

# **STATUS OF THE ARTIST**

## **What is "Status of the Artist"?**

The focus of the "Status of the Artist" studies and lobbying has been to ensure that artists have the same benefits and freedoms held by the majority of other Canadian workers, including the right to equitable remuneration for their work. This does not mean according special treatment to artists. Instead, it recognizes that special legislation is required to respond to the unique manner in which professional artists work.

## **Why aren't existing provincial labour codes adequate?**

Existing provincial labour codes have been set up to deal with relationships between employees and employers in traditional workplaces. In most cases, they don't cover artists, who are predominantly independent contractors. Engagers do not "employ" artists. Instead, they contract for their services (e.g. as a performer) for specific periods of time or for a number of uses. Often an artist has multiple engagers in the course of a year. What artists need is separate legislation that addresses their unique working arrangements.

## **How has Status of the Artist been implemented at the federal level?**

In Canada, the focus of Status of the Artist lobbying has been on empowering professional associations to represent artists collectively.

In 1987, Québec passed legislation to oversee the collective bargaining activities for professional artists and their engagers. In 1992, the federal government passed similar legislation and in 1995, the federal Canadian Artists and Producers Professional Relations Tribunal (CAPPRT) was established. Although discussion papers have been developed in several provinces, there is no legislation in place other than in Québec.

Both the federal and Québec legislation empower tribunals to recognize professional artists' organizations as the exclusive representatives of artists in a defined sector. Once this recognition is granted, all those who engage professional artists in that sector are obligated to negotiate with the certified bargaining agent in good faith to reach an agreement to govern the conditions of engagement for that group of artists.

Like labour codes, the legislation provides that the artists' associations must represent all individuals fairly, mandates minimum standards for the agreements and establishes procedures when the parties are unable to reach agreement.

## **Why is provincial Status of the Artist legislation needed now?**

For decades, organizations such as the AFM, ACTRA, Actors' Equity, and other associations representing professional musicians, actors, performers and other artists have negotiated and administered agreements with groups of engagers. These agreements provide for minimum terms and conditions of employment. This system has worked until now as an informal arrangement voluntarily entered into by the parties involved. However, with the growth of the cultural sector over the past 15 years, and the economic changes that are occurring internationally, informal conventions that previously formed the basis of collective agreements have increasingly become the focus of legal attacks. The result has been increased conflict and uncertainty for artists in their working environment.

While there is federal legislation now in place, most cultural production in Canada occurs in areas where jurisdiction is provincial, not federal. In these areas, rights for artists can only be provided by the provincial governments.

**Who would be affected by this legislation?**

All self-employed artists — musicians, actors, writers, visual artists, singers, composers, dancers, choreographers, photographers.

**What would it cost to implement this legislation?**

The only real cost would be in creating and staffing an Artists and Producers Professional Relations Tribunal in each province.

**What would change with this legislation in place?**

All producers/engagers in the artistic community would be obligated by law to negotiate with recognized professional associations. These associations, acting as collective bargaining agents, would be able to insist that engagers meet with them to establish minimum fees and working conditions for the groups of artists represented by the association, and would have legal recourse if engagers refused to do so. This would give artists the rights and protections that other Canadian workers already have, while acknowledging their unique working conditions.

*This document is based in part on a summary prepared by the Ontario Status of the Artist Coalition, representing more than 12,000 professional actors, directors and writers working in the cultural sector in Ontario.*