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March 17, 2005

Ms. Diane Rhéaume
Secretary General
Canadian Radio-television and Telecommunications Commission
Ottawa, Ontario
K1A 0N2

Dear Ms. Rhéaume:

**Re: Writers Guild of Canada complaint concerning the eligibility of
Canadian Entertainment Magazine Programs broadcast by Global TV, CTV,
and Toronto 1 as priority programming**

1. This is a complaint from the Writers Guild of Canada (WGC) concerning the eligibility of Entertainment Magazine Programs: *Inside Entertainment* (broadcast by Global TV), *E Talk Daily* (broadcast by CTV), and *A-List* (broadcast by Toronto 1) as Canadian priority programming pursuant to CRTC PN 1999-97.
2. The WGC makes this submission on behalf of the Canadian Coalition of Audiovisual Unions (CCAU), representing 50,000 workers in every aspect of film and television production. The CCAU has been working together since 2003 to pool resources in an effort to find solutions to the growing crisis in Canadian TV drama. It includes the Alliance of Canadian Cinema Television and Radio Artists (ACTRA), the Directors Guild of Canada (DGC), the National Association of Broadcast Employees and Technicians, Local 700 CEP (NABET), and the Writers Guild of Canada.
3. The WGC is the national association representing more than 1,800 screenwriters working in English-language film, television, radio and

multimedia production in Canada. For over sixty years, the WGC and its predecessor has negotiated collective agreements setting out minimum rates and terms for screenwriters with independent producers and broadcasters. The WGC has negotiated separate Independent Production Agreements with the Canadian Film and Television Production Association (CFTPA) and the Association des producteurs de films et de télévision du Québec (APFTQ), as well as agreements with CBC Radio, CBC-TV, CTV, the NFB and TVOntario. The WGC is committed to building a vibrant industry showcasing Canadian imagination and talent.

A. Executive Summary

4. In 1999, the Commission adopted PN 1999-97 *Building on success - A policy framework for Canadian television* that included provisions to permit entertainment magazine shows to count as priority programming for broadcast purposes. Citing low audiences for English-language Canadian programming, the Commission invoked this policy change to try and build a star system (modeled on Quebec's success) and encourage audiences for home-grown fare in English Canada.
5. In its decision, the Commission argued that Canadian entertainment magazine programs should be considered as priority programs because "audiences might be more attracted to Canadian entertainment programs if they were better informed through television programs about the Canadian entertainment industry and its performers."
6. We supported the Commission's initiative to encourage audiences for indigenous fare. The WGC believes that a strong star system is the best way to raise the profile of home-grown screenwriters, directors, performers and to persuade audiences that our films and television shows are worth watching.
7. However we have been frustrated that most of our broadcasters' have not seized the opportunity to promote our own stars on the very shows that they are counting as priority programming.
8. When the WGC raised concern that our broadcasters' entertainment magazine shows were being used to promote U.S. not Canadian shows with Commission officials, we were told that the regulator does not track Canadian content levels for shows under this priority programming category.
9. The WGC was incensed to discover that the CRTC permitted broadcasters to count these shows as priority programming although Commission staff had not verified that the entertainment magazine programs were in compliance with CRTC regulations.

10. This means that for all practical purposes, despite the low level of Canadian content on most entertainment magazine shows, there is no CRTC instrument in place to stop some broadcasters from cheating the system by using these shows to fulfill their CRTC licences.
11. As a result, the WGC decided to investigate the matter and our findings suggest that the vast majority of these shows are not in compliance with the spirit and letter of the CRTC regulations.
12. WGC data shows that while private conventional broadcasters Global, CTV, and Toronto 1 may count their entertainment magazine programs as priority programming, these shows rarely comply with the requirement that two-thirds of their running time be dedicated to the promotion of Canadian entertainment.
13. WGC survey results further suggest that these broadcasters are using entertainment magazine shows to promote American programming and increase audiences for acquired shows. We have found that they are not using the shows to create a star system and build audiences for home-grown fare.
14. In addition, most of the limited Canadian content aired on the CTV, Global and Toronto 1 entertainment magazine shows reviewed by the WGC promoted Canadian music, not Canadian films or television shows. While the CRTC regulations permit entertainment magazine shows to include Canadian music coverage as Canadian content, the WGC believes that this is contrary to the spirit and intent of the CRTC's regulatory policy.
15. Entertainment magazine shows are broadcast on television – an audiovisual medium - and therefore should be used as a vehicle to promote Canadian film and television works, creators and stars. If not, these shows are doing little to build a star system and grown audiences for the indigenous English language film and television sector.

Summary of WGC findings

16. The WGC reviewed episodes of CTV's *E Talk Daily*, Toronto 1's *A-List*, Global TV's *Inside Entertainment* taped in September 2004, January 2005 and February 2005. WGC research shows that on average, only 5.6 minutes of a 22 minute episode of these programs is dedicated to the promotion of Canadian talent and entertainment. This represents only 35% of the required two-thirds of running time for Canadian content as per CRTC rules. This means that majority of running time, or about 65% of the show on average is used to promote foreign shows and talent.
17. Contrastingly, the WGC also reviewed episodes of CHUM's *Star TV* aired in February 2005 and found that the show was in compliance with CRTC

- regulations. On average, *Star TV* devoted twenty 20 minutes of running time to the promotion of Canadian shows and entertainment news.
18. WGC research demonstrates that CTV's *E Talk Daily*, Toronto 1's *A-List*, and Global TV's *Inside Entertainment* magazine shows are in breach of CRTC PN 1999-97 and therefore should not be counted as priority programming for CRTC purposes.
 19. The WGC therefore urges the CRTC to conduct an inquiry into this matter to ensure that all Canadian private conventional broadcasters' entertainment magazine shows are in compliance with CRTC PN 1999-97. Only entertainment magazine shows that dedicate at least two-thirds of their running time to the promotion of Canadian talent and entertainment should be counted as priority programming by broadcasters seeking to meet their CRTC licence terms.

B. Background

CRTC Policy Framework – PN 1999-97

20. In Public Notice CRTC 1999-97, *Building on Success - a Policy Framework for Canadian Television*, the CRTC revised the "Priority Program Categories" to include Canadian entertainment magazine programs. The policy allows broadcasters to count Canadian entertainment magazine programs as part of the required eight hours of priority programming for the purposes of CRTC regulatory requirements applicable to the peak viewing period.
21. In PN 1999-97, the CRTC explained that it sought to contribute to the building of a "star system" to promote indigenous programming and creative talent to English Canadians by allowing Canadian entertainment magazine shows to qualify as priority programming. Specifically, PN 1999-97 states:

"the pervasive promotion of U.S. television shows and stars through foreign and Canadian media often means that English-speaking audiences are more familiar with programs and stars from Hollywood and New York than those from their own country. Audiences might be more attracted to Canadian entertainment programs if they were better informed through television programs about the Canadian entertainment industry and its performers."
22. For the purposes of compliance with the CRTC priority programming requirement, CRTC PN 1999-205 defined Canadian entertainment magazine programs as:

“Programs at least 30 minutes long (less a reasonable amount of time for commercials, if any) that devote at least two-thirds of their running time (excluding commercials) to the promotion of Canadian entertainment, including television programs, movies, soundtracks, plays, music, musical and performing arts events, performance artists and off-screen personnel associated with these activities and artists. Such programs may include only brief clips of performances. Where Canadian entertainment magazine programs are logged, the program class must be "MAG".”

23. A typical 30 minute show has a total running time of approximately 24 minutes, with about six minutes of advertising as per CRTC regulation. CRTC PN 1999-205 requires that at least two-thirds of total running time, or sixteen minutes of a 24 minute show, should be devoted promotion of Canadian entertainment for the program to qualify as priority programming for CRTC purposes.
24. Since these rules came into effect WGC research shows that Global TV, CTV, CHUM and Toronto 1 have aired, or plan to air, their respective entertainment magazine programs in the peak viewing period between 7 p.m. and 11 p.m., Monday through Sunday.

C. Overview of WGC data-gathering methodology

25. The WGC taped and reviewed episodes of CTV's *E Talk Daily*, Toronto 1's *A-List*, Global TV's *Inside Entertainment* and CHUM's *Star TV* to track the number of minutes each program dedicated to Canadian content.
26. Global's *Inside Entertainment*. Three episodes taped January 29, February 5, and February 12, 2005. The WGC examined only a limited sample of this program because each original episode runs once per weekend only. Global TV's customer help desk has informed the WGC that the network plans to expand the show to air several original episodes per week by summer 2005.
27. CTV's *E-Talk Daily*. 32 episodes were taped in total. Original episodes of this show run several times per week. Nineteen episodes were taped from August 30 – September 17, 2004 and thirteen episodes were taped from January 28 – February 16, 2005.
28. Toronto 1's *A-List*. Thirteen episodes taped from January 29 – February 17, 2005.
29. CHUM's *Star TV*: Five episodes taped February 1, 10, 14, 15, and 16, 2005.

30. Tracking sheets were used to chart the Canadian content of each show at two-minute intervals. Space was provided on the tracking sheet for all 30 minutes of running time, including advertisements, to facilitate the logging of information. The researcher contracted to log the shows was provided with a stop watch and was asked to pause the tapes at two minute intervals to record whether Canadian or other type of content was being aired. The researcher was also asked to include a short summary of the Canadian content aired. Examples of two-minute summaries provided to the researcher included: "This is Wonderland cast discussed," "New Mirvish production taken on road in rural Ontario" and "Screenwriter X featured in 10 minute interview."
31. Content that took place in Canada but did not feature a Canadian television program, movie, soundtrack, play, music, musical, performing arts event, performance artist or off-screen personnel associated with these activities and artists, was not counted as Canadian content. For example, a story about JLo lunching in a Yorkville restaurant in downtown Toronto was not counted as Canadian content.
32. Similarly, the broadcast of music videos was not counted as Canadian content for the purposes of this study given that PN 1999-205 defining entertainment magazine programs explicitly stated that "programs may include only brief clips of performances."
33. The completed tracking sheets were reviewed and the numbers of minutes devoted on each show to Canadian content subjects were tallied. The breakdown of Canadian content air time was included on each of the sheets to the right of the tables (in handwritten annotation) with the totals appearing at the bottom of each sheet.
34. Finally a summary chart was compiled. The summary lists the four entertainment shows broadcast on the private conventional channels, and includes an average of the number of minutes of running time devoted to Canadian content for each show. The summary also includes a breakdown for each specific program, including information for each taped episode (date taped, total minute count dedicated to Canadian content) and the percentage of the show's running time dedicated to Canadian content. This summary chart is attached in Annex I.

D. Overview of WGC findings

35. WGC research concluded that entertainment magazine programs aired on CTV, Global and Toronto 1, rarely comply with the definition of *Canadian entertainment magazine programs* set out in CRTC PN 1999-205. CHUM's *Star TV* was the only show reviewed that consistently met the CRTC criteria.

CHUM's *Star TV*

36. All episodes of *Star TV* reviewed by the WGC were in compliance with CRTC rules. All five episodes reviewed contained an average of twenty minutes of Canadian content, exceeding the requirement that two-thirds of running time be dedicated to the promotion of Canadian entertainment.
37. These findings suggest that CHUM should be permitted to count *Star TV* as priority programming.

Global's *Inside Entertainment*

38. All episodes of *Inside Entertainment* reviewed by the WGC were in breach of CRTC rules requiring that two-thirds of running time dedicated to the promotion of Canadian entertainment. The three episodes reviewed contained an average of 4.4 minutes of Canadian content, or about 25% of the requirement.
39. These findings suggest that Global should not be permitted to count *Inside Entertainment* as priority programming until the required Canadian content levels are met.

CTV's *ETalk Daily*

40. The 32 episodes of *ETalk Daily* reviewed by the WGC, included, on average, only 6.3 minutes of Canadian content per episode. This is less than half of the CRTC requirement that at least two-thirds of running time be devoted to the promotion of Canadian entertainment.
41. This average Canadian content minute count was however also buoyed by a single episode which exceeded the sixteen minute requirement - airing 20.7 minutes featuring songstress Alanis Morissette. If this episode is excluded, the average Canadian content minute count is 5.8 minutes or less than 37% of the minimum level of Canadian content required by the CRTC.
42. These findings suggest that CTV should not be permitted to count *ETalk Daily* as priority programming until the required Canadian content levels are met.

Toronto 1's *The A-List*

43. All episodes of *The A-List* reviewed by the WGC were in breach of CRTC rules requiring that two-thirds of running time be dedicated to the promotion of Canadian entertainment. The thirteen episodes reviewed contained an average of 4.1 minutes of Canadian content, or about 25% of the CRTC requirement.

44. These findings suggest that Toronto 1 should not be permitted to count *The A-List* as priority programming until the required Canadian content levels are met.

G. Impact on the Canadian English-language Star System

45. A strong star system is the best way to raise the profile of home-grown screenwriters, directors, performers and to persuade audiences that our films and television shows are worth watching. Once we successfully employ the entertainment magazine shows medium and other promotional devices to transform Canadian talent into household names, it is likely that our audiences will mirror Quebec's by choosing local programs over imported ones.
46. However, by producing and airing entertainment magazine shows that devote the majority of running time to the promotion of foreign, usually U.S. stars, Global TV, CTV and Toronto 1 are not only in breach of their Canadian content obligations but are standing in the way of a viable Canadian star system.
47. This goes against the spirit and intent of the Commission's 1999 policy change to make these shows eligible as priority programming. It has also had a disastrous impact on the English language sector. Today, five years since the 1999 policy came into effect, our shows continue to garner low audiences and we have no star system.
48. Broadcasters must fulfill their CRTC conditions of licence and they must be held accountable for the shows that they are using to do so. It is unacceptable that they are currently permitted to count entertainment magazine shows largely void of Canadian content as priority programming. Broadcasters should not be allowed to use these shows to fulfill their license terms and we ask the CRTC to conduct an inquiry into this matter.

E. Conclusion

49. In light of the above, the WGC urges the Commission to conduct an inquiry into this matter. This must include an investigation into the Canadian content levels for all episodes of shows aired since the 1999 policy change took effect where they were counted as priority programming by the respective broadcaster.
50. We ask that the Commission issue a decision requiring CTV, Global and Toronto 1 to adhere to the letter and spirit of CRTC rules set out in CRTC PN 1999-97 and CRTC PN 1999-205 regarding the Canadian content requirements for Canadian entertainment magazine programs. Broadcasters found not to be in compliance with CRTC regulations should

be required to immediately cease counting these shows as priority programming. Episodes aired in the past that were lacking in Canadian content should also be crossed from the broadcaster's line-up used to fulfill their licence terms. Only episodes that devote two-thirds of running time to the promotion of Canadian entertainment should be counted as priority programming.

51. If the Commission decides not to investigate and issue such a decision, we respectfully ask that it show cause why broadcasters should not be required to adhere to CRTC rules by counting as priority programming only those entertainment shows that meet CRTC regulations.
52. We thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Gail Martiri". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Gail Martiri
Director of Policy
Writers Guild of Canada

- c.c. Maureen Parker, Executive Director, Writers Guild of Canada
Marc O'Sullivan, Executive Director, CRTC
Nick Ketchum, Director, English-language Radio & TV Policy, CRTC