

OFFICE OF THE
OMBUDSMAN
ENGLISH SERVICES

ANNUAL REPORT 2012-2013

CBC Radio-Canada

August 2013

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, 2012, to March 31, 2013.

Sincerely,



Esther Enkin
Ombudsman
English Services

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THE OMBUDSMAN'S REPORT

2012-13

This has been a fairly quiet year in the Ombudsman's office. No one issue or event grabbed the public's attention or attracted strong response. That doesn't mean Canadians did not reach out anyway. This fiscal year the office dealt with 2,618 complaints, communications, inquiries and expressions of concern, including 1,586 about news and information content. It is noteworthy that over 1,000 were outside the Ombudsman's mandate. In contrast to previous years, no one topic or program attracted more than twenty letters. The one exception to that was as a result of a campaign to have Kevin O'Leary removed from CBC. The petition campaign was launched by Rebel Youth Magazine. This office received 667 communications in support of the effort.

There were 70 reviews conducted, the majority of them by my predecessor, Kirk LaPointe, who held this position for all but the last three months of the fiscal year. I want to thank him for the high standard he set, and for facilitating such a smooth transition when I assumed the role in January 2013. Of those 70 reviews, 10 found some violation of CBC policy. There is no discernible pattern – there were issues of accuracy, failure to provide warnings about graphic material, and failure to acknowledge a correction. I note that Mr. LaPointe conducted the first review ever involving Twitter. CBC policy states that the same standards apply across all platforms. In this case, the reporter had a fact wrong in a Twitter exchange. Given the growing role of social media in breaking news especially, I have no doubt this will feature more and more in the Ombudsman's work.

There are still issues ensuring timely response from CBC News. The volume of comments and complaints is daunting. The office of the General Manager and Editor in Chief of CBC News receives letters directly and not just from this office. The complaints are respectfully and thoughtfully answered but timeliness remains a challenge. News is developing a new tracking system and is putting new protocols in place that should improve the situation.

The volume of correspondence is not the only consideration. Increasingly the complaints submitted include a large amount of research and background material, which makes a response time of twenty days difficult to honor. These detailed complaints are generally prompted by treatments of such issues as hydraulic fracturing, the potential health impacts from wind turbine farms, and climate change. There are doubters and believers in the science on these issues, and in some cases, there is competing science. There is an expectation that if there is one study somewhere, peer reviewed or not, that supports one side or another, then the coverage must acknowledge it. This makes coverage challenging, as it does assessing issues of balance and fairness after the fact. Not all science is equal, and

while prevalent views need to be addressed over time, there is no obligation to give equitable treatment to every perspective.

On these and other hot button issues, the ability of groups or even dedicated individuals to monitor and parse every word is a two edged sword. On the one hand, it is to be welcomed because it contributes to maintaining high standards, and encourages openness and acknowledgement of errors. The downside is that the volume and detail of complaints based on non-peer reviewed science, or material written from a very particular perspective, is on the rise. It all must be dealt with in the course of responding to or reviewing complaints.

Audience members also expect to see the results of reviews reflected on air and on line. CBC News has clear policy on corrections – errors are identified and rectified as soon as possible and are acknowledged. There does not seem to be a consistent practice in the public acknowledgement. CBC News Online has a protocol which places notification of a correction at the bottom of the story. The practice on air is not as consistent. I note that the recent decision of the Canadian Broadcast Standards Council, which manages complaints against private broadcasters, ruled that a broadcaster is obligated to acknowledge corrections on all platforms. CBC should be justly proud of the accountability and transparency of its journalistic processes. After all, 50% of the Ombudsmen in Canada work for this corporation! It would further enhance that reputation if there were a clearer and more consistently applied set of practices to deal with the acknowledgment of corrections.

This office continues to receive a large number of queries and correspondence that do not come under its mandate. This year, it accounted for nearly half the material received – just over one thousand emails. The Office of the Ombudsman acts as a gateway, a point of access to all of CBC. Despite best efforts, we receive weekly emails that begin, “I couldn’t find a way to reach” a particular department or program, so the query or complaint is addressed to this office. This office exists to reinforce openness and accountability. We do what we can to direct these inquiries and comments to the appropriate departments, or to Audience Relations. My predecessor suggested that CBC have a prominent online directory with contacts for its programs and programmers. I can only endorse that recommendation and emphasize the need for it or some other mechanism to facilitate communication.

But that is just the first step. In this era of audience participation and instant communication, people also expect answers beyond acknowledgement of receipt of the correspondence. There is some inconsistency in the response from programming areas outside news. This office and the news and current affairs departments have created a high standard of accountability. I do sense some public frustration that the same accountability is not always apparent when dealing with other program areas. Management might want to consider what mechanisms to put in place to ensure the same degree of responsiveness across departments.

Under the revised mandate of the Office of the Ombudsman, I am responsible for all journalistic content – whether it originated in the News and Current Affairs department or elsewhere at CBC. For example, I recently reviewed an article posted on the George Stroumboulopoulos Tonight web site because it dealt with a news-related matter.
It might be useful to ensure that sports and entertainment programmers who deal with matters of public interest are familiar with the relevant sections of the Journalistic Standards and Practices.

The number of complaints about online comments remains significant. This past year it began to taper off, but with the introduction of a new comment management system the volume has increased. CBC news management might want to consider a different protocol for addressing these complaints. The protocol at the moment is that there is an acknowledgement of the complaint but rarely a response to a specific inquiry. The complainants remain unsatisfied and frustrated. I understand this is a resource issue, and it is not practical to provide a rationale for every comment not posted, but I recommend some mechanism be found to respond more fully to inquiries and to communicate how and why decisions to publish or not have been made.

There are a few trends in the correspondence this year. There were several reviews conducted on issues of taste. Audience members were shocked at the graphic nature of images published, often without warning. CBC policy is quite strong on the use of warnings. News management might want to consider providing some guidelines about where the threshold for those warnings might be, and ensure programmers have the training necessary to make those judgments.

I also conducted one review about the use of satire in news and current affairs programming. While I did not find a violation of policy in that case, I did suggest news management consider providing some guidelines for its use, as the current *Journalistic Standards and Practices* has no reference to it.

The relationship between newsrooms and news consumers has profoundly changed. The audience is as much partner as it is consumer. The demand for transparency only continues to grow. Based on a number of complaints, there is an expectation that hosts and reporters will publicly acknowledge relationships with the people they interview. At times the connections were quite tenuous, but it underscores that in this social media age, the line between public and private continues to blur. CBC management appears to be sensitive to these concerns and it is important that staff is aware of the need to highlight potential conflicts of interest.

Judging by complaints received, there is a lack of clarity about the interpretation and scope of conflict of interest guidelines and latitude to advocate a particular position when it comes to some high powered CBC personalities outside the news department. This past year they were about David Suzuki. The complaints about Suzuki centred around his public endorsement of one of the candidates running for leader of the Liberal Party of Canada.

Other years Don Cherry has been the focus of public concern. The *Journalistic Standards and Practices* outline when the policies apply, but there are large gray areas. Greater clarity about the guidelines that cover personalities outside news would be helpful.

One of the anomalous features you will find in this year's report is that I have a role in creating news management's responses to many of the complaints, and then at the end of the fiscal year, I am the person responsible for the reviews. I want to assure the Board that there was scrupulous consideration of any complaint that came in after my appointment, and if there was any involvement in my previous role, the reviews were conducted by Mr. LaPointe. I have also maintained the high bar he has set for the timely completion of reviews.

The transition from one role to the other was less challenging than one might think. Both as Executive Editor of News and now as Ombudsman I am committed to holding CBC News to the highest standards of excellence and ethical journalism. Being in this office only reinforces my commitment to openness and an ongoing engagement with CBC audience members.

Finally, I want to thank my Radio-Canada colleague, Pierre Tourangeau, and his assistant, Laure Simonet, for their support and co-operation. I appreciate the time and advice provided by M. Tourangeau as I assumed my new responsibilities. We are committed to working together to align the work of our offices across the system. The tangible symbol of this is our newly redesigned websites, which are mirror images of each other. We are committed to consultation on issues that affect both CBC and Radio-Canada.

And like every other Ombudsman from David Bazay on, I want to acknowledge the dedication and skill of my assistant, Laura Marshall. Her support and professionalism are critical to the success of this office.

Esther Enkin
Ombudsman, English Services

RAPPORT DE L'OMBUDSMAN

2012-2013

La dernière année a été relativement calme au Bureau de l'ombudsman. Aucun sujet de préoccupation ni événement particulier n'ont attiré l'attention du public ni suscité une vive réaction. Les Canadiens n'ont pas cessé pour autant de communiquer avec nous. Au cours du dernier exercice, le Bureau de l'ombudsman a reçu 2 618 plaintes, communications, demandes de renseignements et expressions de préoccupations, dont 1 586 concernaient le contenu des nouvelles et d'information. Il est à noter que plus de 1 000 d'entre elles n'étaient pas du ressort de l'ombudsman, compte tenu de son mandat. Contrairement aux années précédentes, aucun sujet ni émission n'a fait l'objet de plus de vingt lettres, à une exception près : la campagne visant à retirer Kevin O'Leary des ondes de CBC. C'est la revue *Rebel Youth* qui a lancé la pétition. Notre bureau a reçu 667 messages d'appui à cette initiative.

Kirk LaPointe, qui a occupé le poste d'ombudsman durant les trois premiers trimestres de 2012-2013, a exécuté la majeure partie des 70 révisions réalisées durant l'exercice. Je profite de l'occasion pour le remercier d'avoir érigé des normes élevées et facilité une transition harmonieuse lorsque j'ai repris le flambeau en janvier 2013. De ces 70 révisions, 10 ont révélé une violation des politiques de CBC. Il ne s'en dégage toutefois pas de tendance claire – les problèmes touchaient à l'inexactitude, à l'omission d'avertir le public avant la diffusion d'images choquantes et au défaut de diffuser ou de publier une correction. Signalons que M. LaPointe a effectué la toute première révision concernant Twitter. Selon les politiques de CBC, les mêmes normes s'appliquent à toutes les plateformes. En l'occurrence, un journaliste a publié une information erronée dans le cadre d'un échange sur Twitter. Vu l'importance grandissante des médias sociaux, notamment dans le domaine de l'information de dernière heure, nul doute que ce type de révisions se multipliera.

CBC News éprouve toujours de la difficulté à répondre rapidement aux commentaires et aux plaintes qui lui sont adressés, en raison de leur énorme volume. Le bureau du directeur général et rédacteur en chef de CBC News reçoit directement des lettres, en plus de celles que lui transmet l'ombudsman. Chaque plainte est traitée avec respect et sérieux, mais le délai de réponse demeure trop long. Le service s'emploie à mettre en œuvre un nouveau système de suivi et de nouveaux protocoles en vue d'améliorer la situation.

Or, le volume n'est pas le seul facteur en cause; un nombre croissant de plaintes exigent de longues recherches et de l'information contextuelle. Dans ce contexte, il est difficile de répondre dans le délai prescrit de vingt jours. Ces plaintes détaillées concernent généralement le traitement d'enjeux tels que la fracturation hydraulique, les effets potentiels des parcs éoliens sur la santé et les changements climatiques. Ces questions

opposent les sceptiques et les convaincus, sans compter que, dans certains cas, les scientifiques se contredisent. Le public s'attend à ce que la couverture médiatique fasse état de chacune des études qui soutient l'un ou l'autre camp, qu'elle soit ou non évaluée par des pairs. Cette attente complique le traitement de l'information et, par extension, l'évaluation du traitement équilibré et équitable d'un reportage après sa diffusion. Toutes les études scientifiques n'ont pas une valeur égale et, bien qu'il devienne nécessaire avec le temps de présenter les points de vue dominants, les reporters ne sont pas tenus d'accorder une importance égale à tous les points de vue.

Parmi les enjeux cruciaux, la capacité qu'ont certains groupes, voire des particuliers, de surveiller et d'analyser chaque parole présente ses avantages et ses inconvénients. D'un côté, leurs commentaires sont bienvenus, car ils nous aident à maintenir des normes élevées et ils nous incitent à faire preuve d'ouverture et à reconnaître nos erreurs. D'un autre côté, nous faisons face à l'accroissement du volume et du niveau de détail des plaintes fondées sur des études scientifiques non évaluées par des pairs ou sur des documents qui manquent d'objectivité. Nous devons faire la part des choses dans le cadre du traitement ou la révision des plaintes.

Les membres de l'auditoire espèrent également voir les résultats des révisions diffusés sur les ondes et en ligne. CBC News s'est dotée d'une politique rigoureuse sur les corrections, en vertu de laquelle les erreurs doivent être détectées, rectifiées et rendues publiques le plus rapidement possible. Or, les pratiques relatives à la diffusion d'avis publics ne semblent pas harmonisées. Le protocole du site web de CBC News consiste à publier l'avis de correction au bas de l'article en cause. Sur les ondes, les pratiques manquent de cohérence. Selon une récente décision du Conseil canadien des normes de la radiotélévision, chargé du traitement des plaintes à l'encontre des radiodiffuseurs privés, le radiodiffuseur est tenu de diffuser les corrections sur l'ensemble des plateformes. CBC a de quoi être fière du caractère responsable et transparent de ses méthodes journalistiques. Après tout, la moitié des ombudsmans du Canada sont au service de la Société! Sa réputation s'en trouverait rehaussée si elle se dotait d'un ensemble de pratiques plus claires et cohérentes à l'égard de la diffusion des corrections.

Le Bureau de l'ombudsman continue de recevoir un grand nombre de questions et de commentaires qui ne relèvent pas de son mandat. Au cours du dernier exercice, ces communications ont compté pour près de la moitié des messages reçus, soit un peu plus de mille courriels. Le Bureau de l'ombudsman est en quelque sorte un guichet universel ouvrant sur l'ensemble des services de CBC. Malgré nos efforts, nous recevons chaque semaine des courriels qui commencent par « Je n'ai pas trouvé l'adresse où joindre tel service ou telle émission », et c'est donc à notre bureau que ces questions ou plaintes sont adressées. Notre mandat consiste à renforcer l'ouverture et la responsabilité de la Société. Nous nous efforçons de transmettre ces messages aux services concernés ou aux Relations avec l'auditoire. Mon prédécesseur a proposé la création d'un répertoire en ligne indiquant les coordonnées des émissions et des programmateurs de CBC. J'appuie entièrement cette

recommandation et j'insiste sur la nécessité d'un tel répertoire ou d'un autre mécanisme permettant de faciliter les communications.

Mais ce n'est là qu'une première étape. À notre époque marquée par la participation de l'auditoire et la communication instantanée, le public attend davantage qu'un accusé de réception en réponse à son message. À cet égard, les pratiques des secteurs de programmation manquent de cohérence, à l'exception des Nouvelles. En effet, le Bureau de l'ombudsman et le Service des nouvelles et des actualités ont établi des normes de responsabilité élevées. Or, je perçois une certaine frustration du public en raison du manque apparent de responsabilité dont témoignent les autres secteurs de programmation. La direction pourrait envisager la mise en œuvre de mécanismes permettant d'assurer un degré égal de réactivité des différents services.

En vertu des modifications apportées au mandat du Bureau de l'ombudsman, je suis désormais responsable de l'ensemble du contenu journalistique, qu'il soit issu du Service des nouvelles et des actualités ou de tout autre service de CBC. Ainsi, j'ai récemment fait la révision d'une plainte relative à un article publié dans le site web de l'émission *George Stroumboulopoulos Tonight* qui traitait d'une question liée à l'information.

Il est souhaitable que les programmateurs d'émissions sportives et de divertissement qui traitent de questions d'intérêt public prennent connaissance des dispositions pertinentes des *Normes et pratiques journalistiques*.

Nous continuons de recevoir un nombre considérable de plaintes portant sur des commentaires en ligne. Le volume avait commencé à diminuer au cours du dernier exercice, mais il a repris une courbe ascendante après la mise en œuvre d'un nouveau système de gestion des commentaires. La direction de CBC News devrait envisager l'adoption d'un protocole différent pour le traitement de ces plaintes; à l'heure actuelle, les plaignants reçoivent un accusé de réception, mais rarement une réponse à leurs questions, ce qui amplifie leur insatisfaction et leur frustration. Je comprends que le problème est dû au manque de ressources et qu'il est impossible de fournir une justification pour chaque commentaire non publié, mais je recommande la création d'un mécanisme quelconque qui permettrait de répondre plus en détail aux questions et d'expliquer les motifs qui sous-tendent la décision de publier ou non un commentaire.

On observe quelques tendances dans la correspondance reçue au cours de l'exercice. Plusieurs examens touchent à des entorses au bon goût. Des membres de l'auditoire ont été offensés par des images choquantes, souvent publiées ou diffusées sans avertissement. La politique de CBC est pourtant très stricte à l'égard des avertissements. La direction des Nouvelles devrait envisager d'établir des lignes directrices encadrant la publication de ces avertissements et d'offrir aux programmateurs la formation nécessaire pour exercer un jugement sûr à cet égard.

J'ai également fait une révision d'une plainte portant sur l'utilisation du genre satirique dans une émission de nouvelles et d'actualités. Bien que je n'aie constaté aucune violation des politiques dans ce cas particulier, j'ai néanmoins suggéré à la direction des nouvelles de définir des lignes directrices régissant son utilisation, en l'absence de directives dans les *Normes et pratiques journalistiques*.

Les relations entre la salle des nouvelles et les consommateurs de nouvelles ont subi une importante transformation. En effet, l'auditoire est à la fois partenaire et consommateur. La demande de transparence croît constamment. Comme en témoignent un certain nombre de plaintes, l'auditoire souhaite voir les animateurs et les reporters reconnaître publiquement les relations qu'ils entretiennent avec les personnes interviewées. Dans certains cas, les liens étaient ténus, mais cette préoccupation confirme qu'à l'ère des médias sociaux, la frontière entre les sphères publique et privée s'estompe de plus en plus. La direction de CBC se montre sensible à cette question, et il est essentiel que le personnel prenne conscience de l'importance de signaler les conflits d'intérêts potentiels.

À la lumière des plaintes qui nous ont été adressées, il importe de clarifier l'interprétation et la portée des lignes directrices relatives aux conflits d'intérêts ainsi que la latitude accordée aux personnalités influentes de CBC qui ne relèvent pas des services de nouvelles pour défendre un point de vue particulier. Au cours du dernier exercice, c'est David Suzuki qui a été la cible de ce type de plaintes. Celles-ci portaient sur son soutien public à une candidate à la direction du Parti libéral du Canada. Don Cherry a également soulevé de telles préoccupations dans le passé. Les *Normes et pratiques journalistiques* indiquent dans quels cas s'appliquent les politiques en la matière, mais laissent toutefois de larges zones grises. Il est souhaitable d'éclaircir les directives concernant les personnalités qui ne relèvent pas des services de nouvelles.

Vous constaterez dans le rapport 2012-2013 une situation irrégulière :d'une part, j'ai participé à la rédaction des réponses de la direction des Nouvelles à de nombreuses plaintes, et d'autre part, j'assume la responsabilité des révisions à la fin de l'exercice. Je peux néanmoins assurer au Conseil d'administration que j'ai examiné scrupuleusement chacune des plaintes reçues après ma nomination, et M. LaPointe s'est chargé des révisions dans les cas où j'étais impliquée d'une quelconque manière dans le cadre de mes anciennes fonctions. J'ai également maintenu les normes élevées qu'il a établies quant au délai d'exécution des révisions.

La transition de mon ancien à mon nouveau poste s'est opérée plus facilement que je ne le croyais. À titre de rédactrice en chef et, aujourd'hui, d'ombudsman, je veille à ce que CBC News respecte des normes supérieures d'excellence et d'éthique journalistiques. Mes nouvelles fonctions renforcent ma détermination à favoriser l'ouverture et le dialogue continu avec les membres de l'auditoire de CBC.

Enfin, je remercie mon collègue de Radio-Canada, Pierre Tourangeau, ainsi que son adjointe, Laure Simonet, pour leur soutien et leur coopération. Je suis reconnaissante à

M. Tourangeau de m'avoir accordé de son temps et prodigué ses conseils lors de mon entrée en fonctions. Nous entendons resserrer notre collaboration afin d'harmoniser les activités de nos deux bureaux, comme en témoignent nos tout nouveaux sites jumeaux. Nous nous consulterons à propos des enjeux qui touchent à la fois CBC et Radio-Canada.

Comme l'ont fait tous les ombudsmans depuis David Bazay, je souhaite rendre hommage au dévouement et à la compétence de mon adjointe, Laura Marshall. Son soutien et son professionnalisme sont les garants du succès de notre bureau.

Esther Enkin
Ombudsman, Services anglais

COMPLAINTS REVIEWED BY THE OMBUDSMAN

April 11, 2012
Tom Anderson
The National

Complaint

Tom Anderson complained about a report on The National on January 3, 2012, concerning a report by the Canadian Centre for Policy Alternatives on the income gap in Canada. The National noted that the Centre "leans sharply to the left." A report on CBC.ca identified the Centre as "left-leaning." Anderson noted the television report characterized the Centre but did not characterize the Conference Board of Canada in the same report. He suggested there was a double standard at work.

CBC Response

Esther Enkin, the executive editor of CBC News, responded that "There is no double standard. It is CBC News practice to avoid such labels altogether" because "such terms may be inaccurate or misleading." She reminded senior editors that "it is our practice not to use such characterizations."

Conclusion (LaPointe)

I have some sympathy when journalists attempt to compress complex information into a short television report by simplifying labels and descriptions, but it was commendable that CBC news believes nuance can be added to provide a fuller understanding. When CBC News acknowledged a violation of policy in the correspondence with the complainant and said it had reminded programmers of the need to avoid such characterization as 'left' and 'right,' there was nothing further to review.

April 11, 2012
Aaron Sheldon
CBC.ca

Complaint

On February 14, 2012, CBC.ca carried an opinion piece by Stockwell Day titled: "Avoid the trap of the income 'gap.'" Day, identified on the CBC.ca website as a former senior Conservative cabinet minister and regular contributor to CBC News Network's Power and Politics, wrote that the Occupy movement was wrong to focus on the income gap between rich and poor. Aaron Sheldon expressed concern about the "appallingly low quality" of the editing of the piece. He said it was "replete with fallacies, inaccuracies, logical inconsistencies and is in general a poorly argued and composed piece of authorship."

CBC Response

Esther Enkin, the executive editor of CBC News, replied that Day's views were "one of many opinions on the movement that can be found" on CBC.ca. She noted that, while Day was given the opportunity to express his views, so were readers in the online comments attached to the piece – nearly one hundred did, many in strong disagreement. She added: "It is CBC's obligation to present those differing views fairly and accurately affording Canadians the opportunity and the information they need to make up their own minds about the nature or quality of the views expressed. And I believe we are doing that."

Conclusion (LaPointe)

It was not difficult to find many examples across CBC's journalistic platforms of a range of views concerning the Occupy movement. Ample voice was given to varying perspectives. Day's background was identified online to clearly represent his interests. This transparency certainly fulfilled policy. I could not conclude that the piece misrepresented other views. As Day noted, "some" within the Occupy movement were calling for change – such measures as greater taxation of the wealthy, stronger redistribution of income, more significant governmental support of the poor, and regulatory and legal measures to effect a narrowing gap between rich and not. The statement was sufficiently broad to not be unfair or inaccurate. There was no violation of CBC Journalistic Standards and Practices.

April 13, 2012
Anthony Nolan
Metro Morning, Toronto

Complaint

On January 12, 2012, CBC Toronto's Metro Morning radio program featured an interview segment marking the 10th anniversary of the construction of the U.S. military prison at Guantanamo Bay, Cuba, where those alleged to have associations with terrorist organizations and activities were jailed. Host Matt Galloway interviewed Toronto Star journalist Michelle Shephard, who has written extensively on national security matters. The

thrust of the nearly six-minute-long interview concerned the prison: what it symbolized, what were the concerns about it, why it was built, how it has evolved, how successful it has been in advancing anti-terrorism, and whether it will stay open, among other things. Toward the end of the interview Galloway asked about the status of Omar Khadr's repatriation. Shephard said it was expected to take place in coming months and was delayed by "legal uncertainty" and "bureaucratic bungling." The complainant, Anthony Nolan, noted the absence of any mention of Khadr's murder victim, U.S. Sergeant First Class Christopher Speer. He said CBC owed the Speer family an apology and should change its editorial policy to give equal time to victims as is given to murderers.

CBC Response

Executive producer Joan Melanson replied: "The story certainly intended no disrespect to Sgt. Christopher Speer, nor do I believe it did disrespect his memory." She said the story's focus was "on the prison itself."

Conclusion (LaPointe)

It is important not to lose sight of criminal victims, and it is true that there are often fainter references to them as time passes, but the absence of an automatic mention of a victim any time there is a mention of the criminal does not constitute a violation of CBC Journalistic Standards and Practices.

April 27, 2012
David Grant
Radio News

Complaint

David Grant complained about a report on the controversy involving "robocalls" during the 2011 federal election. Elections Canada and the RCMP were investigating allegations of improper calls that directed people on election day to fictitious voting stations in about 200 federal ridings. The report indicated that a CBC investigation had found a "distinct pattern" in 31 ridings: voters who received the calls had indicated to callers they were not going to vote Conservative. Grant asserted that the report was inaccurate and misleading; that most campaigns with ample support would be able to create such a database and that access to it would be widespread.

CBC Response

Esther Enkin, executive editor of CBC News, asserted that the Conservative database was restricted to those given permission by a Member of Parliament or riding association

executive. She noted, too, that the reporter did not suggest the Conservative Party made the calls – only that the opposition said that whoever did had access to the party database.

Conclusion (LaPointe)

The report was carefully phrased to stop short of an accusation that the Conservative Party was behind the robocalls – even if in one case someone said a caller self-identified as a Conservative worker when calling and when called back. Instead, it said the Conservatives' opponents asserted that the calls were placed by those with access to the database. I concluded that the description of the database as "closely guarded" was accurate and fair. The Conservative Party's own documentation online indicated that individual access to the database could be granted only with the approval of both the riding association president and the party's executive director. While the documentation indicated campaigns could integrate the database into political activities, the approval level for access and password protection were indicative of content not aimed to be shared widely. There was no violation of CBC Journalistic Standards and Practices.

May 2, 2012
Adam Grant
World Report and CBC.ca

Complaint

Adam Grant complained about a report by David Common about the annual Amnesty International report on capital punishment worldwide. Common said the United States was the "only G8 country that still upholds capital punishment." The initial CBC.ca report also asserted this. Grant said that the U.S. was not the only G8 country with capital punishment. He said "this would appear at first blush to be anti-American bias, or possibly a mixture of bias and incompetence. Alternatively, it could be a form of racial bias, in that CBC assumes ONLY Western or European nations are members of the G8."

CBC Response

Esther Enkin, executive editor of CBC News, replied that there was no bias involved, but acknowledged the reports had erred. The online report was corrected to reflect the fact that the death penalty existed in Japan, but the radio report was not corrected, she said. When Grant requested a review he said the online story did not indicate it had earlier featured incorrect material.

Conclusion (LaPointe)

CBC News acknowledged the error before a review took place. When it errs, it is in effect violating its standards and practices policy. When it corrects the record, it is also exercising

its discretion in fulfilling its policy. In earlier reviews I've noted the importance of correcting the record for the audience, not just acknowledging an error to a complainant. A correction is most helpful when the audience understands what was corrected, even in many cases why it was. I agreed with the complainant that overwriting content without alerting readers to the initial mistake is less helpful than a clearly identified correction or clarification. I have some sympathy, though, for the challenge of correcting content earlier broadcast. It can impede the flow of a program and never reach the same people who heard or saw the initial mistake. I did not see any basis to support the complainant's suggestion that the mistake reflected a bias. The error was simply that.

May 3, 2012
Surendini Pathmanathan
The National and CBC.ca

Complaint

On March 13, 2012, CBC Television and CBC.ca reported on alleged irregularities in the Toronto riding of Scarborough-Rouge River in the 2011 federal election – specifically, voter fraud at polling stations. A report from Ottawa correspondent Greg Weston on The National featured assertions by the defeated Conservative candidate, Marlene Gallyot, that she saw people voting without proper identification. She said workers for the successful New Democratic Party candidate, Rathika Sitsabaiesan, intimidated her workers on election day and made it necessary to call police. Weston said similar complaints of irregularities arose in recent provincial and municipal campaigns and the accusations "involve the riding's large Tamil community." The complainant, Surendini Pathmanathan, said Gallyot was complaining long after the fact, had no evidence to support her claims, and that it was disappointing that CBC was targeting the Tamil community "as election frauds."

CBC Response

Esther Enkin, executive editor of CBC News, replied that "CBC – and indeed most other news agencies – generally does not describe individuals or groups by their race or religion or sexual preference or country of origin, for instance." She added, however, that "we use those descriptions if the information is considered to be central or pertinent to the understanding of the story. That was the case here." Enkin noted that the longer online story contained supporting information, including specific allegations about Tamil-speaking scrutineers and about hundreds of names being added to the voting lists on voting day, "many of them Tamil names." She agreed that Weston's story would have been clearer had he "at least indicated that such information existed."

Conclusion (LaPointe)

The online report featured extensive background – almost all of it on the record – to support the assertion that allegations of voter fraud might have involved some in the Tamil community in the diverse riding of Scarborough-Rouge River. But the television report did not, and in the absence of demonstrating the pertinence of ethnic origin, the phrasing stood to generalize about a large cohort. It would have been better to find nuanced phrasing than to say the allegations of voter fraud "involve the large Tamil community." While there was not a violation of journalistic policy, I agreed with CBC News that the television report could have been better phrased.

May 10, 2012
Robert Bryenton
CBC.ca

Complaint

On April 30, 2012, CBC News wrote online that Canada's largest banks had "accepted tens of billions in government funds during the recession," according to the Canadian Centre for Policy Alternatives think-tank. An early version of the story put the word "bailout" in quotes in the headline. Subsequently, the headline said: "Banks got $114B from governments during recession." The sub headline said "Support for banks 'more substantial than Canadians were led to believe': CCPA report." The complainant, Robert Bryenton, wrote that the article implied Canadian banks were suffering the same problems of banks in other countries. He said the article distorted the institutions' condition and that CBC should retract and apologize.

CBC Response

Esther Enkin, executive editor of CBC News, noted that the early version of the story had placed the word "bailout" in quotes, but that was a common way to attribute a term to someone else. In other words, CBC News wasn't suggesting any bailout – that term was attributable to the Centre's findings. She also wrote that "It is CBC's mandate, part of its obligation under the federal Broadcasting Act, to carry different points of view on controversial matters of public interest and concern like this one."

Conclusion (LaPointe)

The report did not make clear the nature of the assistance – whether it was a repayable loan, an acquisition of assets to bring balance sheet relief, or a grant, for example. The headline that banks "got" $114 billion didn't help clarify the matter. While there was ample reaction to the report's assertions from the federal government and the banking industry, the he-says-versus-he-says balance did not solve that question either. Still, I concluded that even though statements might have left certain impressions, the report provided divergent

views accurately and thus did not violate CBC's standards and practices. But there was room for improvement in the lengthy article to provide more contextual background and a better understanding of the support provided to the banks.

May 11, 2012
Michael McCartie
Radio News

Complaint

Michael McCartie had concerns about three reports on CBC Radio. He asserted their content and tone constituted bias against the federal Conservative government. The first involved omnibus legislation with a wide range of Criminal Code amendments to address organized crime and public security threats. He said CBC's reporting failed to note that the previous Liberal government had also introduced a similar bill and gave the impression that the current government had an agenda to reduce freedom and steal personal information rather than crack down on pedophiles. The second dealt with ongoing allegations involving so-called "robocalls" in the federal election campaign when non-supporters of the Conservatives were directed to fictitious voting sites. McCartie said CBC had characterized the activity as "disgusting," "corrupt" and "illegal" and asserted that the extent of the alleged fraud was confined to one riding. The third concerned a report of a Conservative MP who fell asleep on the job. McCartie wondered if he was the only MP ever to do so and whether CBC would ever report on a Liberal or New Democratic Party MP who would, too.

CBC Response

Esther Enkin, executive editor of CBC News, acknowledged that the Conservatives had criticized the earlier Liberal surveillance proposal but that their bill was broad and had been greeted with a "massive public outcry" about its powers, including criticism from within its own party. Enkin said she could not find examples in the robocall coverage in which CBC journalists used the terms McCartie cited. And she defended the coverage of the Conservative MP, Rob Anders. "An MP falling asleep during a House of Commons committee meeting, angering military veterans who had every reason to expect he was there to listen to them, insulting the veterans and then apologizing, but only in a statement issued by the Prime Minister's Office, is newsworthy. It would be newsworthy no matter what party the MP belongs to," she wrote.

Conclusion (LaPointe)

Government action quite naturally attracts extensive coverage, including critical reaction, but reported criticism is not a reporter's criticism. CBC Journalistic Standards and Practices require that a range of perspectives – including assertion and criticism – be featured fairly and proportionately. The equitable treatment is a particularly important principle in political

coverage so as not to give rise to bias. While the three instances cited in the complaint involved considerable criticism of government and one of its representatives, I found they also provided a considerable combination of assertion, support and defence of policy and beliefs. There were no violations of CBC Journalistic Standards and Practices.

May 16, 2012
Jack Chivo
Twitter

Complaint

On January 5, 2012, CBC News Senior Washington Correspondent Neil Macdonald posted on his Twitter account: "I lived in Israel, the most gun-owning population per capita on earth. Israelis seldom shoot one another. (Let's not go down the other path)." Jack Chivo called the Tweet "a flagrant lie." He considered the remark an affront to Israel and questioned how the statement could be published and why it was not corrected.

CBC Response

Esther Enkin, executive editor of CBC News, replied that Chivo had not attended to the context of the Tweet, a matter she acknowledged was challenging given "the short hand required in the exchange of ideas through 140-character Twitter messages." She noted earlier posts by Macdonald reflected a discussion of "the relative value of restrictive gun laws" and how gun ownership does not necessarily go hand-in-hand with gun violence. She wrote that "especially in light of the way he had phrased his Tweet, those following him might take this as an invitation to Tweet about Israel and the Middle East. So he wrote bluntly that he did not want to go down that path – that was not the issue at hand." She also said that "With respect to gun ownership in Israel, Mr. Macdonald may have exaggerated in making his point in much the same way you have."

Conclusion (LaPointe)

This was the first finding for the CBC Office of the Ombudsman in the half-dozen-year history of the Twitter social network and microblogging service. CBC News takes the view that standards are no different across its platforms. That policy leaves little or no room for anything off base, even in the context of Twitter's conversational frame. Each Tweet is treated under CBC's Journalistic Standards and Practices as a stand-alone piece of content. The Tweet in question asserted Israel has the highest gun ownership per capita. A range of studies indicates the United States has the world's highest gun ownership per capita. Israel is ranked well down that list. CBC News acknowledged the statement was inaccurate and, in doing so, acknowledged a violation of its standards and practices. I did not share the complainant's view that the Tweet reflected a larger, negative characterization of Israel or Israelis. The correspondent has a track record of accomplished Middle East journalism.

June 27, 2012
Paul Morris
CBC.ca

Complaint

Paul Morris questioned the accuracy of a CBC.ca report speculating about public service cuts that were due in the federal budget. Morris, a federal public servant involved in human resources, said he had professional knowledge of federal workplace adjustment programs and collective agreements. He spelled out some existing policies and practices and said the report had oversimplified and distorted workforce programs. He said that "irresponsible reporting is trying to whip up readers into a frenzy."

CBC Response

Esther Enkin, executive editor of CBC News, replied that the reporter had arrived at his information through basic calculation of factors under existing policies that include severance provisions and a so-called Transition Support Measure (TSM). "The collective bargaining agreement (CBA) provides for two weeks' severance pay for the first year of employment and one week for each additional year," Enkin wrote. She said, "This may not apply to all individual employees, but it does apply to the majority of employees declared surplus who are governed by the collective agreements and the workforce adjustment agreement."

Conclusion (LaPointe)

The report accurately reflected the mix of existing support programs for public servants whose positions were deemed surplus. The CBC.ca story provided an online link to the Treasury Board Work Force Adjustment Directive. While I appreciated the complainant's view that the two forms of support (severance and transitional support) have distinct labels – and that in certain circumstances part of the transitional support would be recouped if a surplus employee found work – I concluded it was reasonable that they were both termed "severance" and that the report outlined the eligible amount and did not qualify that some could be recouped in certain circumstances. There was no violation of CBC Journalistic Standards and Practices.

June 27, 2012
Isi Erez
CBC News

Complaint

On March 9, 2012, Israeli forces launched an airstrike that killed Zuhair al-Qaissi, the secretary-general of the Popular Resistance Committees (PRC), a militant coalition of several armed Palestinian factions. The Israeli military, citing evidence it had gathered, asserted that al-Qaissi was plotting a terror attack. The airstrike spurred rocket attacks by Palestinians and further exchanges with Israel in the days following that were the most intense of the year. Isi Erez asserted that CBC's reporting on the matter was selective and had only started when Israel responded to the attack, thus giving "today's news without the context." He said the overall picture was inaccurate.

CBC Response

Esther Enkin, executive editor of CBC News, responded that CBC's coverage reflected a sequence of events spurred by the fatal airstrike on al-Qaissi's sedan. "So while Israel occasionally struck at targets in Gaza over the past few months and the militants sporadically fired rockets into Israel, this engagement was unusual because it was far more intense," Enkin wrote. The proximate cause of this flare-up in hostilities was the Israeli military's high profile attack on a Palestinian militant commander. That attack was newsworthy as was the rocket barrage and the events and casualties that followed."

Conclusion (LaPointe)

It is true, as the complainant suggested, many violent Middle East episodes do not receive coverage. When they are covered, it is helpful to provide context. In this instance, a deadly missile attack spurred further violence and it was fair and certainly newsworthy for CBC News to allocate resources on the matter. It was valuable that CBC provided background in its reports on radio, television and online as it chronicled the violent exchanges in the days following March 9. In doing so, its audience could better understand why the conflict had intensified. There was no violation of CBC Journalistic Standards and Practices.

July 3, 2012
Earl Silverman
CBC Radio Calgary and CBC.ca

Complaint

On February 7, 2012, CBC Radio Calgary and CBC.ca carried reports about male victims of domestic violence. The stories followed the conviction a day earlier of a man for beating and sexually assaulting his roommate repeatedly over a period of months. Earl Silverman, the complainant and head of a support group for men – and one of the experts quoted in the reports – said people were conditioned to think of only women as victims of domestic violence. He wrote to assert there were accurate statistics available concerning male victims

of domestic violence. He also asserted there were academic studies to "demonstrate that women are as physically aggressive, or more aggressive, than men in their relationships with their spouses or male partners." He wrote that the description of a local shelter as a men's shelter was wrong – it was a women's shelter, he said.

CBC Response

Dave Budge, the CBC Calgary news director at the time, noted that an expert – not CBC – asserted there was a challenge in finding accurate statistics. He said the shelter housed men and women. But he acknowledged that the report did not describe Silverman accurately. The report identified him as running a men's advocacy group, when in fact he ran a support group. Budge apologized for the error and said that a correction had been posted. (Inadvertently this was not done initially, but the oversight was addressed while the review was under way.)

Conclusion (LaPointe)

The complainant's title and role might not have been accurate, but the acknowledgement and eventual publication of the corrected content was in keeping with policy. The stories themselves fulfilled policy in their accuracy and fairness.

July 10, 2012
Thomas Harbour
Power & Politics

Complaint

On May 10, 2012, the CBC News Network program, Power & Politics, reported on a rally on Parliament Hill that day. Thomas Harbour complained that it was "off-putting to hear the host labeling the participants . . . as anti-abortion while calling those who support abortion as pro-choice." He said he objected to the CBC's "advocacy" on the issue and wanted its policy on language use to be amended to reflect "impartial" terms preferred by each side in the debate.

CBC Response

Esther Enkin, executive editor of CBC News, did not share his view. The CBC's Language Guide counseled neutral language, she said. "While it is preferable to describe people's positions rather than merely label them as being pro- or anti-something, it says, sometimes the shorthand form is the only solution. In that case, it is CBC News practice to use the terms 'anti-abortion' (not pro-life) and 'pro-choice.'" She concluded: "'Pro-abortion' is not always accurate. Many of those who lobby in favour of a women's right to choose abortion may feel that choice is a last resort. For that reason, we use the term 'pro-choice.'"

Conclusion (LaPointe)

CBC avoids "pro-life" and chooses "anti-abortion," but accepts "pro-choice" and doesn't term anyone "pro-abortion" or "pro-abortion rights." In doing so it is accepting one movement's term and not another's as sufficiently precise for its purposes. It would have been more reflective of CBC's Language Guide to more extensively describe the participants in the rally, given that the references came in the course of an on-air discussion with presumably more opportunity to employ nuance. But, given its policy in this instance does not have provisions for specific language, I concluded it did not violate its Journalistic Standards and Practices.

July 16, 2012
Chris Brown
CBC.ca

Complaint

In stories in January and April, 2012, CBC.ca reported on how the Windsor-Essex School Board in Ontario was creating a policy on environmental sensitivities in the workplace – specifically, scent sensitivities. New school board rules were coming to regulate the presence of synthetic scents – perfumes, body sprays and the like. Chris Brown has been an advocate for three decades for stronger public safety policies on environmental sensitivities. He said the stories left out any reference to the more serious health consequences of such sensitivities on learning or behavioural disabilities. He said that in failing to note the more significant impact, CBC News was further participating in the "ongoing exclusion, injury and unnecessary killing of Canadians with sensitivities."

CBC Response

Esther Enkin, executive editor of CBC News, explained that the more serious consequences were not noted because the stories were narrowly focused.

Conclusion (LaPointe)

I agreed with CBC News that the profound consequences of scent sensitivity would be more properly part of a broader story. I took note that CBC had reminded its editors of the more significant impacts of such sensitivities. There was no violation of policy in limiting the description of the impact.

July 16, 2012
Frank Gue
Power & Politics

Complaint

On April 30, 2012, the CBC News Network program Power & Politics discussed the impact of public service job cuts. A guest, former Liberal MP Mark Holland, noted: "We've got to take a look at what happened in places like Walkerton where we had a huge problem with water that really emanated from poorly thought out cuts that had no planning around them." At least seven people died and more than 2,300 were made ill by bacterial contamination. The source of the bacteria was cattle manure that overwhelmed chlorine in a water well and entered the distribution system. A public inquiry was called into the tragedy. Two managers at the Public Utilities Commission were convicted of wrongdoing. The complainant, Frank Gue, said that the program had inaccurately drawn the connection between government cuts and water safety. He asserted that the inquiry did not find any such connection. Rather, he said, it placed the blame on the managers. Gue also noted that the blame was often focused on the Conservative government under Premier Mike Harris, when program cuts had been initiated under then-NDP Premier Bob Rae.

CBC Response

Esther Enkin, executive editor of CBC News, said Holland's view was backed by the inquiry report that criticized the provincial government for cutting environment ministry jobs and resources without understanding the impact on its ability to fulfill regulatory obligations.

Conclusion (LaPointe)

The report of the inquiry into the Walkerton tragedy was wide-ranging in nature, but two themes were clear in assigning blame: the managers were not fulfilling duties and the provincial government had cut crucial resources without understanding what might happen. The report noted that budget reductions that led to the privatization of government laboratory services for municipalities were imposed without a regulation compelling services to immediately notify the ministry and medical officer of health when there were adverse test results. I also noted that the guest did not link the cuts in service to the Conservative government. He talked in general terms. The guest – and by extension, the program – was not inaccurate and did not violate CBC Journalistic Standards and Practices.

July 17, 2012
Miroslav Gligorevic
As It Happens

Complaint

In the first week of April, 2012, CBC Radio's As It Happens broadcast four segments to mark the 20th anniversary of the siege of Sarajevo. Host Carol off had reported from the city during the siege and returned for the series. Miroslav Gligorevic expressed concerns about journalistic balance. He asserted that the Serbian perspective had been distorted and that the Bosnians in the series were not adequately representative and reflective.

CBC Response

Robin Smythe, executive producer of As It Happens, said the program sought to include a "wide range of views and voices." She said: "The story was about Sarajevo, and the voices on our program present what we heard from people in the city."

Conclusion (LaPointe)

The series principally sought recollections and contemporary reflections on Sarajevo. Even though it was expansive, it was not designed to be definitive, so it had to be assessed in that light. I did not find inaccuracies or imbalances overall in the presentation of content. Listeners heard from an acceptable range of voices. I did not conclude that any omissions the complainant identified would have been valid elements in a balanced presentation; much of what he asserted has not been chronicled impartially, while some of what he asserted found its way into the series. There was no violation of CBC Journalistic Standards and Practices.

July 17, 2012
Adam Wiendels
The National

Complaint

On May 31, 2012, CBC Television's The National carried a report with images of torture. Their source was home video created by Luka Rocco Magnotta, charged in the killing and dismemberment of Lin Jun, an international student at Concordia University in Montreal. The National featured less than two seconds of video of a bound, blindfolded man it said had been posted by Magnotta. The video was part of a wider report on the "mind of a perpetrator." The report was part of a package of reports on the story. In advance of the package, but not in advance of this particular report, host Diana Swain warned viewers: "Some of the details you will hear are disturbing." Adam Wiendels wrote to question why any of the video needed to be featured. "This is deeply offensive to the victim and the most blatant disregard for journalistic integrity I've ever seen – CBC or anywhere else," he wrote.

CBC Response

Esther Enkin, executive editor of CBC News, replied: "Certainly, we do not normally condone the inclusion of such graphic images. However, in this particular instance we feel it was important to the theme and integrity of the story." She said that The National "included just over one second of the 10 ½-minute-long video." She added: "However, I should be clear that the image was not what you suggested. In addition to being short, it was blurry and indistinct. The face was not visible and the body covered. Indeed, had reporter Ioanna Roumeliotis not identified it, it would not be immediately evident what was depicted."

Conclusion (LaPointe)

I could not accept CBC's view that the images were non-descript. Nor did brevity absolve the disturbing quality. I accepted, with some reservations, that the difficult subject matter could not be fully reported in the absence of any video excerpt. As troubling as the material was, I concluded CBC News provided the least amount possible to report the story – less than two seconds – and took several measures to fulfill policy. The policy assumes discussion and reflection before carrying graphic material. CBC confirmed this happened. CBC News fulfilled policy by providing an alert in advance of a package of reports on the matter, although the wording was not ideal. It might have noted, too, that some of the images, and not just the words, could be disturbing. It might also have made sense to repeat the alert, given there was more than one related report in the newscast. Viewers who tuned in late may have missed the initial alert. CBC did not violate its journalistic policy but could have done more to alert viewers to the material they would see.

July 18, 2012
Tom Forsythe
CBC.ca

Complaint

On June 19, 2012, CBC.ca carried an analysis by Neil Macdonald, its senior Washington correspondent, on the differences and similarities of presidential candidates Barack Obama and Mitt Romney as they campaigned for election later in the year. Macdonald said Romney had changed his position on several issues in his political ascension. Far into his analysis, Macdonald wrote of the Republican candidate: "He was once an advocate of gay rights, including gay marriage. No longer, he says." Tom Forsythe wrote to say Macdonald had misrepresented Romney's position. Forsythe asserted Romney had never supported gay marriage. "It isn't just that he misrepresented Romney's position, he did it in such a way as to imply Romney had moved to the right on same-sex issues," he wrote. "The reality is that Romney's position has been clear and consistent: no discrimination or abuse against gays, but no gay marriage."

CBC Response

Esther Enkin, executive editor of CBC News, responded that Romney had promised during his 1994 campaign for the Senate to be a champion of "full equality" for gays and lesbians and a better and stronger advocate for gay rights than his opponent, Democrat Ted Kennedy, a supporter of same-sex marriage. "At the time, Romney's views were widely understood to include support for gay marriage," Enkin wrote.

Conclusion (LaPointe)

Given that Mitt Romney has over the years courted gay support with several liberal views, particularly on economic policies that were discriminatory, it is understandable one might extrapolate he had been a supporter all along of same-sex marriage. In recent coverage of President Barack Obama's support of same-sex marriage, the Associated Press news agency said Romney had been a "consistent" opponent of it. The Pulitzer Prize-winning PolitiFact organization of the Tampa Bay Times assessed Romney's record on the issue and whether he had flip-flopped. It concluded there had been no change in his position as an opponent. In the absence of a clear Romney statement to support same-sex marriage – and with one statement and reinforced assertions to oppose it – I concluded Romney had not changed his view on same-sex marriage. I also could not find any information to back CBC's view that Romney's support for certain principles was widely understood to extend to support of gay marriage. While the thrust of the analysis was sound, the specific inaccuracy was a violation of CBC Journalistic Standards and Practices.

July 18, 2012
Arthur Milner
World Report

Complaint

On June 18, 2012, CBC Radio's World Report carried a report from correspondent Margaret Evans on the results of the Greek national election of a day earlier. The report was introduced: "We begin this week once again with serious and growing concerns about Europe's economy. In Greece, some good news, as the pro-bailout New Democracy party won the election there. It now has to try to form a government." In her report, Evans said Greece remained divided over those who supported the party's bailout plan and "those who back parties wanting to tear it up regardless of the consequences." Arthur Milner suggested the introduction and report were indications of bias.

CBC Response

Jack Nagler, managing editor of CBC Radio News, replied that the phrasing in the introduction did not demonstrate bias. "But I do agree with you to the extent that a sentence in the introduction was not written as clearly as it might have been." He added: "The sentence was not (his emphasis) intended to suggest that CBC News in some way

favoured the New Democracy party. It does not." Nagler said Evans was "not implying that she supports one option over the other, but only suggesting that the immediate consequences of rejection could be severe."

Conclusion (LaPointe)

The wording in the report and its introduction could have been better phrased. I concluded the introduction – noting the "good news" about the Greek election result – could have left the impression that CBC News favoured the outcome. Even if the intention was to indicate the result might propel the economic recovery, that wasn't the best way to frame it. CBC News acknowledged the introduction was in error and thus a policy violation. I concluded the report was not in violation of policy, although there might have been better wording. Opponents wanted the bailout agreement to be renegotiated and were prepared to risk their political capital to do so.

July 31, 2012
Brian Jones
CBC.ca

Complaint

On July 5, 2012, CBC.ca carried a story headlined: "6 new ways hackers are using malware." The story outlined the evolution of malware, the computer viruses and bugs designed to undermine functionality, invade privacy and at times manipulate or steal data in cybercrime. Throughout the story, variations on the term "hackers" were used as pejoratives to describe criminal conduct. Brian Jones noted the technology-related origins of the term "hackers" date back to the 1960s to describe computer enthusiasts. He asserted the meaning was largely lost in the 1980s when media began to use the term to describe criminals. Lately, he noted, Facebook founder Mark Zuckerberg had tried to revive its earlier meaning as a term to describe those seeking constant technological improvement. He said CBC News should reevaluate its use of the word, given the renewed context.

CBC Response

Esther Enkin, executive editor of CBC News, agreed the word at times could be used to describe computer enthusiasts. But she said the word was a contronym with contradictory meanings. Enkin said editors recognized that and were careful to associate the term. In this instance, she said, the term was used in the same sentence as "malware" and that malware programs were used to "con and annoy." This gave it sufficient support to be used as it was, she argued.

Conclusion (LaPointe)

There is no specific reference to the term in CBC's Language Guide, but CBC attempts to use the term only in association with an activity and not on its own – the latter could indeed give rise to generalizations and negative stereotypes. This associative use provides CBC some flexibility and provides the audience with the positive and pejorative uses in some context. I agreed with the complainant that caution is advised, but I thought in this instance CBC exercised that. There was no violation of CBC Journalistic Standards and Practices.

July 31, 2012
Anthony Gualtieri
The National

Complaint

On June 29, 2012, CBC Television's The National carried a report from U.S. correspondent Keith Boag on the Mexican general election scheduled two days hence. Boag spoke about the use of the military in the bloody battle against the drug cartel and the "gruesome images" in media depicting the carnage of that campaign. The report showed three photographs lasting about 10 seconds of dead victims on the streets, presumably drug dealers killed by the military. The images in the still photographs were panned across the screen to give the effect of a moving camera. Anthony Gualtieri complained that the images were shown "with no warning whatsoever." There is a difference, he wrote, "between advance warning and concurrent warning" and the newscast anchor should have alerted the audience.

CBC Response

Esther Enkin, executive editor of CBC News, replied: "Regrettably, news by its very nature is often about disturbing things. And while we do not normally condone the use of such images, in this instance we believe they are pertinent to the theme and integrity of the report." She noted: "If we think viewers might be offended, we add a prominent warning at the beginning of the story so they can turn off their television or switch to a different channel. In this instance, our editors did not feel the brief images warranted such a warning. I regret you feel we erred."

Conclusion (LaPointe)

An alert is even more important for a report that isn't obviously going to feature difficult content. This was signaled as a scene-setting report for the election vote, not an examination of violence associated with the drug trade, and the images were more of a jolt as a result. I agreed with CBC that the images could be viewed as "pertinent to the theme" because they illustrated a campaign issue and it is often necessary to carry graphic images to sufficiently portray a story. But I disagreed that they were brief or did not depict evidence of violence. CBC's policy is clear: It has independence to determine when to carry graphic

images, but when it does, it "will put a warning ahead of their use." It didn't in this instance and it violated CBC Journalistic Standards and Practices.

July 31, 2012
Allan Sorensen
George Stroumboulopoulos Tonight

Complaint

On March 21, 2012, CBC Television's George Stroumboulopoulos Tonight featured a regular segment, Debrief, in which host George Stroumboulopoulos presents an essay-like series of observations on issues in the news. On this occasion he dealt with studies of urban standards of living, then veered into a look at the proposed Northern Gateway Pipeline. The question he said was in debate: "Is it an economic blight or an economic boom?" The debate was making its way to the Senate, where an inquiry was taking place into the financing from the United States of Canadian environmental groups opposed to the pipeline. The complainant, Allan Sorensen, wrote to say Stroumboulopoulos was "mocking" those "questioning the sources of the funding that the Suzuki Foundation receives." He noted that Stroumboulopoulos is a member of the Foundation's board, and pointed to a YouTube video in which he is "abundantly clear" in expressing his support for the Foundation. He asserted that the program remarks violated CBC Journalistic Standards and Practices concerning the expression of opinion and issues involving conflict of interest. He said it was unclear how Stroumboulopoulos was categorized at CBC but that he had blurred the lines between his journalism and his activism.

CBC Response

Jennifer Dettman, the head of CBC Factual Entertainment, said CBC did not any longer market Stroumboulopoulos as a journalist, "although he may on occasion do journalism." Rather, he was a broadcaster, but even within the journalistic policy he was permitted to make "judgment calls." She acknowledged he was one of 13 on the board of the David Suzuki Foundation, and said that "in the event the program carries a story about (or closely related to) the Foundation, we expect Mr. Stroumboulopoulos, in addition to following CBC's strict journalistic values, to openly declare his interest by telling viewers that he is on the board. That way they can reach their own conclusions about the content of the story."

Conclusion (LaPointe)

I could sympathize with some of the confusion and frustration involving this matter. CBC – but not CBC News – has promoted George Stroumboulopoulos as one of Canada's leading journalists. CBC News asserts he is primarily a "broadcaster" who occasionally does journalism. His program is not considered a news and current affairs show but "factual entertainment" subject to policy only when it features "journalistic activities." The policy

permits the drawing of conclusions, but the distinction with simply expressing opinions can be blurry. That being said, I did not find his remarks about those who oppose the environmentalists on the pipeline issue to be outside of CBC policy that permits judgment based on expertise and insight. Nor did I agree that, in this instance, Stroumboulopoulos' involvement with the David Suzuki Foundation needed to be declared. CBC takes measures to mitigate his conflict when his broadcasting more clearly intersects with his Foundation role. But his mention of the Foundation in the context of the letter-writing campaign by environmental groups was a very minor and benign element of a broad segment. He even acknowledged environmentalists might be those with whom one might readily disagree. There was no violation of CBC Journalistic Standards and Practices.

July 31, 2012
Shane Thomas
Information Morning, Fredericton

Complaint

On February 15, 16 and 17, 2012, CBC Radio New Brunswick's Fredericton-based Information Morning program aired three segments on high school bullying. The first two February 15 and 16 featured an interview with a woman whose identity was shielded. She asserted one of her daughters had been bullied three years earlier and provided extensive details of the incidents and her perspective on how Fredericton High School responded. A third segment February 17 featured Shane Thomas, the principal of the Fredericton High School, another high school principal, and the president of the New Brunswick Teachers Federation. The complainant, principal Shane Thomas, described the reports February 15 and 16 as half-truths that were not verifiable. He said his school had been unable to confirm the bullying incident, that CBC had led people to believe their children would not be safe at the school, and that CBC "made every teacher in the school appear to be uncaring, unprofessional and less-than-human."

CBC Response

Andrew Cochran, managing director for the Maritimes, said CBC considered the story important and had subjected it to the typically diligent process of verification before broadcast.

Conclusion (LaPointe)

I was satisfied CBC News sufficiently verified the bullying episodes with several sources of information. But verification gave rise to a dilemma: CBC could not disclose to the complainant what it had because that would have revealed to the complainant what CBC appropriately needed to shield. On those main points of the journalistic process, there were no violations of CBC Journalistic Standards and Practices, which note the importance of

anonymous sources in exposing matters of public interest and state that "We must make every effort to establish the source's credibility and find means to corroborate the information."

In the course of the review, CBC News indicated there had been plans for a third segment to discuss the wider issues of bullying. Only the evening before the third segment did it gain agreement of the two principals to appear. There were no opportunities to promote this extensively, but it was better to stage the segment than wait any longer. No matter how vague were its initial plans, CBC would have helped the audience understand its commitment to fairness much earlier if it had signaled its intention to discuss the wider issue. In addition, by the end of the second segment, it could have provided the response from the school or the board to the first or both segments or signaled its effort to gain one. While this was not a violation of policy – the next day would feature an ample discussion of the school's perspectives – there was some room for improvement.

August 1, 2012
Brian Stewart
Ontario Today

Complaint

On June 21, 2012, CBC Radio Ottawa featured a lengthy segment on its Ontario Today program concerning gun control. It came in the wake of the federal elimination of the long gun registry and lingering questions about the degree of gun controls in Canada and their relationship to crime levels. Host Hallie Cotnam had two guests: former Ontario attorney general Michael Bryant, representing the Coalition for Gun Control, and John Evers, the regional director of the Canadian Shooting Sports Association for Southwestern Ontario. Bryant favoured the collection of personal information by gun sellers of gun owners, while Evers opposed mandatory collection. The program also featured open-line listener comments and questions. Brian Stewart said the segment lacked balance and that Cotnam demonstrated bias. He said a disproportionate amount of time was allocated to Bryant, and that Cotnam "showed a lack of respect" for Evers, particularly when Evers remarked on a much-publicized 2009 traffic accident involving Bryant in which a cyclist died following an altercation between them.

CBC Response

Rob Renaud, managing director for CBC Ottawa, said the segment featured almost equal amounts of time for Evers and Bryant to present their positions and for proponents on both sides of the issue to discuss the matter. He acknowledged that Cotnam worked to keep Evers on topic. He said, "While Ms. Cotman did allow her frustration to show, we felt that she did not cross the line as she tried to steer the conversation back to the topic at hand."

Conclusion (LaPointe)

By the time Hallie Cotnam admonished her guest and asked him to carry himself with civility in the discussion, he had made light of the mental health of two callers, described the argument of his fellow panellist as lies, and reached back into a dark chapter of that panellist's life to make a glib point about death. Her obligation to her audience, to callers and to the other panelist was to restore control of the leash. Cotnam could have cut his microphone for the balance of the segment, but she continued to treat him cordially – as she had to that point – as a full participant with something to contribute to the discussion, even granting him the final word. In doing so she displayed the "superior degree of professionalism" the complainant sought. There was no violation of CBC Journalistic Standards and Practices.

August 7, 2012
Chérif Toubache
The National

Complaint

On May 18, 2012, CBC Television's The National carried a report on the Montreal student protests. When the report concluded, it read and displayed information about education costs. These two elements were accessible for the next 24 hours online at The National's Watch the Show feature. Beyond that point, however, only the report itself was available as part of the site's archived video. The scripted display of information was not included in the package. Chérif Toubache complained about the disappearance of the material. He wondered who at CBC News decided to "remove" the element and complained "under no circumstances should it hide information from the public it informs."

CBC Response

Esther Enkin, executive editor of CBC News, assured him that the story was not censored. She said the report remained available online, but "the added information from the program host is no longer publicly available online, although it has been archived on CBC servers."

Conclusion (LaPointe)

The online publication technique removed an element that the earlier broadcast found useful. In the process it deprived online users of information they might have valued. I agreed with the complainant that optimally the report and scripted element would have been preserved as a package when they were migrated to the internet. But I did not conclude this was anything akin to bias. What remained in place was a fair-minded report. Nor was it censorship. The process did not involve any editorial judgment. Nothing in its journalistic policy compels CBC News to distribute all of its content across all of its platforms.

What remained accessible online was accurate, fair and well within the policy, so there was no violation of CBC Journalistic Standards and Practices.

August 8, 2012
Michael Harwood
As It Happens and The Current

Complaint

Michael Harwood noted that As It Happens had twice covered the anti-immigration violence in Israel but had not covered anti-immigration violence in Egypt as people attempted to cross the Sinai to gain entrance to Israel. He also noted that a segment on The Current dealing with illegal African immigrants to Israel did not explore the violence in Egypt. "The killings have been the subject of scathing condemnation by Human Rights Watch and other prominent human rights NGOs," Harwood wrote to As It Happens. He asserted that the shootings were more important than the ant-immigrant violence in Israel, which had not resulted in any deaths.

CBC Response

Robin Smythe, executive producer of As It Happens, wrote that there had been no intention to avoid the story. She noted that in one segment an immigrant mentioned his greatest fear in migrating out of Sudan "was his fear of being killed by Egyptian border guards." She added: "I am troubled by the suggestion that we have somehow shied away from a story because of who is perpetrating an atrocity. We have covered many stories about the mistreatment of people in Egypt, especially during the Arab Spring protests."

Pam Bertrand, executive producer of The Current, said that the segment's focus was on the uneasy relationship between Israel and the immigrants, but said future segments "may well focus on other aspects of the story including the migrants' exploitation by human traffickers and mistreatment by security personnel at the border." She noted, however, that the June 8 segment "fully acknowledged" the brutal treatment in Egypt of would-be immigrants in the discussion.

Conclusion (LaPointe)

Disputes about non-coverage are difficult for this office to resolve because a news organization must remain independent to determine how to allocate its finite resources and what to provide its audience. The mandate of the Office of the Ombudsman only permits a review of news and information content, not of the choices that might have led CBC away from – or never brought it to – certain stories and issues. Only if it were possible to conclude that the absence of critical information contributed to a bias or inaccuracy could there be a finding of a policy violation. I could not conclude such was the case in this

instance. The radio segments fulfilled policy. They were accurate and fair. I noted the segment on The Current made specific mention of the harsh treatment of immigrants in Egypt and that the senior programmer responsible for the show indicated that the program might well explore the theme. The senior programmer for As It Happens expressed the same open-mindedness.

August 10, 2012
Baljit Chadha
The National

Complaint

On February 2, 2012, CBC Television's The National presented a 20-minute documentary, titled Fatal Deception, that explored issues involving the health impact of asbestos. It examined the history of Quebec asbestos mining, outlined some of the McGill University research on the substance's health impact, and questioned the information upon which the federal government was basing its decision to support the reopening of the world's largest asbestos mine. The complainant, Baljit Chadha, is the president of Mineral Fibre Inc., the operator of the Jeffrey Mine in Asbestos, Quebec. Chadha said the program was not a fair assessment of the asbestos industries, that it was a point-of-view documentary but not labeled as such, that it was "negligently investigated, editorialized, and did not accordingly meet" CBC journalistic policy.

CBC Response

Esther Enkin, executive editor of CBC News, noted the "long and extremely troubled history" of the Quebec asbestos industry was germane and that the report "would be remiss if it did not place current plans to re-open the world's largest asbestos mine with millions in public money in the context of the industry's past in the province. Information on the potential risk of asbestos-related disease is vital to Canadians' understanding of the effect of those plans." She said the report "did not ignore the view that asbestos can be used safely." And she said that the program requested an interview with Chadha but was turned down several times. "The conditions you imposed before agreeing to an interview were unacceptable," Enkin wrote, adding CBC would not agree to Chadha's requests for clarifications after the broadcast.

Conclusion (LaPointe)

The question in a review by this Office mainly involves whether the documentary left sufficient room for varying positions – for fair presentation of divergent views – in order to permit the audience to draw its conclusions. I concluded the documentary included ample presentation of views that differed with its central assertion. Far from "ignoring" the "safe-use approach" involving the handling of asbestos, the documentary included a clip of the

prime minister in support of the industry, clips of two federal cabinet ministers in support of its practices, and several clips of a scientist in general support of research that the program questioned. It also permitted the scientist to challenge the credentials of his adversary. It would have been ideal to include a company representative in the documentary – even to note that a representative had declined an interview. That being said, it was imperative that CBC News – like any news organization – not be subjected to conditions that could compromise the integrity of its journalism in order to gain access. Journalistic independence requires agency over the presentation of information. In my view, if a potential interview subject balks or builds an inappropriate barrier of access or places an undue demand on how he or she will be presented, it weakens any subsequent complaint about non-inclusion. I did not find a violation of CBC Journalistic Standards and Practices.

August 17, 2012
Bob Hosford
CBC.ca

Complaint

On December 3, CBC.ca carried a story on a product allergy alert involving some of the fruitcake products made by Grandpa Jimmy's Scottish Bakery and sold in Hamilton and London, Ontario. The story noted in its first paragraph: "People with milk or sulphite allergies are being warned to avoid Grandpa Jimmy's Christmas baking, because it may contain allergens not listed on the label." The story quoted an unidentified employee of the company as saying there had been a labeling problem and that there was nothing wrong with the products. The story went on to list the affected products and note there had been no reports of illness associated with their consumption. The complainant, Bob Hosford, is the proprietor of the bakery. He said the story's lingering online presence was an "impediment" for his firm. "We feel we have been punished enough already for what was in effect product label oversights," he wrote.

CBC Response

Esther Enkin, executive editor of CBC News, replied: "While I can readily appreciate your concern in these circumstances, it is CBC policy not to remove or alter archived stories other than in the most exceptional circumstances....Selectively removing stories, however good the reason seems at the time, is in effect censoring them, altering the past." Hosford wrote again, saying he wanted the report corrected.

Conclusion (LaPointe)

I sympathize with newsmakers that feel the enduring impact of an online story. The arrival of the Internet, and particularly the development of sophisticated search engines, has etched a much more accessible permanent record with significant consequences. The role

of the Ombudsman is to interpret if policy was met. That being said, CBC's policy is not to "unpublish" online material unless there are personal safety considerations about the original story. Its policy does not extend to dealing with the impact on a business or organization, nor does it deal with the impact associated with search engine results. Like most other news organizations, CBC argues that deleting online content is the equivalent of erasing history. I concluded it fulfilled policy in deciding not to delete the content as requested. The story said the products in question "may" contain allergens not listed on the label. The story phrasing was not unfair or inaccurate – certain people were being warned about the Christmas baking ultimately because of the ingredients, not just because the products hadn't been fully labeled. I concluded there was sufficient precision in the story's phrasing to reasonably conclude not all of the bakery's products were part of the alert – just the Christmas-related ones. There was no violation of CBC Journalistic Standards and Practices.

August 23, 2012
Alexander Budlovsky
The National

Complaint

On June 12, 2012, CBC Television's The National presented a report on the ongoing civil strife in Syria, including the diplomatic challenges the conflict presented for western countries, particularly the United States. Neil Macdonald, the senior Washington correspondent for CBC News, examined the state of the conflict and why there had not been international intervention. Alexander Budlovsky said the report suggested Israel was to blame for the continuing bloodshed in Syria and was the "bad guy" in the conflict because the West was citing Israel's interests in not intervening. He called this an "obscene insinuation."

CBC Response

Esther Enkin, executive editor of CBC News, replied that Macdonald "did not portray Israel as the 'bad guy.'" She wrote: "With a shared and disputed border between them, what happens in Syria is a very real concern to Israel, a concern Israeli government spokesmen have voiced repeatedly. She said that in this instance, the connection was made by U.S. Secretary of State Hillary Clinton.

Conclusion (LaPointe)

I could understand the complainant's concern that Israel not be identified as a culprit for continued bloodshed, but I did not conclude that was the case. Rather, I found that the report simply reflected Hillary Clinton's argument of the importance of minimizing harm by not intervening without attention to the possible consequences – clearly among them, a

rekindling of Israeli-Syrian conflict. While the report might have benefited from a more extensive itemizing of diplomatic factors – it would have demonstrated that Israeli-Syrian issues were only part of the strategic considerations – I did not infer any "innuendo" or "insinuation" that might give rise to concerns about a breach of journalistic policy. There was no violation of Journalistic Standards and Practices.

September 10, 2012
Mike Fegelman
CBC.ca

Complaint

Mike Fegelman, executive director of HonestReporting Canada, complained about a story from The Canadian Press which appeared on CBC.ca on July 30, 2012, about that day's U.S. political campaigning by Republican Mitt Romney, soon to be his party's nominee for the presidency. The story focused on Romney's statements on the Middle East and a notable absence: "Romney made no mention in his speech that Israel has had control over the West Bank, the Gaza Strip and East Jerusalem since 1967." Fegelman said the sentence was inaccurate. He pointed to an Associated Press report of that same day and how it described what wasn't said: "Romney made no mention of the fact that Israel has controlled the West Bank, Gaza Strip and East Jerusalem since capturing them in the 1967 war. Israel withdrew from Gaza in 2005, but continues to control access, and has enforced a crippling border blockade since the Islamic militant Hamas seized the territory in 2007. In the West Bank, Israel retains overall control, and Palestinians only have limited self-rule. Israel controls all border crossings in and out of the West Bank." Fegelman sought a correction to the story CBC.ca was carrying from CP.

CBC Response

Marissa Nelson replied that the story was not inaccurate. "The story did not refer to Israeli occupation, it said – accurately – that Israel has 'control over' the two areas. To ensure that is clear to readers, we have added a paragraph to the story explaining the nature and extent of that control," she wrote. Fegelman said that the addition clarified the story, but that CBC News should have been clearer in noting how it amended the article so the audience knew which information had been added. Nelson subsequently asserted that the initial story was not inaccurate and did not require a correction or clarification notice when information was added.

Conclusion (LaPointe)

I did not conclude that the initial story was inaccurate, but I believe CBC News had an opportunity to be more transparent about what it had added in the second version. Digital journalism is often iterative and it is not always apparent how content has been changed

along the way. Helping the reader involves not only improving content but also explaining how and why it was done. CBC Journalistic Standards and Practices call for prompt, thorough correction to a "*significant error*." It also states, "*any change to the original material will be noted*," wording that I take to mean "*any*" changes and not just to "*substantially wrong*" content. As a result, I concluded that it was a minor, technical violation of the correction policy not to note in a clarification that new material in the story was spelling out the nature of Israel's territorial control. I acknowledge that every change can't necessarily be identified along the way, but in this instance I concluded there was a significant enough addition to content to merit a notation of the change.

Sept. 12, 2012
Frank Hall
CBC.ca blog post

Complaint

On October 3, 2011, CBC.ca carried an Inside Politics Blog post from Kady O'Malley, titled: "Canada Economic Action! Plan Flashback: Stimulating the hard-hit . . . political polling sector?" It outlined how the Holinshed Research Group had qualified for stimulus funds under the federal Economic Action Plan that had been launched in response to the global recession. It was "as far as I can tell" the only political polling firm to do so, O'Malley said. The post said the company received $125,000 from the Federal Economic Development Agency for Southern Ontario in the form of a non-repayable loan to develop mapping software that would help election candidates. The post noted it was at the time entangled in a legal battle to negotiate a settlement of a financial claim with a former Ontario Progressive Conservative leadership candidate. Frank Hall, the Holinshed co-founder, said the story was inaccurate and that it "implies improper actions (by me) in obtaining government support for industrial research and development funding." He said he had tried repeatedly to reach O'Malley after he read the post, and sent her a Holinshed news release responding to it, but never heard from her. He asked that the story be removed and that CBC apologize for it.

CBC Response

On June 26, O'Malley emailed Hall and offered to update her post if he would forward his comments. She then published an updated version July 31 in which she noted Hall said the funds came from the National Research Council's Industrial Research Assistance Program and that the project and his firm had undergone a scientific audit and financial review by the Council. The updated post also noted that Hall stated in his news release that neither he nor Holinshed was associated with any political party.

Esther Enkin, executive editor of CBC News, wrote Hall on August 2 and acknowledged that the initial post "should have included your views" but disagreed with Hall's assertions that it

was inaccurate. The information was taken from federal websites, she noted, although it appeared that the economic development agencies were listing awards of funds without necessarily outlining their origins. She apologized for not following up with him when he wrote a few days after the story was posted.

Conclusion (LaPointe)

The complaint reflected the challenges of journalism in the digital age. So much information is accessible online and many journalists make rapid and productive use of it, but the combination of technology and speed can be a mixed blessing. In this instance CBC agreed the journalist should have taken time to include the complainant's viewpoint in the post to permit the reader a fairer range of information about which to assess the matter. Similarly, the complainant would have been able to discuss his contemporary relationship with the Conservative Party. On that matter, I concluded the story was not inaccurate in stating his past association, but would have benefitted from more recent information. Failing those inclusions initially, it would have been reasonable to quickly publish information from the news release that shed additional light on the original post. Instead, several months passed before the post was updated, by which time the impact of the story was set and spread. The policy restricts what can be deleted to those instances in which there are legal or personal considerations for the subject. There were no such considerations here.

September 17, 2012
Ken Laing
The National

Complaint

On July 8, 2012, LeBron James, a National Basketball Association star and free agent with several suitors, announced his decision to leave the Cleveland Cavaliers to play for the Miami Heat just before The National's 10 p.m. eastern time broadcast. But CBC News chose to hold back the outcome as it touted the story. In advance of its report, The National promoted the item twice in the newscast. Ken Laing expressed dissatisfaction with the prolonged "tease" of viewers. He said the essence of journalism was to provide information as quickly as it was accurately available. He also said the decision to withhold the information did not reflect well on CBC News because, by the time its report ran in the last quarter-hour of the newscast, other media had already reported James' decision.

CBC Response

Esther Enkin, executive editor of CBC News, replied: "Television is a sequential medium and no matter how difficult the task may be it compels our senior editors to place stories in order, to decide which one is the most significant, which one will be seen first. It can be an

agonizingly difficult decision, and often one that is hotly contested." At the same time, she said, they also want to tell viewers what stories they can expect to see later in the program.

Conclusion (LaPointe)

The production technique of a tease is ubiquitous in broadcast news. Programmers believe that the audience will stay tuned if they learn an attractive story is imminent, and they fear the audience will desert their shows if they give away a story's content before it is presented. There is audience research on both of these points, but it is difficult to assess the true impact of the industry practice – or for that matter, any absence of it. The mandate of the Office of the Ombudsman is to evaluate practice against policy. CBC Journalistic Standards and Practices policy is sufficiently broad to permit CBC News to distribute partial doses of information as it wishes. While some might be annoyed with the approach, there was no violation of policy.

September 20, 2012
Kristina Germain
CBC TV News and CBC.ca

Complaint

Kristina Germain is the mother of a young man interviewed by CBC News for a story about a homeowner's confrontations with a group of teens. On July 4 a local newspaper published a photo of a young man gesturing rudely when the homeowner took photos of teens near his house. CBC News interviewed the teen it reported was the same person in the photo published by the newspaper. Ms. Germain contacted CBC to note her son was not the person in the newspaper photo. She said her son should not have been interviewed and identified because he is a minor. She said someone had started to harass them because of the CBC report.

CBC Response

Cathy Perry, managing editor for CBC News Toronto, corresponded several times with Ms. Germain. CBC.ca corrected the online story to indicate that it was not Ms. Germain's son in the photo. Ms. Germain asked for the online story to be amended to take out all references to her son. Perry said CBC was declining to take down the story because it felt the young man's perspective was an essential part of it.

Conclusion (LaPointe)

The initial mistake – when CBC News misidentified the complainant's son as the young person in the photograph taken by the homeowner and published by the newspaper – was a violation of CBC Journalistic Standards and Practices.

I agreed that there was sufficient public interest in the story to merit coverage, but I believed it was entirely possible in this instance to more than adequately report while more than adequately respect the vulnerability of youth. It is possible to fulfill the policy's objective of hearing young voices in CBC journalism without necessarily seeing them or knowing who they are all the time. There was no policy violation, only exercises of discretion within the policy, but I believe there was room for improvement.

September 20, 2012
Jon Melanson
The National

Complaint

CBC Television's The National featured an interview August 20, 2012 by senior business correspondent Amanda Lang with Michael Bryant, former attorney general of Ontario. Bryant was promoting his book that, in part, dealt with a fatal 2009 traffic accident in which he was involved shortly after he left politics. A cyclist died in the incident. The charges laid against him were later withdrawn when the prosecutor concluded there was no reasonable prospect of conviction. Jon Melanson expressed concerns about what he termed Lang's "unprofessional behavior" in not disclosing her personal connection to Bryant.

CBC Response.

Esther Enkin, executive editor of CBC News, was "rather puzzled" by Melanson's assertion. "Early in the interview, Ms. Lang prefaced a question about how the incident had changed Mr. Bryant by saying, 'I have known you a long time.' During a conversation with Ms. Lang following the interview, program host Ian Hanomansing said, 'You mentioned that you have known him. You have known his ex-wife, as well, for some time. Given that, any surprises as you read his book?' So I think that relationship would have been clear to anyone watching the interview," Enkin wrote.

Conclusion (LaPointe)

As an experienced and prominent national journalist with a background in the political, financial and legal spheres, Lang is bound to know some of the people about whom she reports. This cannot be avoided, and in this circumstance, Lang and the program were right to disclose the acquaintance with Bryant. (She was assigned to conduct the interview when another journalist's schedule could not be arranged with Bryant's availability.) I considered her interview fair and challenging. The line of questioning was professional and of a high standard. I would argue that the journalistic policy of avoiding perceived conflict is served better by the practice of alerting the audience to any personal connection at an early juncture. In this instance, the disclosure came quite late in the interview – not early, as CBC

suggested in correspondence with the complainant. The disclosure satisfied the policy, but some would have heard it late and others who would have tuned out early might never have heard it. In that respect there was no violation of policy, but room for improvement.

September 20, 2012
Jon Melanson
CBC.ca

Complaint

On August 31, 2012, CBC.ca posted a story from Associated Press about a speech the previous night by actor and director Clint Eastwood at the convention of the Republican Party in Tampa, Florida. The headline read: "Eastwood's bizarre speech ignites Twitterverse." Eastwood spoke, seemingly improvisationally, for about 12 minutes, and addressed an empty chair onstage that purportedly represented President Barack Obama, the opponent to Republican Mitt Romney in the 2012 election campaign. Jon Melanson complained that CBC News had demonstrated bias in its headline characterization of the speech as "bizarre."

CBC Response

Esther Enkin, executive editor of CBC News, replied that the word "bizarre" had a meaning of unconventional, odd or unusual, and that it was "fair to say that compared to the other speeches delivered by Republicans at the Tampa convention, Mr. Eastwood's was 'unconventional', 'unusual,' even 'odd'. The message largely was not (Obama's unfulfilled promises, Romney's suitability for the job), but the delivery (a conversation with an empty chair, rambling and occasionally coarse) was unlike anything else seen at the convention."

Conclusion (LaPointe)

CBC policy implies caution is necessary in its use of language – even the shorthand language of headlines – to avoid the appearance it is taking sides in public debate. But its policy also provides an opening to permit judgment based on facts and expertise. The neutral definition of the word "bizarre" – odd, unusual, unconventional – can differ from its largely judgmental or disparaging connotation. On the basis of the definition of "bizarre," it was not a violation of CBC Journalistic Standards and Practices to apply the term, but given its connotation, it would have been more elegant to use another descriptor.

October 3, 2012
Pat McPhillips
CBC.ca, various radio programs

Complaint

Pat McPhillips complained that the attention given to CBC Radio host Jian Ghomeshi's book, 1982, amounted to abundant displays of "patronage and nepotism" that constituted a conflict for CBC.

CBC Response

Chris Boyce, the CBC executive director for radio and audio, noted that such promotion demonstrates "our hosts' ongoing contribution to Canadian culture, while also promoting their CBC programs as part of our overall promotions strategy." He noted other CBC hosts' books had been the subjects of interviews in the past, and said CBC tried to avoid a perception of a conflict by ensuring Ghomeshi's program, Q, did not produce any segments about it. Guests might mention the book, "but that's it," he wrote.

Conclusion (LaPointe)

While the potential existed for indulgent self-serving, I concluded the coverage was informational and neutral. Moreover, there did not appear to be an unusually sustained promotion of the book. Rather, its publication was treated by programmers as they would the arrival of any other possible bestseller – swift and timely coverage to raise awareness, then on to another book on another day. CBC management determined that Ghomeshi could not use his own regular broadcast platform to self-promote. In that way, he and his program took sensible measures to avoid a real or perceived conflict. I did not find a violation of CBC Journalistic Standards and Practices.

October 18, 2012
Brian Stearns
CBC Radio Edmonton

Complaint

Brian Stearns was concerned about the coverage of gays and lesbians by CBC Edmonton. On June 6, 2012, CBC Radio Edmonton discussed the decision by Alberta Premier Alison Redford to attend the Edmonton Pride Festival. Other politicians had attended the event in previous years, but Redford was the first premier to do so. In a later mix of listeners' comments a person who was not identified called Redford's decision "further proof that she has lost her moral compass." He added: "After all, this supports the culture of death. And that's what this Pride thing is: about the culture of death and lack of morals."

On July 23, CBC Edmonton reported on television, radio and online about an attack on an openly gay University of Alberta student. The radio program asked its listeners to comment

on a question it posed: “Do you think gay or lesbian Edmontonians should feel safe in our city?” Stearns felt the question was, at the very least, “carelessly worded” and, less generously, raised doubts on whether gays and lesbians had a right to safety. He said “blithe anti-gay bigotry coursed through the work.

CBC Response

Gary Cunliffe, the news director for CBC Edmonton, said the listener question on safety was “fair” in light of the experience. And he said the listener comment reflected the hard-line views of Pope John Paul II as leader of the Catholic Church. “You may think the comment vile, as would many others, but it is an opinion that the caller holds.” He said it is CBC’s mandate to carry different points of view on controversial matters to permit listeners to make up their own minds.

Conclusion (LaPointe)

I agreed with the complainant that the radio listener question carried the potential to be interpreted variously. It was possible some would have interpreted they were being asked whether gays and lesbians were entitled to feel safe in Edmonton – presumably this is beyond questioning – rather than whether they were able to feel safe in Edmonton. The phrasing might have been better, but it did not violate policy.

Concerning the listener comment, Pope John Paul II popularized the “culture of death” phrase in his 1995 encyclical. The reference was principally a criticism of those who supported abortion or euthanasia. Others have extended its application to advance a criticism of homosexuality. CBC News acknowledged in correspondence with the complainant that many would have found the comment “vile,” which suggests it understood at some point along the way that the comment might feed contempt or prejudice. It already had a range of comments to fulfill its policy of balanced treatment. I concluded the inclusion of the remarks was not within an acceptable, tolerant boundary of criticism about a community event or its activities. Rather, the comments were personally and generally hostile and hurtful and a violation of CBC journalistic policy.

October 18, 2012
Gerri Patriquin
The Invisible Hand, CBC Radio

Complaint

In the summer of 2012, CBC Radio aired The Invisible Hand, a 10-part series of half-hour examinations of economics. Gerri Patriquin said the program’s journalism was sub-standard. She focused on the third episode, Profit and Capitalism. She complained the series comprised “fallacies presented as fact”; that the episode featured selective information to

support the producer's and host's theories; that its use of a pensioner as an example of a capitalist was "reprehensible"; that CBC was disserving listeners who were "ignorant of what constitutes honest research" and that the program was "intended to make fools of us."

CBC Response

Chris Straw, CBC Radio's senior director of network talk programming, said the "audio essays" examined different elements of economic theory that, over the course of the series, showcased a variety of perspectives. He said the pensioner was interviewed to illustrate how "many people we admire are capitalists."

Conclusion (LaPointe)

The series of essays fulfilled policy under CBC Journalistic Standards and Practices by presenting a range of perspectives on economic theories and phenomena over the course of its episodes. The policy permits balance to be achieved over a reasonable time, not necessarily within a program nor within an episode. I acknowledge that this policy can rankle some complainants who expect self-contained balance, but the policy rationale is that it can be untimely or artificial to require each program episode, segment or story to achieve balance inherently. The particular episode that launched the complaint was accurate and fair in its treatment of its interview subjects. I did not share the complainant's view that it was inappropriate to feature the pensioner as an example of capitalists in our midst.

November 2, 2012
Julie Carmichael
CBC.ca

Complaint

On October 4, 2012, CBC Vancouver published a story online on federal cuts to prison chaplain services. The story was headlined: "Non-Christian prison chaplains chopped by Ottawa." In September, Public Safety Minister Vic Toews cancelled a tender to contract a Wiccan priest for British Columbia prisons and said he was not certain part-time chaplains from a range of religions were an appropriate use of tax dollars and that he would review the matter. CBC News reported that a representative for the minister said Toews' review of the matter "has concluded . . . [Christian] chaplains employed by Corrections Canada must provide services to inmates of all faiths." In the online story, CBC News placed the word "Christian" in square brackets, but there was no mention of the word in the email exchange. The complainant in this instance, Julie Carmichael, director of communications for the public security minister, wrote CBC News October 5 to note that her email to CBC News a day earlier had not been accurately reported. She said she never suggested that only Christian chaplains would be providing the services, and that the change to her quote changed the meaning significantly and was an "unethical practice" by CBC News. Carmichael noted that

when she complained, CBC News agreed there had been a mistake and committed to fix the problem – but didn't immediately. She had to complain again before it was fixed.

CBC Response

Wayne Williams, CBC Vancouver news director, wrote Carmichael on October 15. "The story did include inaccurate information. The error was inadvertent, as indeed was the delay in correcting it," Williams wrote. "In both instances the responsibility is entirely ours, for which I offer my sincere apologies." The reporter added the word "Christian" in square brackets in the draft script for a television graphic. When new information was provided later in the day, they removed the word. But the online writer prepared his story from the draft script and inadvertently left in the word "Christian." Williams said that they had reviewed and strengthened their editorial procedures, "especially the way stories are moved from one platform to another."

Conclusion (LaPointe)

The practice of inserting bracketed words into statements is typically performed to clarify the ambiguous, compress a long passage, or improve the reader's comprehension of a quote. In this instance, I concluded the insertion of the square-bracketed word "Christian" did not accurately reflect the intent of the statement by the minister's representative and was a violation of policy. I concluded the mistake was a growing pain of fledgling multimedia journalism and noted the newsroom has since enhanced its oversight of content to avoid a repeat episode.

The complainant expressed concern about the placement of the correction and the lack of any apology. CBC journalistic policy leaves discretion on specific measures to correct content to CBC. In previous findings I have suggested that corrections be prominent and be delivered to the audience that first received the errant information. But CBC is able to fulfill policy online by placing corrections and clarifications in a box at the end of stories and determine if a serious enough mistake was made to decide if a broadcast correction or clarification is required.

On a related matter, I am concerned about the presence of email interviews that yield statements from unidentified representatives. While not a violation of journalistic policy that calls for clarity of information sources – readers at least knew the statement was coming from the federal department – I believe there is room for improvement in this practice to minimize anonymous provision of information that would not be considered sensitive, classified or the material of traditional anonymous sources.

November 8, 2012
Brett Horner, Debbie Shubat, Harvey Wrightman
The Sunday Edition, CBC Radio

Complaint

On October 21, 2012, The Sunday Edition featured two segments on wind turbines. The first segment was a documentary by journalist Paige Ellis on turbines in her Ontario hometown of Kincardine. She looked at the local debate, in particular the neighbourhood disputes about land use and concerns about the economic and health impacts on the community. The second segment was an interview by guest host Karin Wells with John Twidell, a wind power champion and British editor for the journal Wind Engineering. The review consolidated the three complaints because of their common concern that the program demonstrated bias in featuring Twidell and in not featuring research about health issues related to turbines.

CBC Response

Susan Mahoney, the executive producer of The Sunday Edition, said much of the Twidell interview segment was informational in nature. When he expressed pro-turbine views, he was consistently challenged, Mahoney wrote. She said Twidell did not mock those who believed their ailments could be attributed to turbines.

Conclusion (LaPointe)

I concluded the interview with John Twidell satisfied policy. He was sufficiently identified as a wind power champion. He did not discredit or distort the other point of view about the health impact of turbines. The line of questioning was reasonably challenging and made him defend his position. He accurately stated that no peer-reviewed academic research had confirmed physiological impacts.

Journalists depend largely on peer-reviewed journals to set a standard by which they can explain the advancement of understanding. That is why CBC elects to avoid as much as possible scientific research that has not borne peer-reviewed rigor. Given CBC's policy not to raise false health hopes or fears and to be cautious about citing studies that had not faced peer review, I concluded the interview was well within its Journalistic Standards and Practices. The documentary segment also attempted to give voice to those who were expressing health concerns.

November 21, 2012
Cindy Brenneis
Radio News

Complaint

Cindy Brenneis asserted that insufficient care was taken in two reports of a graphic nature. One report involved an incident in which a young man, shackled and wearing little clothing,

knocked on a rural home's door and frantically asked a woman to be let in. The other report involved revelations in three murder cases in British Columbia dating back four decades. Brenneis wrote: "The CBC is a public broadcaster. Children, adults who are not desensitized to violence, and a number of other decent people [who] do not want to hear graphic details describing the victimization of people are 'the public' and should not be required to either turn off the CBC (I do) or be 'on guard' when the news comes on to turn it off to avoid harming their kids."

CBC Response

Esther Enkin, executive editor of CBC News, said that CBC policy expects that programs be in good taste but that there were times when leaving out certain information might impair the story. "That was the case here," she said. She added that senior editors reviewed the stories and felt that while they involved adult themes, a warning was not required. She concluded: "I should emphasize here that news by its nature is often about adult themes and disturbing subjects. It is not intended for children."

Conclusion (LaPointe)

I agreed with CBC News that, in these instances, it was not necessary to alert the audience to the nature of the content. While there was challenging subject matter, there was neither graphic description nor offensive language that would have merited a notice to the audience. I concluded that CBC handled the information with restraint and consideration and was, in effect, mindful of the audience. There was no violation of CBC Journalistic Standards and Practices.

November 26, 2012
Dan Murray
North by Northwest, CBC Radio; CBC.ca

Complaint

On July 19, 2012, CBC Radio's North by Northwest featured an interview on its website with Ali Kazimi, author of Undesirable: White Canada and the Komagata Maru, An Illustrated History. In 1914 the ship Komagata Maru set sail for Vancouver with 376 passengers seeking asylum from India, all of them British subjects. The ship was not permitted to dock and forced to leave after two months off the coast of Vancouver. Of the passengers, 20 were permitted into Canada. Host Sheryl MacKay interviewed Kazimi for more than a half-hour and the exchange was posted on the program's website. A 13-minute version appeared on July 22 on the CBC Radio program.
Kazimi discussed what drew him to the project and what contemporary comparisons exist in the treatment of immigrants. From his first encounter in Canada with immigration officers, he said, he has been intrigued with the power of the "gatekeepers."

The complainant, Dan Murray, wrote that the program "made absolutely no attempt to present any counterpoint" to Kazimi. He criticized the absence of context involving the history behind elements of the interview, and said the program host was "like most of her colleagues at CBC Radio Vancouver: a propagandist for the immigration lobby." He also complained that MacKay suggested every Canadian classroom should have a copy of the book.

CBC Response

Laura Palmer, the executive producer for current affairs at CBC Radio Vancouver replied that the focus of the interview was on the ship and not on the historical backdrop, so some of Murray's complaints about the lack of background were not germane. "That said, Palmer wrote, "we agree that there may have been areas of more informed inquiry throughout the interview, where a deeper exploration of the times, the thinking and the reasons for the government of the day's behavior might have provided better understanding for all our listeners." She added: "Sheryl may have gone too far in suggesting this specific book be in classrooms across the country. But the sentiment that B.C. students should learn about this significant and relevant aspect of B.C. history in our schools is not objectionable."

Conclusion (LaPointe)

CBC acknowledged the host could have done more to challenge the guest's views and to provide greater historical insight. The complainant raised some legitimate points that suggested the audience would have benefited from a deeper understanding of the earlier and current policy contexts and from challenges to his views. Even so, I could not find an inaccuracy in the content. The journalistic policy has latitude to permit CBC an opportunity to balance the guest's views with other segments across its platforms within a reasonable period. As a result, a segment of this sort is not a violation, although I agreed with CBC there was room for improvement. Additionally, CBC acknowledged that the host might have gone too far in suggesting classrooms study or have copies of the author's book. I agree that caution has to be exercised in these instances because statements of that nature could be inferred as partiality on a topic. Again, while it was not a violation of policy, the host's appreciation of the book might have been differently expressed.

November 28, 2012
Pero Despotovic
As It Happens

Complaint
On October 1, 2012, CBC Radio's As It Happens followed the transport of convicted Canadian terrorist Omar Khadr back to Canadian Forces Base Trenton from Guantanamo Bay, Cuba. The program interviewed Moazzam Begg, a British former cellmate of Khadr's at Bagram Air

Field in Afghanistan in 2002 before they were separately transferred to the Guantanamo Bay facility. Begg had talked to Khadr's family. He provided some insight into Khadr, criticized his trial and treatment, and expressed the view that he should be freed. The program followed that with an interview with Layne Morris, a former U.S. Army sergeant who in 2002 was part of the Special Forces unit sent into an Afghanistan compound in search of a bomb-maker. In that compound, Morris said Khadr waited for the arrival of the Forces and threw a hand grenade that killed U.S. Sergeant First Class Christopher Speer and wounded other soldiers. Morris said he was "deeply disappointed" by Khadr's transfer from U.S. custody.

The complainant, Pero Despotovic, said host Carol Off had been "cozy" with a convicted terrorist and had failed to ask sufficiently challenging questions.

CBC Response

Robin Smythe, the executive producer for As It Happens, replied: "Mr. Khadr is an extremely polarizing figure in Canada. The Canadian government continues to call him a convicted terrorist, an unrepentant killer who should be in prison. Others, including both opposition parties, have a different view, pointing out that he was a child soldier and deserves rehabilitation." She noted that Morris, in his interview following the Begg segment, asserted that Khadr was a jihadist, more committed to the cause than ever, and should remain in prison. Smythe said that Off approached both interviews in the same way with the same line of inquiry and that "in any fair listening" there could be no assertion of partiality.

Conclusion (LaPointe)

Repeated listening to the two segments revealed no bias. The host permitted both guests to argue their cases and was neither more lax nor challenging in either instance. Each guest was accorded a respectful interview. The host took a neutral position and neither agreed nor disagreed with statements. These were model segments on impartial presentation. There was no violation of CBC Journalistic Standards and Practices.

November 28, 2012
Rachel Steen
TV News, Montreal

Complaint

On September 11, 2012, CBC Montreal carried a television report about the availability and safety concerns involving electronic cigarettes, an inhaler that vaporizes a liquid into aerosol to emulate the act of smoking. "Selling electronic cigarettes containing nicotine is illegal in Canada," the report stated. The complainant, Rachel Steen, called that statement "verifiably false." She said no law had ever been proposed to make e-cigarettes illegal.

CBC Response

Mary-Jo Barr, the news director for CBC Quebec, said the story was not errant. While it was not "criminal" to sell electronic cigarettes, she said, "the Food and Drugs Act clearly indicates that products containing nicotine require market authorization before they can be imported, advertised or sold. Since electronic cigarettes have never received such authorization, it is illegal to sell them in Canada, which is what we reported."

Conclusion (LaPointe)

The complaint involves a semantic dispute: Since Health Canada has not authorized electronic cigarettes containing nicotine under the Food and Drugs Act, does that necessarily make their sale illegal? The most recent Health Canada information on this issue dates back to 2009, when it advised Canadians not to purchase electronic cigarette products because they had not been adequately tested for their safety. It indicated that no e-cigarette product had yet been authorized for import, marketing or sale. Health Canada continues to take the position that, until a court determines legality, the e-cigarettes with nicotine are simply unauthorized. As a result, the statement in the CBC report – that "selling electronic cigarettes containing nicotine is illegal in Canada" – was not quite accurate. But this does not make the opposite accurate, either: the e-cigarettes with nicotine are neither legal nor authorized. I concluded it would have been preferable to use subtle alternatives – to note that the nicotine e-cigarettes were "not legal to sell" or "unauthorized for sale" – and that the result was a mild violation of policy.

November 30, 2012
Chris Waclawik
CBC.ca

Complaint

On October 23, 2012, CBC.ca, CBC Television and CBC Radio reported that the Queen's Jubilee Medal had been awarded to Linda Gibbons, an anti-abortion activist described as having "spent 10 years on and off in prison for violating injunctions in front of abortion clinics." The awarding of the medal stirred some political and social controversy. Chris Waclawik said Gibbons had never been charged in connection with the original injunction dating back 20 years or any other injunctions.

CBC Response

Esther Enkin, executive editor of CBC News, noted the original 1994 injunction prohibited Gibbons and others from being within 60 feet of some clinics when they were open, from carrying placards or intimidating anyone attending or working in the clinics. Three years ago, Toronto police asked her to move from the front of a clinic where she was handing out

leaflets and speaking with people entering the clinic. When she refused, they charged her under Section 127 of the Criminal Code with disobeying a Court Order.

Conclusion (LaPointe)

Gibbons herself has said she spent time in jail for defying various injunctions. One such incident, in which she handed out pamphlets near a clinic, led to a 2012 Supreme Court of Canada decision to uphold the Crown's authority to use criminal charges to enforce injunctions. The CBC story did not indicate whether Gibbons had been jailed through arrests, charges or convictions. It said she had spent the time in prison for violating the injunctions, a statement that did not specify the nature of the custody or the stage of the judicial process under which she was held. I did not find a violation of CBC Journalistic Standards and Practices.

December 4, 2012
Smadar Carmon
News

Complaint

In mid-November 2012 CBC News across its broadcast and online platforms covered the renewal of extensive violence in the Gaza. Smadar Carmon criticized the scope of the coverage. While she did not mention any specific program, she concluded: "You only cover Gaza when there are Israeli casualties involved but rarely cover the context of it all. This seriously makes me question your integrity on other issues." She added that she expected more than "superficial coverage of the news" from the region from the public broadcaster.

CBC Response

Esther Enkin, executive editor of CBC News, said that around the time of Carmon's complaint there was exactly the sort of equitable coverage sought. "The point is that while coverage of a conflict such as this is continuous, emphasis will shift from one particularly significant event or incident to another," she wrote. "At one time it may focus on the deaths of Israeli civilians as a rocket hit their apartment, at another it will focus on an especially deadly Israeli attack on Gaza or on fresh efforts for agreement on a ceasefire. Overall, you will find that CBC News has carried – and continues to carry – a range of views and perspectives, certainly including those of the Palestinians.

Conclusion (LaPointe)

The role of the Office of the Ombudsman is to assess complaints about specific content – not to conduct broader or thematic reviews – in the context of CBC Journalistic Standards and Practices. As part of that policy CBC permits balance to be achieved through the

presentation of a "*wide range of subject matter*" – equitably, not necessarily through mathematical equivalence – across its platforms "*over a reasonable period of time*." I concluded the focus of the content around the time of the complaint ranged widely and included episodes of violence instigated by and against parties in the Gaza conflict. That constituted balance under the policy, so there was no violation of CBC Journalistic Standards and Practices.

December 11, 2013
Ryan Hunter
CBC.ca

Complaint

On November 16, 2012, CBC.ca carried a Vancouver-based story on how some minors could be served alcohol at local restaurants. The online report embedded radio and television stories from that day. It is illegal to purchase and be served liquor under the age of 19 in British Columbia. CBC News used hidden cameras to chronicle the effort by four teens it enlisted – one aged 17, three aged 18 – to purchase alcohol at four establishments. In two restaurants the minors were asked for proper age identification and refused service. In two other restaurants they were served. Ryan Hunter criticized CBC for directing the minors to break the law. He also said CBC vilified businesses and depended on a very small sample to characterize the situation.

CBC Response

Wayne Williams, news director for CBC British Columbia, defended the newsroom's pursuit of the story and wrote of the restaurants: "The fact that they are breaking the law – especially a law specifically designed to protect teenagers considered not yet to have the maturity and judgment to drink responsibly, and by inference, those who might suffer as a consequence of their actions – is newsworthy." Williams said the minors volunteered for the report, that the restaurants were chosen at random, and that the minors did not drink what they were served.

Conclusion (LaPointe)

The issue of underage drinking is important but I concluded more could have been done to minimize the potential harm of CBC's technique without sacrificing the objective of its journalism. CBC policy can permit involvement of youth in its journalism when "*no foreseeable inconvenience or detrimental consequences for them or their family could ensue*." But it is difficult to foresee consequences in the digital age. In this instance a permanent online record was created in which the teens were identified as knowingly breaking a law. No one knows what could ensue with possible employers, for instance. I concluded there were other ways for CBC News to tell the story. To satisfy its journalistic

policy it could have asked 19-year olds to test if restaurants sought identification. It could have not shown the faces on camera or not identified the teens by name. CBC enlisted minors to break the law and chronicled the episode when its policy required lawful methods. Thus it was a violation of CBC Journalistic Standards and Practices. Two other matters were not violations of policy. I concluded that it was not unfair to test only four restaurants. And I did not agree with the complainant that the restaurants should not have been named. While its technique was a violation, in the end it found illegal practices and it would not have been in the public interest to suppress the information.

December 13, 2012
Stephen Tannenbaum
The National

Complaint

On November 14, 2012, The National carried a report from Middle East correspondent Sasa Petricic on Gaza violence. The report noted the exchange of rocket fire across the Israeli-Gaza border following the Israeli strike that killed Ahmed Jabari, a Hamas commander, as he drove in his car. The violence was characterized as the worst in the region in years. Stephen Tannenbaum felt the report was "unbelievably shoddy journalism" that neglected important elements.

CBC Response

Jennifer McGuire, the editor in chief of CBC News, said television reports have to compress a great deal of information. Had he viewed or listened to CBC News in the following days and weeks, he would have consumed several reports that addressed his concerns about context and background.

Conclusion (LaPointe)

As the complainant noted, the journalistic policy that requires balance to be achieved over a "reasonable" period could be inferred as requiring the audience to consume a broad range of CBC content. Some, like the complainant, view such a requirement as impractical. In the 2011-12 annual report of this Office, I called for some clarification from CBC News on the standards by which it aims to achieve balance. In its response to the annual report, CBC News indicated that it was developing more public information on this matter.

This television report was part of a significant body of work by CBC News to chronicle the resumption of Gaza military violence. I did not share the complainant's view that important information was withheld on the impact on Hamas' military capabilities. At the time of the report that information was not apparent. Once the information was available, CBC News promptly reported it. There was no violation of CBC Journalistic Standards and Practices.

December 19, 2012
Mike Fegelman
The National

Complaint

On October 13, 14 and 15, 2012, The National carried The New Game, a three-part documentary from filmmaker Alexandre Trudeau. In broad outline the documentary was described as "how the movement of oil is shaping a new world order." Trudeau traveled into the oil-rich Middle East and elsewhere as a freelance journalist for the documentary, which featured several interviews with political officials and scientists, economists, other scholars and commentators on the wide-ranging issues. Mike Fegelman, executive director of HonestReporting Canada, an organization that scrutinizes Middle East coverage, wrote about the second part of the documentary and its characterization of Iran's nuclear program. He said the documentary element "singled Israel out for exclusive opprobrium while downplaying the grievous threat that a nuclear Iran poses to the Jewish state, the U.S., and the world." He noted Iran's hostility to Israel and said Trudeau "seemed to be implying that Iran needs nuclear weapons only as a means to bolster its weak national security infrastructure." He also expressed concern about the documentary's financial support and editorial independence. He said the documentary's credits online indicated it had been produced in association with Iran's Press-TV, Al-Jazeera Arabic and the U.S.-based Media Education Foundation – groups he asserted were hostile to Israel. CBC had not properly disclosed the sources of funding as is common for point-of-view documentaries, he wrote.

CBC Response

Esther Enkin, the executive editor of CBC News, said Iran Press-TV "did not finance the film. It did not have control over its editorial content. Nor did it – as you imply it did – have any influence whatsoever on the documentary's perspective." She said the documentary was produced in association with 12 broadcasters worldwide, with the Iranian one the smallest of them. "Press-TV did not buy a broadcast licence. It was licenced through barter in kind. Mr. Trudeau has said the Iranian broadcaster saw a rough cut of the documentary – well after the thesis has been established – and traded footage of Iran naval exercises in the Persian Gulf for a broadcast licence. There was no financing, no editorial influence." Enkin said CBC did not present the documentary as a point-of-view presentation, which would have carried an audience alert, production credits and perhaps financing information. Rather, it was "reportage" from a freelance journalist. Enkin said she strongly disagreed with the suggestion that the documentary featured a range of anti-Israel comment.

Conclusion (LaPointe)

I agreed with CBC News that the report was not a point-of-view documentary. It was analytical in nature and featured proportionate information to support its conclusions. As a result there was no need for an audience alert, production credits or financing information to be provided in the broadcast. I was satisfied that Trudeau was not editorially influenced by any distributor or broadcaster, including Iran's Press-TV, which bartered footage but had no creative or financial input. Trudeau was practically finished the documentary when access to the Iranian footage was secured.

I found a range of voices in the documentary. While some were critical of Israel, others spoke in its defence. It was to be expected that Israel's significant role in the region would be explored in a documentary of this nature, and I did not conclude it was disproportionately discussed or that the range of expert opinions were inappropriate to the subject matter. I did not find a violation of CBC Journalistic Standards and Practices.

December 29, 2012
Pero Despotovic
The Current, CBC Radio

Complaint

On December 10, 2012, CBC Radio's The Current featured a segment on the involvement of U.S. servicewomen in military combat roles. Three interviews were featured: one with U.S. Major Mary Jennings Hegar, a plaintiff in a case fighting the exclusion of women from certain roles; one with Elaine Donnelly, president of the Center for Military Readiness, an organization which believes there are valid reasons for the military to exclude women from some ground combat roles; and one with Karen Davis, a defence scientist with the Canadian Forces Leadership Institute. Pero Despotovic felt that host Anna Maria Tremonti was "cosying up" to Hegar and was "rudely interrupting" Donnelly in what he termed a reflection of "continued disrespect for guests who do not follow her ideological view on issues."

CBC Response

Jennifer Moroz, executive producer of The Current, said that Tremonti was attempting to get the guest to clarify her position in a short timeframe. "Listening back, I realize that in doing so, Ms. Tremonti may have come across as brusque," Moroz wrote. "If so, I'm sorry. I'm also sorry the conversation ended as abruptly as it did."

Conclusion (LaPointe)

It is true that when Tremonti pressed Donnelly for specifics, Donnelly indicated she felt interrupted and noted Hegar had not been. But I concluded Tremonti was simply pursuing a relevant line of inquiry, not getting an answer, and unfortunately running out of time in the live segment. I agree that the interview ended abruptly; that being said, there was adequate

presentation of Donnelly's views to understand her position. I did not find a violation of CBC Journalistic Standards and Practices.

December 29, 2012
Dan Murray
The Sunday Edition, CBC Radio

Complaint

On November 11, 2012, The Sunday Edition featured an interview with Reverend Jim Wallis, leader of the Sojourners Congregation in Washington and a well-known spiritual advisor to several U.S. presidents, including Barack Obama. Near the end of the segment, in which host Michael Enright asked a range of questions about the U.S. presidential election results, Wallis noted the changing demography of America. He said: "The demographic time bomb has now exploded in American political life. It is no longer enough to get white votes to win an election. And the Republicans discovered that. Our country is changing, dramatically. Our diversity now is real, and Barack Obama won such an overwhelming majority of black and Hispanic and Asian votes, plus he still won the young vote and he won the women's vote. And so a lot of conservative white men are not sure what to do because their votes no longer control the destiny of America. And that's a huge change in the country's perception of itself."

Dan Murray said Enright demonstrated bias by not questioning Wallis about the appropriateness of U.S. immigration policy. He said, "most U.S.-born citizens would probably say, 'What is inevitable about an immigration policy which is not a constitutional rule and which could be reversed?' and 'What is good about becoming a minority in one's own country?' To most Americans this 'achievement' has happened because the U.S. gov't has permitted unnecessary legal immigration (between 1 and 2 million per year) in spite of persistent high unemployment. It has also occurred because the U.S. gov't has not enforced its illegal immigration laws. Why did host Michael Enright not ask Chaplain Jim Wallis about that?"

CBC Response

Susan Mahoney, the executive producer for The Sunday Edition, said the focus of the interview was on the presidential election and not immigration policy. She said Wallis' observations on U.S. demography were accurate and that many he described – African-Americans, young people and women, for instance – were, in fact, not immigrants. She added that immigration policy was not the topic under discussion in this interview.

Conclusion (LaPointe)

While demography in all countries has been shaped over the centuries in part by immigration policy, a mention of the former does not necessitate an examination of the latter. Nor does it follow that the absence of such an examination constitutes a bias. Wallis stated what a range of commentators of varying political persuasions had been noting accurately in the days following the election about the changing American demography and Obama's successes. It should be noted that neither Wallis nor the program expressed views on immigration policy. I did not find a violation of CBC Journalistic Standards and Practices.

January 10, 2013
Joyce Carvalho
The Current

Complaint

On November 14, 2012, The Current devoted 29 minutes to a discussion of the impact of the removal of references to the Alberta Human Rights Act and the Canadian Charter of Rights and Freedoms from the provincial education act. Advocates of home schooling in the province were strongly supportive of the exclusion. Following a panel discussion and an interview, the segment ended with a two-minute satiric sketch that portrayed a mother attempting to home school a sarcastic and un-co-operative teenaged son. Joyce Carvalho felt the sketch violated CBC's standards of Accuracy, Fairness, Balance and Impartiality. "It was a despicable skit," she wrote, "and I for one, am outraged for all mothers and fathers who lovingly make the choice, sacrifice and work hard to educate their children at home."

CBC Response

Jennifer Moroz, the executive producer of The Current, said the skit was a format the show sometimes uses to comment on the issues of the day, but does not represent the views of the show or host Anna Maria Tremonti. She added that the skit "played as much on the relationship between teenagers and their parents, as it did about home schooling per se." She noted that the program might have been clearer in its introduction to the sketch and that it was not an extension of the home schooling segment as such.

Conclusion (Enkin)

CBC's *Journalistic Standards and Practices* has no specific reference to the use of comedy and satire in news and information programming. Humour, and satire in particular, is very subjective. What offends one person is funny to another. And since satire does usually rely on exaggeration and irony, it is even trickier, especially in a news and information context. Ms. Carvalho put it eloquently when she referred to finding the line in the sand between funny and mean-spirited. The sketch did not impact the overall balance of the panel and interviews, which represented a variety of views and perspectives. While it may not have been to everyone's taste, it did not violate CBC policy. However programmers might want to

consider the appropriateness of running this kind of material around issues of controversy and CBC management might want to think about providing guidelines around the use of satire in information programming.

January 14, 2013
Bali Randhawa
Power & Politics

Complaint

Bali Randhawa complained about an interview with American economist Laurence Kotlikoff on the November 27, 2012 edition of Power & Politics. The segment explored his views on the U.S. federal debt as the deadline for the so-called "fiscal cliff" approached. The host, Hanna Thibedeau, stated that his views were controversial. Briefly, he argues that U.S. debt is some 20 times larger than the government acknowledges, and that the short term crisis is not the issue, but the long term consequence of this liability. Mr. Randhawa stated that Power & Politics gave Lawrence Kotlikoff a platform for his views, which he strongly disagreed with, referring to them as "absurd." He felt Kotlikoff's views should have been challenged, or an opposing view should have been represented at the same time.

CBC Response

Jennifer McGuire, general manager and editor in chief of CBC News, said that "...Dr. Kotlikoff's is just one point of view, other stories, different points of view and additional information have been covered in previous stories and I have no doubt will be picked up in future ones."

Conclusion (Enkin)

An even casual search of program logs of Power & Politics and the CBC News websites yields a broad array of interviews and treatments around the U.S. fiscal challenges. Mr. Randhawa felt the host did not challenge the interviewee and should have. Ms. McGuire noted: "While interviewers may reasonably be expected to test statements made, even challenge them on occasion, they may also simply encourage interviewees to explain their point of view. That was the case here." This is an acceptable response based on CBC policy on opinion, which in part states: *CBC, in its programming, over time, provides a wide range of comment and opinion on significant issues. We achieve balance by featuring multiple perspectives and points of view to reflect a diversity of opinion. It is important to mention any association, affiliation or special interest a guest or commentator may have so that the public can fully understand that person's perspective.* In the Power & Politics segment, and in its programming about economic issues, these conditions were met. The interview fell well within acceptable journalistic policy.

January 16, 2013
Claire Barry
Here and Now, St. John's

Complaint

CBC St. John's was part of a CBC investigation of the efficacy of thermography in the detection of breast cancer, and whether some service providers tout it as a substitute for mammography. Thermography has not been recognized as a screening tool in Canada, although in the United States, the Federal Drug Administration has cleared it for use as an "additional diagnostic tool for breast cancer screening and diagnosis." After the broadcast, the Avalon Laser Health Clinic in St. John's, which Claire Barry manages, was advised by the Health Minister to stop providing the service. Barry said her complaint was not about "the video's coverage of thermography as a health care service." Rather she said the piece left the false impression that the clinic offered this service as a substitute for mammography.

CBC Response

Ms. Barry's initial complaint went to Peter Gullage, executive producer of CBC News in St. John's. He rejected her request for corrections: "CBC believes that its story was correct and the methodology used in preparing it was appropriate, and therefore a correction is not in order."

Conclusion (Enkin)

After watching the piece, almost ten minutes long, several times, I was not left with the impression that it implied Ms. Barry was misleading her clients by telling them thermography is a substitute for mammography in breast cancer screening. Rather, it was presented as a valuable tool for early detection. In fact, one of the very first voices and faces seen was hers, saying that it is not a substitute for mammography and that her clinic would never make that claim. The coverage of this issue on Here and How and across CBC provided Ms. Barry, and other proponents of the technique, an opportunity to speak to its value. Based on extensive research, it laid out the case and led to a conclusion that strongly questioned the efficacy of the procedure. Apparently Canadian regulators agreed. Since the publication of this material, Health Canada put out an advisory telling Canadians no thermography machines have been cleared for breast cancer screening in this country. And two provinces, including Newfoundland and Labrador, issued cease and desist orders to clinics in their jurisdictions. I did not find that the piece falsely represented Ms. Barry's clinic or its practices.

January 16, 2013
William Doyle

The Lang & O'Leary Exchange

Complaint

As part of a round-up of the news of the day on the December 3, 2012 edition of the Lang & O'Leary Exchange, Amanda Lang announced that Kate Middleton, wife of the heir to the British throne, was pregnant and had been hospitalized for acute morning sickness. She went on to observe that the gossip columns had been speculating about a pregnancy for months, and that likely the Duchess had found the situation stressful. Kevin O'Leary responded by saying "I am thrilled for her, I just hope it's his is all." Ms. Lang immediately chastised Mr. O'Leary for his remarks. The complainant, William Doyle, said he was deeply offended by Mr. O'Leary's remarks, characterizing them as "vile sexual innuendo."

CBC Response

Robert Lack, executive producer of the Lang & O'Leary Exchange, apologized and noted that Mr. O'Leary made the remark with a broad grin, and added: "It was intended as a jest." He also said Mr. O'Leary "commonly exaggerates for effect and offers outrageous remarks."

Conclusion (Enkin)

As my predecessor noted on several occasions, Mr. O'Leary's role is unique in CBC news and information programming. It is clear in the context of the program he is not a journalist. He is hired to bring his professional opinions and experience to business and financial topics. By all appearances, he is also there for his colorful language and his provocative take on a range of topics. These unscripted exchanges often involve Mr. O'Leary making very broad statements, and Ms. Lang providing a counterpoint. While this provides him some latitude, there certainly are limits to taste. CBC's Journalistic Standards and Practices does provide guidance on language and taste, although its intent is really in the context of news and information reporting, not banter between presenters. It says: *We respect and reflect the generally accepted values of society. We are aware that the audiences we address do not all have the same definition of good taste. We choose a tone that will not gratuitously offend audience sensitivities. In particular we avoid swearing and coarse, vulgar, offensive or violent language except where its omission would alter the nature and meaning of the information reported.*

Humour is highly subjective and often does involve pushing the bounds of taste. This remark did push that boundary, but Ms. Lang quickly stopped Mr. O'Leary on behalf of audience members who might find the remark distasteful. And that is what made it tolerable from the perspective of policy.

January 22, 2013
Michael Edwards

CBC News Network

Complaint

In early December, 2013, the Duchess of Cambridge, wife of the heir to the British throne, was hospitalized with acute morning sickness. Two Australian DJs impersonated the Queen and Prince Charles and elicited information about the Duchess's condition from a hospital nurse. On December 5, CBC News Network's morning show host, Heather Hiscox, interviewed a reporter about the incident and played a snippet of the recorded phone conversation. Michael Edwards complained that this was a breach of the Duchess's privacy, as well as of the nurse who took the call. The hosts were "oblivious of the ethical breach they were committing," he wrote.

CBC Response

Todd Spencer, executive director of CBC News Network, noted that the information about the Duchess's condition in the "heavily edited excerpt...was not especially revealing – an uneventful night, given some fluids." He also said the prank was not done by CBC staff. "Such activities would not meet CBC's rigorous journalistic standards."

Conclusion (Enkin)

Therein lay the dilemma: if the prank itself did not meet CBC's rigorous standards, was it acceptable to run the material that was a result of it. There were competing values at play. Journalists rightly see their duty as telling what they know, as truthfully and completely as possible. And they do that duty while minimizing harm – in this case the infringement of privacy in revealing the medical details, and in embarrassment for those who fill for the prank. This particular story became tragic when one of the nurses involved took her own life. That most certainly colours a retrospective view. But at the time of airing, the story had none of the elements of tragedy.

There was a judgment call made – based on a broader set of journalistic questions. Hospital personnel gave out personal details. They are accountable for that fact. By hearing the snippet of the audio, members of the audience could judge for themselves if the hoax was so effective anyone in a similar situation would likely react in the same way, and how serious and private the details given were. Given the facts at the time, the responsibility of the hospital for the breach of security and the very public persona of the people involved, it was a reasonable choice. Both the process and the product did not violate CBC policy.

January 24, 2013
Kyle Mytruk
CBC.ca

Complaint

Kyle Mytruk complained about the article entitled "Scrooge an economic hero, defenders say" which was published on the CBC News site on December 21, 2012. He found it unfair and biased, and a "ridiculous" subject in the first place. His main concern though was "the pro-corporate, rich bias that the article shows," and that it "uses Scrooge to hide its true goals." He pointed out that the only people interviewed were from the Ayn Rand Institute and a professor who used to be a fellow at the Heritage Foundation. He wondered why it was published as there was no countervailing view in the piece.

CBC Response

Marissa Nelson, the acting senior director of digital media for CBC News, agreed that the premise of the piece, from the point of view of those quoted, was that Scrooge was misunderstood and miscast as an enduring symbol of miserliness and lack of generosity. She then pointed out, "You may not agree with that point of view, but it is CBC's mandate, part of its obligation under the federal Broadcasting Act, to carry different points of view on controversial matters of public interest and concern – in this case, opposed economic points of view.

Conclusion (Enkin)

CBC requires its journalism to uphold the principles of fairness and balance. But the policy does not require that the balance be achieved in every article or broadcast segment. There was no pattern of CBC News giving disproportionate attention to a particular view of economics or income distribution. There was no violation of CBC policy.

February 4, 2013
Christopher McNamara
The Fifth Estate

Complaint

On September 16, 2012, The Fifth Estate ran a documentary about the causes of the crash of Swiss Air Flight 111 in September, 1998. The Transportation Safety Board, in its report issued in March, 2003, ruled out the possibility that crime was involved in the downing of the aircraft. The Fifth Estate's documentary challenged that finding. Christopher McNamara felt that it was completely inappropriate to air the program, that its contentions were merely a conspiracy theory. And he pointed out that it would be particularly disturbing to the families of the victims. He wanted to know if the program conformed to policy on balance and fairness among others.

CBC Response

David Studer, director of current affairs and investigative programming, defended the journalism as well as the tone of the program. He also took issue with Mr. McNamara's characterization of the documentary as sensational, saying that it was "careful, methodical and disciplined."

Conclusion (Enkin)

The documentary raised questions based on facts. It was not absolute in its judgment, but built a case based on evidence the journalists discovered. That was appropriate due diligence. The piece made two main points: that the flight may have been sabotaged and that the investigation did not go far enough to prove it or rule it out. There was an allegation, corroborated by more than one source, that there was a conscious decision to drop that aspect of the inquiry. And the agencies and people involved in that decision are publicly accountable for that decision. While the possibility of criminal activity is a very serious one, the questions of interference in an investigation also have a public interest. The programmers did try to have the people who could have shed light on those decisions appear on the broadcast. And in the absence of that, Linden MacIntyre fairly explained and presented the main reasoning and findings of the final TSB report. The fact he did so addressed Mr. McNamara's concerns about balance and fairness. The decision to make public what the reporters and producers had learned, and the methods they used to corroborate and to seek other points of view and contradictory facts, fell well within CBC's Journalistic Standards and Practices.

February 4, 2013
Bali Randhawa
CBC.ca

Complaint

On November 16, 2012, CBC.ca carried a column on the American economy from Stockwell Day, a regular contributor and former federal party leader and cabinet minister. Day argued that U.S. president Barack Obama's economic policies, while well intentioned, were "tragically flawed" and bound to lead to a credit downgrade. He said Canada would be well advised to avoid policies that would increase the debt because it simply meant heaping problems on future generations. He said one approach for Canada to avoid was QE, so-called quantitative easing – what Day called a debt-increasing "fleeting fix" to problems. Day said Obama's September effort to "inject debt" into the economy was designed to yield positive consequences in time for the November election. But, he concluded, many Americans saw through Obama's approach and did not support him in the election. A continuation of this policy would push the U.S. back into a recession, he suggested. The complainant, Bali Randhawa, said the column lacked an understanding of economics and was unclearly written. Among his complaints were that Day improperly suggested the U.S.

president had influence over monetary policy, that such policy could yield quick results, and that quantitative easing increased the debt.

CBC Response

Jennifer McGuire, the editor in chief of CBC News, said Day's column was one of many opinions CBC News carries online to "present differing views fairly and accurately affording Canadians the opportunity and the information they need to make up their own minds about the nature or quality of the views expressed." Day himself "is no novice to the world of economics," McGuire wrote. "He was minister of finance in Alberta as well as the former head of the Treasury Board of Canada. His experience in federal and provincial government affords him knowledge and insight we feel are of interest to Canadians."

Conclusion (LaPointe)

I concluded that the column drew a strong tie between quantitative easing and debt – stronger than several economists might make but not out of the realm of accuracy. As a clearly labeled opinion column, it was thus an acceptable viewpoint. As long as CBC News featured other views on U.S. monetary policy and fiscal stimulus within a reasonable period, it fulfilled its policy on fairness and balance. There was not a violation of CBC Journalistic Standards and Practices.

February 5, 2013
Steve Gilchrist
CBC.ca

Complaint

On December 22, 1999, CBC.ca carried an update to an earlier story about former Ontario cabinet minister Steve Gilchrist. It said Gilchrist had been cleared of wrongdoing by the Ontario Provincial Police following a complaint about his conduct. The story indicated a representative of developers had complained Gilchrist had peddled influence by telling developers to go through his personal lawyer in order to arrange a meeting. The story said Gilchrist had been "forced to resign from cabinet" when the complaint surfaced. Gilchrist complained on January 19, 2011 that the nature of the complaint had never been made public, so CBC News was depending on unverified information for its story. Further, Gilchrist said he was not forced to resign but did so voluntarily when the complaint went public. He wanted the permanent online story to be revised to reflect what he considered to be accurate.

CBC Response

In November 2011 Esther Enkin, executive editor of CBC News, apologized that a March 2011 response had errantly not been sent. She said the stories fairly and accurately reflected what was known at the time. In January 2013, Gilchrist further pursued the complaint and asked for a review. Given that the current ombudsman was at the time of the complaint the executive editor of CBC News, the special advisor to the ombudsman was asked to review the complaint.

Conclusion (LaPointe)

In 1999 much of CBC News' online work involved a migration and slight modification of short television and radio scripts, not the extensive original online reporting it now produces. In its 1999 reports and its 2011 correspondence with the complainant, CBC News cited other media accounts about the developers' allegation. I found it was widely reported and confirmed in other news reports, including those by The Canadian Press, the news agency that supplies content to CBC. As for Gilchrist's exit from cabinet, I noted that that the story said he was "forced to resign" without saying who or what forced him. As a result , I could not find any violation of CBC Journalistic Standards and Practices, even if the wording could have been more precise to avoid errant impressions arising from some untruthful interpretations of the phrase.

CBC and other news organizations largely avoid deleting online content because that effectively erases history in the form of a public record. Instead, they choose in some circumstances to update stories or correct significant errors to leave an accurate permanent record online without erasing the original thrust of a story. Given the discrepancy between the online record and the complainant's assertions, there were not unreasonable grounds to revisit the matter if there was an opportunity to clarify the record and, in the process, minimize harm. But there would be a considerable challenge in doing this, primarily in the task of gaining thorough and faithful accounts at such a late date.

February 12, 2013
Winnie Hwo
The Doc Zone

Complaint

Winnie Hwo complained about the documentary Counterfeit Culture which aired on the Doc Zone on January 10, 2013. It examined the impact of the multi-billion dollar trade in global counterfeit goods. According to the documentary, about three quarters of fake goods originate in China, so much of the 45 minute piece featured Chinese enterprises. The script particularly referenced the art of calligraphy, where precision and faithful reproduction are highly valued, as a reason China is so heavily involved in counterfeiting. Ms. Hwo found this reference "unacceptable, racist and ridiculous." She particularly objected to the phrase "you could say it is in their cultural DNA." While she acknowledged that China is a major source of

counterfeit goods, she felt the program unfairly singled out China and the Chinese people and therefore stereotyped and blamed an entire race for the problems of the global challenge of counterfeit goods.

CBC Response

Michael Claydon, executive producer of Doc Zone, explained that it was not the documentary's intent to disparage China or the Chinese. He said they were "careful to put this statistic (75%) into an economic and cultural context." He added the context includes the fact that China is the largest manufacturing economy in the world, and went on to say that the ability to copy has a "long and storied history in the country." The phrase "cultural DNA" was not meant as criticism but to convey the historical significance of copying.

Conclusion (Enkin)

I took Mr. Claydon at his word when he said "our intent was never to disparage China or the Chinese but rather to make us all aware that our choices as consumers have serious consequences." The program did an excellent job of making that case, and for the most part was successful in analyzing and explaining China's role in this industry. I didn't believe that a viewer would come away with the impression that somehow Chinese people are inherently more predisposed to become involved in this illegal trade. The programmers emphasized that the phrase "cultural DNA" was meant to describe what a country is known for, what elements define the culture. However, the attempt to provide a cultural context did use some turns of phrase that were not helpful in explaining the broader complex picture, and could be misinterpreted. Broad generalizations about a specific group of people can easily be taken as stereotyping. It was a flaw in an otherwise strong piece of journalism.

February 20, 2013
Christiane Schmidt
CBC News

Complaint

In early September of 2011, Canada and the People's Republic of China signed an investment treaty. The fact was reported, but no details were made public. At the end of the month, the government tabled the treaty and made the details public. According to regulations the treaty had to be before the House of Commons for 21 days before it could be ratified. There was not much in the way of public reaction until opposition members raised concerns about the terms and conditions at the end of October. Christiane Schmidt felt that CBC was negligent because there was no coverage before the issue was raised in the House. "The trade deal has an enormous impact on Canada and the way Canadians will be able to determine their economic future. Yet CBC decided to keep Canadians in the dark."

CBC Response

Todd Spencer, executive director of CBC News Network, pointed out that across CBC platforms – online, on The Current and on the House – there were various treatments of this issue.

Conclusion (Enkin)

Generally speaking, the Ombudsman reviews a complaint based on what has been published or broadcast, and does not pass judgment on what has not been done. That is because the news department has complete independence in its day to day decision making. An omission would be relevant only if it could be shown to be systematic, thereby creating an imbalance and lack of fairness. Ms. Schmidt asserted that the absence of reporting in the weeks after the treaty was signed was a sign of bias. I did not accept that position. News departments have limited time and budgets – they are constantly making judgments about what stories to do, what issues or topics merit deeper investigative treatment. The fact is that when the details were made public, and critics both inside and outside government raised concerns, CBC News covered the story and provided a range of views on the impact and potential hazards and advantages of the terms of the agreement. In Ms. Schmidt's view it was not enough. But it was not a violation of policy. I noted that the treaty had not yet been ratified by cabinet.

February 26, 2013
Dan Murray
The National

Complaint

On November 12, 2013, The National aired a piece presented by reporter Ioanna Roumeliotis about an ultra-nationalist Greek political party which had established a presence in Canada. The party, the Golden Dawn (Chrysi Avgi in Greek), advocates the forcible removal of immigrants from the country and has aligned itself with neo-Nazi parties elsewhere in Europe. The piece referenced the ongoing economic difficulty in Greece, and the fact that Greece is the entry point into Europe for a large number of asylum seekers and refugees from Africa and the Middle East. Dan Murray felt the piece did not link Greece's economic problems to immigration. He wrote: "Unbelievably, the big Greek issue that this CBC broadcast made no connection to is the dire economic condition that Greece has faced for several years. Anyone with any common sense can see that the last thing that Greece needs is to be compelled to take care of economic migrants." He felt that the piece was biased and that "the CBC's real purpose is to denounce as quasi-Nazis all those who advocate controls on immigration to Canada, Greece or any other country."

CBC Response

Mark Harrison, the executive producer of The National, pointed out that the piece did in fact give the context of the serious economic challenges Greece has been facing. He said it also stated that the party's popularity has grown since the economic crisis developed. In the body of the piece, he said, the reporter also pointed out that "Greece is struggling to stem a flood of illegal immigrants from Africa and the Middle East who use the country as a gateway to the European Union."

Conclusion (Enkin)

Mr. Murray felt the piece should have examined the impact and true cost of the illegal immigration; however, the focus of the piece was the presence of Golden Dawn in Canada. But even in this context there was mention of the six years of recession, the slashed budgets and the political turmoil Greeks are facing. I am no economist, but in the reading I have done, after the global recession of 2008, structural problems in the Greek economy and a crisis of public finances led to the dismal economic situation. The flow of illegal immigration has presented challenges, but the economic crisis has other causes. That the economic crisis has contributed to the success of Golden Dawn is also a reasonable point made in the piece. The party has been around since the eighties, but only achieved electoral success in 2012. Mr. Murray's assertion that the piece made no link to the "dire economic condition" was not true. It did so in the introduction and in the piece. Finally, I found no basis to assert that somehow there was a hidden message about all those who question immigration policy. The report narrowly focused on one organization and the circumstances in one country. I could find no basis for that claim, nor any violation of CBC policy.

February 27, 2013
Trish Turliuk
CBC.ca

Complaint

Throughout the course of the day on January 22, 2013, cbcnews.ca published many versions of a story reflecting the testimony given at the Ashley Smith inquiry into the death of the teenager while in custody. Trish Turliuk felt that changing the headline of the story from "Ashley Smith guard tells inquest he was following orders" to "Ashley Smith guard describes teen's frequent self-choking" without documenting the change was a violation of journalistic integrity and practice. She suggested that any change to a web story should be documented in the name of transparency.

CBC Response

Marissa Nelson, acting senior director of digital media, responded: "...what you are describing is the routine up-dating of a developing story..." She explained that the story

went through many rewrites that day, and that the change of headline reflected what was new at the time. As testimony was given, the Canadian Press filed new information and the story was updated.

Conclusion (Enkin)

The CBC story had been modified not because of any error but because new information was becoming available. The older information was still in the body of the piece. While it didn't specify exactly what was changed, when a story is modified, there is a record of it. Below the headline on each story are two notations; when the story was first posted and when it was last updated. This time stamping is consistent with best practices. While Ms. Turliuk suggested that each change should be noted and logged, one has to ask what the journalistic purpose might be. If it was the result of a significant error, then it would be important to come clean. It is also CBC practice, if a story changes significantly, that a new file would be started, which would be noted in the posting time, and a link would tie the two stories together. If a story develops over more than one day, a new file with a new posting time and date would appear, also linked to the previous one. As the acting senior director of digital media said to me, "We are not archivists, our focus is news." Ms. Turliuk strongly believed that documentation of every change enhances the journalism. It is not a requirement of CBC Journalistic Standards and Practices.

March 15, 2013
Matthew MacDonald
The Lang & O'Leary Exchange

Complaint

On the Lang & O'Leary Exchange on December 28, 2012, repeated on December 30, Amanda Lang and her co-host Som Seif had a brief discussion about a Nanos poll measuring Canadians' attitudes about scientists. It measured how much trust Canadians had on four issues. The score for two of them ranged from 70% and above, but on the other two issues, that number was lower. One issue was the safety of genetically modified foods, the other climate change. Matthew MacDonald strongly objected to Ms. Lang's expression of sympathy for those who were uncomfortable with the science of climate change. He wrote: "She stated that there lacks scientific consensus if the global warming phenomena is real, when the opposite is true – there are no credible scientific journals or scientific societies in the world who have noted any evidence to suggest the world is not indeed warming and most lines of evidence point to an anthropological etiology." Furthermore, he felt this was an "explicit falsehood" and was being done to further a particular "hard right bias."

CBC Response

Robert Lack, executive producer of the Lang & O'Leary Exchange, replied that "Ms. Lang is referencing the Nanos poll here and simply saying she feels similar to the results of the poll—that conflicting stories on climate change make her less comfortable with the research in this area than the science in other issues. "

Conclusion (Enkin)

What Ms. Lang said was: "It would be really nice to be comfortable about the science on this. And frankly, it's hard to feel comfortable because you get this kerfuffle with e-mails that have been suppressed and scientists who don't agree who are actually quite credible." The exchange was not meant to be a fulsome discussion of the issue, and it relied on shorthand in its references, perhaps to a fault, for an issue so complex. When Ms. Lang said there are credible scientists who don't agree, she was repeating facts. She didn't specify whom she was referring to, or whether they were deniers or still skeptical of some of the findings. While she stated she had some sympathy for those who are distrustful, she did not advocate a position that denies climate change. There was no violation of CBC policy.

March 15, 2013
Dan Murray
The Current

Complaint

The Current devoted a segment of its November 13, 2012 edition to the story of "John" (a pseudonym), a Tamil refugee claimant who faced deportation. There were also interviews with his employer, his lawyer and a spokesperson from a British charity about evidence of ongoing torture of Sri Lankans who return to their country. Dan Murray felt this series of interviews was evidence that CBC only talks to people in favour of immigration. He wrote: "Most CBC programmes that deal with the immigration issue deliberately weight their content so that CBC ideology dominates." He believed the host did not ask each of the guests the questions that would have revealed that the refugee claimant was a fraud.

CBC Response

Jennifer Moroz, the executive producer of The Current, refuted the claim that there was bias in this story treatment. She explained what the programmers did to achieve balance, and the thinking behind it: "We could not help that the Government of Canada would not comment on John's case. Nor could we, in good conscience, not run what we deemed a legitimate story because of the government's refusal to participate." She said they tried to incorporate the government's position into the segment.

Conclusion (Enkin)

The programmers attempted to achieve balance by including a previous statement from the Public Safety minister and by reading a statement from the Canada Border Services Agency. Ms. Tremonti also asked the claimant why he feared going back, pointing out that the war in Sri Lanka is over. There was also some discussion with the claimant's lawyer about the legal process and the case against his client. Mr. Murray's certainty that this claimant was perpetrating fraud was not one that was shared by the refugee board that heard his case. It accepted he had been tortured before he fled Sri Lanka. While Mr. Murray was correct that there have been bogus claims, it was not the focus of this discussion. The introduction to the piece did talk about the number of claimants who had been denied, so that context was provided. The fact that Ms. Tremonti did not pursue that issue in her line of questioning did not imply bias. There was no violation of CBC policy.

March 20, 2013
Russ George
As It Happens

Complaint

In his role as Chair of the Board of the Haida Salmon Restoration Corporation (HSRC) and its chief scientist, Russ George complained that As It Happens' October 2012 coverage of his company's project on ocean fertilization was biased and full of inaccuracies. He took issue with allowing a critic of the project to speak first, and to go unchallenged.

CBC Response

Robin Smythe, executive producer of As It Happens, rejected that there was any bias in their coverage. She pointed out that over a five-day period, a week of broadcasts, the program did five interviews on the ocean fertilization project, two of which were with John Disney, the president of the Haida Salmon Restoration Corporation. She felt he had adequate opportunity to address the concerns raised by critics of the project. She also rejected the idea that there was no fact checking involved, saying that "the effort we went to in recording those interviews was entirely in the service of bringing the facts of this story to light."

Conclusion (Enkin)

The goal of ocean fertilization is to boost the plankton growth in the ocean, with the goal of stimulating fish stocks, in this case salmon, and to capture carbon dioxide, thereby helping to counteract global warming. The community of Old Masset, B.C., endorsed the project and secured its funding. The unemployment rate in the village has risen to 70% with the collapse of the salmon fishery. In the summer of 2012, HSRC introduced more than 100 tonnes of an iron sulphate mix into the sea about 200 kilometres west of Haida Gwaii, where the currents took it and spread it over a wide swath of ocean. The iron created a large plankton bloom the company says attracted a wide variety of marine life. The story was brought to the

media's attention by an organization called ETC Group, an international group that monitors the impacts of technology on ecology.

As It Happens picked up the story on October 15, 2012, with an interview with a spokesman for ETC Group. He raised questions about the science of the project, as well as whether it was in violation of international treaties, and if the government of Canada had been aware of and had approved the enterprise. The first interview clearly only represented one side of the story. The last thing host Carol Off said was that "we will see if we can get some answers about who knew what when." Over a week of programming, As It Happens fulfilled its obligation to present multiple points of view and to hear from the major players in what was an evolving and contentious story. There was no violation of CBC's Journalistic Standards and Practices.

March 28, 2013
Benoit Laliberté
In the Field, CBC Radio

Complaint

On December 30, 2012, on a repeat episode of the documentary program In the Field, host David Gutnick commented on a documentary about attitudes to immigration, and immigration laws in Denmark. In the course of the documentary, the expression "pure Dane" was used – and some time was spent trying to understand what that meant from a variety of perspectives. Mr. Gutnick linked that expression to the Quebecois expression "pure laine". He said: "That was 'Gatekeepers to a Promised Land' by producer Karin Wells. So what do you think of that expression 'pure Dane'? Here in Quebec, it's 'pure laine' ... pure wool ... it's a really common expression, and I must say when I hear it, it upsets me." The expression 'pure laine' is used in a variety of contexts, not all of them negative. It is generally taken to be a description of those Quebeckers who can trace their ancestry back to France before the conquest of Quebec in 1760. In the context of debates on immigration, it can be and is used in a negative sense. Mr. Laliberté was disturbed by the linking of those two expressions. He felt English-speaking Canadians tend to see Quebeckers as intolerant and a comment like this just reinforces stereotypes.

CBC Response

Chris Straw, the senior director for Network Talk of CBC Radio, assured Mr. Laliberté that there was no intention to tar all Quebeckers as racist. He explained that Mr. Gutnick was expressing his own discomfort with the word because it "has such negative connotations, particularly when used as a means of excluding certain people as members of Quebec society." He added that he was sorry Mr. Laliberté interpreted the comment as a slur against all "francophones/ French-speaking Quebeckers." He went on to acknowledge the hasty linking of the two words could have led to confusion.

Conclusion (Enkin)

The documentary presented a range of attitudes and values about immigration in Denmark. It was nuanced, and highlighted the complexities of the issues of national identity. Mr. Gutnick was doing what hosts often do – with a few seconds of conversation, they try to wrap up a program by providing some reaction or thought on what just transpired. The problem is, using shorthand for ideas this complex, using words that are fraught, can lead to a false impression. In my listening, I did not hear a condemnation of an entire people. Lacking context, his comments were misconstrued. David Gutnick lives and works in Montreal and is a fluent French speaker. I took him at his word that there was no broader implication and he did not intend to offend, or to generalize. His error was to toss off a remark without context.

Appendix I

NUMBER OF COMMUNICATIONS RECEIVED

2012-13

	INFORMATION PROGRAMMING	GENERAL PROGRAMS/ OTHER	TOTAL	REVIEWED	REVIEW UNDER WAY/CARRIED OVER
2012-13	**1586** (919 plus 667 O'Leary petition)	**1032**	**2618**	**70**	**3**
2011-12	2954 (2074 plus 880 election debates)	927	3881	91	1
2010-11	3363 (1926 plus 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
1995-96	221	65	286	37	7

Appendix II

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.



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