



October 29, 2007

Mr. Robert A. Morin  
Secretary General  
CRTC  
Ottawa, ON  
K1A 0N2

Online: <http://support.crtc.gc.ca>

Dear Mr. Morin,

**Re: Broadcasting Public Notice CRTC 2007- 89 (Call for comments on the Canadian Association of Broadcasters' proposed Equitable Portrayal Code)**

1. This is the submission of the Alliance of Canadian Cinema Television and Radio Artists (ACTRA) in the matter of Public Notice CRTC 2007-89 providing comments on the Canadian Association of Broadcasters' (CAB) proposed Equitable Portrayal Code.
2. ACTRA and its predecessor organizations have represented the interests of professional performers working in the English-language media in every region of Canada for more than 60 years. In addition to its 21,000 members, ACTRA represents the interests of thousands of singers and musicians through the work of the ACTRA Performers' Rights Society which collects and distributes royalties from the public performance of musical recordings. ACTRA's principal function is bargaining collectively on behalf of our members and others, whose performances in movies, television programs, sound recordings and digital media entertain, educate and inform Canadians and global audiences.
3. ACTRA members have a vital stake in Canada's cultural future. ACTRA members benefit professionally when work opportunities are more abundant. ACTRA members also believe passionately that Canada needs a strong Canadian presence wherever entertainment and information services are created and however these are provided to Canadians. We believe in the creativity of Canadians; in our capability to tell and perform our own stories. We also believe that a healthy democracy needs diversity in programming choices and editorial opinions. It is these beliefs that motivate ACTRA's participation in the CRTC's public processes.
4. ACTRA has a long-standing commitment to diversity and to engaging in industry initiatives to promote diversity in the film and television industry. ACTRA has active diversity committees at the national level and in our branches that work to promote the casting of visible minorities, Aboriginal Peoples and performers with disabilities. ACTRA was a consulted stakeholder in CAB's 2006-07 Report on Diversity in Broadcasting.

**Alliance of Canadian Cinema, Television and Radio Artists**

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5. ACTRA notes that CAB's proposed Equitable Portrayal Code is a voluntary code. In the section Code Application and Administration, the proposed code states that "Application of this Code is the responsibility of the individual licensee." ACTRA asserts that voluntary codes are suggested when organizations wish to avoid regulation. Despite the good intentions of the proposed code, its voluntary nature and the fact that compliance is the responsibility of each licensee will make it difficult to achieve the objectives stated in the introduction, that the code "has been created to ensure the equitable portrayal of all persons in television and radio programming." The proposed code's strong introduction presumes broadcasters will achieve its lofty goals, a doubtful proposition given its voluntary nature: "The *CAB Equitable Portrayal Code* reflects the responsibilities of licensees, under the *Broadcasting Act*, to ensure that their programming and broadcast services achieve the highest standards, and demonstrates the private broadcasters' commitment to the equitable portrayal of all persons in their programming."
6. Further, in its Statement of Intent, the proposed code says "It is the intent of this Code that broadcasters shall encourage equitable portrayal. This code is intended to assist in overcoming unduly negative portrayal and stereotyping in broadcast programming." The words "shall encourage" and "assist" are weak and permissive words that will not ensure that equitable portrayal is achieved.
7. Achieving the intent set out in the proposed code will be further frustrated due to the fact that broadcasters are not commissioning and airing sufficient drama programming, but rather spending hundreds of millions of dollars purchasing off-the-shelf dramatic programming primarily from the U.S. According to CRTC statistics, in 2006, private broadcasters spent \$479 million on foreign dramatic programming, and only \$71 million on Canadian TV drama. While we can hope that broadcasters will have the goals of equitable portrayal in their minds when shopping for foreign programs to purchase, the U.S. producers the broadcasters are dealing with are not familiar with CAB's proposed Equitable Portrayal Code, and the programs broadcasters are buying for primetime are already complete. If broadcasters were committing to commissioning more domestically produced drama, they would have more opportunity to communicate to Canadian producers their goals of ensuring equitable portrayal at the front end of the process.
8. ACTRA along with others have repeatedly proposed that private broadcasters be regulated to spend 7% of their ad revenues on Canadian dramatic programming. Such regulation would increase the hours of Canadian dramatic programming available on TV, and provide broadcasters with more opportunity to achieve the goals set out in CAB's proposed Equitable Portrayal Code.
9. Canadians need to see themselves reflected in the stories they watch on TV, including people from diverse backgrounds and people with disabilities. Avoiding stereotypes and negative portrayal is a moot issue when roles for Aboriginals, roles for people with disabilities, roles for women and roles for people from diverse backgrounds are absent or under-represented in the Canadian dramatic programming that is commissioned or purchased by broadcasters.
10. ACTRA welcomes the opportunity to comment on the CAB's proposed Equitable Portrayal Code and would be willing to be consulted in any further revisions or discussions that flow from this process.

Thank you



Stephen Waddell  
National Executive Director  
ACTRA