



## DISPUTE RESOLUTION

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### 1. Background

The Canadian Journalism Collective–Collectif canadien de journalisme (“CJC-CCJ”) is accepting [Applications to share in compensation pursuant to the Online News Act](#) from news businesses. The CJC-CCJ will distribute compensation to news businesses in accordance with a contribution agreement (the “Agreement”) that the CJC-CCJ signed with Google LLC (“Google”) on 6 June 2024 subject to approval of the Agreement by the Canadian Radio-television and Telecommunications Commission (“CRTC”).

If the CRTC issues an exemption order whose effect is to require Google to pay the CJC-CCJ the contribution specified in the Agreement, the CJC-CCJ will undertake a review of news business’s applications, which will be subject CJC-CCJ policies regarding Eligibility to share in compensation and Payment calculation available on [the CJC-CCJ Documents webpage](#).

Following that review, news businesses that apply will receive a letter by email from the CJC-CCJ (the “Determination Letter”) indicating the CJC-CCJ determination regarding their eligibility to share in compensation, and indicating the proportion of declared employee hours, freelancer fees and gross revenue that the CJC-CCJ accepts.

The following guidance is intended to clarify the mechanisms that will govern disputes regarding these determinations.

### 2. What issues can be disputed

A news business may raise concerns regarding any aspect of the CJC-CCJ’s work with the CJC-CCJ ombudsperson ([How to contact the ombudsperson](#)). The more formal dispute resolution process outlined in the following sections beginning with [How to apply for dispute resolution](#), in contrast, may be used only to dispute any combination of the following findings by the CJC-CCJ in the Determination Letter:

- (a) that the news business is ineligible to share in compensation;
- (b) that some or all of its declared employee hours were not accepted;
- (c) that some or all of its declared freelancer fees were not accepted;
- (d) the news business's gross annual revenue range.

### **3. How to contact the ombudsperson**

News businesses may contact the CJC-CCJ ombudsperson to voice feedback or concerns and to seek guidance and informal facilitation of dispute resolution with respect to any aspect of the CJC-CCJ's work. The ombudsperson also has the mandate to consider feedback from the public, to identify systemic challenges and to recommend improvements to the practices of the CJC-CCJ board of directors, executive or councils in order to prevent future conflicts. The ombudsperson is mandated to share their perspective publicly, while respecting personal and commercial information rights.

News businesses and members of the public must first attempt to resolve their concerns by contacting the CJC-CCJ in writing directly, and must allow the CJC-CCJ a reasonable amount of time to resolve the issue after having done so.

News businesses and members of the public may contact the ombudsperson by writing to [ombud@cjc-ccj.ca](mailto:ombud@cjc-ccj.ca) and sharing a copy of their written request to the CJC-CCJ and any response. If such a request was not made or if the CJC-CCJ has not yet been given a reasonable amount of time to resolve the issue, the ombudsperson must inform the news business or member of the public that the ombudsperson cannot address their concern until those conditions are met and invite the news business or member of the public to resubmit their concern at that time.

Concerns may also be raised with the ombudsperson anonymously or confidentially, which must be explicitly requested at the time the concern is initially raised with the ombudsperson. As an exception to the general rule, confidential and anonymous concerns do not need to have been previously raised with the CJC-CCJ directly. If a person contacts the ombudsperson confidentially, then the ombudsperson must take all reasonable steps to maintain the confidentiality of that person's identity, including with respect to the broader CJC, unless the person consents to their identity being disclosed.

If a person contacts the ombudsperson anonymously, this means that the ombudsperson does not know the person's identity. A person who wishes to write to the ombudsperson anonymously should ensure that none of the information they provide, including the email address they write from, can identify them, either on its own or in combination with other information. Please note that these restrictions may limit the ombudsperson's ability to validate or understand a concern raised, including if they are unable to contact the person who raised it.

### **4. How to apply for dispute resolution**

To pursue formal dispute resolution, a news business must email a written dispute resolution request (the "request") to [disputes@cjc-ccj.ca](mailto:disputes@cjc-ccj.ca) within 21 calendar days of the date the Determination Letter is emailed. The request must:

- (a) Indicate the name of the news business;
- (b) Attach a copy of the Determination Letter;

- (c) Clearly indicate which of the findings the news business wishes to dispute (ineligibility, employee hours, freelancer fees and/or gross revenue);
- (d) Briefly describe the basis of the dispute, for each disputed finding; and
- (e) Attach all documentation that the news business would like the dispute resolution committee to consider, along with a brief description of the nature and significance of each such document.

The CJC-CCJ will refer each such request to the dispute resolution sub-committee of either its Publisher Council or Broadcaster Council, or both, as the case may be. The relevant sub-committee(s) will acknowledge receipt of the news business's request within 4 business days of the deadline to submit dispute resolution requests.

The sub-committee will review the request, it may request further information from the news business or from third parties, and will make a recommendation to the CJC-CCJ executive committee. If each sub-committee is responsible for part of the issues raised in the request, they will combine their recommendations into a single document. Recommendations shall have four parts:

- (a) identification of the determination(s) that the news business seeks to dispute and of the relevant declarations made by the news business in its request,
- (b) a brief explanation of the evidence, facts and arguments put forward by the news business in support of its position,
- (c) findings explaining any relevant determinations of fact, any relevant rules applied, and how those rules were applied, and
- (d) a recommendation to either modify the determination or to maintain the finding.

The executive committee will issue a brief decision in a letter to the news business, to which the recommendation is appended, that either maintains or modifies the disputed findings (the "Dispute Resolution Decision").

The CJC-CCJ will endeavour to send the Dispute Resolution Decision to the news business by email within 35 days of the news business's submission of its request.

Dispute Resolution Decisions are final, except those that conclude that the news business cannot share in the compensation for the sole reason that it is ineligible for the purposes of s. 27 of the *Online News Act* (the "Act"), which may be contested in the way described in the following section.

## **5. How to contest a decision that the news business does not fall within a s. 27 eligibility category**

A news business that disagrees with a Dispute Resolution Decision that concluded that the news business cannot share in the compensation for the sole reason that it is ineligible for the purposes of s. 27 of the Act may file a request with the CRTC to seek an order designating it as eligible for the purposes of s. 27 of the Act.

For such a challenge to the Dispute Resolution Decision to be validly formed, the news business must send a copy of such a request it made to the CRTC and proof that it has been

submitted to the CRTC to [disputes@cjc-ccj.ca](mailto:disputes@cjc-ccj.ca) within 28 days of receiving the Dispute Resolution Decision. The news business must also promptly send a copy of any order or decision issued by the CRTC in response to its request to [disputes@cjc-ccj.ca](mailto:disputes@cjc-ccj.ca), and to promptly update the CJC-CCJ regarding the status of its CRTC request if the CJC-CCJ asks for such an update.

In accordance with its Eligibility to share in compensation policy (available on [the CJC-CCJ Documents webpage](#)), the CJC-CCJ will accept and recognize a CRTC order resulting from such a request that designates the news business as eligible for the purpose of s. 27 of the Act.

In the event that the CRTC declines to make a decision regarding the news business's eligibility, whatever the reason, the challenge will be deemed to have been dismissed

In the event that the CRTC does not issue an order designating the news business as eligible within 180 calendar days of the news business making its request, whatever the reason, then the challenge will be deemed to have been dismissed. If the CRTC issues an order designating the news business as eligible after that date, then the CJC-CCJ will take the order into account with respect to eligibility determinations only for subsequent years.