



IEMS: 3332517
CITS No.: 88748

FEB 12 2015

The Honourable Dennis Dawson
Chair
Standing Senate Committee on Transport
and Communications
The Senate
Ottawa, Ontario K1A 0A4

Dear Senator Dawson:

I am writing concerning your committee's work on the challenges facing CBC/Radio-Canada in an evolving broadcasting and communications environment. I do not wish to comment on the technical aspects of this evolution, but rather on CBC/Radio-Canada's obligations as the national public broadcaster under the *Broadcasting Act*, and as a federal institution under the *Official Languages Act*. A brief history of the *Official Languages Act* is provided in Appendix A.

These two laws are complementary and both stem from Parliament's desire to promote the development and vitality of official language minority communities (OLMCs). Following the amendments that were made to Part VII of the *Official Languages Act* in 2005, federal institutions now have a duty to take positive measures to meet this commitment and to take OLMCs' needs into account in their policies, programs, directives and priorities. This applies to CBC/Radio-Canada.

The national public broadcaster's vital role with respect to OLMCs and linguistic duality has been the subject of various testimonies and reports, including a recent report by the Standing Senate Committee on Official Languages titled *CBC/Radio-Canada's Language Obligations: Communities Want to See Themselves and Be Heard Coast to Coast!* (April 2014). The House of Commons Standing Committee on Official Languages is currently conducting a study on CBC/Radio-Canada programming since the last budget cuts. For its part, the Canadian Radio-television and Telecommunications Commission heard from thousands of people in 2012, including members of OLMCs, during its hearings on the renewal of CBC/Radio-Canada's licences.

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English- and French-speaking organizations have taken these opportunities to speak about the key role that CBC/Radio-Canada's local stations and national networks play with regard to the vitality of the communities, and of the difficulties facing the broadcaster in fully playing that role. CBC/Radio-Canada also has a role to play in promoting linguistic duality by helping bring the two official language communities and their respective cultures closer together through its English and French services, a role the broadcaster has yet to fulfill completely.

The changes made by CBC/Radio-Canada following the cuts over the past two decades have undermined its ability to meet its obligations and to continue playing its vital social and cultural role, particularly in the smaller communities. In several regions, such as the one that is home to radio station CBEF Windsor (a case I investigated), CBC/Radio-Canada is the only broadcaster that airs content in the minority language and that reflects the community. At small broadcasting stations and in communities with limited resources, the slightest cuts can have a big impact.

The national public broadcaster cannot be subject to a market logic alone, which would run counter to its mandate to provide programming from coast to coast in both official languages and to reflect the various communities and cultures, including in minority settings. Because of their size, many communities are not financially viable markets. However, it is precisely in these communities that CBC/Radio-Canada's presence is all the more crucial for linguistic, cultural and community vitality.

I would like to draw your attention, on the one hand, to a report commissioned by CBC/Radio-Canada and titled *Analysis of Government Support for Public Broadcasting and Other Culture in Canada* (Nordicity, October 2013). The report shows that, among 18 major Western countries, Canada has one of the lowest levels of funding for its public broadcaster. On the other hand, the Auditor General's 2013 Special Examination Report on CBC/Radio-Canada concluded that the broadcaster's resources are managed efficiently, despite its additional obligations—obligations that no other Canadian broadcaster has to meet.

You will understand that the worsening financial situation at CBC/Radio-Canada is cause for concern, because the national broadcaster is already having difficulty fulfilling its role with respect to OLMCs.

CBC/Radio-Canada is focusing on digital media as the way forward. My role is not to determine whether that decision augurs well for the broadcaster. However, I must insist that, as it embarks on this transition, CBC/Radio-Canada weigh the potential consequences of its decisions on OLMCs, particularly the most vulnerable ones, and that this assessment take place in cooperation with the communities themselves as part of an ongoing process based on consultation and transparency. This assessment should take into account broadband access in rural communities, for example.

With the 150th anniversary of Confederation fast approaching, now is the time to reaffirm and update our commitment to the principles that led to our country's creation. The equality of English and French, and the recognition of and respect for the communities that embody those languages and cultures are part of the very fundamentals of the *Constitution Act, 1867* and the *Official Languages Act*. This is at the heart of our identity, and for our identity to be truly shared by all Canadians, strong channels of communication are needed to bring people together. Our national public broadcaster is in a particularly favourable position to be that channel in today's society, which is driven by knowledge, communications and globalization. I trust that your committee will take full stock of how important the national public broadcaster is to the future of Canada as we approach the 150th anniversary of its founding.

The French version of this letter is enclosed for the convenience of your staff.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Graham Fraser", written in a cursive style.

Graham Fraser

Encl.

c.c.: Hubert T. Lacroix,
President and CEO,
CBC/Radio-Canada

Appendix A: A brief history of the *Official Languages Act*

The *Official Languages Act*, which was adopted in 1969 in the wake of the Royal Commission on Bilingualism and Biculturalism, recognized the equality of status of both English and French in all federal institutions. Its primary goal was to ensure that Canadians had access to federal services in the official language of their choice.

The *Official Languages Act* was amended in 1988 to include the language rights guaranteed under sections 16 to 23 of the *Canadian Charter of Rights and Freedoms*. Language of service (Part IV) was clarified, and amendments were made to the parts on language of work (Part V), the equitable participation of English-speaking and French-speaking Canadians in the federal public service (Part VI) and the advancement of English and French (Part VII), the latter outlining the federal government's commitment to assist in the development of official language minority communities and to promote English and French in Canadian society.

In 2005, Part VII was amended, such that federal institutions must now take positive measures to fulfill their commitment and thereby consider the needs of official language minority communities in their policies, programs, directives and priorities. Moreover, should these obligations be breached, legal action is now possible.