

July 24, 2023

FILED ELECTRONICALLY

Mr. Claude Doucet
Secretary General
Canadian Radio-television and Telecommunications Commission
Ottawa, Ontario, Canada
K1A 0N2

RE: Unifor comments regarding Bell Media applications 2023-0379-1 and 2023-0380-9 to amend certain Conditions of Licence (COLs)

Dear Mr. Doucet,

1. Thank you for the opportunity to respond to the June 14, 2023 applications by Bell Media Inc. to amend certain conditions of licence (COLs) and seek regulatory relief (2023-0379-1 and 2023-0380-9). Unifor is opposed to Bell Media's applications, because – most importantly – they undermine the very foundation of Canadian media policy, and because the applications are premature in the face of relevant and soon-to-be-implemented legislation and regulation.
2. The protection and promotion of Canadian culture has been a foundational goal throughout the history of broadcast legislation in this country, and the creation of Canadian content, including local news and locally relevant programming, has always been a key component of this overall policy goal.
3. As a broadcaster, Bell Media enjoys the privilege of distributing content to Canadian viewers, but they must also meet the basic obligations that have underpinned Canadian broadcast policy since the very beginning. Respectfully, the Commission simply cannot permit Bell Media to amend certain Conditions of Licence and receive regulatory relief in the form of reduced spending and funding obligations at this time.
4. In addition, Bell Media's applications are currently unnecessary, given the fact that the CRTC and the federal government are currently finalizing two pieces of legislation and regulation that will significantly change the financial framework for

domestic broadcasters. Unifor believes that Bell Media should wait until the *Online Streaming Act* and the *Online News Act* and related regulations have been in force before making any major decisions regarding its operations.

5. In its application, Bell Media claims that “Regulatory relief for the traditional broadcasting industry is the most pressing issue.” (Para 7) However, Unifor would likely to respectfully remind the Commission that the Online Streaming Act included language that would provide private broadcasters with relief from Part II fees associated with the Broadcasting Act. This money – which totals approximately \$120 million annually, \$20 million of which will go to Bell according to our estimates – could be used by those private broadcasters to offset losses arising from their news operations. In BCE’s case, even with that relief from Part II fees, the company still turned around and laid off 1,300 employees.
6. Our union is no stranger to sectors undergoing transformative change. Unifor is Canada’s largest private sector union, with more than 315,000 members across Canada working in 20 economic sectors. Unifor is one of Canada's largest unions in the media sector, representing more than 10,000 media workers, including 5,000 members in the broadcast and film industries.
7. Unifor acknowledges the reality that news operations have not been self-funding for decades, and the cross-support model that funded news creation has collapsed, as advertisers migrated to online ad spending. Media companies in Canada – including large, vertically-integrated conglomerates like Bell – face serious and significant revenue challenges when it comes to funding their news operations.
8. Unfortunately, BCE and Bell Media have used the slow-moving legislative process as a pretext to impose deep and destructive structural changes in their operations, and the affected journalists and media workers at Bell Media are simply collateral damage for this corporate strategy. Not only will these media workers suffer, but the Canadian public will also be negatively impacted.
9. In its application, Bell Media is specifically seeking:
 - “a reduction in our CPE from 30% to 20%;
 - a reduction in our PNI expenditures from 7.5% to 5%;
 - an expansion of the current PNI categories to include programming categories 2(a) Analysis and interpretation, 8(a) Music and dance other than music video programs or clips, 9 Variety, 10 Game shows, and 11(a) General entertainment and human interest, and 11(b) Reality television; and

- in return for the relief listed above, we propose to increase our obligation from 75% to 100% of our PNI expenditures to be made to an independent production company.”
10. Bell Media’s request to expand the current PNI categories to include analysis and interpretation, music and dance other than music video programs or clips, variety, game shows, general entertainment and human interest, and reality television is overly broad, and would completely undermine the purpose of the PNI expenditure requirement.
 11. In particular, Unifor believes that a PNI category for “Analysis and interpretation” would run the risk of becoming a form of “news-like info-tainment,” representing a potential dumbing down of journalism at a time when Canadians desperately need high quality, professional local news.
 12. While Bell Media seems to be framing the request to eliminate 25% of the in-house production expenditure for PNI programming as a positive, this move would be a media job killer at Canada’s biggest broadcaster, and if set as a precedent, at all Canadian broadcasters. Unifor does not support any COL amendment that would eliminate so many good Canadian broadcast jobs.
 13. In its applications, Bell Media argues that their proposal to decrease spending obligations for domestic broadcasters while increasing spending obligations for foreign streamers would still create a net increase in funding flowing into the Canadian system. However, Unifor has consistently argued that leveling the playing field should be the priority for the new funding framework arising from the *Online Streaming Act*. The Commission should maintain a consistent and high standard for broadcast funding and expenditure obligations, rather than watering them down to improve corporate bottom lines and shareholder returns.
 14. Unifor respectfully recommends that the Commission should wait until the *Online Streaming Act* and the *Online News Act* and related regulations have been in force before considering any applications for regulatory relief. It is premature to make long-term funding and expenditure decisions before the new funding streams begin to flow. Even Bell Media’s own proposed funding model notes that, “Data is not available upon which to base a calculation of the potential contribution of DMBDUs under the Model.”ⁱ
 15. For years, Unifor has been advocating for an updated legislative and regulatory framework for Canada’s media sector. Specifically, we have called for a new financial model that would require digital giants like Facebook and Google to pay their fair share and support the creation of Canadian cultural content, including local programming and local news. We have been actively involved in the

development of the *Online Streaming Act* and the *Online News Act*, and we believe these pieces of legislation will provide important new funding streams for Canadian news outlets. Respectfully, the Commission must now allow broadcasters like Bell Media to undercut these new policies before they have even come into force.

16. Unifor is available if the Commission has further questions or seeks additional comments.

Thank you again for the opportunity to comment on this important matter.

Sincerely,

Randy Kitt

Randy Kitt
Media Director, Unifor

CC: Wade Oosterman, President, Bell Media
wade.oosterman@bell.ca

***** End of Document *****

ⁱ “The Canadian Programming Expenditure and Contribution Model.” Bell Media. (June 12, 2023).