



Writers Guild  
of Canada

February 24, 2025

Filed Electronically

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

Dear Mr. Morin:

**Re: Broadcasting Notice of Consultation CRTC 2025-2: The Path Forward – Working towards a sustainable Canadian broadcasting system**

1. The Writers Guild of Canada (WGC) is the national association representing approximately 2,500 professional screenwriters working in English-language film, television, radio, and digital media production in Canada. The WGC is actively involved in advocating for a strong and vibrant Canadian broadcasting system containing high-quality Canadian and Indigenous programming.
2. The WGC is pleased to participate in this process. Generally speaking, the issues raised in Broadcasting Notice of Consultation CRTC 2025-2 (the Notice) tend to be those arising from the relationships of various broadcasting undertakings with each other. The WGC is not a broadcasting undertaking, so it does not normally directly engage in many of the issues discussed in the Notice. Given that, our comments at this time will be limited. Nevertheless, the WGC recognizes that a healthy and sustainable Canadian broadcasting system is an important component of the support of Canadian programming, and the important work that Canadian screenwriters do.
3. As such, the WGC supports the Commission's overarching goals as set out in the Notice, namely, to foster a sustainable model for the delivery and discoverability of diverse Canadian and Indigenous content, and a fair and competitive marketplace. In particular, the WGC supports the objective of increasing discoverability for Canadian and Indigenous programming in the broadcasting system, including through support for Canadian broadcasting undertakings where they provide that programming.

4. In addition, we would like to provide brief comments in support of the Commission’s use of the reverse onus in cases of alleged undue preference, and for that principle in general. As stated in the Notice, in any proceeding before the Commission, the burden of establishing that any preference or disadvantage is not undue is on the party that gives the preference or subjects the person to the disadvantage.<sup>1</sup> This has been referred to as the “reverse onus,” and the Commission has explained the rationale for it as being that, “it is the party conferring a preference or a disadvantage that will have the necessary information required for the Commission to determine the facts of the case in order to issue a ruling.”<sup>2</sup>
5. The current Canadian broadcasting system is replete with information asymmetries, in which certain parties have access to vitally important and relevant information that other parties do not. It is not uncommon for parties that do have access to such information to make arguments in public proceedings before the Commission that rely upon—or, at the very least, benefit from—that information, yet those parties do not provide such information on the public record. For example, the WGC noted this practice in its comments to Broadcasting Notice of Consultation CRTC 2023-138 on proposed annual revenue thresholds for the applicability of certain regulatory requirements. There, numerous interveners had commented on the appropriate level(s) of monetary thresholds, often proposing to raise them above the \$10 million proposal of the Commission but, none of those proposing such increases provided detailed evidence, data, or analysis for reaching their conclusions, including when those very intervenors may have access to such evidence or data.<sup>3</sup>
6. In general, the WGC believes that information asymmetries are significant barriers to the achievement of a sustainable Canadian broadcasting system and a fair and competitive marketplace. As such, we would support the principle of a reverse onus, not just in cases of alleged undue preference as described in the Notice, but wherever analogous circumstances exist in the system.
7. The WGC thanks the Commission for the opportunity to participate in this proceeding, and may make further comments in light of the comments of others in this process.

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<sup>1</sup> Broadcasting Notice of Consultation CRTC 2025-2, para. 100, footnote 39.

<sup>2</sup> Broadcasting Regulatory Policy CRTC 2011-601, para. 109.

<sup>3</sup> Submissions of the WGC to Broadcasting Notice of Consultation CRTC 2023-138

([https://www.wgc.ca/sites/default/files/resource/2023-07/Broadcasting%20Notice%20of%20Consultation%20CRTC%202023-138\\_The%20Path%20Forward%20.pdf](https://www.wgc.ca/sites/default/files/resource/2023-07/Broadcasting%20Notice%20of%20Consultation%20CRTC%202023-138_The%20Path%20Forward%20.pdf)), paras. 64-68.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Neal McDougall', written in a cursive style.

Neal McDougall  
Assistant Executive Director, WGC

Cc: Victoria Shen, Executive Director, WGC  
Council, WGC

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