

Report of the Minister's Advisory Committee on Status of the Artist

**Ministerial Advisory Committee on the Status of the Artist**

**Final Report**

**A Report to the  
Minister of Culture, Youth and Recreation**

**October, 2003**

Report of the Minister's Advisory Committee on Status of the Artist

October 2003

Honourable Joan Beatty  
Minister of Culture, Youth and Recreation  
Room 345, Legislative Building  
REGINA SK S4S 0B3

Dear Minister Beatty:

We are pleased to present you with the Ministerial Advisory Committee on Status of the Artist Final Report. We encourage you to seriously consider the recommendations in the report and to initiate the appropriate legislative amendments, policies and programs.

We thank you for the opportunity to serve on this committee.

Respectfully submitted,



Barbara Young, Chair



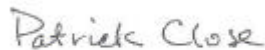
Kent Allen



Allen Lefebvre



Mike Burns



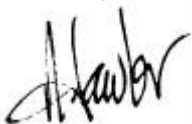
Patrick Close



Charley Farrero



Eileen Laverty



David Lawlor

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## MESSAGE FROM THE CHAIR

The Minister's Advisory Committee on Status of the Artist (MACSA) began in September 2002. The Final Report was presented to the Minister of Culture, Youth, and Recreation in October 2003.

The *Status of the Artist Act*, passed in June of 2002, served as a foundation document for MACSA's work. Our task was to advise the Minister on practical measures that would have a real impact on the lives of artists in Saskatchewan. The committee was asked to provide the Minister with strategies that could be realistically achieved in the short term and to consider key long term strategies that would foster the environment envisioned by the *Status of the Artist Act*.

We began by looking at the history of the status of the artist in Saskatchewan and in Canada. The work of the 1993 Minister's Advisory Committee on Status of the Artist was invaluable in setting the stage for our work, laying out the issues and suggesting courses of action. As a committee, we engaged in intensive dialogue and debate and worked for consensus on a vision for equity and economic and social justice for artists. We were concerned that the voices of all artists from many disciplines were considered. While artists share issues with the larger work force they also have a diversity of employment patterns. MACSA took the time to work through the impact that recommendations would have on the individual artist.

In carrying out its mandate, the committee met with individuals and the representatives of several organizations. In May 2003, a progress report was released and provincial and national organizations and individuals shared their views with the committee, giving support to the direction that the recommendations were beginning to take, and providing information that influenced the final recommendations found in this report. There was a universal theme in the feedback to the committee that the time has come to move on the agenda of raising the status of the artist in Saskatchewan. The committee thanks all of those individuals and organizations who enriched our dialogue with their advice and opinions.

Time did not allow MACSA to complete work in all of the strategic areas that were identified; however, we believe that the practical suggestions that are offered will begin the journey toward equity in the short term and paint the beginning of a vision for future work on status of the artist.

The committee is indebted to Paul Wilson for the excellent support services he provided. His untiring efforts to capture our dialogue in the written word and to prepare the many drafts that it took to achieve consensus was greatly appreciated. The editing skills of Dawn Martin and the support of the staff of Culture, Youth, and Recreation further enhanced the report.

Finally, as chair of MACSA, I was impressed by the breadth and depth of the committee. Their passion for their work, their ability to share differing points of view and their marvelous ability to listen one another made this time together an enriching experience for all.

Barbara Young, Chair, Minister's Advisory Committee on Status of the Artist

## **PROFILES OF MACSA MEMBERS:**

### **Barbara Young, Chair**

Barbara has had a long career as an educator. She holds Masters degrees in Curriculum and Special Education and a Doctorate in Policy and Administration. During her career as an educator she was an advocate for arts education and for human rights and cross-cultural policies and programs. She was a member of the Provincial Task Force and Public Dialogue on the Role of the School, which released its final report in 2001.

Barbara served as the president of the Saskatchewan League of Educational Administrators, Directors and Superintendents in 2000 and received the Saskatchewan Council on Educational Administration Leadership Excellence Award in 2001. She served as chair of the Globe Theatre Board of Directors from 1988 to 1991 and was the recipient of the 1993 Regina Mayor's Community Volunteer Award in the Arts.

She is currently a consultant in organization development, evaluation, and conflict resolution and serves as vice chair of the Globe Theatre Board of Directors.

Barbara brings to MASCA her love of the arts and her commitment to improving the status of Saskatchewan artists. Through her understanding of effective communication processes, her openness and her generosity, Barbara has made a real difference in moving the status-of-the-artist initiative in Saskatchewan forward.

### **Kent Allen**

Kent is a widely known actor who has worked for stage and screen. Kent has appeared at Saskatoon's Persephone Theatre in *Buddy: The Buddy Holly Story* as well as in *Anne*. He appeared as Theseus/Oberon in *Twelfth Night* at Magnus Theatre, Odysseus in *The Odyssey* at Manitoba Theatre for Young People, and as Antonio in *Vinci* at Centaur Theatre in Montreal. He also appeared in another season of *Prairie Berry Pie*, a children's TV series on APTN and SCN, and in Anne Wheeler's *Betrayed* on CBC. Kent has just returned after undertaking the "role" of stage manager for Persephone's Youth Tour. Kent is an active member of ACTRA and Actors Equity, and brought a wealth of professional experience to MACSA. Kent lives in Saskatoon with his wife Kathy, and their children Lauren and Dominic.

### **Mike Burns**

Mike has been an active promoter in the Saskatchewan music and arts community for more than 20 years. In the 1990s, Mike began to work in the film industry as an actor; his work in this area led him to the presidency of ACTRA Saskatchewan and then to the position of the Saskatchewan branch national councilor. From 1998-2002 he was an advisor to the City of Regina Arts Commission. During this time he was employed as program officer for the Saskatchewan Cultural Exchange Society, where he was able to substantially contribute to that organization's support for grassroots provincial arts activity. Recently, Mike was appointed branch representative for ACTRA Saskatchewan. Mike is active in community radio and soccer, and has an active family life.

**Patrick Close**

Patrick has been president of the Canadian Conference of the Arts, a member of the Saskatchewan Advisory Committee on the Status of the Artist and the chairperson of the Saskatchewan Arts Strategy Implementation Management Committee. He is currently executive director of CARFAC SASK, a non-profit provincial service organization for Saskatchewan visual artists. He has also been director/curator of the Photographers Gallery in Saskatoon, visual arts consultant to the Saskatchewan Arts Board, and education coordinator for the Museums Association of Saskatchewan.

He studied psychology, philosophy and art at McGill University and at the University of Saskatchewan. Patrick maintains an active art practice, and his works are included in provincial, national and international collections. He has appeared at universities and galleries across Canada as a guest artist and lecturer. He has received awards from the Canada Council, the Saskatchewan Arts Board, and the Canadian Museums Association. Patrick was born and raised in Saskatchewan. He has lived and worked in Saskatchewan, Quebec, British Columbia and in Europe. He is a respected leader and passionate advocate for the arts.

**Charley Farrero**

Originally from France, Charley has worked as a ceramic artist since 1972. He has been president of the Canadian Craft Council and chairperson of the Saskatchewan Craft Council. He has served on the Saskatchewan Arts Board. He has been a juror, a curator, an invited artist, and a teacher in the ceramics field. He is also the president of Sask Terra, the provincial ceramic association. His one-of-a-kind sculptural pieces incorporate slipcast objects, handbuilt additions, grout, ceramic frames and shards, as well as commercial tiles and found objects. He also makes plates, platters, vases, bowls and planters. He uses all techniques and firing processes. He has had many solo exhibitions and participated in numerous group exhibitions in Canada and abroad. He lives in Meacham, Saskatchewan, where he has his studio.

**Louise Halfe**

Louise, also known as Sky Dancer, is a poet and the author of *Bear Bones & Feathers*, which was short-listed for the Spirit of Saskatchewan Award, the Saskatchewan First Book Award, the Gerald Lambert Award, and the Pat Lowther First Book Award, and in 1996 won the Milton Acorn Award. Her second book, *Blue Marrow*, was also short-listed for a number of awards, including the 1998 Governor General's Award. Her work has appeared in various anthologies and magazines and she has traveled extensively across Canada and abroad giving readings and presentations of her work. Louise Halfe was a member of the Saskatchewan Arts Board from 2001 to 2003.

**David Lawlor**

David's musical credits extend well beyond the borders of Saskatchewan. He spent two years as a studio musician in Montreal and acted as arranger and musical director for the Nashville recording sessions of a local Saskatchewan country artist. He was the first foreign musician invited to perform in Jilin City, Jilin province, People's Republic of China. David has performed in Belgium with singer-songwriter Michel Lalonde on a European radio broadcast and continues to perform nationally with the French traditional

music ensemble *La Raquette à Claquettes*, which was nominated for Best Francophone Album and was featured at the 2001 Prairie Music Awards in Edmonton.

David maintains a national reputation as a talented film and television composer. He successfully uses the Internet and new technologies to work with clients from Vancouver to Montreal. He composed the music for the multimedia play *Via le Net*, which was performed internationally on the Internet. His compositions for *Incredible Story Studio* are broadcast on cable networks such as YTV, Discovery Kids and the Disney Channel in more than 50 countries around the world.

### **Eileen Laverty**

Originally from Belfast, Northern Ireland, Eileen Laverty relocated to Saskatoon as a youngster but hasn't lost the lovely Irish lilt. She began her musical career with a Celtic band, leaving in 1996 to pursue a solo career as a singer-songwriter. In September 1997 Laverty was invited to showcase at the Saskatchewan Recording Industry Association's All-Indie Weekend, drawing encouraging reviews from national music publications *The Record* and *Chart Magazine*. The year culminated in a guest performance with Tom Jackson's Huron Carole to a capacity crowd in Regina's Centre of the Arts. Eileen has performed on CBC's *Afternoon Edition* and in March 1998 taped a feature show for CBC's *Gallery* series. In 1999 Eileen was invited to co-host the Saturday Night Main Stage at the Regina Folk Festival. As well as performing an afternoon concert, she participated in a number of festival workshops with artists such as Stephen Fearing, Ferron, Ray Bonneville and the Paperboys. Her CD *Dancing with Angels* reflects her musical experiences on both sides of the Atlantic. Eileen is also a high school teacher, a profession she has returned to from time to time to support her first love: music.

### **Allen Lefebvre**

Allen is currently the manager, finance and operations, for the MacKenzie Art Gallery in Regina, a position he has held since 1998. Raised in Humboldt, Saskatchewan, he has maintained a lifelong interest in the art and craft of photography while pursuing a career with various private companies and charitable organizations in the province. From 2000-2002, Allen was the chair of the board of the Saskatchewan Arts Alliance, a time when the organization was very actively lobbying for passage of the *Status of the Artist Act*. He is a firm believer that "all boats rise with the tide," and that the entire arts sector will benefit considerably from the status-of-the-artist initiatives. Allen lives in Regina with his wife and two sons, and has played volunteer leadership roles in a variety of local, provincial and national organizations, most recently as vice-chair of the National Blood Safety Council from 1997-2003.

### **Dawn Martin**

Dawn is the executive director of the Culture and Heritage Branch of Saskatchewan Culture, Youth and Recreation. Beyond her role with government, Dawn has been an active member of the arts and cultural sector for many years. With a 25-year background in theatre, first as a stage manager and then as an administrator, Dawn has contributed to the arts community in a number of ways. As early as the late 1970s, Dawn was the Saskatchewan representative to the Canadian Actors Equity Association Council. As a theatre administrator for both Persephone Theatre and the Shakespeare

on the Saskatchewan Festival, Dawn served on the executive of the Saskatchewan Arts Alliance and in 1993-94 served a term as the association president. In the early 1990s, she also participated in a number of committees associated with the cultural community, including the Ad Hoc Cultural Restructuring Committee, the Arts Strategy Task Force Implementation Management Committee, and the Minister's Advisory Committee on Tourism Partnerships. Since then, she has also served for four years on the Cultural Advisory Committee of SaskCulture.

In addition to her volunteer participation in the arts and cultural community, Dawn has also consulted extensively in the cultural and broader non-profit community, particularly in the area of board governance and strategic planning.

### **Jim McLellan**

During his term as a MACSA member, Jim worked in the Planning and Policy Division of the Department of Labour as Manager, Legal Policy and Legislative Services. He has over 20 years of experience in employment law and has been a lifelong supporter of the arts. Jim lives in Regina

### **Joe van Koeverden ( MACSA member Oct. 2003 to March 2004)**

Joe van Koeverden was appointed president and CEO of the Saskatchewan Gaming Corporation and Casino Regina on April 1, 1999. He is past chair of the board of directors for the Saskatchewan Science Centre and is also an active member of the Regina Chamber of Commerce and the board of the Regina Downtown Association.

He is a graduate of the University of Guelph, where he obtained a Bachelor of Commerce in Hotel and Food Administration. He has also completed a number of post-degree programs, including the Hospitality Management Development Course and Advanced Management Program for Hospitality Industry.

He holds a firm belief in community involvement and can often be seen lending a hand at community events around Regina. He has two sons, aged 21 and 16, who reside in Ontario.

### **Paul Wilson, Support Services**

Paul has over 20 years of experience as an arts administrator in Saskatchewan. He was program director of the Saskatchewan Writers Guild in the 1980s, which was a time of expansion of programming within the organization. Through the 1980s and 1990s Paul was involved in establishing new programming for the SWG, including festivals and conferences, a manuscript-evaluation service, a mentorship program for emerging writers, and many, many author readings. He is also a founder of such programs as the Saskatchewan Book Awards and the Saskatchewan Poet Laureate Program. From November of 1999 to October 2001 Wilson was the executive director of the SWG. He is the author of three books of poetry, the most recent being *The Long Landscape*, which won the City of Regina Book Award in 1999. He lives in Regina with his wife Elizabeth George and their daughters Emily and Sarah.



## **Executive Summary**

"The conditions are ripe in Saskatchewan for Status of the Artist legislation: there is a core group of professional artists which has been committed to the cause for at least a decade, while the culture minister and her staff understand that equity legislation for professional artists will go a long way towards improving working conditions for this group. Only one other Canadian province, Quebec, has such legislation and, therefore, developing a provincial model is a daunting task, but one well worth undertaking."

--Megan Williams, national director of the Canadian Conference of the Arts

### **Process of the Ministerial Advisory Committee on the Status of the Artist**

The work of the Ministerial Advisory Committee on the Status of the Artist (MACSA) began in September 2002, with the appointment of an eleven-person committee by Minister Joanne Crofford. The committee met ten times through its mandate, typically over two days. MACSA used these meetings to consult with individuals and organizations on status-of-the-artist issues. The committee made reports to the Minister following each of their meetings, which were made available to the community on the Department of Culture, Youth and Recreation (CYR) website. In May 2003, Minister Crofford released a progress report from the committee. The report was circulated within the arts sector and a call for responses was distributed to arts organizations and individuals within the arts sector. In June 2003, MACSA received verbal and written presentations from arts organizations and individuals in response to the progress report. Ideas brought forth in consultations and submissions were considered carefully by the committee and many have been incorporated into this final report. The terms of reference of the committee are provided in the appendices of this report.

### **Status of the Artist Act**

The establishment of MACSA followed the enactment of the *Status of the Artist Act* in July 2002. It is through the *Status of the Artist Act* that the parameters for MACSA as an advisory committee to the Minister are set. The Act sets out that the work of the advisory committee(s) is, "to investigate and report to the minister". Further, the Act sets out the "matters concerning artists" the committee is to report on. In shaping the final recommendations for this report, MACSA saw the *Status of the Artist Act* as a strong foundation from which to build and strengthen the status of the artist in Saskatchewan. As enabling legislation, the Act may be amended in order to enhance the Act's effectiveness. With this in mind, there are recommendations within this report that involve legislative change. MACSA has also made recommendations that involve policy and regulatory solutions as well. In order to advance the initiatives outlined in this report, government will need to respond at all three levels of policy: legislative, regulatory, and operational. As well, the arts community itself must bear some responsibility in furthering these initiatives and in supporting the status of artists in the province.

## **The 1993 Status of the Artist Report**

MACSA began its term by reviewing the work of the previous Status of the Artist Advisory Committee, which submitted its report in 1993. Early on in its work, MACSA prioritized recommendations from the 1993 report, focusing on short-term and long-term initiatives that met the criteria outlined in the committee's terms of reference. This process allowed the committee to focus its attention on a manageable number of initiatives. When MACSA began to prepare its final recommendations to the Minister, the recommendations from the 1993 Status of the Artist Report were reviewed in detail by the committee to ensure that the intent of the priority recommendations had been captured.

## **Organization of Report**

In preparing this final report, the Ministerial Advisory Committee on the Status of the Artist thought it was important to reveal how each recommendation was arrived at. MACSA decided that this could be illustrated best by providing detailed background with each recommendation. The recommendations themselves follow the executive summary. This list is intended to be an introduction to the recommendations. Each recommendation is explored in detail within the body of the report, including information on how each recommendation will change the status of the artist in Saskatchewan. Consultations were a constant element of MACSA's work. In addition to public consultations and meetings with arts organizations, MACSA often called upon the advice of individual experts. This report outlines some of the major themes that emerged through the process of consultation and dialogue with the arts sector and others.

## **Strategic Directions**

In approaching the complexity of responding to a multitude of issues that form the status-of-the-artist file, MACSA found it necessary to cluster issues into strategic directions. This process aided the discussion of priorities and helped channel the resources of the committee. The strategic directions arrived at by MACSA are:

- Industry Standards
- Promotion of Artists
- Benefits and Taxation
- Maintenance of the Status-of-the-Artist Initiative
- Education and Training
- Economic Development

While MACSA saw all of the strategic directions as forming the breadth and reach of their work, they concentrated most of their efforts on the first four strategic directions. While these areas were seen as a high priority by MACSA, they felt that the education and training and economic development directions were important as well, but more research and study is needed in these areas before strategic directions and recommendations can be fully developed.

### ***Industry Standards***

MACSA has placed its highest priority on this strategic direction and it is safe to say that the committee spent a good deal of its time discussing and planning toward recommendations in this area. One of the principles adopted in this work was that any model that promotes industry standards must evolve from the strength of existing models. MACSA saw that there were risks inherent in formalizing collective bargaining on a provincial level, as this might jeopardize strongly supported national voluntary agreements that are already in place. MACSA is recommending the development of industry standards through support of the voluntary collective-bargaining process. At present, voluntary collective agreements are in place within film, television, theatre and symphonies. This model will allow for the voluntary model to be developed in disciplines such as writing and visual art where collective agreements don't exist.

It is important to recognize that where artists are employees they are entitled to organize and have access to bargaining rights under the *Trade Union Act*. Some artists prefer employee status, while others prefer to be self-employed. Self-employed artists who would choose to bargain under a strict and mandatory collective-bargaining process such as is offered under the *Trade Union Act* could risk losing their self-employed status.

The process promoted by this report supports bargaining between collective groups of artists and engagers who wish to develop and maintain voluntarily bargained collective agreements. This approach would provide a new focus and direction for status-of-the-artist issues within the arts sector. It is MACSA's advice to the Minister that the development of supports for voluntary collective bargaining be the first priority for government.

The primary means of supporting a voluntary bargaining process will be through the establishment of a quasi-judicial authority. While the final structure of this authority is yet to be determined, some of its recommended roles include:

- Neutral mediation support to the bargaining process between artists and engagers to ensure that voluntary agreements are successfully negotiated;
- Where a clearly identifiable engager or group of engagers does not exist or if the engager does not come to the table, the authority to call hearings involving both artists and engagers to speak to the issues of working conditions. Public hearings featuring dialogue and discussion would allow for the establishment of recommended minimum standards. Decisions coming forth from these hearings would be binding on organizations supported by public funds. These hearings would not be binding on the private sector but they could have a positive influence on scale agreements.

One tangible mechanism MACSA recommends as a support to voluntary collective bargaining is that the *Status of the Artist Act* be amended to include protection for job action in support of voluntary agreements. Currently, any job action in support of voluntary agreements can lead to potential prosecutions under federal competition legislation. The federal legislation specifically excludes trade unions from competitions regulation, but does not exclude voluntary agreements made by professional associations.

MACSA has also provided for a process for strengthening the protection of agreements between individual artists and engagers. This model recognizes that artists' contracts need the same protection under the *Labour Standards Act* as other forms of employment

contracts. This report recommends that the *Labour Standards Act* be amended to allow for enforcement and support of the contracts of self-employed artists under the Labour Standards Branch. This report also recognizes that artists and engagers need to be better informed and educated about contract support services provided through the Department of Justice. Currently, all civil actions must first be mediated through the Department of Justice and artists and engagers should be accessing the mediation process before disputes escalate.

### ***Promotion of Artists***

MACSA has consulted with various entities responsible for procurement in government and has already had an impact on policy direction, including the introduction of a procurement policy requiring adherence to industry standard rates for contractors and subcontractors. MACSA has reviewed public-art policies from a variety of jurisdictions and has considered the implications of pursuing such policies in Saskatchewan. Government is seen in this report as a leader in the promotion of artists within the province, an example that the private sector may well follow in the future.

### ***Benefits and Taxation***

One of the greatest challenges in formulating benefits for artists is that self-employed artists are not in a position to benefit from the contributions of an employer. Some arts labour associations such as ACTRA have been able to form strong benefit programs with universal producer participation. MACSA feels more research is required to best determine how a more inclusive artist-benefit program could be established.

MACSA reviewed the Saskatchewan Pension Plan, and found the program had many attributes that would make it favorable to artists. The flexibility of the plan is particularly attractive. One large drawback of the program is a low annual contribution ceiling due to federal tax regulations. This report recommends a strong provincial lobby to allow the Saskatchewan Pension Plan to increase its annual allocation limit.

MACSA has made inquiries regarding the issue of taxation and artists, and in this report has made a number of recommendations regarding taxation issues. The primary focus of these recommendations is on provincial tax law but it is felt that the provincial government should advocate for change of tax regulations affecting artists when communicating with their federal counterparts.

### ***Maintenance of Status of the Artist Initiative***

The twelve-month mandate of MACSA has allowed the committee to gather information and formulate priorities and directions, yet there are many issues that face Saskatchewan artists that MACSA did not have time to cover extensively in their one-year term. In two areas in particular – education and training and economic development – more time is required to formulate strategies and initiatives. This report recommends the extension of the advisory function with the ultimate goal being an ongoing Status of the Artist Advisory Committee with direct reporting responsibilities to the Minister. This report suggests a legislative solution for the continuance of an advisory committee. MACSA sees a need for an internal information and education campaign within government to facilitate a deeper understanding of status issues and how they impact on the work of government.

### ***Education and Training***

MACSA has reviewed access to training and professional development for artists in the province in a wide range of areas, from Occupational Health and Safety to formal post-secondary education. The committee recognizes that the key role in furthering the interests of artists in education and training lies with the arts sector associations and to some extent with government. In many cases, arts associations supply much-needed education, training and professional development through publications, workshops, and forums. MACSA began to explore the issue of arts education in public schools, and will continue to gather more information in order to enhance the status of artists. This is one strategic area that will require further work within an ongoing advisory committee.

### ***Economic Development***

The announcement by the premier in May 2003 that new funds would be allocated to the Saskatchewan Arts Board was welcome news to the arts community. MACSA sees this increase as an important first step, but if long-term needs are to be met within the sector, a further increase to the Saskatchewan Arts Board's funding base will be needed. MACSA has reviewed models for income stabilization in other industrial sectors to identify options for artists, but more work will need to be done in this area. MACSA did not fully explore the roles the cultural industries now play in improving the status of artists and roles they may play in the future.

### ***Impact Statement***

"Art and craft are a part of our history and our society, a way of life, not something external. We agreed with the holistic definition of artists; however, we challenge the committee (MACSA) to not just define artists and safety nets but to create awareness of the arts..."

--Saskatchewan Craft Council

For many years now, the elements required to improve the status of artists have been discussed in Saskatchewan and across Canada. What is needed now is to identify factors that will have an impact on Saskatchewan artists, and make a significant difference in their lives. What has become clear to MACSA through this process is that one can't talk about raising the status of the *artists* without also discussing how to raise the status of the *arts*. The measures created through this report provide a gateway for artists to be recognized and understood as crucial participants in our society. While there is much more work to be done, what is recommended here lays the foundation.

MACSA saw the need to preserve and strengthen those models within the arts sector that are working well. Beyond recognition, which the *Status of the Artist Act* provides now, artists require a model for fair compensation that will support their rights. This model will provide artists with the path to reinforce basic contractual rights whether bargained collectively or individually.

The roles and responsibilities government has in relation to arts and the artists will change. Through the *Status of the Artist Act*, and proposed amendments in this report, government will become an ally and advocate of the artist. Government will gain a clearer understanding of equity issues for artists through the ongoing advice of a permanent advisory committee and through the development of mechanisms to support fair compensation for artists.

While this report advocates a measured approach to implementing change for artists, the impact of this change cannot be underestimated. There are no provincial jurisdictions outside of Quebec that have advanced this far down the Status of the Artist road. What we do here in Saskatchewan will have a profound impact on what might be considered in the future in other provinces. Let us move forward promptly and confidently.

## Summary of Recommendations

### Recommendation 1 - Support for Voluntary Collective Bargaining

Strategic Area: Industry Standards

*That the Saskatchewan Government amend the Status of the Artist Act to establish the legal authority to intervene and provide dispute resolution in support of voluntary collective bargaining between artists and engagers. These powers would include the ability to hold hearings designed to recommend minimum industry standards within the arts sector.*

**Short Term Approach:** *To delegate the new authority to an existing body in government already providing similar services. Examples for consideration include the Department of Justice Mediation Services and the Labour Relations Board.*

**Ultimate Objective:** *To establish an Artists & Producers Commission(er) that would function at arm's length from government and possess quasi-judicial authority.*

The starting point for fair compensation for artists is the provision of supports for the voluntary collective bargaining process. Voluntary collective bargaining is working well in some sectors and a system of support for dispute resolution will serve to support this approach to fair compensation. The recommendation also recognizes that some sectors do not lend themselves to collective bargaining and therefore proposes a mechanism to identify fair standard working conditions for artists where collective bargaining is not an option.

Background on Page 4

### Recommendation 2 - Protection for Job Action

Strategic Area: Industry Standards - Short Term: Immediate action

*That the Saskatchewan Government amend the Status of the Artist Act to include protection for job action by artist associations in support of voluntary collective bargaining.*

This recommendation recognizes the right of artists to take the necessary action to protect their collectively bargained voluntary agreements. This recommendation is the highest priority in providing mechanisms to support voluntary collective bargaining.

Background on Page 8

### **Recommendation 3 - Enforcement Support**

Strategic Area: Industry Standards - Short Term: Immediate action

*That the Department of Labour, Labour Standards Branch, be authorized to provide enforcement support to self-employed artists upon the contravention of their contracts by individual engagers.*

Many artists earn their livelihood through individual "fee for service" contracts. This recommendation provides individual artists with a support prior to legal action. Because of their self-employed status, artists do not currently have access supports from Labour Standards Branch.

Background on Page 8

### **Recommendation 4 - Definitions of Professional Artist**

Strategic Area: Industry Standards - Short Term: Immediate action

*That the Saskatchewan Government amend the Status of the Artist Act to provide for a revised definition of "artist" and a new definition of "professional".*

This recommendation arises from the need within the arts sector to strengthen and clarify the intent of the *Status of the Artist Act* by clearly defining to whom it applies. It has been recommended that the definition of "artist" be amended to incorporate the role of artistic intent within the Act. It has been recommended that the definition of "professional" be added to delineate the applicability of the Act to those who are considered professional within their field. Both proposed definitions were arrived at through public consultations with artists and arts associations.

Background on Page 9

### **Recommendation 5 - Provincial tax exemption for artist assistance grants**

Strategic Area: Benefits and Taxation – Short Term: Immediate Action

*That the Saskatchewan Government fully exempt from provincial income tax any grant income earned by individual artists through awards from the Canada Council for the Arts, the Saskatchewan Arts Board and other Canadian granting agencies.*

This recommendation recognizes that individual assistance grants buy time for artists to research and create new works. By providing a tax exemption to these working artists, more time and grant revenue will be focused on the development of new work.

Background on Page 11

**Recommendation 6 - Provincial tax exemption: royalties, income**

Strategic Area: Benefits and Taxation - Long Term: Future action

*That the Saskatchewan Government provide a provincial tax exemption of up to \$30,000 per year on income derived from copyright, neighboring rights and/or other income derived from the sale of any creative work.*

This recommendation recognizes the contribution artists make to our society. Tax regulation that supports artists would not only stimulate activity from artists in our local economy but would also make Saskatchewan an "artist friendly" jurisdiction, perhaps prompting artists to move here.

Background on Page 12

**Recommendation 7 - Saskatchewan Pension Plan**

Strategic Area: Benefits and Taxation - Short Term: Immediate Action

*That the Saskatchewan Government support the Saskatchewan Pension Plan in their efforts to lobby the federal government to change the current restrictions on allowable annual contribution.*

The Saskatchewan Pension Plan (SPP) could present a real option for artists and other self-employed workers. The program is hampered in that annual contributions are limited to \$600. If these restrictions were removed, individual or even group plans for artists through the SPP may become feasible.

Background on Page 13

**Recommendation 8 - Reappointment of the Minister's Advisory Committee**

Strategic Area: Maintenance of the Status of the Artist Initiative - Short Term: Immediate action

*That a Ministerial Advisory Committee on the Status of the Artist be appointed for at least one more year and in its second year MACSA be provided with resources to expand its consultations with artists, engagers and arts organizations.*

This recommendation would allow for the continuation of the work that remains following the initial appointment of MACSA for one year. This recommendation would provide time for the evolution of a more permanent legislative solution as outlined in Recommendation 9.

Background on Page 14



### **Recommendation 9 - Permanent Advisory Committee**

Strategic Area: Maintenance of Status of the Artist - Short Term: Immediate action

*That the Saskatchewan Government amend the Status of the Artist Act to provide for the creation of a permanent Ministerial Advisory Committee which would report to the Minister responsible for the arts. The duties of the Status of the Artists Advisory Committee would include: a.) advising the Minister on status-of-the-artist issues; b.) providing consultation with the arts community on status-of-the-artist issues; and c.) proposing research on economic and social equity for artists.*

This recommendation recognizes that progress for artists is long-range. Ongoing attention must be paid to the issues if the status-of-the-artist initiative is to keep moving forward.

Background on Page 14

### **Recommendation 10- Government Education Campaign**

Strategic Area: Maintenance of Status of the Artist Initiative - Short Term: Immediate action

*That there be an internal information and education campaign within government to provide background on the implications of the Status of the Artist Act for the work of government. This information and education campaign should be initiated within the Department of Culture, Youth and Recreation and focus on issues arising out of the Status of the Artist Act and new status-of-the-artist initiatives brought forth by the Minister.*

This recommendation recognizes the importance of facilitating the understanding of new legislation, regulation and policy within government. The current legislation and proposed changes have a clear impact on how government and artists interrelate. This process would provide a pan-government approach to information sharing and education.

Background on Page 15

### **Recommendation 11- Information for Artists**

Strategic Area: Maintenance of Status of the Artist - Short Term: Immediate Action

*That the Department of Culture, Youth and Recreation, in partnership with the Saskatchewan Arts Alliance, develop an informational tool to inform artists of status-of-the-artist issues and the supports and processes that are available to address those issues.*

The informational tool suggested would be designed to both inform artists on status-of-the-artist issues and to provide a clear indication of where they can go for assistance.

Background on Page 16

### **Recommendation 12 - Crown Corporation Agreement**

Strategic Area: Promotion of Artists - Short Term: Immediate action

*That MACSA, with the assistance of the Department of Culture, Youth and Recreation, develop with the provincial Crown Corporations a "principles of engagement" document similar to the agreement that exists between the Crowns and the construction industry.*

In its consultation with the Crown Investments Corporation, MACSA learned of the existence of a "principles of engagement" document established between the construction industry and the Crown Corporations. This recommendation seeks to strengthen the relationship between artists and the Crown Corporations.

Background on Page 17

### **Recommendation 13 - Procurement Policies**

Strategic Area: Promotion of Artists - Short Term: Immediate action

*That the Saskatchewan Government establish a policy for the purchase of art works and the commissioning of literary and performance art for government and Crown agency buildings, with Saskatchewan works given priority. Further, that the Saskatchewan Government establish a policy that at least one percent of the capital construction costs of new and refurbished government buildings be spent on art. The policy will provide that all art disciplines should be considered when purchasing art.*

Visibility provides artists with economic opportunity. A policy of purchasing Saskatchewan art in various disciplines for government spaces sends a clear message to the public about the value of artists and arts in our province. MACSA researched a number of similar policies in place in Canadian cities. This policy would provide a new economic opportunity for Saskatchewan artists while raising the profile of art and artists.

Background on Page 18

### **Recommendation 14 - Occupational Health and Safety**

Strategic Area: Education & Training - Short Term: Immediate action

*That Occupational Health and Safety (Department of Labour) begin discussions with the cultural community on how best to develop resources for the artists and arts organizations on occupational health and safety issues. It is anticipated that OH&S would begin this dialogue with the Cultural Human Resource Committee of SaskCulture in working to provide education information on OH&S issues.*

While MACSA explored the possibility of establishing an advisory committee for the arts sector within Occupational Health and Safety, it was felt that groundwork in educating artists on discipline-specific occupational health issues is an important first step.

Background on Page 19

### **Recommendation 15- Inventory of Training Opportunities**

Strategic Area: Education & Training - Short Term: Immediate action

*That the Department of Culture, Youth and Recreation and SaskCulture explore ways to support the compilation and distribution to the arts community of an inventory of cultural training programs, from community introductory programs to postgraduate courses, in all disciplines and at all levels in Saskatchewan.*

One of the barriers to accessing training opportunities in the province is the lack of promotion of existing programs to artists.

Background on Page 19

### **Recommendation 16 - Funding for the Arts**

Strategic Area: Economic Development - Long Term: Continued Action

*That the Saskatchewan Government follow its announcement of \$1.5 million in new funding for the Saskatchewan Arts Board by providing immediate interim increases to the SAB. It should be understood that new funding appropriate to the need within the arts sector will be needed in addition to the announced increase.*

The Saskatchewan Government is to be congratulated in providing new funding for the Saskatchewan Arts Board. This increase is an important first step. The Saskatchewan Arts Board is crucial to the maintenance and enhancement of the status of the artist in Saskatchewan. The expanded role of the Saskatchewan Arts Board needs to be recognized and supported.

Background on Page 20

### **Recommendation 17 - Income Averaging for Artists**

Strategic Area: Benefits & Taxation - Long Term: Continued Action

*That the government, in its discussions with its colleagues at the federal level, advance tax reform in the area of income averaging to assist artists, as well as other self-employed workers, in coping with fluctuations in annual income.*

MACSA researched several options that would support income stabilization for artists, including an income stabilization program similar to the NISA program that has been available to farmers. In conclusion, MACSA felt that "income averaging" tax regulations at the federal level would be the most effective way to achieve this goal.

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# MACSA FINAL REPORT

## INTRODUCTION

Status-of-the-artist issues have been discussed within the Saskatchewan arts sector for well over a decade. In 1992, the Minister in charge of culture, Carol Carson, established an advisory committee to explore the issue. That advisory committee provided its recommendations to the Minister in 1993. Since that time, small gains had been made, but for the most part, the report and its recommendations languished. In 2001, the arts community and the Saskatchewan Arts Alliance renewed interest in status-of-the-artist initiatives through an awareness campaign. The Minister for Culture, Youth and Recreation at that time, Joanne Crofford, responded by introducing new legislation. *The Status of the Artist Act*, which articulates government's commitment to improving the status of artists in the province and enables the development of measures to do so, was passed in 2002. In September 2002, the Minister appointed an advisory committee for a one-year term to explore further measures to enhance the status of Saskatchewan artists.

## BACKGROUND

The work of the Ministerial Advisory Committee on the Status of the Artist (MACSA) began in September 2002, with the appointment of an eleven-person committee by Minister Joanne Crofford. The committee met ten times through its mandate, typically over two days. MACSA used these meetings to consult with individuals and organizations on status-of-the-artist issues. The committee made reports to the Minister following each of their meetings, which were made available to the community on the CYR website. In May 2003, Minister Crofford released a progress report from the committee. The report was distributed to organizations and individuals within the arts sector with a call for responses. In June 2003, MACSA received verbal and written presentations from arts organizations and individuals in response to the progress report. Ideas brought forth in consultations and submissions were considered carefully by the committee and many have been adopted within this final report. The terms of reference of the committee are provided in the appendices of this report.

The establishment of MACSA followed the enactment of the *Status of the Artist Act* in July 2002. It is through the *Status of the Artist Act* that the parameters for MACSA as an advisory committee to the Minister are set. The act sets out that the work of the advisory committee(s) is, "to investigate and report to the minister." Further, the act sets out the "matters concerning artists" the committee is to report on. In shaping the final recommendations for this report, MACSA saw the *Status of the Artist Act* as a strong foundation upon which to build and strengthen the status of the artist in Saskatchewan. As enabling legislation the Act may be amended in order to enhance its effectiveness. With this in mind there are recommendations within this report that involve legislative change. MACSA has also made recommendations that involve policy and regulatory solutions as well. In order to advance the initiatives outlined in this report, government will need to respond at all three levels of policy – legislative, regulatory, and operational.

As well, the arts community itself must bear some responsibility in furthering these initiatives and in supporting the status of artists in the province.

MACSA began its term by reviewing the work of the previous Status of the Artist Advisory committee, which submitted its report in 1993. Early on in its work, MACSA prioritized recommendations from the 1993 report, focusing on short-term and long-term initiatives that met the criteria outlined in the committee's terms of reference. This process allowed the committee to focus their attention on a manageable number of initiatives. When MACSA began to prepare its final recommendations to the minister, the recommendations from the 1993 status-of-the-artist report were reviewed in detail by the committee to ensure that the committee had captured the intent of the priority recommendations.

### **Strategic Directions**

In approaching the complexity of responding to a multitude of issues that form the status-of-the-artist file, MACSA found it necessary to cluster issues into strategic directions. This process aided the discussion of priorities and helped channel the resources of the committee. The strategic directions arrived at by MACSA are:

- Industry Standards
- Promotion of Artists
- Benefits and Taxation
- Maintenance of the Status of the Artist Initiative
- Education and Training
- Economic Development

While MACSA saw all of the strategic directions as forming the breadth and reach of their work, they concentrated most of their efforts on the first four strategic directions. While these areas were seen as a high priority by MACSA, they felt that the Education and Training and Economic Development were important as well, but more research and study is needed in these areas before strategic directions and recommendations can be fully developed.

## RECOMMENDATIONS IN DETAIL

### Fair and Appropriate Compensation for Artistic Work and Services

It became clear to MACSA very early in its processes that the most effective approach to improving the status of Saskatchewan artists was through the establishment of mechanisms that would ensure appropriate and fair compensation for artistic work and services. The committee spent a great deal of time reviewing options and analyzing the implications of various choices. As a result of this comparison and analysis, a number of principles emerged that guided the committee's approach to its work:

- There are a number of sub-sectors within the arts where voluntary collective bargaining appears to be working extremely well. Compliance with agreements among both artists and engagers is strong, and artists have access to benefits beyond pay for their work and/or services. These benefits vary by agreement but at minimum include retirement plans and some form of workplace injury compensation. Virtually all of these agreements are national in scope and may be undermined by provincial frameworks. It became a principle of the committee that these agreements not be jeopardized by any recommendations made by the committee.
- Collective bargaining under a mandatory framework is already available in the province under the provisions of the *Trade Union Act*; however, these provisions are only applicable to individuals willing and/or able to work as employees. It became a principle of the committee that any recommendations would be targeted to those artists who preferred to operate as self-employed and therefore were not served by the *Trade Union Act*. Discussions with the Canadian Artists and Producers Professional Relations Tribunal (CAPPRT) alerted MACSA to the risk any mandatory collective-bargaining system might pose to artists' self-employed status. MACSA therefore chose to focus on voluntary collective-bargaining approaches.
- There are numerous artists who, because of their type of artistic practice, do not feel that they would be served by collective-bargaining models, be they mandatory or voluntary. At the same time, these individual artists indicated that they required support for contract enforcement as well as opportunities for accessing benefits beyond pay. It therefore became a principle of MACSA that any support mechanisms consider both the collective and individual interests of artists in the desire to achieve appropriate and fair compensation for artistic work/services.
- CAPPRT advised that any formalized dispute-resolution process between artists and engagers must be perceived to be unbiased in order to achieve legitimacy. MACSA's approach, therefore, has been to recommend that dispute-resolution supports be established independently, outside of existing systems, to support the welfare and interests of artists.

In light of these principles, MACSA formulated a model that committee members commonly referred to as the *Fair Compensation Model*. The model (outlined in Appendix B) is a functional model and is not designed to be interpreted as an organizational structure. Indeed, in its initial stages of implementation, MACSA envisions that some of the functions articulated in the model could realistically reside within the existing government service-delivery systems. Down the road, as the impacts of the recommendations are realized, MACSA does see the need for a more formal infrastructure, particularly in order that some of the secondary benefits of the model (benefits programs, pensions, workplace injury insurance, etc.) can be achieved.

The *Fair Compensation Model* has two functional elements congruent with the principles laid out above:

1. The approach required to support voluntary collective bargaining between artists and engagers.
2. The approach required to support the efforts of individual artists to achieve fair and appropriate compensation.

The *Fair Compensation Model* became the framework by which MACSA made its final recommendations, both short term and long term. Indeed, the committee clearly understands the model as the vision. The short-term recommendations are designed to initiate the steps so that the ultimate vision can be achieved. However, even if all of the short-term recommendations are accepted and implemented, there will continue to be further development required so that the long-term vision can be fulfilled.

### **Recommendation 1 - Support for Voluntary Collective Bargaining**

Strategic Area: Industry Standards

*That the Saskatchewan Government amend the Status of the Artist Act to establish the legal authority to intervene and provide dispute resolution in support of voluntary collective bargaining between artists and engagers. These powers would include the ability to hold hearings designed to recommend minimum industry standards within the arts sector.*

**Short Term Approach:** *To delegate the new authority to an existing body in government already providing similar services. Examples for consideration include the Department of Justice Mediation Services and the Labour Relations Board.*

**Ultimate Objective:** *To establish an Artists & Producers Commission(er) that would function at arm's length from government and possess quasi-judicial authority.*

### **Background**

Artists and artists associations have long seen issues of fair compensation for their work and access to formal collective bargaining as critical to the status of the artist. Individual artists are often isolated and lack the capacity to insist on fair contracting and remuneration, and in particular have few resources to pursue engagers in the event of contract breach. Formal collective-bargaining processes, as are available to employed workers, are not generally available to artists in that the provincial *Trade Union Act* does not apply to self-employed workers. In response to the priority artists place on the issue of fair compensation and collective bargaining, this issue became the one upon which MACSA placed the greatest emphasis. In its assessment of the situation facing artists and artist associations, MACSA did a "gaps analysis" of the sector. Through the gaps analysis it was clear that some artists within the sector, particularly actors and some performers, did have access to bargaining and in many cases pension and benefits as well.

Currently, collective bargaining occurs on a voluntary basis in a number of sectors:

- Live theatre artists have bargained a national agreement. Parties to the agreement are the Canadian Actors Equity Association (Equity), which represents actors, dancers, directors, choreographers, and stage managers; and the Professional Association of Canadian Theatres (PACT), which represents the majority of English language professional theatres in the country.

- Film, television and radio actors/performers have bargained several voluntary national agreements. Representative of the artists is the Alliance of Cinema, Television, and Radio Artists (ACTRA). Engagers vary by agreement and include the CBC, and an alliance of independent film and television producers.
- Technical workers for both stage and film/television have organized through the International Association of Theatre and Stage Employees (IATSE). In some cases, IATSE acts as a trade union under the terms of the *Trade Union Act*. However, in most cases, agreements are voluntary. They tend to be bargained organization by organization, rather than with employer representative groups.
- The American Federation of Musicians (AF of M) represents musicians. The AF of M has a national agreement with the CBC and has also bargained voluntary agreements locally with the two symphonies and several other organizations (the Saskatchewan Jazz Festival, for example).

Compliance with existing voluntary agreements by artists tends to vary. For example, it would be almost impossible to hire an actor for the stage or for film who does not at least require the permission of their association to perform outside the collective agreement. For the most part, these agreements are strongly supported and member discipline is strong. However, where collective agreements are not comprehensive geographically and/or are negotiated engager by engager, members frequently work without union agreement or permission.

Even where voluntary agreements are strongly enforced, concerns have been expressed by various artist representative organizations that there are risks:

- Without the force of law, any job action in support of voluntary agreements might be considered illegal;
- Some associations with voluntary agreements have been charged under the federal *Competition Act* for price fixing.

On the other hand, formalized collective bargaining on a provincial level brings some risks, particularly where there are strongly supported national voluntary agreements in place. If a national association were certified to bargain collectively within the province, there is a risk that any agreement in Saskatchewan would be different than those negotiated nationally. None of the national associations consider this acceptable.

Another complication of formal collective bargaining is that it requires two parties at the bargaining table – a representative of artists and a representative of engagers. In numerous circumstances, where artists are contracted on single-day engagements by many engagers, this is next to impossible to achieve. Traditional collective-bargaining models require that at least 50 percent of the employees of a workplace support the move to bargaining and accept the agreement. Where artists move through a workplace, the definition of 50 percent of the workplace becomes an impossible task. Sectoral bargaining by artist associations is an alternative that has been considered in other jurisdictions, but has tended to be successful only where the engager (or group of engagers) is readily identifiable as the other party to bargaining.

Several mechanisms already exist in Canada to address the issues of collective bargaining among artists.



- The Canadian Artists and Producers Professional Relations Tribunal (CAPPRT) was established as an outcome of federal status-of-the-artist legislation and applies only to federally regulated institutions (CBC, National Gallery, etc.). A key role of CAPPRT is to identify the parties who will engage in bargaining. On the artist side of the bargaining table, CAPPRT certifies artist associations as representatives of artists (generally by artistic discipline). Generally this certification requires that the association represent all artists in the discipline rather than only its members. The engagers are fairly clearly defined. The tribunal operates in much the same way as any labour-relations board: mediating disputes and ensuring contract enforcement.
- In Quebec there are two status-of-the-artist laws: one for artists in the performing arts, who tend to work collectively and generally have access to collective agreements; and one for individual artists (visual artists and writers), who tend to work independently. The Act relating to performing artists is similar to the federal act in that it recognizes and certifies artist associations to bargain on behalf of artists. The Act relating to individual artists simply requires that a written contract be established between artist and engager and outlines the elements that must be contained within the contract. Responsibility and authority to enforce those contractual agreements is given to artist-representative organizations that are certified to do so.

The *Saskatchewan Construction Workers Act* addresses some of the issues faced by artists, such as transitory work places and employers and national agreements. The *Construction Industry Labour Relations Act* essentially applies the *Trade Union Act* when specific terms and conditions are met in the construction trades. The Act provides for the formation and certification of bargaining units for construction trades-workers by discipline or geographic region. It also provides for the formation of employer associations as the other party to bargaining.

Employers in the construction industry who have become signatories to collective agreements by their participation in employer associations are obligated to adhere to those agreements in perpetuity. However compliance has become an issue. Essentially employers have begun to form spin-off companies in order to bypass collective agreements.

Other provincial jurisdictions are grappling with the issue of collective bargaining in the arts sector. In a report commissioned by the British Columbia government on status of the artist titled *The Labour of Art* (2000), the author, Sandra I. Banister, states, "Any initiative involving amendments to the Labour Code will provide contentious debate throughout the province. Extending coverage of the B.C. Labour Code to artists raises several legal problems and issues. Several organizations which represent artists across Canada would not qualify as trade unions under the Labour Code definition. Some artists' organizations could be challenged under the Code as being employer dominated.... Some artists' associations include in their membership both employees and producer/engagers."

MACSA, in its study of this complex issue, recognizes the ramifications of formalizing collective bargaining within our labour laws. Instead, this report recommends a balanced approach, one that strengthens the ability of artists to voluntarily bargain collectively for scale agreements and working conditions.

### **Action Required**

MACSA proposes the establishment of a quasi-judicial authority through an amendment to the *Status of the Artist Act*. This authority would provide access to a dispute-resolution process for voluntary agreements between artist groups and engagers where the engager and artist are clearly identifiable. Where one or both of the engager and/or artist are not identifiable, the authority will be able to hold hearings in order to recommend minimum industry standards.

### **What difference will this make?**

- The new authority would have the capacity to invite parties together to bargain at the request of one or more of the parties. A critical element of successfully bringing parties together in a voluntary bargaining environment will be strong mediation skills to ensure that the interests of all parties are acknowledged and incorporated into the process. Through mediation and open discussion, the positive experience of those artist groups who have already achieved strong voluntary agreements can be replicated.
- However, it is also understood that, in a voluntary system, the expectation that all artists and engagers will be able to come to agreement through mediation is unrealistic. MACSA has not included in its *Fair Compensation Model* any mechanism by which parties can be forced to the bargaining table. Indeed, as indicated earlier in this report, there are instances where, for example, engagers are not organized and there are no appropriate means by which to bargain standard rates. Where this is the case, or where bargaining fails, the new authority would possess the capacity to call hearings and make recommendations regarding minimum industry standard working conditions. All interested parties will be invited to participate in the hearings to ensure balance and fairness.
- Once new industry standard working conditions have been recommended through such hearings, the Saskatchewan government would, as a matter of public policy, comply in its own dealings with artists. In addition, it would articulate a similar expectation for all organizations, businesses, contractors and subcontractors who receive public funds. Thus, while the standards will not be enforceable outside of the public sector and the publicly funded sector, they will ultimately have an impact on what artists are prepared to work for and, gradually, working conditions for artists will improve.
- It is also envisioned that, as the system evolves and new agreements are negotiated, new supports for bargaining will emerge, leading to the need for a more comprehensive infrastructure, which MACSA has identified as an Artists and Producers Commission(er). Included in the vision for such a body would be:
  - The collection of contract data to inform artists and producers of trends related to working conditions;
  - The establishment of group programs for pension, extended health benefits, and workplace injury insurance;
  - Educational programs and services for artists and producers regarding the purchase of artists' work and the contracting of artists' services.

## **Recommendation 2 - Protection for Job Action**

Strategic Area: Industry Standards - Short Term: Immediate Action

*That the Saskatchewan Government amend the Status of the Artist Act to include protection for job action by artist associations in support of voluntary collective bargaining.*

### **Background**

MACSA remains committed to voluntary collective bargaining in the arts. The risks to artists of moving to a mandatory system are too great and the voluntary model has shown great success in a number of instances. At the same time, under a voluntary system, there is a risk to artists who find themselves in a position where bargaining is not progressing. Because bargaining is voluntary, there is no means by which to force parties to the bargaining table. In the mandatory system of the *Trade Union Act*, parties can be brought to the table by the Labour Relations Board. Further, where bargaining does not progress, workers have the right to take job action.

In a voluntary collective-bargaining system, job action is not protected. Indeed, artists taking job action in support of voluntary collective agreements risk penalties under the federal *Competition Act*. While current agreements in the sector may outline job action, there are considerable risks to artists who proceed down this path. To strengthen and support the voluntary collective-bargaining process advocated by MACSA, the committee proposes that, where voluntary collectively bargained agreements are in place, legislative protection be provided for any job action artist associations deem necessary to protect their agreements.

### **Action Required**

Legislative amendment to the *Status of the Artist Act* which provides for the protection of the right for artist associations to take job action in support of their voluntary agreements.

### **What difference will this make?**

- Artists would be enabled by legislative change to be more proactive in protecting their collectively bargained agreements.
- Artist associations who wish to bargain collectively for the first time would be supported in their process should an engager choose not to negotiate.

## **Recommendation 3 - Enforcement Support**

Strategic Area: Industry Standards - Short Term: Immediate Action

*That the Department of Labour, Labour Standards Branch, be authorized to provide enforcement support to self-employed artists upon the contravention of their contracts by individual engagers.*

### **Background**

In recognition of one of the foundational principles of MACSA, mechanisms were sought to support artists who worked outside of the voluntary collective-agreement model. In many cases, artists provide their work and services without contracts. When disputes result, there is little to go back to in order to assess the original agreement. Those artists

who do prepare written contracts can neglect key issues that will have an impact on their rights into the future (maintenance of intellectual property rights and moral rights, for example). Artists need to be encouraged not only to enter into written agreements with their engagers, but also to discuss and find agreement on key elements related to pay, working conditions and ownership of the artistic product and its associated reproduction rights. Once written contracts are in place, enforcement of those agreements becomes much more straightforward. The Department of Labour currently provides "enforcement support" to conventional employees in the province when their employment contracts have been contravened. This recommendation calls for an extension of these rights to include self-employed artists.

### **Action Required**

Legislative amendment to the *Labour Standards Act* to extend contract enforcement support to self-employed artists.

### **What difference will this make?**

- Artists will achieve equity with other workers who have access to enforcement support from the Department of Labour;
- Artists' contracts will be strengthened with the leverage of "enforcement support" should an issue of non-compliance develop with an engager;
- Model contracts for artists and engagers could be provided. These contracts would identify issues of particular interest in the arts (copyright, moral rights, reproduction rights, royalties, etc.);
- Ultimately, upon the establishment of the Artists and Producers Commission(er), the responsibility for providing information and models on contracting can be transferred out of Labour Standards Branch and into the new Commission(er). By housing the responsibility for contract information with the Commission(er), all of the elements for the support of benefits programs will be coordinated in a single infrastructure.

### **Recommendation 4 - Definitions of Professional Artist**

Strategic Area: Industry Standards - Short Term: Immediate Action

*That the Government of Saskatchewan amend the Status of the Artist Act to provide for a revised definition of "professional artist" and the inclusion of a broad definition of "artist".*

### **Background**

The definition of "artist" has been seen by the arts community as the foundation on which status-of-the-artist initiatives are developed. Currently, the Act applies to any professional engaged in one or more of the artistic pursuits outlined in the Act. However, no definition has been provided for the word "professional." MACSA deliberated this issue and proposes a clarification. First, MACSA proposes a definition for the term "artist." Second, MACSA proposes a set of criteria by which an artist can be deemed to be "professional." In developing these definitions, MACSA consulted broadly, including with the Saskatchewan Arts Board's Aboriginal Advisory Committee.

## Action Required

That the status-of-the-artist legislation be amended to incorporate the following definitions:

### Definition A:

"Artist" is taken to mean any person who creates or gives creative expression to, or recreates, works of art; who considers her/his artistic creation to be an essential part of her/his life; who contributes in this way to the development of art and culture; and who is or asks to be recognized as an artist, whether or not she/he is bound by any relations of employment or association. The word "artist" also signifies any person who devotes a qualitatively important part of her/his life to expressing and communicating an aesthetic vision of the world.

### Definition B:

A person may be determined to be a *professional artist* through a combination of any four of the following criteria:

- a) an artist receives or has received compensation from her/his work including, but not limited to, sales, fees, commissions, salaries, royalties, residuals, grants and awards, any of which may reasonably be included as professional or business income;
- b) an artist has a record of income or loss relevant to the history of her/his work and appropriate to the span of her/his artistic career;
- c) an artist has received public or peer recognition in the form of honours, awards, professional prizes, scholarships, honourable mention, appointment to an adjudication committee or an invitation to participate in a group exhibition or performance or by publicly disseminated critical appraisal or be a member of an Aboriginal society
- d) an artist has presented her/his work to the public by means of exhibitions, publications, performances, readings, screenings, or by any other means appropriate to the nature of her/his work;
- e) an artist is represented by a dealer, publisher, agent, or similar representative appropriate to the nature of her/his work;
- f) an artist devotes a reasonable portion of her/his professional time to promoting or marketing her/his work, including, but not limited to, attending auditions, seeking sponsorship, agents, or engagements, and similar activities appropriate to the nature of her/his work;
- g) an artist has received training and/or traditional knowledge either in an educational institution or from a practitioner or teacher recognized within her/his profession, or is self-taught within the established practice of her/his cultural traditions;
- h) an artist has membership in a professional association appropriate to her/his artistic activity whose membership or categories of membership is or are limited

under standards established by the association; or which is a trade union or its equivalent appropriate to her/his artistic activity;

- i) an artist holds copyright in her/his own work and has received royalty or residual payment based on that copyright.

#### **What difference will this make?**

- Inclusion of these definitions within the legislation provides clarity on the scope of the Act. The current Act merely provides an outline of artistic disciplines which can quickly become obsolete, excluding new forms and new paradigms in the arts.
- The definition of "professional artist" provides emerging artists with a standard definition that will allow them to set themselves a pathway to achieving professional status.
- The concept of "professional artist" differs greatly from one discipline to the next. This definition is not intended to replace those that already exist, but to work with them in a complementary fashion.

#### **Recommendation 5 - Provincial tax exemption for artist assistance grants**

Strategic Area: Benefits and Taxation - Short Term: Immediate Action

*That the Government of Saskatchewan fully exempt from provincial income tax any grant income earned by individual artists through awards from the Canada Council for the Arts, the Saskatchewan Arts Board and other Canadian granting agencies.*

#### **Background**

Individual assistance grants are provided to artists at both the provincial level, through the Saskatchewan Arts Board (SAB), and the federal level, through the Canada Council for the Arts (CC). These programs offer artist support for the creation of new work in any art form or development and performance of work; study in a formal or informal setting; research in the arts; or travel to attend events or participate in eligible activities.

These grants essentially buy time for artists to work toward the completion of a specific project. Most artists support their art activity through other employment so the opportunity to work independently on their art is crucial to their development and growth. At present the revenue that artists receive from individual assistance grants is fully taxable at both the federal and provincial levels. Using a portion of the grant to pay the taxes on it effectively diminishes the full benefit of the grant.

#### **Action Required**

That the Government of Saskatchewan, Department of Finance, introduce an exemption for grant income for artists receiving grants from the SAB, the CC, and other granting agencies.

#### **What difference will this make?**

- The exemption will provide artists more resources to increase their time to create and develop new work.

- By creating an exemption for individual assistance grants, the Saskatchewan government will be leading the way in tax reform for artists and may influence other jurisdictions to provide the same exemptions.

### **Recommendation 6 - Provincial tax exemption: royalties, income**

Strategic Area: Benefits and Taxation - Long Term: Future Action

*That the Government of Saskatchewan provide a provincial tax exemption of up to \$30,000 per year on income derived from copyright, neighboring rights and/or other income derived from the sale of any creative work.*

#### **Background**

"Things are getting worse and the successes in the cultural sector are not because of government support, but because of the sacrifices of individual creators."

Wendy Lill, MP, speaking in the House of Commons

Artists earn much less than the average Canadian. In 2000 the average Canadian income was \$31,757 while the average income for a painter/visual artist in the same year was \$18,266. A musician made an average of \$16,090 and a dancer managed only an average of \$14,587. As has been demonstrated by many studies of the sector, through the provision of unpaid or underpaid work, artists themselves provide the greatest subsidy to the arts in Canada. Other reports, such as one by Price Waterhouse in 1997 for the Department of Canadian Heritage, found that self-employed cultural workers who earn low, fluctuating incomes shoulder an unfair level of tax. According to the report, the Canadian who is most vulnerable under the present income-tax system is the self-employed artist.

This report recommends a provincial exemption "...on income derived from copyright neighboring rights and/or other income derived from the sale of any creative work," which means that only artists who are making an income from their creative work would qualify.

There has been an initiative of playwright and Member of Parliament Wendy Lill to introduce a private members' bill in Parliament to move forward a similar initiative related to federal tax regulations. Such a tax exemption would not be that costly. It is estimated that the total cost of a more far-reaching but similar tax exemption provided to all artists in Ireland is less than \$14 million Canadian. A partial exemption like the one proposed by Lill would obviously cost much less.

#### **Action Required**

The government would amend the provincial income-tax regulations to allow for the proposed exemption for Saskatchewan artists. In Saskatchewan it would be up to the government to determine the amount of tax expenditure involved as part of the regular budgetary process.

#### **What difference will this make?**

- This initiative would give Saskatchewan's cultural creators tangible recognition and respect for their contribution to our society.

- Recognition through the tax system communicates to our painters, writers, dancers, sculptors, composers, actors and all other creators that our province supports their efforts.
- Through its actions to create an exemption the Saskatchewan government will be leading the way in tax reform for artists and may lead to other jurisdictions (particularly the federal government) providing the same exemptions.

### **Recommendation 7 - Saskatchewan Pension Plan**

Strategic Area: Benefits and Taxation - Short Term: Immediate Action

*That the Government of Saskatchewan support the Saskatchewan Pension Plan in their efforts to lobby the federal government to change the current restrictions on allowable annual contribution.*

#### **Background**

Artists as self-employed workers do not have access to traditional employer/employee pension plans. In researching possible options that would meet the needs of artists, MACSA was impressed with the flexibility of access provided by the Saskatchewan Pension Plan (SPP). The SPP provides a level of accessibility that is suited to working with self-employed workers like artists.

The SPP was established in 1986, and today has \$191 million in assets and 30,000 members. The plan was designed to be flexible; members can make it fit their life situation and budget. SPP is:

- Voluntary - under no obligation to contribute;
- Flexible - payment at any time during the plan year;
- Portable - people can join and contribute to the plan regardless of where they reside; and
- Professionally managed.

The promotional material for the SPP emphasizes the suitability of the program for "part-time or full-time employees or self-employed individuals."

The biggest drawback to the SPP as MACSA sees it is that there is a yearly contribution limit of \$600. The rules for contribution limits and tax deductions are set out in *The Income Tax Act (Canada)* and were established in 1986 when the plan was created. Several requests to increase the contribution limit have been directed to the federal Department of Finance. SPP will continue making this request in the future.

#### **Action Required**

The Government of Saskatchewan, working with the Saskatchewan Pension Plan, should advocate to the federal Department of Finance that the limits for the provincial pension plan be raised considerably to allow for meaningful access to the plan for artists and other self-employed workers.

#### **What difference will this make?**

- Artists would have access to a flexible option to make significant tax-deductible contributions to a professionally managed pension plan in their home province.



- By raising the allowable limit for annual contributions it may be possible to create an artists' group pension plan through the SPP that could eventually include contributions from producers and engagers.

### **Recommendation 8 - Reappointment of the Minister's Advisory Committee**

Strategic Area: Maintenance of the Status of the Artist Initiative - Short Term: Immediate Action

*That a Ministerial Advisory Committee on the Status of the Artist be appointed for at least one more year and in its second year MACSA be provided with resources to expand its consultations with artists, engagers and arts organizations.*

#### **Background**

MACSA has only begun to identify the issues related to status of the artist in the depth required to propose effective, practical solutions. If the status of the province's artists is to remain a priority of the Government of Saskatchewan, this work must continue.

In particular, MACSA's proposal regarding fair compensation and collective bargaining will require ongoing monitoring and consultation with community representatives. Other issues that will require the attention MACSA are access for artists to programs such as Workers Compensation. There is much research and work to be done in the strategic direction areas of Education and Training and Economic Development.

While consultations with the community formed a large part of the work done by MACSA, the committee will have to consult with individuals, government and organizations in order to complete its mandate.

#### **Action Required**

That the Minister of Culture, Youth and Recreation appoint the MACSA committee for one more year, appointing new MACSA members as needed.

#### **What difference will this make?**

- MACSA would be able to provide continuity and follow-up with the consultations and investigations they have made to date.
- The arts community would welcome the ongoing work on status-of-the-artist issues MACSA was not able to address due to the limited nature of its appointment.

### **Recommendation 9 - Permanent Advisory Committee**

Strategic Area: Maintenance of Status of the Artist - Short Term: Immediate Action

*That the Government of Saskatchewan amend the Status of the Artist Act to provide for the creation of a permanent Ministerial Advisory Committee which would report to the Minister of Culture, Youth and Recreation. The duties of the Status of the Artist Advisory Committee would include: a.) advising the Minister on status-of-the-artist issues; b.) providing consultation with the arts community on status-of-the-artist issues; and c.) proposing research on economic and social equity for artists.*

## **Background**

The experience of the one-year term for MACSA has underlined the need for a permanent ongoing ministerial advisory committee that would provide a consultative and research function for status-of-the-artist issues. Like MACSA, this committee would provide the Minister with regular reports on issues impacting on the livelihood and working conditions of artists within the province. This report recommends that the duties of the permanent Status of the Artist Advisory Committee be provided within *The Status of the Artist Act*. It is important that the roles for the Artists & Producers Commission and the advisory committee be clearly delineated within the legislation.

## **Action Required**

*The Status of the Artist Act* needs to be amended to include the establishment of a permanent Ministerial Advisory Committee on the Status of the Artist. The amendments to the act will outline the mandate for the committee.

## **What difference will this make?**

- An ongoing ministerial advisory committee with a legislated mandate would provide for a strategic approach to meeting the challenges of status-of-the-artist issues. Over time the committee would facilitate the fruition of short-term and long-term initiatives outlined in this report.
- A permanent advisory committee with representation from artists and engagers within the community would continue to provide the direct experiential information required in discussing the issues and promoting solutions.
- The advisory committee as outlined in this recommendation would conduct direct and effective consultations with the artists, engagers and arts associations, providing the Minister with important information on how the community views status-of-the-artist issues.
- The advisory committee would work in consultation with the newly established Artists and Producers Commission helping to develop a concerted approach to status-of-the-artist issues.

## **Recommendation 10- Government Education Campaign**

Strategic Area: Maintenance of Status of the Artist Initiative - Short Term: Immediate Action

*That there be an internal information and education campaign within government to provide background on the implications of the Status of the Artist Act for the work of government. This information and education campaign should be initiated within the Department of Culture, Youth and Recreation and focus on issues arising out of the Status of the Artist Act and new status of the artist initiatives brought forth by the Minister.*

## **Background**

MACSA was heartened by the impact that *The Status of the Artist Act* and related initiatives had on the province's *Future is Wide Open* campaign. While this is an example that can be pointed to as a success story, it also demonstrated that there is

work to be done in raising status-of-the-artist issues across all government departments and agencies.

In the consultations MACSA members had with representatives of the Canadian Artists and Producers Professional Relations Tribunal (CAPPRT), we were told that such a campaign was not conducted when the federal status-of-the-artist legislation came into being. The lack of awareness of the legislation and its aims continues to be a barrier for CAPPRT.

This campaign will provide some background on the status of the artist in Saskatchewan and emphasize the positive change that actions within government can have on the lives of artists

### **Action Required**

The Department needs to develop an information campaign that will facilitate the understanding of new status-of-the-artist legislation, regulation and policy within government. The current legislation and proposed changes have a clear impact on how government and artist interrelate. This process will provide a pan-government approach to information sharing and education.

### **What difference will this make?**

- Initiatives and recommendations outlined in this report impact on many provincial government departments and their staff. This information campaign will provide accessible information on how these changes support the aims and goals of government and improve the environment for artists in the province.
- Status of the artist is a new concept to most people within the civil service in the province and they need information in order to look at their policies and actions in light of new legislation and policies.

### **Recommendation 11- Information for Artists**

Strategic Area: Maintenance of Status of the Artist - Short Term: Immediate Action

*That the Department of Culture, Youth and Recreation, in partnership with the Saskatchewan Arts Alliance, develop an informational tool to inform artists of status-of-the-artist issues and the supports and processes that are available to address those issues.*

### **Background**

Status-of-the-artist issues often raise complex questions. Artists should not be expected to do the research and analysis of all of these issues on their own. The Saskatchewan Arts Alliance (SAA) has, over the years, done excellent work in bringing Saskatchewan artists pertinent and timely information on the status of the artist file. This report recommends that the Minister's department work together with the SAA to develop an appropriate informational tool that will facilitate the communication of issues and news relating to status-of-the-artist issues. One of the aims of the information campaign will be to provide a clear indication of where artists can go support and for assistance.

**Action Required**

The Department of Culture, Youth and Recreation work with the SAA to support the production of a communication campaign to inform artists of status of the artist issues and the resources available to them.

**What difference will this make?**

- Informing Saskatchewan artists of status-of-the-artist issues assists them in their capacity to improve their working conditions and their professional standing.

**Recommendation 12 - Crown Corporation Agreement**

Strategic Area: Promotion of Artists - Short Term: Immediate Action

*That MACSA, with the assistance of the Department of Culture Youth and Recreation, develop with the provincial Crown corporations a "principles of engagement" document similar to the agreement that exists between the Crowns and the construction industry.*

**Background**

One of the areas where MACSA felt that good progress was made during their term was in the area of government procurement. Procurement policies affecting communication contracts for government departments, the treasury board, the Crowns and the Crown Investment Corporation (CIC) are administered by Communication Services of Executive Council. These agencies follow the policy set by the Communications Services unit of Executive Council. Communication services are where artists and arts producers are most likely to be contracted by government.

MACSA has had productive talks with CIC regarding creating greater clarity surrounding the principles concerning the procurement of Saskatchewan artists and arts producers. This report recommends that these be extended to include representatives of the communications departments of the Crown corporations for the purpose of developing a "principles of engagement" document. This document would set out broad areas of agreement between the Crowns and the arts sector. The CIC was able to facilitate a similar agreement between the Crown corporations and the construction industry.

**Action Required**

MACSA, with the support of the Department of Culture, Youth and Recreation, would work closely with the Crown Investment Corporation to facilitate a discussion with the Crown corporations with the aim of developing a principles-of-engagement document similar in structure to the one created between the construction industry and the Crowns.

**What difference will this make?**

- The process of drafting a principles-of-engagement document for involving the Crown corporations and the arts sector will create a new appreciation and understanding of the issues surrounding procurement of artists and producers.
- The final principles-of-engagement document will provide an environment of clarity and mutual respect surrounding the procurement of artists and producers by the Crown corporations.

## **Recommendation 13 - Procurement Policies**

Strategic Area: Promotion of Artists - Short Term: Immediate Action

*That the Government of Saskatchewan establish a policy for the purchase of art works and the commissioning of literary and performance art for government and Crown agency buildings, with Saskatchewan works given priority. Further, that the government establish a policy that at least one percent of the capital construction costs of new and refurbished government buildings be spent on art. The policy will provide that all art disciplines should be considered when purchasing art.*

### **Background**

The role government can play in the promotion of artists through its procurement policies can be very positive. Through this role, governments can create opportunities for people to experience art in everyday life. MACSA recommends two areas of involvement for government in the purchasing of Saskatchewan artwork: with procurement of existing or commissioned works, and with procurement from capital costs at the time of construction or refurbishing.

In looking into the benefits of public-art policy, MACSA looked at several public-art programs and policies in place in Canadian cities. Many jurisdictions, such as Ottawa, Vancouver and Richmond, have adopted the dual approach to procuring art, allowing for the purchase of new works and the designation of a percentage of capital projects. Both approaches to public-art policy provide economic opportunities for artists and allow artists to express their individual and collective ideas through public art. Most capital-cost procurement programs incorporate artists in the planning stages of development or renovation, which allows for the integration of the art with the building.

While there are no provincial governments that have adopted capital-construction policies around the purchase of art, the policy has been very effective in building a sense of identity in cities. In providing working opportunities for artists, the government will also begin the process of increasing public awareness, understanding and acceptance of public art as important to the fabric of our province.

### **Action Required**

The provincial government will establish policy around the procurement of art to include the purchase of Saskatchewan art works for government and Crown buildings and to designate that one percent of the capital costs of new construction and refurbishing be designated for the purchase of Saskatchewan artworks.

### **What difference will this make?**

- While these initiatives would have a relatively low cost to government, the impact in terms of economic development for artists would be very significant.
- Commissions and capital construction projects provide artists with the opportunity to gain valuable experience with public-art installation.
- The presence of such artwork in public buildings will increase public understanding, awareness and enjoyment of the arts in Saskatchewan life.
- A public-art policy will create a permanent legacy of public art for future generations to enjoy.

## **Recommendation 14 - Occupational Health and Safety**

Strategic Area: Education & Training - Short Term: Immediate Action

*That Occupational Health and Safety (Department of Labour) begin discussions with the cultural community on how best to develop resources for the artists and arts organizations on occupational health and safety issues. It is anticipated that OH&S would begin this dialogue with the Cultural Human Resource Committee of SaskCulture in working to provide education information on OH&S issues.*

### **Background**

Unlike many other workers who carry out their work in spaces that are regulated by Occupational Health and Safety, artists create in studios and spaces that are not subject to regulation. It is crucial that artists have access to information on issues of health and safety concerning their working conditions. In our consultations with representatives from Occupational Health and Safety, we learned that there is little information available at this time on health and safety issues within the arts sector. MACSA recommends that OH&S enter into dialogue with the arts community to draft a process for collecting and disseminating pertinent information on health and safety issues that impact artists.

Artists themselves are aware of gaps in their education on health and safety issues. Some arts organizations such as CARFAC and the Craft Council have offered workshops on occupational health and safety issues. What is lacking is a strategic approach to educating artists on crucial work-safety issues.

### **Action Required**

Occupational Health and Safety will initiate a dialogue with the cultural community with the aim of gathering and distributing information on health and safety issues of concern to artists.

### **What difference will this make?**

- If informed of work-safety issues, artists can choose to alter their work environment to make it safer.
- Through a new relationship with the arts sector, Occupational Health and Safety would gain an understanding of the issues facing self-employed artists.

## **Recommendation 15- Inventory of Training Opportunities**

Strategic Area: Education & Training - Short Term: Immediate Action

*That the Department of Culture, Youth and Recreation and SaskCulture explore ways to support the compilation and distribution to the arts community of an inventory of cultural training programs available from the community and those that are needed, from introductory programs to postgraduate courses, in all disciplines and at all levels in Saskatchewan.*

### **Background**

MACSA was informed through consultations and discussions with artists and arts organizations that one of the barriers artists face in finding the training they need is access to information on what is available within the community. We also learned that access to training opportunities is not universal. Artists in some disciplines have to leave

the province to gain training at their level of achievement. The "Cultural Training Database" provided by the SaskCulture website makes the contact information on the providers of training accessible, but the next step is to gather the information on actual training opportunities together in one place, be it a website or a publication. An approach involving artists, agencies and governments is needed to provide artists the information they require on potential training opportunities.

### **Action Required**

The Department of Culture, Youth and Recreation would conduct a planning session to develop a plan on how to best achieve this recommendation.

### **What difference will this make?**

- Information on training opportunities would be put into the hands of artists and arts associations, providing a full picture of what is available to artists at every level of achievement and identifying areas for further development in the future.

### **Recommendation 16 - Funding for the Arts**

Strategic Area: Economic Development - Long Term: Continued Action

*That the Government of Saskatchewan follow its announcement of \$1.5 million in new funding for the Saskatchewan Arts Board by providing immediate interim increases to the SAB. It should be understood that government must plan for new funding appropriate to the need within the arts sector in addition to the announced increase.*

### **Background**

While the Saskatchewan government has promised new funding for the Saskatchewan Arts Board, it is important to look at this influx of funds as an important first step. The Saskatchewan Arts Board is crucial to the maintenance and enhancement of the status of the artist in Saskatchewan. The expanded role of the Saskatchewan Arts Board needs to be recognized and supported. When the new funds are in place, the SAB will have been restored to a level of funding that existed in the early 1990s. To fund the SAB in a manner appropriate to the need within the community, the government will need to bring forth new allocations for the SAB in the near future.

When the government makes an investment in the arts through the Saskatchewan Arts Board, it should be looked on in terms of the research and development that is provided to other sectors of the economy. Investment in the arts will provide leverage for the creation of many artistic activities, which in turn feed into the Saskatchewan economy.

The need within the arts community is immediate and this report recommends that the government act immediately in providing the SAB with a portion of the promised allocation.

### **Action Required**

The government should follow through with the promise for new funding for the Saskatchewan Arts Board by 2005 by providing an immediate allocation in recognition of the current need within the arts sector. The government needs to plan for further increases in funding to the SAB and should put in place measures to provide for further increases to the Saskatchewan Arts Board allocation in the future.

### **What difference will this make?**

- One of the primary directives of the SAB is to provide support for the development of new work by individual artists. Increased support of the SAB has an immediate impact on how many individual artists can be funded.
  - Artists' associations will also benefit through the allocation to the SAB. These associations in turn provide programs and services that that develop and promote individual artists.

### **Recommendation 17 - Income Averaging for Artists**

Strategic Area: Benefits & Taxation - Long Term: Continued Action

*That the government, in its discussions with its colleagues at the federal level, advance tax reform in the area of income averaging to assist artists, as well as other self-employed workers, to assist them in coping with fluctuations in annual income.*

#### **Background**

"In the acting profession, we occasionally experience a so-called 'good year,' with above average income, only to have the next year be a considerably below average one in which we must pay for the 'good year' in the lean year; this can and does cause great hardship."

–Daphne Goldrick, actor

MACSA looked closely at the income artists face from year to year. In the appendices we provide a comparison chart of average incomes compared with other occupations. For artists, their working lives are marked by one financial crisis after another, most often because of the fluctuating nature of their incomes.

One idea that was explored by the committee was an income-stabilization program designed specifically for artists. Initially the committee envisioned a program that would allow artists to put income into the program in a good year and draw it out in a lean year. Farmers, like artists are self-employed workers; the committee consulted with a representative of Saskatchewan Agriculture, Food and Rural Revitalization to review the Net Income Stabilization Account (NISA), which is available to farmers.

NISA is designed to help producers stabilize their income over many years. Participants deposit money annually into their own individual accounts and receive a matching contribution from the federal and provincial governments. MACSA felt that the costs of operating such a system would be too prohibitive and it was felt that many artists would simply not have the surplus income to contribute to such a program. Included in the appendices is a chart which compares average incomes of artists with other occupations. It is clear from these figures that artists lack the resources to buy in to basic retirement and health plans. While artists contribute much as the base-line creators of a great deal of economic activity, they remain low wage earners. Changes to tax regulations would recognize the contributions of artists and allow them to cope better with fluctuations in income.

MACSA has concluded that the most effective relief for artists' "here today, gone tomorrow" incomes can only be remedied through new federal tax regulations. Artists



and artist organizations have pressed for such changes for many years without success. This report recommends that the provincial government enter the discussion and promote new tax regulations that allow artists whose chief source of income involves artistic endeavors to elect to average their income over blocks of time: five years, for instance.

### **Action Required**

The Saskatchewan Department of Finance advocates to its federal counterparts and Canada Customs and Revenue Agency for the introduction of income averaging for artists and other self-employed workers whose income fluctuate substantially from year to year. This should also be an item for dialogue between provincial ministers of finance.

### **What difference will this make?**

- Income averaging will lead to income stabilization in that artists could then manage their incomes over large blocks of time.
- Over time, income averaging may allow artists to plan for contributions to retirement savings plans or personal pension plans.
- Endorsement of taxation reform, as a matter of policy by the Saskatchewan government, can have influence with the federal government and Canada Customs and Revenue Agency.

## **A Word About Aboriginal Artists and Status of the Artist Initiatives**

MACSA considered issues related to Aboriginal artists throughout its deliberations. It met on two occasions with the Saskatchewan Arts Board's Aboriginal Arts Advisory Committee and the committee included a strong Aboriginal voice in Louise Halfe. As a result of these contributions, a number of the recommendations of MACSA are richer and more integrated than they may have been without them.

However, MACSA has also recognized that the gap between the practices and traditions in Aboriginal arts and the more mainstream arts have so far been difficult to address. MACSA has not yet found a satisfactory means by which to fully integrate some of the issues and approaches we heard about from Aboriginal artists.

MACSA recognizes and respects the cultural traditions we found among the Aboriginal artists we spoke to. Indeed, even when defining the term "artist", there was difficulty finding common ground. We came to understand that there are significant and requisite protocols regarding the sharing of Aboriginal cultural traditions. These protocols guide the creation and sharing of artistic forms and determine who may and may not carry them out. The issues of pay and working conditions for artistic services are also guided by protocols and community standards. Elements that may be of use in the mainstream arts sector, such as written contracts, are considered superfluous within Aboriginal communities, where highly respected protocols already exist.

Issues of copyright and intellectual property rights are incongruent with the cultural traditions of Aboriginal artists. For example, stories are intended to be shared and passed on by others. One individual we spoke with likened the sharing of traditional stories to the "copy left" movement that is occurring in open source computer software development. In that milieu, creators are able to take another's work and add to it. They give credit to those who worked on the product previously and add their own creative insight to it.

There appears to be little need for the Status of the Artist initiative to intervene when Aboriginal artists are working within Aboriginal communities. There may be supports that the Status of the Artist initiative can provide when Aboriginal artists are working outside of Aboriginal communities or when non-Aboriginal people participate in Aboriginal arts/cultural activities.

To that end, MACSA makes the following recommendations:

- That the Government of Saskatchewan and all organizations, businesses, contractors and subcontractors who receive public funds respect the protocols guiding Aboriginal artists when interacting with Aboriginal artists and/or sharing in Aboriginal art forms
- That MACSA work with Aboriginal artists to raise awareness among both the general public and the arts sector of the existence of protocols and how to observe them.
- That MACSA continue to work with Aboriginal artists to identify appropriate approaches by which the Status of the Artist initiative can support Aboriginal artists.

## **PUBLIC CONSULTATIONS**

### **Consultations**

- Saskatchewan Arts Board, Aboriginal Liaison Committee
- Saskatchewan Arts Board
- SaskCulture
- Saskatchewan Arts Alliance
- Saskatchewan Labour Relations Board
- Dance Saskatchewan
- Saskatchewan Craft Council
- City of Regina
- Canadian Conference of the Arts
- Canadian Artists & Producers Professional Relations Tribunal (CAPPRT)
- Canadian Film and Television Production Association (CFTPA)
- Dispute Resolution Services, Department of Justice
- Saskatchewan Agriculture, Food, and Rural Revitalization

### **Presentations to the Committee**

- November 2002: an overview of status of the artist issues by Sheila Roberts, a member of the Saskatchewan Arts Alliance, Artist Equity Committee.
- January 2003: presentation from Bob Ross, Manager, Workplace Safety (South) with the Occupational Health and Safety Division, Saskatchewan Labour.
- February 2003: presentation prepared by the Saskatchewan Arts Alliance on equity issues, which included a comprehensive review of collective bargaining in the arts sector in Canada. The presentation also included a review of both federal and Quebec legislation enabling collective bargaining for artists and artist groups.
- March 2003: a presentation from Bob Underwood of ACTRA Fraternal, who gave an excellent overview on the history, current status and future plans for ACTRA Fraternal.

- March 2003: met with representatives of the Saskatchewan Arts Alliance to discuss issues of mutual interest. While most of the discussion centered on collective bargaining and fair compensation, there was also discussion around communications and resource sharing between the committee and the SAA.

### **Public Consultations following the release of the MACSA Progress Report**

- June 2003  
Saskatchewan Arts Board: Peter Sametz, Director of Operations; Lyndon Tootoosis, Board Member
- SAB Aboriginal Liaison Committee: Sheila Orr, committee member; Randy Lundy, committee member; Lyndon Tootoosis committee member; Carol Greyeyes, consultant to the committee
- Saskatchewan Craft Council: Ken Wilkinson, board member; Madelaine Arkell, board member

### **Written responses following the release of the MACSA Progress Report**

- Gwen Gray, Q.C., Chairperson of the Labour Relations Board
- Benita McNeill, CARFAC, Saskatchewan Visual Artists
- Lorena Kelly, Saskatchewan Recording Industry Association SIRA
- Lori Green, President, Saskatchewan Arts Alliance
- Saskatchewan Federation of Labour
- Laura Brownell, Director, Symphonic Services Division, American Federation of Musicians
- Ann Kipling Brown, Ph.D. Professor, Dance Educator, Arts Education, Faculty of Education, University of Regina
- Sheila Roberts, Cultural Policy Consultant, Connections Consulting
- Garry Neil, ACTRA

## DEFINITIONS

The definitions that follow are gathered from sources listed within the literature review elsewhere in this report.

- *Arbitration*: The settlement of a dispute by the decision of a person or persons with judicial or quasi-judicial powers. (The third party makes the decision).
- *Artist*: is taken to mean any person who creates or gives creative expression to, or recreates, works of art; who considers her/his artistic creation to be an essential part of her/his life; who contributes in this way to the development of art and culture; and who is or asks to be recognized as an artist, whether or not she/he is bound by any relations of employment or association. The word "artist" also signifies any person who devotes a qualitatively important part of her/his life to expressing and communicating an aesthetic vision of the world.
- *Artist Association*: a league, union, guild or other association of artists, and includes a federation of artist associations.
- *Collective Bargaining*: When two parties with mutual interest and similar goals come together to achieve by negotiation a binding agreement on how to conduct their ongoing relationship concerning a number of contractual issues.
- *Collective Agreement*: an agreement between an artist association and an engager or an engager association.
- *Engager*: a company or producer who has a contractual agreement with an artist or purchases an artist's work through a contractual agreement.
- *Engager Association*: an association of engagers, and includes a federation of engager associations.
- *Mediation*: a process in which an impartial facilitator assists parties in conflict to communicate and to make voluntary, informed choices in an effort to find an acceptable way to resolve the dispute. The parties make the decisions about what is acceptable.
- *Public Art*: Artwork in the public realm, which is accessible to the public and possesses aesthetic qualities. The artwork may be permanent, semi-permanent, functional, or temporary and includes all forms of art conceived in any medium, material, performance, media, or combination thereof.
- *Self-employed person*: a self-employed person is an individual who, under a verbal or written agreement, undertakes to provide a service or perform a task for an engager in exchange for an agreed amount.
- *Status*: The word "status" signifies, on the one hand, the regard accorded by society to artists, defined as above, on the basis of the importance attributed to the part they are called upon to play in that society; and, on the other hand, recognition of the

liberties and rights which artists should enjoy, including moral, economic and social rights, with particular reference to income and social security.

## ACRONYMS

- **ACTRA** Alliance of Canadian Cinema Television and Radio Artists
- **AF of M** American Federation of Musicians
- **AFBS** ACTRA Fraternal Benefit Society
- **CAEA** Canadian Actors Equity Association
- **CAPPRT** Canadian Artists & Producers Professional Relations Tribunal
- **CARFAC** Canadian Artists Representation
- **CARCC** *Canadian Artists Representation Copyright Collective*
- **CC** Canada Council for the Arts
- **CCA** Canadian Conference for the Arts
- **CHRC** Canadian Human Resources Council
- **IATSE** International Alliance of Theatrical and Stage Employees
- **OH & S**: Occupational Health and Safety
- **SAA**: Saskatchewan Arts Alliance
- **SAB** Saskatchewan Arts Board
- **SPP** Saskatchewan Pension Plan

## LITERATURE REVIEW

- *Report of the Minister's Advisory Committee on the Status of the Artist, 1993*
- *Equity for Saskatchewan Artists*, discussion paper on the 1993 Status of the Artist Report
- *A Call to Action: A Research Report and Discussion Paper on the Status of the Artist Policy and Legislation in Canada*, from the Canadian Conference of the Arts
- *List of Internet sources on Status of the Artist*
  - *Creating Careers: Human Resource Issues in the Cultural Sector*
  - *Words in Progress: Human Resource Issues in the Literary Arts and Publishing*
  - *Staging the Future, Human Resource Issues in Audio-Visual & Performing Arts*
  - *Sound of the Future, Human Resource Issues in Music and Sound Recording*
  - *Work in Progress: Human Resource Issues in the Visual Arts and Crafts*
  - *(series sponsored by Human Resources Development, Canada)*
- *Saskatchewan Cultural Workers: Brief to the Standing Committee on Human Resources Development, 1994*
- *Collective Bargaining for Independent Contractors: Is the Status of the Artist Act a Model for Other Industrial Sectors?*, Elizabeth MacPherson, 1999
- *Employee or Self-Employed?* Information Brochure, Canadian Customs and Revenue Agency
- *WorkSafe Saskatchewan*, CD from Department of Labour, Occupational Health and Safety
- *Safe Business is Smart Business: A Guide for Employers*, from Saskatchewan Labour, Occupational Health and Safety
- *The Challenge of New Work Relations for Labour and Employment Law*, Eric Tucker and Leah F. Vosko, York University
- *Face of the Future: A Study of Human Resource Issues in Canada's Cultural Sector*, 2002, presented to the Cultural Human Resources Council
- *Face of the Future: Supporting Documentation*, CD, 2002
- *The Status of the Artist Act*, Saskatchewan, The Queen's Printer. 2002.
- *Quebec Status of the Artist Legislation*
- *Federal Status of the Artist Legislation*

- *The Labour of Art: A Report to the Honourable Minister Ian Waddell, Minister of Small Business, Tourism and Culture, on the working conditions and environment for B.C. Artists*, Sandra I. Banister, 2000



## **APPENDICES**

**Recommendations at a glance (chart)**

**Fair Compensation Model**

**MACSA Terms of Reference**

**Artists Earnings Compared to the Overall Labour Force (All Occupations)**

**Saskatchewan Status of the Artist Act**

## RECOMMENDATIONS AT A GLANCE

Recommendations	Strategic Direction	Time Frame	Action	Outcome
<p>1. <b>Support for Voluntary Collective Bargaining:</b> <i>That the Saskatchewan Government amend the Status of the Artist Act to establish the legal authority to intervene and provide dispute resolution in support of voluntary collective bargaining between artists and engagers. These powers would include the ability to hold hearings designed to recommend minimum industry standards within the arts sector.</i></p> <p><b>Short Term Approach:</b> <i>To delegate the new authority to an existing body in government already providing similar services. Examples for consideration include the Department of Justice Mediation Services and the Labour Relations Board.</i></p> <p><b>Ultimate Objective:</b> <i>To establish an Artists &amp; Producers Commission(er) that would function at arm's length from government and possess quasi-judicial authority.</i></p>	Industry Standards	Short-term And Long Term approaches	Legislative amendment to the Status of the Artist Act	<ul style="list-style-type: none"> <li>• Access to mediation for engagers and artists</li> <li>• Model contracts</li> <li>• Hearings in order to establish recommended industry standard minimum rates</li> </ul>
<p>2. <b>Protection for Job Action:</b> <i>That the Government of Saskatchewan amend the Status of the Artist Act to include protection for job action by artist associations in support of voluntary collective bargaining.</i></p>	Industry Standards	Short-term Immediate Action	Legislative amendment to the Status of the Artist Act	<ul style="list-style-type: none"> <li>• Artists better able to protect collectively bargained agreements</li> <li>• Stronger position for Arts Associations making first agreements</li> </ul>
<p>3. <b>Enforcement Support:</b> <i>That the Department of Labour, Labour Standards Branch, be authorized to provide enforcement support to self-employed artists upon the contravention of their contracts by individual engagers.</i></p>	Industry Standards	Short Term: Immediate action	Legislative amendment to the Labour Standards Act	<ul style="list-style-type: none"> <li>• Artists contracts strengthened with the leverage of "enforcement support"</li> </ul>

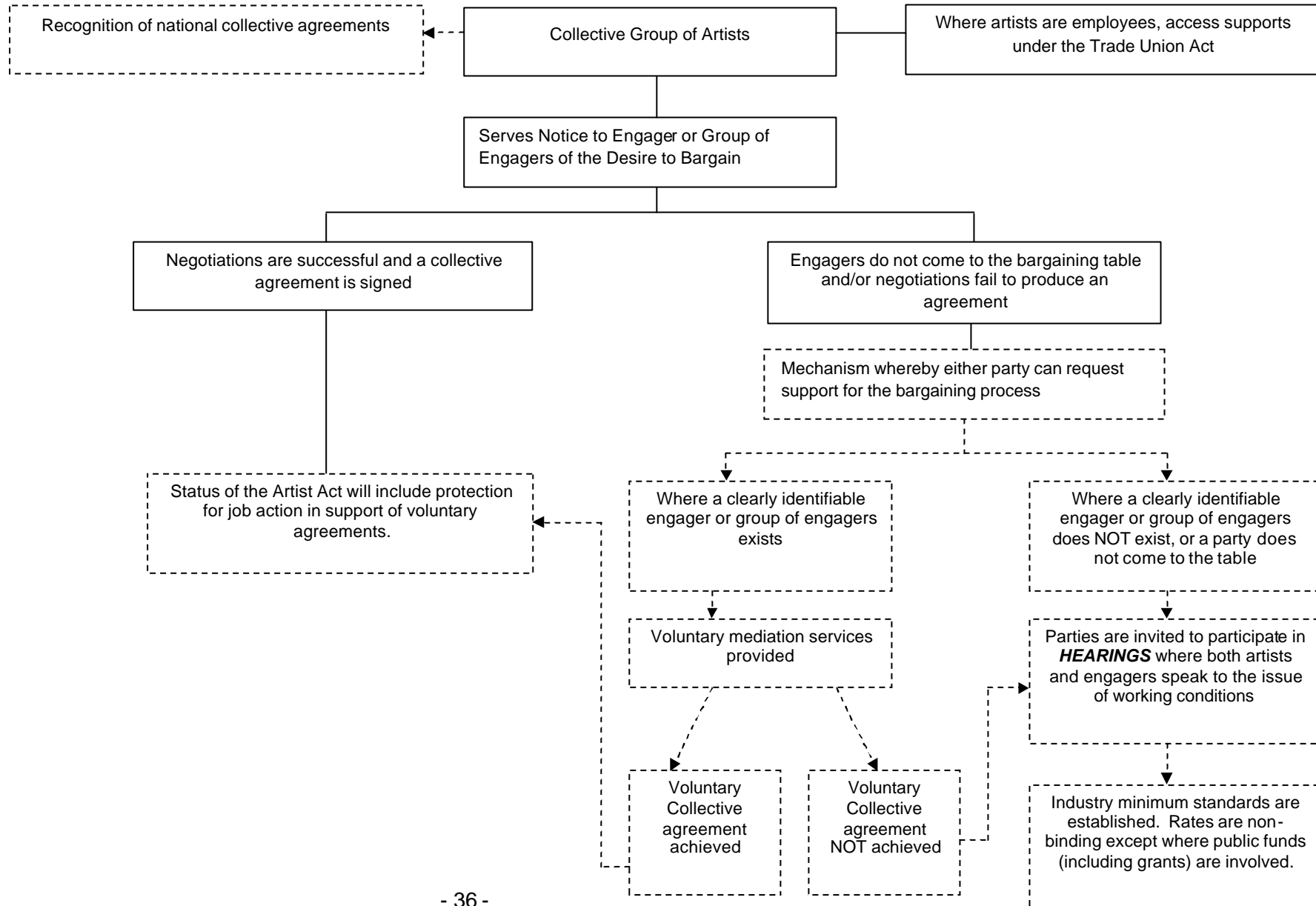
<b>Recommendations</b>	<b>Strategic Direction</b>	<b>Time Frame</b>	<b>Action</b>	<b>Outcome</b>
4. <b>Definitions of Professional Artist:</b> <i>That the Saskatchewan Government amend the Status of the Artist Act to provide for a revised definition of "artist" and a new definition of "professional".</i>	Industry Standards	Short Term: Immediate action	Legislative change to Status of the Artist Act	<ul style="list-style-type: none"> <li>• Definitions provide clarity on issues of inclusion within the arts sector</li> <li>• Creates a pathway to achieving professional status</li> </ul>
5. <b>Provincial tax exemption: royalties, income:</b> <i>That the Government of Saskatchewan provide a provincial tax exemption of up to \$30,000 per year on royalties and artistic income earned by professional artists.</i>	Benefits & Taxation	Short Term: Immediate action	Department of Finance, introduce an exemption for grant income for artists receiving grants	<ul style="list-style-type: none"> <li>• Artists will have more resources to increase their time to create and develop new work</li> <li>• Saskatchewan Government will be leading the way in tax reform for artists</li> </ul>
6. <b>Provincial tax exemption, for artist assistance grant:</b> <i>That the Government of Saskatchewan provide a full tax exemption for earned revenue from individual artist assistance grants from the Canada Council for the Arts, the Saskatchewan Arts Board and other granting agencies.</i>	Benefits & Taxation	Short Term: Immediate action	Department of Finance amend the provincial income tax regulations to allow for the proposed exemption for Saskatchewan artists	<ul style="list-style-type: none"> <li>• Saskatchewan's cultural creators receive tangible recognition and respect for their contribution to our society</li> <li>• Saskatchewan Government will be leading the way in tax reform for artists</li> </ul>
7. <b>Saskatchewan Pension Plan:</b> <i>That the Provincial Government support the Saskatchewan Pension Plan in their efforts to lobby the federal government to change the current restrictions on allowable annual contribution.</i>	Benefits & Taxation	Short Term: Immediate action	Saskatchewan Government working with the Saskatchewan Pension Plan should advocate to the federal Finance Department that the limits for the provincial pension plan be raised	<ul style="list-style-type: none"> <li>• Artists would have access to a flexible option to make significant tax-deductible contributions to a professionally managed pension plan</li> </ul>

<b>Recommendations</b>	<b>Strategic Direction</b>	<b>Time Frame</b>	<b>Action</b>	<b>Outcome</b>
8. <b>Reappointment of the Minister's Advisory Committee:</b> <i>That a Ministerial Advisory Committee on the Status of the Artist be appointed for at least one more year and in its second year MACSA be provided with resources to expand its consultations with artists, engagers and arts organizations.</i>	Maintenance of the Status of the Artist Initiative	Short Term: Immediate action	The Minister of Culture, Youth and Recreation appoint the MACSA committee for one more year, appointing new MACSA members as needed	<ul style="list-style-type: none"> <li>• continuity and follow-up with the consultations and investigations they have made to date</li> <li>• Address Artists issues MACSA was not able to address within the 1 yr. appointment</li> </ul>
9. <b>Permanent Advisory Committee:</b> <i>That the Government of Saskatchewan amend the Status of the Artist Act to provide for the creation of a permanent Ministerial Advisory Committee which would report to the Minister in charge of the arts. The duties of the Status of the Artists Advisory Committee would include: a.) advising the Minister on Status of the Artist issues; b.) providing consultation with the arts community on status of the artist issues and c.) proposing research on economic and social equity for artists.</i>	Maintenance of Status of the Artist	Short Term: Immediate action	Legislative change to the Status of the Artist Act establishing a permanent Ministerial Advisory Committee on the Status of the Artist	<ul style="list-style-type: none"> <li>• A legislated mandate would provide for a strategic approach to meeting the challenges of "status of the artist issues".</li> <li>• Committee would conduct direct and effective consultations with the artists, engagers, and arts associations</li> </ul>
10. <b>Government Education Campaign:</b> <i>That there be an internal information and education campaign within government to provide background on the implications of the Status of the Artist Act for the work of government. This information and education campaign should be initiated within the Department of Culture, Youth and Recreation and focus on issues arising out of the Status of the Artist Act and new Status of the Artist initiatives brought forth by the Minister.</i>	Maintenance of Status of the Artist Initiative	Short Term: Immediate action	The Department of CYR develop an information campaign that will facilitate the understanding of new Status of the Artist issues	<ul style="list-style-type: none"> <li>• To provide accessible information on how Status of the Artist initiatives support the aims and goals of government and improve the environment for artists in the province</li> </ul>

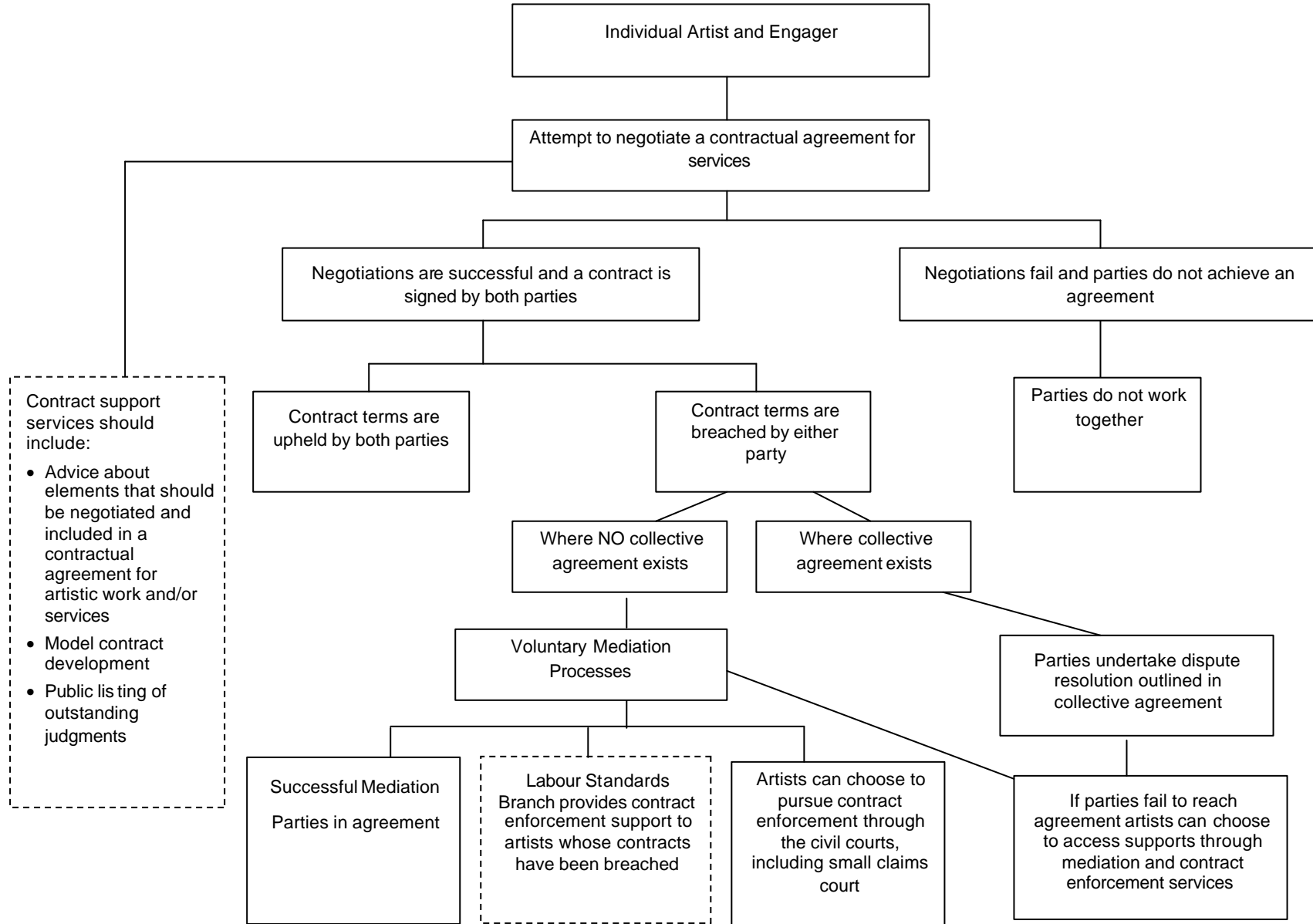
Recommendations	Strategic Direction	Time Frame	Action	Outcome
<p>11. <b>Information for Artist:</b> <i>That the Department of Culture, Youth and Recreation, in partnership with the Saskatchewan Arts Alliance, develop an informational tool to inform artists of Status of the Artist issues and the supports and processes that are available to address those issues.</i></p>	<p>Maintenance of Status of the Artist</p>	<p>Short Term: Immediate Action</p>	<p>Produce a communication campaign to inform artists of status of the artist issues and the resources available to them</p>	<ul style="list-style-type: none"> <li>• To inform Saskatchewan artists of status of the artist issues</li> <li>• To assist them in their capacity to improve their working conditions and their professional standing</li> </ul>
<p>12. <b>Crown Corporation Agreement.</b> <i>That MACSA with the assistance of the Department of Culture Youth and Recreation develop with the provincial Crown Corporations a "principals of engagement" document similar to the agreement that exists between the Crowns and the construction industry.</i></p>	<p>Promotion of Artists</p>	<p>Short Term: Immediate action</p>	<p>Develop a "principles of engagement document" with Crown Corporations</p>	<ul style="list-style-type: none"> <li>• Create a new understanding of the issues surrounding procurement of artists and producers</li> <li>• Provide an environment of clarity and mutual respect surrounding the procurement</li> </ul>
<p>13. <b>Procurement Policies:</b> <i>That the Government of Saskatchewan establish a policy for the purchase of art works and the commissioning of literary and performance art for government and crown agency buildings, with Saskatchewan works given priority. Further that the government of Saskatchewan establish a policy that at least one- percent of the capital construction costs of new and refurbished government buildings be spent on art. The policy will provide that all art disciplines should be considered when purchasing art.</i></p>	<p>Promotion of Artists</p>	<p>Short Term: Immediate action</p>	<p>The Saskatchewan Government establishes new policies around the procurement of art</p>	<ul style="list-style-type: none"> <li>• High economic impact for artists at a low cost to government</li> <li>• A public art policy will create a permanent legacy of public art for future generations</li> </ul>

<b>Recommendations</b>	<b>Strategic Direction</b>	<b>Time Frame</b>	<b>Action</b>	<b>Outcome</b>
<p><b>14. Occupational Health and Safety:</b> <i>That Occupational Health and Safety (Department of Labour) begin discussions with the cultural community on how best to develop resources for the artists and arts organizations on occupational health and safety issues. It is anticipated that OH &amp;S would begin this dialogue with Cultural Human Resource Committee of SaskCulture in working to providing education information on OH&amp;S issues.</i></p>	Education & Training	Short Term: Immediate action	Occupational Health and Safety will initiate a dialogue with the cultural community with the aim to gather and distribute information on health and safety issues	<ul style="list-style-type: none"> <li>Artists able to choose to alter their work environment to make it safer</li> </ul>
<p><b>15. Inventory of Training Opportunities:</b> <i>That the Department of Culture, Youth and Recreation and SaskCulture explore ways to support the compilation and distribution to the arts community of an inventory of cultural training programs available from community introductory programs to postgraduate courses, in all disciplines and at all levels in Saskatchewan.</i></p>	Education & Training	Short Term: Immediate action	The Department of Culture, Youth and Recreation will support the development of better ways to promote training opportunities	<ul style="list-style-type: none"> <li>Information on training opportunities would be put into the hands of artists and arts associations providing a "full picture" of what was available</li> </ul>
<p><b>16. Funding for the Arts:</b> <i>That the Government of Saskatchewan, follow its announcement of \$1.5 million in new funding for the Saskatchewan Arts Board by providing immediate interim increases to the SAB. It should be understood that new funding appropriate to the need within the arts sector will be needed in addition to the announced increase.</i></p>	Economic Development	Long Term: Continued Action	New funding for the SAB immediately...further SAB increases need to be planned for to meet the current need in the community.	<ul style="list-style-type: none"> <li>Increased support of the SAB has an immediate impact on how many individual artists can be funded</li> </ul>
<p><b>17. Income Averaging for Artists:</b> <i>That the government, in its discussions with its colleagues at the federal level advance tax reform in the area of income averaging to assist artists, as well as other self-employed workers to assist them in coping with fluctuations in annual income.</i></p>	Benefits & Taxation	Long Term: Continued Action	The Saskatchewan Department of Finance advocates to its federal counterparts and Canada Customs and Revenue Agency for the introduction of income averaging	<ul style="list-style-type: none"> <li>Income average will lead to income stabilization in so that artists can better manage their incomes over a number of years</li> </ul>

**FAIR COMPENSATION MODEL**  
**Process for support of Voluntary Collective Bargaining Process**  
*(New Legislative and Regulatory Initiatives indicated by dashed lines)*



**FAIR COMPENSATION MODEL**  
**Process for support between Individual Artists and Engagers**  
*(New Legislative and Regulatory Initiatives indicated by dashed lines)*



Contract support services should include:

- Advice about elements that should be negotiated and included in a contractual agreement for artistic work and/or services
- Model contract development
- Public listing of outstanding judgments



## MINISTER'S ADVISORY COMMITTEE ON STATUS OF THE ARTIST

### TERMS OF REFERENCE

#### 1) RESPONSIBILITIES:

The Minister's Advisory Committee on the Status of the Artist is responsible to provide advice to the Minister on the development of status-of-the-artist measures.

#### 2) OUTCOMES:

Within the context of existing research, reports, and analysis, the outcomes that will be provided by the Minister's Advisory Committee on the Status of the Artist are:

- a) Priorities will be recommended to the Minister – an analysis of previously identified strategies will be undertaken and recommendations will be made regarding strategies that should be addressed first. Criteria for priorities include:
  - i) The strategy responds to current issues and priorities of artists in Saskatchewan
  - ii) The strategy will have a real impact on the lives of artists in Saskatchewan
  - iii) The strategy lies within the authority of the Government of Saskatchewan and/or the arts sector of Saskatchewan.
  - iv) The strategy is achievable. The resources required to achieve the strategy are available and the strategy can realistically be achieved in the short term.
- b) Actions related to specific priorities will be recommended to the Minister. For the recommended actions accepted by the Minister, the committee will provide consultative support to advance their effective realization.
- c) Key long-term strategies that will foster the environment envisioned in the *Status of the Artist Act* will be recommended to the Minister

#### 3) AUTHORITY:

The Minister's Advisory Committee on Status of the Artist will be appointed for one year to provide the Minister with advice and recommendations on the achievement of the objectives of the *Status of the Artist Act*. As such, subject to agreed-upon time-lines and budget considerations, the committee has the authority to:

- a) Call its own meetings;
- b) Develop its own agenda in consultation with the Department of Culture, Youth and Recreation;
- c) Establish its own working processes to achieve the identified outcomes;
- d) Establish its own sub-groups/committees;
- e) Engage in its own consultations; and
- f) Make recommendations to the Minister;

#### 4) TIMELINES:

The committee will be appointed for one year beginning September, 2002. The committee's term will expire in August 2003.

**5) COMMUNICATIONS:**

The committee will provide the following communications:

- a) Minutes of all meetings will be provided to the Department of Culture, Youth and Recreation
- b) A final report of the work of the committee shall be submitted to the Minister.
- c) Where approved in advance by the Minister, the committee shall find mechanisms to report its progress to the cultural sector.

**6) SUPPORTS:**

The committee will be provided with the support and assistance of the Department of Culture Youth and Recreation

**ARTISTS EARNINGS COMPARED TO THE  
OVERALL LABOUR FORCE (ALL OCCUPATIONS)**

<b>Table 1: Key data on artists in the labour force in 2001</b>			
	<b>Artists</b>	<b>Overall labour force</b>	<b>Artists as a % of overall labor force</b>
Number reporting earnings	130,695	16.4 million	0.8%
Average earnings	\$23,490	\$31,757	74%
Total earnings	\$3.1 billion	\$521.3 billion	0.6%
<i>Source: 2001 Census custom data request</i>			

<b>Table 2: Average earnings of artists and percentage of average earnings in the overall labour force, 2001</b>		
<b>Occupation</b>	<b>Average earnings</b>	<b>Percentage of average earnings in the overall labour force</b>
Actors	\$21,597	68%
Artisans and craftspersons	\$15,533	49%
Conductors, composers and arrangers	\$27,381	86%
Dancers	\$14,587	46%
Musicians and singers	\$16,090	51%
Other performers	\$18,156	57%
Painters, sculptors and other visual artists	\$18,666	59%
Producers, directors, choreographers and related occupations	\$43,111	136%
Writers	\$31,991	100%
<b>All 9 arts occupations</b>	<b>\$23,490</b>	<b>74%</b>
<b>Overall labour force</b>	<b>\$31,757</b>	<b>100%</b>
<i>Source: 2001 Census custom data request</i>		

The median is a measure of the earnings of a “typical” worker in various occupations. Half of the individuals have earnings that are less than the median value, while the other half have earnings that are greater than the median. The median is less influenced by the average (more appropriately known as the “mean”) by extreme observations, such as a few individuals reporting very large incomes. As a consequence, median earnings are typically lower than average earnings.

<b>Table : Median earnings of artists and percentage of median earnings in the overall labour force, 2001</b>		
<b>Occupation</b>	<b>Average earnings</b>	<b>Percentage of average earnings in the overall labour force</b>
Actors	\$12,652	51%
Artisans and craftspersons	\$10,042	40%
Conductors, composers and arrangers	\$20,043	80%
Dancers	\$9,999	40%
Musicians and singers	\$10,023	40%
Other performers	\$10,036	40%
Painters, sculptors and other visual artists	\$10,023	40%
Producers, directors, choreographers and related occupations	\$35,933	143%
Writers	\$25,841	103%
<b>All 9 arts occupations</b>	<b>n/a</b>	<b>n/a</b>
<b>Overall labour force</b>	<b>\$25,052</b>	<b>100%</b>
<i>Source: 2001 Census custom data request. Median earnings are available only for individual arts occupations, as the data on median earnings for the nine arts occupations as a group was not available in the custom data set and could not be estimated.</i>		

Source:

Hill Strategies Research Inc., *A Statistical Profile of Artists in Canada Based on the 2001 Census*, Statistical insights on the arts, Vol. 3 No.1, September 2004,  
[http://www.hillstrategies.com/docs/Artists\\_in\\_Canada.pdf](http://www.hillstrategies.com/docs/Artists_in_Canada.pdf) (October 20, 2004)