

VALUES  
AND ETHICS  
COMMISSIONER

**ANNUAL REPORT  
2020-2021**





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## COMMISSIONER'S MESSAGE

I am pleased to submit this fourth annual report to CBC/Radio-Canada's President and CEO, members of the Board of Directors and employees.

The Office of the CBC/Radio-Canada Values and Ethics Commissioner was established at the end of 2016 with a mandate of setting up the Corporation's ethics program. This includes providing advice and guidance on ethical issues and being an alternative option for employees wishing to raise concerns and/or file complaints under the [Code of Conduct](#) and/or related policies. The mandate of this office also includes fielding complaints from members of the public who have reason to believe that an employee is not complying with the [Code of Conduct](#). Lastly, I am tasked with developing various initiatives to enhance awareness of and improve practices in matters of ethics at CBC/Radio-Canada. My [mandate](#) covers all CBC/Radio-Canada facilities across the country.

This report summarizes accomplishments from our first four years, and planned next steps. It then presents an overview of our operations from April 2020 to the end of March 2021.

My heartfelt thanks to the many people who contribute to the work of our office by helping us resolve issues and provide guidance when required. I am also grateful to Gabrielle Emond for her invaluable help in managing our office and welcoming those who reach out to us.

Finally, allow me to salute CBC/Radio-Canada's employees for the way in which they have met the numerous challenges this past year presented to all of us. Their creativity, resilience and commitment to our purpose has been impressive. I recognize nevertheless how difficult these times have been for many of you, and I encourage you to take good care of yourselves, your family and your community, and share your hope for better times ahead.



Diane Girard



## ESTABLISHING CBC/RADIO-CANADA'S ETHICS PROGRAM

When the office of the Values and Ethics Commissioner was established in the fall of 2016 CBC/Radio-Canada had a solid foundation for journalistic ethics, with the [Journalistic Standards and Practices](#), and different policies had been enacted on topics such as harassment and anti-discrimination, political activities, and fraud and theft. However, there was no formal program to proactively manage the ethical issues and risks facing the organization. And so, guided by our mandate, we set out to create and manage an organizational ethics program in line with best practices in such matters.

As the national public broadcaster, CBC/Radio-Canada's credibility, and that of its employees, are dependent not only on the relevance and quality of its products, but also on meeting the expectations of the public and the communities it serves, ensuring impartiality, integrity and respect in the workplace. The purpose of an ethics program is to assist the organization in meeting the following objectives: identify the organization's ethical risks and issues and proactively manage or mitigate them; provide advice and support to managers and employees to help them achieve their ethical best; encourage ethical decision-making at all levels; encourage employees to speak up when they have concerns without fear of reprisals; and nurture a work environment where it becomes second nature to take ethics into account before acting.

### 2017 to 2021: AN OVERVIEW

#### Establishing the Ethics Framework

The in-depth review of the [Code of Conduct](#) by our office in 2017, conducted with input from many people from different levels and positions at CBC/Radio-Canada, allowed us to gather in a single cohesive document the key principles and expected behaviors regarding “who we are and how we do things” at CBC/Radio-Canada, addressing the core ethical issues identified at the time. Combined with the in-depth review of the [Policy on Conflicts of Interest](#), and the direct referencing in the Code of key organizational policies to make them better known and easily accessible, this provided a basic organizational ethics framework to build on. To encourage ethical decision-making in situations not explicitly covered by the Code, we also included an easy-to-use ethical decision-making tool in the Code.

Since 2017, we have added to this ethics framework with the development of eight (8) different online training scenarios on different topics covered by the Code, such as respect, confidentiality, gifts, and different situations that could cause or be perceived as conflicts of interest, with the help of CBC/Radio-Canada's Learning and Development team. These short training scenarios are meant to help employees at all levels more easily recognize situations with ethical overtones, and suggest ways to resolve them. The first four scenarios are mandatory and new employees are expected to complete them as part of their onboarding process.

### Providing a "Safe Space"

We have also created and promoted a "safe space" for employees and managers alike to reach out for advice and share their concerns on various topics, such as respect in the workplace, outside activities, and other ethical issues or dilemmas they might encounter in the course of their work. Since the fall of 2016, we have responded to a total of **903** requests for advice which fell within our mandate.

Another part of our mandate - acting as an alternative place for employees to come to when they are considering making a complaint or reporting issues - has allowed us to help employees find solutions to situations which they may have been afraid to bring to light, from unacceptable behaviors to certain contractual practices that fell short of the policies in place. While our office does not conduct investigations, the initial intake I conduct and my conversations with employees allow me to evaluate the seriousness of situations, help employees understand their options, and support them should they wish to make a formal complaint or report issue(s) when necessary.

### Raising Awareness and Managing Risks

Between 2017 and March 2020, I've also conducted **176** meetings with groups of managers and employees at **23** different locations across the country. Since my mandate covers all CBC/Radio-Canada facilities, I've always found it important to travel to different locations to hear employees' concerns and suggestions, raise awareness of certain issues and encourage employees to request advice whenever they have doubts. Unfortunately, I did not have the opportunity of travelling to meet employees and groups this past year, due to the pandemic. However, the relationships and visibility built during those previous visits have proved enduring: the number of requests for advice received during the last year from across the country has remained high. As travel restrictions will remain in place for the foreseeable future, we have started offering online group meetings to managers and their teams in order to keep in touch with employees across the country, continue raising awareness, and to respond to their needs.

With the help of IT partners at CBC/Radio-Canada, we've also built and implemented an online declaration portal for situations that might constitute or appear to constitute conflicts of interest, including personal situations and outside activities. This was done to improve the way these



ethical risks were managed. While proactive declarations via the online portal are mandatory for all managers at pay band 8 and above, such declarations must also be submitted by employees when they find themselves in a situation that is, or might be perceived as, a conflict of interest. A communications campaign was launched in October 2019 to remind employees of their obligations in this regard, and announce the new online portal. A reminder was shared with employees early in March 2021, when we launched our latest ethics scenario about how to avoid real or perceived conflict of interests in employees' outside activities, and many requests for advice have been received on that topic since, which indicates that periodic reminders about issues such as outside activities are useful.

Finally, the behavior and practices of independent producers we contract with, and that of their hosts or cast members, can easily be associated with CBC/Radio-Canada's brand and reputation. The public does not make a distinction between our employees and theirs. Similarly, although the ties freelancers have with the organization are, by definition, less formal than those of employees, the public does not make such distinctions when judging their behavior and activities, in person or online. As is common now in ethics best practices, the [Code of Conduct](#) adopted in 2017 mentioned that "Individuals or companies who have a contract with CBC/Radio-Canada, including freelancers, independent producers, as well as service providers and consultants working on site or on a CBC/Radio-Canada project are expected to abide by the provisions of the Code that are reasonably applicable to them." To clarify this concept for the parties involved, our office created a summary of the main applicable provisions which were added to applicable contracts, with the help of our Legal Services and Business and Rights teams.

## Looking Ahead: The next steps

Ethics programs develop in stages; the level required to reflect best practices takes years to achieve. We can be proud that CBC/Radio-Canada's ethics program has reached a first level of development. However, additional steps will be needed over the next few years to attain a more mature ethics program consistent with our status as a crown corporation, public broadcaster, Employer of Choice and organizational leader in Canada.

Our first step will be to update the [Code of Conduct](#), to make sure that after four years of existence it reflects our most important ethical issues, in a way that can be easily understood by employees. For example, while the issues of respect, harassment and non-discrimination were already covered in the existing [Code](#), new commitments by the organization regarding anti-racism might require some additional changes.

Our mid-term objective, after the [Code](#) has been reviewed, will be to assist business areas in going beyond the general ethical issues reflected in the [Code](#), and identify, with their employees, the ethical dilemmas or issues specific to their sector's activities which may present

problems or risks, and help them proactively manage them. An important best practice, this contributes to risk management and organizational learning. It also empowers employees by allowing them to voice concerns or suggestions they might have and participate in the construction of solutions adapted to their particular business area.

An important part of our mandate is to provide advice for a broad range of situations related to the [Code of Conduct](#) and the [Policy on Conflicts of Interest](#), and also to offer awareness and training sessions on these topics for groups of managers and employees across the country. These are crucial components both for burgeoning and mature ethics programs and will continue to be a core activity for our office. Over the next few years we hope to add specific training sessions in ethical decision-making for managers and people in sensitive or high-risk positions, beyond the basic decision-making tool provided in the Code of conduct.

We will also continue to be the contact point for complaints from the public regarding the behavior of our employees, namely in matters of respect towards members of the public and other conduct that might impact CBC/Radio-Canada's reputation of brand, such as the use of social media, which in turn contributes to maintaining trust towards CBC/Radio-Canada and ensuring accountability.

## An Evolving Role

The role of our office regarding internal complaints is not static, and will continue to evolve over time. While we will remain a safe space for employees to seek guidance on how to deal with difficult situations, due to the new regulations in matters of harassment and violence all complaints related to those topics will now have to be referred to a new organizational process currently being implemented. CBC/Radio-Canada has also adopted a specific mechanism in matters of anti-racism, the *Be Heard* reporting and whistleblowing platform supported by an outside provider for employees to raise concerns over racism and/or report inappropriate racist behaviour, with its own related processes. We will continue to be available to employees considering making a complaint or reporting issues about other types of behaviors and practices that seem inappropriate, including the more common aspects of respect in the workplace.

At the same time, the role of our office in helping to informally resolve different types of ethical issues will be expanding, with the creation of a senior mediator position. This person's mandate will be to lead and facilitate a wide range of expert conflict resolution interventions for CBC/Radio-Canada including bilingual mediation, facilitated conversations, and group intervention for the following types of issues:

- Discrimination based on race, gender, age, ability, and/or other aspects of one's identity;
- Harassment and violence in the workplace as per the new regulations for these matters;
- Respect and civility in the workplace; and
- Other unresolved conflictual issues or misunderstandings.



## 2020-2021 OVERVIEW

### ADVISORY ROLE

Employees are encouraged to contact the Commissioner if they require advice on the application of the provisions of the [Code of Conduct](#) or related policies (e.g., the policies on [Conflicts of Interest](#), [Political Activity](#), and [Anti-Discrimination](#)). They may also contact her to discuss more generally any situation having an ethical dimension, or to determine the best means of discussing such a situation with their manager, a colleague or one of their employees. Discussions between the Commissioner and employees are held in the strictest confidence.

Over the last year, **283** requests for advice were received from employees at various reporting levels, from across the country. Of those requests, **233** fell within my mandate. Employees whose requests did not fall within my jurisdiction were generally referred either to the person in the News department responsible for interpreting the [Journalistic Standards and Practices](#), or to Human Resources since their request was related to a collective agreement.

TOPICS OF ADVICE REQUESTS 2020-2021	#	%
Requests related to the Policy on Conflicts of Interest		
<ul style="list-style-type: none"> <li>• Outside activities</li> </ul>	140	
<ul style="list-style-type: none"> <li>• Close personal or family relationships</li> </ul>	12	
<ul style="list-style-type: none"> <li>• Gifts and hospitality</li> </ul>	5	
<ul style="list-style-type: none"> <li>• Personal interests vs. conflicts of interest</li> </ul>	33	
<ul style="list-style-type: none"> <li>• Exemptions to the Policy*</li> </ul>	13	
<b>Sub-total</b>	<b>203</b>	<b>87.1%</b>
Respect	11	
Political activity	3	
Investigation process	0	
Use of social media	7	
Confidentiality	6	
Harassment	0	
Use of assets	1	
Other	2	
<b>Sub-total</b>	<b>30</b>	<b>12.9 %</b>
<b>TOTAL</b>	<b>233</b>	<b>100%</b>

*\*Exceptions to the policy may occasionally be authorized when the interests of the corporation are clearly better served, via a request to the Commissioner's office by the employee's manager.*

Of these **233** requests, 87.1% pertained to the application of the [Policy on Conflicts of Interest](#), namely regarding outside activities. Conflicts of interest, both real and perceived, are a serious ethical risk for the public broadcaster, which relies on the independence, impartiality and integrity of its employees at all levels to ensure its credibility, and maintain the public's trust. Outside activities are still the topic of most requests regarding this policy: often they could be authorized, albeit occasionally with certain conditions to make sure the employee's professional credibility and the corporation's impartiality and interests were preserved. In some cases, however, we have had to recommend to the manager not to authorize a given activity, because of the possible risks to the corporation or the employee's professional credibility, or because the activity was in competition with those of CBC/Radio-Canada.

In previous reports we noted that my numerous visits to offices across the country to talk about the [Code of Conduct](#) and the [Policy on Conflicts of Interest](#) had fueled the number of requests for advice received. This year, although I was unable to travel due to the pandemic, the number of requests for advice remained high.

#### REQUESTS FOR ADVICE RECEIVED - WITHIN MANDATE

	Related to the Policy on Conflicts of Interest (including requests for exemptions)	Other Topics (respect, political activities, social media, use of assets and premises...)	TOTAL
2017-2018 (15 months)	153 (82.3 %)	33 (17.7%)	186 (100%)
2018-2019	165 (86.3%)	26 (13.6%)	191 (100%)
2019-2020	262 (89.4%)	31 (10.6%)	293 (100%)
<b>2020-2021</b>	<b>203 (87.1%)</b>	<b>30 (12.9%)</b>	<b>233 (100%)</b>
<b>TOTAL</b>	<b>783</b>	<b>120</b>	<b>903</b>



# PROCESSING OF COMPLAINTS

## INTERNAL COMPLAINTS

The Commissioner’s office is an alternative point of contact for employees who, for various reasons, may be reluctant to speak to Human Resources or to their manager about their concerns related to issues covered by the [Code of Conduct](#). Discussions between the Commissioner and employees are held in the strictest confidence, unless required by law or requested by the employee.

Over the last year our office received **11** internal complaints from employees that fell within our mandate. This is lower than the last two previous years (**19** in 2019-2020 and **17** in 2018-2019). The lower number may be attributed to the fact that many employees worked from home, which might make certain issues less salient. In addition, a certain isolation from peers or one’s support network might make it more difficult for some to move to the stage of making a formal complaint. Employees whose complaints did not fall within my jurisdiction were generally referred to their union, namely when the matter in question concerned application of the collective agreement.

The allegations received were related to the following sections of the [Code of Conduct](#): respect (**5**), confidentiality (**2**), family and close relationships (**1**), harassment (**1**), conflict of interest (**1**) and investigation processes (**1**). All had been closed as of March 31, 2021.

INTERNAL COMPLAINTS	#
Situation resolved by VEC* without investigation	2
Situation resolved by P&C** without investigation	2
Investigation by P&C: Complaint substantiated in whole or in part	0
Investigation by P&C: Complaint unsubstantiated after investigation	4
Case closed in the absence of sufficient information	1
Investigation or verification ongoing as of March 31, 2021	0
Complaint withdrawn-opted for other means of resolution	2
<b>TOTAL</b>	<b>11</b>

\* VEC: Values and Ethics Commissioner | \*\* P&C: People and Culture

The Commissioner is also responsible for receiving and acting on complaints filed pursuant to the [Rule on the Disclosure of Wrongdoings](#). No such complaint was filed in 2020-2021.

#### RECOMMENDATIONS REGARDING INTERNAL COMPLAINTS

We have made different recommendations over the years to help improve CBC/Radio-Canada's practices as they relate to the management of ethical issues, including improving communication to employees about the processes relative to complaints and investigations, the rights and obligations of the different parties in those processes, and protection against reprisals. Trust towards the different mechanisms put in place to manage allegations of improper behavior can be severely impacted if employees cannot clearly understand how these processes work.

There have been improvements in the communication of such information by People and Culture on our internal employee site, and more are planned with the upcoming implementation of the new policy, training and processes related to harassment and violence.

The recent diversification of ways to flag unacceptable behavior in the workplace at CBC/Radio-Canada, and ensuing processes may, however, make it more difficult for employees to understand, and therefore trust them. For instance, in matters related to inappropriate behavior in the workplace, CBC/Radio-Canada has in the last year implemented the *Be Heard* reporting platform and associated processes for matters of racism and racist behavior. In addition, due to recent federal regulations CBC/Radio-Canada is currently implementing the legally-defined process for harassment and violence complaints included in these regulations, which has its own distinct procedural steps. As for complaints about other types of discrimination and lack of respect, they should be submitted, as previously, either through the union to which an employee belongs, to one's manager or directly to HR. While I do not question the reasons for this diversification of processes, it adds to the challenge of providing clear information to employees, especially taking into account that when they are considering raising such issues they are often stressed and emotional, which can make procedural details difficult to understand. I trust particular attention will be paid in upcoming communications and training to make it easy for employees to find their way through all of these mechanisms.

I have also recommended, in my 2019-2020 report, that particular attention be paid to the reasons for which employees leave, in order to ascertain if it was caused or influenced by unresolved ethical issues. If employees leave for reasons of harassment, bullying or discrimination, for example, they may not be comfortable with taking advantage of the current option offered to them in the exit survey to request a meeting with HR to talk about this. Such issues may still be affecting current employees' well-being and could impact the ability of the Corporation to attract and retain top talent.

People and Culture have recently confirmed to us that while exit surveys help spot trends about what does and does not work inside the organization and generate essential competitive



intelligence, they have determined, from a strategic standpoint, that their efforts would be better spent on retention conversations with employees ("stay interviews") before they decide to leave the organization, geared towards organizational learning and relationship building. People & Culture indicates that work is now in progress to build and implement a "stay interview" process within the talent management practice to explore why employees choose to stay with the organization; what might make them consider leaving; understand employees perceptions of the work itself; and foster innovation by soliciting ideas for improving the organization. That process will be enabled through predictive analytics which help identify opportunities to engage with employees before they choose to leave the organization and discuss and remediate issues raised.

"Stay interviews" seem like a promising initiative, well worth pursuing. If issues that employees encounter can be addressed and remediated before they decide to leave, including issues related to respect in the workplace and its more serious variations, all the better. Nonetheless, in an effort to improve the exit process itself, when this becomes unavoidable, rather than only offering employees that are leaving the organization the option of contacting HR when they are invited to fill in the exit survey, I recommend their options be enhanced. They could, for example, be invited to contact the Values and Ethics Commissioner for situations within our mandate, or to use the new mechanisms for reporting harassment and violence or racism and other forms of discriminations, if they prefer, at least for a few months after their departure.

## COMPLAINTS FROM THE PUBLIC

The Commissioner is the point of contact for members of the public wishing to file a complaint about the behaviour of a CBC/Radio-Canada employee who may be in violation of the [Code of Conduct](#).

Of the 156 complaints from members of the public handled over the last year, **16** fell within the jurisdiction of my office. Topics ranged from allegations of lack of respect (8) and improper use of social media (3), to road safety when using corporate vehicles (2), discrimination (1), and unfair treatment (2).

Of these **16** complaints, seven were referred to People & Culture: two of them so they could follow up with the employees driving the CBC/Radio-Canada vehicles, and five others for investigation. Of those five, one file was closed because of insufficient information, one complaint was substantiated after an investigation by Human Resources and disciplinary measures were undertaken, while one other complaint was found to be unsubstantiated. Two complaints are still under investigation by People and Culture.

One complaint referred to the Legal Services team was also deemed unsubstantiated, and so were two other complaints during the initial intake by my office. In three other cases, the complainants failed to provide sufficient information to allow me to move forward, despite a request to do so. The complaints were referred to and resolved by local management in two other cases. One last complaint is still in the process of being treated.

The complaints that were outside of our mandate were generally forwarded to the CBC or Radio-Canada Ombudsman, CBC Audience Relations or Radio-Canada's Relations avec l'auditoire, or CBC or Radio-Canada programming asking them to respond. Other complainants were redirected to the appropriate online resource, namely for complaints about comment moderation or technical issues.

<b>COMPLAINTS FROM THE PUBLIC - within mandate</b>	<b>#</b>
Situation resolved by local management	2
Case closed due to insufficient information provided	4
Complaint unsubstantiated	4
Complaint substantiated in whole or in part	3
Investigation or verification ongoing as of March 31, 2021	3
<b>TOTAL</b>	<b>16</b>



## AWARENESS AND EDUCATION

### *Code of Conduct*

The [Code of Conduct](#) provides the key ethical principles and behavioral rules to guide employees' behavior, and links to the main policies on these topics. It also provides an ethical decision-making tool to which employees may refer when there are no clear rules governing a situation. Key questions are also provided within the Code to determine if a situation presents risk of a conflict of interest, real or perceived. As of March 31, 2021, **96%** of employees had certified online that they had read and understood the [Code of Conduct](#).

### *Ethics Training*

CBC/Radio-Canada's mandatory online ethics training uses fictional - but plausible - scenarios which focus on the following key elements of the [Code of Conduct](#): respect, gifts, and conflicts of interest. Every employee is required to complete the mandatory training and this requirement is integrated into new employees' onboarding. As of March 31, 2021, it had been completed by **84%** of all employees.

In addition, the Commissioner, in collaboration with the Learning and Development division of the People and Culture component, has developed additional online training scenarios on the following topics: close personal relationships and conflict of interest (2018-2019); how to solve difficult interpersonal issues through dialogue (2018-2019); confidentiality (2019-2020), and more recently, outside activities (2020-2021). These ethics scenarios aim to raise employees' awareness about certain issues, and offer practical advice on how to evaluate and resolve such situations.

# APPENDIX I

## MANDATE

CBC/Radio-Canada is Canada's national public broadcaster and one of its largest cultural institutions. In the fulfillment of this critical role, the Corporation's [Code of Conduct](#) and other related policies (namely policies on Conflict of Interest, [Anti-Discrimination and Harassment](#), [Political Activity](#), [Disclosure of Wrongdoing](#), and [Fraud and Theft](#)) outline the broad range of values, expected behaviours, and standards of integrity and business conduct that guide employees at all levels.

CBC/Radio-Canada has created the Values and Ethics Commissioner position to nurture an ethical environment. The Commissioner is neutral and independent. To ensure this independence and neutrality, the Commissioner has a direct reporting line to the CEO.

The Commissioner's mandate has three main components:

### **Advisory Role**

The Commissioner provides information, advice and guidance to all employees about their own situations and their concerns regarding values and ethics, namely regarding the [Code of Conduct](#) and other related policies governing ethical behaviour, other than the [Journalistic Standards and Practices](#). She is responsible for the development and management of the Corporation's ethics program.

### **Educational Role**

The Commissioner contributes to the development and implementation of ethics training, providing opportunities for awareness and learning regarding such topics as ethics responsibilities, ethical issues and ethical decision-making.

### **Investigative Role**

The Commissioner is an alternate point of contact for discussing concerns or making complaints relating to values and ethics by employees, other than those relating to the [Journalistic Standards and Practices](#). She is also the point of contact for members of the public who have reason to believe that a CBC/Radio-Canada employee is not complying with our [Code of Conduct](#) or related policies, except for complaints regarding the [Journalistic Standards and Practices](#), which are covered by the [Ombuds](#).



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COMMISSIONER

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