

Unifor Local 830M Intervention on CRTC Broadcast Notice of Consultation 2018-127

1. I am writing with conditional support for Rogers application for a national, multilingual multi-ethnic television service offering news and information programming, which, if licensed, would receive mandatory distribution on the basic service pursuant to section 9(1)(h) of the Broadcasting Act.
2. I would like to appear at October 15, 2018 hearing.
3. Unifor Local 830M represents 60 unionized employees in Vancouver who work for Rogers Communications to produce programming for CKVU, CHNM and OMNI Regional.
4. We want to work with Rogers and the Canadian Radio-television and Telecommunication Commission (CRTC) to ensure Canadians have access to high quality local multicultural news, produced in-house by Rogers employees in the cities across Canada which they also operate over the air (OTA) multicultural broadcast licenses.
5. Many of the applications the CRTC is considering with BNOC 2018-127 are deficient and could allow a Broadcaster the ability to contract out local news programming to a sub contractor who could be a competitor or even a subsidiary of a foreign broadcaster. Providing a translation service through the use of technology would also be a mistake and fall far short of the goals of the Broadcast Act.
6. The CRTC has allowed large vertically integrated Canadian companies to operate in a winner takes all world of regulated broadcast licensing. This is especially true with Rogers as the only multicultural broadcaster with its series of OMNI licences.
7. Unifor Local 830M would like the CRTC to consider what our conditions of support are:
8. Rogers seems best positioned to meet these conditions and the CRTC can ensure these reasonable conditions are achieved with strict and specific conditions of license.

Local News:

9. More original hours of Category 1 local news in all markets, especially where Rogers is currently operating an OTA Multicultural License as well as their current OMNI Regional operations (Vancouver, Edmonton, Calgary and Toronto).
10. Operate news bureaus across Canada. Victoria, BC currently has no Rogers Television news gathering capability. Regina, Winnipeg & Halifax have no OMNI editorial presence. Ottawa has no OMNI editorial presence. Victoria & Ottawa are of particular importance to have locally reflective multicultural news programming.
11. Category 1 News is essential to providing Canada's multilingual communities with the type of in depth reporting they need to make informed political decisions.

No Contracting Out:

12. The Licence holder must be the producer of the programming and have a fair wage relationship with the employees who are fulfilling their important local news requirements.
13. CRTC Regulatory Policy 2016-224 which states in relation to locally reflective news programming that: "it is produced by the station's staff or by independent producers specifically for the station".
14. This policy must be implemented in this decision since otherwise the CRTC would be allowing a Broadcaster to have an arms length relationship with a third party which reduces the diversity of voices (in the case of Fairchild producing Chinese language news for OMNI Regional);
15. Do not allow the ghettoization of the production of multilingual programming to the lowest bidder;
16. Ensure this licence does not become a translation service rather than a Broadcaster that produces and originates its own original content;

Transparency in the use of 9-1-H funding:

17. Rogers has claimed during the application process for its current OMNI Regional Licence it would be running the operation as a not for profit and would invest any additional money generated by the 9-1-H funding into new OMNI programming.

18. Rogers has been required to operate OMNI Advisory Boards in British Columbia, Alberta and Ontario. However the financing and mandate of these boards is not transparent. Which stations carry the costs of flying Toronto based Rogers management to Advisory Board meetings and the honorarium costs for the Rogers appointed community members to attend for example?
19. The actual role of the Advisory Board is unclear. Its members seem to act more as a marketing arm for Rogers rather than providing critical and meaningful community consultation as contemplated in the CRTC's Multicultural Policy. These members were not even consulted in 2015 when local news was dropped and replaced by Category 3 community affairs programming.

Specific Conditions of License:

20. We expect clear and enforceable conditions of license to require Rogers to produce daily, original, locally reflective, in-house category 1 news.
21. The CRTC and Rogers have a history of transforming meaningful comments, aspirations and commitments into unenforceable expectations. The Commission has also made it clear that policies are not enforceable; only conditions of license are enforceable.
22. Rogers can apply for relief from conditions of license if it can prove those conditions are unfair or unreasonable, however the CRTC does not seem to be able to add or edit conditions of license once they have been awarded for their entire term. That could leave Canadians until 2025 before we have a chance for public input again, so we are asking the CRTC issue very strict and enforceable conditions, especially with so much public money involved with this 9-1-H process.

History of CRTC multicultural hearings & decisions in Vancouver

23. CHNM was first awarded to a group of Vancouver business people who operated Channel M for five years.
24. This group spent \$32 million on starting the station only to sell it to Rogers for \$60 million, shortly after losing a bid for two Alberta multicultural stations in Edmonton and Calgary in 2006.

25. In 2007 Rogers owned CHNM and rebranded it from Channel M to OMNI BC. It operated out of a Chinatown studio location. At that time there were 19 employees working in field news operations, 24 employees working in inside news operations, 18 employees working in station operations and another 25 employees worked in either promotions, traffic or sales.
26. In 2013 the first major cuts to News, with significant lay offs to the Chinese language local news casts.
27. This resulted in a Part 1 Application 2013-0996-4 and decision 2013-657
28. In 2014 we feel Rogers distracted the CRTC Licensing process (2014-26) with a plan to reduce the conditions of licence of OMNI; that plan was eventually turned down.
29. During the public hearings portion of this relicensing process (2014-26) Rogers boasted of its commitment to OMNI news and warned if it were not given what it wanted "something" would have to be done. Rogers then got an exemption for OMNI from broadcast policy 2009-406, based on the financial hardship this would cause Rogers. (Decision 2014-399, paragraph 148)
30. This exemption allowed Rogers to reduce their OMNI news operations in 2015 to a Category 3 current affairs show, leaving Canada's ethnic communities without daily ethnic news just months before the 2015 federal election.
31. After years of programming cuts and staffing reductions Rogers falls far short of any reasonable persons interpretation of local programming that meets a high standard, particularly with its local news programming.
32. This 2015 "restructuring" resulted in another Part 1 Applications 2015-0560-4 and 2015-0576-0 and decision 2016-8
33. In 2016 Rogers decided to apply for a 9-1-H multicultural license while renewing their OMNI OTA licenses, application 2016-0009-9.
34. This resulted in Broadcast Decision 2017-152 and a short three year license for both OTA and 9-1-H licenses.

35. A competitive process was announced at that time with BNOC 2017-154, resulting in the current BNOC 2018-216.
36. Rogers 2017 decision to contract out their Chinese language regional news programming to a competitor comes down to an issue of pay equity. Rogers is attempting to pay Chinese employees less than their in-house counter parts. This is outrageous for one of Canada's wealthiest communications companies.
37. This resulted in another series of Part 1 Applications, 2017-0975-0 and 2017-0977-6, resulting in Broadcast Decision 2018-118
38. In this Decision the Commission has done nothing to protect journalists jobs and done everything to give these Canadian communications companies the loop holes they have asked for to do far less.

CRTC Decision 2013-657

Paragraph 31:

Nevertheless, the Commission remains concerned by the extent of the programming changes and the impact of the changes on the communities served by the stations. In particular, the Commission is concerned by the apparent lack of local programming on some of the OMNI television stations and by the lack of information received regarding Rogers' consultations with the advisory councils.

Paragraph 33:

In light of this, although the licences for the OMNI stations expire 31 August 2015, the Commission has requested that Rogers submit licence renewal applications for the OMNI television stations early. By doing so, the Commission will be able to consider all of Rogers' television services at the same time. It will also allow the Commission to review OMNI's programming issues at an earlier date; consider appropriate measures related to local programming; and synchronize the expiry dates for all of Rogers television services.

CRTC Decision 2016-8

Paragraph 32:

Given that policies established by the Commission are non-binding, further regulatory action by the Commission is needed to impose their requirements on a licensee (for example, the imposition of a condition of licence). As such, a review of the Ethnic Broadcasting Policy to clarify the role of local third-language newscasts in reflecting local issues would neither result in binding changes to the OMNI stations' conditions of licence, nor provide interveners with an opportunity to advocate for binding changes to the requirements for the OMNI stations. Instead, such a general policy review would delay the ability of the interveners to address their immediate concerns regarding the programming of the OMNI stations by introducing an additional, time-consuming process without remedying these concerns.

Paragraph 33:

The Commission also notes that it is currently unable to impose new conditions of licence on the OMNI stations or amend its existing conditions of licence as section 9(1)(c) of the Act only permits the Commission, on its own motion, to amend a licensee's conditions of licence where five years have expired since the issuance or renewal of the licence. In the case of the OMNI stations, their licences were renewed in 2014. As such, the Commission will only be able to consider amending the OMNI stations' conditions of licence at their upcoming renewal in the group-based licence renewal process.

Paragraph 34:

Accordingly, the licence renewal hearing for the OMNI stations will provide interveners with the earliest opportunity to request and advocate for conditions of licence to address their specific concerns.

Paragraph 36:

Finally, at the time of the next group-based licence renewal process, the Commission will have completed its policy review on local and community television programming (see Broadcasting Notice of Consultation

2015-421). This new policy may have an impact on the obligations and requirements for conventional television stations regarding the broadcast of local news programming.