



Sex Role Portrayal Code for Television and Radio Programming

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INTRODUCTION

This Code reflects the responsibility of licensees, under the [Broadcasting Act](#), to assure that their programming and broadcast services achieve the

highest professional standards and demonstrates the broadcasters' commitment to the fair and equitable portrayal of all persons in television and radio programming.

Negative or inequitable portrayal and representation of women or men can be expressed explicitly in programs and commercial messages, as well as implicitly through images, dialogue and character portrayal. Canadian broadcasters recognize the cumulative effect of negative and inequitable sex-role portrayal, and seek to address this issue effectively and responsibly with this Code, which replaces the previous CAB **Voluntary Guidelines on Sex-Role Stereotyping**.

This Code was developed in consultation with public representatives, including the **Alliance of Canadian Television and Radio Artists [ACTRA]**, the **Canadian Advisory Council on the Status of Women [CACSW]**, the **Canadian Coalition Against Media Pornography [CCAMP]**, **Canadians Concerned About Violent Entertainment [C-CAVE]**, **Children's Broadcast Institute, la Fédération des femmes du Québec**, the **National Action Committee on the Status of Women [NACSW]**, the **National Watch on Images of Women in the Media Inc. [MediaWatch]**, and **Toronto Women in Film and Video**. Further public consultation occurred with individuals recognized as knowledgeable in this field.

The purpose of this Code is to serve as an effective guide to program development, production, acquisition and scheduling, recognizing that there can be no clearly defined set of criteria universally applicable to all Canadian communities at all times.

While the development of this Code, and other initiatives undertaken by Canadian private broadcasters in the area of sex-role portrayal are certain to have a positive effect, it needs to be understood that these guidelines can have minimal effect on broadcast signals or programs available in Canada which originate in other countries.

This Code of conduct dealing with sex-role portrayal in television and radio programming is designed to complement the general principles of the **CAB Code of Ethics** and other CAB voluntary codes.

Background

In 1979, the **Canadian Radio-television and Telecommunications Commission [CRTC]** formed a Task Force on Sex-Role Stereotyping to encourage the elimination of sex-role stereotyping in the broadcast media. Among the CAB's recommendations to that Task Force were amendments to the **CAB Code of Ethics** to include clauses reflecting sensitivity to sex-role stereotyping.

The 1982 CRTC Report of the Task Force, **Images of Women**, directed private broadcasters to organize industry initiatives to address the issue of stereotyping in the broadcast media. In response to that challenge, and its own commitment, the CAB created and publicized the CAB **Voluntary Guidelines on Sex-Role Stereotyping**.

In January 1986, the CRTC released its review of the steps undertaken by broadcasters to sensitize licensees to the issue and to reduce the incidence of unequal portrayal of the sexes in broadcast programming. Following three public hearings, in which the CAB participated, the CRTC issued its conclusions in December 1986.

This CRTC Policy acknowledged a considerable increase in awareness of and commitment to the issue. It also praised the CAB's Voluntary Guidelines as "excellent statements of principles". In response to various concerns of the public, as well as broadcasters and the CRTC, the Commission also set challenges for the CAB which included the revision of those Guidelines.

This CAB **Code for Television and Radio Programming** is the response of the [Canadian Association of Broadcasters](#) to those challenges. It is intended to be administered by the Canadian Broadcast Standards Council.

STATEMENT OF INTENT

It is the intent of this Code that broadcasters shall advance the awareness of, and sensitivity to, the problems related to the negative or inequitable sex-role portrayal of persons. This Code is intended to assist in overcoming systemic discrimination portrayed in broadcast programming, based on gender.

Television and radio programming and commercial messages shall strive to present an equitable representation of women and men in various social and occupational roles, at home and at work outside the home.

It is the responsibility of television and radio broadcasters to ensure that the provisions of the Code are brought to the attention of those persons within their employ entrusted with program development and production, program acquisition decisions, and commercial message production.

GENERAL PRINCIPLES

[a]

The objective of equal representation is recognized and the portrayal of women and men shall be comparable to, and reflective of, their actual social and professional achievements, contributions, interests and activities.

[b]

In addressing the issue of sex-role portrayal of women and men, broadcasters shall seek to broaden the comparable diversity of roles for all individuals.

[c]

Nothing in this Code should be interpreted as censoring the depiction of healthy sexuality. However, broadcasters shall avoid and eliminate the depiction of gratuitous harm toward individuals in a sexual context, as well as the promotion of sexual hatred and degradation.

Neither sex should be subject to degradation from gratuitous acts of violence. Television broadcasters and the public should also refer to the [**CAB Voluntary Code Regarding Violence in Television Programming**](#), which contains a general provision concerning violence against women.

[d]

Broadcasters shall be sensitive to the sex-role models provided to children by television and radio programming. In this context, programmers shall make every effort to continue to eliminate negative sex-role portrayals, thereby encouraging the further development of positive and progressive sex-role models. The "sexualization" of children in programming is not acceptable, unless in the context of a dramatic or information program dealing with the issue.

[e]

In the scheduling of programs, broadcasters shall evaluate individual programs within the context of their overall program schedule, and within the context of broadcast services available within their market, to ensure a varied approach to programming content.

[f]

Assessment of a station's performance in relation to program development, acquisition, and scheduling, should take into account the station's overall schedule and record on the issue of sex-role portrayal. The availability of any program to viewers, from other sources within a broadcaster's coverage area, should also be a recognized factor in assessing program selection.

[g]

The Code is to be interpreted in a manner consistent with the [**Canadian Charter of Rights and Freedoms**](#) and the [**Broadcasting Act**](#).

[h]

No Code can reasonably anticipate every circumstance of negative sex-role portrayal. Therefore, the CAB expects such circumstances to be dealt with in the spirit and intent of this Code.

INTERPRETATION

The CAB Sex-Role Guidelines are designed so that any interpretation of sex-role differentiation in television and radio programming is assessed in

the dramatic or informational context of a program, feature, character, dialogue, voice-over or visual interpretation; recognizing that balance in presentation within a specific or individual program is not always possible or desirable.

CODE APPLICATION AND ADMINISTRATION

Application of this Code is the responsibility of the individual licensee. Complaints and inquiries should be addressed to and dealt with by the broadcasting entity involved.

Complaints not resolved between the complainant and the television/radio station may be referred to the **Canadian Broadcast Standards Council**, which is charged with the enforcement of this Code, and the process which that entails.

The CAB will work with the **Canadian Broadcast Standards Council** to create awareness of this Code, by distributing copies to interested parties, as well as encouraging those broadcasters who subscribe to the Code to broadcast relevant public service announcements.

THE CANADIAN ASSOCIATION OF BROADCASTERS SEX-ROLE PORTRAYAL GUIDELINES FOR TELEVISION AND RADIO PROGRAMMING

The following shall be referred to as **The CAB Sex-Role Guidelines**.

Definitions:

Non-Sexist Language is language that does not exclude one sex or give inequitable treatment on the basis of gender.

Negative or Inequitable Sex-Role Portrayal refers to language, attitudes or representations which tend to associate particular roles, modes of behaviour, characteristics, attributes or products to people on the basis of gender, without taking them into consideration as individuals. Negative or inequitable portrayal of women and men can be both explicit and implied.

Systemic Discrimination refers to action or treatment by organizations or a society which is categorically prejudiced against an individual or another group on the basis of gender, and which denies opportunity and advancement to an individual or group.

Voice-Overs are the audio overlays of dialogue, monologue or conversation in a television program, program segment, commercial, promotion or station break that do not come directly from the mouths of characters appearing on

screen. This definition does not apply to portions of a news item, which are part of a stand-alone news report done by an individual correspondent. In radio, voice-over refers to the statement of information in station-produced advertising in which the announcer does not assume a particular character and is essentially anonymous.

1. Changing Interaction

Broadcasters recognize the changing interaction of women and men in today's society. Women and men shall be portrayed, in programming, in a wide range of roles, both traditional and non-traditional, in paid work, social, family and leisure activities.

Guidance: The roles and opportunities for both sexes are becoming more diverse due to such factors as the elimination of female-only and male-only occupations, changing patterns of parenting and lifestyles. Women and girls should be portrayed in a range of roles as diverse as that shown for men and boys. Men should not always be portrayed as the aggressor in personal relationships. Women and men should be portrayed as working together in circumstances where the "power" balance does not always favour the man by virtue of his position or personal attributes.

Commentary

In *CTV re PSA (Family Abuse Crisis Exchange)* (CBSC Decision 95/96-0140, April 30, 1996), the Ontario Regional Council ruled that the depiction of men as the only perpetrators of domestic violence in a public service announcement did not violate the *Sex-Role Portrayal Code*.

Even if the PSA in question could be seen to have *some* implicit negative implications, the Ontario Regional Council does not conclude that this portrayal *misrepresents* the problem of family violence. It is accepted by the Council that men are most often, although not always, the perpetrators of abuse. Moreover, since the "power" balance in abusive relationships is more often than not in favour of the man, the Council is satisfied that this PSA was a realistic and justifiable presentation of a societal problem. Furthermore, it cannot be forgotten that one of the purposes of the *Sex-Role Portrayal Code* is to charge broadcasters with the responsibility of addressing the issue of power imbalance, as this PSA does.

While it is fair on the part of the complainant to point out that, as the Guidance section in Clause 1 provides, that "Men should not always be portrayed as the aggressor in personal relationships," the isolation of a *single* PSA (which was not,

for its own internal dramatic reasons, abusively discriminatory or exploitative) cannot fall afoul of this provision. In fact, the point of this statement in the Guidance section relates to larger issues of balance which CTV directly addressed by raising the story entitled "Battered Husbands" which it had aired on March 11, 1995.

2. Diversity

[a]

Television and radio programming shall portray contemporary family structures with an emphasis on the evolving range and diversity of families.

Guidance: Canadian society has evolved to where there is no single contemporary family structure, but rather a range of family lifestyles and family arrangements which differ across cultures, geographic regions and economic circumstances. The concept of "contemporary family structure" is meant to include a variety of family units such as marriages between persons of different races, single parents, families blended from different marriages and relationships, childless marriages and relationships, couples with adopted children, as well as the circumstances created by divorce and separation.

[b]

Television and radio programming shall portray all persons as supporting participants in family, home management and household tasks. Women and men should participate on an equitable basis in organizing such family activities as health care and financial matters, encompassing a wide range of responsibilities and decision-making roles.

Guidance: The interpretation of this provision depends to a large extent on individual experience and beliefs, and is therefore open to discussion. For example, in one family, the sharing in all chores and responsibilities related to family and home may be on a 50:50 basis, while in another, it may mean that one partner contributes as the wage-earner while the other offers an equitable contribution as home manager, performer of domestic tasks and/or caregiver to spouse and children.

[c]

Television and radio programming shall respect the principles of intellectual and emotional equality of both sexes and the dignity of all individuals. Television and radio programming should portray women and men as equal beneficiaries of the positive attributes of family or

single-person life. Women and men should perform in a range of occupations and function as intellectual and emotional equals in all types of thematic circumstances. This should be the case for both work and leisure activities requiring varying degrees of intellectual competence.

Guidance: Women and men should be portrayed as working toward a comfortable existence through mutual support, both economically and emotionally, and in both public and private spheres. Despite the problems of societal systemic discrimination, television and radio programming should reflect an awareness of the need to avoid and overcome discrimination on the basis of gender.

Commentary

In CFRB re Ed Needham Show (CBSC Decision 92/93-0081, May 26, 1993), the Council ruled that this clause "clearly indicated the broadcaster's role in overcoming gender-based discrimination. On the basis of this understanding of the codes [*i.e.*, this Code and Clause 15 of the *Code of Ethics*], the Regional Council decided that the program host reinforced two stereotypical images, namely, that women who do not respond immediately to harassment deserve their situation, and that modes of dress invite comment or indicate sexual standards. To that effect, Regional Council members noted comments made by the host, such as "If you allow yourself to be sexually harassed, so you can't keep your job, you deserve it", "quit ... or take action ... and quit your whining", and "if you wear a skirt with your bum sticking out and somebody makes a crack and you get upset, now who's setting who up?"

In CFRA-AM re PSA (CBSC Decision 95/96-0149, October 21, 1996), a Public Service Announcement prepared by the Canadian Association of Broadcasters and run by its radio members left the implication that the women in the PSA had all suffered abuse at the hands of men.

[W]hile men are not mentioned in the text of the PSA, the Council accepts the interpretation that men are understood as being the principal perpetrators of the physical abuse which is the subject of the announcement. That being said, the question for the Council to address is whether the pointed portrayal is unjustifiably negative or degrading. The notion of equality which is proposed in Clause 2(c) does not mean congruence or absolute identity in all respects. It implies rather the principle of equatability, that is, an equality of treatment and the equality of application of standards to both sexes. It implies that it may in circumstances be appropriate to draw attention to differences between the sexes, provided that those conclusions are based on and reflect reality. The

fact that a portrayal may have some negative implications does not mean that it will be in breach of the Code. For that result to occur, the portrayal must be unfairly or unjustifiably negative.

In *CFRA-AM re Family Fortune* (CBSC Decision 95/96-0145, October 21, 1996), a short feature segment of the broadcaster's daily 90-second feature *Family Fortune*, "a program dedicated to the financial issues affecting women and their families" dealt with the question of avoiding unnecessary interest charges. The complainant alleged that portrayed men negatively or, at least, inequitably. The Council analysed the feature and the complaint in the following terms:

The Council can find no indication whatsoever in the actual broadcast of the program segment which reveals even a trace of a sexist approach to the subject. The subject matter and the terms used are absolutely gender neutral.

It follows that the only objection which the complainant can have, in the view of the Council, is that the program itself is described as "a program dedicated to the financial issues affecting women and their families." The description of the program does not imply that the advice in question is not useful for others than the group to which the daily segment is directed. That it may be aimed at women in particular is no more sexist than is the aiming of boxing or wrestling or even less violent sports at a male audience. That it may be aimed at women in particular is no more discriminatory than targeting Saturday morning cartoons at children. That it may be aimed at women in particular does not make it any more sexist, discriminatory or exclusive than targeting any particular demographic group in the creation or airing of any show.

The issue is not the targeting of the show at an audience; it is rather the *portrayal* of persons which is the concern of the *Sex-Role Portrayal Code*. Some might consider that the *raison d'être* of the program is that *women* need such financial advice but it is clear that *no* justifiable complaint lies with respect to the position that it is *men* who are improperly or inequitably portrayed.

In *CFRA-AM re International Women's Day* (CBSC Decision 95/96-0157, October 21, 1996) during a reference to International Women's Day in its news story, a broadcaster remarked that "If you go by the numbers, you might still say every day is International Men's Day. Stats Canada reports women spend almost twice as much time taking care of the house and kids as men do..." A viewer complained that this comment was offensive, unfair

and in violation of the codes on portrayal of men and women. He added that the broadcaster "did not report on our International Men's Day."

The Council found that there had not been any Code violation. Reporting on a story highlighting women did not discriminate against men, did not select news in order to further or hinder one side of a controversial issue and did not exploit men.

In the telling of the story, the reporter reached for more information which she presumably considered would be of interest to the public, namely, the Statistics Canada salary information. This was not an opinion piece and, unless it was seriously inaccurate in its factual presentation, the Council does not consider that it would give rise to a breach of Clause 6 of the *Code of Ethics*.

The Council concluded that the complainant does not:

have an entitlement to complain about any lack of balance in the treatment of men's and women's issues on the simple basis of the comparison of between the treatment of the respective International Days.

In *CIII-TV (Global Television Network) re PSA (Heritage Minute)* (CBSC Decision 95/96-0236, May 8, 1997), the Ontario Regional Council considered whether a public service announcement, produced as part of CRB Foundation-National Film Board Canadian Heritage Project known as "Heritage Minutes", which depicted a young female Prince Edward Island teacher meeting with school trustees discriminated against male teachers. The Council found that it did not.

As indicated in its Statement of Intent, the *Sex-Role Portrayal Code* is "intended to assist in overcoming systemic discrimination portrayed in broadcast programming, based on gender." In the Council's view, this PSA, like many others which also emphasize the role played by women in Canadian history, is in keeping with the spirit and the letter of the Code's stated intent as it seeks to redress the near absence of women in the annals of history - it seeks to add "*her-story*" to "*his-story*".

The Council further noted that it found it "ironic that the complainant raises no voice regarding the depiction of *all* of the school trustees, the positions of power in the school, as men."

In *CFRA-AM re Brian Henderson Commentary* (CBSC Decision 95/96-0234, May 8, 1997), the Ontario Regional Council found "utterly without

substance" a complaint about a commentary on the minimal role played by men in the pre-birth life-creating process. The Council was of the view that "[b]y highlighting the role and importance of women in procreation, these comments actually counteract negative stereotypes which frequently tend to minimize the positive attributes and contributions of women."

In *CHOM-FM and CILO-FM re Howard Stern Show* (CBSC Decision 97/98-0001+, October 17-18, 1997), the Quebec and Ontario Regional Councils jointly concluded that the September 1997 broadcasts of the Howard Stern Show contravened the *Code of Ethics* and *Sex-Role Portrayal Code*. One of the most continually recurring categories of unacceptable Stern comments related to women. While the Regional Councils considered that Stern consistently portrayed adolescent, puerile, crude attitudes toward many sex and gender-related issues, these generally fell within the category of bad taste and were left by the CBSC to be judged by the marketplace. On the other hand, the unrelenting use of terms such as "pieces of assi", "dumb broads", "fat cow", "dikes", and "sluts" was judged exploitative and unacceptable. The Councils noted that Stern

frequently deals with female guests on the basis of their physical attributes and sexual practices rather than, or occasionally in addition to, the skills or talents which are the reason for their common recognition. In the case of callers, he regularly avoids the subject with respect to which they have called in order to seek details of their bust size and weight as well as their sexual practices, despite the fact that this information is *utterly* irrelevant to the subject of interest.

Stern went so far as to detail his violent fantasies towards female celebrities. The CBSC found that each of the episodes reviewed revealed sexist comments which breached the sex-role portrayal provisions of the *CAB Code of Ethics* and the *Sex-Role Portrayal Code*.

Stern *consistently* uses degrading and irrelevant commentary in dealing either with guests or callers. The CBSC understands, by his demeanour and laughter, that *he* and, presumably, Quivers and others on his show find such comments amusing. It may well be the case that many in his audience find such comments entertaining. This sort of adolescent humour may work for some in private venues but it is thoroughly in breach of Canadian codified broadcast standards. Women in this country are entitled to the respect which their intellectual, emotional, personal and artistic qualities merit. No more than men. No less than men. But every bit as much as men.

In *CFSK-TV (STV) re an episode of Friends* (CBSC Decision 95/96-0159, December 16, 1997), the Prairie Regional Council considered a complaint regarding alleged "blatantly promiscuous behaviour" depicted in the sitcom. In the episode in question, one of the female characters was faced with the reluctance of her boyfriend to have sex with her. The Council found the complaint unsubstantiated and came to the following conclusion:

... the complainant seems to take issue with the fact that it is a woman who is seducing a man. In this regard, the Council notes clause 2(c) of the *Sex-Role Portrayal Code* which states that "Television and radio programming should portray women and men as equal beneficiaries of the positive attributes of family and single-person life. [Emphasis added.]" In the Council's view, by portraying Phoebe as the one eager to enter into a sexual relationship and her boyfriend as the one wanting "to hold off until he was prepared to be really serious", this episode reinforces the precept of equality enunciated in Clause 2(c) of the *Sex-Role Portrayal Code*. Whether one does or does not accept that pre-marital sex is appropriate for any family, the Council considers that it is extremely important to accept the idea that broadcasters have a responsibility to ensure that men and women, boys and girls, are presented as equals in society and social situations. Accordingly, the Council considers that the depiction of single-life in this episode of *Friends* is laudable rather than sanctionable.

In *CILQ-FM re the Howard Stern Show* (CBSC Decision 97/98-0487, 488, 504 and 535, February 20, 1998), the Ontario Regional Council decided that "pigs" used to describe women is in contravention of Clause 2(c) of the Code. It added:

Moreover, there is a more generalized and pervasive presentation of women which manifests itself from show to show, which is at least as offensive to the requirement that "radio programming shall respect the principles of intellectual and emotional equality of both sexes and the dignity of all individuals." The portrayal of women as objects or meat, the emphasis on their height, weight and bust size are issues disparaging to women's self-image. This view of women is inherent in the "intern beauty pageant" and in the January 15 show about breast implants. Both segments or shows were nothing more or less than an opportunity for Stern to deal with women as physical objects devoid of intellectual and emotional qualities. In the case of the intern beauty pageant, there is not even a pretence that beauty was an issue; the pageant appeared to the Council to be an excuse to have one

of the contestants take off her top to reveal her pierced nipples and, at the end of the day, for Stern to conclude that he will be "groping the winners." Similarly, in the program dealing with the breast implants, which elicited particularly sad, if not tragic, stories, Stern was apparently "trading" the awarding of the prize, namely, the operation, against his entitlement to fondle the breasts of the winner.

All in all, the Ontario Regional Council considers that the foregoing series of shows manifested a degrading approach to women. If the characterization of women as physical objects was not sufficiently inappropriate, the conversion of their misfortune into sexual playthings for the host is grossly demeaning. The continued expression of that view of women on Canadian airwaves carries with it a cost to all Canadians. At the very least, it contributes to a desensitization of the public to the wrongness of such views. At worst, it *encourages* the legitimacy of them.

...

The broadcasting of such retrograde attitudes, which so clearly violate the Code, risks the desensitization of the public to the invalidity of the unequal treatment of women and the validation of the unacceptable view of women as sexual objects, purely and simply. Nor is it merely the target group which suffers that indignity; all Canadians are the less for the proliferation of such messages over the publicly owned airwaves.

3. Demographic Spectrum

Television and radio programming shall portray the wide spectrum of Canadian life. Women and men shall be portrayed with fair and equitable demographic diversity taking into account age, civil status, race, ethnocultural origin, physical appearance, sexual orientation, background, religion, occupation, socio-economic condition and leisure activities, while actively pursuing a wide range of interests. Portrayals should also take into account the roles and contributions of the mentally, physically and socially challenged.

Guidance: Compared to men, the portrayal of women in television programming has often been more restricted with respect to age, appearance, background, occupation, lifestyle and interests. Additionally, the elderly, the disabled, and native peoples have also been under-represented. Special

attention should be paid to increasing the portrayal of ethnic and visible minorities, whose presence constitutes an ever-expanding aspect of Canadian society.

Commentary

This provision overlaps to some extent with Clause 2(c). While some decisions are referenced below, a more extensive discussion of these decisions can be found under the commentary of Clause 2.

In *CFRA-AM re Family Fortune* (CBSC Decision 95/96-0145, October 21, 1996), the Ontario Regional Council dealt with a complaint regarding "a program dedicated to the financial issues affecting women and their families". The complainant alleged negative or inequitable portrayal of men. The Council disagreed. (See reasons above.)

In *CIII-TV (Global Television Network) re PSA (Heritage Minute)* (CBSC Decision 95/96-0236, May 8, 1997), the Ontario Regional Council ruled that a public service announcement which depicted a young female Prince Edward Island teacher meeting with school trustees did not discriminate against male teachers. (See reasons above.)

4. Exploitation

Television and radio programming shall refrain from the exploitation of women, men and children. Negative or degrading comments on the role and nature of women, men or children in society shall be avoided. Modes of dress, camera focus on areas of the body and similar modes of portrayal should not be degrading to either sex. The sexualization of children through dress or behaviour is not acceptable.

Guidance: "Sex-ploitation" through dress is one area in which the sexes have traditionally differed, with more women portrayed in scant clothing and alluring postures.

Commentary

Some decisions dealing with issues germane to this Clause are also sufficiently intertwined with matters dealt with under Clause 2 that they are merely referenced below, the more extensive discussion of them being found under Clause 2.

In *CILQ-FM re the Howard Stern Show* (CBSC Decision 97/98-0487, 488, 504 and 535, February 20, 1998), the Ontario Regional Council held that the

host's "Intern Beauty Pageant" and "Breast Implant Contest" manifested a degrading attitude toward women. (See reasons above.)

Sex-ploitation

In *CITY-TV re Fashion Television* (CBSC Decision 93/94-0021, February 15, 1994), a viewer was offended by the exposure of women's breasts as a part of the fashion report. The Council concluded that this was not *per se* a breach of the Code.

The program was typical of depictions of international fashion shows, validly portraying fashion news. The fact that CITY-TV aired a story on the place of women's breasts in today's fashion was not exploitative. ... The Council felt that the concern of the complainant may be with what the international fashion designers are doing, but Council's view was that the reporting of those design trends did not exploit women or present a negative or degrading portrayal of women. As a result, the program did not constitute a breach of the Code.

In *CITY-TV re Fashion Television* (CBSC Decision 93/94-0176, June 22, 1994), another viewer accused a different episode of *Fashion Television* of being a form of pornography. The Council disagreed with this accusation.

All members present agreed that CITY-TV's Fashion Television was entertainment which highlighted the fashion industry in a manner similar to other programming on the same subject. They felt it did not exploit women or present a negative or degrading portrayal of them. ... The Regional Council members further noted that the complainant's concern was really the fashion industry in general, a concern which the station cannot be expected to address.

In *CHCH-TV re an episode of Baywatch* (CBSC Decision 94/95-0045, August 23, 1995), the Ontario Regional Council did not find that the depiction of men and women in bathing suits on a beach constituted "sex-ploitation".

Baywatch is set on a beach and focuses on the lifeguards who work on this beach. Accordingly, it is reasonable to expect that characters depicted in this program will often be seen in swimming attire, *i.e.* bathing suits. The Council does not consider that it is stretching the point to suggest that the producers of the program have chosen this setting in the belief that young persons in bathing suits may be likely to attract audience attention. This, however, is the prerogative of

producers, who are entitled to look for formulas to create commercially successful television programming. The only issue for the CBSC is to determine whether or not the choice in any particular case "crosses the line" and breaches one of the Codes administered by the CBSC.

In this case, the Council agrees with the broadcaster that "the parts of the anatomy that are exposed when wearing a bathing suit cannot reasonably be described as 'private parts'." Unless and until genitalia become *publicly* exposed, these anatomical parts remain *private*. The Council acknowledges that the taste and viewing habits in some, if not many, homes would lead parents to wish to avoid programs such as *Baywatch* but the view of the Council is not that such programming is so inherently unacceptable as not to be entitled to be shown on television. In this connection, the CBSC generally considers that the depiction of men and women in bathing suits does not in and of itself constitute exploitation in violation of the *Sex-Role Portrayal Code*, or "soft-porn" as contended by the complainant. The Council does not consider that the mere showing of partially *clothed* persons can, by any reasonable definition, be said to be equivalent to pornography, whether hard or soft.

The Council had more difficulty in concluding the same in respect of a particular scene (lasting very close to 3 minutes) in which a female character poses in scanty clothing and alluring postures but ultimately found no breach of the Code. The Council noted that

... this [dream] sequence was used as an opportunity to make use of the stardom of the actress playing the lifeguard character in the program by drawing a parallel with her modelling career... While the dream sequence may have exploited the actress' modelling career, it did not exploit her as a woman nor was it degrading to her or to women in general. The Council notes that the female character in question is portrayed in this episode, and throughout the series, as an exceptional lifeguard with many fine moral and intellectual attributes. In this episode, she is the one who hesitates in joining the treasure hunt, unwilling to compromise her duties as a lifeguard. She is also seen saving the life of the disc jockey at the very end of the episode. Accordingly, the Council does not consider that a breach of the Code has occurred.

In *CITY-TV re Fashion Television* (CBSC Decision 94/95-0089, March 26, 1996), the Ontario Regional Council was once again called upon to deal

with the combined issues of nudity, art and fashion. The Fashion Television episode in question showed, among other matters, the work of a leading make-up artist and the photographic career of a former model, occasioned by the publication of a book of her photographs of other models. The latter segment included a half dozen photographs from the book which showed some female nudity, including a full frontal shot, and one photo of two female models kissing. A viewer felt that it was highly inappropriate for such sexually explicit material to be shown on television. The Council disagreed.

Furthermore, the Council does not consider that the showing of partially clothed or even naked models is equivalent to pornography or sexual explicitness. Without getting into fine legal definitions, the Regional Council considers it sufficient to observe that the *Oxford English Dictionary* defines pornography as "Description of the life, manners, etc., of prostitutes and their patrons; hence, the expression or suggestion of obscene or unchaste subjects in literature or art." There is, in other words, an element of obscenity or prurience required to elevate mere corporal images to the level of pornography. That element is utterly absent in the material complained of.

In *CIHF-TV (MITV) re an Episode of "Millennium"* (CBSC Decision 96/97-0044, February 14, 1997) the 10:00 P.M. broadcast of the premier contained scenes in which the murderer imagined slaying a stripper, and another scene in which the murderer, cruising for male prostitutes, later took a dead body from his car. The body was later shown charred and decapitated. While there was no Code violation, the Council acknowledged that this broadcast would not be suitable for everyone.

Although the Council believes that the scene was intended to be erotic or titillating, this does not, in and of itself, mean that the scene was either exploitative or degrading. The strip club served as a setting in which a pathological serial killer began a series of homicides which were not fundamentally directed at women. He himself was portrayed as a homosexual, who preyed particularly on men. There is nothing in the depiction either of the killer or the circumstances of the crimes which can be said to glorify or glamorize him or them. To the contrary, "sordid" seems a more appropriate term. Consequently, the Council finds no breach of either Article 4 of the *Sex Role Portrayal Code* or of Article 7 of the *Violence Code*.

In *CKVU-TV re an episode of Nightstand* (CBSC Decision 96/97-0140, June 19, 1997), the B.C. Regional Council considered whether a talk-show

parody which aired at midnight had exploited women by telling a "tall tale" about the death of a woman during a bear attack. According to the story, the woman was tied to a tree nude, spread-eagled and covered with honey by her husband who then left her alone a moment during which time a bear came and licked all the honey and had sex her. The Council did not find that the episode violated the *Sex-Role Portrayal Code*.

The Council understands the program to be rather straightforward comedy. It also considers that the sketch is question is far-fetched and clearly unrealistic. This does not mean, of course, that the show *cannot* be in breach of the *Sex-Role Portrayal Code*; however, where a show is *clearly* comedic rather than serious in nature, the CBSC has previously decided that there may be a different level of expectation on the part of the listener or viewer.

...

The view of the B.C. Regional Council is that, at worst, the segment was in very poor taste, but it did not exploit women. It was an extended pun, styled in some respects along the lines of what used to be called "shaggy dog" stories. The humour may have been childish and somewhat sexual or off-colour but it was no more exploitative of the one sex than of the other. As the CBSC has long established, it will not measure questions of taste in terms of the Codes it administers; such questions are to be left for the resolution of the audience by means of the on/off switch. It is only when matters of taste pass the threshold of the Codes by reason of their abusive or discriminatory nature or other Code-offending nature that the Council will measure them against the Codes. This is not the case here. Moreover, the program was aired in a very late time slot, when there was no risk that persons other than adults would be watching. Consequently, there was no breach of the *Sex-Role Portrayal Code*.

In *CKX-TV re National Lampoon's Animal House* (CBSC Decision 96/97-0104, December 16, 1997), regarding a complaint about bare breasted women shown in a late night movie, the Prairie Regional Council stated:

It is essential to remember that the principal goal of the *Sex-Role Portrayal Code* relates to the *equality* of the sexes and not to issues of sexual behaviour which do not go to equality or exploitation, which is itself a form of *inequality*.

While the portrayal of the women in the film is not overly flattering, it cannot either be said that the portrayal of the men

is any better or advantages them in any way. All in all, the presentation of almost every one of this group of young college people is as unflattering as one might expect from a film emphasizing the frivolous, narcissistic, often gross, occasionally disgusting portrait of college fraternity life which can best be characterised as high farce. The question of portrayal inequality does not come into play.

In *CFSK-TV (STV) re an episode of Friends* (CBSC Decision 95/96-0159, December 16, 1997), the Prairie Regional Council considered a complaint regarding alleged "blatantly promiscuous behaviour" depicted in the sitcom. In the episode in question, one of the female characters was faced with the reluctance of her boyfriend to have sex with her. The Council did not find that the show violated the *Sex-Role Portrayal Code*.

In the Council's view,... this episode of *Friends* has taken a very tongue-in-cheek approach to male/female interaction and sexual relationships. Joey's summary of Phoebe's behaviour (where he states: "So let me get this straight, he got you to beg to sleep with him, he got you to say he never has to call you again and he got you to thinking that this is a great idea?") emphasizes the superficiality of Phoebe's approach to physical relationships. While the morality of this approach will not be accepted by everyone, perhaps not even by the majority of viewers, its purpose is to amuse and, the Council assumes, to make people *think* about the issue. The ultimate responsibility for determining whether such mature themes should be viewed by everyone must be left to individual families.

In *CFJP-TV (TQS) re Été sensuel* (CBSC Decision 95/96-0233, August 14, 1998), the Quebec Regional Council considered whether an erotic film aired under Télévision Quatre Saisons's late-night series title *Bleu Nuit* was exploitative.

The Quebec Regional Council takes no issue with the assertion by the complainant that the film in question is an erotic film. The only question, however, which it is called upon to decide here is whether the film is *exploitative*. The other contentions of the complainant which relate to whether this film or other such films are "idiotic" and whether or not the broadcasting of such a film is "disrespectful of people like myself" are *marketing* questions. They relate to the broadcaster's choice of material to air. If there is no breach of a Code (or, of course, the *Broadcasting Act* or Regulations or other laws of the land), the broadcaster is *entitled* to put the film on its airwaves. In a world which has become

increasingly oriented toward niche broadcasting, any station or network appreciates that its choices will never appeal to *everyone*. This does not mean that such choices should not be made but only that, in making such choices, the broadcaster knows that only some, but not all, of the public will be pleased. It goes without saying that the broadcaster hopes always to make the correct choices but, where no Code is breached, the viewer is always free to go elsewhere. That is, in the end, the viewer's only option and it is, from society's perspective, a fair option, provided that society's codified values have not been breached.

In the case of *Été sensuel*, the Council finds that there is none of the degradation of either sex which would be characteristic of a film which could be classified as exploitative.

Fundamentally, the purpose of the *Sex-Role Portrayal Code* is to prevent "negative or inequitable sex-role portrayal of persons" but not "the depiction of healthy sexuality". The Council considers that the treatment of sexuality in this film, while perhaps not of the highest cinematic level, is not in breach of the Code.

Negative or degrading comments

In *CKNG-FM Re Madonna* (CBSC Decision 92/93-0139, July 6, 1993), the on-air host, following the playing of a Madonna song, commented: "Bad girl, bad girl, spank her." The CBSC felt that those words "would likely, if heard in isolation, be considered negative or degrading with respect to women. They were, however, spoken immediately following the playing of a Madonna song. Members of the Regional Council considered that the announcer's tone and the combined context of the song aired and the artist's own controversial attitudes meant that the use of the words on this occasion did not amount to a Code violation. The members further noted that the words 'bad girl' were used in the song itself."

A joke will not amount to a breach of this provision if it contains no negative or degrading comments on the role and nature of women. The CBSC put this issue in the following terms in *CHTZ-FM re the Morning Show* (CBSC Decision 92/93-0148, October 26, 1993): "the comment was not exploitative, negative or degrading to women."

In *CFMT-TV re an Episode of "The Simpsons"* (CBSC Decision 94/95-0082, August 18, 1995), there are chauvinistic comments made by one of the characters, who was also involved in inappropriate behaviour toward women. Because of the unattractive and unsupportive way in which the creators of the show dealt with the character, his presence and actions were not seen to be in violation of the Code.

In the portion of the episode in question, Moe, the bartender, is portrayed as a chauvinist, a particularly uncouth chauvinist at that. His dialogue regarding the waitress applicant's measurements is hardly role model material. Then again, much of the behaviour on the program could be characterized as unworthy of emulation. The program does not suggest that this dialogue is suitable. It does not, on that account, amount to exploitation. Nor are there negative or degrading comments on the role of the waitress. The fact that they are depicted in the same bed together within the half-hour show is not exploitation either. If anything, the tongue-in-cheek approach makes something of a mockery of *Moe's* behaviour. No approval is implied.

Overall, the Council concluded, the continued exaggeration of Moe's inappropriate behaviour emphasizes the unacceptable nature of such behaviour. The producers of the show have not made Moe a likeable character and thus, creatively, have not positively reinforced his actions. To the contrary, the program could be seen as reinforcing the precepts within the *Sex-Role Portrayal Code* regarding exploitation and degrading statements.

In *CFTO-TV re Wide World of Fun (Night Beat News)* (CBSC Decision No. 94/95-0088, August 23, 1995), a television viewer complained that a remark made during a review of a motion picture belittled the existence of sexual harassment. The comment in question characterized the star's behaviour in taking off his hat when a woman walked into the room as sexual harassment. In considering whether such an opinion, comment or editorial remark constitutes a breach of the broadcaster's sex role portrayal obligations, the Council stated that:

there are, after all, *some* limits to what may and what may not be abusive or discriminatory. In a society where freedom of expression is a fundamental principle, it must be a remark of significant departure from the norm which will be sanctioned.

Finding that the comment was "perhaps an attempt to suggest that society may be taking itself *too* seriously or going too far in sanctioning *any* behaviour which may be seen to deviate from some absolute norm", the Council decided that there had been no violation of Article 4 of the Code.

In *CKAC-AM re the Gilles Proulx Show* (CBSC Decision 94/95-0136, December 6, 1995) a letter of complaint from a listener was *followed* by the broadcast which became the subject matter of the complaint by the same listener. A listener sent two letters commenting on the treatment of listeners and the use of the French language by one of the station's talk show hosts.

The host responded by quoting from the letters, stating, several times, the listener's full name and city along with several unacceptable comments including:

Why don't you get a job, you idiot, and if you don't like it and have nothing better to do than write letters, at least send me a photograph, so I could put it on my dartboard. You must be as ugly as sin.

The Council found that this broadcast violated Article 4 of the *Sex-Role Portrayal Code* (among other Codes).

In exclaiming, for instance, that she was a "petite niaiseuse" (dumb broad), "needs a good lay", "as ugly as sin," and "an idiot." Proulx was aggressively abusive toward this female listener. The Council believes, furthermore, that this language constituted "negative or degrading comments on the role and nature of women" in clear breach of the provisions of Clause 4 of the *Sex-Role Portrayal Code*.

In *CTV re PSA (Family Abuse Crisis Exchange)* (CBSC Decision 95/96-0140, April 30, 1996), the Ontario Regional Council dealt with a public service announcement which depicted the perpetration of domestic violence by a man against a woman. It did not find that the PSA "was unfairly or unjustifiably negative".

...It did not create fear nor contain any material which could be considered offensive or hateful. Its spoken words and visuals were seen by the Council to be neutral. While the Council understands that some viewers could be troubled by PSAs that depicted men as the only aggressors, this PSA was only one in a series which was created to alert the public to several widespread social problems. It considers that this PSA achieved that result without a generalized negative or degrading portrayal of men.

Even if the PSA in question could be seen to have *some* implicit negative implications, the Ontario Regional Council does not conclude that this portrayal *misrepresents* the problem of family violence. It is accepted by the Council that men are most often, although not always, the perpetrators of abuse. Moreover, since the "power" balance in abusive relationships is more often than not in favour of the man, the Council is satisfied that this PSA was a realistic and justifiable presentation of a societal problem. Furthermore, it cannot be forgotten that one of the purposes of the *Sex-Role Portrayal Code* is to charge broadcasters with the

responsibility of addressing the issue of power imbalance, as this PSA does.

In *CFRA-AM re PSA* (CBSC Decision 95/96-0149, October 21, 1996), the Ontario Regional Council dealt with a very different context from the sexually-oriented exploitation which is the customary subject of listener/viewer complaints. A Public Service Announcement prepared by the Canadian Association of Broadcasters and run by its radio members left the implication that the women in the PSA had all suffered abuse at the hands of men. Thus, the implication of degrading comments may have been left by the PSA text.

The Council further recognizes, however, that some male listeners who were not, themselves, violent, could be troubled by PSAs that left the impression that all men were violent. Council members are, however, more strongly of the view that fair-minded men and women will acknowledge that physical abuse is more often perpetrated by men on women than the other way round and that this PSA is *not* a depiction of the actions of all men or even most men. It constitutes an alert to the public in the same way that AIDS PSAs do, without implying that all or most or even a large number of persons are thereby pinpointed or isolated. Such PSAs are a recognition of the fact that society suffers from problems, whether more or less widespread, of which we must all be aware and to which we must commit our consciousness, if not other forms of assistance, to avoid their spread. This is such a case. Its fair, realistic and justifiable presentation does not constitute a breach of the Code.

It was contended in *CFRA-AM re Dr. Tomorrow* (CBSC Decision 95/96-0152, October 21, 1996) that a series of statements made regarding the role of women in the future (including, for example, "Look for women to soon hold more than 50% of jobs and positions of power and influence") were degrading to men. The Ontario Regional Council disagreed.

The piece is, if not expressly, then by implication, filled with the notion that men are doing better than women *today* and that, for Ogden's speculative reasons, women may *catch up* and even do *slightly* better down the road. There is no reasonable way in which these assessments can be seen to be degrading. It appears to the Council that the complainant views any positive statement about women as the equivalent of a degrading statement about men. The CBSC does not share this view; nor does it believe that such positive assertions constitute a violation of any provision of the *Sex-Role Portrayal Code*.

It is critical to the understanding of the Council's view of inequitable treatment to appreciate that the praising of one group does not imply any degradation of the other. The reflection of the "actual social and professional achievements" of women, or men, is precisely what the Code anticipates in its "General Principles".

In *CHOM-FM and CILQ-FM re Howard Stern Show* (CBSC Decision 97/98-0001+, October 17-18, 1997), the Quebec and Ontario Regional Councils jointly concluded that the September 1997 broadcasts of the Howard Stern Show contravened the *Code of Ethics* and *Sex-Role Portrayal Code*. One of the most continually recurring categories of unacceptable Stern comments related to women. While the Regional Councils considered that Stern consistently portrayed adolescent, puerile, crude attitudes toward many sex and gender-related issues, these generally fell within the category of bad taste and were left by the CBSC to be judged by the marketplace. On the other hand, the unrelenting use of terms such as "pieces of assi", "dumb broads", "fat cow", "dikes", and "sluts" was judged exploitative and unacceptable. The Councils noted that Stern

frequently deals with female guests on the basis of their physical attributes and sexual practices rather than, or occasionally in addition to, the skills or talents which are the reason for their common recognition. In the case of callers, he regularly avoids the subject with respect to which they have called in order to seek details of their bust size and weight as well as their sexual practices, despite the fact that this information is *utterly* irrelevant to the subject of interest.

Sexualization of Children

In *CILQ-FM re the Howard Stern Show* (CBSC Decision 97/98-0487, 488, 504 and 535, February 20, 1998), the Ontario Regional Council had to consider comments made by the host regarding children's participation in sexual activities. The Council stated:

The Regional Council has not previously been called upon to assess the content of talk radio programming of a more serious nature than that involving the participation, real or imagined, of children in sexual acts. However permissive the view of society may be toward consensual sex among adults, there is *no* tolerance in civilized societies for child pornography in any form. As the Supreme Court put this point in defining the three categories of pornography in *Butler v. R.*, it explained that "explicit sex that is not violent and neither degrading nor dehumanizing is generally tolerated in our society and will not qualify as the undue

exploitation of sex *unless it employs children in its production*. [Emphasis added.]" In this area, the station has itself acknowledged "that extra vigilance is required where children and sexuality are linked, even if in jest."

5. Non-Sexist Language

Equality of the sexes must be recognized and reinforced through the proper use of language and terminology. Broadcasters shall employ language of a non-sexist nature in their programming, by avoiding, whenever possible, expressions which relate to only one gender.

Guidance: Sexist language is language that unnecessarily excludes one sex or gives unequal treatment to women and men. Such language may perpetuate attitudes or representations of persons which tend to attribute particular roles and characteristics on the basis of their gender, without taking them into consideration as individuals. Examples of non-sexist language are the use of occupational titles such as "fire fighter" instead of "fireman" and avoiding the exclusive use of masculine words in making general references, e.g. "synthetic" instead of "man-made". Broadcasters should refer to the CAB **Guidelines for Non-Sexist Language** for further assistance.

Commentary

In *CHTZ-FM re the Morning Show* (CBSC Decision 92/93-0148, October 26, 1993), where the on-air host told a joke ("[T]oday is Secretary's Day, just make sure you are a gentleman when you ask her to take *dictation*, you understand" [on-air host's emphasis]), the Regional Council held that, despite their view that the "host's statement was in extremely poor taste", the on-air comment was not "an example of the use of sexist language in the sense in which that term is understood."

6. Balance

Broadcasters shall achieve a realistic balance in the use of women and men as voice-overs and as experts and authorities. In news and public affairs programming, women and men should appear equitably, in a wide range of occupations and decision/policy making roles.

Guidance: Significant positive change toward an eventual goal of equal representation should be demonstrated. The objective should be accomplished in realistic and progressive increments.

7. Visibility and Involvement

Broadcasters shall increase the visibility and involvement of women in broadcasting, both on and off the air.

Guidance: The objective of equal participation by women and men as both performers and policy/decision makers in the industry is recognized. Significant positive change should be demonstrated, e.g. more women in program credits. The objective should be accomplished in realistic and progressive increments, and in a manner consistent with the broadcast industry's responsibilities pursuant to Employment Equity legislation. Initiatives in this area should include women and men who are disabled, as well as persons who are members of ethnic and visible minorities.

8. Program Development and Acquisition

Broadcasters shall exercise sensitivity to and awareness of the problems associated with sex-role portrayal in the development of domestic programming, and in the acquisition of non-Canadian programming for broadcast.

Guidance: In the development of domestic programs, broadcasters shall make station production staff aware of the Code, to ensure that local station programming conforms to the various aspects of sex-role portrayal outlined in the Code.

In the development, financing or acquisition of domestic programs produced by other than station or network staff, broadcasters shall ensure that participating independent producers and syndicators are aware of the Code.

In the acquisition of, or involvement in, non-Canadian programming, broadcasters should make every effort to evaluate program concepts relative to the Code.

9. Commercial Messages

The various aspects of sex-role portrayal dealt with in the appropriate clauses of the Code shall apply to portrayal in commercial messages. Women and men should be portrayed in commercial messages with diversity in age, abilities, physical appearance, ethnic origin, occupation, family structure and household responsibilities.

Guidance: Station staff responsible for the production of locally-created messages shall be advised of the provisions of the Code, to be taken into account in the production of local commercial messages.

In terms of nationally-created commercial messages, broadcasters shall work closely with established organizations, such as the Telecaster Committee and the Canadian Advertising Foundation (CAF), to advocate the provisions of the Code and to co-operate in the ongoing educational process to increase awareness of the Code in the advertising industry.

Non-sexist language shall be used whenever possible. Overt sexual exploitation of either sex and gratuitous violence is to be avoided.

Commercial messages should reflect a balance of women and men as presenters and as voice-overs.