNION JACK.” Mytruk complained that the banner betrayed a journalistic bias. He wrote that Conservatives are not identified as corporately tied, which is a double standard. He also complained that the program used the general term “critics” instead of “Tories” or “Conservatives.”

CBC Response

Robert Lack, the program’s executive producer, wrote that the superimposed information was fair-minded. Lack wrote the term “critics” was accurate because not only Conservatives disagreed with Layton.

Conclusion

The superimposed banner was not a violation of standards and practices. I concluded that there was a sufficient thematic undercurrent of the NDP relationship to labour in this case. The word “critics” was fair-minded as a generalized description of those who opposed Layton’s position. Further, narrowly describing other parties as corporate would be a false balance.

August 19, 2011

Bethany Thorne-Dykstra

CBC New Brunswick

Complaint

Bethany Thorne-Dykstra, the president of the citizens' group Citizens for Responsible Resource Development, complained about a CBC New Brunswick report about the group's decision to no longer call for a moratorium on hydraulic fracturing to develop natural gas sources in the province. Thorne-Dykstra, who was in the piece, wanted to know "who lied" about another interviewee, Jean Louis Deveau's status as the group's secretary. She claimed he had been removed months before. She also said the reporter did not mention Deveau to her when she was interviewed for the story. She later complained that video footage of a rally incorrectly associated her group with it. She wrote that Deveau incorrectly described her group as an environmental one and the newscast was no longer accessible online.

CBC Response

Dan Goodyear, the executive producer for CBC New Brunswick, wrote that the reporter did not lie and that Deveau and Thorne-Dykstra had differing views on his status. Goodyear offered to present a story on the internal dispute. He supplied her with a transcript, noting there was no mention of the group being an environmental one or that it had any role in organizing the rally.

Conclusion

There was no evidence CBC lied or misrepresented in the course of researching this story or discussing it with Thorne-Dykstra. I agreed that viewers might have inferred that her citizens' group was associated with the rally seen in the story. There was room for improvement to fulfill policy by superimposing information and precisely scripting the accompanying text to know whose rally it was. Regarding Deveau's status, CBC reported what it believed to be accurate at the time. There was room for improvement in reporting technique. It was reasonable to assume that, had CBC gone back to Thorne-Dykstra after interviewing Deveau, she almost certainly would have raised the issue of his status. At the very least, CBC would have had more information upon which to decide how to describe him and the nature of the dispute.

August 26, 2011

Wondu Rida
CBC News Now

Complaint

Wondu Rida complained about a CBC News Now host's reference to the 1967 Arab-Israeli war, saying that Israel had been "attacked by its neighbours" initially in the war. Rida complained that this was a "distinctly Israeli version of events" and in dispute.

CBC Response

Esther Enkin, executive editor of CBC News, wrote back with historical context. Enkin added that “it is at least misleading to say Israel was attacked by its neighbours. We regret the error.”

Conclusion

The CBC response fairly reflected historical interpretation and acknowledged it was misleading for the program to assert that neighbouring countries attacked Israel. The challenge in this case was to understand how CBC News applies a policy which states it does not “hesitate to correct any mistake when necessary.” I am concerned that leaves open the door for CBC News to determine “when necessary” without identifying criteria by which it defines necessity. It also ensures it is not in violation of policy even when it has erred and acknowledged so. In the absence of a policy of absolute correction, at the very least I would encourage CBC News to formally correct agreed-upon, publicly identified errors.

September 2, 2011

Viggo Lewis
The Sunday Edition

Complaint

Viggo Lewis complained that CBC Radio One’s Sunday Edition three-hour program looking back at police response to the Toronto demonstrations during the G20 summit lacked sufficient balance because it focused excessively on police wrongdoing.

CBC Response

Marjorie Nichol, the executive producer of Sunday Edition, disagreed with his assessment of the program’s approach. The host and the panelists were clear about the necessity to stop the vandals’ actions and the police association chief agreed the peaceful demonstrators had a right to be there.

Conclusion

I did not find a violation of CBC Journalistic Standards and Practices. The program explored what happened and why; it was not meant to debate whether police could or should behave as they did. The program was regrettably unable to convince Toronto police force authorities or members of the provincial government to participate, which might have helped address the complaint.

September 9, 2011

Michelle Stirling-Anosh
The Tipping Point: The Age of the Oil Sands

Complaint

Michelle Stirling-Anosh complained that a CBC Television documentary, The Tipping Point: The Age of the Oil Sands, was a biased and unbalanced portrayal of the environmental impact and issues involving the oil sands. Stirling-Anosh wrote that it used questionable science, was narrowly focused, and had an insufficient range of views.

CBC Response

Bob Culbert, the area executive producer of the science and natural history unit of CBC, wrote to say the program fairly and accurately reflected new research, which had not been disproved since. Stirling-Anosh wrote back to say the program should have included other scientists and taken into account other possible causes of the environmental impact. She encouraged CBC not to re-broadcast it and to run a program with a different perspective. They then corresponded extensively, and Stirling-Anosh also wrote to others to complain.

Conclusion

There was no violation of CBC Journalistic Standards and Practices. I concluded the research was conducted independently. The program did not exaggerate its findings, distort its impact, or extrapolate conclusions. I found the documentary's approach and its producers' efforts even-handed and open to other, equally credible positions. I found no malignance in the approach of the program or in the process of defending against the complainant.

September 21, 2011

Michael Patrick and Anne Tulloch Patrick
Mainstreet (CBC Radio Halifax)

Complaint

Michael Patrick and Anne Tulloch Patrick complained about an anonymous letter read aloud on the CBC Radio Halifax afternoon program, Mainstreet, in response to what dog owners did with their pets' droppings. The complainants wrote that the letter was disrespectful of the prime minister and his office. The letter suggested the author sends his dog poop to Stephen Harper when he is offended by him.

CBC Response

Kathy Large, the program manager for CBC Radio in Nova Scotia, wrote that the letter was treated as a “sarcastic take” on a topic that had been threading through the program. Large noted the program may not have been as clear as it should have been about why it read the letter and that CBC only allows anonymous contributions under very specific circumstances.

Conclusion

The program violated CBC Journalistic Standards and Practices. Anonymously provided information has its place in journalism, most properly when journalists shield the source of content that cannot be obtained in any other way. Even then, accountable managers should know sources and the information itself should be confirmed in some way. Anonymous attacks, on the other hand, are free shots that run counter to the principles of fair-mindedness, transparency and accountability. CBC should have discarded the letter as junk mail in poor taste.

September 22, 2011

Tony Wohlfarth
Ottawa Morning (CBC Radio)

Complaint

Tony Wohlfarth complained that the interviews conducted on CBC Radio’s Ottawa Morning by host Kathleen Petty about the recent United Kingdom riots perpetuated a negative stereotype in asserting that they were the result of immigrants. He complained Petty did not challenge these views or offer alternative ones.

CBC Response

Rob Renaud, the managing director of CBC Ottawa, acknowledged that there were times when the guest’s views should have been challenged and moments when the guest should not have been treated as an expert on those events. Although Petty was no longer the program’s host, Renaud wrote the production team had discussed the importance of providing a balanced view and challenging guests’ assertions.

Conclusion

The program acknowledged to Wohlfarth that one of the guests was not an expert and deserved to be challenged at times. I agreed that the program could have done more to fulfill CBC Journalistic Standards and Practices. CBC staff reviewed the interview at the program’s end and agreed it had not gone according to plans. Ideally, the program would have communicated its misgivings with the audience and reassured listeners it would aim to do better, or it could have convened another segment that presented the appropriate context. It must be noted that

Petty cancelled her new hosting job in Calgary to stay in Ottawa and receive medical treatment for an undisclosed, apparently serious condition that week. I concluded this segment was not characteristic of her usual work.

October 7, 2011

Geoffrey Johnson
The Current

Complaint

Geoffrey Johnson complained that The Current's host, Anna Maria Tremonti, allowed her gender bias to miss the important issue in a segment on a dispute between the Canadian women's soccer team and the Canadian Soccer Association about compensation issues. Johnson complained that Tremonti did not back up her claim that the dispute was rooted in sexism and missed the "real story."

CBC Response

Pam Bertrand, the executive producer of The Current, disagreed with Johnson that there was a gender bias on the program. Tremonti let the guests express their views and assumed her responsibility to test and even challenge those views.

Conclusion

I did not agree that the program was advancing an agenda or reflecting a gender bias. The segment attempted to put the wider issue into one of greater relevance for an audience. There was the opportunity to make the connection between sexism and the financial framework dispute clearer. The program could have given more background, but Tremonti's persistence on the issue did not breach journalistic policy. The audience would have benefitted from a follow-up segment or information from the program when the issue was resolved.

October 12, 2011

Andrew Krystal
The National

Complaint

Andrew Krystal complained about graphic imagery of a human brain being handled by a scientist during a promo for a special report on the next evening's The National. After receiving

a response, he further complained that it was unnecessary to show such images to tell the story.

CBC Response

Mark Harrison, the executive producer for The National, thanked Krystal for prompting discussion in the newsroom. He agreed more sensitivity should have been shown in image use in the promo. He added they'd taken another look at how they would be using the pictures in that night's program. After Kristal's second complaint, the programmers decided not to change any imagery in the documentary, but opted not to use it in headlines and in-program promotion, acknowledging the pictures might be "too abrupt and potentially shocking."

Conclusion

I agreed with CBC that something could have been done to more sensitively deal with the graphic imagery in the promotion, which would have prepared the audience and fulfilled CBC Journalistic Standards and Practices. CBC's acknowledgement that it could have acted differently was a mature response and acceptance of accountability. The imagery use in the documentary was limited and journalistically justified in demonstrating the impact of injury on brain tissue.

October 13, 2011

Alnoor Gangji
The Lang & O'Leary Exchange

Complaint

Alnoor Gangji complained about the private apology journalist and author Chris Hedges received from Robert Lack, the executive producer for the Lang & O'Leary Exchange, after O'Leary called Hedges "a left-wing nutbar" during a discussion about the Occupy Wall Street demonstrations. Gangji complained that the "backdoor apology sends the wrong signal about the CBC." He didn't want CBC hosts to insult guests to raise ratings.

CBC Response

Robert Lack, the executive producer for the Lang & O'Leary Exchange, wrote to complainants about O'Leary's treatment of Hedges. He said that it was not an appropriate way to refer to a guest and explained he called Hedges and apologized after the interview. He also discussed the "inappropriateness of addressing guests in such a way" with O'Leary.

Conclusion

There is room at the inn for a range of views, but there is no room for name-calling a guest. O’Leary’s opening salvo only fed contempt, which breached policy. When O’Leary asked Hedges “don’t take this the wrong way,” it came across as disingenuous and begged the question: Is there a “right way” to take being called a nutbar? CBC’s private apology to Hedges and discussion with O’Leary were both responsible gestures. It would help fulfill the spirit of CBC Journalistic Standards and Practices by communicating acknowledgement of the error to the audience as well.

October 18, 2011

Arthur Milner
The Current

Complaint

Arthur Milner complained after two separate interviews aired on The Current in the days preceding the United Nations vote on a proposal to grant Palestinian statehood status. Host Anna Maria Tremonti interviewed Israeli deputy prime minister Dan Meridor and the chargé d’affaires for the Palestinian delegation to Canada, Linda Sobeh Ali. Milner complained Tremonti was rude to Sobeh Ali in comparison to her previous interview with Meridor. He complained Tremonti interrogated Sobeh Ali.

CBC Response

Pam Bertrand, the executive producer for The Current, wrote that it was Tremonti’s responsibility to test Sobeh Ali’s views. She noted this may be seen as rude, but is not her intention.

Conclusion

I found no violation of CBC Journalistic Standards and Practices. The context of Tremonti’s discussion with Sobeh Ali was significantly different than with Meridor, and it was not unfair to pose more aggressive questions to her in that context. Her interview with Meridor still sought accountability. I concluded Tremonti was attempting to understand Sobeh Ali’s statements and positions, not being rude.

October 26, 2011

Adam Spencer
Hockey Night in Canada

Complaint

Adam Spencer was one of several complainants about a segment of Hockey Night in Canada — and then future segments building on the media coverage after the fact — where Don Cherry made aggressive statements about physical contact in hockey and referred to three former NHL players as “a bunch of pukes.” Spencer wrote: “Enough already.” After several days, Don Cherry and Ron MacLean apologized on air.

CBC Response

CBC Communications responded to the initial complaints. The letter read, in part, that CBC thinks everyone should have a voice in this complicated discussion. Kirstine Stewart, CBC’s executive vice-president for English services, issued a statement that Cherry’s opinion was not shared by the network. Don Cherry and Ron MacLean apologized on air. Stewart continued responding to complaints writing that Cherry’s opinion was not shared by the network.

Conclusion

The inaccurate information Cherry gave about controversial issues October 6 on Hockey Night in Canada was a breach of CBC Journalistic Standards and Practices. For example, only one player was a pugilist-turned-pacifist who had linked their fighting career to substance abuse; Cherry identified three. Cherry’s name-calling breached policy for respectful treatment of individuals. Hockey Night in Canada might have done more to correct the inaccuracies sooner, which was not a breach, but left room for improvement. When CBC corrected the mistakes publicly, it fulfilled policy. I concluded the general opinions Cherry expressed October 6 about the changing nature of the game were fair comment and did not breach policy.

October 27, 2011

Kyle Mytruk
The National

Complaint

Kyle Mytruk complained about The National’s identification of Ian Lee as a “labour analyst” during a segment on the effort to resolve contract differences between Air Canada and the union representing its flight attendants. Mytruk complained that Lee’s background was in economic policy and practice, and that CBC’s identification gave Lee more credibility than if he had been called a financial analyst or business professor. He also complained it was unclear where Lee worked because it was identified differently at various times, as Carleton University and as the Sprott School of Business.

CBC Response

Mark Harrison, the executive producer of The National, wrote that Lee's background included a doctoral dissertation on the labour history of Canada Post. Harrison noted Lee had been a frequent CBC commentator on private and public sector labour issues and had told CBC he was comfortable with the labour analyst identification. Harrison noted that the Sprott School of Business was at Carleton University.

Conclusion

There was no violation of CBC Journalistic Standards and Practices. Lee was principally called upon in this story to discuss public policy as it intersected with labour issues, and on public policy he is a scholar and authority. CBC News must identify expertise in the most relevant way to the audience without exaggerating or distorting. Lee's education and employment suggest a versatile expertise and, while he would not first describe himself as a labour analyst, he believed the label was justified. Lee's description was accurate to identify the competencies for which he had been selected to appear.

October 28, 2011

Michael Kilby
CBC News Morning

Complaint

Michael Kilby complained about the use of a graphic image on the CBC News Morning program. Lyndsey Duncombe reported on the trial of Dr. Conrad Murray for the involuntary manslaughter of Michael Jackson. The report included a photograph of Jackson's corpse on a stretcher with all but his face and arms covered by a sheet. Kilby found the image "unnecessary, pretentious and disgusting."

CBC Response

Esther Enkin, the executive editor of CBC News, wrote that the image was "germane to the theme and relevant to the integrity of the story." Enkin noted that CBC will sometimes alert the audience prior to showing graphic content and, in this story, the audience was warned twice.

Conclusion

I concluded there was a production error when CBC failed to warn viewers when it first presented the image on the morning program, which breached its Journalistic Standards and Practices. I took note that the production team immediately recognized this and addressed the matter in subsequent presentations. The photograph was relevant and sufficiently newsworthy.

November 7, 2011

Don Weitz
The Current

Complaint

Don Weitz made a broad complaint after The Current aired a segment about the effort to update the Diagnostic and Statistical Manual of Mental Disorder, the central reference work for psychiatry. Weitz complained that the host, Anna Maria Tremonti, did not challenge the DSM “which is inherently unscientific.”

CBC Response

Pam Bertrand, the executive producer of The Current, said the segment was focused on one narrow issue and it would be unreasonable to examine all aspects of such a controversial issue in one story. She noted other issues and different points of view had been covered in previous stories.

Conclusion

CBC policy seeks a range of views over a period of time across different platforms. Tremonti’s first guest served to question the value of expanding the range of identified disorders. While this was not exactly the anti-psychiatry view, the effect was a skeptical and challenging take on the conventional view within psychiatry. It raised awareness of concerns about the impending direction of the field, questioned those concerns, and satisfied CBC Journalistic Standards and Practices in doing so. The Current has provided thoughtful, reflective programming on mental health. This commitment reflects an open mindedness about exploring controversy.

November 15, 2011

Susan Kaminskyj
The Current

Complaint

Susan Kaminskyj complained about an interview The Current’s host Anna Maria Tremonti conducted with Baljit Singh Chadha about his efforts to raise money for a proposed reopening of the Jeffrey asbestos mine in Quebec. Kaminskyj complained that Tremonti did not provide an even-handed analysis and was frequently abrupt to the point of rudeness, including a quick ending when the segment ran out of time.

CBC Response

Pam Bertrand, the executive producer of The Current, asserted that both points of view were included in the program. She said Chadha had the opportunity to express his views and it was Tremonti's responsibility to test those views. Her persistence may have been seen as rude, but that was not her intention. Bertrand explained the abrupt ending was due to time running out.

Conclusion

I did not find a violation of CBC Journalistic Standards and Practices, but I found a few areas in which there were opportunities for improvement. I did not agree that Tremonti was rude to the guest, but a clock-watching tone took place because there may have been too much ground to cover and too many elements in too little time. More could have been done to acknowledge that many dangerous substances are mined, refined and used, and Chadha should not have been isolated in his views. The program did not thoroughly explore the available information like mining technique advances, and may benefit from a follow-up discussion.

November 16, 2011

Paul Michaels
The Current

Complaint

Paul Michaels, the director of research and media relations for the Centre for Israel and Jewish Affairs, the principal advocacy organization for the Canadian Jewish community, complained about the balance of CBC reporting after The Current featured a segment about a so-called "one-state solution" to help resolve issues in the Middle East. The segment included two guests who were advocates of the idea. Michaels exchanged correspondence with The Current before and after the show was aired offering to help find suitable guests offering a counter opinion. He questioned the CBC's balance and fairness in only reporting one perspective of a highly controversial subject.

CBC Response

Lynda Shorten, the acting director of radio current affairs, acknowledged it was a controversial topic, but argued it was part of extensive Middle East coverage by The Current. Shorten wrote that CBC had a role to present a range of views, the program included audio clips of "dissenting voices" and future programs were bound to cover the two-state concept.

Conclusion

I concluded that the segment featured a civil and nuanced presentation of the concept interspersed with, if not offset by, clear opposing views. A range of views on controversial

matters is to be presented in an appropriate time frame. Thus, this segment did not violate CBC Journalistic Standards and Practices.

November 18, 2011

Lisa Card

The Lang & O’Leary Exchange

Complaint

Lisa Card complained about an exchange between the hosts of The Lang & O’Leary Exchange about federal efforts to avert a strike by Air Canada’s flight attendants. Specifically, she complained about O’Leary’s comment that unions “must be destroyed with evil.” She complained it “can be interpreted as an attempt to incite violence or possible murder of union workers.”

CBC Response

Robert Lack, the executive producer of The Lang & O’Leary exchange, said there was no question that O’Leary was exaggerating for effect – a method he employs not just for unions. He disagreed O’Leary’s statement would lead to or incite violence against union members.

Conclusion

Context is important. Heard in isolation, O’Leary’s choice of words might seem problematic. Heard as elements in a lengthy exchange, they were far less so. O’Leary used the term “evil” to describe unions, just as Lang suggested the term “evil” could apply to the government’s effort to take away their legal right to strike. This was not an ideal descriptor, but unless it were personally directed, it would be absurd to prohibit its use. The improvised exchange was not in violation of policy.

November 24, 2011

Eric Ruff

The National

Complaint

Eric Ruff, a Yarmouth resident, complained that Havard Gould’s report on The National — part of a series commemorating the 10th anniversary of the so-called 9/11 attacks — about Yarmouth, Nova Scotia’s decline in American tourism post the attacks was biased and inaccurate. He complained the effect on Yarmouth was no more detrimental than on any other

small Canadian tourist town. He asserted that Gould was selective in his story-telling, and chose to open with a rainfall, conjuring a pathetic fallacy.

CBC Response

Mark Harrison, the executive producer of The National, wrote that Gould's report fairly reflected the uncertainty Yarmouth residents expressed about the economic slowdown. He said the weather was rainy when the crew arrived, but sunshine footage, shot on the day the crew departed, was featured later in the piece.

Conclusion

There was no violation of CBC Journalistic Standards and Practices. The report would be uncomfortable for some proud residents, but the journalism was supported thoroughly. The rainy imagery helped support the story, but reflected the reporting conditions and did not distort the facts.

November 25, 2011

Thomas Peterson
The National

Complaint

Thomas Peterson, who has multiple sclerosis and has undergone a relatively new and controversial therapy for MS called Liberation Treatment, complained about a report on the death of a Canadian from Liberation Treatment she received in the United States. He complained it was alarmist, biased, and unbalanced reporting that did not contextualize the deaths and distorted supporters' claims, among other things.

CBC Response

Mark Harrison, the executive producer for The National, wrote that CBC News had over the years provided a wide range of stories on many aspects of MS and its treatment, but this report had a narrow focus and television news requires that information be compressed to fit the report. Leaving some things out does not mean a story is biased or unbalanced.

Conclusion

There was no violation of CBC Journalistic Standards and Practices. The report was one of more than a dozen by the broadcaster on this treatment in the last year or so and overall they had been open-minded about it. But, without peer-reviewed studies and other qualitative science about the treatment, CBC has to avoid raising false hopes about it, as its policy demands. In this

story, given the format and focus, it was unnecessary to cite the consequences of other treatments and non-treatment as context.

November 30, 2011

Jessica Motherwell McFarlane
BC Today newscast, CBC Radio Vancouver

Complaint

Jessica Motherwell McFarlane complained that a CBC Radio Vancouver report featuring a 911 call by a mother whose daughter bled to death when her throat was cut, was broadcast during her family's dinner hour. She was offended by the graphic content of the audio clip.

CBC Response

Esther Enkin, the executive editor of CBC News, wrote that it was not intended to offend listeners. She said it was important for CBC to reconcile exercising discretion and conveying information. She noted an advisory preceded the report, but could have included a more specific warning about the upcoming material.

Conclusion

The review found no violation of CBC Journalistic Standards and Practices, but found there was room for improvement. Despite being able to more readily access such information when crimes occur in the United States, it is important for CBC to remember Canadians are largely accustomed to more restrained coverage by their media. More could have been done in this instance to alert listeners to the upcoming audio clip, noting that they would hear a 911 tape and giving them time to turn away if they wished. But I believe it was used justifiably to provide a stronger understanding of the story.

December 1, 2011

Robert Scarborough
CBC.ca

Complaint

Robert Scarborough complained that two CBC.ca headlines betrayed a left-wing bias. The first headline read: "Ontario to get fewer new seats in redrawn House." The second headline read: "Harper retreats on Afghan mission risks." Scarborough compared the story headlines from CBC.ca and CTV.ca. He complained that CBC twisted the message of the stories.

CBC Response

Esther Enkin, the executive editor of CBC News, wrote that the headlines were justifiably written in the context of new developments. For the Common seats, Ontario would be getting fewer than previously announced.

Conclusion

The review found no violation of CBC Journalistic Standards and Practices. Both headlines were journalistically sound, supportable, and did not betray a bias. They provided context in a few words for clear and impartial stories.

December 6, 2011

Dr. Phillip Earle

The Fisheries Broadcast (CBC Radio Newfoundland and Labrador)

Complaint

Dr. Phillip Earle complained that The Fisheries Broadcast no longer used his call-in commentary during a listener commentary portion of the program. He also complained about host John Furlong's remark about the importance of focusing on what to do about the fishery rather than call for an inquiry into its past problems. After receiving a response, he further complained that other political candidates' comments were used in the program.

CBC Response

Marc Riddell, the managing editor of news and talk programming for CBC Newfoundland and Labrador, said the program had used at least 15 of Dr. Earle's commentaries since January but that they refrained from using his comments while he was a Liberal Party candidate in the provincial election campaign. He wrote that Furlong's comment was crafted on the basis of the statements of the three political parties and did not favour one particular view.

Conclusion

The review found no CBC Journalistic Standards and Practices violation. There was no obligation to continually feature the complainant's contributions and it was important to introduce new contributors regularly to provide the broadest possible commentary. In order to provide equitable treatment of political parties and candidates during the election campaign, the program wisely steered clear of using his contributions during that time. Furlong's statement needed to be taken in context of conversing with a guest and trying to further prod him to discuss his views.

December 9, 2011

Mike Fegelman
CBC.ca

Complaint

Mike Fegelman, executive director of HonestReporting Canada, complained about the information concerning the Mossad in a CBC.ca analysis questioning the ineffectiveness of a United Nations tribunal into the killing of the Lebanese prime minister. Fegelman complained that CBC's senior Washington correspondent Neil Macdonald's writing was misleading, unfair, and prejudiced as it unfairly characterized Mossad with circumstantial, not verifiable evidence that was not stated as such.

CBC Response

Esther Enkin, the executive director of CBC News, wrote that the article was not prejudiced and said any objective reading of Macdonald's work would bear that out.

Conclusion

I did not find a violation of CBC policy. The passage was congruent with CBC Journalistic Standards and Practices that provide latitude for journalists to make judgments based upon available information.

December 15, 2011

Mike Fegelman
Information Morning (CBC Radio, Halifax)

Complaint

Mike Fegelman, executive director of HonestReporting Canada, complained about an interview with Miles Howe on Information Morning in Nova Scotia. Howe was planning to participate in a flotilla sailing to Gaza to provide aid to Palestinians experiencing a blockade by Israel. Fegelman complained that Howe was given the opportunity to make "baseless and inflammatory statements on air without any real critical challenge." He complained that CBC should make it clear they neither endorsed nor approved of the content of Howe's blog when linking to it.

CBC Response

Esther Enkin, the executive editor of CBC News, wrote that the interview was intended to help listeners understand why one city resident felt strongly enough about the issues to risk his life for them and that CBC has an obligation to expose a wide range of views on controversial issues. Enkin directed him to a later interview with Jon Goldberg expressing the opposite views.

Conclusion

The review found a policy violation of CBC Journalistic Standards and Practices. Howe's qualifications to use impressionistic anecdotes a dozen years old to support some harsh, blanket contemporary characterizations could have been substantially questioned and his views immediately confronted. By producing a more reasonable exchange with a more conventional line of inquiry with Goldberg, CBC met the test for equitable treatment of controversial issues by presenting different perspectives. CBC News best practice is to link to a range of resource perspectives to avoid creating the perception that it values the content if it does not provide some sort of disclaimer.

December 16, 2011

Mike Fegelman
The National

Complaint

Mike Fegelman, executive director of HonestReporting Canada, complained that a report on CBC's The National by Alexandra Szacka on the impending flotilla into the Gaza Strip was framed to make viewers sympathetic to the activists by outlining the dangers they could face in a possible confrontation with Israeli soldiers. He complained that the report lacked Israeli perspective and relevant context for the Israeli blockade of Gaza. He wanted to know if CBC News had provided countering views of "close to equal scope and length."

CBC Response

Esther Enkin, the executive editor of CBC News, wrote that Szacka had unusual access to the ship and the report was "one aspect of a far larger story." Enkin wrote that this was one of multiple stories about the flotilla, which included a range of views.

Conclusion

CBC News did not violate its Journalistic Standards and Practices. CBC policy does not require balance to be achieved within an individual program. Instead, it permits these perspectives to be provided across platforms over a reasonable period. It furnished several other stories across its platforms around that time to contextualize the flotilla and give voice to the reasons behind the blockade.

December 20, 2012

Mike Fegelman

CBCNews.ca

Complaint

Mike Fegelman, executive director of HonestReporting Canada, wrote seeking clarification about why CBC's Senior Washington Correspondent Neil Macdonald's essay examining the impact of the so-named 9/11 attacks on Middle East politics as its 10th anniversary approached was not labeled an "analysis" piece. He noted two other essays by journalists Brian Stewart and Henry Champ had been.

CBC Response

Esther Enkin, the executive director of CBC News, wrote that senior journalists are permitted at times to "reach conclusions, to develop a point of view... on the evidence they collect." This was the case here, but posting the article under the heading "analysis" might have made that more clear.

Conclusion

The principle of impartiality for CBC journalists is not lost when they provide analyses based on facts. The policy creates a boundary of the expression of personal opinion but leaves open opportunity in some instances for journalists to synthesize and reflect upon facts in an issue. I agreed with CBC News that the essay could have been labeled by CBC.ca as an analytical piece to better fulfill journalistic policy. Through no fault of the writer, this was not done.

January 5, 2012

David Beckner, Avery Burdett, Bill Kiechle

CBC News

Complaint

The complainants wrote individually about television, radio and online reports about 9-1-1 distress calls made by Toronto Mayor Rob Ford after comedienne Mary Walsh, in her Princess Warrior super heroine costume, appeared in Ford's driveway along with a crew from the CBC program This Hour Has 22 Minutes. The reports said that Ford had been emotional and threatening on the distress calls. Beckner said the report was carried "without due diligence of

checking facts... It is retribution.” Burdett called the story “false reporting.” Kiechle said CBC was pushing the story “for political ends” and not producing fair or balanced journalism.

CBC Response

Jonathan Whitten, the executive director of news content for CBC News, wrote that well placed sources within the Toronto Police Service told CBC News that the operators found some of the exchanges with Ford distressing and insulting. He said they corroborated the information and reported some of the details of the calls. “Mayor Ford subsequently confirmed our reports and his use of coarse language, although disputing that he had used one particularly offensive word, a denial later repeated by Toronto’s police chief.”

Conclusion

There were serious challenges in conducting this review. An authentic record of the 9-1-1 calls to verify or dispute CBC News’ reporting has not been released. Without any such record, it has not been possible to assess the accuracy, and thus the fairness, of the CBC News reports about the calls. CBC News was cooperative and candid about the reporting process but would not indicate specific sources of the material it reported. There remain unanswered questions about the story, but with the information that was at hand I did not find a violation of CBC Journalistic Standards and Practices.

January 5, 2012

Andrew Wallwork
The Fifth Estate

Complaint

Andrew Wallwork complained about a documentary, *Scout’s Honour*, presented by CBC Television’s *The Fifth Estate*. It dealt with allegations of sexual misconduct by Scouts Canada and the Boy Scouts of America leaders. Wallwork complained the documentary confused and misrepresented the two groups, did not mention that electronic information management systems were not available in the 1970s, asserted without evidence that Scouts Canada had not reported an incident, edited full length interviews to remove some of the co-host’s questions, and violated principles of impartiality with the point-of-view documentary.

CBC Response

David Studer, the director of current affairs investigative programming for CBC News, wrote that there was no intention to mislead the audience about the distinctions in the two organizations. He defended CBC against Wallwork’s other accusations and added that a point-

of-view documentary was acceptable in certain circumstances within CBC News journalistic policy.

Conclusion

There was no violation of CBC Journalistic Standards and Practices, but there was room for improvement. I could see where there could have been some confusion about the respective approaches to misconduct by the two Scouts organizations. CBC News might have more clearly emphasized those differences.

January 10, 2012

Randy Hughes
Quirks & Quarks

Complaint

Randy Hughes complained about a Quirks & Quarks segment on the impending international climate change conference in Durban, South Africa. It featured audio clips from Gordon McBean, president-elect of the International Council of Science, who co-authored a report on extreme weather events. Hughes complained about McBean's characterization of the report, and said the segment lacked sufficient skepticism and failed to mention controversies involving the claims by authors of climate change reports.

CBC Response

Jim Handman, the executive producer of Quirks & Quarks, wrote that since the report author's summary was presented in his own words, CBC had little reason to doubt their accuracy. Handman noted that the uncertainty lies in what to do about climate change and when, not in its science.

Conclusion

There was no violation of CBC Journalistic Standards and Practices. McBean's description of the report he co-wrote was not inaccurate. The segment put its focus on international performance, on policy and on the conference's quandaries in effecting practical measures. It did not have any need to further review the science or in any way suggest the science was open for debate. The segment's focus was on the performance of countries under the Kyoto Protocol and on the ambitions for the Durban gathering. There remained uncertainty about the ability of leaders to reach an agreement.

January 11, 2012

Terry Greenberg
CBC.ca

Complaint

Terry Greenberg complained about a CBC.ca analysis about Iran's nuclear program titled ANALYSIS: Iran really is on nuclear brink. The analysis noted how there had long been international speculation that there was more than "peaceful, civilian purposes" behind Iran's nuclear program. It cited a report by the International Atomic Energy Agency (IAEA) as the "strongest signal yet that Iran wants to develop a nuclear arsenal." Greenberg complained that the piece was "unbalanced," had "all the hallmarks of pure propaganda" and left out important material. He complained about the word "really" in the headline.

CBC Response

Esther Enkin, the executive editor of CBC News, wrote that it is CBC's mandate to carry different points of view on controversial matters like this one. She said it is not reasonable to carry all points of view or all the information available in one story, but that does not make it biased or unbalanced.

Conclusion

There was no violation of CBC Journalistic Standards and Practices. The IAEA report was strongly worded in many respects. I concluded the analysis fairly reflected the report, which identified an extensive range of problematic activities in Iran's rapidly developing nuclear program. It was fair to express a concerned tone throughout the analysis. The two interviewees had strong political science qualifications and the analysis might have been helped by more background of their expertise.

January 12, 2012

Jane Doe
CBC.ca

Complaint

The complainant asked CBC.ca to delete from its website a story involving her. This review is vague not to compound her concerns. She wrote that the story has "caused me immeasurable embarrassment on a professional and personal level." She did not dispute its accuracy.

CBC Response

A CBC News manager wrote that it is CBC policy not to “unpublish” archived stories. The manager added they would be happy to update the story if she had something to add.

Conclusion

There was no violation of CBC Journalistic Standards and Practices. At the CBC there can be compassionate grounds to unpublish, such as if a story could constitute a threat to personal safety. With some reluctance and sympathy, I could not conclude that the complainant’s professional and personal inconvenience constituted a threat to her personal safety.

January 12, 2012

Ian King
CBC.ca

Complaint

Ian King complained about stories on CBC.ca of changes to the Tim Horton’s menu and ambiance. King complained the stories were advertisements posing as news.

CBC Response

Esther Enkin, the executive editor of CBC News, wrote that news also constitutes events that are likely to be significant or interesting to Canadians, among them business stories. Tim Horton’s is Canada’s largest chain.

Conclusion

I found no violation of CBC Journalistic Standards and Practices. I concluded CBC News was trying to hit a populist chord in carrying news about the restaurant chain, a significant Canadian-based enterprise with revenues of more than \$2.5 billion annually. There was some room for improvement in phrasing.

January 18, 2012

Merv Adey
CBC News

Complaint

Merv Adey complained that Victoria-based British Columbia legislative journalist, Stephen Smart, had a conflict of interest because he was engaged (and since then married) to Rebecca

Scott, the communications officer and deputy press secretary for Premier Christy Clark. He complained this “damages the credibility of CBC and its impartiality.”

CBC Response

Wayne Williams, the news director for CBC British Columbia, wrote to assure Adey there was no conflict of interest. Williams noted Adey did not offer a credible example of the conflict he perceived. He said Rebecca Scott was one of a number of press secretaries or assistants in the office and does not advise the premier on policy matters. He also said they had “taken steps to ensure that there is, and continues to be, no conflict.”

Conclusion

There was a violation of CBC Journalistic Standards and Practices. There was no impropriety, but that did not mean there was no conflict. No amount of managing a real or perceived conflict of interest can do more than mitigate the impact on an impartial fulfillment of duties. Smart can report with integrity, and CBC’s protocol can combine disclosure and recusal, but the pervasive appearance of a conflict of interest will continually challenge their reputations. It is hard to see how an arrangement with the potential to diminish the effectiveness of CBC’s journalism and public standing serves an interest worthy of a policy exception.

January 23, 2012

Michael Tripper
Early Edition, CBC Radio British Columbia

Complaint

Michael Tripper complained about an interview on CBC Radio British Columbia’s Early Edition with Dr. Paul Hasselback, the chair of the Health Council of British Columbia and member of a coalition of health, justice and academic professionals known as Stop The Violence BC. The segment focused on what Hasselback asserted was the need for reforms to anti-drug laws. Tripper complained that the interview did not accurately reflect the coalition’s position, which called for legalization, not decriminalization, and a regime of taxation and regulation.

CBC Response

Lorna Haerber, the program director for CBC Radio British Columbia, wrote that CBC News checked with Hasselback and he indicated it was appropriate to say decriminalization.

Conclusion

There was no violation of CBC Journalistic Standards and Practices. It remained unclear if legalization or decriminalization was the most appropriate term to reflect the positions of the council and coalition, because they used neither in their reports. They were calling for a process of legal reform as the next step and not presuming the outcome. About 30 seconds before the interview Hasselback was asked what term to use. While he hesitated to use either term, he told CBC News that he supposed decriminalization would not be wrong. It might have been better to avoid either term, but it was not a policy violation to suggest this approach would constitute decriminalization.

January 24, 2012

Michael Harwood

The National

Complaint

Michael Harwood complained about a live and unscripted report by Greg Weston when news broke of charges being laid against the federal Conservative Party and four of its officials by Elections Canada for administrative violations of the Elections Act. Harwood cited a “significant factual error” in the report. “As I am sure you are aware, the Conservative Party had appealed nothing, because it in fact had won a favourable court ruling made by a federal court judge in January 2010. It was Elections Canada that had the matter under appeal, because it was on the losing end of the federal court ruling, not the Conservative Party of Canada. Without this error, it would not have been possible for Mr. Weston and Wendy Mesley to play up this story as an unmitigated political disaster for the Conservative government, which is what they did. The Conservatives came out of this story looking far worse than they would have if Mr. Weston had reported the status of the court ruling correctly.”

CBC Response

Mark Harrison, executive producer of The National, agreed that Weston had made a mistake, but he strongly disagreed that it “changed the thrust of the story in any significant way or that it affected the program’s treatment of bona fide news about charges being laid.”

Conclusion

The mistake was the only violation of policy. I concluded that the error did not much affect the much more important point of the story involving allegations of improper conduct against political officials on the eve of an election. Regardless of who was appealing the court decision, it was to be expected that CBC News report on the charges and the potential consequences. Indeed, it did so again the next day, as did other media. There was no violation of policy as it concerned issues of journalistic fairness.

January 26, 2012

Mario Bouchard
The Current

Complaint

Mario Bouchard complained that The Current's host, Anna Maria Tremonti, was "overly aggressive and dismissive" and too emotionally invested in an interview with Nur Chowdhury. Chowdhury was convicted in absentia of firing upon and killing during a 1975 military coup the founder and first president of Bangladesh. Bangladesh has been seeking his return from Canada, but Canada doesn't extradite when people would face the death penalty. Bouchard also complained that Tremonti misunderstood how widely the government's indemnification law was applied.

CBC Response

Pam Bertrand, the executive producer of The Current, wrote that it is the CBC's obligation to not only permit views to be expressed but to test those views. She added that if Tremonti misunderstood the scope of the indemnification law, Chowdhury "emphatically corrected her."

Conclusion

I did not find a violation of policy under CBC Journalistic Standards and Practices. Tremonti understood the interview called for a serious effort to question someone who had not faced a trial for a major crime more than 35 years ago and the subjects covered were all fair. Chowdhury was given time to clarify the indemnification issue. The factual basis of the interview was sound.

January 30, 2012

Michael Harwood
The National

Complaint

Michael Harwood complained about two consecutive broadcasts of The National following the shooting of Gabrielle Giffords of the U.S. Congress. His first complaint was that correspondent Neil Macdonald's assertion that Gifford's face was on Sarah Palin's Facebook page with a rifle crosshair sight on it was false. Instead the rifle crosshair was on geographical state locations corresponding to Democratic seats that were being targeted during the 2010 congressional

election campaign. His second complaint about the next night's broadcast was that Macdonald was biased towards the political and ideological left.

CBC Response

Mark Harrison, the executive producer of The National, wrote that Harwood was right that Gifford's face never appeared on Palin's Facebook page and wrote that "we regret the error." In other correspondence, Harrison wrote that Macdonald's report was a clearly identified as an analysis that permitted some judgment.

Conclusion

There was an error in the report, but correct information was subsequently presented. The report's analytical thrust was within policy. Macdonald applied his professional judgment and expertise to the issue.

February 2, 2012

Kevin Neish
CBC News

Complaint

Kevin Neish complained that CBC News did not make use of an available video by a filmmaker/activist chronicling the Israeli attack on the MV Mavi Marmara during the flotilla to the Gaza in 2010.

CBC Response

Esther Enkin, the executive editor of CBC News, wrote that the absence of this footage or a story about it should not be viewed as a lack of balance in CBC coverage. She thought it fair to say that "CBC broadcast hours of thoughtful, thorough and innovative coverage of the incident... that offered a wide range of perspectives on the event."

Conclusion

I did not find a violation of CBC Journalistic Standards and Practices. An extensive body of work from CBC News on this topic met the test of policy. The various parties to the dispute were represented in several segments across platforms and the audience had ample information upon which to draw conclusions.

February 6, 2012

Kelden Formosa

CBC.ca

Complaint

Kelden Formosa complained that a CBC.ca page titled “The fight for the right to die” was heavily biased in favour of the legalization of assisted suicide. He said the term “right to die” is politically loaded because it assumes there is such a right. He said the explanation of opposition to assisted suicide was brief in a lengthy text. He noted the page was over a year old, which means it would not typically be reviewed by the Office, but believed it should be reviewed because it remains online and is referenced elsewhere as a resource on the subject by CBC News.

CBC Response

Esther Enkin, the executive editor of CBC News, noted the page discussed “the fight” for the right to die, which she believed was once again a timely issue because a case was being brought to the British Columbia Supreme Court to permit a doctor to help end a patient’s life.

Conclusion

I reviewed this complaint because the issue had resurfaced and this page was the most evident CBC News resource. There were no violations of CBC Journalistic Standards and Practices. Existing policy recognizes that not all forms of journalism can self-contain a range of perspectives and just requires a reflection of the range of perspectives. The term “right to die” was fairly applied because it was about the effort to reach the right and did not assume it already existed.

February 6, 2012

Rolf van Driesum

The Strombo Show (CBC Radio Two)

Complaint

Rolf van Driesum complained first about George Stroumboulopoulos’ use of “Jesus Christ” as a profanity, which he felt offended Canadian believers. After receiving an apology, Van Driesum complained that this is a frequent use by the CBC. He wanted an on-air apology and commitment to stop using the name of Jesus as a profanity. After a series of correspondence between him and the CBC, he concluded the use of Jesus’ name was “intentional and rooted in malice” and CBC’s response curtailed dialogue.

CBC Response

Mark Steinmetz, the director of CBC Radio Music, wrote to say Stroumboulopoulos was sorry his comment offended van Driesum and Stroumboulopoulos had been spoken to about being more aware of the sensibilities of his audience. He engaged in a series of correspondence with the complainant, noting his regret that he was offended but that there was nothing to add.

Conclusion

The CBC policy avoiding gratuitous graphic language isn't always effective in preventing it. A public broadcaster should be careful not to assume its values are necessarily those of its audience. CBC precedes this program with an audience advisory indicating that some might find elements objectionable. I concluded that the host spoke out of exasperation and frustration, not with malice to deprive the term of its value or meaning. CBC took responsibility by discussing the complaint and having the host acknowledge and understand it. I did not find a violation of CBC Journalistic Standards and Practices.

February 7, 2012

Tony Wohlfarth
CBC Radio Ottawa

Complaint

Tony Wohlfarth complained that a CBC Radio Ottawa item and CBC.ca story on robotics competitions misled the public about youth participation in these competitions in Canada. The radio item was introduced by saying: "Canada's national robotic competition this weekend has been called off. Organizers say children's interest in building robots is dying down." The CBC.ca item echoed the sentiment. Wohlfarth complained that only a smaller element of the national event was cancelled and a provincial event still took place later that month.

CBC Response

Paula Waddell, the executive producer of CBC Ottawa Regional News, wrote that CBC agreed that the language used should have been more clear to indicate only one individual competition was cancelled within a larger event. She wrote that the reporter was reminded to be more diligent. She noted that an organizer of the competition noted a decline in registration and the report also noted a robots enthusiast who said the local industry was growing. Aside from the unclear introduction, she was satisfied the story met the CBC's requirements.

Conclusion

I did not find a violation of CBC Journalistic Standards and Practices, but there was room for improvement. CBC Ottawa acknowledged it could have been more clear and reviewed the matter with the reporter. A radio report clarification would have been less than effective since time had passed, but CBC Ottawa offered to clarify the wording in the online story to create a clearer record.

February 15, 2012

Viggo Lewis
The Sunday Edition (CBC Radio)

Complaint

Viggo Lewis complained that a report on CBC Radio's The Sunday Edition lacked balance. He complained a segment with professor emeritus Pradeep Kumar from the Queen's University School of Policy Studies about plant closures and labour concessions was one-sided and intended to only show the union perspective.

CBC Response

Jim Handman, the acting executive producer of The Sunday Edition, wrote back and said Kumar was one of Canada's leading experts on the issue. He said Kumar was on the program to provide expert analysis, not to represent either side.

Conclusion

I did not find a violation of CBC Journalistic Standards and Practices. CBC policy does not require each segment to achieve balance and permits a range of views on controversial issues. This was an explanatory segment that featured the guest for his longstanding expertise on the issue. While the guest clearly supported unions, he also criticized them. The host did not express any views as part of the segment.

February 16, 2012

Mike Fegelman
CBC News Network

Complaint

Mike Fegelman, executive director of HonestReporting Canada, complained that CBC News Network misidentified guest commentator Eric Margolis during Egyptian election results coverage. On CBC News Now, host Heather Hiscox introduced him as "our foreign affairs

analyst” while a CBC.ca report arising from the same segment identified him as “the CBC’s Eric Margolis.” He further complained that Margolis’ views displayed an “anti-western, anti-Israel, and anti-Semitic bias.”

CBC Response

Esther Enkin, the executive editor of CBC News, wrote back explaining Margolis was a freelance commentator who was not employed by CBC. She wrote that CBC regretted the error in suggesting he was a CBC News employee and explained the error was immediately corrected when it was realized, 40 minutes after the original story was published online. She defended CBC’s use of Margolis as a commentator. She wrote: “our news service has an obligation to carry different views... affording Canadians the opportunity and the information they need to make up their own minds...”

Conclusion

While the misidentifications technically constitute policy violations, CBC News fulfilled policy by promptly correcting the mistakes. Fegelman’s suggestion that a guest should simply not be permitted to appear on CBC because of his opinions distresses me. He had the credentials to appear as a credible guest because of his media familiarity and experience, and his witnessing events first-hand. Given that his was one of many perspectives CBC carried on the election, a segment featuring him was within journalistic policy.

February 28, 2012

Linda Jeurond
The National

Complaint

Linda Jeurond complained about a report on The National following a call by the Canadian Paediatric Society to ban those under the age of 18 from using commercial tanning facilities. The report featured a variety of voices including a 15-year-old frequent tanning bed user and a tanning salon proprietor. The report said Health Canada had published guidelines that “no one under the age of 16 should use a tanning bed.” Jeurond wrote CBC to say that the recommendation was inaccurate and the agency recommends anyone under the age of 18 avoid using tanning beds. After CBC responded acknowledging the error, Jeurond wrote back saying she was disappointed there was no apparent interest in setting the record straight.

CBC Response

Esther Enkin, the executive editor of CBC News, acknowledged that the Health Canada website provided information other than what the CBC had reported. She wrote that CBC regretted the error and thanked Jeaurond for drawing it to their attention.

Conclusion

CBC Journalistic Standards and Practices grant latitude in making corrections. It notes: “We do not hesitate to correct any mistake when necessary...” I interpret this wording as leaving CBC in the position to determine if and how an error should be noted. Thus, while there was a policy violation in presenting inaccurate information, there would not be any further policy violation if CBC did not correct the record. CBC can acknowledge an error in correspondence with the complainant but not necessarily communicate that to the wider audience.

March 1, 2012

Jack Chivo

CBC.ca

Complaint

Jack Chivo complained about two descriptions used in the coverage of the Shafia murder trial – where the Crown alleged two of the four victims were killed because their father, mother, and brother believed they had dishonoured their Muslim family. In two separate online reports, CBC.ca reported that photos were shown of the teenaged sisters, “some in revealing clothing” and initially reported that the court would hear from a “so-called honour killing expert.” Chivo complained that “revealing clothing” was derogatory and “so-called honour killing expert” questioned the expert’s credibility, and derided and diminished her.

CBC Response

Esther Enkin, the executive editor of CBC News, wrote back and said the clothing description was “pertinent” to the nature of the trial and its intersection with honour killings. Enkin said editors removed the “so-called” in subsequent versions of the story because of its awkward phrasing and the potential for misunderstandings.

Conclusion

The story’s initial phrasing of “so-called honour killing expert” left room for improvement, but was not a violation of policy. The contradictory meanings of the term “so-called” – one a substitute for “commonly called” and another a substitute for “insincerely called” – make its use problematic. CBC News recognized that the audience might infer it questioned the expert’s credibility and changed the wording in subsequent versions. The “revealing clothing” description also left room for improvement, but did not violate policy. The description was

technically accurate and important to note in the context of a trial that encompassed an examination of cross-cultural tensions. “Western-style clothing” – a term used later in the story – was more preferable.

March 2, 2012

Jack Chivo
CBC.ca

Complaint

Jack Chivo complained that CBC.ca reported activists’ allegations without any proof of their claims. Canadian activists alleged they were beaten by Israeli troops aboard a Canadian-owned vessel trying to breach the naval blockade of Gaza. The information in the story was attributed to protest organizers in Ottawa and Montreal. A spokesman for the group said a Canadian consulate official in Tel Aviv had told his group that people were being held and some had been beaten when they refused to voluntarily leave the ship. Israeli officials said the ships in the flotilla had been intercepted peacefully.

CBC Response

Esther Enkin, the executive editor of CBC News, said that reporters are required to attribute information about events they do not witness so readers know the source and can make their own judgments about its reliability.

Conclusion

There was no violation of CBC Journalistic Standards and Practices. The reporting was balanced and fair, gave voice to different versions of events, attributed sources properly, and left the reader to judge. While it would have helped to have a name for the consulate official, neither other media sources nor the consulate itself subsequently disputed the information.

March 9, 2012

AnnaMaria Valastro
CBC Radio

Complaint

AnnaMaria Valastro, the executive director of the Peaceful Parks Coalition, complained about a CBC Radio report describing an incident in which a coyote bit an eight-year-old girl on the leg.

Valastro complained that CBC radio “added derogatory editorial comment in describing the coyote as a ‘beast’ and failed to place the incident in context.”

CBC Response

Esther Enkin, the executive director of CBC News, wrote that the use of the term “beast” was “a colourful description” and “it is when the word is applied to man that it carries the suggestion of violence, brutality or uncivilized or savage behavior.”

Conclusion

The report did not violate CBC Journalistic Standards and Practices. In this instance, the term “beast” wasn’t in any way misplaced in describing an animal that bit a child. It was only applied to this one coyote and it wouldn’t have been misplaced in describing other biting animals.

March 19, 2012

Scott Foster
CBC.ca

Complaint

Scott Foster complained about a CBC.ca report, “Tax ‘toxic’ sugar, doctors urge,” concerning an American medical commentary in the journal Nature. The commentary noted a link between sugar consumption and the rise in such chronic non-communicable diseases as heart disease, cancer and diabetes. Foster wrote: “Sugar is not a toxin.” While the researchers indicated “added sugars” pose a health risk, “there is no suggestion by the researchers that sugar is toxic.”

CBC Response

Esther Enkin, the executive editor of CBC News, noted the definition of “toxic” as “capable of causing injury or death, especially by a chemical means: poisonous.” She cited a passage in the commentary that said a little sugar is not a problem, but a lot kills — slowly. Enkin wrote: “In that light, to attribute the view that the researchers who wrote the article view sugar as ‘toxic’ ... seems to be fair and accurate reflection of their position.”

Conclusion

There was no policy violation of CBC Journalistic Standards and Practices. There were several references to toxicity in the commentary, so the headline was fair and properly attributed. I disagreed that it would have been better to remove the term “toxic” from the report. I believed that would have muted the central thrust of the commentary and negated the impact of its

strong wording. I found the report reasonably distilled the commentary and its recommendations, provided expert analysis and carried an industry response. It did not raise a false fear.

March 28, 2012

Bob McRae
CBC Ottawa

Complaint

Bob McRae complained about a video shown by CBC Ottawa. The video had been presented at the first-degree murder trial in the 2009 killing of Ottawa Police Constable Eric Czapnik. The edited video showed Czapnik running into the hospital to be treated for his wounds, including an apparent one to his neck. He would die moments later. McRae argued CBC should remove the video from its website.

CBC Response

Paula Waddell, the executive producer of regional news for CBC Ottawa, wrote and outlined the editorial process that led CBC News to use the video. She and others viewed the video as providing “public information that had not been revealed before” and a greater understanding of the tragedy. She outlined the measures CBC took to restrain its use, such as not enhancing or enlarging the video.

Conclusion

I did not find a violation of CBC Journalistic Standards and Practices. I concluded CBC’s treatment of the video was sensitive under the circumstances. It took the time to reflect on the most appropriate way to present the video to the wider public. To delete or “unpublish” content is to erase history and revise the public record. This can be done on compassionate grounds when someone’s personal safety is at risk, but that principle isn’t extended to those who might find the content troubling.

March 30, 2012

Rudy Peters
CBC News

Complaint

Rudy Peters complained that CBC Television and CBC.ca reports on violent attacks this winter on Canadian tourists in Mexico were biased and unfair. Peters wrote to express his “concerns, bordering on disgust” about CBC’s negative portrayal of Mexico when there was so much other news more worthy of coverage.

CBC Response

Esther Enkin, the executive editor of CBC News, wrote to explain the news judgment in these cases. She explained that it is newsworthy when Canadians run into trouble on their trips, especially when that happens frequently.

Conclusion

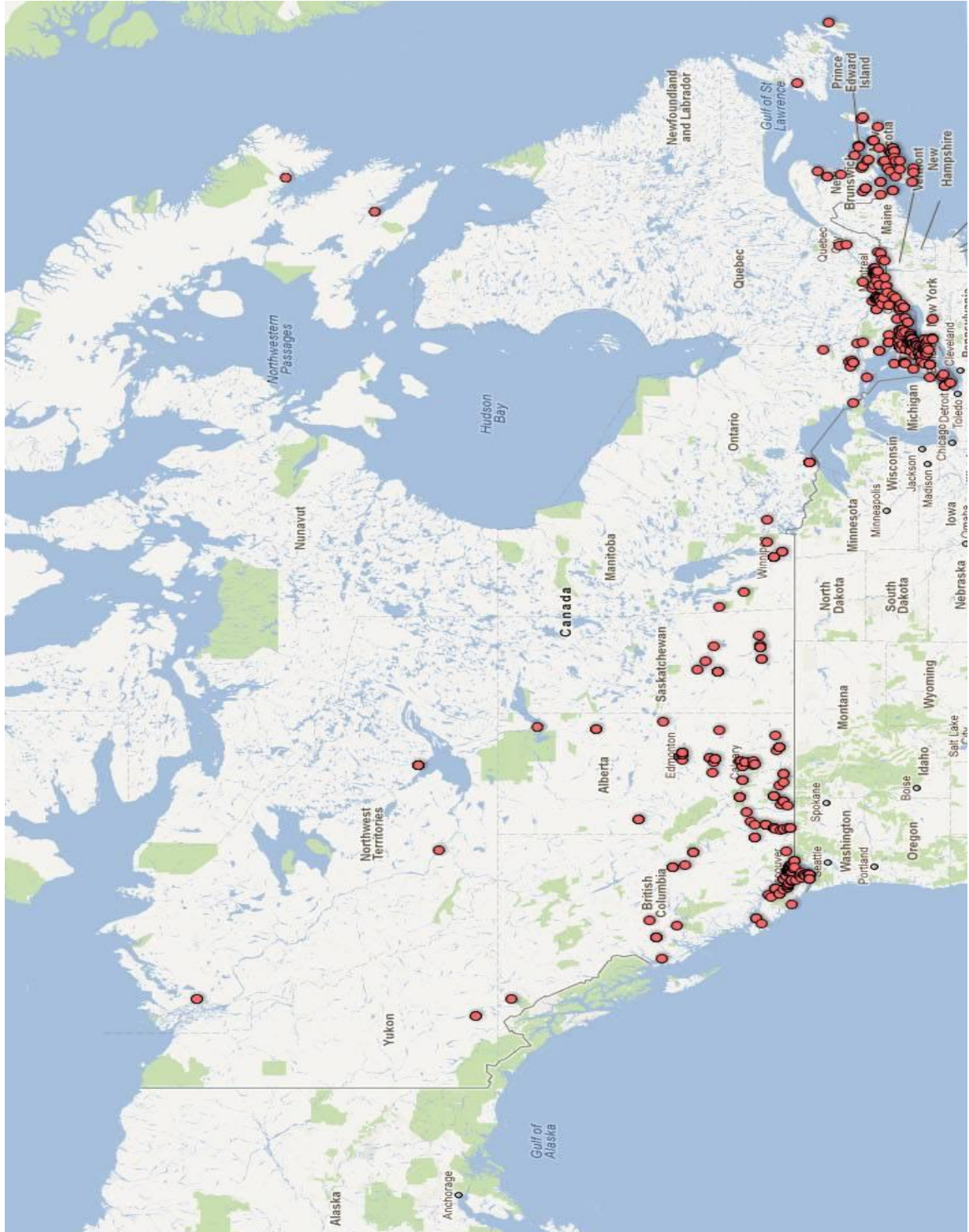
There was no violation of CBC Journalistic Standards and Practices. Given the long history of generally safe travel to Mexico, it was newsworthy and responsible for CBC News to chronicle these unusual incidents. Moreover, given the extensive travel pattern, there was a relevant public safety issue to be examined in the course of its coverage. CBC News made a conscientious effort to provide balanced, accurate work involving reflection over a reasonable period of time.

APPENDICES

Appendix I

NUMBER OF COMMUNICATIONS RECEIVED 2011-12

	INFORMATION PROGRAMMING	GENERAL PROGRAMS/ OTHER	TOTAL	REVIEWED	REVIEW UNDER WAY/CARRIED OVER
2011-12	2954 (incl 880 election debates)	927	3881	91	1
2010-11	3363 (incl 1437 election debates)	749	4112	62	18
2009-10	1204	824	2028	84 (incl. 12 re one program)	28
2008-09	1618	1048	2666	44	31
2007-08	1052	785	1837	51	20
2006-07	1326	491	1817	37	17
2005-06	1391 (+ 43,466 Green Party petition)	477	1868	40	9
2004-05	1809 (incl. 1077 re Green Party & debates)	241	2050	69	1
2003-04	1590	326 (+239 Cherry)	2155	75	5
2002-03	1273	376	1649	73	6
2001-02	582	442	1024	54	1
2000-01	597	537	1134	45	3
1999-00	702	362	1064	48	1
1998-99	462	422	884	40	3
1997-98	348	356	704	62 (incl. 24 re Cherry)	4
1996-97	216	227	443	110 (incl. 87 re one doc)	5
1995-96	221	65	286	37	7



MANDATE OF THE OFFICE OF THE OMBUDSMAN

I. PRINCIPLES

CBC/Radio-Canada is fully committed to maintaining accuracy, integrity, balance, impartiality and fairness in its journalism, as expressed in its unique code of ethics and practice, the Journalistic Standards and Practices (<http://jsp.cbc.ca/apps/pol>). 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.

II. MANDATE

1. Audience complaints and comments

- a) The Ombudsman acts as an appeal authority for complainants who are dissatisfied with responses from CBC information or program management.
- b) 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.
- c) 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.
- d) 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.

- e) 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.
- f) The Ombudsman prepares and presents an annual report to the President and the Board of Directors of the Corporation summarising 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.
- g) 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.

2. Compliance with journalistic policy

- a) 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.
- b) The evaluation measures performance in respecting the fundamental principles of CBC journalism:
 - balance, impartiality, accuracy, integrity and fairness for information content; and
 - balance and fairness for general-interest programs and content when dealing with current issues.
- c) The Office reports annually.

III. JURISDICTION

The jurisdiction of the Office of the Ombudsman covers all news, current affairs and public affairs content on radio, television and the internet (whether in-house or produced by a third party) that falls within the scope of the Corporation's Journalistic Standards and Practices, as amended from time to time

This includes news and all aspects current affairs and public affairs (political, economic and social) as well as journalistic activities in agriculture, arts, music, religion, science, sports and variety. This also includes user-generated content when incorporated in news, current affairs and public affairs stories.

Complaints beyond the Ombudsman's mandate should be addressed directly to the programs concerned, or Audience Relations.

IV. APPOINTMENT

- a) When filling the Ombudsman's position, the CBC openly seeks candidates from outside as well as inside the Corporation.
- b) After appropriate consultation, the President and CEO establishes a selection committee of four. Two members, including the committee chair, must be from the public. 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.
- c) The selection committee examines applications and selects a candidate to be recommended for appointment by the President and CEO.
- d) The Ombudsman's 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 dereliction of duty or gross misconduct.
- e) 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.