

Broadcasting Canadian Content: Problematizing the Efficacy of CanCon Laws

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Canada's federal Broadcasting Act aims to ensure that Canadian Content (CanCon), is broadcasted. This content, ranging from television and radio broadcasts to music, is meant to ostensibly reflect the day-to-day world in which Canadians live. The Canadian Radio-Television and Telecommunications Commission (CRTC), which reports to the Canadian Parliament and deals with national broadcasting and telecommunications, created frameworks like the MAPL System for music broadcasting to determine what content counts as "Canadian." Although these laws are ostensibly in place for the betterment of Canadian artists and their works, this paper details the small scope to which these laws apply. This paper demonstrates CanCon's limited efficacy in supporting Canadian artists due to the high quota broadcasters must fulfill. I further argue that the MAPL system should be revised for flexibility to allow Canadian identity to thrive within an oversaturated Anglo-American market. While complaints and potential solutions have been raised in various public forums, they have resulted in little action. This paper sheds light on the negative impact of quotas in creative music spaces and the importance of dialoguing and re-evaluating existing requirements to ensure a thriving music landscape. Ultimately, I argue Canadian artists are left at a disadvantage due to these constricting regulations. The perspective needs to change from viewing CanCon as a restriction for artists to regarding it as a framework broadcasters must follow. The language of each institutional mandate should also change to reflect the broadcasting landscape that currently exists.

Keywords: CanCon, Broadcasting Act, MAPL System, Canadian Radio-Television and Telecommunications Commission, Music Broadcasting

INTRODUCTION

Canada's federal Broadcasting Act aims to ensure that Canadian Content (CanCon), is broadcasted. This content, ranging from television and radio broadcasts to music, is meant to ostensibly reflect the day-to-day world in which Canadians live. The Canadian Radio-Television and Telecommunications Commission (CRTC), which reports to the Canadian Parliament and deals with national broadcasting and telecommunications, created frameworks like the MAPL System for music broadcasting to determine what content counts as "Canadian." While the system determines what

content qualifies as Canadian, the CRTC regulates the broadcasting and telecommunications companies that provide it. Among their various aims, the CRTC works to provide a wide variety of genres for reasonable consumption. Currently, it stipulates that at least 35 percent of popular music programming on Canadian airwaves be considered “Canadian” under the MAPL System.¹ It also requires that these selections be broadcast between 6AM and 6PM Monday through Friday.² Although the Broadcasting Act does not reference CanCon specifically, there are similarities, including supporting artists and their content, and showcasing content that reflects the needs and interests of Canadians, and national broadcasters.³

Shortly after the Act’s 1991 revision, commentators began questioning the efficacy of its parameters. Echoing similar sentiments, British-Columbian-based radio broadcaster Rob Robson questioned the Act’s credibility in properly acknowledging artists for their work. “[CanCon] regulations,” he explained, “have created a stigma against Canadian artists domestically and internationally, and it’s time that serious consideration was given to their real effectiveness and ultimate necessity.”⁴ On the basis of Robson’s critique, one can hardly be confident in the CRTC’s selection process.

Other scholars such as Kennedy French-Toller and Brian Fauteux have also shared their distaste for these outdated Canadian content regulations, being mindful of today’s preference of streaming services. Broadcast industry consultant Ross Davies’ 2021 report commissioned by the Canadian Association of Broadcasters reviewed existing CanCon regulations, along with suggestions to expand its scope and include a wider circle of Canadian creatives. While the commission exists to foster a strong foundation for Canadian artists and their content, we might ask to what extent its selection criteria are designed to meet legislative requirements rather than to be, for example, simply enjoyable. In a 1996 *Billboard* magazine opinion piece, Canadian radio programmer, Rob Robson touches on the vast amount of Canadian music that exists, along with the corresponding lack of airtime it receives via mainstream radio stations:

With 2 ½ decades of music to draw on, the regulations perpetuate a gold system for Canadian records with no incentive for broadcasters to play new Canadian talent. Why play an unproven artist when an established hit by Rush or the Tragically Hip will satisfy the Commission just as well? Unfamiliarity is the biggest tune-out at radio. Unless you program a current-intensive station, such as CFOX Vancouver, why take the chance on playing anything new? At many stations, Canadian currents get fewer

¹ “Canadian Content Requirements for Music on Canadian Radio,” Canadian Radio-Television and Telecommunications Commission, last modified December 07, 2022, https://crtc.gc.ca/eng/cancon/r_cdn.htm.

² CRTC, “Canadian Content Requirements for Music on Canadian Radio.”

³ “Content Made by Canadians,” Canadian Radio-Television and Telecommunications Commission, accessed December 1, 2023, <https://crtc.gc.ca/eng/cancon.htm>.

⁴ Rob Robson, “How Effective Are Canadian Content Laws?,” *Billboard: The International News Weekly of Music, Video and Home Entertainment*, February 24, 1996, 4.

spins than their international counterparts. They are treated as second-class recordings that music be aired simply to hit a quota... While not all stations are like that, there are enough to cause concern at many Canadian record companies.⁵

Robson's critiques not only remain but have become more dire over the past thirty years. They are more acute in an age of streaming services like Spotify and Apple Music, commercial giants that have significantly challenged regulators. As a result, I am interested in the possibility of a completely new framework that builds upon Davies' suggestions as well as an updated list of objectives for CanCon, the MAPL system, and the CRTC.

Although these laws are ostensibly in place for the betterment of Canadian artists and their works, this paper details the small scope to which these laws apply. Access to Canadian content continues to change, and the increasing popularity of streaming services has reignited discussions about how to access specifically "Canadian" content and about how artists and broadcasters might continue to satisfy CanCon regulations. This paper demonstrates CanCon's limited efficacy in supporting Canadian artists due to the high quota broadcasters must fulfill. I further argue that the MAPL system should be revised for flexibility to allow Canadian identity to thrive within an oversaturated Anglo-American market. While complaints and potential solutions have been raised in various public forums, they have resulted in little action. This paper outlines the Broadcasting Act of 1991, the MAPL System, and Canadian Content requirements for music on the radio. It includes critiques of existing legislation and policies, as well as recommendations to benefit Canadian artists. This paper sheds light on the negative impact of quotas in creative music spaces and the importance of dialoguing and re-evaluating existing requirements to ensure a thriving music landscape. Ultimately, I argue Canadian artists are left at a disadvantage due to these constricting regulations. The perspective needs to change from viewing CanCon as a restriction for artists to regarding it as a framework broadcasters must follow. The language of each institutional mandate should also change to reflect the broadcasting landscape that currently exists.

THE CRTC AND THE 'BROADCASTING ACT'

Focusing on three pillars—Create, Connect, and Protect—the CRTC aims to ensure Canadians can access content that reflects the country's diversity.⁶ It guarantees access

⁵ Robson, "How Effective Are Canadian Content Laws?"

⁶ "About us," Canadian Radio-Television and Telecommunications Commission, last modified June 06, 2025, <https://crtc.gc.ca/eng/acrtc/acrtc.htm>.

to creative content, connects citizens to affordable communication services, and engages in activities that connect Canadians technologically and culturally.⁷ They state:

We are an administrative tribunal that operates at arm's length from the federal government. We are dedicated to ensuring that Canadians have access to a world-class communication system that promotes innovation and enriches their lives. Our role is to implement the laws and regulations set by Parliamentarians who create legislation and departments that set policies. We regulate and supervise broadcasting and telecommunications in the public interest.⁸

Aside from supervising and regulating major Canadian television broadcasters, such as the CBC and Global TV, the CRTC is also involved in other broadcasting endeavours, such as: internet and cell services, television services, AM and FM radio stations, licensing for broadcasting, and international telecommunications.⁹ Their sole aim is to encourage broadcasters to comply with the quotas and regulations outlined by the government and the Broadcasting Act.

The commission has gone through many iterations. The first of these was the Canadian Radio Broadcasting Commission of 1932. As the broadcasting industry evolved, so did the legislation around it. The Canadian Radio-Television Commission (CRC), formed in 1968, was established to manage how Canadians accessed broadcast content and to expand both the content that is broadcast and the services that provide them.¹⁰ This tribunal played an important role in establishing the Canadian media landscape by balancing the work between public institutions, such as the CBC, and private enterprises, including local TV and radio stations.¹¹ During this time, many raised concerns over Americanization.¹² To combat them, the CRC worked to strengthen Canadian broadcasting by regulating media activities and setting up provisions for how content was distributed to the Canadian public.¹³ In 1976, the CRC became what many Canadians know today: the Canadian Radio-Television and Telecommunications Commission (CRTC).¹⁴

The same year the Canadian Radio Broadcasting Commission was created, Parliament passed the Canadian Radio Broadcasting Act in 1932, which resulted in the

⁷ CRTC, "About us."

⁸ CRTC, "About us."

⁹ CRTC, "About us."

¹⁰ Christopher John Kirkey, Andrew C. Holman, and Michael K. Hawes, *1968 in Canada: A Year and its Legacies* (Ottawa: University of Ottawa Press, 2021), 181.

¹¹ Kirkey, Holman, and Hawes, *1968 in Canada*, 181.

¹² Kirkey, Holman, and Hawes, *1968 in Canada*, 175.

¹³ Kirkey, Holman, and Hawes, *1968 in Canada*, 184.

¹⁴ Jessica Potter, and Dunton A. Davidson, "Canadian Radio-Television and Telecommunications Commission," *The Canadian Encyclopedia*, October 16, 2011, <https://thecanadianencyclopedia.ca/en/article/canadian-radio-television-and-telecommunications-commission>.

formation of the Canadian Broadcasting Corporation (CBC).¹⁵ CBC/Radio-Canada is a public broadcasting service responsible for information and entertainment programming, as well as regulating the broadcasting system.¹⁶ This service was created in response to the growing American influence throughout the country. The CBC began as a radio newscast in 1932, and expanded into television production in the 1950s.¹⁷ The most recent iteration of what is known today as the Broadcasting Act, 1991, is a piece of legislation dedicated to ensuring, supporting, and encouraging the development of Canadian content.¹⁸ This Act encompasses the realm of broadcasting, television, radio, and production and serves to safeguard and enrich the Canadian cultural, social, political, and economic landscape.

Section 3 of the Broadcasting Act, 1991, specifically outlines to whom this legislation applies. Section 3(a) identifies the relevant bodies and entities, while Section 3(a.1) details the general obligations to which these bodies and entities must adhere. Following this, the legislation moves to include conduct in both of the country's official languages—French and English—in Section 3(b), and articulates considerations for minority populations in Section 3(c). While Section 3 encompasses several additional considerations, such as accessibility, Indigenous supports (including opportunities for Indigenous individuals to produce programming), and quality, Section 3(d) notably includes a guarantee of representation.¹⁹ Subsections of Section 3(d) demand strengthening Canadian identity overall by providing reflective content, serving the needs and interest of Canadians, providing opportunities to minority and marginalized persons in Canada, and ensuring the freedom of expression and journalistic independence.²⁰

Currently, for English and French commercial, community, campus, and Native radio stations, the CRTC requires that at least 35 percent of popular music played be regarded as Canadian.²¹ This quota must be fulfilled between 6:00 AM and 6:00 PM from Monday to Friday.²² Contrastingly, the Canadian popular music quota is increased to at least 50 percent for CBC/Radio Canada.²³ In the case of Special Interest Music selections, only 10 percent is required to be Canadian.²⁴ These quotas vary across different kinds of radio stations and depend on the specific music styles programmed.

¹⁵ Michael Dewing, "Canadian Broadcasting Policy," *Parliamentary Information and Research Service*, June 23, 2011.

¹⁶ Dewing, "Canadian Broadcasting Policy."

¹⁷ "Through the Years," CBC Radio-Canada, accessed April 21, 2024, <https://cbc.radio-canada.ca/en/your-public-broadcaster/history>.

¹⁸ Broadcasting Act, 1991, Pub. L. No. c. 11 (1991), accessed November 30, 2023, <https://laws-lois.justice.gc.ca/eng/acts/b-9.01/FullText.html>.

¹⁹ Broadcasting Act, 1991.

²⁰ Broadcasting Act, 1991.

²¹ CRTC, "Canadian Content Requirements for Music on Canadian Radio."

²² CRTC, "Canadian Content Requirements for Music on Canadian Radio."

²³ CRTC, "Canadian Content Requirements for Music on Canadian Radio."

²⁴ CRTC, "Canadian Content Requirements for Music on Canadian Radio."

IS IT CANADIAN “ENOUGH”?

In order to regulate which songs might qualify as Canadian content, the MAPL system was designed to set the standard with which broadcasters can use for assessment. As stated in Radio Regulations (1986), the MAPL system outlines four elements: M – Music; A – Artist; P – Performance; and L – Lyrics. The conditions are as follows:

- M** (music): the music is composed entirely by a Canadian;
- A** (artist): the music is, or the lyrics are, performed principally by a Canadian;
- P** (performance): the musical selection consists of a live performance that is recorded wholly in Canada, or performed wholly in Canada and broadcast live in Canada;
- L** (lyrics): the lyrics are written entirely by a Canadian²⁵

The CRTC created the MAPL System to combat concerns regarding the hegemonic influence of the American entertainment industry. Outlined in Section 2.2(2) of Radio Regulations, 1986, it includes several components that may be used to establish a piece of music as a Canadian selection.²⁶ For a song to be considered Canadian, a musical selection must satisfy at least two of the four conditions.²⁷ The CRTC also issues different requirements for different Canadian radio stations. It licenses several kinds of radio stations, including commercial, campus, community, ethnic, Native, not-for-profit, and CBC/Radio Canada stations.²⁸

Interestingly, the criteria differ for music videos, to also allow for film and television considerations. The Commission’s music video criteria include the following:

- a) instrumentation or lyrics are principally performed by a Canadian;
- b) music is composed by a Canadian;
- c) lyrics are written by a Canadian;
- d) performance is in Canada;
- e) video director or production company is Canadian;
- f) video production facilities are located in Canada;²⁹

²⁵ Radio Regulations, 1986, Pub. L. No. SOR/86-982, accessed November 29, 2023, <https://laws-lois.justice.gc.ca/eng/regulations/SOR-86-982/page-1.html#docCont>.

²⁶ Radio Regulations, 1986.

²⁷ “The MAPL System - Defining a Canadian Song,” Canadian Radio-Television and Telecommunications Commission, last modified December 07, 2022, accessed November 30, 2023, https://crtc.gc.ca/eng/info_sht/r1.htm.

²⁸ CRTC, “Canadian Content Requirements for Music on Canadian Radio.”

²⁹ “ARCHIVED - Public Notice CRTC 84-94,” Canadian Radio-Television and Telecommunications Commission, April 15, 1984, accessed November 16, 2023, <https://crtc.gc.ca/eng/archive/1984/PB84-94.HTM>.

The CRTC requires that at least two of the audio requirements outlined from a) to d) are met.³⁰ As of January 1, 1986, the CRTC requires that at least one of the video requirements, e) or f), is met.³¹ In total, at least three of the six criteria must be met for a music video to be considered Canadian. Sections a) through d) resemble the criteria of the MAPL system, also created by the CRTC to determine whether a song could be considered Canadian.³² The MAPL System, however, focuses on the music played on the radio. Of the four conditions outlined, only two out of the four must be fulfilled for the piece/song to qualify as Canadian.³³ The latter two conditions noted above closely align with the CanCon's film and television conditions.

One well-beloved song of the 1990s notably erupted in the media as a result of the MAPL system. "Everything I Do (I Do It For You)" by Canadian artist Bryan Adams was one song that came under fire through MAPL's crosshairs. The song spent eight weeks at #1 on the *Billboard* chart but failed to satisfy the conditions of the MAPL System, having been co-written and co-composed by non-Canadians.³⁴ It was co-authored by Mutt Lange (former spouse of Shania Twain), who is from South Africa.³⁵ Additionally, the song was not recorded in Canada. Adams recorded it in London, England, which again, failed to satisfy yet another condition: P – Performance. Under the MAPL System, Bryan Adams co-wrote the music and lyrics, which satisfied neither M (music) or L (lyrics) due to the collaboration. Ultimately, the song failed the MAPL System requirements, which unsurprisingly, bothered Adams, who asserted his distaste that the Government of Canada has considerable control in the Canadian music business.³⁶

Following the incident, and given Adams' worldwide acclaim, the CRTC added a special case note to their framework: a piece of music may qualify as Canadian if it was performed live or recorded after September 1, 1991, and meets the criterion for either A – Artist or P – Production. If Canadian artists had collaborated with non-Canadians, they must receive at least half of the credit for both M – Music and L – Lyrics.³⁷ Shortly afterward, the CRTC added three more cases in which a musical selection might qualify as Canadian content. Other special cases include if the song was recorded prior to January 1972 and meets one of the conditions; if the instrumental performance of a composition was written or composed by a Canadian; and if the performance is instrumental and was composed by a Canadian.³⁸ Unfortunately this, along with the

³⁰ CRTC, "ARCHIVED - Public Notice CRTC 84-94."

³¹ CRTC, "ARCHIVED - Public Notice CRTC 84-94."

³² CRTC, "The MAPL System - Defining a Canadian Song."

³³ CRTC, "The MAPL System - Defining a Canadian Song."

³⁴ "When the Music of Bryan Adams Wasn't Canadian Enough," CBC, January 14, 2019, CBC Archives, accessed November 16, 2023, <https://www.cbc.ca/archives/when-the-music-of-bryan-adams-wasn-t-canadian-enough-1.4974779>.

³⁵ Bernard O'Leary, "When Canada Accidentally Banned Bryan Adams," *Medium* (blog), August 19, 2021, accessed December 10, 2023, <https://medium.com/this-week-in-the-90s/when-canada-accidentally-banned-bryan-adams-august-12-1991-76930c75d96b>.

³⁶ CBC, "When the Music of Bryan Adams Wasn't Canadian Enough."

³⁷ CRTC, "The MAPL system - defining a Canadian Song."

³⁸ CRTC, "The MAPL system - defining a Canadian Song."

other special cases, still did not change the verdict for Adams's hit song, as it was released prior to September 1, 1991. Adams stated in an interview that he did not think much about CanCon as it has not helped him through any phase in his career.³⁹ The artist found fame in the United States before his music was played regularly in Canada.⁴⁰

The legislated quotas of the MAPL and CanCon frameworks have benefited some artists, but for others who, like Adams, choose to write and record outside of Canada, they are little help. In 1991, music journalist and *Billboard's* Canadian bureau chief, Larry LeBlanc, wrote against MAPL due to the restrictive airtime Adams's hit song received as a result.⁴¹ For failing to fulfill the MAPL requirements, the song is subject to limited broadcasts, whereas it would have been able to air an unlimited number of times if it were deemed Canadian "enough." LeBlanc explains his frustration with the MAPL system, with the understanding that many songs, which have some but not enough Canadian credentials, do not fulfill CanCon quotas.⁴² Because Bryan Adams chose to collaborate with non-Canadians, his music cannot be played without restriction. This bothered Adams, too. "The Canadian government," he explained in an interview with the CBC in the wake of the fiasco, "should just step out of the music business entirely."⁴³ Due to the song's significant commercial success worldwide, the situation did not harm his career financially.

OLD AND OUTDATED

On November 12, 2020, the CRTC released the Broadcasting Notice of Consultation CRTC 2020-374.⁴⁴ This notice called for feedback on the commission's commercial radio policy to evaluate its efficacy; and with the intent to update the already existing framework so that the needs and interests of Canadians can continue to be met.⁴⁵ The CRTC prompted several questions to facilitate feedback, including inquiring about the adequacy of how Canadian music is defined, the industry's efficacy in tracing Canadian performers and their work, the effectiveness of how an artist is discovered, and how MAPL system points might be reimagined.

Prior to this, in 2018, the Canadian government commissioned a review of the Broadcasting Act (1991) and the Telecommunications Act.⁴⁶ This review immediately

³⁹ CRTC, "The MAPL system - defining a Canadian Song."

⁴⁰ CRTC, "The MAPL system - defining a Canadian Song."

⁴¹ Larry LeBlanc, "Canada: Oh Canada: New Adams Set Fails MAPL Grading System," *Billboard*, September 28, 1991.

⁴² LeBlanc, "Canada: Oh Canada."

⁴³ CBC, "When the Music of Bryan Adams Wasn't Canadian Enough."

⁴⁴ "Broadcasting Notice of Consultation CRTC 2020-374," Canadian Radio-Television and Telecommunications Commission, November 12, 2020, accessed August 25, 2024, <https://crtc.gc.ca/eng/archive/2020/2020-374.htm>.

⁴⁵ CRTC, "Broadcasting Notice of Consultation CRTC 2020-374."

⁴⁶ The Telecommunications Act, 1993, similar to the Broadcasting Act, 1991, works to maintain Canadian identity and sovereignty in telecommunications. The objectives outlined in Section 7 include:

addressed the fast-changing telecommunications landscape, focusing on accessibility to telecommunications networks; supporting creation, production, and discoverability of Canadian content; improving digital consumer rights; and renewing the existing framework.⁴⁷ The review made several recommendations. It emphasized Indigenous concerns and the importance of Canada's commitment to Reconciliation.⁴⁸ Other recommendations included bringing all media-communications entities into the act; redefining the roles of CBC/Radio-Canada and the CRTC; and prioritising affordability and a wide range of content for consumers.⁴⁹

The CRTC had planned to proceed in three phases: Phase 1 - a conversation with Canadians through public opinion research; Phase 2 - a notice of consultation covering several steps; and Phase 3 - appearing at a public hearing, if necessary.⁵⁰ In total, the review listed 97 recommendations for the CRTC, detailing who would be affected, how it would affect them, and what elements should be added or revised to reflect the interests of modern Canadians and their everyday lives.⁵¹

The CRTC acknowledges the challenges faced by radio because of emerging technologies that have remained largely unregulated in Canada, which underscores the importance of reviewing existing legislation such as the Broadcasting Act and the Telecommunications Act. This shift undermines Canadian content because these services do not ensure consistent airtime, whereas services such as Spotify are accessible

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- (a) to facilitate the orderly development throughout Canada of a telecommunications system that serves to safeguard, enrich and strengthen the social and economic fabric of Canada and its regions;
 - (b) to render reliable and affordable telecommunications services of high quality accessible to Canadians in both urban and rural areas in all regions of Canada;
 - (c) to enhance the efficiency and competitiveness, at the national and international levels, of Canadian telecommunications;
 - (d) to promote the ownership and control of Canadian carriers by Canadians;
 - (e) to promote the use of Canadian transmission facilities for telecommunications within Canada and between Canada and points outside Canada;
 - (f) to foster increased reliance on market forces for the provision of telecommunications services and to ensure that regulation, where required, is efficient and effective;
 - (g) to stimulate research and development in Canada in the field of telecommunications and to encourage innovation in the provision of telecommunications services;
 - (h) to respond to the economic and social requirements of users of telecommunications services;
- and
- (i) to contribute to the protection of the privacy of persons. (*Telecommunications Act, 1993*).

⁴⁷ Innovation, Science and Economic Development Canada, "Canada's Communications Future: Time to Act," January 29, 2020, 9, <https://ised-isde.canada.ca/site/broadcasting-telecommunications-legislative-review/en/canadas-communications-future-time-act#Toc26977810>.

⁴⁸ Innovation, Science and Economic Development Canada, "Canada's Communications Future," 165-66.

⁴⁹ Innovation, Science and Economic Development Canada, "Canada's Communications Future," 11-17.

⁵⁰ "Broadcasting Notice of Proceeding CRTC 2020-25," Canadian Radio-Television and Telecommunications Commission, January 28, 2020, <https://crtc.gc.ca/eng/archive/2020/2020-25.htm>.

⁵¹ Innovation, Science and Economic Development Canada, "Canada's Communications Future."

on televisions, smartphones, and tablets. Scholars have mixed responses to the challenges posed by new popular streaming technologies and the promotion of Canadian content across them. Kennedy French-Toller, for instance, calls for intentional regulation of services like Spotify.⁵² Spotify, he shows, prioritizes music from major American labels and artists; and does not explicitly address Canadian content in its policies. Similarly, Brian Fauteux suggests the CBC consider alternative methods of music distribution in the face of streaming. He supports increasing government funding for the CBC as a viable avenue to foster home-grown music production and to bolster the visibility of Canadian labels. The hope is that this might allow the broadcaster to play a new role in “musical public space.”⁵³

Reigniting the relationship between broadcasters, artists, and their labels would position CBC, a Canadian broadcaster, as a counter to international influence. At this point, the quota is just a number for a system that could be more inclusive and accommodating. Canadian artists are not just concerned about whether their music qualifies as Canadian, but also the greater problem of if their music will be streamed in the first place.

Jada Watson touches on the culture these music institutions curate, offering an opposing opinion to quotas. In her article, “*Billboard’s* ‘Hot Country Songs’ Chart and the Curation of Country Music Culture,” Watson discusses the need to eliminate quotas that limit white female artists in country music radio play to ensure women are represented in this genre.⁵⁴ In the case of the United States, she claims, *Billboard* charts ultimately determine the names that are remembered or forgotten.⁵⁵ This article’s study involved two datasets examining *Billboard’s* country music charts from 1996-2016.⁵⁶ Songs were categorized based on three gender variables: solo and group male artists, solo and group female artists, and male-female ensemble groups.⁵⁷ Watson examined when each artist’s song debuted on the chart and the number of songs that peaked at the top of the chart.⁵⁸ Her study identified several issues in *Billboard’s* curatorial process:

1. Elimination of weekly positions has caused the chart to reduce in size, resulting in fewer opportunities to chart.
2. Changes in methodology favour artists with significant radio presence and cross-over radio airplay.

⁵² Kennedy French-Toller, “Exploring the Future of Canadian Content Regulation for Radio,” Canadian Radio-Television and Telecommunications Commission, December 8, 2021, <https://crtc.gc.ca/eng/acrtc/prx/2021toller.htm>.

⁵³ Brian Fauteux, “(Residual) Public Music Radio in the Streaming Era: Listening for Diversity and Frequency on CBC Music,” *Journal of Radio & Audio Media* 27, no. 1 (2020): 21-22.

⁵⁴ Jada Watson, “*Billboard’s* ‘Hot Country Songs’ Chart and the Curation of Country Music Culture,” *Popular Music History* 13, no. 1-2 (2021): 170.

⁵⁵ Watson, “*Billboard’s* ‘Hot Country Songs’ Chart,” 170.

⁵⁶ Watson, “*Billboard’s* ‘Hot Country Songs’ Chart,” 175.

⁵⁷ Watson, “*Billboard’s* ‘Hot Country Songs’ Chart,” 175.

⁵⁸ Watson, “*Billboard’s* ‘Hot Country Songs’ Chart,” 176.

3. The chart's recurrent rules limit the amount of time a song can linger in the lower chart positions, which disadvantage artists that do not make immediate impact on radio.⁵⁹

Watson calls on *Billboard* to ensure space for groups that are not adequately represented and advocates for the elimination of quotas so that these underrepresented groups can also receive the support necessary to cultivate a successful musical career.⁶⁰ She notes that:

After more than two decades of ranking popularity according to country format radio airplay alone, *Billboard* applied its Hot 100 methodology to the chart, combining digital sales, streaming and airplay from all radio formats to generate the weekly charts. This new methodology has radically changed the chart's culture—rewarding crossover artists, reducing the number of artists reaching the coveted No. 1 spot, and creating a repetitious culture.⁶¹

This method ultimately limits the amount of airtime available, and, as Watson underlines, disadvantages women and Black, Indigenous, and People of Colour (BIPOC).⁶²

Eliminating quotas would allow for more artists to appear on the *Billboard* charts, furthering a more diverse musical ecosystem. Similar to CanCon, however, these *Billboard* charts work to award artists for their hard work and talent, while again leaving underrepresented groups to the wayside. While *Billboard* is an American company, it is interesting to see similarities in which artists are represented from the Canadian music market, versus the American music market. For Canadian artists, quotas must be reimaged or removed. Quotas need to be created or rewritten to include marginalized communities so that these artists could find their footing in the music broadcasting landscape, or quotas could be completely eliminated to allow for more artists to be featured. Even so, removing quotas does increase the possibility of these underrepresented artists losing their window of opportunity altogether. I more strongly align with the idea of reimaging current quotas and definitions to create a musical environment that solidifies a space for marginalized artists. Rather than letting the outcomes fall as they may, there is value in pushing for intentional policies, sending a message to artists that their work is important, valuable, and deserving of space.

Coming back to content and broadcasting in the Canadian context, Ross Davies put forth ten recommendations to the Canadian Association of Broadcasters in a review

⁵⁹ Watson, "Billboard's 'Hot Country Songs' Chart," 176.

⁶⁰ Watson, "Billboard's 'Hot Country Songs' Chart," 187.

⁶¹ Watson, "Billboard's 'Hot Country Songs' Chart," 169.

⁶² Watson, "Billboard's 'Hot Country Songs' Chart," 169.

of the country's radio regulations in 2021.⁶³ He starts his review by acknowledging the significant changes in technology, media, and accessibility, and argues that these quotas are outdated.⁶⁴ Davies goes so far as to suggest that they are detrimental to Canadian radio and music.⁶⁵ In light of these assertions, he puts forth several suggestions, including altering CanCon quotas and the MAPL system, and providing additional resources for artists to further their careers.⁶⁶ These suggestions begin with lowering the CanCon quota for popular music from 35% to 25% to accommodate current streaming preferences as well as to address the declining audience for radio.⁶⁷ Davies argues that instead of helping Canadian content on the radio, having a quota of 35% is not sustainable in relation to competitors such as Spotify, YouTube, and Apple Music.⁶⁸ Similar to other countries like the United States, streaming has become part of everyday life. Rather than tuning into a radio station to wait for one's favourite song or flipping to a television channel at a specific time to watch a new episode, almost everything is at our fingertips – as long as we are subscribed.

Davies's second recommendation involves creating a 150% Emerging Artist Credit, where each qualified artist's music would receive additional airtime, thus financially incentivizing stations to play new and emerging artists and the artists involved in a song's creation, while meeting CanCon quotas.⁶⁹ Davies also proposes a new definition for the term "emerging artist" as, "Any song performed (or in the case of duet or collaboration, primarily performed) by a Canadian whose first commercial release was less than five years from the date of the song's commercial release will be considered a song by an emerging artist."⁷⁰ Additionally, Davies advises an update to both the A – Artist and P – Performance categories of the MAPL system. He suggests modifying the A – Artist category to count for two points instead of one to allow Canadian artists to collaborate with international creatives so that they do not lose points in this category altogether.⁷¹ The P – Performance category would be adjusted to include the condition of if the song was produced in Canada.⁷² Davies notes that the "P" in the MAPL system had originally referred to production, but was later changed to "performance".⁷³ He also adds that this section should further expand to whether a song was produced by a

⁶³ Ross Davies, "The Road Ahead – The New Relationship for Canadian Radio and Music," Canadian Association of Broadcasters, March 29, 2021, 17, <https://www.cab-acr.ca/wp-content/uploads/2022/03/Appendix-H-The-Road-Ahead-%E2%80%93-The-new-relationship-for-Canadian-Radio-and-Music-Ross-Davies.pdf>.

⁶⁴ Davies, "The Road Ahead," 1.

⁶⁵ Davies, "The Road Ahead," 11.

⁶⁶ Davies, "The Road Ahead," 8-17.

⁶⁷ Davies, "The Road Ahead," 12.

⁶⁸ Davies, "The Road Ahead," 12.

⁶⁹ Davies, "The Road Ahead," 13.

⁷⁰ Davies, "The Road Ahead," 13.

⁷¹ Davies, "The Road Ahead," 14.

⁷² Davies, "The Road Ahead," 14.

⁷³ Davies, "The Road Ahead," 14.

Canadian, rather than just produced in Canada.⁷⁴ Adding this criteria again would introduce properly crediting producers' contributions under the system. A song qualifying under the MAPL system would allow for unlimited airtime, therefore fulfilling both quota and popularity.

Davies goes on to suggest revising the window of eligibility for a song to contribute to CanCon quotas. Currently, a song counts towards the quota when it is played between 6AM and 6PM from Monday to Friday.⁷⁵ He proposes expanding this window by two hours during weekdays—5AM to 7PM from Monday to Friday—to accommodate commute times. Many radio broadcasts will begin their morning broadcasts around 5AM rather than 6AM and Davies proposes expanding this further to include eligibility on the weekends, advising a 5AM to 1AM time block throughout the week.⁷⁶ He recognizes that not everyone follows the same workday time frame, as many have more flexible work hours.⁷⁷ Davies's recommendations widen the scope of qualifications, which further deepen Canadian artists' opportunities to have their music qualify as Canadian. These suggestions put Canadian artists first, while still placing importance on the amount of Canadian content showcased.

The introduction of Bill C-11 in 2023, as an amendment to the Broadcasting Act, addresses accessibility of Canadian content on the internet.⁷⁸ This bill gives power back to the CRTC so that they can regulate the services offered online.⁷⁹ Similar to the regulations on television and radio broadcasting, online streaming services like Spotify, YouTube, and Disney+ are also required to feature a percentage of content that is Canadian.⁸⁰ Online streaming services are likewise required to register with the CRTC as they financially contribute to CanCon.⁸¹ Again, the government's objective is to support the production of Canadian content and ensure ease of discovery. Yet, the bill has faced backlash, not only from current Conservative leader Pierre Poilievre, but also from the streaming services involved, arguing a case of government censorship.⁸² Bill C-11 asks these streaming platforms to promote Canadian content, which takes away the full scope of content that may be presented to users. Again, the bill—similar to the Broadcasting Act (1991)—has received mixed reviews regarding whether the government

⁷⁴ Davies, "The Road Ahead," 15.

⁷⁵ Davies, "The Road Ahead," 16.

⁷⁶ Davies, "The Road Ahead," 16.

⁷⁷ Davies, "The Road Ahead," 16.

⁷⁸ "Bill C-11: An Act to Amend the Broadcasting Act and to Make Related and Consequential Amendments to Other Acts," Government of Canada, Pub. L. No. C-11 (2022), accessed December 10, 2023, https://www.justice.gc.ca/eng/csjsjc/pl/charter-charte/c11_2.html.

⁷⁹ Government of Canada, "Bill C-11."

⁸⁰ Mariane Bourcheix-Laporte, "How the Online Streaming Act Will Support Canadian Content," *The Conversation* (blog), April 5, 2023, accessed December 10, 2023, <https://theconversation.com/how-the-online-streaming-act-will-support-canadian-content-201862>.

⁸¹ Bourcheix-Laporte, "How the Online Streaming Act Will Support Canadian Content."

⁸² "Bill C-11: What to Know about the Online Streaming Act," *The Globe and Mail*, April 27, 2023, accessed December 10, 2024, <https://www.theglobeandmail.com/arts/article-bill-c-11-online-streaming/>.

should push for more support from these streaming services, or if it crosses a boundary of curated content fulfillment for each individual's streaming experience.⁸³

With the amount of concern surrounding the Online Streaming Act, the CRTC put out a “Questions and Answers” page, addressing the many opinions about the bill.⁸⁴ This page firstly includes an updated version of the Broadcasting Act (1991) and deals with television service providers, programming service providers, and online streaming services.⁸⁵ This page also clarifies that the CRTC will not regulate content and digital creators, along with social media users.⁸⁶ However, these addressed concerns do not take away from the fact that Canadian artists and their music require more support than what is currently given. Implementing additional regulations to ensure Canadian content is circulated across Canadian broadcasters is insufficient: there needs to be support for creating content, just as there is for consuming that content.

Looking back on Robson's sentiments—and even Bryan Adams'—there is a current of negativity surrounding the discussion of CanCon in the language of these complaints. Canadians know what the objectives for each body and framework are and artists know what they must include to be considered, but more and more people are losing interest in fulfilling them. The CRTC's mission statement, Section 4 of the Broadcasting Act, and the objectives of the MAPL system—all of them focus on strengthening the Canadian cultural landscape. However, these objectives have been arguably the same since the start. In addition, the Online Streaming Act's objectives are essentially the same as the Broadcasting Act. I argue that these changes must begin with addressing the vague language used to discuss these topics, juxtaposed with the specific criteria that Canadian artists and creatives must (almost precisely) fit in. Much of the literature that exists references these mission statements, with little to build on, but much more to speak out against. It is time to reopen these conversations, in collaboration with the creatives it affects, to create regulations that promote and celebrate Canadian content. We know what it is meant to do, but the governing bodies upholding these regulations must consider how it is truly affecting Canadians and Canadian artists.

⁸³ The Globe and Mail, “Bill C-11: What to Know about the Online Streaming Act.”

⁸⁴ The *Online Streaming Act (Bill C-11)*, 2023, similar to the *Broadcasting Act*, works to ensure Canadian content is broadcasted, but includes content that is broadcast on online streaming services. This is the first significant revision of the *Broadcasting Act*, which comes over 30 years later, also to combat hegemonic concerns from the American entertainment industry, as well as private streaming companies.

⁸⁵ “Questions & Answers on the *Online Streaming Act*,” Government of Canada, last modified March 21, 2023, <https://www.canada.ca/en/canadian-heritage/corporate/transparency/open-government/standing-committee/rodriguez-bill-c11/questions-answers.html>.

⁸⁶ Government of Canada, “Questions & Answers on the *Online Streaming Act*.”

CONCLUSION

Robson raised valid questions regarding existing broadcasting legislation's efficacy. Although his concerns were published 30 years ago, it is clear they are still valid, and require far more than simply properly acknowledging "Everything I Do (I Do It For You)" as Canadian. The MAPL system has created a category of Canadian artists whose music is not Canadian "enough" because they do not satisfy enough criteria in this quota system. The legislation in place, while meant to assist artists and strengthen the socio-cultural fabric of Canadian identity, in truth, leaves out many works and artists. Beloved songs by Canadian artists, although successful in the global music market, are often considered not Canadian enough. This ultimately leaves many artists behind, resulting in loss of opportunities to grow their fanbase and establish themselves. As Canadian artists relocate to develop their careers abroad, their eligibility under CanCon disappears. If the concern is Canadian artists not qualifying under MAPL, then either the system must change, or additional resources should be provided to help artists qualify—or both. If, instead, the concern is that these artists are merely fulfilling a content quota, then artists should be provided with adequate resources to develop their craft.

While it may not significantly impact these artists, they do lose out on the opportunity for their music to qualify for airplay, and the government loses the opportunity for a song to be considered Canadian. The existing legislation and the governing bodies that work to maintain it are clearly outdated. In short, the legislation must guarantee that Canadian creators will be put first. The provisions of the Broadcasting Act (2023) details how space is and will be carved out for artists to share their work with Canadian consumers. However, these laws also come with numbers: quotas that must be fulfilled, both in production and in consuming content. Shouldn't popular music always be played on the radio regardless of who is involved in its creation and production? It was only in 2023 that Parliament had passed the Online Streaming Act to accommodate streaming popularity, but this still leaves artists at a disadvantage.

CanCon legislation has proven to be beneficial for many artists. At the same time, it excludes artists who fall outside of this framework, leaving many underrepresented. This paper only scratches the surface, addressing Canadian artists as a disadvantaged group if their music does not fulfill the MAPL system. In particular, more research should be done to include considerations for female artists and BIPOC artists. CanCon laws, while effective, do not always produce ideal outcomes for artists. This is another aspect of their careers for Canadian artists to consider if they want to maximize the number of times their music is played on Canadian broadcasts. It is evident that Canadians especially involved in the broadcasting and music industries need change to better inform their processes regarding making music and further improve broadcasters' processes in sharing music. The objectives set out by the CRTC, the Broadcasting Act, the MAPL system, and more recently, the Online Streaming Act, clearly leave many Canadians frustrated. Yet the complaints highlighted throughout this paper date back thirty years. The government can change legislation and quotas to

maintain and strengthen the amount of Canadian content we see and hear every day. However, these government mandates do not significantly change whether Canadian artists would qualify. The mission statements and quotas do not provide enough support for Canadian artists and Canadian music lovers. The discourse on preserving and strengthening Canadian Content is vastly different now than when CanCon first emerged, and it is time its literature and legislation reflect that. If the government wants to ensure a steady flow of qualifying Canadian content, then satisfactory resources throughout the creative process should also be available. Broadcasters should make a commitment to playing new music among popular selections. Financial support and functional programs should be implemented so that Canadian artists can successfully create in Canada. Canadian selections should be chosen for the enjoyment of audiences. Canadian artists should feel confident in pursuing their career in the country and, of course, should be properly credited for their work and supported in how they choose to identify it.

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