

The Trans-Pacific Partnership and Canada's Media Industry



Briefing Note

Unifor and the Media Industry

Unifor represents more than 12,600 Canadian media workers. This includes members in the print newspaper, graphical/commercial printing, film and broadcast sectors – all significant parts of Canada's broader cultural industry. Unifor members create and distribute Canadian news, information and entertainment programming across our airwaves, both locally and nationally. Our members also work for radio and television stations serving local communities, pay and specialty TV stations, as well as distribution services that include cable, satellite and wireless telephony.

Trouble with the TPP

The TPP was negotiated behind closed doors, with no analysis of its impacts on Canada's economy and without any meaningful input from the public. Recent studies predict the TPP will have a negative effect on Canada's economy. Even in best case scenarios, the TPP will have little to no impact at all. In either case, the risks to Canada's public policy and decision-making appear to be real and raise serious concerns for Canadians on a number of fronts. For instance:

- The inclusion of investor-state dispute settlement (ISDS) will grant extraordinary and extra-judicial rights to private corporations, allowing them to sue governments over public policy decisions;
- A "negative-list" approach that opens markets to foreign investors and all service suppliers, unless explicitly excluded from the deal, promotes permanent deregulation and limits government decision-making over the long term;
- Patent reforms and new digital policy rules risk everything from higher Canadian drug prices to data privacy.

The Impact of TPP on Canada's Media Industry

Canada's media industry contributes to the development of our nation's unique culture and identity. This is especially important in light of Canada's proximity to the United States, and the persistent influence American culture has within our borders – and across the English-speaking world. Governments and regulators need the freedom to establish policies that serve our nation's best interests and protect our heritage. Unfortunately the TPP restricts those freedoms in very serious ways:

- Canada's Annex 2 cultural industries reservation includes a notable exception that disallows Canadian regulators from establishing cultural policies deemed "discriminatory" to service providers and investors, and that restrict access to on-line foreign content. For example, experts suggest this could prevent the CRTC from applying future Canadian-content requirements on U.S.-based online service providers, like Netflix, which are currently exempt from such requirements.¹

Unifor is urging federal Members of Parliament not to ratify the Trans-Pacific Partnership agreement. Canada's approach to global trade and investment must serve to enhance our collective economic and social development, and must be guided by progressive, fair trade principles.

- The TPP ignores all existing international legal treaties designed to protect culture, including the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions. The absence of any reference to existing legal instruments, like the UNESCO treaty, creates uncertainty as to whether cultural policies are fully protected against other TPP trade and investment objectives².

Protecting Canada's Media and Cultural Industries

The TPP is a bad deal for Canadians, including media workers. Unifor believes that:

1. There should be no restriction on the CRTC's ability to impose licensing and Canadian-content requirements on foreign online broadcasters, commensurate with rules that apply to Canadian firms;
2. All trade treaties must contain a full and unequivocal exemption for culture, and must make clear reference to existing cultural protection treaties including the 2005 UNESCO Convention.

The Trans-Pacific Partnership treaty is **fundamentally-flawed** and a **missed opportunity** for Canada to facilitate global trade that is fair, ethical and of benefit to all. Unifor urges the federal government not to ratify the TPP.

¹ Michael Geist, "The Trouble with the TPP, Day 18: Failure to Protect Canadian Cultural Policy," January 27, 2016: <http://www.michaelgeist.ca/2016/01/the-trouble-with-the-tpp-day-18-failure-to-protect-canadian-cultural-policy/>

² Alexandre L. Maltais, "The TPP and Cultural Diversity," March 2016. Published as part of the Canadian Centre for Policy Alternatives series on TPP entitled: What's the Big Deal? Understanding the Trans-Pacific Partnership: <https://www.policyalternatives.ca/publications/reports/tpp-and-cultural-diversity>

