

CRTC Transcript 2018-127 Unifor Nov 28

PRESENTATION / PRÉSENTATION

3897 MR. HAWKINS: Good afternoon, Mr. Chairman, Commissioners, and CRTC staff, and thank you for the opportunity to speak at this important hearing.

3898 My name is Steve Hawkins. I'm the Local President for Unifor 830M. I represent the 60 unionized employees who work for City TV and OMNI in Vancouver. I've been a news camera operator and editor for the past 26 years. My comments today are in support of Rogers' application for a multicultural 91h service.

3899 Our members work hard every day to produce local news, regional news, and national news for OMNI television. In this time of fake news or yellow journalism I believe the best way to fight the forces is to have well-funded professional journalism.

3900 Local news is at the core of Canadian TV. It's where most of my members work and where I've dedicated my professional life. Local news is not something that should be contracted out to the lowest bidder.

3901 I'm asking the Commission to require Rogers to locally produce all their news programming in-house, including their national Chinese news shows, using OMNI employees as a condition of licence.

3902 Civic function journalism is something Rogers does well. Our members are connected to their communities in meaningful ways and engaging ways. This is the core of civic function journalism, professional journalism. They are invested in taking broadcast news and making it relevant to their community.

3903 We know from experience that only strict and enforceable conditions of licence can achieve the goals of the *Broadcasting Act* and the Commission's Ethnic Broadcasting Policy to the benefit of Canadians -- of Canadian multicultural communities. Promises, policy expectations and aspirations are not enforceable once a licence has been granted. Only specific conditions of licence can ensure the public interest, as required by the *Broadcast Act*, is upheld.

3904 Canadians deserve certainty and enforceable conditions of licence ensure that large, vertically integrated companies will live up to their commitments in exchange for the use of the public airwaves.

3905 Thank you for your time today and I will take any questions you might have.

3906 THE CHAIRPERSON: Thank you. Thank you for your presentation.

3907 Commissioner Laizner?

3908 COMMISSIONER LAIZNER: Good morning. I noted that in your written intervention, you mentioned a few other things, as well, in addition to what you've spoken to today about producing all news programming in house and I'm wondering if you could give me a little bit more detail about those other issues that you have with respect to transparency and contracting-programming obligations, that sort of thing.

3909 MR. HAWKINS: Sure. Transparency in what regard?

3910 COMMISSIONER LAIZNER: I think you're ---

3911 MR. HAWKINS: If you make specific reference to them?

3912 COMMISSIONER LAIZNER: Yeah, the reference you made in your intervention was transparency on the use of 9(1)(h) funds and the mandated wholesale rate, so I just want to understand what you mean by that.

3913 MR. HAWKINS: Well, once the funds, you know, go into a large vertically integrated company, the reporting seems to be between the CRTC and the broadcaster and when I've made attempts in the past to get any of that information, it seems to be held as confidential or, you know, market information, so some sort of a more open process in letting that information -- seeing where those funds are going and ensuring that they're doing what they say they're doing would be, I think, helpful.

3914 COMMISSIONER LAIZNER: Okay. And were there any other matters that you wanted to address before us today or is basically what you're talking about is the concern you have that production be centered in the communities where the news is taking place?

3915 MR. HAWKINS: Yeah, I mean, but right now, we're talking about the 9(1)(h) and other comments that I've made in the past relate to the over-

the-air systems and that certainly puts Rogers in the advantage to -- because it has the over-the-air TV systems and that -- and that's where we had numbers and when they got the 9(1)(h), which we were supportive of, we did, you know, grow the -- our ability to cover ethnic news in Vancouver and that -- that's what I'm speaking to.

3916 I know that Howard and Angelo are going to be speaking to the issues of a fair wage policy, and they might also have something additional as far as transparency in reporting and I certainly work with them. We share information and then that's where some of the frustration might come is when we collectively try and get this information. It has been difficult in the past.

3917 COMMISSIONER LAIZNER: Okay.

3918 MR. HAWKINS: And, you know, I know that earlier in the proceedings, there was talk about the makeup of the advisory councils and I have reached out and I think that it might be something that the Commission could consider is to have a worker rep or an employee representative that's part of those councils; somebody outside of the Rogers management team that -- you know, that -- not to overuse a cliché, but the feet-on-the-street people that are doing the work that are connected in the day-to-days that could, you know, have a very meaningful input to advisory councils as far as what's, you know, realistic and ideas, things that have worked in the past; that sort of thing, you know.

3919 I'm thinking of the Chinese New Year celebrations and the way that OMNI's had a, you know, a very positive influence on those large community events. The same thing with Misaki and other festivals.

3920 You know, it's our members that are on the street that are engaging community, but -- and, you know, myself, as a news camera operator, I principally work for CITY TV but, you know, it's not uncommon my talking to somebody from the Punjabi community to engage them and ask them to give me their response in Punjabi and that's something that an awful lot of other people that have been, you know, putting themselves out there as part of this process might understand is that there are advantages to having more feet on the street that a company like Rogers is able to do.

3921 COMMISSIONER LAIZNER: All right. Thank you very much. Those are my questions.

3922 MR. CHAIRPERSON: No? Then I thank you very much for your contribution to the proceeding.

3923 Madame le secrétaire?

3924 THE SECRETARY: Thank you, Mr. Chairman. We'll now go back to Item 5, Unifor, so please come forward.

3925 (SHORT PAUSE/COURTE PAUSE)

3926 THE SECRETARY: Sorry about that. Please go ahead when you're ready.

PRESENTATION / PRÉSENTATION

3927 MR. LAW: Good morning, Chairman and Commissioners. Thank you very much for the opportunity to appear before you.

3928 Yeah, my name's Howard Law from Unifor. We're the country's largest private-sector union. We represent 315,000 Canadian workers including 12,000 journalists and media workers.

3929 As the national representative for Unifor, I've had the unique privilege of representing people who work in the third language and multi-ethnic media and as our media director, I've also appeared before you in the past advocating on public policy issues concerning local news, specifically, but also broadcasting generally.

3930 I'd like to introduce Angelo Contarin. Angelo is the President of Unifor Local 723m which represents Rogers, CITY and OMNI employees in Toronto. Angelo is a video editor who's among about a hundred Rogers media workers employed in the OMNI operation across the country.

3931 You already have on record our mercifully short submission suggesting how you might evaluate the eight different applications before you. We could summarize our submission in three points:

3932 Number one, prioritize each applicant's ability to deliver on high-quality local news by the licensee in house. Two, insist on a fair employment policy for the successful applicant. Three, lock it all down in the conditions of licence.

3933 Let me start with the last point. Everyone in the room and certainly the Commission understands what's happening to the industry's legacy business model based on advertising revenues paying the lion's share of programming expenditures. Ad revenues can and likely will get worse and it's not fanciful to imagine operational adjustments and improvisations being made by the successful applicant during the licence term.

3934 That is why, in our humble opinion, we need an experienced and well-resourced broadcaster at the helm. But it's also why the public interest demands that quality programming not be watered down as a result of changed circumstances. Certainly, the mandatory subscriber contributions will not be watered down. That is why we believe that the conditions of licence must -- that COLs must pin down everything the Commission considers material to broadcaster performance.

3935 With regards to those COLs, let me just focus on two areas. As we said in our submission, the core of the programming should be news and the local component should be produced in house. The best guarantee of that high-quality programming is for the licensee to be a hundred percent in control of news programming -- news gathering. That begins with the hiring of journalists, training them, retraining them if necessary, directing their work throughout the day, helping them make important news judgments as stories develop during the day, and making the hands-on development of that journalist human resource as a priority.

3936 In television, reliable journalism has to be your brand, but it's also your bond. You can't contract out quality control.

3937 We believe it should be a condition of a licence for local news and that should be expressed as a COL, defining local presence as staffing by a sufficient news core of TV journalists -- we're talking reporters, camera operators, videographers, editors -- to cover stories important to the third-language communities covered by the licence and, secondly, a condition of licence prohibiting the contracting out of any production of local news programming to third parties.

3938 Let me turn to the point of fair employment policy. Commissioners, it's imperative we have a fair employment policy as a corollary to the condition of licence for in-house news production.

3939 The Rogers proposal to partner with Fairchild to produce local news demonstrates why that is necessary.

3940 I can tell you as the Union Rep who organized the union in Toronto's three Chinese-language newspaper dailies beginning in 2001, and then negotiated their union wage rates, the labour market for Chinese media employees is a captive labour market. The non-union wage rates would shock your conscience.

3941 The fact is that if you're a functionally unilingual journalist or media worker in any ethnic community, including the Chinese community, your employment options are significantly narrowed by your lack of English proficiency. Owners of ethnic media operations know this.

3942 The labour bargain that results is exactly what you would expect. The labour rates at Rogers/OMNI and the three unionized Chinese language papers in Toronto are quite good. The union changed the employment bargain.

3943 For an example, an experienced journalist at OMNI's Toronto or Vancouver operations earns from \$60,000 to \$70,000 plus a solid package of benefits. I'll bet coffee with anybody in the room that the rates at Fairchild are far lower, likely half.

3944 It is not acceptable that a media owner enjoying a stream of subscriber revenue levied by mandatory contributions should be in a position to exploit the economic vulnerability of its employees in the very community to which it's broadcasting its programming.

3945 The *Broadcast Act* explicitly supports a fair employment policy in section 3(d)(iii) when it refers to employment opportunities arising out of its operation.

3946 We are unable to find a Commission precedent where there has been -- where that language has been applied in a significant manner to employment in broadcasting. Nevertheless, the language regarding employment opportunities means something, and in our submission, it should be applied -- if it should be applied anywhere by the Commission, it should be applied here in the manner we're suggesting, where programming quality and fair conditions converge.

3947 Therefore, we submit that you should require all applicants file, as an undertaking, a fair employment policy that addresses compensation issues and that the obvious benchmark for compensation should be the Unifor/OMNI Collective Agreements and that such a policy be made a condition of licence for the successful applicant.

3948 Those are our comments, and before we turn to any questions you might have, I would ask your indulgence to watch this two-minute video, which we hope illustrates the importance of high-quality local news in this licence proceeding.

3949 (VIDEO PRESENTATION/PRÉSENTATION VIDÉO)

3950 THE CHAIRPERSON: Thank you for the presentation and the video. I have a couple of questions, if I may.

3951 In both your intervention and again today in your oral comments you reference section 3(1)(d)(iii) of the Act which addresses employment opportunities, and you propose conditionals, and the objective of which obviously is to maintain high levels of local news content, an objective we share.

3952 But the Act also talks about the importance of the independent production sector. So I wonder if you can suggest or add some further detail as to why you think we should be looking more or less exclusively at one at the expense of the other, understanding your concern is with contracting out, but I would just like you to try and juxtapose those objectives of the Act.

3953 MR. LAW: Well, let me respond with two points. The first point is that certainly in all the applications, the role of independent producers in providing non-news programming will be very strong, and I think all the applicants have detailed to you how they propose to do that, and we don't take any issue with that whatsoever. And we do think that meshes appropriately with the objectives of the Act.

3954 In terms of news, however, our very strong view is, and it's always been in many proceedings, that the best way to deliver high-quality programming in news is through professional journalism.

3955 One of the things about professional journalism is it has to be experienced. And honestly, to put it very candidly, you can't cheap out on professional journalism. That's why it's very important, number one, to have your own journalists. And that was the point I tried to make in my opening remarks.

3956 Number two, if you try to -- if you pay bottom dollar for journalism, you will get what you pay for. And that's why we think that a fair

employment policy is good for programming, and obviously it's fair to the employees. And we think that both of those objectives are in the Act.

3957 THE CHAIRPERSON: Still, we have to balance these things.

3958 So what policy objectives do you think would be achieved by prohibiting any subcontracting?

3959 MR. LAW: The policy objective would be making sure that the citizenry, the audience, gets the best possible local news. And without going on a long dissertation about that on points I think we already agree about, the news is -- when we say at the end of our video "news it's essential to democracy," I think everybody is on the same page as that, and I think that the Commission has stated that in previous decisions in the local programming decision, for instance.

3960 The polling that's been done both by the CRTC and by Unifor and Friends of Canadian Broadcasting through Nanos shows that in terms of audience preferences, that local news is by far the highest rated Canadian content in the system, in the range of 80 or 90 percent importance versus much lower figures for sports and entertainment. So that's what the public expects.

3961 And it's also sort of a no brainer that, you know, especially with the communities we're talking about, where the audience is trying -- where the citizens who are watching or the residents who are watching are trying to move up the learning curve about Canada and about Canadian politics as quickly as they can to catch up to everybody else, that it makes sense that you have to have absolutely the best and I would argue it's counterintuitive to think that you can do that if you're contracting out to an organization that is not as committed to you as providing -- as the licensee to providing high quality journalism. It -- there are -- you know, companies contract out all the time, but they rarely contract out their core mission.

3962 THE CHAIRPERSON: Okay. Thank you. While we're on conditions of licence, you also recommend a condition allowing only a small percentage of the subscriber tariff could be spent on online programming, as opposed to cable programming.

3963 Can you comment on that? And in particular, I'd just like some further understanding of why that's a reasonable condition? What would be the amount, and perhaps some explanation?

3964 MR. LAW: I think what I'd like to do is maybe back away a little bit from those comments in our brief that were written a few months ago. The only concern there is that an applicant might come in and really have a -- really be a webcaster, rather than a broadcaster, and see this an opportunity to finance their webcasting operation.

3965 Certainly, we're not concerned about any broadcaster that wants to repurpose their content in a parallel online product, so -- and I think that all of the applicants are thinking about that. But since cable subscribers are in fact paying the bills, it should be a -- you know, a cable first operation.

3966 THE CHAIRPERSON: Okay. So just to be clear, so you're not proposing it anymore as a condition of licence? Or -- and if ---?

3967 MR. LAW: I think it's worthy of considering, but I wouldn't -- you know, I wouldn't put it in my top five.

3968 THE CHAIRPERSON: All right. You also, in your intervention, speak to the need for the prospective licensee to have the scope and the resources to fulfill all the promises in their application. Given that you've recommended -- you've supported one of the applicants ---

3969 MR. LAW: Sorry. I should be clear. We don't -- we haven't endorsed any of the applicants. But we do obviously represent the employees at Rogers and ---

3970 THE CHAIRPERSON: You ---

3971 MR. LAW: --- we don't want to see them lose their jobs ---

3972 THE CHAIRPERSON: Yes.

3973 MR. LAW: -- and we think there's a good application from Rogers.

3974 THE CHAIRPERSON: Understood.

3975 MR. LAW: Yeah.

3976 THE CHAIRPERSON: Do you think that vertically -- that non-vertically integrated applicants then are at more risk than others in terms of their ability to fulfill a licence -- conditions of licence?

3977 MR. LAW: The whole VI thing, I think has become a bit of a political football here. The -- what matters is scale and resources. And there is at least -- you know, I am not intimately familiar with the capitalization of some of the non-VI applicants here, but -- and if they have the scale and resources to do the job, being a VI or not being a VI should have nothing to do with the strength of their application.

3978 THE CHAIRPERSON: Okay. And -- well, how would you suggest, then, or what do you think are the most important considerations as the Commission balances the question of increasing the diversity of voices versus certainty about the size, scale, and scope of the prospective licensee?

3979 MR. LAW: You see, I don't think that we would buy into that question in the sense that it's not an either or a trade-off. The diversity of voices is in the content. It's how well you're bringing out the diversity of voices in the content.

3980 So you know, clearly some of these new applicants have brought a -- both a diverse and experienced leadership team, but I think both the VIs could say the same thing. I think what's important is how are they going to serve the community and find the diverse stories and bring them out. That would be our view of -- it's not really a trade-off.

3981 THE CHAIRPERSON: I think for the Commission it's more -- a diversity of voices is more than the content, as we've expressed throughout the course of the hearing.

3982 MR. LAW: Yes, and so I probably can't help you on that.

3983 THE CHAIRPERSON: Not a problem. Those are my questions.

3984 MR. LAW: Could I just say on that?

3985 THE CHAIRPERSON: Yes.

3986 MR. LAW: I mean, we did -- the only contribution to that discussion that I think we've made is in our brief about the editorial advisory boards.

3987 THE CHAIRPERSON: M'hm.

3988 MR. LAW: And -- so we, you know, I think that the idea of an advisory council, which some of the applicants have talked about, is an important

aspect of bringing the -- you know, tapping the diversity and tapping the experience and input from the communities they're serving.

3989 We also think it might be useful to have an editorial board because there is always the -- and this really goes to the whole issue we have about professional journalism. There is always the potential for a conflict of interest between the views brought forward through the advisory board and professional journalism.

3990 So you can have a controversial issue in a community, you could have an advisory board saying we don't like those stories, or you're missing a bunch of stories we want you to report. The function of an editorial advisory -- editorial board would be to say, thank you, we're going to consider this and we're going to govern ourselves in according to, not only what is good coverage for the community, but what's -- but what is a -- you know, how -- we have a strong and independent press. Because in the end, when it comes to the local news, that's what the broadcaster is responsible for.

3991 A bit of a digression. I apologize.

3992 THE CHAIRPERSON: Do you have an example of that, or is that just a potential concern?

3993 MR. LAW: It's a potential concern.

3994 THE CHAIRPERSON: Okay. Thank you. Those are my questions.

3995 Commissioner? Madam Simard?

3996 COMMISSIONER SIMARD: Thank you.

3997 A quick question. In your view, is a job description for a journalist covering news, like in general, is the same as a job description for a journalist covering news for specific communities?

3998 MR. LAW: Sure. I understand the question. I mean, obviously -- I hope I'm answering the question.

3999 The job of a journalist and the sort of the broadcaster that we're talking about here is obviously going to require real experience and roots in the community. And I think -- you know, I think a number of the applicants demonstrated why that's important in order to cover stories meaningful to the community, as opposed to, you know, what I would call "rip and read",

or -- which is, you know, you have somebody else's journalists tell you what's important and you use their content because that's all you've got, as opposed to using your own journalists who you can depend on to root out the stories that are really special in the community.

4000 COMMISSIONER SIMARD: Thank you.

4001 THE CHAIRPERSON: Any questions from counsel?

4002 MR. BOWLES: I have two relatively quick questions for you.

4003 Just to confirm for the record. You referenced the -- setting as a benchmark for the employee policy and the compensation package the UNIFOR/OMNI collective agreement. Can you specify for the record whether there was any Commission involvement in -- between those agreements?

4004 MR. LAW: Any Commission involvement?

4005 MR. BOWLES: Yeah.

4006 MR. LAW: No, they were negotiated between the parties.

4007 MR. BOWLES: You speak about -- in your presentation, there was a general comment made about non-unionized wage rates. To your understanding, is there any impediment for non-unionized workers to unionize?

4008 MR. LAW: There are lots of impediments.

4009 MR. BOWLES: Could you expand?

4010 MR. LAW: Anti-union activity from the employers.

4011 MR. BOWLES: There's nothing else that you'd like to add to your response ---?

4012 MR. LAW: So the *Labour Relations Act* provides the legal opportunity for workers to organize. You asked if there were impediments, and the impediments usually are anti-union activity from employers.

4013 MR. BOWLES: And is it your view that those anti-union activities are in conformity with relevant legislation?

4014 MR. LAW: No, they're usually in violation of it.

4015 MR. BOWLES: Yeah. Thank you very much. Those are my questions.

4016 THE CHAIRPERSON: Thank you. Thank you very much for your submissions.

4017 We will break now for lunch, returning 1:15.

--- Upon recessing at 11:53 a.m.

--- Upon resuming at 1:17 p.m.