



**COVID-19 EMERGENCY  
RELIEF FUNDS –  
ALLOCATION FOR  
COMPANIES OWNED BY  
BLACK PEOPLE &  
PEOPLE OF COLOUR  
CRITERIA**

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# 1. GENERAL INFORMATION

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## Interpretation, Application, Disclaimer, and other Important Information

These Criteria for the COVID-19 CMF Emergency Relief Funds – Allocation for Companies Owned by Black People & People of Colour (“**BPOC Allocation**”) are for the information and convenience of Applicants (as defined in section 3.1) to the Canada Media Fund (CMF). They provide an overview of the objectives of the Emergency Relief Funds, eligibility to receive the BPOC Allocation of the Emergency Relief Funds and information on typical administrative practices of the CMF. Compliance with these Criteria is a prerequisite to eligibility for the BPOC Allocation of the Emergency Relief Funds.

The CMF has full discretion in the application of these Criteria, to ensure funds are provided to those Applicants that meet the objectives established by the Government of Canada. In all questions of interpretation of these Criteria, the CMF interpretation shall prevail.

All Applicants must abide by the applicable business, administrative and reporting requirements established by the CMF in the distribution of the BPOC Allocation of the Emergency Relief Funds.

*Please note: These Criteria may be changed or modified as required, without notice. Please consult the CMF website at [www.cmf-fmc.ca](http://www.cmf-fmc.ca) for the latest Emergency Relief Funds news and documentation.*

## Provision of Documentation

It is the responsibility of the Applicant to ensure that the CMF receives all relevant documentation and to update such documentation and information after a material change. The CMF may request other documentation and information to conduct an assessment and evaluation of the Applicant and, once assessed, to complete CMF file reviews.

## Failure to Comply

If an Applicant fails to comply with these Criteria, as determined by the CMF, then the CMF may refuse the application, revoke the eligibility status of the Applicant and may demand repayment of any sums paid to the Applicant.

## Misrepresentation

If, at any time, an Applicant, as required by the Criteria or as requested by the CMF, provides false information or omits material information in connection with an application, the Applicant may suffer serious consequences. These may include, among other outcomes:

- Loss of eligibility for funding
- Repayment of any funds already advanced, with interest
- Criminal prosecution, in the case of fraud

These measures may be imposed not only on the Applicant but also on related, associated and affiliated companies and individuals (as determined by the CMF at its sole discretion). Any Applicant receiving approval for funding will be required to sign a legally enforceable agreement, which includes further provisions concerning misrepresentations, defaults, and related matters.

## 2. COVID-19 EMERGENCY RELIEF FUNDS – ALLOCATION FOR COMPANIES OWNED BY BLACK PEOPLE & PEOPLE OF COLOUR

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### 2.1 INTRODUCTION

On April 17, 2020, the Government of Canada announced it would provide \$500M to Canada’s cultural and sporting sectors in a bid to help artists, athletes and their organizations during the COVID-19 pandemic (“**Heritage Emergency Relief Fund**”).

From May 20 to June 12, 2020, the CMF received applications for the portion of the Heritage Emergency Relief Fund allocated to previous eligible Canada Media Fund recipients (“**CMF Allocation**”).

On July 3, 2020, the CMF announced that \$13.3M of the Heritage Emergency Relief Fund administered by the CMF would be devoted to underrepresented groups, including support for companies owned and led by Black people and people of colour.

On September 22, 2020, the CMF announced the Top-Up for Companies Owned by Black People & People of Colour which provided eligible Applicants with an added amount to top-up the amounts they received from the CMF Allocation.

This Program, the Allocation for Companies Owned by Black People & People of Colour (“**BPOC Allocation**”), is a further initiative in the CMF’s approach to distributing its portion of the Heritage Emergency Relief Fund to racialized communities.

The Criteria below outline the parameters for how the BPOC Allocation will be distributed including relevant eligibility criteria and the responsibilities and requirements for each Applicant.

Eligible Applicants will be awarded funding on a first-come, first-served basis until resources for the Program are depleted or until the application deadline, whichever comes first. In the event that a large number of Applicants apply for funding through the BPOC Allocation, the CMF may distribute funds to eligible Applicants on a proportional (pro-rated) basis or elect to distribute funding in some other equitable manner, to be determined in the CMF’s sole discretion.

## 3. ELIGIBILITY FOR FUNDING

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### 3.1 ELIGIBLE APPLICANTS

An Applicant for the BPOC Allocation must meet – **and can affirm and attest**<sup>1</sup> – to the following eligibility criteria:

- is a Canadian-controlled (as determined under sections 26 to 28 of the *Investment Canada Act*) active parent corporation (including all the corporation’s affiliates, subsidiaries and Related Parties<sup>2</sup>);
- is majority owned and controlled by an individual(s) that is a member of a racialized community that meets the definition of ‘member of visible minorities’ under the *Employment Equity Act*;
- owns the rights in a project (and retains a financial interest in the project that is proportional to that ownership). that, between January 1, 2013 and February 28, 2020 (“**Eligible Time Period**”), meets either of the options for Linear or Interactive content noted below:

#### *Linear Content*

- The project was originally broadcast<sup>3</sup> (or released<sup>4</sup> on a digital platform<sup>5</sup>);

OR

- The Applicant received a financial commitment from a domestic or international third party (i.e., other than the CMF and the Applicant, or a Related Party to the Applicant), including but not limited to broadcasters, digital or traditional distributors, provincial agencies, public and private funding agencies, and successful crowdfunding campaigns, for the development of the project, with the objective of having it broadcast on television or released on a digital platform.

#### *Interactive Content*

- The digital media project (e.g., videogames, virtual/augmented/extended reality experiences, etc.) for entertainment or culturally enriching purposes (i.e., in the areas of performing arts, literary arts, visual arts, etc.), was originally released domestically or internationally for commercial exploitation;

OR

- The Applicant either,
  - received a financial commitment from a domestic or international third party (i.e., other than the CMF and the Applicant, or a Related Party to the Applicant), including but not limited to publishers, market channel partners, digital or traditional distributors, provincial agencies, public and private funding agencies, and successful crowdfunding campaigns, for the prototyping of the project with the objective of having it released and commercially exploited; or

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<sup>1</sup>Along with their application, Eligible Applicants will need to submit a signed attestation.

<sup>2</sup>Defined in accordance with the *CMF’s Accounting and Reporting Requirements*, Related Parties exist when one party has the ability to exercise, directly or indirectly, control, joint control or significant influence over the other. Two or more parties are related when they are subject to common control, joint control or common significant influence.

<sup>3</sup>“Broadcast” in this Program shall be defined in accordance with Canada’s *Broadcasting Act*, only apply to arms-length entities which do not meet the CMF’s definition of a “Related Party” (defined above) to the Applicant company and apply to both Canadian or international broadcast entities.

<sup>4</sup>“Released” in this Program shall not include self-released or Applicant-uploaded content (e.g., YouTube) and shall only apply in reference to arms-length entities which do not meet the CMF’s definition of a “Related Party” (defined above) to the Applicant company.

<sup>5</sup>“Digital platform” in this Program shall apply to Canadian and international arms-length entities which do not meet the CMF’s definition of a “Related Party” (defined above) to the Applicant company. For clarity, self-released or Applicant-uploaded content (e.g., YouTube) is ineligible in this Program.

- participated in a domestic or international incubator, accelerator or formal mentorship program in order to further develop their digital media project.

For clarity, while projects used for eligibility to the BPOC Allocation may include linear content outside of the CMF’s four supported genres of Drama, Documentary, Children & Youth and Variety and Performing Arts, projects – regardless of peripheral format/packaging/presentation – that have a primary purpose<sup>6</sup> which is not entertainment or cultural enrichment, may not be used for eligibility to the BPOC Allocation.

- is a for-profit (i.e. a taxable Canadian corporation, within the meaning of Canada’s *Income Tax Act*) company.
- has its head office in Canada and carries out its activities in Canada;
- is not insolvent or bankrupt, or in the course of the reorganization of its business within the meaning of the *Bankruptcy and Insolvency Act (Canada)*;
- it is not receiving funding from other Government of Canada COVID-19 response initiatives (e.g., Canada Emergency Response Benefit, Canada Emergency Wage Subsidy, Canada Emergency Business Account, Canada Emergency Commercial Rent Assistance for Small Businesses) (“**General Emergency Relief Funds**”) to cover the same costs as those applied for through the BPOC Allocation. Further, if an Applicant *subsequently* receives General Emergency Relief Funds, it will not use that funding to cover the same costs as those applied for through the BPOC Allocation;
- Meets the definition of the following:
  - **“Pool A” Applicant:** has received a financial contribution(s) from any (or a combination) of the Heritage Emergency Relief Fund (defined above) programs administered by the CMF or Telefilm Canada of at least \$70,000.
  - OR
  - **“Pool B” Applicant:** either,
    - has not received any financial contribution from any (or a combination) of the Heritage Emergency Relief Fund (defined above) programs administered by the CMF or Telefilm Canada; or
    - has received a financial contribution(s) less than \$70,000 from any (or a combination) of the Heritage Emergency Relief Fund programs administered by the CMF or Telefilm Canada.
- it can demonstrate a projected negative financial impact of at least 25% of its activities;
- it remains in operation at the time of application and plans to continue contributing to its sector in the future;
- it will maintain its Canadian-controlled status for at least 12-months following receipt of any funds in the BPOC Allocation;
- where relevant, funds will be used to support business continuity, including operational expenses like salaries for payments to workers such as the self-employed and freelance workers, artists, and creators and, where applicable, project-specific expenses of the Applicant; and
- it will use the money according to the objectives of the Government of Canada and the spirit and intent of these Criteria.

For clarity, Eligible Applicants may only apply once to the BPOC Allocation.

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<sup>6</sup>For further clarity, content, including but not limited to, sports, religious programming, music videos, instructional, educational, medical, scientific, research, advertising, infomercials, promotional, fundraising, pep rallies and corporate/industrial content may not be used for eligibility to the BPOC Allocation.

## 4. FUNDING

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### 4.1 NATURE OF FUNDING CONTRIBUTION

The BPOC Allocation will be in the form of a non-repayable contribution.

### 4.2 AMOUNT OF FUNDING CONTRIBUTION

For clarity, Pool A Applicants will be evaluated separately from Pool B Applicants and **Eligible Applicants may not apply to more than one Pool in the BPOC Allocation.**

If eligible, Pool A Applicants shall receive a maximum amount of \$60,000.

If eligible, Pool B Applicants shall receive a maximum amount of \$35,000.

#### 4.2.1 Eligible Costs

BPOC Allocation amounts are to be used exclusively to support business continuity, including operational expenses like salaries for payments to workers such as the self-employed and freelance workers, artists, and creators and, where applicable, project-specific expenses of the Applicant.

While Applicants will still be eligible for the BPOC Allocation if they received General Emergency Relief Funds (as defined in section 3.1 and including the Canada Emergency Wage Subsidy, Temporary 10% Wage Subsidy and the Canada Emergency Business Account, amongst others) they will be prohibited from using funding from General Emergency Relief Funds and the BPOC Allocation on the same expenses.

## 5. APPLICATION PROCESS

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### 5.1 HOW TO APPLY

**All new Applicants must create an account in Dialogue before applying. For any questions, please consult the Dialogue Guide: <https://telefilm.ca/wp-content/uploads/userguidehowtonavigatedialoguefinaldraft.pdf>.**

**All Applicants must apply online using [Dialogue](#).**

Applicants must submit the appropriate application form, duly completed and signed, together with all required documentation, including the Applicant attestation form, via Dialogue.

Documents required at the time an application is submitted is available on the Emergency Relief Funds – BPOC Allocation page on the CMF's website. All subsequent documentation must be submitted online through Dialogue. If you have technical difficulties, please contact [Services@telefilm.ca](mailto:Services@telefilm.ca).