

The Liberal Party, in its 2003 Election Platform “Arts and Culture Matter”, stated:
“Within the first two years of our mandate, this Council will produce a Report on the Status of the Artist in Ontario in the 21st Century. This report will be used to develop Status of the Artist legislation for our artists in Ontario, following the successful lead of both Quebec and Saskatchewan. It will recognize the importance of Ontario’s artists and represent a new respect for their social and economic contribution”

The Minister of Culture, the Honourable Caroline Di Cocco,
stated in the Legislature on May 15, 2006:

“It is our intention to move forward to improve the socio-economic status of the artist, recognize and enhance the labour status of artists, promote artists and their work and enhance artist health and well-being”

Why do Visual and Media Artists Need Strong Status of the Artist Legislation in Ontario?

Provincial Status of the Artist legislation could prove to be one of the greatest opportunities for visual and media artists to protect their rights and improve their status. There is currently an opportunity to advocate for such legislation in Ontario. The following primer is designed to answer members’ questions about Status of the Artist legislation and assist in advocating for Status of the Artist legislation with their local Member of Provincial Parliament (MPP).

A Status of the Artist Act which has a strong, well-worded labour relations component that includes mediation and arbitration would force producers (e.g. galleries, museums) to negotiate with creators’ organizations (e.g. CARFAC Ontario) for Minimum Terms Agreements. Such agreements negotiated by CARFAC Ontario and presenting institutions would mean improved terms for most visual and media artists.

What is a Minimum Terms Agreement?

A Minimum Terms Agreement would establish the minimum terms that a presenter could offer an artist. It would likely address minimum exhibition and reproduction rates, working hours and conditions, payment schedules, etc. A visual or media artist could negotiate a contract with terms that exceeded the minimum terms, but the presenter could not offer any visual or media artist terms that were below the minimum negotiated between CARFAC Ontario and the presenter.

What about Federal Status of the Artist legislation?

The federal *Status of the Artist Act* came into effect in 1995. The Act was intended to improve the working conditions and economic circumstances of artists. The first part of the Act recognizes the importance of artists in Canadian society and establishes the Canadian Council on the Status of the Artist, which is responsible for supporting and

promoting the professional status of artists in Canada. However, the Council essentially ceased to function soon after the Act was implemented. The second part of the Act establishes a framework to govern collective bargaining between professional artists and federal producers. Under the Status of the Artist Act, CARFAC National has been certified by the Canadian Artists and Producers Professional Relations Tribunal (CAPPRT) to negotiate with federal producers (e.g. National Gallery of Canada, Museum of Civilization, Embassies, etc.) . However, there are a vast number of Provincial presenters, and CARFAC's federal certification does not authorize CARFAC Ontario to negotiate with these presenters on behalf of visual and media artists.

Why Ontario? What about the other provinces?

Ideally, CARFAC Ontario would like to see Status of the Artist Acts in all provinces. There is Status of the Artist legislation in Quebec that contains a labour relations component, although the Act covering visual and media artists has not resulted in any agreements. Saskatchewan has a Status of the Artist Act, but without the labour relations component. Provincial Status of the Artist legislation would allow CARFAC Ontario to negotiate minimum terms agreements with provincial presenters. Minimum Terms Agreements with Ontario's presenters would likely have a very big impact on visual and media artists all across the country.

A well-worded Status of the Artist Act in Ontario would allow CARFAC Ontario to negotiate minimum terms agreements with presenters in Ontario, where a vast number of Canada's presenters reside.

Why is provincial legislation needed at all?

Without Status of the Artist legislation, negotiations with presenters by CARFAC Ontario could be considered a breach of the Competition Act (as was claimed years ago). Labour statutes specifically allow trade unions to bargain collectively for their members – an activity that might otherwise be seen as an improper interference with free markets. Status of the Artist legislation would provide similar protection for creators' organizations.

So what has happened so far?

The Liberal Government, under Dalton McGuinty, promised to produce a report on Status of the Artist Legislation for Ontario within the first two years of its mandate, the government is now in the third year of its mandate and while it has undertaken a consultation on the issue it has yet to release the report.

Artists associations and unions have been urging the Government of Ontario to keep its promise of enacting provincial Status of the Artist legislation. The Ontario Minister of Culture's Advisory Council for Arts and Culture established a Status of the Artist Sub-Committee. In December 2005 CARFAC Ontario submitted a brief to the Committee.

What did CARFAC Ontario's brief recommend?

The brief called for an Ontario Status of the Artist Act that would provide some of the following:

- a collective bargaining regime for self-employed artists and presenters,
- income tax relief for artists;
- protection of artists from insolvencies of presenters;
- expanded health services for artists
- incentives for consumers to support artistic creation (interest free loans, tax credits)
- financial support of senior artists.

CARFAC Ontario's brief can be found on our website at:

http://www.carfacontario.ca/images/status_of_the_artist.pdf

Where do we go from here?

CARFAC Ontario and its members need to keep pressing the Ontario Government to introduce Status of the Artist legislation with a strong, well-worded labour relations component that would allow for collective bargaining between associations of self-employed artists and provincial producers. Visual and media artists need to remind their provincial Member of Parliament, Premier Dalton McGuinty, Minister of Culture Caroline Di Cocco, and Minister of Labour Steve Peters that:

- Ontario's cultural industries contribute more than \$5.3 billion to Ontario's economy and generate more than 40,000 highly skilled jobs in Ontario. At the core of this multi-billion dollar sector are the creators who produce the intellectual property on which cultural industries are built.
- The visual (and media) arts sector contributed an average of \$535 million annually to Ontario's Gross Domestic Product between 1996-2001, yet in 2001 it was reported that painters, sculptors and other visual (and media) artists had average earnings of \$24,955, almost 30% less than the average Ontario labourer.
- Visual and media artists who are self-employed are not provided with the same benefits as other workers, i.e. collective bargaining rights, health and safety, insurance, training, income protection.
- Visual and media artists need Status of the Artist legislation to protect their rights, enhance their working conditions, and ensure they are fairly compensated for their work, which is at the basis of a multi-billion dollar cultural sector which employs tens of thousands of workers.

- Fair treatment of Ontario's artists will ensure that they can continue to create for the benefit of all citizens of Ontario and Canada.
- Art and Culture “enrich the social fabric of Ontario and foster critical thinking in the development of strong local identity...[I]t is the government's responsibility to provide stable funding and status to Canadian artists in order to create a climate in which they can excel.” Mr. Rosario Marchese (Member of Provincial Parliament for Trinity-Spadina, N.D.P.)

CARFAC Ontario members are urged to contact their M.P.P.s and remind them of the importance of this legislation. Make sure you forward this e-mail to colleagues as well as other visual and media arts supporters.

How do I contact my M.P.P.?

Addresses and contact information for Members of Provincial Parliament by riding can be found at: www.ontla.on.ca/index.htm, under members.

Three particularly important MPPs are (Constituency and Queens Park addresses):

Hon. Dalton McGuinty
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