

Unifor’s final submission regarding *The Path Forward – Defining “Canadian program” and supporting the creation and distribution of Canadian programming in the audio-visual sector*

Re: Broadcasting Notice of Consultation CRTC 2024-288

Public record: 1011-NOC2024-0288

SUBMITTED VIA WEB FORM

June 23, 2025



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Marc Morin
Secretary General, Corporate Services and Operations
Canadian Radio-television and Telecommunications Commission
Ottawa, Ontario
Canada, K1A 0N2

RE: Unifor comments regarding *The Path Forward – Defining “Canadian program” and supporting the creation and distribution of Canadian programming in the audio-visual sector (BNOC CRTC 2024-288)*

Dear Mr. Morin,

1. Thank you for the opportunity to provide a final submission on *The Path Forward – Defining “Canadian program” and supporting the creation and distribution of Canadian programming in the audio-visual sector (BNOC CRTC 2024-288)*.

Crisis Created

2. We are here because we are in crisis. American broadcasters, whom we call foreign streamers, have been allowed to broadcast in Canada unencumbered by regulation and without a requirement to support Canadian content or Canadian programming in any way.
3. The *Broadcasting Act* was designed to protect Canadians from an onslaught of American programming, because without regulation we couldn't compete with the scale of the U.S. media industry. The system worked well for over 30 years, through many technological changes in the industry, until 1999 and 2009 when the Commission declined to regulate broadcasting over the internet (technically, regulation by exemption).

Elbows Up

4. Now that we have made the decision to include foreign streamers in the Canadian broadcast system and its regulatory regime, we must not progress with half measures. We must not back down from doing what we have needed to do for many years: require the foreign streamers to contribute in a meaningful, equal way with our Canadian broadcasters. In short, we must 'level the playing field' and ensure that the mandate and spirit of the *Broadcasting Act* are met.
5. We must ensure that Canadian stories are told and shared, which means they must be properly funded. We must ensure that news, and especially local news,

finds a sustainable funding model to ensure its lasting success, and we must ensure that the system is supported so it remains 'predominantly' Canadian.

Flexibility vs. Equality

6. Unifor is also deeply concerned about the calls for 'flexibility'. The Commission must instead focus its decisions on equality and 'leveling the playing field'. We must not allow foreign streamers to pay less, contribute less, and allow our Canadian content rules to be watered down so they mean nothing. The streamers have had years to show us that they could make good Canadian content and instead, they have produced inauthentic, Canadian-esque shows like 'The Sticky'. Reducing our Canadian content criteria to conform to these shows would be a CanCon tragedy.

Regulation and Support

7. There have also been calls by some Canadian broadcasters to reduce their obligations in order to line up with reduced contributions from foreign streamers, to create a sort-of status quo. This would be a worst-case scenario where we take an industry in crisis and effectively 'do nothing' by lowering the bar even further. At-risk programming like news, and especially local news, children's programming, and other PNI would suffer greatly.
8. We must not 'lower the bar'! The answer is simple: meaningful regulation, followed by meaningful support. We must ensure that there is enough money in the system to support the creation of Canadian content and news, especially local news, as well as meaningful regulations to ensure that the objectives of the *Broadcasting Act* are met.
9. Therefore, the applications from domestic broadcasters to reduce their exhibition requirements and other obligations should be denied.

News and Especially Local News

10. News, and especially local news, must remain a priority for the Commission during these proceedings.
11. In just the short time between our oral comments and the writing of this final submission, *another* local television station has gone dark, as Medicine Hat's CHAT TV has gone off the air after 70 years. Sixteen media workers, including journalists, have lost their jobs. This is on top of Stingray's announcement of the closure of CITL-TV and CKSA-TV in Lloydminster, AB, leading to the loss of jobs for another nineteen media workers, including journalists.
12. In the last 2 ½ years Unifor lost 482 members in broadcast television, mostly supporting local news, but last year (2024) was the worst decline with the loss of 376 members. These numbers represent only Unifor members and the non-union numbers are often much higher.

13. The Commission has prudently included Corus into the ILNF and in doing so, may have slowed the bleeding for Corus. The question is – is this enough? The answer is a resounding “NO!” Making news is no longer a guarantee of profitability, but we know that news is essential to a strong and vibrant democracy. We also know that local news brings communities together, especially at a time when we are being divided by social media, big tech, and AI-generated misinformation. Our vast Canadian landscape is rife with news deserts, large swaths of rural and smaller urban communities with little to no local news.

Bring Back LPIF

14. To prevent the decline of local television news, the Commission had the answer: the Local Programming Improvement Fund (LPIF). In 2014, the Commission did away with the fund, suggesting that the crisis in television news was over. We believe that was a mistake and the Commission has a chance to fix it now.
15. Unifor respectfully argues we must act quickly to fix the funding problem: bring back the LPIF, allow smaller markets and struggling stations to access funds to support local news regardless of their ownership structure. Then, with strong regulations to act as guardrails, ensure that local presence (i.e. “boots on the ground”), exhibition requirements, and minimum first run original content requirements are met and maintained.

News as a Service of Exceptional Importance

16. Another idea is to label news as a Service of Exceptional Importance.
17. Unifor would absolutely support a “Services of Exceptional Importance Fund” (SEIF). This new fund could support the *Broadcasting Act* in allowing the Commission to select programming services that, “are of exceptional importance to the achievement of the objectives of the broadcasting policy.” As outlined in the Act [11.1 (1) (b.1)], Unifor would suggest that this would include news and especially local news, and any other programming the Commission should deem necessary, and not just programming services that are facing, “...declining subscription-based financial support from traditional broadcasters.”
18. This fund could be supported by foreign streamers, and contributions into such a fund could be subtracted from their CPE requirements on a one-one basis. All eligible foreign streamers should contribute.
19. Unifor doesn’t see a SEIF fund as a replacement for 9.1(1)(h) requirements, but instead supplemental to the funding model already in place, and to other requirements and needs these services have, for example, mandatory carriage on foreign BDU services.
20. How much money does news and especially local news need? The original LPIF numbers would be a starting point, indexed by inflation. According to the Commission, “In 2011, 80 stations received \$106 million in funding.”¹ Accounting for inflation, that amount would be almost \$150 million in 2025 dollars.

Meaningful Regulation

21. Supporting Canadian content and news must involve meaningful regulations, to ensure transparency and accountability. To this end, Unifor respectfully recommends that the Commission should impose the following conditions for funding eligibility:
 - a) Staffing minimums for journalists and news creators (including writers, producers, camera operators, video editors, etc.) on a proportionate basis to the funding, located in local markets, to serve those markets,
 - b) Requiring the creation and distribution of local news seven days a week, including a minimum number of first run original local news programming hours proportional to the funding in the market,
 - c) Ensuring that editorial decisions are made in that market and not centralized,
 - d) Ensuring that a news station or news bureau be operated in that market, and
 - e) If a VI company closes a station, they must return the 2016 community funding for that market and either (a) re-start their community operation, or (b) direct the money to the ILNF or CRNF or other news fund.

Questions Relating to Expenditures on Canadian Programming

22. Unifor recommends that, to level the playing field, the Commission should impose 30% CPE requirements on foreign broadcasters.
23. This 30% should include the base requirements, spending on Canadian content, discoverability and more supports for local news, including the creation of the LPIF and the SEIF.
24. Unifor also cautions the Commission to resist the urge to count non-programming initiatives such as training or marketing as a credit to CPE, except for exceptional circumstances as in training for Indigenous peoples, for example.
25. The Commission also asked many interveners about incentives versus regulation. The incentives suggested seemed to be a credit of 1.5x on any dollar spent on 'at risk' programming. Unifor adamantly opposes watering down the 30% CPE requirement and suggests there is little evidence that such an incentive would produce the desired outcomes. Conversely, such a move *would* leave fewer resources for the system as a whole.

On Canadian Content

26. Unifor submits that the definition of Canadian content should not be watered down to meet the streamers request of flexibility. In short, service work is not Canadian content.

Key Creative Positions Must Be Canadian

27. Therefore, Unifor maintains that the key creative positions in a production be Canadian for a production to certified as Canadian. For clarity, the writers, directors, producers (including showrunner if applicable) and key talent should be defined as key creative positions.
28. Remember that the point system represents real people, so every concession on a point represents more people without a job in this country.

The CN Tower Does Not Make a Production Canadian

29. Cultural elements should also not be included in the definition of Canadian content. We have seen all to well that shows about Canada, made by foreigners, may be entertaining, but ultimately they miss the mark. This subjectivity would be disastrous. We would risk our Canadian-ess being reduced to, along with the CN tower, moose, double-doubles, and cold climates. Disaster!

Intellectual Property

30. The retention of intellectual property (IP) ownership is what allows Canadian producers to monetize and grow their businesses, which in turn generates more economic activity and employment.
31. We heard from the CMPA in their oral submission that foreign broadcasters will buy a show and shelve it, not allowing Canadian producers to fully realize their potential. Canadians deserve to be able to sell and monetize their content. This will create the most successful Canadian content outcomes.
32. Therefore, Unifor submits that IP rights must continue to be a key component of the system going forward, to ensure that Canadian producers and the overall production ecosystem benefit from Canadian productions. There is a huge power imbalance in the market between independent Canadian producers and their potential customers – American broadcasters and distributors that are often many times the size of Canadian production companies. Meaningful regulation will address this problem and prevent the power imbalance from getting worse.

Discoverability

33. Regarding the overall question of discoverability, meaningful discoverability conditions should be a priority for both the foreign and domestic broadcaster streaming services. The Commission should it make it clear in this proceeding that discoverability commitments for online undertakings will be mandatory and meaningful, as per with subsection 3(1)(r) of the act, which states:

online undertakings shall clearly promote and recommend Canadian programming, in both official languages as well as in Indigenous languages, and ensure that any means of control of the programming generates results allowing its discovery.²

34. Programs should be tagged correctly to ensure that verified Canadian productions are labeled as such and programs that are not Canadian are not mislabeled. Discoverability should include more than sub-categorizing, and should include, but not be limited to, the promotion and prominence of verified Canadian productions on home pages and personalized recommendations.

Data-Related Issues, Including Reporting and Performance Measurement

35. Unifor has argued that the regulations and policy developed through these hearings should be found on three basic principles: inclusivity, accountability, and transparency.
36. Inclusivity is about leveling the playing field and ensuring a fair and equitable distribution of funds, regardless of platform type (online, broadcast, etc.) and company size and structure (public or private, independent, regional, national, or VI). Accountability involves developing clear reporting requirements for stakeholders, and benchmarks to make sure regulatory goals are being met. Transparency involves developing clear and comprehensive regulations and making reports and program details available to the public where appropriate.
37. Unifor supports the Commission's approach to ensure that all broadcasting undertakings, including the foreign broadcasters, submit the same data and follow the same reporting guidelines. The foreign broadcasters should not receive any special treatment, and they should be subject to the same confidentiality guidelines as the domestic broadcasters.
38. Unifor agrees with the Commission that publishing a robust data set creates transparency and accountability, "which ultimately supports a more informed and engaged public. This also ensures that broadcasting undertakings are able to meet their reporting requirements and the objectives of the Act through the data they provide to the Commission."³
39. Unifor does not believe that the current reporting structure for Canadian broadcasters is too onerous, and we do not believe it should be weakened or diminished to accommodate foreign broadcasters. Again, this process should be about leveling the playing field and not about weakening regulations.
40. Unifor also believes that more data should be made available about employment and local news to ensure that the policies goals of the Act, related regulations, and supports are being met.

Artificial Intelligence

41. Unifor appreciates the Commission considering the impact of AI in the creation of Canadian content and the use of AI in Canadian productions. While AI technology seems to be evolving at breakneck speed, it is still in its infancy. We believe that regulations associated with the OSA should build in a robust and regular review requirement, to ensure that they evolve and continue to stay relevant as the technology changes.

42. AI is a *tool* that can be used in various levels of productions, and Unifor believes it should be treated as such. The use of AI should never be counted as being ‘Canadian’ or used as a substitute for being Canadian when calculating points for what makes a Canadian production.
43. Broadcasters and production companies must be transparent in their use of AI, and we oppose the use of AI to replace the work of our members and other media workers.

Conclusion

44. Unifor is grateful for the opportunity to provide comment on *The Path Forward – Defining “Canadian program” and supporting the creation and distribution of Canadian programming in the audio-visual sector* (BNOC CRTC 2024-288).
45. Given the union’s longstanding participation in the development of the OSA and related regulations and *The Path Forward* consultation proceedings, and given the huge impact these matters have on the union’s media membership, Unifor wishes to appear any public hearings related to this matter.
46. All of which is respectfully submitted.

Sincerely,

Randy Kitt

Randy Kitt
Media Director, Unifor
115 Gordon Baker Road, Toronto, ON, M2H 0A8
Email: randy.kitt@unifor.org
Phone: (416) 718-8427

¹ “Discontinuing the Local Program Improvement Fund (LPIF).” CRTC. (Date modified: 2014-03-21). (from https://crtc.gc.ca/eng/info_sht/tv13.htm).

² Broadcasting Act (SC 1991, c. 11).

³ BNOC CRTC 2024-288. (<https://crtc.gc.ca/eng/archive/2024/2024-288.htm>).

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