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DOCUMENTARY ORGANIZATION OF CANADA PRESENTATION BEFORE THE CRTC'S LICENSE RENEWAL HEARINGS FOR CBC/SRC JANUARY 26th, 2021

MS. SPRING: Thank you for the opportunity to speak with the Commission today. My name is Sarah Spring; I am the Executive Director of the Documentary Organization of Canada.

I am joined by Ina Fichman, DOC's Board Chair, and a Montreal-based independent producer for more than 25 years.

I have had the pleasure of being in this position of advocating on behalf of my community for only three weeks, following 15 years as an independent documentary producer, and founder of a successful documentary production company. It is a privilege to be able to represent hundreds of dedicated Canadian documentary filmmakers in front of the Commission today.

The Documentary Organization of Canada, known as DOC, speaks for documentary filmmakers across the country. We are a national, non-profit organization that advocates on behalf of its members toward a healthy and productive documentary film industry. DOC works to ensure that not just Canadians but people around the world are able to enjoy high quality, original programs that reflect Canadian events, lives and values told from the perspective of professional, independent documentary storytellers.

Canadian documentaries are a national treasure and have been likened to Canada's National Art Form. A thriving documentary community connects Canadians coast to coast with shared stories and values and brings our perspective to the world. Point of view documentaries, or les films d'auteur in French, expose Canadian audiences to ideas that question, or challenge received wisdom and the status quo. As the Chair noted at the outset of this proceeding, CBC and Société Radio Canada are required to provide:

"...predominantly and distinctly Canadian programming that informs, enlightens and entertains us. Furthermore, it must reflect Canada's various geographic, cultural and linguistic realities and identities in both official languages."

Canadian documentary programs have been and continue to be a powerful and effective tool in ensuring that the corporation fulfills its mandate.

With respect to the corporation's dealings with independent producers, many DOC members report positive relationships with their CBC and SRC colleagues. Sincere efforts are made to collaborate and communicate with producers across the country. Nevertheless, DOC is concerned that the documentary genre is no longer considered strategically important by CBC or SRC. The problem is not with individual staff, but with a leadership failure to articulate the importance of documentaries and to support that with time slots, programming budgets and promotion.

As we noted in our written comments, we have seen a disturbing trend over the past decade that indicates reduced support for Canadian documentary programs, and the data confirms a steady decline in the amount of money spent on documentaries and the number of original hours programmed. This is alarming, not only to independent documentary producers, but to everyone who recognizes the importance of our public broadcaster giving pride of place to original, hard-hitting and revealing Canadian factual programming.

DOC recognizes that in order to manage the ongoing transition from a traditional linear broadcasting environment to an increasingly digital, non-linear world, the corporation is asking for less oversight, fewer conditional requirements, and the opportunity to share any regulatory requirements across all its platforms.

DOC members understand that the landscape is changing, and they are happy to take advantage of the additional opportunities available on digital platforms. However, in the Canadian broadcasting environment, only an effective regulatory regime will ensure that the system continues to create new public interest programs that fulfills the objectives of the *Broadcasting Act*.

Regulatory requirements, however, must be based upon good data. In preparing for this hearing, DOC did not receive the information we requested regarding CBC and SRC's most recent spending on and broadcasting of original long and short-form Canadian documentary programs. Without accurate information on the corporation's past performance in these areas, it will be impossible for the Commission to require the Corporation to maintain or even increase its support for Canadian documentaries in the new license term.

That is why, in our written submission, DOC asked the Commission to seek specific information from the corporation with respect to documentaries for the broadcast year 2018-2019. We have not seen this information on the public file and, if the request has not been made, we respectfully ask the Commission to make this request for both the 2018-2019 and 2019-2020 broadcast years.

This is necessary for the Commission to be able to evaluate how many hours of original documentaries and what level of expenditures on these programs will be appropriate for the corporation to commit to in the new licence term.

Regulation is not only necessary to ensure that the corporation fulfills its mandate to program documentaries and to budget appropriately for these films, but also to ensure that these documentary creators accurately represent all Canadians. The corporation is often perceived as under-investing in racialized filmmakers and, despite recent efforts to correct this, the only way to ensure a long and lasting systemic correction is to develop benchmarks and targets to increase programming by filmmakers who are Black, Indigenous and people of colour, and produced by production companies who are majority owned by BIPOC producers, and we must collect the data and publish it to track the corporation's success.

In order to correct the Corporation's historical non-representation, or misrepresentation of documentary filmmakers who are Black, Indigenous and people of colour, DOC recommends that the CRTC require the corporation to file annually the information necessary to track its sustained investments aimed at rectifying the historic inequalities in representation on CBC and SRC.

I pass the floor to my colleague.

MS. FICHMAN: Hi.

So CBC distributes Canadian documentaries on three main platforms: the main linear networks and the local stations available free over-the-air or on basic cable and satellite; the specialty services, CBC News Network and the Documentary Channel, available for a fee on cable/satellite, and on GEM, the streaming service that is available free with high-speed internet access.

The platforms are there, but the CBC currently only provides two documentary strands on the main network for independent producers, The Nature of Things and DOCS POV, plus CBC Short Docs, which is available on GEM.

Shifting schedules and limited promotion often prevent CBC's documentaries from performing at full capacity and from attracting the robust audiences that they find elsewhere. On Radio-Canada, their main documentary slot, Doc Humanité, airs on Saturday nights at 10:30 p.m.

A shift toward digital programming on GEM and Tou.TV can add to, but it cannot replace these key documentary slots on the main network, and they must be paired with adequate budgets and discoverability. Shifts to digital must also be paired with quotas on programming that respect the genre of documentary films that we call Point of View, or POV in English, and les film d'auteur in French.

The Canadian public deserves the type of independent documentary films that expand our creative, intellectual and educational horizons and enables the CBC and SRC to fulfill its mandate as a public broadcaster.

Accordingly, and as set out in our written submission, DOC is proposing three conditions of licence with respect to documentary programs. The effect of these conditions would be to ensure that the CBC and SRC, at a minimum, maintain the level of support for documentaries that it has provided in the past two years.

The public broadcaster must not be permitted, as its renewal application proposes, to reduce its commitment to this very important genre of Canadian programming. In this proposal, the variable value of X should be based upon the amounts reported by the corporation for the 2018-19 and 2019-20 broadcast years.

One, the licensee shall broadcast a minimum of X hours per broadcast year of original Canadian long-form documentary programs (Category 2(b)) in peak viewing periods, 7:00 p.m. to 11:00 p.m. September through April. A minimum of 75 percent of these programs must be produced by Canadian independent production companies.

Two, the licensee shall broadcast a minimum of X hours per broadcast year of original Canadian short-form documentary programs (Category 2(a)) in peak viewing periods, 7:00 p.m. to 11:00 p.m. September through April. A minimum of 75 percent of these programs must be produced by Canadian independent production companies.

And third, the licensee shall, in each broadcast year, expend on the acquisition of, or investment in, documentary programs, Categories 2(a) or 2(b), a minimum of X amount of dollars.

We believe that firm quotas must be in place because, despite an upward swing in public interest in documentaries, based on its annual reporting we can see that CBC and SRC have been reducing the number of hours of independently produced programs of national interest since the broadcast year 2014-15.

Not only is this proven in the data, but this is the feedback that we get from our members, who are reporting that CBC and SRC are relying on acquisitions to meet requirements for hours of documentary programs aired and they're actually decreasing the amount spent on each original documentary. So even when a total budget spend can meet requirements, we are seeing a reduction in investment in quality documentary programming produced by our independent community.

This is especially a risk if documentaries shift toward GEM and Tou.TV, so we must see a firm commitment to adequate budgets for the type of high quality documentary films that Canada is known for.

In its 2013 licence renewal for the CBC, the corporation agreed to a condition of licence requiring it to broadcast a minimum of nine hours a week in primetime of programs of

national interest. Of these, a minimum of two hours must be long-form documentaries, Category 2(b). However, in its current renewal application, the CBC proposes to reduce its PNI commitment to seven hours a week and to remove any minimum requirement for long-form documentaries.

The CBC is also proposing an expectation that it provide a total of 10 hours a week of PNI on either the network and/or its digital platforms. Again, there is no specific commitment to provide documentaries in this additional three hours a week of PNI. In its renewal application, the CBC provides a table of projected expenditures for long-form documentaries (Category 2(b)) on its three licensed services. In each case, the CBC projects declining expenditures on Category 2(b) programming between 2019 and 2023.

The Commission should also mandate the corporation to increase budgets for locally or regionally produced documentaries. Such a move would be most consistent with the corporation's strategy to prioritize local connections and "strengthen this connection with significant local and regional content that is relevant to people in their communities and bring those communities to the rest of the country."

In addition to the conditions of licence set out above, DOC asks the Commission to ensure that the corporation file annual reports that set out the relevant data on its documentary expenditures; the number of hours of original documentaries that have been programmed; and, its support for documentaries produced by creators who are Black, Indigenous and People of Colour. This will enable the independent film community and the CRTC to track the CBC and SRC's progress and, we trust, also to be able to highlight its success.

Finally, it is surely obvious to everyone that the documentary genre, which Canadians did so much to develop and make popular around the world, remains an ideal tool to provide Canadians with trustworthy and in-depth information. The popularity of documentaries internationally and their ease of access through streaming services also means that non-Canadians have much greater knowledge of our country, its values and its peoples. It is important that the role of the national public broadcaster is to do everything possible to ensure the continuous creation of quality Canadian documentary programs, and that this is supported and not diminished.

Thank you very much, Commissioners, for listening to us today. Sarah and I are here to answer your questions. Thank you.

COMMISSIONER ANDERSON: Thank you very much for your submissions. They were very informative and clearly laid out. I do have some questions that I'm going to go through. And, first, I note that you have very clearly stated that both expenditure requirements and exhibition requirements ought to be in place in order to ensure that original documentary programming is fulfilling its key role in the Canadian broadcasting system.

I was wondering if you can think of any other measures to ensure that the corporation is accountable to the Canadian public beyond exhibition and expenditure requirements and also beyond the annual report.

MS. SPRING: Well, one thing that I would like to emphasize is promotion and discoverability. I think that it's really important to think of these three things as elements that all need to work together in order to properly promote Canadian original documentary films.

If documentaries are adequately programmed but not adequately financed, then we have a documentary industry that is really suffering. And then by -- you know, CBC and SRC are not fulfilling their mandate as a public broadcaster. If we have documentaries that are adequately programmed and budgeted but then not promoted on the digital platforms, then they don't have discoverability, and Canadians cannot find this programming. So, they really all need to work together.

COMMISSIONER ANDERSON: On that note, do you have any suggestions for improving or increasing discoverability on the different platforms, whether it's a cross-platform approach or otherwise?

MS. FICHMAN: Yes, I think that a cross-platform approach would definitely work in CBC's favour because it's our understanding is the different audiences gravitate to different platforms. So, a documentary that might appear on Gem might appeal to a younger audience, but the main network is primarily -- their audience is slightly older, or actually quite a bit older.

So, I think this cross-platform promotion can work really well. But, I think as Sarah said, documentaries have to be treated as units that need to be promoted to the audiences in Canada. There is a taste for documentary, especially in younger communities who are used to watching many of these films or these kinds of films on streaming platforms. And so, I think the CBC and SRC can actually work together to come up with a robust plan for promoting documentaries not just across platforms, but also in French and in English across the country.

COMMISSIONER ANDERSON: Do you see social media as playing any kind of role in promoting this type of programming?

MS. FICHMAN: Absolutely. Again, we're both independent producers, and social media has a huge role to play in terms of positioning documentaries. So, do film festivals; like Hot Docs. So, does traditional media. They all have to work together, but there has to be a strategy, and there has to be a concerted effort and budget towards the discoverability of these programs.

It doesn't just happen with a Facebook post, or a tweet. It happens because there is a robust considered promotional plan that we believe the CBC should be involved with in

consultation, of course, and in partnership with the independent production communities.

COMMISSIONER ANDERSON: Okay, so I understand that you're saying that a strategy is needed in order to really make the best use of any kind of promotional endeavour, and also that that can be improved with adequate consultation with producers. Is there any other element that you think would be necessary or helpful in creating such a strategy to get the content out there and discoverable?

MS. SPRING: We will have to get back to you with some more specific recommendations. There is definitely a lot that independent producers, distributors and impact producers are doing that's changing all the time. It's a constantly changing environment. And so, we would be happy to provide a list of clear suggestions for you.

COMMISSIONER ANDERSON: Sure, that would be really helpful. Thank you. In your submissions, you have suggested having specific language or conditions in relation to setting out a minimum expenditure requirement and exhibit requirement, but there aren't any numbers in the conditions, and I understand that you believe that the quota should be based on the past few years, and that that information was not available. Are you in a position to comment on what an appropriate quota or objective would be in terms of exhibition or expenditures at this point in time?

MS. SPRING: We're not going to recommend a specific number. Because we've been seeing declining numbers. So, we're looking at data that's saying decline in PNI, decline in documentary spend and decline in projected documentary spend. So, once we have the numbers from the last two years, we can come up with an appropriate recommendation.

MS. FICHMAN: But, I think one thing we would say is that this desire to move documentary to Gem which, in principal, we're not opposed to, that the budget level of documentary should not decrease because it is on a digital platform. In fact, it should remain consistent with what the budgets of documentaries have been on the main network for the past number of years, and I think we're pretty committed to that.

COMMISSIONER ANDERSON: Thank you. So, on that note, CBC/SRC is proposing to eliminate their requirement to devote two hours to each of Category 2(b), long-form documentary, and for the drama category. Can you comment on the elimination of this condition of licence and why you feel that safeguards are needed to ensure minimum amounts of certain types of PNI?

MS. SPRING: I mean, without being overly dramatic, it would be an absolute disaster for the independent documentary community to not have that. You know, as the public broadcasters reduce their support for documentaries, there are less documentaries produced. The direct relationship is clear.

We would be happy to share with you, about how many documentary projects are funded through the Canada Media Fund every year on the English platform and the French platform. And, as Radio-Canada and CBC reduce documentary funding, there is a direct relationship with how many projects are produced in collaboration with the other elements of the industry, the other parts of the ecosystem.

So I can't stress enough how important it is that we maintain strict baselines for CBC. It would be -- the repercussions would be very dramatic.

MS. FICHMAN: And yes, I think we're also seeing a diminution of documentary on the private networks. And as many of their benefits, programs have disappeared, we do not find documentary on the private networks in most of -- in many of the private networks. So the CBC has an increasingly important role to play in sustaining the documentary genre in our country.

COMMISSIONER ANDERSON: Thank you. I have a question about -- and it's a hypothetical that you might not favour. But if the Commission were to remove exhibition requirements, in your opinion what new measurement tool could the corporation use to ensure accountability on all platforms? And we're thinking -- or maybe some examples might be public opinion research or surveys and consultations in order to assess whether the programs of national interest are meeting the needs of Canadians over the broadcast year. So are there any measurement tools that might be helpful?

MS. SPRING: I mean, if the CBC and if Radio-Canada were not required to broadcast a certain number of hours of documentary, I mean would they still be required to spend a certain amount of money on documentary films? Is the SR -- is the CRTC considering one of the two? Because that also is very dangerous because it might result in just a couple of programs and not adequately supporting the entire documentary community. We have filmmakers and producers at every level, and we really can't risk sort of a bottlenecking of all of the resource within the hands of a certain number of well established production companies. So I think that there is something very -- I don't have a recommendation but I can just flag how dangerous that would be. As every single element of the film and television industry is reckoning right now with systemic racism and systemic exclusions, moves like that would only exacerbate some of their problems and would definitely not help to resolve them.

MS. FICHMAN: Yes, and I would add that, you know, we also have a diversity in levels of experience in this country, emerging filmmakers across the country whose work needs to be supported. And at various times in its past CBC has had its own strands that highlight the work of new and emerging filmmakers. And then you have the more traditional strands on the main network. And we need to maintain that diversity and points of view in creative expression and national diversity as well.

COMMISSIONER ANDERSON: Thank you. I understand, and your concerns will be clearly marked for the record. So thank you for that response.

You've discussed -- we've discussed discoverability. In terms of measuring content that's posted online, what kind of metric would be helpful to help us gauge availability and relevance? And I'm thinking specifically with respect to potentially online views and whether or not that would be an appropriate metric, and if it isn't appropriate metric are there other considerations that we should take into account?

MS. FICHMAN: I mean, I think CBC has been tracking online views and documentary, as you know, is available online. And the numbers have been impressive. So that's why I think many of us are not concerned about the migration to digital platforms because there's a attitude right now of watching documentary online.

But again, the expenditure per film and for documentary does need to be maintained online. I know that that's not quite the question you were asking, but sure, there are metrics, there are ways of evaluating whether a film is being watched or not online, and these are fine metrics.

COMMISSIONER ANDERSON: And in terms of online views, would you suggest that a minimum viewing time would be an important consideration?

MS. SPRING: Absolutely. I think that it's really important to have that. I think that people that begin a program and don't complete it, or if you're watching a program on a platform in which it automatically starts playing, we cannot count those towards views. And I think that's really important. That something pops up on Facebook or pops up as an automatic play it cannot be added to the data as a complete view.

A lot of the film festivals, when you play there, have a very extensive report about how many minutes people watched. So there is no reason why CBC shouldn't be able to track data specifically for exactly who got to how long in the film and who completed it.

MS. FICHMAN: And I think this information is very helpful for those of us who work in the independent sector as well. I think it's a win-win for everybody to understand our audiences on a much more profound level.

COMMISSIONER ANDERSON: Thank you very much.

My next question relates to reporting on PNI. And so certain intervenors recommended that the corporation be required to file a report on PNI and independently produced PNI that it provides on both traditional and digital platforms. And for example, that could include titles, expenditures, regions in which the programming is produced, and whether it was produced by independent production companies.

Can you comment on whether you think such a report could serve to hold the corporation accountable to its programming obligations, both on the traditional platforms as well as on the -- a digital platform?

MS. SPRING: Yeah. I mean, I think that we always have to go back to the data. I think that it's impossible to really monitor the effectiveness of our public broadcasters if we don't have accurate data. So absolutely, I applaud these moves.

And you know, your colleagues were referring to 2019-304 as data collection procedures that are being put into place. I just want to highlight that we can't just talk about PNI without specifically talking about documentary. When we talk about documentary, we have to talk about what are original programs, what are acquisitions, and what are short docs.

Because it's very important to distinguish between the two. CBC and Radio-Canada cannot fulfill their hours of mandated programming with acquisitions or catchup, and they also need to be programs that are produced at a certain budget so we can understand how they're contributing to the ecosystem in the industry, which is part of their mandate.

And another element that I think is important to note is, I'm not sure if the plans are going to be to continue to limit the data collection to gender-based data collection, but so far what I've seen in 2019-304 doesn't seem to propose data collection according to other self-identifiers, which are really, really important for CBC and Radio-Canada to look in to.

So, you know, it's very important to see which programs are produced by companies that are majority owned by someone who is Black, Indigenous, or a Person of Colour. Which programs are produced by a key creative team that are a majority from these representative groups.

So data collection and very, very specific data collection, and also the establishment of benchmarks and targets that are put together in consultation with advocacy groups who are working on the issues of racial equity in the film and television industry. CBC needs to come up with these in collaboration, in consultation with these groups because they are doing important work.

We can't just come up with solutions in silos. There's a lot of really incredible and important work being done right now, and the more that CBC and the CRTC collaborates with groups who are advocating on these issues the better the results will be.

COMMISSIONER ANDERSON: So what I hear you saying is that data collection, when it comes to producers that come from a Black, Indigenous, or other racialized background, is not the final step but it's kind of a starting point. But that establishing benchmarks is really key, and including Black, Indigenous, and people of colour in that dialogue in establishing benchmarks is key?

MS. SPRING: Yeah, it's really important.

MS. FICHMAN: Absolutely.

MS. SPRING: And I'll raise one other issue. You know, what we've seen in the past is if a film has key creatives who are Black, Indigenous, or people of colour, trans

filmmakers, they are ticking a certain box for some of the institutions, but if the IP for the project rests with a production company that is led by a white producer who is retaining the IP....

You know, so this is another problem that we need to address as part of the ecosystem of things that need to be worked on. So that's why specific data collection and then more data collection, understanding what the ramifications are of limiting the analysis to just projects that are led by a majority of BIPOC key creative, to include who owns the project. Are we investing in BIPOC production companies? I think that's another element that's really important to look at.

COMMISSIONER ANDERSON: Thank you. And then on that note I just wanted to refer to your submission today where you request that the corporation report annually on its support for documentaries produced by creators that are -- who are Black, Indigenous, and people of colour. What kind of support are you referring to? Are you referring to financial support, presumably?

MS. SPRING: Yeah, there's financial support and hours programmed. CBC for many years has been asking producers to fill out a diversity report in which we are talking about, you know, who works on our films, and this is data that's been collected for years that has never been made publicly available. So CBC has shown that with every program that they produce, they are interested in posing these questions. So we're just asking for this information to be publicly available, so we can participate in monitoring how many documentaries are produced, how much -- what's the budget spend, who makes these films, towards a healthy industry overall.

COMMISSIONER ANDERSON: And can you just -- my last question is, still on this note about diversity, but specifically, why is it important to have people from diverse backgrounds in key creative positions when it comes to documentary filmmaking?

MS. FICHMAN: Well, it's all about the storytelling and whose stories are being told. You know, we have a very diverse country, and I think the CBC as our public broadcaster should reflect that and put the power in these creators. That's -- that's why it's so essential.

MS. SPRING: And I'll just add to that. I think we're -- you know, we're talking about historical under representation or misrepresentation, and I think that's something that's become really prominent in the creative community, is you know, why we have to think about "not about us without us" and taking the lead from the pathways and protocols document -- and the Indigenous Screen Office and all of the ground-breaking work that's been done to lead the way on how to think about why representation matters. You know, for the story to be told well, to be told better.

And I think it's about the quality, as Ina said, the quality of storytelling and not misrepresenting a community that you don't understand. So I think that it's very -- it's important about the richness of the stories that we have and also that we're not contributing to misrepresentation.

COMMISSIONER ANDERSON: Okay. I know I said that was the last question, but just on this note about misrepresenting the communities that a filmmaker or a producer is purporting to represent, that seems like it could have some fairly serious consequences. I was wondering if you would be able to just speak a little bit about -- about that?

MS. SPRING: I mean, I'm happy to speak about it from my own experience as someone who recently produced a film about the trans community. And having trans key creatives in those roles meant that the film was able to discuss issues about the trans experience in a much more complex way, that would have been overlooked or misunderstood by someone who was cisgender, such as myself, if I was taking the decisions on what that story would be.

I think that the good intentions are there, and I think in the documentary film community, you know, there's so many good intentions about how to tell important stories, but without key and meaningful presence of the community being presented on screen, or the community being discussed in the film, it's impossible not to have missteps. There's many, many, many situations of this in the film community that, again, I'd be really happy to send some more detailed information on because there are countless examples of, you know, what can go wrong with good intentions when they're not -- when the programs are not put together in a thoughtful way with these issues in mind.

COMMISSIONER ANDERSON: Yeah. Any additional information would be very valuable.

Those are all of my questions, so thank you very much for your submissions and I will pass the floor back to the Chair. Thank you.

MS. SPRING: Thank you.