

February 15, 2024

VIA Intervention Comment Form

Mr. Scott Shortliffe
Executive Director, Broadcasting
Canadian Radio-television and Telecommunications Commission
Ottawa, Ontario K1A 0N2

Dear Mr. Shortliffe:

Subject: The Path Forward – Working towards a modernized regulatory framework regarding contributions to support Canadian and Indigenous content – Deadline for the filing of final written submissions

Please find below the final replies of the Racial Equity Media Collective (REMC) in respect of issues raised during last autumn's hearings regarding Broadcasting Notice of Consultation CRTC 2023-138.

REMC Proposal for Equity-Seeking Community Engagement Group

1. During the November 24th hearing presentation by the Racial Equity Media Collective, intervener Julian Carrington cited the government's recent policy directions instructing the Commission to engage with equity-seeking groups concerning the most appropriate tools and frameworks to support our communities. The specific passage referenced in the REMC presentation can be found at paragraph 15 of the *Order Issuing Directions to the CRTC (Sustainable and Equitable Broadcasting Regulatory Framework)*: *SOR/2023-239*:

Equity-seeking and ethnocultural groups

15 In its regulation of the Canadian broadcasting system, the Commission is directed to engage with members of equity-seeking and ethnocultural groups, including Black or other racialized communities, to solicit comments regarding

(a) the most appropriate tools, including funding mechanisms, to support those groups; and

(b) the development of a framework of measurable targets to support the creation, availability and discoverability of programming made by and broadcasting undertakings carried on by members of those groups.¹

2. Mr. Carrington noted that REMC would welcome a dedicated opportunity to provide

¹ *Canada Gazette*, Part II, Volume 157, Number 24. Retrieved: <https://canadagazette.gc.ca/rp-pr/p2/2023/2023-11-22/html/sor-dors239-eng.html>

input to the Commission on such matters, alongside our colleagues in the BIPOC advocacy community. In his concluding remarks, Mr. Carrington noted that the commission had previously convened a discussion group to foster support for Official Language Minority Communities, and suggested that a similar undertaking might be a suitable mechanism to fulfil the engagement mandate cited above.

3. According to the CRTC's website:

The CRTC-OLMC Discussion Group was established in 2006 as a means for implementing section 41 of the *Official Languages Act* (OLA). Its activities are aimed at helping the CRTC, within the limits of its mandate, to enhance the vitality and support the development of OLMCs and to promote Canada's linguistic duality.

The Discussion Group is a forum for exchange, communication and co-operation where the OLMCs and the CRTC can identify ways and ensure the follow-up required to maximize the communities' participation in the CRTC's public processes and take their realities into account in the CRTC's analysis and discussions leading to decisions, policies and other initiatives in which the CRTC's role in respect of OLMCs is engaged.

The discussion group is committed to meeting at least three times a year. These meetings are generally held at the CRTC's headquarters, with arrangements for participation via conference call or videoconference.²

4. To elaborate on this suggestion, REMC proposes that the Commission follow the example of the OLMC Discussion Group and establish an engagement group for members of equity-seeking and ethnocultural communities, including Black or other racialized communities. To date, the Commission has not presented concrete actions to fulfil its engagement mandate. Convening a dedicated engagement group would send an important signal that the Commission takes this mandate seriously and recognizes the systemic barriers that may impede members of equity-seeking communities from full participation in the Commission's standard proceedings and public hearings. The OLMC Discussion Group serves as a clear precedent as to how the Commission can proactively make space to engage with minoritized communities. Like the OLMC Discussion Group, we propose that an engagement group for representatives of equity-seeking and ethnocultural communities should commit to meet regularly (i.e. at least three times a year), with participation possible both remotely and in-person.
5. As to the composition of such an engagement group, representatives from the Black Screen Office (BSO) and the Canadian Independent Screen Fund for BIPOC Creators (CISF) would make natural participants, given that these are the two Certified Independent Production Funds (CIPFs) specifically dedicated to serving Black and racialized filmmakers. As the most prominent screen sector organization representing Canadians with disabilities, the Disability Screen Office (DSO) would also make a natural participant. These organizations, along with the REMC, are members of the

² CRTC. CRTC Discussion Group. Retrieved: https://crtc.gc.ca/eng/5000/lo_ol/olb-lob.htm

Canadian Racial Screen Leadership Collective (CRSLC), a coalition of organizations representing equity-seeking communities that meet on a monthly basis, convened by the Reel World Screen Institute. REMC acknowledges that participation in any engagement group convened by the Commission would be at the Commission's discretion, but we propose the CRSLC as a suitable entity from which to source participants in the proposed engagement group.

Response to Hearing Presentations by Writers Guild of Canada and Black Screen Office

6. In the hearing presentations by the Writers Guild of Canada (December 6) and the Black Screen Office (November 24), both organizations requested that the Commission consider imposing a 10-point Canadian participation mandate on CIPFs. With the greatest respect for the challenges faced by Canadian screenwriters, REMC submits that increasing the Canadian certification threshold applicable to CIPFs would not be an equitable means of addressing those challenges.
7. Such a policy would make it virtually impossible for Canadian creators from many ethnic diaspora communities to engage in international collaborations with partners in their ancestral homelands and would disproportionately disadvantage those creators with ancestry in countries with which Canada does not have formal co-production agreements. Of Canada's 57 official co-production treaties and memorandums of understanding, 34 are with European nations (which number 44 in total), 9 are with Asian countries (out of 48), and 7 are with countries in Central and South America (out of 19). Meanwhile, the entire African continent (54 countries) is represented by 4 such agreements and Cuba is the only Caribbean nation (of 13) to be covered by a treaty.³ In short, increasing the Canadian content threshold for CIPFs would be at odds with the Commission's mandate to foster opportunities for creators from equity-seeking communities—particularly Black and racialized creators.
8. In its 2016 review of the policy framework for CIPFs, the Commission recognized the then 8/10 Canadian participant threshold as unduly restrictive, noting that a lower threshold could help projects enhance their attractiveness and visibility in international markets.⁴ Since the Commission's decision to establish a 6/10 threshold, the importance of international markets has only increased. Looking beyond Canada's borders, people of colour represent a global majority, and the Commission should not erect new barriers to Canadians of colour seeking to tap into significant potential audiences abroad. Imposing a 10/10 requirement on CIPFs would do just that, and would contradict the Commission's recognition, in 2016, of the importance of flexibility within the Canadian funding system. Given that the CMF, which receives the

³ Telefilm Canada. International Treaties and Memorandums of Understanding. Retrieved: <https://telefilm.ca/en/we-finance-and-support/coproductions/international-treaties-and-memorandums-of-understanding>

⁴ CRTC. Broadcasting Regulatory Policy CRTC 2016-343. Retrieved: <https://crtc.gc.ca/eng/archive/2016/2016-343.htm>

overwhelming majority of broadcaster contributions, operates under a 10/10 mandate, we can see no equitable justification for diminishing the precious flexibility that CIPFs currently provide.

Response to Hearing Presentation by the Indigenous Screen Office

9. On November 22, Kerry Swanson of the Indigenous Screen Office (ISO) proposed to the Commission that the ISO be prioritized for mandatory direct funding for broadcaster contributions. Given the vital importance of the ISO in supporting Indigenous creators and the broader Indigenous screen sector as detailed in Ms. Swanson's presentation, and given the Government's recent directions to ensure that "expenditure requirements support the creation and availability of programming by Indigenous creators," REMC joins the ISO in calling on the Commission to mandate direct, priority contributions.

Response to Hearing Presentation by the Documentary Organization of Canada

10. In her presentation before the Commission on December 8, Sarah Spring of the Documentary Organization of Canada (DOC) spoke of the particular urgency of increased support for long-form documentary. REMC wishes to echo this call for support, and to reinforce DOC's contention that feature documentaries are an important gateway for creators from equity-seeking communities.
11. Like many other creators of colour, the filmmakers who founded REMC (and all of our current board members) made their industry breakthroughs via documentary projects. The same is also true for many disabled and 2SLGBTQ+ filmmakers. The feature documentary format has long been a vehicle for films that challenge the status quo, speak truth to power, and foster empathy for marginalized perspectives. Partly because of these very attributes, it is also a format that may be ill-suited to commercial and market-driven financing models.
12. For these reasons, REMC joins DOC in proposing that the Commission introduce mandatory contributions to support feature documentaries by requiring that 10% of all spending across public funds and CIPFs be directed toward such projects.

Response to Hearing Presentations by the Canadian Media Producers Association and BIPOC TV & Film

13. In the November 20 hearing presentation by the Canadian Media Producers Association (CMPA), intervener Alain Strati proposed that the Commission should impose a base contribution requirement of no less than 5% of revenues, and that a minimum of 20% of these contributions should in turn be directed "off-the-top" to registered funds that support Indigenous and equity-seeking communities, as well as other public policy objectives.

14. On November 24, intervener Shant Joshi of BIPOC TV & Film proposed a base contribution requirement of 8% of revenues to support creative content, with a further 2% of revenues contributed to support news. Of the revenues directed toward creative content, Mr. Joshi proposed that 35% be designated to production funds, programming expenditures, and access initiatives that serve creators from equity-seeking communities.
15. REMC joins the CMPA (and other interveners, including the Directors Guild of Canada) in recognizing a 5% base contribution as a minimum viable threshold. Further, while the 20% figure put forward by the CMPA and the 35% figure put forward by BIPOC TV & Film differ somewhat in their framing, REMC endorses the general principle that between 20-35% percent of revenues generated via base contributions be earmarked for programs that support creators from racialized and equity seeking communities. Support at the higher end of this range would reflect an equitable effort to offset the historical underrepresentation of such communities, as well as future demographic trends. For example, Statistics Canada projects that by 2041, approximately 40% of Canadians will be part of a racialized group, while fully half of the population will be made up of immigrants and their Canadian-born children.⁵ The Commission should seize its opportunity to not only redress historical inequities, but also establish a forward-looking contribution framework that anticipates the nation's shifting demographics.

Conclusion

16. The REMC looks forward to the Commission's decisions concerning base contributions, funding allocations, and CIPF certification criteria. We reiterate our preparedness to continue to engage with the Commission on matters relating to the support of equity-seeking communities, including the development of a framework of measurable targets to support the creation, availability and discoverability of programming made by members of such communities. We thank the Commission for the opportunity to provide these comments.

Sincerely,



Julian Carrington
Managing Director, Racial Equity Media Collective
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⁵ Statistics Canada. Canada in 2041: A larger, more diverse population with greater differences between regions. Retrieved: <https://www150.statcan.gc.ca/n1/daily-quotidien/220908/dq220908a-eng.htm#>