



CONSORTIUM

des médias communautaires
de langues officielles
en situation minoritaire

of Official Language Minority
Community Media

November 27, 2025

The Honourable Steven Guilbeault

Minister of Canadian Identity and Culture, and
Minister responsible for Official Languages

Vicky Eatrides

Chairperson and CEO
Canadian Radio-television and Telecommunications Commission (CRTC)

Raymond Lafond, President and Independent Chair

Sarah Spring, Executive Director
Canadian Journalism Collective

**Subject: Eligibility of Local Journalism Initiative-Funded Journalists
under the Online News Act's Compensation Mechanism**

Dear Minister Guilbeault, Chairperson Eatrides,
President Lafond, and Executive Director Spring,

Since 2016, the Consortium of Official Language Minority Community Media (the Consortium) has supported the following four sub-sectors of community-based media organizations serving linguistic minority communities across Canada:

1. the Francophone minority community newspapers,
2. the Anglophone minority community newspapers,
3. the Francophone minority community radio and TV, and
4. the Anglophone minority community radio.

An essential part of the Consortium's mandate is to strengthen local, independent journalism and ensure that official language minority communities (OLMCs) receive equitable access to credible and relevant news that is essential to their civic life and their vitality.

We are writing to you today regarding a study undertaken this fall by the Canadian Journalism Collective's (CJC) Board of Directors to evaluate whether journalists funded by the Local Journalism Initiative¹ (LJI) should be excluded from the calculation of eligible journalists under the compensation framework of the *Online News Act*, for which the CRTC is responsible and which the CJC administers.

¹ Canada, Canadian Heritage, [Local Journalism Initiative](#).

As one of the three administrative organizations of the LJI program, the Consortium was consulted by CJC staff and by certain CJC Board members representing local media across the country.

The Consortium and its member organizations² are deeply concerned by this surprising development. Based on the information the Consortium has received, the CJC Board of Directors has put forward two core arguments **to potentially restrict the eligibility of LJI-funded journalists**:

- Counting LJI-funded journalist positions to calculate the *Online News Act*'s compensation mechanism constitutes “double-dipping” of public funds because the *Online News Act* is a federal statute.
- Journalistic content produced by LJI-funded journalists should not qualify under a copyright-based framework because it is licensed under Creative Commons licenses, and therefore, LJI-funded journalist positions should not be counted.

Both arguments are legally incorrect and based on falsehoods. In addition, implementing such measures would be harmful because it disproportionately penalizes small, rural, remote, Indigenous, and OLMC media outlets across the country.

The current arguments of the CJC Board of Directors contradict the stated purposes of the *Online News Act* and, most importantly, would also violate several provisions of the *Official Languages Act* and are therefore illegal.

These arguments are based on erroneous analyses of the relevant law.

A. GOOGLE'S \$100 M ANNUAL CONTRIBUTION IS NOT PUBLIC FUNDS. THEREFORE, THERE IS NO “DOUBLE-DIPPING.”

The *Online News Act* requires dominant digital platforms to compensate Canadian news organizations for the content news outlets have created and that platforms profit from. In December 2024, the CRTC approved Google's application for an exemption order in exchange for a mandatory annual contribution of \$100 million to be distributed by the CJC.

Crucially, these funds are private-sector monies, not taxpayer dollars. On its website³, the CJC clearly states: “We are not a government agency and receive no taxpayer funding,” and “No taxpayer money: No government money flows through our organization—our fund comes entirely from Google's contribution.”

Furthermore, the purpose of the *Online News Act*'s exemption application framework is not to subsidize journalists' salaries. These funds are intended to compensate media organizations for lost advertising revenue and the economic value extracted from news organizations by social media and search engine platforms.

By contrast, the LJI is a federal program administered by the Department of Canadian Heritage. It is publicly funded. LJI funds exist to⁴ “hire journalists or pay freelance journalists to produce civic journalism for underserved communities”, including minority language communities across Canada.

² [Alliance des radios communautaires du Canada](#), [English-Language Arts Network](#), [Quebec Community Newspapers Association](#) and [Réseau.Presse](#).

³ Canadian Journalism Collective, [About Us](#).

⁴ Government of Canada, [Local Journalism Initiative](#).

The two funding streams have different sources, different purposes, and different legal foundations. Therefore, calling the inclusion of LJI-funded journalists “double-dipping” is dishonest and inaccurate.

A journalist can and should legitimately be supported by LJI and count toward the formula used to allocate compensation under the *Online News Act*. Doing so advances the goals of both the LJI and the *Online News Act*.

B. THE CREATIVE COMMONS LICENCE USED BY LJI DOES NOT ELIMINATE COPYRIGHT AND SO DOES NOT ELIMINATE ELIGIBILITY TO THE *ONLINE NEWS ACT*'S COMPENSATION.

The second argument that the Creative Commons (CC) license requirement nullifies copyright and, therefore, should disqualify journalists' salaries funded by the LJI is also incorrect.

The CC licence⁵ used by LJI journalists and news organizations do not waive their copyright. It is rather a contractual exercise of copyright rights. CC licensing is for “the free distribution of an otherwise copyrighted work”, not a surrender of authorship.

The author's rights remain protected under Canadian copyright law, and thus, LJI authors are equally entitled to compensation.

The *Online News Act* requires that eligible news organizations employ journalists who produce original news content. News content created through the LJI necessarily fits this definition. Nothing in the *Online News Act* or in the CRTC's exemption order⁶ implies that CC-licensed work is ineligible.

Therefore, the interpretation of the Creative Commons argument by the CJC is unfounded in law.

According to the Government of Canada, the Creative Commons license is a requirement “so that Canadians can be better informed.”⁷ Placing this purpose in opposition to or in competition with the *Online News Act*'s purposes is irrational.

C. EXCLUDING LJI-FUNDED JOURNALISTS WOULD DISPROPORTIONATELY HARM SMALL MEDIA OUTLETS, SUCH AS MINORITY-LANGUAGE MEDIA OUTLETS, CONTRARY TO THE *ONLINE NEWS ACT*.

The exclusion proposed by the CJC Board of Directors would mainly adversely impact small, local, and minority language media outlets by forcing them to choose between LJI funding and access to the *Online News Act*'s compensation scheme.

⁵ Creative Commons, [About CC Licenses](#). There are 7 types of CC licenses available, only one of which “enables creators to give up their copyright”. The LJI does not require any specific CC license be used by the journalists it funds : see Government of Canada, [Glossary of terms – Local Journalism Initiative](#). But, in accordance with the Government of Canada's request to ensure a uniform application of the program, the three LJI program administrators have determined that licence C BY-ND license : [Attribution-NoDerivatives 4.0 International CC BY-ND 4.0 | Legal Code](#) must be applied uniformly to all journalistic content produced under the LJI. The grant agreements concluded with recipient media organizations should also prescribe its use.

⁶ CRTC, [Online News Decision CRTC 2024-262](#).

⁷ Government of Canada, [Local Journalism Initiative](#).

These outlets are already vulnerable to challenging market dynamics, but their challenges are even greater by the circumstances of the communities they are committed to serving.

News organizations serving these communities need both LJI funding and compensation for their work. To do otherwise is untenable. The *Online News Act* itself recognizes these issues of regional and linguistic diversity.

D. THE PROPOSED EXCLUSION WOULD EXACERBATE STRUCTURAL INEQUITIES IN THE MEDIA ECOSYSTEM.

Large metropolitan newsrooms rarely depend on LJI funding. Inversely, small newspapers and radio and television stations, like those in regional, rural, and minority-language communities, need these subsidies not only to survive, but to thrive.

The CJC's proposed exclusion would once again disadvantage smaller news outlets in favour of larger, well-resourced outlets. Excluding LJI-funded journalists would mean that large news organizations, in already privileged positions, would receive an even greater share of Google's contribution, at the expense of small newspapers, radio and television stations.

The employment-based calculation, used to determine eligibility for compensation, is not mandated by the provisions of the *Online News Act*. It was a method chosen as a pragmatic way for the compensation funds to be distributed. So, using this formula to functionally disqualify small media organizations fundamentally defeats the purpose of the *Online News Act*: to ensure "enhancing fairness in the Canadian digital news marketplace and contributing to its sustainability, including the sustainability of news businesses in Canada, in both the non-profit and for-profits sectors, including independent local ones."⁸

In short, the proposed exclusion would forsake small, independent local media in a manner opposite to what Parliament intended with the *Online News Act*.

E. LJI JOURNALISTS ARE OFTEN THE ONLY REPORTERS IN THEIR COMMUNITIES.

Small news organizations regularly serve communities that would otherwise be news deserts⁹. For these outlets, especially those in rural, northern, and remote areas, LJI journalists are the only local reporting capacity. That is, without LJI journalists, these communities would have no local news.

If LJI journalists are excluded from the *Online News Act*'s compensation scheme, the importance of local, independent journalism would be substantially neglected. The resulting funding allocation would disproportionately affect the news landscape, where the needs are already particularly dire.

This approach would contradict the purposes of the exemption scheme in the *Online News Act*, which includes the production of local and regional news content in every province and territory¹⁰. It would also substantially undo the benefits that the LJI affords to rural, remote, or small communities.

⁸ *Online News Act*, section 4.

⁹ Government of Canada, [Glossary of terms – Local Journalism Initiative](#) (News deserts are "Communities where citizens do not have access to journalistic information about community issues and institutions because there are no daily or community newspapers and other media (for example, community radio or television). Also, if they are other public or private broadcasters, they do not produce local news.")

¹⁰ *Online News Act*, subsection [11\(1\)\(a\)](#).

F. LJl SUPPORTS CULTURALLY RELEVANT REPORTING THROUGHOUT CANADA.

The challenges faced by isolated communities, discussed above, are multiplied for linguistic minorities. Francophone media outside Québec and Anglophone minority media in Québec operate in smaller, dispersed markets with extremely limited advertising revenue. In addition to the challenges common across the spectrum of media organizations, they face additional difficulties in generating other revenue or, for instance, recruiting and retaining staff.

These issues are recognized in the *Online News Act*'s exemption scheme, wherein exemptions may only be granted if "they ensure a significant portion of official language minority community news outlets benefit from them and they contribute to the sustainability of those outlets in a way that supports the provision of news content by and for official language minority communities".¹¹

These OLMCs are entitled to local news in their own language. "Language is not merely a means or medium of expression; it colours the content and meaning of expression. It is [...] a means by which a people may express its cultural identity."¹²

The approach CJC suggests would undermine the representativeness of Canada's linguistic and cultural diversity in the compensation model and have the same homogenizing effect on Canada's media landscape.

The *Online News Act* was created to strengthen the journalistic ecosystem in Canada, including OLMCs' media. Removing their eligibility would further marginalize communities already underserved by the Canadian media ecosystem.

In summary, policy coherence requires continued inclusion of LJl-funded journalists.

Ensuring that LJl-funded journalists remain eligible supports the *Online News Act*'s stated purpose of contributing to the continued sustainability of independent, local media and additionally promotes the specific objectives of promoting equity across newsroom sizes, regions, and language groups.

G. DELEGATED RESPONSIBILITIES – APPLICABILITY TO THE CANADIAN JOURNALISM COLLECTIVE

Because the *Online News Act* is administered within a federal regulatory framework, the *Official Languages Act* creates binding obligations for the CRTC and, by extension, for any body exercising delegated administrative authority under a federal statute. In this case, the *Official Languages Act* applies to the CJC.

Under long-standing Treasury Board and Justice Canada guidance, delegated authorities must apply the *Official Languages Act* principles relevant to their mandate, notably non-discrimination, equitable access, and the enhancement of official language minority communities' vitality.

a. Obligation to support the vitality and development of the official language minority communities

Under the *Official Languages Act*, federal institutions have the duty of "enhancing the vitality of English and French linguistic minority communities and supporting and assisting their

¹¹ *Online News Act*, subsection [11\(1\)\(a\)\(viii\)](#).

¹² *Ford v. Québec (Attorney General)*, [\[1988\] 2 SCR 712](#) at 748-749.

development.”¹³

The CRTC has a statutory duty to avoid or mitigate negative impacts on official minority language communities in its structuring decisions¹⁴. The framework established to determine eligibility for the compensation funding is such a structuring decision. This framework must not only allow for minority language media to be included, but it must also take positive measures to accommodate anglophone outlets in Québec and francophone outlets elsewhere in Canada¹⁵.

Within those structuring decisions, the CRTC has a further obligation to consider the impacts of its regulatory decisions on official language minority communities¹⁶. This duty applies to discretionary decisions related to news, broadcasting, and digital media ecosystems.

b. Obligation to ensure equal access and non-discrimination in programs and services

The purpose of the *Official Languages Act* is, in part, to ensure the "equality of status and equal rights and privileges" of French and English.¹⁷ To that end, the CJC, as an entity providing a service on behalf of the federal government, must ensure that its services are accessible in either official language.

The eligibility rules, as proposed, would illegally hinder OLMCs' access to the CJC's services in distributing the funding available under the *Online News Act*. The criteria used in the compensation program must not create barriers, disadvantages, or inequities for OLMCs. Any eligibility rule that disproportionately reduces access of OLMC media to *Online News Act* compensation would conflict with the federal Government's legal obligations.

H. CONCLUSION

On behalf of Canada's minority-language community media sector, the Consortium of Official Language Minority Community Media respectfully urges you **to reject any proposal which might exclude LJI-funded news organizations from being eligible to receive compensation under the *Online News Act*** since:

- such a decision would be based on incorrect analyses of the *Online News Act*'s exemption scheme and of copyright law;
- it would undermine the financial viability of hundreds of small, local, independent community news organizations, especially minority language outlets, contrary to the purpose of the *Online News Act*; and
- the proposed eligibility requirements would explicitly violate the *Official Languages Act* by undermining minority language communities and arbitrarily discriminating against them.

In summary, the proposed eligibility requirements are both untenable policy and illegal.

We would welcome the opportunity to meet with you and your officials to discuss these concerns and work collaboratively toward an equitable, evidence-based implementation of the *Act*.

¹³ *Official Languages Act*, sections [41\(1\)](#) and [41\(5\)](#).

¹⁴ *Official Languages Act*, subsection [41\(7\)b\)](#).

¹⁵ *Official Languages Act*, sections [41\(5\) to \(7\)](#).

¹⁶ See *Commission scolaire francophone des Territoires du Nord-Ouest v. Northwest Territories (Education, Culture and Employment)*, 2023 SCC 31 at paragraphs [65](#), [77-82](#). See also

¹⁷ *Official Languages Act*, subsection [2\(a\)](#).

Sincerely,

For the Board of Directors of the Consortium of Official Language Minority Community Media,

A handwritten signature in black ink, appearing to read "Brenda O'Farrell".

Brenda O'Farrell
President

A handwritten signature in black ink, appearing to read "Linda Lauzon".

Linda Lauzon
Executive Secretary