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May 29, 2015

Mr. John Traversy
Secretary General
CRTC
Ottawa, ON K1A 0N2

Sent by mail and fax: 819-994-0218

Dear Mr. Traversy:

Re: Rogers Communications Inc. and OMNI TV

We are in receipt of the complaint submitted to the Commission by an alliance of ethnic community organizations, dated May 22, 2015 in response to Rogers' elimination of all remaining daily newscasts at its licensed OMNI stations in Vancouver and Toronto. As the Commission is no doubt aware, Unifor is the trade union representing employees at those stations.

The elimination of those OMNI newscasts, the nation's only free OTA newscasts in Italian, Punjabi, Cantonese and Mandarin, directly affects 1.5 million Canadians who identify these languages as their mother tongue.¹ Of those 1.5 million Canadians, a study² previously submitted by Rogers to the CRTC indicates that 25% of them consume OMNI television; further about 30% choose to consume news in their mother tongue.

At any time such a development would be considered a fire bell in the night for local programming in the ethnic community. On the eve of a federal election: ever more so.

¹ National Household Survey, 2011. This includes 964,155 Canadians concentrated in Vancouver and Toronto. The national number is larger if the audiences for South Asian and Portuguese language broadcasts, eliminated by Rogers in 2013, are added. There are a further 270,000 Canadians who identify "Chinese" as their mother tongue, which may include Chinese languages other than the most commonly spoken Chinese languages, Mandarin and Chinese.


² "New Canadians: A Review of Media Usage," Strategic Inc. (December 2013)

The complaint requests an immediate hearing before the Commission to review the concerns raised by the elimination of news broadcasting, and to make the following remedial orders requiring Rogers:

- to restore programming and staff that support it;³
- to fund local news broadcasting on par with other systems/stations;
- to restore the dedicated sales/marketing capacity eliminated by Rogers;
- or in the alternative, to surrender the license in order to allow a sale to a more committed broadcaster to take effect.

Unifor endorses the community groups' request for an immediate Commission hearing, on an expedited basis, and in particular to restore the programming and the staff that support it. The Commission's originating and remedial jurisdictions under sections 12(1) and 12(2) of the Act to hear and act on this complaint are broad and unfettered.⁴

³ We understand that the number of layoffs in the OMNI stations is 110. This includes 29 full time jobs at OMNI Vancouver (CHNM) of which 12 were directly engaged in news gathering and reporting; and 37 at the Toronto OMNI station (CMFT) of which 10 are directly engaged in news reporting. However this number must be supplemented by the reduction in reporters and other OMNI staff in 2013, as detailed by CEP in its complaint dated June 26, 2013: "Since January 2013 Rogers laid off thirteen of the forty-two full-time staff at CHNM-DT Vancouver and three of the station's four part-time staff; it terminated the positions of at least five reporters. During the same period Rogers also laid off at least nineteen people from CFMT-DT Toronto, including six reporters. Three reporters and four producers were laid off in CJCO-DT Calgary. These staff reductions follow Rogers' September 2011 closure of its studio in CJEO-DT Edmonton, which resulted in the loss of twenty out of thirty-four positions. Rogers laid off four OMNI staff in Vancouver in June 2010. In brief, Rogers has reduced its staff at the OMNI stations by 63 positions, including 14 reporters."

4  12. (1) Where it appears to the Commission that

- (a) any person has failed to do any act or thing that the person is required to do pursuant to this Part or to any regulation, licence, decision or order made or issued by the Commission under this Part, or has done or is doing any act or thing in contravention of this Part or of any such regulation, licence, decision or order,
- (a.1) any person has done or is doing any act or thing in contravention of section 34.1, or
- (b) the circumstances may require the Commission to make any decision or order or to give any approval that it is authorized to make or give under this Part or under any regulation or order made under this Part,

the Commission may inquire into, hear and determine the matter.

(2) The Commission may, by order, require any person to do, without delay or within or at any time and in any manner specified by the Commission, any act or thing that the person is or may be required to do under this Part or any regulation, licence, decision or order made or issued by the Commission under this Part and may, by order, forbid the doing or continuing of any act or thing that is contrary to this Part, to any such regulation, licence, decision or order or to section 34.1.

In view of the upcoming federal election campaign, the absence of the eliminated newscasts represents irreparable harm that cannot be remedied post facto.⁵

Unifor therefore proposes that either the Commission call a special hearing to deal with the community groups' complaint (in which case Unifor seeks standing) or in the alternative combine this complaint with the Commission's upcoming review of Local and Community Programming (provided the Notice of Consultation is imminent).

In support of our position, Unifor submits the following:

1) We remind the Commission of the complaint filed in June 2013 by our forerunner union CEP in response to the programming cuts in 2012-2013, cuts which eliminated Portuguese and South Asian newscasts, as well as a long list of other diversity programming.

In making that complaint, CEP argued that the job cuts to a programming and production staff of predominantly multi-ethnic origin resulted in a failure of Rogers and the COL to meet the objectives of section 3(1)(a)(iii) of the Act, namely:

3. (1) It is hereby declared as the broadcasting policy for Canada that...

(d) the Canadian broadcasting system should...

(iii) through its programming *and the employment opportunities arising out of its operations*, serve the needs and interests, and reflect the circumstances and aspirations, of Canadian men, women and children, including equal rights, the linguistic duality *and multicultural and multiracial nature of Canadian society* and the special place of aboriginal peoples within that society, and...

To our disappointment, the Commission chose not to address this important argument in its decision.⁶

It remains our view that the Commission was obliged to consider section 3(1)(a)(iii) and failed to do so in Decision 2013-657. In view of the 110 further layoffs of staff at the two OMNI stations, Unifor believes that this important argument should be reconsidered and in the event of a hearing Unifor will tender evidence to support this argument.

⁵ The Commission has delayed the expiry of licenses held by the vertically-integrated media companies such as Rogers until August 31, 2017. ⁵ By any measure, a two-year delay before these issues can be examined is unacceptable.

⁶ Broadcasting Decision CRTC 2013-657, at paragraph 15.

2) Secondly, we submit that Rogers' 2014 application for renewal of the OMNI COL would have been viewed by the Commission in an entirely different light had Rogers provided the slightest suggestion that it might deal with its profit and loss issues by wiping out news reporting in its four major language groups less than nine months into its new mandate. Rogers did raise a number of programming concerns in connection with its requested COL relief, but nowhere did it suggest a thunderclap scenario in which it exited daily news altogether.⁷

In the course of that license hearing, Unifor proposed that the Commission satisfy itself that Rogers' financial concerns were genuine --- and sufficiently dire to warrant COL relief --- by engaging in a forensic audit of Rogers' confidential financial statements. This proposal was declined by the Commission, leading one to conclude that the confidential information provided by Rogers to the Commission did not alert the Commission to a scenario in which amounts to a partial wind-up of its broadcasting operation, reducing its programming expenditures from \$9M to \$4M annually.⁸

3) In further support of our position, we note that Rogers tenaciously declined during the license renewal hearings to give specifics of its programming changes should it fail to obtain the petitioned COL relief. In a significant intervention on the COL relating to programming obligations, Bell Media submitted to the Commission that the OMNI stations effectively operate as hybrid local stations but without the standard COL for metropolitan local stations, including the requirement of 14 weekly hours of local programming. Given that Rogers rebutted Bell's arguments, it was incumbent on Rogers to have disclosed that eliminating all local newscasts was on the table. Had Rogers done so, the Commission's renewed COL might have prevented Rogers from doing exactly what it is doing now.

4) Finally, it is unclear that OMNI's ethnic advisory boards were consulted by Rogers in this radical change of programming policy, depriving the local ethnic communities the opportunity "to ensure that Rogers provides an appropriate level of programming commensurate with the demographics of each market where OMNI operates."⁹

⁷ Broadcasting Decision CRTC 2014-399, paragraphs 104-141. In fact, Rogers proposed (and the Commission accepted) to *increase* local programming at its Alberta stations. See paragraph 149.

⁸ In the Canadian Press story of May 8, 2015 regarding the OMNI programming and job cuts, Rogers VP Collette Watson was reported to have provided the following information:

"Omni newscasts had production costs of about \$9 million last year and brought in \$3.9 million of advertising revenue, said Collette Watson, vice-president of television and operations at Rogers. "The math didn't work," she said. "It's the magic of every television executive. You need to find the show that will resonate with audiences, so this is what we're doing."

⁹ 2014-399, paragraph 156

Accordingly, we look forward to the Commission's response to the May 22, 2015 request of the ethnic community groups at the very earliest convenience of the Commission.

Yours truly,

A handwritten signature in black ink, appearing to be 'Howard Law', written in a cursive style.

Howard Law
Director, Media Sector

c.c. Collette Watson, Rogers Broadcasting Ltd.
Signatories to the May 22, 2015 Complaint
Hon. Shelley Glove, Minister of Canadian Heritage and Official Languages
Stephen Hawkins, President Unifor Local 830-M
Kelly Dobbs, President Unifor Local 723-M
Angelo Contarin, Vice-President Unifor Local 823-M