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August 15, 2016

Ms. Danielle May-Cuconato
Secretary General
Canadian Radio-Television and Telecommunications Commission
Ottawa, ON K1A 0N2

Dear Ms. Secretary General:

**Re: Renewal of television licenses held by large English- and French-language ownership groups (BNoC 2016-225)**

1. On behalf of Unifor, we are pleased to submit the attached intervention with respect to Broadcasting Notice of Consultation 2016-225.

2. Unifor has more than 310,000 members across Canada, working in 20 economic sectors and is one of Canada's largest unions in the media sector. Unifor represents more than 12,500 media workers, including 5,000 members in the broadcast and film industries.

3. Unifor asks the Commission to consider the following comments as part of its consultation on the English-language group license renewal and its implementation of key aspects of BRP 2016-224.

4. Unifor looks forward to the CRTC's determination in this matter, and requests to appear before the Commission during the oral hearings set to commence on November 22, 2016.

Sincerely,

**Howard Law**
**Director, Media Sector**
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## Executive Summary

1. Unifor is Canada's largest union in the private sector, representing more than 310,000 workers across a diverse range of industries, including 12,500 workers in the media industry.

2. The group-based licencing process will serve as an appropriate proving ground for Canadians to measure the Commission's bold declaration of the responsibility of vertically integrated media companies to deliver quality local programming, against a backdrop of recent programming cancellations, operational restructuring and major layoffs. It's an opportunity for the Commission to walk-the-talk on ensuring the delivery of quality local news.

3. There are two questions of critical importance to Unifor in this round of group licencing, including:
    a. How the Commission intends to benchmark local programming expenditures and exhibition requirements to historical levels, and how such requirements will be guarded against falling local TV revenue over time; and
    b. How the Commission will ensure locally reflective programming is drawn from local sources (i.e. "in-house production" or "independent producers specifically for that station") and how the Commission will define "production" in this context.

4. It is the general view of Unifor that the Commission extend its review of any historical exhibition and expenditure benchmark to the 2011/12 broadcast year (instead of the 2013/2014 broadcast year), which represents the most recent peak period of conventional TV revenue and predates significant job and programming cuts that have impacted local and multi-lingual television.

5. On exhibition requirements, Unifor proposes that these should be fixed, as contemplated by 2016-224, in reference to historical practices.

6. Further, Unifor submits that minimum exhibition requirements for each station's COL in each Group:
    a. Should be set at approximately 100% of weekly historical exhibition with reference to the last five years of local news programming, as measured in program segments; and
    b. Should not be set higher than "100%" of the corresponding minimums for weekly local programming unless those minimums are also raised.

7. On local reflection and local production, Unifor restates its position that the Commission ought to make local presence a condition of licence for the large television broadcast groups. If the Commission remains averse to immediately applying COL requirements for local presence, alternatively Unifor proposes that the Commission consider imposing such requirements but suspend them indefinitely provided the licensees substantially obey them and can document this by providing the Commission and the public with regular reports demonstrating compliance.

8. Unifor also urges the Commission to explicitly state, as part of the renewed licences for broadcasting groups, that there shall be restrictions on any further removal of local production capacity (e.g. on-screen anchors, editors, writers, reporters, studio technicians) as a means to

satisfy the expectation of local presence.

9. The Commission should offer a more detailed explanation as to what shall constitute "production" in its definition of local reflection. If the Commission refuses to revisit its decision to exclude local presence from the conditions of licence for large group based broadcasters, then we urge the Commission to include in its explanation of "production" the explicit role to be played by professional news reporters and news-gathering operations.

10. As a corollary, we encourage the Commission to require that English-language group broadcasters must demonstrate how it has met these production requirements. And if they have not adequately demonstrated physical newsgathering capacity, they may not count the programming produced by the station for the purpose of accessing local expression funds that are available pursuant to the Commission's decision in 2016-224.

11. Unifor encourages the Commission to request that broadcasters submit a detailed plan on how they intend to satisfy "local presence" as part of the current licence renewal proceedings and to inform the upcoming hearings.

12. Lastly, the Commission must consider gathering information on local presence as part of the group based broadcasters annual return, set to be reformed in an upcoming consultation (as referenced in paragraph 62 of BRP 2016-224).

**About Unifor**

1. Unifor is Canada's largest union in the private sector, representing more than 310,000 workers across a diverse range of industries.

2. Unifor represents more than 12,500 members employed in the media sector. This includes workers in the print newspaper, graphical/commercial printing, film and broadcast industries. Our members work for radio and television stations serving local communities in addition to national discretionary pay and specialty services, as well as distribution services that include cable, satellite and wireless telephony.

3. Approximately 5,000 of our members in the media industry are employed in the Canadian television system, the majority of whom are employed by the large private Canadian English-language broadcast groups involved in the present licence renewal, including Bell Media, Corus Group and Rogers Media.

4. This intervention will focus primarily on the licence renewal applications of the three aforementioned broadcast groups and their English-language local television services.

**Local News: A Key Licencing Consideration in 2016**

5. Unifor has been generally supportive of the Commission's new policy framework for local and community television (BRP 2016-224). In a public statement released shortly after the new framework was unveiled, we stated that the new local TV policy appears to "entrench the value of local news as the civic responsibility of the large media companies holding licenses for local TV stations."[1]

6. In its decision, the Commission declared local news a "public service." It characterized local news as being of "central importance" to meeting the objectives of Canada's *Broadcasting Act* – "not only as an expression of journalistic independence and a reflection of Canadians' right to freedom of expression, but also as a key part of the Canadian democratic system and trust that Canadians place in it."[2]

7. The Commission also re-stated its general expectation of licenced television broadcasters to uphold their "duty to serve the public interest" in delivering high quality news and information services to viewers.[3]

8. The Commission was also clear about its added expectations of Canada's largest and vertically integrated media firms (including those involved in this group-licensing renewal).

9. The Commission confirmed in no uncertain terms that the *quid pro quo* of past decisions that enabled the consolidation, operational convergence and access to a more flexible regulatory regime is that large vertically-integrated firms must "ensure the production and promotion of diverse and high-quality Canadian programming" and that they "have a duty to ensure that news reporting and analysis continues to be properly funded…"[4]

10. In large part, the Commission's view reflects Unifor's own. Unifor concurs with the Commission's views not only with respect to the importance of local news, but also regarding the Commission's high expectations of those vertically integrated media companies that control a significant share of the Canadian television market, have unparalleled resources at their disposal, and directly (and indirectly) exert tremendous influence over Canadians' access to communication services.

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[1] Unifor supports CRTC commitment to local television news (June 15, 2016); Unifor press release: http://www.unifor.org/en/whats-new/press-room/unifor-supports-crtc-commitment-local-television-news

[2] BRP 2016-224 (decision summary at pp 1-2): "*As custodians of the television system, broadcasters have a special obligation to ensure that the system reflects our identity, contributes to our democracy and enhances our safety and security. Local news, information and analysis produced and distributed through the broadcasting system are of central importance to meeting these objectives of the Act and remain important today - not only as an expression of journalistic independence and a reflection of Canadians' right to freedom of expression, but also as a key part of the Canadian democratic system and trust that Canadians place in it. Broadcasters have a duty to ensure that news reporting and analysis continue to be properly funded so that Canadians, as citizens, understand events occurring around them every day."*

[3] In describing the importance of local news to the public interest, the Commission stressed the statutory purpose of the Act in sections 2(3) and 3(b),(e),(f),and (i).

[4] BRP 2016-224 (19-20)

11. Despite the Commission's principled take on the value of local television and the duty of those who deliver it, Unifor views the local and community policy framework as an important, but temporary, measure where funding is concerned. The Commission's willingness to provide some financial reprieve for local stations most at-risk of going dark was a welcome move and one of the priorities Unifor had communicated during the prior hearings. Yet, the explicit rejection of exploring new revenue streams aimed at providing financial support to local television (in the face of chronic revenue losses among conventional TV broadcasters) will affect the viability of stations over the long-term.

12. Nonetheless, the Commission has outlined a series of welcome regulatory tools in its new policy framework that can support greater access to quality local programming and important local news on our screens – and much of the Commission's success will be measured by how these tools are employed during this licence renewal proceeding.

**<u>Group Based Licencing: the CRTC's Balancing Act</u>**

13. The group-based licencing process will serve as an appropriate proving ground for Canadians to measure the Commission's bold declaration of the responsibility of vertically integrated media companies to deliver quality local programming, against a backdrop of recent programming cancellations, operational restructuring and major layoffs. It's an opportunity for the Commission to walk-the-talk on ensuring the delivery of quality local news.

14. The conditions and expectations set out in BRP 2016-224 are wide-ranging, and apply differently across publicly and privately-owned broadcasters, by market size and ownership type.

15. In the current group-based licence renewal proceedings, a number of policy changes have been made clear, including that:

    a. Licence holders will be required to maintain historical levels of exhibition of, and expenditure on, locally-reflective news programming;[5]

    b. All metropolitan market stations will be required to broadcast 14 hours per week of locally relevant programming; with non-metropolitan markets required to broadcast 7 hours;[6]

    c. Vertically integrated firms may now re-direct BDU contributions (originally slated for local "expression" and community programming) toward their own local TV operations, and an explicit prohibition on station closures as a result of this added financial flexibility;[7]

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[5] BRP 2016-224 (33)
[6] Ibid, (32)
[7] Ibid, (90)

d. Locally reflective news programming must be produced by local sources;[8] and

e. Local "presence" for news production shall remain an expectation for local broadcasters, not a condition of licence[9].

16. There are no doubt many discussions to be had in determining how the full range of policy decisions shall be implemented in this set of licence renewals, but the following questions are of primary importance, namely:

    a. How the Commission intends to benchmark local programming expenditures and exhibition requirements to historical levels, and how such requirements will be guarded against falling local TV revenue over time; and

    b. How the Commission will ensure locally reflective programming is drawn from local sources (i.e. "in-house production" or "independent producers specifically for that station") and how the Commission will define "production" in this context.

17. Our submission will examine these issues, in turn.

**Local Programming Expenditures and Exhibition: Setting the Right Benchmarks**

18. Under the new policy framework, the Commission ruled that English-language local TV broadcasters will be required to maintain (in most instances) the same weekly exhibition requirements for local programming as existed prior to BRP 2016-224 (i.e. at least 14 hours in metropolitan markets and 7 hours in non-metropolitan markets). Such programming must be locally relevant, or "of interest to the community or market served."[10] Both expenditure and exhibition levels are to be dealt with at the time of license renewal, and such requirements shall be based on 'historical' levels.

19. In order to determine an appropriate benchmark, the Commission rightly requested historical expenditure and exhibition data from the licence holders.[11] Unfortunately, the information received (at least the data made publicly available) does not appear as useful or at all comparable as perhaps originally intended. For instance, Bell Media provided no historical data for station programming (only a sample of data for a broadcast week in June, 2016). Corus Group provided no projected data for the 2015-2016 broadcast year and applied a sample week of programming in April 2016 (across four select stations) to the previous two broadcast years. Rogers Media provided a tally of annual programming data, based on hours (where the other two groups measured local programming in minutes).

[8] Ibid, (54)
[9] Ibid, (60-61)
[10] Ibid, (52)
[11] CRTC Procedural Letter (June 15, 2016)

20. It is important for new expenditure and exhibition requirements to be set against some historical precedent, but it's not clear (given the information that was provided) what is the most appropriate reference period on which to benchmark these new standards.

***Expenditure benchmarks***

21. The Commission has already stated that local programming expenditures shall be based on a percentage of previous year's revenues based on "historical levels." Rogers Media, Corus Group and Bell Media have each proposed a programming expenditure minimum of 11 per cent.

22. It is well understood (but bears repeating) that such a model of revenue-based programming expenditures could, over time, diminish the resources allocated to local news production. There is no dispute that baseline revenue for local conventional television stations are in general decline (with few stations faring better than others). In fact, overall revenue in the private conventional television system is projected to decline by 25% between 2014 and 2020[12]. As a result, and without adequate safe-guards intended to protect both quality and localness of newscasts, the threat is of an incremental deterioration in Canadian Programming Expenditures that are directly tied to these revenue totals.[13]

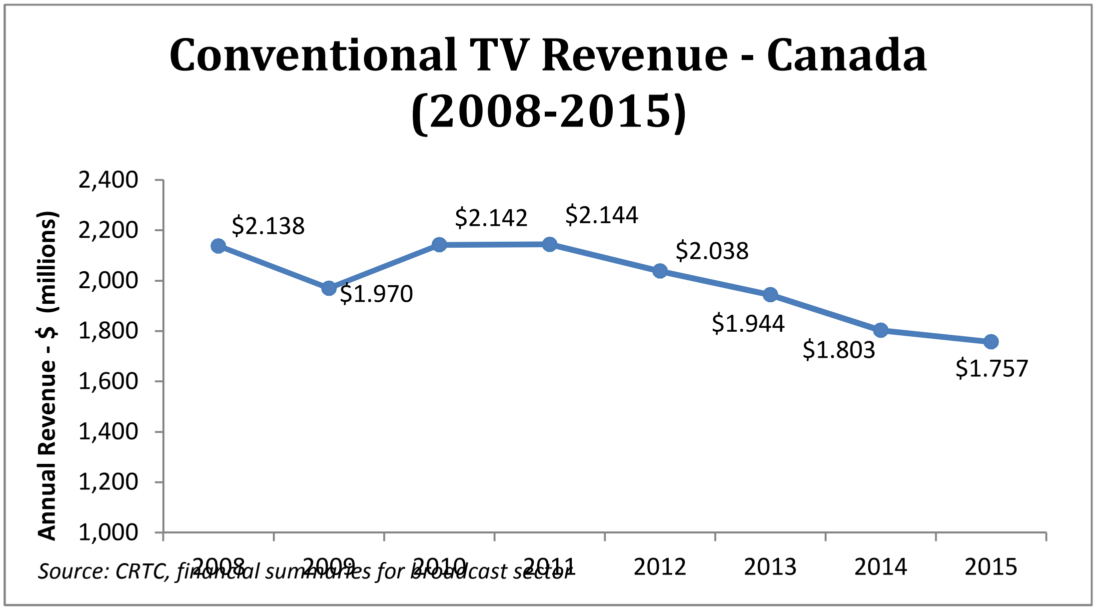
23. In its procedural letter to the broadcasting groups[14] the Commission requested both historical local programming and expenditure information, back-dated to the 2013-2014 broadcast year.

24. It is unclear to us why the Commission chose to back-date its data request to that particular broadcast year. We can only speculate that it coincides with the phase out of the Local Programming Improvement Fund, so as to avoid any distortion in the general revenue and expenditure figures.

25. **Nevertheless, we encourage the Commission to use the opportunity of this licence renewal (and the upcoming oral hearings) to take a longer-term view of local programming expenditures, as far back as the 2011-2012 broadcast year.** This broadcast year represents the most recent peak period for both revenue and expenditures levels among private conventional broadcasters (see Table 1) and, in our view, the most appropriate time frame with which to benchmark expenditures. Revenues among conventional TV broadcasters have been in steady decline ever since.

[12] Near Term Prospects for Local TV in Canada, by Nordicity and Peter Miller (2015)
[13] Another 2015 study by Nordicity and Peter Miller projected an equivalent decline in CPE among private conventional programming services (from $619M in 2014 to $469 M in 2020). For more details see: Canadian Television 2020: Technological and Revenue Impacts.
[14] CRTC procedural letter dated June 15, 2016.

**Table 1**




26. Back-dating this programming and expenditure information to 2011-2012 would capture a time period that pre-dates a string of severe layoffs and program cuts, particularly among the English-language group based broadcasters.[15]

27. It would also allow the Commission to better assess the adequacy of the proposal submitted by both Bell Media and Rogers Media to set a local programming expenditure requirement of ***11%*** based on previous year revenues. **In fact, we encourage the Commission to examine the past five years of local programming expenditures to determine the size of the expenditure decline and examine how far the re-allocation of local expression funds will go to stem that decline, before setting the appropriate expenditure requirement.**

28. This longer historical analysis of programming expenditures must also be coupled with the Commission setting a new, hard deadline for broadcasters to submit station-by-station estimates outlining the anticipated receipts of re-allocated local expression money generated by the BDUs. Despite the Commission's explicit request for this information, it remains outstanding.

29. Once the Commission establishes a percentage-based LPE figure, we urge the Commission to implement further a provision for progressively rising LPE thresholds based upon a percentage figure, year after year, to ensure that (in absolute dollar terms) there are consistent dollars flowing to local stations, despite anticipated future declines in revenue.

30. **We also encourage the Commission to request from broadcasters a more detailed breakdown of local reflection expenditures into category 1 (news) and category 2a (analysis and interpretation) segments, in each of the broadcast years dating back to 2011-2012.**

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[15] Major job cuts include: Rogers (62 job cuts announced in May, 2013; 94 job cuts announced in November, 2013; 110 job cuts in May, 2015); Corus Group (then Shaw Media) (400 job cuts announced in April, 2014); and Bell Media (announced 120 job cuts from Toronto television operations in June, 2014).

***Exhibition benchmarks***

31. One of the major accomplishments of the new local television policy framework is the commitment to establish exhibition requirements for locally reflective news programming.

32. In its June 15 procedural request to the large broadcast groups, the Commission asked that licensees propose minimum exhibition levels for locally reflective news (question #2a), based on the historical programming data provided in Appendix 1.

33. The exhibition proposals put forward by Bell Media, Rogers Media and Corus Group were, like the proposals for expenditure requirements, nearly identical. Each company called for a minimum of 6 hours of locally reflective programming in metropolitan markets (Montreal, Vancouver, Calgary, Edmonton and Toronto) and a minimum of 3 hours of programming in non-metropolitan markets as well as various exceptions to these general requirements.

34. It is difficult to assess the merits of this “6 & 3” proposal for a variety of reasons.

35. Firstly, it is not clear how these minimum programming thresholds have been designed with any “historical” programming experience in mind, as requested by the Commission.

36. For example, as noted above, it appears that the expenditure and exhibition information provided by the group broadcasters to the Commission is incomplete and, more concerning, not comparable.

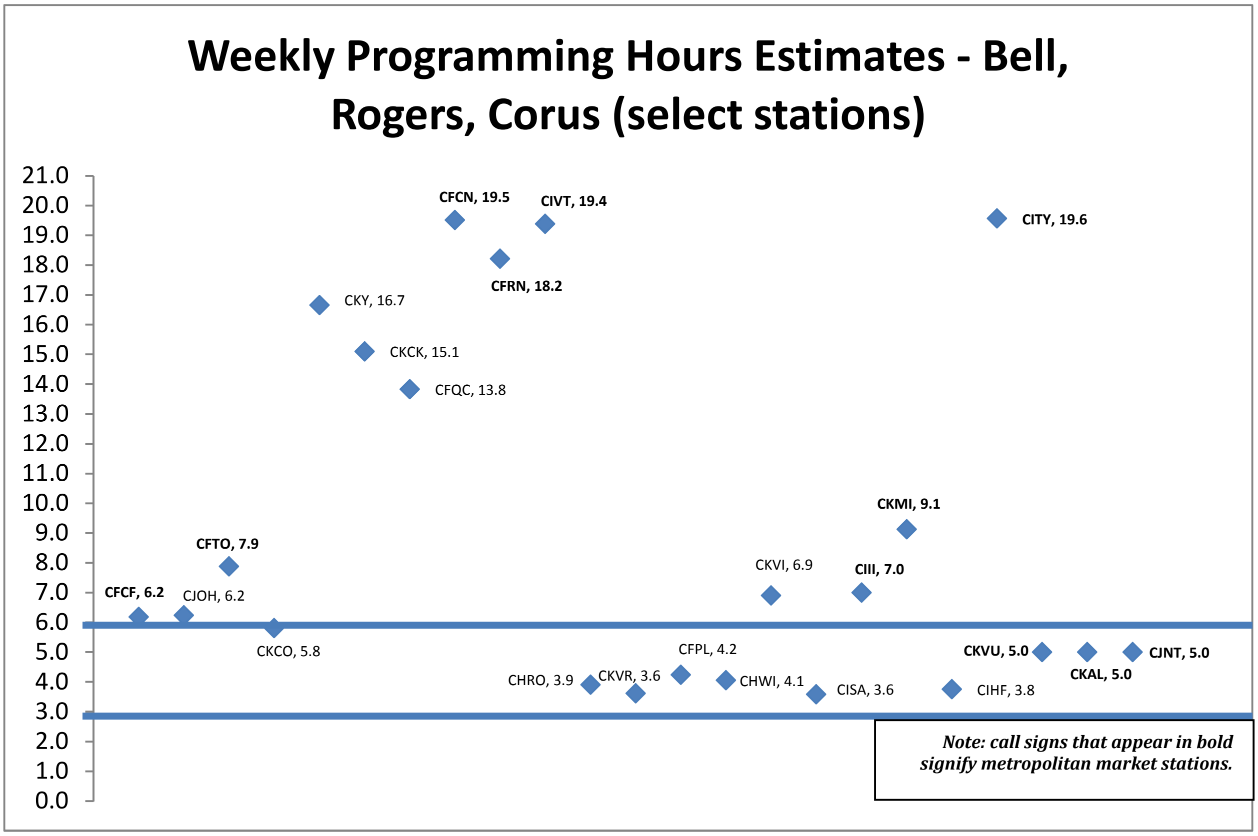
37. Understandably, the measurement of locally reflective programming as requested by the Commission is new to broadcasters and entirely different than reports on local programming provided in past. Further, there was some degree of uncertainty as to how the Commission intended to count such programming (i.e. whether the count was inclusive of local time sales, in the same way that local programming has been measured in past or whether it would be counted by individual broadcast segments).

38. Nevertheless, the Commission has provided clarity on these measures over the course of this proceeding. And, yet, it seems the Commission has been left with wildly variable data upon which they must make a critical decision: exactly how much locally reflective programming must television stations produce and air, each week. This is concerning.

39. Chart 1 plots the historical programming data provided by the large English-language group broadcasters (converted to a measure of hours-per-week)[16].

[16] The data excludes those stations that have been treated as exceptions under standard programming rules, including CICC, CIPA, CFCN-5 and the regional network stations of CTV (i.e. North Ontario and Atlantic).

Chart 1




40. Based on the programming data provided, each of the English-language broadcasters has proposed station exhibition requirements that are lower than their current programming levels for local reflection (except for CKVU, CKAL and CJNT which have been reported to produce fewer than 6 hours of locally reflective news, on average).

41. Across metropolitan market stations, the average number of hours per week of locally reflective news is just above 11 – that is 85% higher than the minimum exhibition threshold being proposed.[17] Such a gap between the actual exhibition of local news and the proposed threshold provides broadcasters an added (arguably excessive) flexibility to further cut locally reflective programming, yet still fulfill their licencing conditions – a perverse outcome of the new local and community television framework.

42. There are three key considerations that the Commission must make on this matter.

43. Firstly, the **Commission must determine whether the appropriate measure for exhibition is based on broadcast hours or broadcast minutes**. Unifor does not take a position on this matter, but it seems peculiar for local reflection to be monitored and accounted for on a segment-by-segment basis (i.e. counted in minutes) while the actual exhibition rules are described in a

[17] Average for locally reflective programming hours across the following metro market stations: CFCF, CFTO, CFCN, CFRN, CIVT, CIII, CKMI, CITY, CKVU, CKAL and CJNT. Weekly programming hours calculated by public filings from Bell Media, Rogers and Corus Group.

measure of hours.

44. Secondly, **the Commission must consider resubmitting a request to the broadcasters to receive a more accurate and comparable set of data on past exhibition levels, and over a slightly longer time period (dating back to the 2011-2012 broadcast year, as noted above)**. This will better enable the Commission to determine an appropriate "historical" level of programming exhibition.

45. Lastly, the Commission must consider the appropriateness of the proposal tabled by both Rogers Media and Bell Media to 'average' weekly exhibition levels over the course of the year. **We oppose this approach, in particular as it contemplates even lower levels of weekly local news programming than the Groups' "6 & 3" minimums.**

46. In regards to this averaging proposal, we note that the Commission repeatedly rejected applications by Bell Media and the CBC to average local programming hours over a twelve or three month period. In CRTC 2014-170, the Commission stated:

> *20. The Commission considers that its past statements regarding these denials remain relevant and appropriate in the context of this application, particularly as they emphasize the important role played by local programming in the communities served by television stations. It agrees with the comments submitted by the interveners that local programming is an important aspect of the broadcasting system at all times of the year. The Commission considers that approval of this application would invariably result in a reduction in local programming for certain periods of the year. The Commission also notes that Bell did not specifically define what periods of the year would be affected.*

47. We submit that **exhibition requirements should be fixed, as contemplated by 2016-224, in reference to historical practices**. The policy imperative of the Commission's decision was to preserve and protect the existing levels of local news, not provide the regulatory space for further reductions.

48. Accordingly, **Unifor submits that minimum exhibition requirements for each station's COL in each Group:**

    a. **Should be set at approximately 100% of weekly historical exhibition with reference to the last five years of local news programming, as measured in program segments; and**
    b. **Should not be set higher than "100%" of the corresponding minimums for weekly local programming unless those minimums are also raised.**

__Drawing Content from Local Sources__

49. In our intervention to BNoC 2015-421, we expressed the view that both exhibition and expenditure requirements ought to be complemented with a new licence requirement for "local presence" (the physical and editorial presence that makes news programming truly local).

50. Such a requirement would safeguard the integrity of local newscasts against broadcasters' cost-cutting initiatives whether through cuts to editorial or production jobs, programming cuts or centralizing production away from the local market to which programming is geared.

51. An informal survey of Unifor television broadcast units[18] conducted in July examined employment levels across job categories involved in the production of local news and other local programming. The survey compared broadcast weeks in June, 2014 as well as June, 2016 and revealed a noticeable drop in local production capacity, evidenced by a decline in jobs for in-house production staff, including in-house technical operations (a 19% drop in employment) as well as declines in field editorial staff, including reporters (-13%), in-house editorial staff (-11%), as well as camera operators and other field operational staff (-7%). Across all stations in the survey, there was a 14% decline in employment among production and newsgathering staff, although some stations experienced staff cuts as high as 84% (see attached Appendix A for a more detailed breakdown).

52. This should raise serious concerns for the Commission.

53. In BRP 2016-224, the Commission stated its desire to provide broadcasters "flexibility with respect to production" as a key rationale for continuing to treat local presence as an expectation and not a condition of licence. Naturally, the advancement of new production models and the adoption of new technologies (partly as a means to address chronic revenue losses), will leave operational and studio staff vulnerable to layoff. We have expressed to the Commission our concern that these production-model and technological advancements have, by-design, limited the use of in-house studios and personnel, which takes away from the 'localness' of programming in a significant way.[19]

54. Notwithstanding our concerns around the importance of local operations in the spirit of local programming, it is beyond a doubt that the associated declines in newsgathering capacity (in terms of news writers, producers, field reporters, video journalists) is not the outcome that the Commission had intended through this offer of "flexibility". It goes without saying, but the ability to gather, process and distribute timely and reflective news in an age of information is the future of quality local television. It is imperative that checks and balances be placed on broadcasters to ensure this operational flexibility does not undermine the spirit of BRP 2016-224. Our evidence suggests this is a possibility.

55. We understand that the Commission has rendered its decision (in paragraph 61 of BRP 2016-224) that local presence shall remain a guideline for local broadcasters and not a licence requirement. **However, we restate our position that the Commission ought to make local**

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[18] These bargaining units represent a total of 22 individual local television stations, including CTV and CTV2, City TV, OMNI and Global. The survey examined local programming and employment levels during the weeks of June 1-7, 2014 and June 5-11, 2016.

[19] See, for example, Unifor remarks to hearings on BNoC 2015-421: "Our biggest concern is that local news be truly local. And is a product of original news gathering – not aggregated from other news outlets. Local news must be investigated by full-time reporters and shooters on the ground, presented by local anchors, and produced and edited by local personnel."

**presence a condition of licence for the large television broadcast groups**.

56. **If the Commission remains averse to immediately applying COL requirements for local presence, alternatively Unifor proposes that the Commission consider imposing such requirements but suspend them indefinitely provided the licensees substantially obey them and can document this by providing the Commission and the public with regular reports demonstrating compliance.**

57. This would be similar to the approach the Commission takes with respect to gender-stereotyping COLs (but without delegating monitoring and enforcement to the Canadian Broadcast Standards Council).[20]

58. Such a condition would help ensure local stations have the capacity to cover a breadth of local affairs (i.e. seven-day-a-week original coverage), maintain appropriate “feet-on-the-street” staffing levels (i.e. full-time journalists on the ground) and news gathering resources (i.e. news bureaus) across local OTA broadcasters – core elements needed for any news programming to be locally relevant – while maintaining the Commission’s stated goal of providing some operational flexibility to broadcasters.

59. Further, we recognize the possibility that the Commission’s position that local presence is sufficiently (if indirectly) covered under the new definition of “local reflection.”

60. In BRP 2016-224 (56) the Commission defined local reflection as news programming to which:

    a. The subject matter relates specifically to the market a station is licensed to serve;
    b. It portrays an onscreen image of the market by, for example, including its residents or officials or featuring coverage of its municipal or provincial government; and
    c. It is produced by the station's staff or by independent producers specifically for the station.

61. It appears the connection to “local presence” is found in the third part of this definition, which relies heavily on the assumption that “production” will drive localness in news (without any of the associated and specific commitments contained in the definition for “local presence”, noted

[20] See Public Notice CRTC 1992-58: “The Commission will continue to impose a condition of licence requiring adherence to the CAB's sex-role portrayal guidelines, or, in the case of the CBC, to the Corporation's guidelines. The condition will continue to be applied to all radio stations that originate 42 or more hours of programming per week and to radio networks where the licensee distributes a total of 7 or more hours of network programming per week. However, it should be noted that the condition of licence will be applied to all television stations and networks that originate programming, and to pay television and specialty programming undertakings. In cases where a licensee applies and demonstrates that it has been a member in good standing of the CBSC for at least six months, the Commission will be prepared to suspend the application of the condition of licence as long as the licensee remains a member in good standing of the Council. “The Commission will continue to monitor industry progress through its assessment of the activities of the industry associations and the CBSC, as well as through its analysis of the semi-annual reports on complaints. It also encourages each industry sector to assess its own progress. The Commission will continue to report to the public on a regular basis through its annual reports and public notices. “

above).

62. It is unclear to us how the Commission interprets the term "production," and whether (in this context) that presupposes any act of newsgathering and whether that newsgathering should be performed by professional journalists.

63. The lack of clarity on this matter could have a profound effect on Unifor members but also the public's expectation for quality newscasts.

64. For instance, the Commission's decision to include category 2a programming in its classification of local reflection suggests that traditional newscasts, delivering original content generated directly from the community may be replaced at great cost-savings by non-news driven, magazine-style commentary or talk shows that have no actual news content.

65. A transition toward such a model (as evidenced recently at OMNI television stations, as well as the broadcast of radio talk shows on television) does a disservice not only to viewers, but to the spirit of the new policy framework itself.

66. Another example is the use of 'centralcasting' as a means to produce and deliver "local" content but with limited local presence/production capacity. Unifor raised concern over the use of centralcasting by Corus Group (then Shaw Media) during the local and community television consultations. In our submission to the Commission, we stated that:

> *(53) Shaw's newly-implemented "Multi-Media Content" (MMC) model, for instance, facilitates the centralization of production of various aspects of local programming. In some cases, local news scripts written by staff in Toronto are used to feed broadcasts in the Winnipeg market. In others, small market newscasts are anchored out of the company's central production studio in Toronto.*

67. We acknowledge the Commission's position that broadcasters ought to have some flexibility with respect to how local programming is produced and how local stations are staffed. However, we fear that the growing prevalence of centralizing production processes of local television, as a method of cost-cutting, will only serve to strip away the localness of on-screen content – and that runs counter to the spirit of the Commission's local and community TV policy.

68. The Commission **should explicitly state, as part of the renewed licences for broadcasting groups, that there shall be restrictions on any further removal of local production capacity (e.g. on-screen anchors, editors, writers, reporters, studio technicians) as a means to satisfy the expectation of local presence**.

69. **The Commission should also offer a more detailed ruling as to what shall constitute "production" in its definition of local reflection**. If the Commission continues to exclude local presence from the conditions of licence for large group based broadcasters (which would satisfy our policy imperative on this matter), then **we urge the Commission to include in its description**

**of “production” the explicit role to be played by professional news reporters and news-gathering operations.**

70. As a corollary, **we encourage the Commission to require that English-language group broadcasters must demonstrate how it has met these production requirements. And if they have not adequately demonstrated physical newsgathering capacity, the Commission should not allow them to count the news programming produced by the station for the purpose of accessing local expression funds that are available pursuant to the Commission’s decision in 2016-224.**

71. Additionally, Unifor urges the Commission to monitor and report on how the English-language group broadcasters are adhering to this expectation of local presence – an exercise that should occur whether or not local presence is a condition of licence, and that should be undertaken annually over the course of this licence period and made available to the public.

72. Therefore, on this final matter, **Unifor resubmits its previous request to the Commission that require the broadcasters to submit a detailed plan on how they intend to satisfy “local presence” as part of the current licence renewal proceedings and to inform the upcoming hearings.** Further, we ask that the **Commission consider gathering information on local presence as part of the group based broadcasters annual return, set to be reformed in an upcoming consultation (as referenced in paragraph 62 of BRP 2016-224).**

<u>**Final Comments**</u>

73. We thank the Commission for this opportunity to share our views and proposals on the licence renewals for large English-language group broadcasters. And we look forward to reviewing any additional information released by the Commission in the coming weeks.

74. Unifor would like to appear before the Commission during the oral hearings set to begin in Ottawa on November 22, 2016.

**Submitted by:**

*Jonathan Ahee*

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|---|---|---|
| **Howard Law** | **Jonathan Ahee** | **Angelo DiCaro** |
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**APPENDIX A**

# EMPLOYMENT CHANGES ACROSS SELECT LOCAL TV STATIONS IN CANADA (2014-2016)

*SURVEY OF UNIFOR LOCAL UNIONS (JULY, 2016)*

| | | | | June 2014 - Employment | | | | June 2016 - Employment | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Call Sign | Local | Name | Location | In-house Operations | In-house Editorial | Field Operations | Field Editorial | In-house Operations | In-house Editorial | Field Operations | Field Editorial | Total 2014 | Total 2016 | Net Gain/Loss | Change (%) |
| CKY-TV | 816M | CTV | Winnipeg | 34 | 17 | 8 | 17 | 29 | 16 | 7 | 14 | 76 | 66 | -10 | -13.2% |
| CFTO | 79M | CTV | Toronto | 40 | 10 | 30 | 15 | 36 | 10 | 29 | 15 | 95 | 90 | -5 | -5.3% |
| CFPL & CHWI | 87M | CTV2 | London/Windsor | 23 | 18 | 7 | 21 | 24 | 16 | 4 | 20 | 69 | 64 | -5 | -7.2% |
| CIII | M-1 | Global | Toronto | 45 | 25 | 26 | 20 | 51 | 29 | 32 | 27 | 116 | 139 | 23 | 19.8% |
| CFCN | 899 | CTV | Calgary | 56 | 16 | 19 | 27 | 40 | 15 | 16 | 23 | 118 | 94 | -24 | -20.3% |
| CFRN | 899 | CTV | Edmonton | 59 | 22 | 18 | 21 | 48 | 21 | 15 | 18 | 120 | 102 | -18 | -15.0% |
| CIHFNS & CIHFNB | M-1 | Global | Halifax & Saint John | 5 | 6 | 6 | 13 | 7 | 4 | 6 | 13 | 30 | 30 | 0 | 0.0% |
| CICT | M-1 | Global | Calgary | 55 | 14 | 20 | 15 | 53 | 15 | 21 | 16 | 104 | 105 | 1 | 1.0% |
| CITV | M-1 | Global | Edmonton | 43 | 26 | 14 | 11 | 30 | 24 | 14 | 11 | 94 | 79 | -15 | -16.0% |
| CKND | M-1 | Global | Winnipeg | 11 | 5 | 10 | 9 | 5 | 7 | 11 | 8 | 35 | 31 | -4 | -11.4% |
| CHAN & CHBC | M-1 | Global | Kelowna | 8 | 4 | 9 | 2 | 6 | 4 | 9 | 3 | 23 | 22 | -1 | -4.3% |
| CJOH | 715M | CTV | Ottawa | 11 | 19 | 18 | 9 | 11 | 14 | 16 | 8 | 57 | 49 | -8 | -14.0% |
| CKVR | 714M | CTV2 | Barrie | 6 | 6 | 10 | 1 | 6 | 6 | 10 | 0 | 23 | 22 | -1 | -4.3% |
| CKVU | 830M | City TV | Vancouver | 13 | 8 | 9 | 2 | 6 | 6 | 4 | 1 | 32 | 17 | -15 | -46.9% |
| CITY | 723M | City TV | Toronto | 209 | 35 | 43 | 32 | 165 | 43 | 38 | 32 | 319 | 278 | -41 | -12.9% |
| | | | **Total (group)** | 618 | 231 | 247 | 215 | 517 | 230 | 232 | 209 | 1311 | 1188 | -123 | -9.4% |
| CHNM | 830M | OMNI BC | Vancouver | 6 | 6 | 4 | 7 | 2 | 3 | 2 | 3 | 23 | 10 | -13 | -56.5% |
| CFMT & CJMT | 723M | OMNI 1 & 2 | Toronto | 27 | 31 | 1 | 25 | 8 | 5 | 1 | 2 | 100 | 16 | -84 | -84.0% |
| | | | **Total (OMNI)** | 33 | 37 | 5 | 32 | 10 | 8 | 3 | 5 | 107 | 26 | -81 | -75.7% |
| | | | **GRAND TOTAL** | 651 | 268 | 252 | 247 | 527 | 238 | 235 | 214 | 1418 | 1214 | -204 | -14.4% |
| | | | | | | | **2014-2016 NET GAIN/(LOSS)** | -124 | -30 | -17 | -33 | | | | |
| | | | | | | | **Change (%)** | -19.0% | -11.2% | -6.7% | -13.4% | | | | |

**Notes:**

- **Surveys conducted in July, 2016.**
- **In-house operations employment includes studio crews, video editors, technicians, and others; In-house editorial employment includes news writers, associate producers, assignment desk, and others. Field operations employment includes ENG-EFP camera operators, videographers and others; Field editorial employment includes mainly video journalists and reporters.**
- **City TV "Field Editorial" figures for 2014 are estimates.**
- **OMNI 1 & 2 figures for 2014 represent employment levels in May/June, 2013 – prior to major job and news programming cuts.**
- **All figures represent individual station employees. Employees whose job duties overlap between stations were addressed, wherever possible.**
- **Employment figures provided for CFMT/CJMT; CHAN/CHBC; CIHFNS/CIHFNB; CFPL/CHWI are consolidated figures (i.e. not individual station figures), based on the construct of the bargaining unit.**
- **Employment totals include both union and non-union employees.**
- **Program hosts and news anchors have been excluded from these employment totals.**

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