



OFFICE OF THE OMBUDSMAN
ENGLISH SERVICES

**ANNUAL
REPORT**
2022-2023



June 1, 2023

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

Catherine Tait, President & CEO CBC/Radio-Canada

Members of the Board of Directors CBC/Radio-Canada

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

Attached please find the Annual Report of the Office of the Ombudsman, English Services for the period April 1, 2022 to March 31, 2023.

Sincerely,

Jack Nagler
CBC Ombudsman, English Services

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INTRODUCTION

There is one glaring change to report from the Office of the Ombudsman in this year's annual report, and that is a decline in the number of complaints sent to my office.

In all, I received 3,296 comments, complaints and expressions of concern in the 12 months leading up to March 31, 2023. That represents a decline of more than 60 percent from the record highs set the previous year, and is the lowest number recorded since 2016-17.

Some of the decline, no doubt, can be attributed to an easing of public health restrictions. From the beginning of the pandemic, stories on this subject had generated consistently high numbers of complaints. Covid-19 coverage still generated more correspondence to my office than any other issue during 2022-23, but the peaks are not what they were.

I am aware that the Ombudsman for French Services has seen a similar trend. Whether fewer complaints overall are a sign of strength or weakness in CBC's journalism, I am not yet sure. My assumption for now is that it is neither.

Of the various complaints received, 744 were outside the mandate of this office. Of the 2,552 within the mandate, 1,020 were sent to programmers for a response. The remainder were shared with news management so they could take the concerns expressed into account. This office does not insist on a reply if the nature of a complaint is too broad, or if it duplicates a complaint already received as part of an organized campaign.

From the complaints to which CBC responded, there were 61 requests for a review. By the close of the fiscal year, 34 reviews had been completed, with 27 carried over into the new fiscal. Of the 34 completed, I found either a violation of policy or room for improvement in 9 of them. This ratio seems roughly in line with previous years. There was no easily discerned pattern to the nature of errors or policy infractions, other than to note that there were three instances in which the quality and transparency of revisions and corrections were central to my findings.

This year, I began tracking something new: the number of times in which a complaint prompted CBC to make improvements or corrections to a story regardless of whether there was a review. There were 112 such cases in 2022-23. I am curious to see how this number will evolve from year to year, but it is already a reminder that the usefulness of the Ombudsman process extends far beyond the adjudications.

TRENDS

| STORY SELECTION AND FRAMING

One trend that has been building for several years now is how many complaints I receive focused not only on a story's flaws, but on CBC's decision to report it in the first place.

The prevailing theme of these complaints is that reporters and editors are not making editorial decisions based on public interest, but rather to serve a social or political agenda. This comes up frequently in stories relating to the pandemic. But it comes up as well for stories that relate to partisan politics, race, gender, and other subjects related to equity and justice.

It is unsurprising, then, that complainants also conclude that CBC shows bias when it does not give a story as much attention as they would like. That was a message I heard frequently when allegations first surfaced about the possibility that China had interfered in recent federal elections. The same was true when CBC gave a relatively low profile to a story about Twitter that garnered attention from outlets such as Fox News in the United States. Here's what I wrote in a blog post in December:

I heard from several people upset that CBC has not given prominence to the "Twitter Files". These were records released by Elon Musk which document past conversations inside the social media company about how to moderate content, and how to balance freedom of speech against the desire to combat disinformation.

Some complainants say the documents have exposed widespread ideological censorship that deserves attention:

How is it possible that CBC refuses to comment or report on the findings of the twitter files? I know many news outlets are ignoring it, but that doesn't make it ok. There is hard evidence of government censorship of politically right-wing social media information, and information in general, being published on twitter about this story.

Another wrote:

The Twitter Files exposé is going to end up becoming the biggest news story of this generation. Bigger than Watergate. Bigger than Man on the Moon yet the CBC are hoping to bury the story. Good luck.

The story has not been entirely ignored by CBC. The daily podcast Front Burner made it a focus of an **episode last week.**

It is an interesting listen, and includes some insights that might explain why CBC and most other traditional media organizations have not yet given the issue so much attention - at least compared to the coverage on outlets such as Fox News.

Other complainants infer bias from the manner in which some stories frame an issue for its audience. One example was the coverage of issues relating to Roxham Road, the so-called “irregular” border crossing in Quebec which was used by people seeking asylum in Canada. After CBC published several articles focused on the humanitarian issues at play for people trying to enter our country, I received a complaint that CBC Montreal was ignoring questions relating to border integrity, law and order and the strain on local infrastructure caused by mass migration.

I have three takeaways from this category of complaints:

- (1) This type of dissatisfaction is generally not a sign that journalistic standards have been breached. In order to play a constructive role in a democratic society, news organizations must be independent. That means being allowed to make judgment calls about which stories are covered, which aren't, and what lens is most appropriate to analyze facts and events. Setting editorial priorities remains, appropriately, the prerogative of programmers. For those of us on the outside, we can disagree vehemently at times with CBC's decisions in this area, but that does not give our opinions more weight than those of the people whose job it is to make these calls.
- (2) Even though story selection and framing are rarely violations of the JSP, they are a significant contributor to perceptions among complainants that CBC's journalism is biased. I encourage management and programmers to be vigilant about ensuring that complex issues are explored through a variety of journalistic prisms. I'm not saying that this does not happen currently. I am suggesting instead that by placing even more emphasis on showcasing different ways of looking at an issue, CBC has an opportunity to demonstrate its commitment to representation and journalistic balance. This opportunity comes with a caveat: programmers should avoid presenting false balance, in which views with little basis in fact are aired to give the appearance of fairness to “the other side” of an issue. That caveat aside, reflecting more points of view can lead to better journalism, and has an ancillary bonus of pushing back against the trend of polarization in society.
- (3) I will repeat a recommendation I made in last year's annual report encouraging CBC News to explore ways to offer proof of performance on the promise of balance over time. When covering controversial issues, it is often impossible to include all the relevant voices in a single report. For that reason, the [Journalistic Standards and Practices](#) allow for balance to be achieved over a period of time.

The challenge is that this does not account for the way people consume the news - how are they to know about the other stories that CBC has done to achieve this balance? I hope that News Management will consider what more it can do, especially on its website, to demonstrate that it does in fact report on public controversies from a variety of perspectives.

| ALBERTA POLITICS

Every year, it seems, there is some aspect of CBC's coverage that draws outsized attention from complainants. In the year leading up to March 31st, that coverage was a series of stories about the conduct of Alberta Premier Danielle Smith.

These exclusive reports raised questions about whether Premier Smith had inappropriately interfered in certain court cases - namely, for people who had been charged for a variety of actions they took in defiance of government measures associated with the COVID-19 pandemic.

Danielle Smith denied wrongdoing, and complainants called out CBC for basing one of its reports in part on emails which no one at CBC had actually seen. That report alone generated 121 complaints. I had agreed to conduct a formal review of the coverage. But then Premier Smith informed CBC that she intends to file a lawsuit about the matter. As of mid-April, when I am writing this report, it is unclear when or whether this will end up in court. But the Ombudsman process is meant to be non-judicial, and I ultimately pulled the plug on the review because of the possible legal implications.

| INDIGENOUS IDENTITY

In recent years, CBC has made an effort to improve coverage of issues that affect Indigenous peoples. The most obvious manifestation is the existence of the [CBC Indigenous](#) portal. Another welcome change is growth in the number of Indigenous journalists reporting stories for the public broadcaster. A [Newsroom Diversity Survey](#) published in 2022 by the Canadian Association of Journalists found that "of the Indigenous journalists represented in the survey, 63 per cent of them are employed at CBC or the Aboriginal Peoples Television Network (APTN)."

More journalists means better community connections and more expertise. All of this is a good thing. But it has not come without some controversy, based on some of the correspondence I receive. For example, I continue to receive complaints from people who assert that CBC pays disproportionately high levels of attention to the perspectives of Indigenous people on various issues of the day. For all the reasons that I cited above in the section on story selection and framing, I explain to people that programmers are entitled to set their own editorial priorities. And as I have indicated in past annual reports, it's important to remember the Canadian media's long history of underreporting the Indigenous perspective.

There is one type of story, though, which merits brief discussion here, and it relates to Indigenous identity.

CBC News has led the way in the past couple of years by investigating cases in which there were questions about prominent people whose Indigenous ancestry or identity was being questioned. Two such examples during the time period covered by this report are stories about the scholar and former judge [Mary Ellen Turpel-Lafond](#), and the former president of Memorial University, [Vianne Timmons](#).

These types of investigative stories stir interesting ethical debates about how to weigh serving the public interest against fairness toward the individual at the heart of the story. After all, the impact on that person's reputation is enormous the moment that CBC publishes or broadcasts its report. This is also the sort of story that tends to be picked up and repeated by other programs and other news organizations, sometimes without the nuance that's been displayed in the initial investigative report.

I have spoken to senior editors about the imperative of keeping the bar high for these investigations. Issues around identity and ancestry can be remarkably complicated. So, programmers should do everything they can to reduce the likelihood that CBC will appear to be acting as judge and jury - both for the individual, and on the broader subject of identity. The editors have defended their work and told me that there are vigorous debates in the newsroom about each of these reports before they are published. As I write this report, a review of the Timmons story is still pending. So there may be more to say on this subject before next year's report.

| CORRECTIONS, ACCOUNTABILITY AND TRANSPARENCY

In late March, there was a fascinating [article](#) published by Harvard's Nieman Journalism Lab. Its headline was "The corrections dilemma: Admitting your mistakes increases accuracy but reduces audience trust, a new study finds".

The study challenged the assumption that news organizations such as CBC score points for transparency with their audience when they acknowledge making a mistake. However, it also concluded that by making public corrections, the audience ended up better informed than they would have been had the media swept their boo-boos under the rug. And that, according to Nieman's article, was the more important outcome:

Bottom line: Journalists should want, more than anything, for their audiences to be correctly informed. If posting corrections means a hit to their credibility in the short term, that is a risk they should be willing to take.

I would echo that statement. In my judgment, CBC News is doing reasonably well about acknowledging its errors and correcting them. That does not mean, though, that there aren't ways in which it could improve its transparency and accountability in these areas.

Here are two suggestions that I believe would help:

(1) **Fix the “Report Error” button**

For some time, CBC has offered a link at the bottom of articles on its website for people to report typos and other errors. Unfortunately, too many people used this space to hurl vile abuse at reporters and editors who were just trying to do their jobs.

To deal with that issue, CBC changed the format of the “Report Error” button. Now users cannot write whatever they want when they file a report. Instead there is only a drop-down menu listing vague descriptions such as “error in a headline”. This reduces the ability for bad-faith actors to spew venom; it also reduces the ability of good-faith readers to explain the nature of their problem with a story. Instead, they can share only their email address. The editor then has to expend time and energy trying to contact the person, or be forced to guess at the nature of the problem. The process is cumbersome, and far from ideal.

I have received several complaints from people who turned to my office because they find the current system frustrating and impenetrable. There needs to be a better solution.

(2) **Improve accountability within the CBC News App**

When you read an article on the CBC News website, you not only find the “report error” button, you also find a link to the [Journalistic Standards and Practices](#), and a link to CBC’s online page for [Corrections and Clarifications](#). Lower down on the web page, you can find links to the Ombudsman’s office.

So why, I wonder, can CBC not offer similar transparency and accountability to users of the CBC News App? We know that mobile is the growth area for readers of CBC’s stories. Yet there’s no obvious way for a reader on the app to report an error, find the central page of corrections, or learn about either the JSP or Ombudsman. I strongly encourage management to make improvements here, and let users of the app understand the different ways that CBC is open to improving its journalism, and dealing with the concerns of the public.

OTHER ISSUES

| NON-MANDATE COMPLAINTS

As noted, this office received 744 complaints this year which were unrelated to the mandate. Of those, 259 were complaints about online comments.

The most common complaint continues to be about the moderation of comments, and CBC's inability to provide commenters with an explanation for why their submissions have been rejected. I continue to understand the challenge programmers face given the volume of comments, and the cost of moderation. I understand that the people who complain to my office represent a tiny fraction of the commenting community. But year after year, this is a problem that really grates on them. And even though comments are outside my mandate, I feel it important to note this issue once again.

Nor is it the only issue that upsets people when it comes to comments. I sometimes hear from people concerned about how CBC decides which stories are open to comments and which ones are not. One complainant from January put it this way, after seeing the comment threads on a story headlined: [The COVID emergency might end after 3 long years — but the virus is still a threat:](#)

On the same day the CBC publishes a report on research showing significant costs due to misinformation, it decides to allow comments on a story that will attract misinformation. It then allocates editorial time and energy deactivating those comments it could have reasonably predicted would appear. It removes the comments icon from the story on the front page.

What is the point of a comments section in light of all this? Is it ethical to cover a report showing the costs of misinformation, and then turn around and platform that very misinformation? I think an editorial explaining some of the thinking around these questions would be welcomed by many.

I concede that I have become increasingly skeptical about the utility of comments on CBC articles. Between the quality of the views expressed, the tone of the discussions and the cost and quality of moderation, I'm more than ever of the belief that comments detract from CBC's journalism as much as they help.

However, as I watch the social media landscape, I understand why programmers may not want to leave the public conversation about CBC's journalism to external platforms rife with misinformation. It is a challenging environment, and the problems have no easy fix.

There is one other trend worth pointing out from the non-mandate complaints. I heard repeatedly from people frustrated that they cannot figure out how to contact employees or departments at CBC. They either don't know about the Help Centre, or don't understand how to use it to best effect. They just know that they feel it is difficult to contact a particular journalist, a particular program, or the CEO and Board of Directors.

| ARTIFICIAL INTELLIGENCE

It feels almost quaint that a report on the state of journalism in 2023 could go this long before making any reference to Artificial Intelligence. It would not surprise me at all if AI becomes a prominent area of discussion when I write next year's annual report - although the term AI is already an umbrella for so many different technological applications in journalism that a year from now it may have been disposed of in favour of something else.

I will avoid trying to play the prediction game. I will simply note that journalists and their managers already have a lengthy list of issues to consider when contemplating how to use AI responsibly, how to combat fakery, and how to educate and empower the audience. At CBC, the JSP was last updated in 2018. I would imagine that it should be updated again within the next couple of years - and when it is, the ethical questions around these technologies should be high up on the list of issues to consider.

CONCLUSION

I began this report by revealing a large change in the number of complaints to my office declined in 2022-23. Some things, though, have not changed.

For starters, the tone among the people who wrote to me. They were, as an aggregate, every bit as angry as they were a year ago. It is disheartening that a certain percentage of people are so cynical about journalists and the public broadcaster that they are unwilling to engage in respectful discourse. But it seems many of us are disinclined to listen to the other side of a given issue. Reaching understanding with this group will be difficult.

On the other hand, I was touched many times throughout the year by the number of thoughtful complaints from Canadians of good cheer, an open mind and thoughtful disposition. These are the people who make this job worthwhile, and I remain excited to be able to assist them in securing accountability from CBC.

I am similarly grateful for the diligence, cooperation and responsiveness of the programmers who answer to the complaints. CBC News improved its average response time to complaints this past year, going from an average of 19 working days to an average of 15. Credit for overseeing that goes to Editor in Chief Brodie Fenlon, and the journalistic standards team of George Achi and Nancy Waugh.

This was the first “full year” I’ve had to work with Pierre Champoux, the Ombudsman for French Services. He and I have developed an excellent working relationship. I admire his critical thinking skills, his good humour, and his passion for doing the right thing. In addition, we have both benefited from the continued support from the leaders at the corporation who allow us to do our work, and that extends right up to President and CEO Catherine Tait.

Last, but never least, I salute my executive assistant Teresa Batista. She has an exemplary work ethic, and a unique ability to keep the mood light on days that would otherwise seem heavy. I am forever in her debt.

Jack Nagler
Ombudsman, English Services

COMMUNICATIONS

NUMBER OF COMMUNICATIONS RECEIVED

YEAR	INFORMATION PROGRAMMING	GENERAL PROGRAMS/ OTHER	TOTAL NO. OF COMPLAINTS	COMPLAINTS PROCESSED	AVERAGE RESPONSE TIME (DAYS)
2022-23	*2,552	744	3,296	982	15
2021-22	7,481	976	8,457	1,684	19
2019-20	6,123 (+Petition: CBC Docs POV "Drag Kids" - 17,315)	552	6,675	1,112	14
2018-19	3,131	562	3,693	N/A	N/A
2017-18	3,185	884	4,069	N/A	N/A
2016-17	2,162	1,008	3,170	N/A	N/A

*PETITION: Complaint about funding of Yintah (10)

*PETITION: Your media coverage perpetuates ethnic hatred (35)

DISTRIBUTION OF COMPLAINTS PER PLATFORM

YEAR	TELEVISION	RADIO	NEWS NETWORK	CBC.CA	SOCIAL MEDIA
2022-23	237	352	672	1,051	92

REVIEWS

YEAR	NO. OF REVIEWS	FOR CBC	AGAINST CBC	PARTLY UPHELD	CARRIED FORWARD
2022-23	34	25	5	4	27

OMBUDSMAN'S MANDATE

| PRINCIPLES

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

Our journalistic mission is to inform, to reveal, to contribute to the understanding of issues of public interest and to encourage citizens to participate in our free and democratic society.

We base our credibility on fulfilling that mission through adherence to the values, principles and practices laid out in the Journalistic Standards and Practices.

The Ombudsman is completely independent of CBC program staff and management, reporting directly to the President and CEO of CBC/Radio-Canada and, through the President, to the Corporation's Board of Directors.

| MANDATE

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

The Ombudsman generally intervenes only when a correspondent deems a response from a representative of the Corporation unsatisfactory and so informs the Office of the Ombudsman. However, the Ombudsman may also intervene when the Corporation fails to respond to a complaint within a reasonable time.

The Ombudsman determines whether the journalistic process or the broadcast involved in the complaint did, in fact, violate the Corporation's Journalistic Standards and Practices.

The gathering of facts is a non-judicial process and the Ombudsman does not examine the civil liability of the Corporation or its journalists. The Ombudsman informs the complainant and the staff and management concerned of the review's findings and posts such findings on the [Ombudsman's website](#).

As necessary, the Ombudsman identifies major public concerns as gleaned from complaints received by the Office and advises CBC management and journalists accordingly. The Ombudsman and CBC management may agree that the Ombudsman undertake periodic studies on overall coverage of specific issues when it is felt there may be a problem and will advise CBC management and journalists of the results of such studies.

The Ombudsman establishes a central registry of complaints and comments regarding information content, and alerts journalists and managers on a regular basis to issues that are causing public concern.

The Ombudsman prepares and presents an annual report to the President and the Board of Directors of the Corporation summarizing how complaints were dealt with and reviewing the main issues handled by the Office of the Ombudsman in the previous year. The report includes mention of the actions, if any, taken by management as a result of the Ombudsman's findings, provided such disclosure does not contravene applicable laws, regulations or collective agreements. The **annual report**, or a summary thereof, is made public.

The Office of the Ombudsman reports annually on how each media component has met the CBC standard of service for the expeditious handling of complaints.

| COMPLIANCE

The Office of the Ombudsman is responsible for evaluating compliance with the Journalistic Standards and Practices in all content under its jurisdiction. It can be assisted in this role by independent advice panels.

Panel members are chosen by the Ombudsman. Their mandate is to assess content over a period of time, or the overall coverage of a particular issue by many programs and report their findings to the Ombudsman. The Ombudsman will advise CBC management and journalists of these findings.

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

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

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

- **Accuracy, fairness and balance.**

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

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

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

The Office reports twice a year, once internally and once in public.

| JURISDICTION

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

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

| APPOINTMENT

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

After appropriate consultation, the President and CEO establishes a selection committee of four. Two members, including the committee chair, must be from the public. People currently employed by the Corporation or employed by the Corporation within the previous three years will be excluded from nomination as public members. The other committee members are chosen, one among CBC management, the other among its working journalists. At least one of the above selection committee members shall be Indigenous or from an equity-seeking community such as racialized Canadians, Canadians with disabilities, and Canadians who self-identify as LGBTQ2. Members representing the Corporation and journalists jointly select the committee chair among the two representatives of the public.

The selection committee examines applications and selects a candidate to be recommended for appointment by the President and CEO. When evaluating candidates for the position of Ombudsman, the selection committee shall consider candidates' awareness of and sensitivity to the diversity, experiences and voices of Indigenous Peoples in Canada and Canadians.

The Ombudsman appointment is for a term of five years. This term may be extended for no more than five additional years. The Ombudsman's contract cannot be terminated except for gross misconduct or in instances where the Ombudsman's actions have been found to be inconsistent with the Corporation's [Code of Conduct](#).

The outgoing Ombudsman may not occupy any other position at 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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