

Ms. Aimée Belmore
Clerk of the Committee
Standing Committee on Canadian Heritage
Sixth Floor, 131 Queen Street
House of Commons
Ottawa ON K1A 0A6

November 10, 2022

Dear Ms. Belmore,

On behalf of News Media Canada and the 565 trusted news titles we represent, I am pleased to put forward our proposed amendments to C-18, the Online News Act.

C-18 builds on the success of Australia's News Media Bargaining Code. While it is excellent legislation, we believe it can be improved in three areas:

1. Ensuring the owner-operator journalists count toward the two-journalist eligibility minimum. These titles often operate in news deserts or areas of news poverty and tend to be in rural and remote communities across Canada.
2. Making certain than news publishers that do not have the QCJO designation follow journalistic practices and principles.
3. Providing specific timelines for negotiation, mediation, and arbitration.

Below, please find our suggested amendments to C-18

Amend 27 (1) (b) (ii) to

"has at least two journalists in Canada as employees or owner-operators who produce original news content, follow journalistic processes, and principles, and are a member in good standing of an organization that requires adherence to generally accepted journalistic standards,"

Replace "within a period that the Commission considers reasonable" to 90 days:

Section 19(1) The bargaining process consists of

- a. *Bargaining sessions, which can be triggered by a request from any party*
- b. *If the parties are unable, within 45 days, to reach an agreement in the bargaining sessions, mediation sessions, the time for which shall begin on the date that the bargaining sessions end; and*
- c. *If the parties are unable, within 45 days, to reach an agreement in the mediation sessions and at least one of the parties wishes to initiate arbitration, final arbitration.*

s. 19.1 No later than 5 days prior to the end of the time for a bargaining session, the parties shall agree on a mediator. If the parties cannot agree on a mediator, the Commission shall appoint one no later than the end of the time for a bargaining session.

19(4) For the purposes of subparagraph (1), "a period that the Commission considers reasonable" is deemed to be 45 days, unless,

- a. *All parties to a negotiation agree to extend the time to a period no greater than 90 days; or*
- b. *The Commission is satisfied that there are exceptional circumstances which justify an extension of time.*

33.1

1. *A final offer arbitration can be initiated by either party after the time periods specified in s. 19(1)(b) and s. 19(1)(c) have been exhausted, by sending a notice to other parties and the Commission declaring its intention to arbitrate*
2. *A final offer arbitration can be initiated by either party with leave of the Commission before the time periods in s. 19(1)(b) and/or s. 19(1)(c) have been exhausted, if the Commission is satisfied that further negotiations or mediations will not be productive*

s. 34(2)

For the purpose of s. 34(1), a period that the Commission considers reasonable is deemed to be 15 days from the initiation of arbitration, unless

- a. *All parties to the arbitration agree to extend the time to a period no greater than 30 days; or*
- b. *The Commission is satisfied that there are exceptional circumstances which justify an extension of time.*

s. 34(3)

Any application to the Commission to extend the time under s. 34(2) shall be made and decided before 15 days elapses from the initiation of arbitration.

s. 34(4)

The Commission shall appoint arbitrators within 10 days after the time elapses for the parties to appoint the arbitration panel under s. 34(2) and s. 34(3).

s. 41

An arbitration panel's decision is final, binding, and shall not be the subject to appeal.

s. 37(2)

The arbitration panel shall make a decision within 120 days of its appointment, unless there are exceptional circumstances.

S.34.1

- 1. If one member of a three-member arbitration panel resigns, dies, or otherwise becomes incapacitated after his or her appointment, the remaining arbitrators shall consider whether it is feasible to add a third arbitrator and still meet the timeline in s. 37(2). If they conclude that it is not feasible, the two arbitrators shall have jurisdiction to complete the arbitration as if they were a panel of three arbitrators.*

We appreciate the Committee's study of C-18 and thank you very much for your consideration of our proposed amendments.

Sincerely,

Original signed by Paul Deegan

Paul Deegan
President and Chief Executive Officer
News Media Canada