



## Broadcasting Information Bulletin CRTC 2026-26

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### **Guidelines for consultation and engagement with official language minority communities and the French-speaking majority in Quebec in broadcasting proceedings**

#### **Summary**

The *Online Streaming Act* made significant changes to the *Broadcasting Act* (the Act) that require the Commission to modernize the Canadian broadcasting framework and consult with official language minority communities (OLMCs) when making decisions that could adversely affect them.

As part of its broader regulatory plan to implement the modernized Act, the Commission launched a public consultation on how it can strengthen its practices and procedures to further support OLMCs and other stakeholders on broadcasting matters relating to OLMCs and official languages. The Commission received 34 interventions as part of the public consultation from organizations representing the interests of OLMCs or the French-speaking majority in Quebec, and broadcasting undertakings.

Based on the public record, the Commission has established the final guidelines that describe the measures it will take to fulfill its consultation obligations under the modernized *Broadcasting Act* and the *Official Languages Act*. These measures will strengthen the Commission's practices and procedures to support OLMCs and official languages while ensuring the Commission's processes remain fair, efficient, timely, and consistent with its role as an independent quasi-judicial tribunal.

As part of these measures, the Commission will hold dedicated consultations in cases where a decision could adversely affect OLMCs. These consultations will facilitate OLMC participation in proceedings that have the potential to adversely affect their vitality and development.

During these dedicated consultations, the Commission will provide groups representing the interests of OLMCs with additional time to submit comments, as well as additional notice of proceedings, which will provide an explanation of the issues relevant to OLMCs.

Finally, the Commission is taking measures to foster broader engagement with the French-speaking majority in Quebec and OLMCs to encourage their participation in proceedings that address issues relating to the promotion of the French language, the use of both official

languages, or support for OLMCs. This is in addition to the creation of an OLMC Engagement Team within the Commission.

## Background

1. The Commission plays an important role in enhancing the vitality of official language minority communities (OLMCs) and supporting their development. The 2023 amendments to the *Broadcasting Act* (the Act) and the *Official Languages Act*, as well as the *Order Issuing Directions to the CRTC (Sustainable and Equitable Broadcasting Regulatory Framework)* (the Policy Direction) have emphasized this role.
2. In particular, section 5.1 of the *Broadcasting Act* and section 41 of the *Official Languages Act* require the Commission to take action to:
  - enhance the vitality and support the development of OLMCs in Canada, given their uniqueness, diversity, and historical and cultural contributions to Canadian society;
  - promote and protect the French language, which is in a minority situation in Canada and North America; and
  - advance the full recognition and use of French and English in Canada.
3. Section 5.2 of the Act requires the Commission to consult with OLMCs when making decisions that could adversely affect them and, in doing so, to:
  - (a) gather information to test its policies, decisions and initiatives;
  - (b) propose policies, decisions and initiatives that have not been finalized;
  - (c) seek the communities' opinions with regard to the policies, decisions or initiatives that are the subject of the consultations;
  - (d) provide them with all relevant information on which those policies, decisions or initiatives are based;
  - (e) openly and meaningfully consider those opinions;
  - (f) be prepared to alter those policies, decisions or initiatives; and
  - (g) provide the communities with feedback, both during the consultation process and after a decision has been made.
4. Similarly, subsections 41(7) to 41(9.1) of the *Official Languages Act* require the Commission, to the extent possible, to base the measures it takes on research, evidence, and dialogue and consultation with OLMCs and other stakeholders. The goal for the dialogue and consultation activities is to consider the priorities of OLMCs and other stakeholders. In carrying out these consultations, the Commission must:

- (a) gather relevant information;
  - (b) seek the opinions of English and French linguistic minority communities and other stakeholders about the positive measures that are the subject of the consultations;
  - (c) provide the participants with relevant information on which those positive measures are based;
  - (d) openly and meaningfully consider their opinions; and
  - (e) be prepared to alter those positive measures.
5. The Act also provides that, in its regulation and supervision of the Canadian broadcasting system, the Commission must take into account the minority status of the French language in North America and the needs and interests of OLMCs.<sup>1</sup> It must also ensure that the Canadian broadcasting system enhances the vitality and assists in the development of OLMCs.<sup>2</sup>
  6. The Policy Direction directed the Commission to engage with and seek comments from OLMCs regarding the programming offered by and for those communities.<sup>3</sup>
  7. Since 2023, the Commission has implemented a multifaceted approach to further engage with OLMCs and promote official languages. This includes the creation of an OLMC Engagement Team within the Commission.
  8. On 9 September 2024, the Commission issued Broadcasting Notice of Consultation 2024-202 (the Notice), which sought comments on draft guidelines to strengthen consultation and engagement practices with OLMCs and other stakeholders. These draft guidelines also aimed to strengthen the inclusion of views of the French-speaking majority in Quebec, given the minority status of the French language in Canada and North America. The Notice proposed that the Commission put in place a dedicated consultation process for OLMCs when it is considering making decisions that could adversely affect them. The Notice also proposed that dedicated consultations would include additional time for OLMCs to submit comments. Finally, it proposed that OLMCs be provided with additional notice of proceedings.

## **Interventions**

9. The Commission received 34 interventions in response to the Notice. Most interventions were from organizations representing the interests of OLMCs or the French-speaking majority in Quebec, and broadcasting undertakings. The issues raised in the interventions are addressed below.

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<sup>1</sup> See subsection 5(2) of the Act.

<sup>2</sup> See subsection 3(1)(d)(iii.3) of the Act.

<sup>3</sup> See section 16 of the Policy Direction.

## Issues

10. After examining the record for this proceeding, the Commission considers that it must address the following issues:

- whether guidelines are the appropriate instrument;
- who participates in dedicated consultations;
- scope and application of dedicated consultations;
- what dedicated consultations entail;
- other engagement opportunities with the French-speaking majority in Quebec and OLMCs;
- requests for data collection and funding;
- guiding principles; and
- other issues.

### Whether guidelines are the appropriate instrument

#### Guidelines as a non-binding instrument

11. Several groups representing the interests of OLMCs, the French-speaking majority in Quebec, and other stakeholders<sup>4</sup> expressed the view that guidelines were not the appropriate instrument for measuring engagement practices with OLMCs, as they are not binding. These groups suggested that binding rules or regulations should instead be imposed, such as amendments to the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure).<sup>5</sup>

12. The Commission notes that guidelines would not replace its statutory obligations under the *Broadcasting Act* and the *Official Languages Act*, as they are meant to be complementary and help the public understand how the Commission plans to carry out its obligations. Guidelines also give the Commission the flexibility it requires to adapt its procedures when necessary while providing clarity and predictability to parties. In light of the above, the Commission considers the use of guidelines as the most appropriate choice of instrument to fulfill its obligations.

#### Procedural fairness

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<sup>4</sup> The Fédération culturelle canadienne-française (FCCF), the Fédération des communautés francophones et acadienne du Canada (FCFA), the Forum for Research and Policy in Communications (FRPC), the Association québécoise de la production médiatique (AQPM), and the Canada Deaf Grassroots Movement (CDGM).

<sup>5</sup> SOR/2010-277.

13. Some interveners<sup>6</sup> expressed concerns that dedicated consultation with OLMCs could result in procedural inequity. To ensure procedural fairness, some interveners proposed that deadlines to submit comments be extended for all parties or that a reply period follow a dedicated consultation.<sup>7</sup>
14. Other interveners expressed support for dedicated consultation with OLMCs.<sup>8</sup> The Fédération des communautés francophones et acadienne du Canada (FCFA) and the Alliance des producteurs francophones du Canada (APFC) expressed the view that the *Broadcasting Act* and the *Official Languages Act* provide for differential treatment of OLMCs and that such treatment is consistent with the principle of substantive equality.
15. The Commission is of the view that it must interpret section 5.2 of the *Broadcasting Act* broadly and in accordance with the norm of substantive equality. The Commission considers that achieving substantive equality can require differential treatment and that the *Broadcasting Act* and the *Official Languages Act* authorize differential treatment to benefit OLMCs, provided that other parties are treated fairly. The Commission's adoption of guidelines focusing on OLMCs is consistent with both the Commission's statutory obligations and procedural fairness.
16. In light of the above, the Commission is of the view that the guidelines for broadcasting proceedings affecting OLMCs and the French-speaking majority in Quebec are appropriate, fair, and in the public interest. The Commission notes that these guidelines will be applied on a case-by-case basis. Moreover, the guidelines may periodically be amended or replaced by the Commission based in part on any feedback received.

## **Who participates in dedicated consultations**

### **Whether dedicated consultations should include the French-speaking majority in Quebec**

17. Some interveners suggested that the Commission should systematically consult with not only OLMCs but also the French-speaking majority in Quebec, given that French is in a minority situation in Canada and in North America and given the significant differences of the broadcasting ecosystem of the French language and English language markets.<sup>9</sup> Other interveners noted that the definition of "OLMC" in the Act does not include the French-speaking majority in Quebec, and that the needs and interests of OLMCs are distinct from those of the French-speaking majority in Quebec.<sup>10</sup> These interveners consider that the focus

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<sup>6</sup> The FRPC, the Canadian Broadcasting Corporation (CBC), Bragg Communications Incorporated, carrying on business as Eastlink (Eastlink), Quebecor inc. (Quebecor), and the Canadian Association of Broadcasters (CAB).

<sup>7</sup> The FRPC, the CBC, and Eastlink.

<sup>8</sup> TV5 Québec Canada, the Office des télécommunications éducatives de langue française de l'Ontario (TFO), the Association canadienne-française de l'Alberta (ACFA), the FCFA, and the Alliance des producteurs francophones du Canada (APFC).

<sup>9</sup> The AQPM, Télé-Québec, the Association québécoise de l'industrie du disque, du spectacle et de la vidéo (Adisq), and the Société des auteurs de radio, télévision et cinéma (SARTEC).

<sup>10</sup> The FCCF, the FRPC, the APFC, and the Quebec English-language Production Council (QEPC).

of consultations should be on OLMCs, and that any consultations with the French-speaking majority in Quebec should be separate.

18. The Act defines “OLMC” as English-speaking communities in Quebec and French-speaking communities outside Quebec. This definition excludes the French-speaking majority in Quebec.
19. A single definition of “OLMC” that aligns with the Act allows for consistency in interpretation. It also ensures that the dedicated consultation under section 5.2 of the Act remains focused on the needs and interests of OLMCs, who face unique challenges within the Canadian broadcasting system and whose needs and interests are distinct from those of the French-speaking majority in Quebec. As such, the Commission finds it appropriate to reserve dedicated consultations for OLMCs, as detailed in the section below.
20. The Commission acknowledges the crucial role played by the French-speaking majority in Quebec in the promotion and protection of the French language, which is a policy objective that the Commission must advance.<sup>11</sup> For these reasons, the Commission considers the perspectives of the French-speaking majority in Quebec when making decisions that could have a broader impact on the promotion and protection of the French language.<sup>12</sup>
21. Accordingly, the guidelines set out engagement measures (which extend to the French-speaking majority of Quebec) that are distinct from dedicated consultations with OLMCs. The guidelines explain how the Commission plans to continue engaging with the French-speaking majority in Quebec so that they can fully participate in Commission proceedings and have their views and priorities meaningfully considered.

#### **Identifying OLMCs for the purpose of dedicated consultations**

22. Many interveners supported the Commission’s existing efforts to identify those who represent the interests of OLMCs. These efforts include enabling self-identification in Commission forms, maintaining a contact list of OLMC representatives and other interested parties, and relying on the membership of the CRTC-OLMC Discussion Group. Many interveners expressed the view that their respective groups effectively represent the interests of OLMCs in Commission proceedings and in the CRTC-OLMC Discussion Group.<sup>13</sup> One individual stated that they do not feel represented by these groups.
23. Some interveners indicated that the Commission must recognize the differences between English- and French-language OLMCs and the French-speaking majority in Quebec.<sup>14</sup>

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<sup>11</sup> See subsection 41(2) of the *Official Languages Act* and paragraph 5(2)(a) and subparagraph 3(1)(i)(i.1) of the *Broadcasting Act*.

<sup>12</sup> The Notice indicated that a consultation framework that accounts for the minority context of the French language in Canada and North America is critical to the successful implementation of the statutory policy objectives.

<sup>13</sup> The FCCF, the FCFA, the TFO, and the ACFA, stated their longstanding role and expertise in representing French-language OLMCs. The APFC indicated that the members of the current CRTC-OLMC Discussion Group should be consulted by the Commission.

<sup>14</sup> The FCCF, the TFO, the APFC, and the QEPC.

24. The Commission notes that there is strong support on the record of this proceeding for consultation and engagement with the groups that represent the interests of OLMCs, as opposed to individuals. In the Commission's view, groups that represent the interests of OLMCs are often best positioned to speak about systemic issues, to represent a diversity of voices, and to provide evidence or data relevant to these issues, while acknowledging that perspectives may vary within and among OLMCs. Seeking the views of groups representing the interests of OLMCs is crucial as it allows the Commission to better understand the impact of its work at a collective level.
25. Outside of the dedicated consultation process, individuals continue to have the ability to participate in Commission proceedings. Similarly, public interest groups that do not represent the interests of OLMCs can provide valuable input to the Commission in its proceedings. The Commission's current processes allow for full and meaningful participation by individuals and groups through written proceedings and appearing hearings.
26. In light of the above, the Commission concludes that dedicated consultations will be held with groups representing the interests of OLMCs.

### **Scope and application of dedicated consultations**

#### **Definition of "decision"**

27. The Notice proposed that "decision" be defined as a determination that affects the legal rights of a person, or which otherwise carries legal consequences. Some interveners<sup>15</sup> disagreed with the proposed definition, saying that it narrowed the Act's definition of "decision," which refers more broadly to any determination made by the Commission. Télé-Québec, the Fédération culturelle canadienne-française (FCCF), and the Forum for Research and Policy in Communications (FRPC) argued that, under section 5.2 of the Act, consultations with OLMCs are owed when making policies and taking initiatives, not just when making decisions.
28. The Commission notes that the intended scope of OLMC consultations established in subsections 5.2(1) and 5.2(2) of the Act requires careful consideration. Specifically, subsection 5.2(1) requires that the Commission consult on "decisions," which as noted above, is a defined term. Subsection 5.2(2), on the other hand, expands the language to also include "policies," and "initiatives." The Commission interprets these two provisions harmoniously and to the benefit of OLMCs. As such, OLMCs can expect that dedicated consultations will occur when the Commission makes decisions but also when it issues regulatory policies or takes initiatives that could adversely affect OLMCs.
29. When exercising its policy-making role, the Commission engages broadly and tackles wide-ranging issues. At the outset, it is not always apparent whether a policy will have an adverse effect on OLMCs. To fully benefit from these dedicated consultations during proceedings, the Commission will hold dedicated consultations at a later stage when the potential impacts on

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<sup>15</sup> The FCCF, the FCFA, the FRPC, and the QEPC.

OLMCs become clearer. Holding dedicated consultations later during proceedings will also help OLMCs better focus their interventions.

30. The Commission is of the view that dedicated consultations can apply to initiatives taken by the Commission when they could have an adverse effect on OLMCs. However, since most of the Commission's incentive-based measures are designed to support OLMCs and are unlikely to have an adverse effect on them, the Commission expects dedicated consultations on initiatives to be rare.
31. In light of the above, the Guidelines will refer to the definition of "decision" in the Act. They will further specify that, in addition to decisions, dedicated consultations can occur when policies or initiatives could adversely affect OLMCs.

**Definition of "adversely affect"**

32. In the Notice, the Commission proposed to define "adversely affect" to mean "to cause a direct, tangible, appreciable and immediate harm to the vitality and development of one or more OLMC."
33. Many interveners<sup>16</sup> objected to this proposed definition, arguing that it established too high a bar. In their view, it is not necessary that the potential harm to the vitality and development of an OLMC be direct, tangible, appreciable, and immediate to be considered adverse. These interveners considered that the proposed definition:
  - fails to respect Parliament's intent;
  - does not align with case law on the meaning of the term "adverse effect";
  - does not capture all potential future adverse effects; and
  - is too subjective and difficult to measure.
34. Several interveners proposed alternative definitions that focus on the severity, rather than the immediacy, of potential harms to the vitality and development of OLMCs. Proposed alternate definitions of "adverse effect" included the following:
  - The FRPC proposed that the definition refer to the presence of negative consequences for the vitality and development of one or more OLMC, and that those consequences can be measured over a reasonable period of time.
  - The Association canadienne-française de l'Alberta (ACFA) proposed that the definition refer to effects that hinder or disadvantage the vitality or development of one or more OLMC.

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<sup>16</sup> The FCCF, the FCFA, the FRPC, the APFC, the AQPM, the TFO, the ACFA, and the QEPC.

- The APFC, with the support of the FCCF and La guilde canadienne des réalisateurs, proposed that the definition refer to the act of causing or having the potential to cause significant harm.
- The FCCF proposed that the definition refer to effects that hinder the vitality or development of one or more OLMC or disadvantage the vitality or development of the Canadian French-speaking minority relative to its English-speaking majority.
- The FCFA proposed that the definition refer to the act of hindering, through an action or decision, the development or fulfillment of one or more OLMC.

35. Quebecor Media Inc. (Quebecor) and the Canadian Association of Broadcasters (CAB) supported the narrower definition of “adversely affect” set out in the Notice. They stated that a broader definition would delay proceedings and result in laborious consultations.
36. When applying language rights principles, the Commission must interpret section 5.2 of the Act broadly and in accordance with the norm of substantive equality. The Commission agrees that a broader interpretation of “adversely affect” would better align with these principles.
37. The Commission is, however, of the view that qualifying “adverse effect” so that it reflects a certain degree of severity and predictability will help clarify for parties the types of decisions, policies, or initiatives in which a dedicated consultation is required. Accordingly, the Commission has adopted the threshold of “serious and foreseeable harm” as a basis for determining when dedicated consultations may be required. This threshold ensures that the obligation to consult is triggered by the apprehension of a real and predictable harm (rather than by speculative or minor concerns), while also recognizing that the adverse effect does not need to be immediate. The requirement that an adverse effect be “serious” ensures that consultations are focused on situations where OLMCs may face significant disadvantages. The requirement that it be “foreseeable” ensures that the risk is reasonably identifiable at the time of decision-making.
38. In light of the above, the Commission finds it appropriate to broaden the definition of “adversely affect” in the guidelines as follows: “to cause a serious and foreseeable harm to the vitality and development of one or more OLMCs.”

**Circumstances in which dedicated consultations will presumptively not be required**

39. In general, a dedicated consultation will take place depending on the presence of a potential adverse effect, which is assessed on a case-by-case basis. However, the Commission notes that certain types of decisions are more administrative in nature than others, are of a lesser degree of complexity than others, or are less likely than others to adversely affect OLMCs. In the interests of efficiency and predictability, the Commission has identified certain types of decisions where it is presumed that dedicated consultations will not be required. This approach responds to concerns raised by some interveners about potential delays and increased administrative burden, while also ensuring that dedicated consultations are appropriately targeted at decisions that are likely to adversely affect OLMCs.

40. Dedicated consultations will presumptively not be required in instances that involve the following:

- broadcasting applications listed in Schedule 1 of the Rules of Procedure;<sup>17</sup>
- broadcasting applications regarding ownership transactions where there is no change of effective control, or where control is subject to a temporary trust agreement or passed between family members or to a family estate;
- bilateral and/or confidential broadcasting dispute resolution applications;
- complaints that are not treated through a public proceeding; and
- procedural matters, such as deadline extensions and confidentiality designations.

41. The Commission may still conduct a dedicated consultation in these types of instances, where warranted and determined on a case-by-case basis.

**Whether dedicated consultation should only apply to broadcasting proceedings**

42. While focussed on broadcasting proceedings, the Commission did indicate in the Notice that the guidelines could inform the Commission's consultation practices in other public proceedings, such as those relating to the *Telecommunications Act* and the *Online News Act*.

43. The FCCF expressed concerns that the draft guidelines set out in the Notice were limited to the scope of the *Broadcasting Act* without focusing on the necessity to consult in respect of proposed positive measures under the *Official Languages Act*. The FRPC and the Canada Deaf Grassroots Movement (CDGM) also stated that the guidelines should apply to consultations across all Commission mandates, not just broadcasting.

44. While the Commission is also required to consult OLMCs on positive measures under section 41 of the *Official Languages Act*, it can do so through its public proceedings. The Commission holds open public proceedings that provide for participation by all interested parties, including groups representing the interests of OLMCs. All interested parties, including OLMCs, can make submissions on the record of the Commission's public proceedings on which the Commission's decision is founded.

45. The Commission notes that dedicated consultation is aimed specifically at satisfying the requirements of section 5.2 of the Act, which is unique to the Commission's broadcasting mandate. The Commission's duties in respect of OLMCs, Francophones, and the French language also find more resonance in the numerous broadcasting objectives outlined in the Act.

46. The Commission recognizes that when it makes decisions that impact OLMCs under other statutes such as the *Telecommunications Act* or the *Online News Act*, the guidelines may

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<sup>17</sup> For instance, an application for the extension of a deadline for the implementation of an authority to provide a new service or an application by a licensee for revocation of the licensee's licence.

inform the practices and procedures established in those public proceedings to ensure that the needs and interest of OLMCs are meaningfully considered.

47. In light of the above, the Commission considers it appropriate to maintain the guidelines' focus on broadcasting proceedings while noting that the guidelines may inform the Commission's processes across its other mandates, whenever appropriate.<sup>18</sup>

### **What dedicated consultations entail**

#### **Additional time to make submissions**

48. Several interveners argued that a fair process would extend the deadline to make submissions for all parties, not just for groups representing the interests of OLMCs.<sup>19</sup> The interveners also expressed concern about added burden and the risk of delays that could result from implementing a dedicated consultation process. They submitted that all parties, not only OLMCs, have limited resources and time to prepare reply submissions. Quebecor expressed the view that the record did not demonstrate that OLMCs need more time to prepare their interventions. It indicated that existing procedures are sufficient to meet the new obligations.
49. The FCFA, the Office des télécommunications éducatives de langue française de l'Ontario (TFO), and the ACFA argued that, due to their limited resources, getting more time to submit their comments would help ensure procedural fairness.
50. The Commission is of the view that providing additional time to OLMCs would facilitate their participation in proceedings that have the potential to impact their vitality and development and would ensure their perspectives are considered, consistent with paragraphs 5.2(2)(a) and 5.2(2)(c) of the Act. Moreover, because paragraph 5.2(2)(d) of the Act requires the Commission to provide OLMCs with "all relevant information on which [the] policies, decisions or initiatives are based," OLMC submissions should occur after the close of the main intervention period. This measure would allow OLMCs to consider the interventions submitted by the other parties when preparing their interventions.
51. In light of the above, the Commission finds it appropriate to provide groups representing the interests of OLMCs with additional time for their written submissions (generally, 20 days) after the close of the main intervention period. However, the Commission reserves the right to adjust any timeline, including the reply period, according to the complexity or scope of the proceeding to ensure that all parties have a fair opportunity to respond.

#### **Additional notice of proceedings**

52. The CBC and Quebecor expressed concern that providing groups representing the interests of OLMCs with specific and detailed notice of proceedings could compromise the

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<sup>18</sup> For the purposes of clarity, the guidelines also set out definitions for the terms "public proceeding" and "existing procedure."

<sup>19</sup> Quebecor, Eastlink, the CBC, and the Canadian Media Producers Association.

Commission's impartiality and transparency by creating exclusive lines of communication with some parties, facilitating bias.

53. Some interveners suggested measures relating to additional notice, including updating contact lists, using automatic notification mechanisms to notify interested persons of updates to a public record, and conducting outreach through the CRTC-OLMC Discussion Group or persons who signal their interest.<sup>20</sup>
54. The Commission considers that providing additional notice in the context of dedicated consultations is consistent with paragraphs 5.2(2)(b) and 5.2(2)(d) of the Act. These paragraphs require the Commission to notify OLMCs of the potential decisions, policies, or initiatives which could adversely affect them, and to provide them with all relevant information upon which the potential decisions, policies, or initiatives are based.
55. Additional notice can take the form of a notice of consultation or procedural letters notifying groups representing the interests of OLMCs of upcoming public proceedings. In either case, these notices will explain the issues relevant to OLMCs, and provide links to relevant documentation, all of which will be public and made available to all parties. Additional notice will provide groups representing the interests of OLMCs with the best information possible so they can participate in Commission proceedings in an effective and informed manner.
56. The Commission finds it appropriate to give additional notice to groups representing the interests of OLMCs when it conducts a dedicated consultation. As explained above, this additional notice will be timely, will be made available to all parties as part of the record of the proceeding, and will typically include:
  - information about the public proceeding;
  - an invitation for OLMCs to comment during the proceeding;
  - all relevant and public information on which the decisions, policies, or initiatives under consideration are based, including links to the public record of the proceeding, links or copies of relevant Commission decisions, policies, or other materials such as relevant legislation and studies; and
  - identification of the issues and proposals under consideration that may adversely affect OLMCs, which could include preliminary views, the relief requested by an applicant, or a draft order.
57. Additionally, the Commission encourages interventions from groups representing the interests of OLMCs and all parties who participate in Commission proceedings to:
  - share OLMCs' views and priorities;

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<sup>20</sup> The FCFA, the FCCF, the CAB, and the FRPC.

- explain potential adverse effects on OLMCs;
- describe how any proposed measures might impact OLMCs; and
- suggest alternatives or ways to reduce or avoid any adverse effects on OLMCs.

### **Issuing robust decisions and consulting on decisions that have not been finalized**

58. The FCFA, ACFA, and the FCCF expressed a desire for greater involvement in the Commission’s decision-making process and encouraged the Commission to give more weight in its decisions to the views of OLMCs. These parties called for decisions to demonstrate, by way of details, evidence, and data, that the views of OLMCs were meaningfully considered in the decision-making process. The FCFA noted that groups representing the interests of OLMCs do not have access to decisions, such as licence renewals, before they are final, which undermines paragraph 5.2(2)(b) of the *Broadcasting Act* and subsection 41(9.1) of the *Official Languages Act*. It submitted that the Commission must collect pertinent information, seek the opinion of OLMCs, provide the necessary information, openly and seriously consider OLMCs’ opinions, and be prepared to amend its decision.
59. While paragraph 5.2(2)(b) of the Act provides for the Commission to “propose policies, decisions and initiatives that have not been finalized,” the Commission is of the view that this should not be interpreted as a requirement to share draft text of decisions with OLMCs. The Commission considers that such a practice would raise concerns related to deliberative secrecy and would run counter to the principles of impartiality, fairness, and transparency. As an independent quasi-judicial tribunal, the Commission must uphold these principles to preserve the integrity of its decision-making process.
60. Robust decisions with accompanying reasons are the Commission’s principal tool through which it demonstrates meaningful and open consultation under paragraphs 5.2(2)(e) and (f) of the Act. These decisions reflect the Commission’s consideration of all views, including giving appropriate weight to those expressed by OLMCs.
61. As such, the Commission does not consider it appropriate to provide OLMCs with privileged access or involvement in its decision-making process, such as through the sharing of draft decisions. However, the Commission does commit to providing robust reasons that demonstrate how OLMCs’ views were meaningfully considered in the decision-making process.

### **Feedback**

62. Several interveners<sup>21</sup> commented on the need for ways to monitor, evaluate, and provide feedback on the Commission’s work.
63. Several groups representing the interests of OLMCs<sup>22</sup> also asked the Commission to create an OLMC Consultation Committee to replace the existing CRTC-OLMC Discussion Group.

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<sup>21</sup> The FCCF, the FCFA, the APFC, and the Adisq.

<sup>22</sup> The TFO, the FCCF, the FCFA, and the ACFA.

They proposed that this Committee receive financial support for its operations and be given a clear mandate to conduct additional consultation before and during formal proceedings, as well as after decisions have been published. They argued that the burden should be on the Commission to proactively gather more information from OLMCs during and after proceedings to ensure informed evaluation, monitoring, and decision-making practices. The FCCF also suggested that the Commission implement a regular monitoring mechanism to examine any decision or policy affecting OLMCs every three to five years.

64. The TFO suggested that the Commission facilitate feedback by providing clear explanations for decisions, offering context for proposals and decisions, using plain language, and making information easy to find and understand.
65. As for the CAB, it submitted that a formal process is unnecessary for giving feedback after a decision. On the contrary, the CAB indicated that a formal process could create an expectation to “review and vary” broadcasting decisions, a process that would be inconsistent with the Act. It also submitted that feedback can always be given by email or via the OLMC-CRTC Discussion Group.
66. The Commission considers that paragraph 5.2(2)(g) of the Act requires it to provide OLMCs with feedback during and after the consultation process. As an independent quasi-judicial tribunal, the Commission must, however, uphold the principles of procedural fairness, deliberative secrecy, and record-based decision-making. The Commission considers that creating a committee to conduct parallel consultation during proceedings would be inconsistent with these principles.
67. There are many ways in which the Commission provides feedback during public proceedings. As noted above, when the Commission provides reasons in its decisions, OLMCs are better informed about the basis of decisions and the manner in which their views were considered. During a proceeding, the Commission can also send requests for information to clarify OLMCs’ views.
68. Outside of public proceedings, Commission staff regularly engages with OLMCs on a less formal basis, which creates opportunities to provide feedback. For instance, the OLMC-CRTC Discussion Group provides a forum for ongoing dialogue between groups representing the interests of OLMCs and Commission staff. The Commission considers that the use of this group allows for further dialogue and engagement outside of open proceedings and after decisions have been made, provided its structure and mandate maintain the Commission’s impartiality, independence, fairness, and transparency. The Commission has also created a dedicated team of staff who regularly engage with OLMCs.

#### **Other engagement opportunities with the French-speaking majority in Quebec and OLMCs**

69. As explained above, dedicated consultations will be conducted in cases where a broadcasting decision, policy, or initiative could adversely affect OLMCs. However, the Commission’s work also relates to activities that have a positive impact on official languages and OLMCs in more general ways. In accordance with section 41 of the *Official Languages Act*, in the

context of public proceedings, the Commission may consider taking positive measures toward the following:

- enhancing the vitality of OLMCs and supporting their development;
- fostering the full recognition and use of both official languages; and
- protecting and promoting the French language.

70. The Commission acknowledges the comments received from the Association québécoise de la production médiatique (AQPM), Télé-Québec, and the Association des réalisateurs et réalisatrices du Québec (ARRQ) regarding the need for increased engagement with this broader group, including the French-speaking majority of Quebec. This group plays a central role in the protection and promotion of the French language, and the guidelines explain how the Commission will ensure that their views will be considered.

71. The Commission is committed to considering how its work may affect both the French-speaking majority in Quebec and OLMCs, even where section 5.2 of the Act does not apply. The Commission's existing procedures for public proceedings provide for participation for all parties, including groups representing the interests of the French-speaking majority in Quebec and OLMCs. The following measures also ensure that the views and interests of these groups are considered as part of the Commission's existing procedures:

- identifying issues of particular interest for the French-speaking majority in Quebec and OLMCs;
- seeking additional information throughout proceedings, as appropriate, including written requests for information or oral questions during public hearings; and
- allowing groups representing the French-speaking majority in Quebec and OLMCs to appear at appearing public hearings, should they wish to do so.

72. The Commission also recognizes its responsibility, under subsection 41(10) of the *Official Languages Act*, to evaluate and monitor the positive measures it undertakes to promote and protect the French language and support OLMCs. This evaluation and monitoring occur through its statutory reviews,<sup>23</sup> robust decisions, and the public feedback the Commission receives in the form of applications, complaints, or informal input. The Commission also publishes reports that can assist with evaluation and monitoring.<sup>24</sup> In addition, policy reviews provide the Commission with the opportunity to assess whether the positive measures it has taken have had the desired outcome.

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<sup>23</sup> See, for example, section 34.01 of the *Broadcasting Act*, which requires the Commission to consult and report on orders and regulations previously made, and section 62 of the *Telecommunications Act*, which allows the Commission to review and vary decisions.

<sup>24</sup> The Commission's plans and reports, including its reports on its achievement for the implementation of section 41 of the *Official Languages Act*, can be consulted here: [General Plans and Reports](#).

## Requests for data collection and funding

73. Some interveners<sup>25</sup> submitted that the Commission should provide more data to support their participation in proceedings and in order to comply with its obligations under the *Broadcasting Act* and the *Official Languages Act*. Additional data would help the Commission, OLMCs, and the industry better understand the French-language broadcasting market, particularly outside Quebec, and topics likely to affect OLMCs.
74. The FCCF, the FCFA, and the Quebec English-language Production Council (QEPC) also requested access to funding. Among others, the QEPC suggested that section 14 of the Act directs the Commission to support research, capacity-building, and participation in the consultation process. The FCCF and FCFA suggested amending the Rules of Procedure to allow groups representing the interests of OLMCs to submit costs applications for broadcasting matters.
75. The Commission is mindful of confidentiality considerations and the regulatory burden associated with reporting obligations imposed on interveners. As a result, further and broader discussion is needed to establish how it can appropriately balance the data needs of OLMCs with these other considerations. Some of these issues are currently being addressed in other proceedings. In Broadcasting Regulatory Policy 2025-299, the Commission confirmed that it would collect, as part of the annual production report, information on the presence of individuals in key creative positions who self-identify as members of OLMCs. These reports also offer insights into broadcasters' spending on programming, including programming produced by OLMCs.
76. The Commission is already taking steps to improve the collection and presentation of data relevant to OLMCs and will continue to explore ways to improve the availability of information and data relevant to OLMCs and official languages. To support these efforts, the Commission calls on stakeholders in the Canadian broadcasting system, including broadcasting undertakings and Certified Independent Production Funds, to make data more widely and publicly available, including data on funding for OLMCs and French-language programming.
77. With respect to funding requests, the Commission is of the view that it cannot fund OLMC research. In adopting the new consultation obligations, Parliament did not create a related funding mechanism or grant the Commission any general authority to directly provide contributions, grants, or subsidies to OLMCs. While section 14 of the Act enables the Commission to sponsor research to inform its own work, this provision does not extend to providing funding to groups representing the interests of OLMCs to conduct research for their own purposes.
78. The Commission notes that Broadcasting and Telecom Notice of Consultation 2025-94 is considering possible mechanisms for funding the participation of public interest groups in broadcasting proceedings.

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<sup>25</sup> The FCCF, the FRPC, the AQPM, the TFO, the APFC, and the Adisq.

## Principles informing the Guidelines

79. The FCFA requested that legal obligations to consult OLMCs required by the Act be reflected as part of the Commission's proposed guiding principles. Other interveners also expressed the following views in respect of the guiding principles:

- Télé-Québec noted the importance of recognizing the differences between the Quebec French-language market and the English-language market.
- The APFC noted the importance of recognizing the unique challenges faced by French-language OLMC markets, as distinct from the Quebec French-language market.
- The FCCF reinforced the importance of principles of legal interpretation, which are central to both the *Broadcasting Act* and the *Official Languages Act*.
- The FCCF also stressed the need for all decisions and measures taken by the Commission to fulfill the federal policy commitments to the development of OLMCs and the promotion of the full recognition of French and English in Canada, while also highlighting the unique contributions OLMCs make to Canadian society.
- The FCCF suggested replacing the guiding principle of holding “timely and efficient” proceedings with “timely and efficient to the extent possible.”

80. The Commission is of the view that some of the principles suggested are helpful in providing context for consultations and guiding its activities in support of OLMCs and official languages. For example, the Commission accepts that the guidelines should reflect the unique and diverse challenges faced by the French-speaking majority in Quebec, as well as by both French and English OLMCs. Furthermore, the Commission notes that impartiality, independence, fairness, and transparency are foundational principles that guide all of its work, and that it is important to reflect these principles in the guidelines.

81. However, the Commission considers that it is not necessary to repeat statutory obligations or statements that already inform the Commission's practices and procedures set out in the guidelines.

## Other issues

82. In its intervention, the Association québécoise de l'industrie du disque, du spectacle et de la vidéo (Adisq) expressed concern about the Commission's internal work and structure, including the reform of the CRTC-OLMC Discussion Group. The Adisq also expressed concern about the internal capacity of Commission staff and Commissioners to understand and evaluate interventions that are submitted in French, and about how to choose which Commissioners question which parties during in-person hearings. TV5 Québec Canada, the Adisq, and an individual also raised concerns relating to the support and sustainability of content produced by and for OLMCs and the French-speaking majority in Quebec. The Centre d'Intégration pour Immigrants Africains raised similar concerns in connection with other equity-deserving groups. In addition, the FRPC and the CDGM expressed concern

regarding the accessibility of OLMC consultation and engagement methods for persons using American Sign Language and Langue des signes québécoise and who may also be members of OLMCs.

83. The Commission acknowledges the importance of these concerns; however, it considers these internal organizational matters to fall outside the scope of the guidelines. Similarly, the Commission is of the view that policy outcomes regarding support for content produced by or for OLMCs and French-language content at large would be better addressed in other proceedings as this present proceeding relates to OLMC consultation procedures. Finally, the Commission is of the view that the accessibility of Commission proceedings for sign language users is better addressed in its accessibility guidelines.<sup>26</sup> The Commission also puts in place accommodation measures as needed.
84. Accordingly, the Commission finds that the above issues are beyond the scope of this proceeding.

## **Conclusion**

85. In light of all of the above, the appendix to this information bulletin sets out the guidelines for broadcasting proceedings affecting OLMCs and the French-speaking majority in Quebec. These guidelines will strengthen the Commission's practices and procedures to further support OLMCs and official languages, while also upholding the principles to which the Commission must abide as an independent quasi-judicial tribunal.
86. These guidelines provide for dedicated consultations for groups representing the interests of OLMCs in instances where section 5.2 of the Act apply and for other engagement with OLMCs and the French-speaking majority in Quebec in instances that aim to support OLMCs, promote official languages, or protect and promote the French language.

Secretary General

## **Related documents**

- *The Path Forward – Defining “Canadian program” and supporting the creation and distribution of Canadian programming in the audio-visual sector – Part 1 – Certification framework for Canadian programs, artificial intelligence, data collection and publication, and reporting requirements*, Broadcasting Regulatory Policy CRTC 2025-299, 18 November 2025
- *Accessibility and accommodations guidelines*, Broadcasting and Telecom Information Bulletin CRTC 2025-95, 14 May 2025

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<sup>26</sup> See Broadcasting and Telecom Information Bulletin 2025-95.

- *Call for comments – A new approach to funding public interest participation in Commission proceedings*, Broadcasting and Telecom Notice of Consultation CRTC 2025-94, 12 May 2025
- *Call for comments – Guidelines regarding consultation and engagement practices in proceedings relating to official language minority communities and official languages*, Broadcasting Notice of Consultation CRTC 2024-202, 9 September 2024

## Appendix to Broadcasting Information Bulletin CRTC 2026-26

### Guidelines for consultation and engagement with official language minority communities and the French-speaking majority in Quebec in broadcasting proceedings

#### Part I – General

##### Purpose

1. The Commission is an independent quasi-judicial tribunal that makes decisions that can affect official language minority communities (OLMCs) and the status and use of Canada's official languages. The Commission is committed to improving how it consults and engages with these communities, in line with recent legislative changes that are reflected in sections 5.1 and 5.2 of the *Broadcasting Act* and section 41 of the *Official Languages Act*.
2. These guidelines explain how the Commission will consult and engage with OLMCs and the French-speaking majority in Quebec during broadcasting proceedings that relate to OLMCs and official languages.
3. While these guidelines focus on broadcasting, they may also guide the Commission's work in other areas, such as under the *Telecommunications Act* and the *Online News Act*.

##### Guiding principles

4. When consulting or engaging with OLMCs and the French-speaking majority in Quebec, the Commission is committed to:
  - (a) **supporting meaningful participation** by OLMCs in public broadcasting proceedings;
  - (b) **promoting both official languages**, with a focus on protecting and promoting French in its work;
  - (c) **ensuring public proceedings are:**
    - (i) timely and efficient;
    - (ii) open, accessible, and transparent; and
    - (iii) fair for all parties;
  - (d) **maintaining the impartiality and independence** of its decision making;
  - (e) **considering the views and priorities** of OLMCs and the French-speaking majority in Quebec at a collective level, recognizing that perspectives may vary by region, industry, or demographics; and

- (f) **acknowledging the differences** between French and English OLMCs and the French-speaking majority in Quebec.

### Definitions

5. The following definitions apply in these guidelines:

- **decision** means a determination made by the Commission in any form;
- **OLMCs** refers to English-speaking communities in Quebec and French-speaking communities outside Quebec;
- **adversely affect** means to cause a serious and foreseeable harm to the vitality and development of one or more OLMC;
- **public proceeding** means a process where the Commission gathers public input to inform its decisions. This process may include written consultations or hearings announced through notices of consultation or applications posted on the Commission's website; and
- **existing procedure** means the Commission's established procedures for public proceedings, as outlined in the *Canadian Radio-television and Telecommunications Rules of Practice and Procedure*.

## Part II - Dedicated consultation with OLMCs under section 5.2 of the *Broadcasting Act*

### Purpose

6. The Commission will implement a dedicated consultation procedure for groups representing the interests of OLMCs during broadcasting public proceedings that may lead to decisions, policies, or initiatives that could adversely affect one or more OLMC.

### Decisions, policies, and initiatives

7. The Commission makes decisions in various contexts, such as issuing broadcasting licences or making regulations or orders. To the extent that these decisions could have an adverse effect on OLMCs, they will generally include dedicated consultations.
8. Regulatory policies are also considered decisions for the purpose of dedicated consultations. In large-scale policy consultations, dedicated consultations, if necessary, may happen later in the process – once the Commission has a deeper understanding of the potential impacts on OLMCs. This will allow groups representing the interests of OLMCs to provide more focused submissions.
9. Typically, initiatives taken by the Commission are unlikely to adversely affect OLMCs or to involve public proceedings. Nonetheless, groups representing the interests of OLMCs are encouraged to provide feedback outside of public proceedings regarding any OLMC-related initiative, as explained in paragraph 30 of these Guidelines.

**Circumstances in which it is presumed that dedicated consultations will not be required**

10. It is presumed that dedicated consultation with groups representing the interests of OLMCs will generally not be needed in the following cases, given their nature:
- (a) broadcasting applications listed in Schedule 1 of the *Canadian Radio-television and Telecommunications Rules of Practice and Procedure*;
  - (b) broadcasting applications regarding ownership transactions where there is no change of effective control, or where control is subject to a temporary trust agreement or passed between family members or to a family estate;
  - (c) bilateral and/or confidential broadcasting dispute resolution applications;
  - (d) complaints that are not treated through a public proceeding; and
  - (e) procedural matters, such as deadline extensions or confidentiality designations.
11. Despite this presumption, the Commission may still conduct dedicated consultations, where warranted on a case-by-case basis. For example, dedicated consultations may be warranted when applications involve the imposition of and/or amendments to conditions of service that may adversely affect an OLMC.

**Additional time**

12. Dedicated consultations will provide groups representing the interests of OLMCs with additional time to submit their written submissions – typically 20 calendar days following the deadline for interventions. This timeline may be adjusted depending on the complexity or scope of the proceeding.

**Additional notice**

13. The Commission will provide additional notice to groups representing the interests of OLMCs<sup>1</sup> about relevant proceedings. This notice will be provided through procedural letters or the publication of notices of consultation. In either case, groups representing the interests of OLMCs will be provided with an explanation of the issues relevant to OLMCs, and links to available supporting materials. These communications will be public and available to all parties.
14. This additional notice will be timely, will be made public and available to all parties, will form part of the record of the proceeding, and will typically include:

- details about the public proceeding;

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<sup>1</sup> Commission staff maintain a list of groups that represent the interests of OLMCs and will send notices to these groups about relevant proceedings. To be added to this list, please send an email to the OLMC Engagement Team: [closm-olmc@crtc.gc.ca](mailto:closm-olmc@crtc.gc.ca).

- an invitation for OLMCs to provide comments during the proceeding;
- all relevant and public information on which the decisions, policies, or initiatives under consideration are based, including links to the public record, related Commission decisions, and relevant policies, legislation, or studies; and
- a summary of the issues and proposals under consideration that may adversely affect OLMCs. For example, this could take the form of preliminary views, the relief requested by an applicant or a draft order that the Commission proposes to make.

15. Notices of consultation will explain the Commission's preliminary views on issues that may adversely affect OLMCs, to the extent that doing so remains fair to all parties who participate in public proceedings and does not compromise the Commission's impartiality and independence.

#### **Ensuring the views of OLMCs are heard**

16. During these public proceedings, the Commission may invite additional comments to strengthen the record for its decision making. This request for additional information may take the form of written requests for information or questions asked during appearing public hearings and may allow the Commission to clarify its understanding of OLMC-related issues and provide feedback.

17. To support the Commission's work and to ensure that OLMC issues are canvassed in the submissions of parties, the Commission encourages interventions from groups representing the interests of OLMCs and all parties to:

- share OLMCs' views and priorities;
- explain potential adverse effects on OLMCs;
- describe how any proposed measures might impact OLMCs; and
- suggest alternatives or ways to reduce or avoid any adverse effects on OLMCs.

#### **Feedback after public proceedings**

18. When the Commission makes decisions that may adversely affect OLMCs, it will ensure that it provides robust reasons for those decisions to help affected communities understand how their views were considered in the decision-making process.

#### **Feedback outside of proceedings**

19. OLMCs can also share and receive feedback outside of public proceedings. For example, as part of its outreach activities, the Commission keeps contact lists of individuals and groups who identify as members or representatives of OLMCs, and it organizes meetings to maintain open communication with them.

20. The Commission has an OLMC Engagement Team dedicated to engaging with OLMCs. They can be reached at: [closm-olmc@crtc.gc.ca](mailto:closm-olmc@crtc.gc.ca).

### **Part III – Other engagement opportunities with the French-speaking majority in Quebec and OLMCs**

#### **Purpose**

21. Some Commission work relates to official languages without having an adverse effect on OLMCs. In some public proceedings, the Commission might consider taking positive measures to protect and promote the French language, to foster the use of both official languages or to support OLMCs. These types of proceedings may also be of interest to the French-speaking majority in Quebec, which is not considered an OLMC under the *Broadcasting Act*.
22. It is important for the Commission to understand how its work affects the French-speaking majority in Quebec and OLMCs, and how it serves the protection and promotion of the French language – especially given the minority status of French in Canada and North America. The Commission is committed to ensuring that its decisions reflect this understanding.

#### **Participation in public proceedings**

23. The Commission's public proceedings provide for meaningful, open, robust, fair, and inclusive participation. It encourages groups representing the interests of the French-speaking majority in Quebec and OLMCs to participate. During public proceedings, the Commission:
- identifies issues of particular interest for the French-speaking majority in Quebec and OLMCs;
  - seeks additional information throughout proceedings, as appropriate, for example by sending written requests for information or posing questions during public hearings; and
  - allows these groups to appear at public hearings, should they wish to do so.
24. These measures help ensure that the Commission's procedures continue to be adapted in the context of public proceedings that address issues relating to the promotion of the French language, the use of both official languages, or supporting OLMCs.

#### **Data and information**

25. The Commission will continue working to improve access to data and information relating to OLMCs and official languages. Examples of these initiatives include the Communications Market Reports in which the Commission publishes data on OLMCs and French-language programming.
26. The Commission calls on stakeholders in the Canadian broadcasting system, including broadcasting undertakings and Certified Independent Production Funds, to make data more

widely and publicly available, including those relating to funding for programming created by and for OLMCs and French programming.

27. Anyone submitting applications or comments to the Commission is encouraged to consider and address the potential impact of their proposals on OLMCs and official languages.

### **Evaluation and Monitoring**

28. During public proceedings, the Commission evaluates and monitors its work in various ways, including by conducting reviews required by statute<sup>2</sup> and inviting public feedback in the form of applications or complaints. The Commission also publishes a series of reports that can assist in evaluation and monitoring.<sup>3</sup> The Commission will continue to monitor and evaluate its work to ensure it carries out its responsibilities fairly and independently.

29. After public proceedings, the Commission issues decisions that explain the reasons behind them, how they are based on the record, and how they help achieve the policy objectives of the *Broadcasting Act* and the *Official Languages Act*.

30. The Commission welcomes ongoing feedback from OLMCs, the French-speaking majority in Quebec, and other stakeholders about these guidelines and its consultation and engagement activities. To share feedback:

- contact the Commission through its website contact page: [www.crtc.gc.ca/eng/contact](http://www.crtc.gc.ca/eng/contact);
- submit a comment during an ongoing proceeding; and/or
- send an email to [info@crtc.gc.ca](mailto:info@crtc.gc.ca).

### **Review of the Guidelines**

31. The Commission may update or replace these guidelines over time, based in part on feedback received.

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<sup>2</sup> See, for example, section 34.01 of the *Broadcasting Act*, which requires the Commission to consult and report on orders and regulations previously made, and section 62 of the *Telecommunications Act*, which allows the Commission to review and vary decisions.

<sup>3</sup> The Commission's plans and reports, including its reports on its achievement for the implementation of section 41 of the *Official Languages Act*, can be consulted here: [General Plans and Reports](#).