

**CORPORATE POLICY for ADVERTISING ON
TRANSLINK VEHICLES AND TRANSIT PROPERTY
- ENTERPRISE POLICY -**

Issued By	Chief Operating Officer
Approved By:	TransLink Board of Directors
Meeting Date:	September 28, 2022
Corporate Secretary Signature:	

1. PURPOSE

To set TransLink Policy with respect to:

- the display of advertisements on TransLink vehicles and transit property;
- product endorsement; and
- the use of registered trademarks and official marks.

2. CONTEXT

The *Canadian Charter of Rights and Freedoms* (the “Charter”) guarantees everyone the rights and freedoms set out in it, including freedom of expression. In a 2009 court decision, the Supreme Court of Canada (a) ruled that TransLink is a public agency that is subject to the Charter in its role as the host of advertising and (b) struck down the portion of TransLink’s previous Advertising Policy that prohibited all advocacy ads. This means that, if TransLink chooses to accept advertising on the transit system, it must not limit a potential advertiser’s freedom of expression by refusing advertisements except as permitted under Section 1 of the Charter, which makes all guaranteed Charter rights subject to “such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.”

The standards and limitations on advertising content set out in this policy must be viewed in the context of TransLink’s limited legal ability to decline advertisements under the Charter, as described in the preceding paragraph.

3. POLICY

1. The display of acceptable advertisements on TransLink vehicles and transit property is accepted as a means of generating revenue for TransLink.
2. Advertisements accepted for display on TransLink property or in its publications shall conform to the standards and limitations from time to time adopted by the TransLink Board of Directors.



3. Unless authorized by TransLink Executive, TransLink shall not endorse any product, service, cause, proposition or thing.
4. TransLink's acceptance of an advertisement does not constitute express or implied endorsement of the content or message of the advertisement, including any person, organization, products, services, information or viewpoints it may contain, or of the advertisement sponsor itself.
5. The style of the name "TransLink" and the registered trademarks, and official marks of TransLink shall not be authorized for use in any manner other than to identify a transportation service, without prior written approval from TransLink.
6. Any advertising with reference to public transit and/or TransLink must be presented by the advertiser to TransLink prior to production of advertising materials.

4. APPLICATION

The acceptability of advertisements for display on TransLink vehicles and transit property shall be governed by this policy as interpreted by the Director, Commercial Programs & Partnerships or other persons to whom that authority has been delegated, including a licensee or a contractor of TransLink.

Standards and Limitations

In light of the above Context section, in determining the acceptability of any advertisement within the provisions of this policy, TransLink and its advertising licensee(s) and contractor(s) will be guided by the *Canadian Code of Advertising Standards*. In addition, all advertisements must meet all of the following criteria:

1. advertisements must comply with all applicable laws, statutes, regulations and bylaws in force in the province of British Columbia, with all applicable TransLink policies, and with the *Canadian Code of Advertising Standards*, administered by Advertising Standards Canada;
2. advertisements must not discredit the business or service of public transit, TransLink and TransLink's subsidiaries, and their employees, nor have an adverse effect on the image of TransLink or TransLink's subsidiaries, or of public transit, as a safe and welcoming form of transportation;
3. advertisements must be free of any demeaning, derogatory, exploitative or unfair comment or representation of any person or group of persons, or any such comment or representation based on Indigenous identity, race, colour, ancestry, place of origin, creed, religion, sex, sexual orientation, gender identity or expression, physical or mental disability, age, marital or family status, or any other enumerated grounds of



discrimination set out in the *BC Human Rights Code* or the *Canadian Code of Advertising Standards*;

4. advertisements, otherwise acceptable under this policy, which convey information about a meeting, gathering or event must contain the name of the sponsoring group, the name of the persons participating in the event, and the location, date and time of the event; and
5. advertisements, otherwise acceptable under this policy, which (a) promote or oppose a specific theology or religious ethic, point of view, policy or action, (b) advocate or oppose any ideology or political philosophy, point of view, policy or action, or (c) convey information about a political party or the candidacy of any person for a political position or public office, must visibly display the name and means of contacting the sponsoring or individual group.

These advertisements must also display the following disclaimer: "This is a paid advertisement. The views expressed are not necessarily the views of TransLink or its subsidiaries."

The disclaimer must be located inside the available advertising space and be either fully below or fully beside the advertising message. The disclaimer must be demarcated from the advertising message and be in a font and colour that can be easily read from a reasonable advertising viewer's distance. This endorsement disclaimer extends to and includes all content that is externally referenced in the advertisement including but not limited to internet addresses, social media links, and quick response (QR) codes.

The disclaimer described above may not be required where TransLink supports the message in the advertisement and:

- a) has publicly endorsed the advertising message within the past 12 months,
- b) has an active relationship with the advertiser (e.g. current supplier, community partnership agreement), or
- c) the message is aligned with a policy adopted by the TransLink Board or CEO.

Notwithstanding that TransLink or its advertising licensees or contractors has not refused approval of advertising prior to its display, TransLink or its advertising licensees or contractors may subsequently, after display of the advertising has begun, require prompt removal of the advertising, if TransLink or its advertising licensees or contractors determine that the advertising does not comply with the provisions of this policy.



5. COMPLAINT PROCESS:

An individual wishing to make a complaint about an advertisement posted on transit vehicles or property may file a complaint with Advertising Standards Canada at www.Adstandards.com for a review of the advertising under the *Canadian Code of Advertising Standards*. If Advertising Standards Canada reviews an advertisement posted on transit vehicles or property and finds that it violates the *Canadian Code of Advertising Standards* then TransLink's Director, Commercial Programs & Partnerships, or its delegate, will review the advertisement and take appropriate action. In the event that Advertising Standards Canada determines that a complaint is not within its mandate to investigate, the individual may refer the complaint to TransLink's Director, Commercial Programs & Partnerships, or its delegate, for review to determine whether the advertisement at issue complies with this Policy.

If TransLink or its licensees or contractors have determined that an advertisement does not comply with the guidelines for acceptance in this policy, the advertiser may request, through TransLink's Director, Commercial Programs & Partnerships, or its delegate, a review by TransLink of the decision. TransLink Director, Commercial Programs & Partnerships, or its delegate, will review the decision for determination as to whether the policy was properly applied in accordance with the prevailing advertising review process and in the context of the objective of providing a safe and welcoming public transit system, and, as part of that review, TransLink staff may conduct a further review and may consult with Advertising Standards Canada to determine whether this Policy was properly applied. TransLink will provide the advertiser with a written response setting out the reasons for either declining or accepting the advertisement in question.