

## D'Art Question 12: 'Status of the Artist' legislation and policies

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Following UNESCO's recommendation on the status of the artist ([http://www.unesco.org/culture/laws/artist/html\\_eng/page2.shtml#I](http://www.unesco.org/culture/laws/artist/html_eng/page2.shtml#I)), both federal and provincial (regional) governments in Canada have enacted status of the artist legislation. One of those provinces is Saskatchewan, which enacted such legislation last year. The Saskatchewan Arts Alliance (SAA) is interested in researching and reviewing status of the artist legislation and policies around the world. Their main questions are below. A detailed context for this query, including background materials and website links, is provided after the question.

### QUESTION

The Saskatchewan Arts Alliance's (SAA) main question is:

- Are there other governments (whether national or sub-national) that have developed similar collective bargaining legislation, enabling legislation, or developed policy statements or programs encompassing status of the artist issues?

Other questions are:

- Are there jurisdictions where government has, at least, committed to development of such legislation and/or policies? If so, what are the dimensions of such commitments?
- Are there artists' organizations actively promoting status issues, policy, action, programs, and/or legislation at national or regional levels?
- Are there national or sub-national labour provisions that protect interests of artists' organizations/unions within general labour legislation, thereby negating the need for legislative action specifically applicable to artists' circumstances?
- What has been the impact of any such programs, legislation, and policy?

Can you make any suggestions, or provide references or links that can help with these questions? Or perhaps you would simply like to make a comment about the benefits and effectiveness of status of the artist legislation or policies. If so, you can post your comments directly to the forum on this issue by logging on to the IFACCA website ([http://www.ifacca.org/ifacca2/en/organisation/page09\\_BrowseDart.asp#](http://www.ifacca.org/ifacca2/en/organisation/page09_BrowseDart.asp#)) with your usual username and password, and posting your comments to the dedicated forum. Or you can email us at [info@ifacca.org](mailto:info@ifacca.org).

## CONTEXT

In Canada, Status of the Artist legislation has existed at the federal government level since 1992. This legislation provides recognition of 'professional' artist's rights and interests and further commits the government to promotion of these rights and interests. It defines the term 'professional artist' and sets out the means for artists' organizations to have collective bargaining rights and protections.

Two of Canada's provinces have also enacted artist status legislation:

- Quebec (1987–88), where legislation is similar to the federal Act in that it provides for artists' and producer's organizations to undertake collective bargaining and further provides some definition of standards protection for artists and their organizations.
- Saskatchewan (2002), where legislation recognizes artists rights and commits the government to promotion of benefits and collective processes for artists. It does not specifically provide collective bargaining or standards.

Weblinks to the federal and provincial Acts are provided below.

The Saskatchewan legislation was based on a 1993 report that covered collective bargaining, labour standards, copyright, social benefits, social policy, pensions, training and education, occupational health, economic development, taxation, housing, and visibility of the arts. In the 1990s other Canadian provinces developed similar position papers dealing with status issues.

The SAA and the provincial government (via its Minister's Advisory Committee on the Status of the Artist) are committed to further action on improving the status of artists. Knowledge of international developments will greatly assist our progress in Canada.

### **Further information:**

Saskatchewan legislation (available in English and French)

<http://www.qp.gov.sk.ca/documents/english/Chapters/2002/s58-1.pdf>

Canadian federal legislation:

English <http://capprt-tcrpap.gc.ca/actregs/act/index-e.html>

French <http://capprt-tcrpap.gc.ca/actregs/act/index-f.html>

Quebec legislation (French and English)

<http://publicationsduquebec.gouv.qc.ca/home.php#>

Saskatchewan Arts Alliance [www.artsalliance.sk.ca](http://www.artsalliance.sk.ca)

Saskculture [www.saskculture.sk.ca/index.html](http://www.saskculture.sk.ca/index.html)

Press release Advisory Committee to Focus on Artists' Equity, 21 September 2002

<http://www.gov.sk.ca/newsrel/releases/2002/09/21-743.html>

Other background materials provided by the Saskatchewan Arts Alliance are below.

## EQUITY FOR SASKATCHEWAN ARTISTS

### *A BRIEF HISTORY OF STATUS OF THE ARTIST IN CANADA*

In the development of arts and cultural policy in Canada the issue of artists' access to social and economic benefits has been critical. A 1973 brief from the Canadian Conference of the Arts (CCA) pointed out the artist's " *real situation, is that of a beacon in intellectual circles but a pauper in practical terms*". By the 1970's many forces became vocal on the issue of 'status' (1) or equity for artists.

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#### **INTERNATIONAL ACTION:**

In the 70's international forums began the call for examination of the status of the artist.

- **1976** - UNESCO met in Kenya, again in **1977** at a joint ILO / UNESCO meeting in Geneva. Canadian Paul Siren chaired the Joint Committee to draft recommendations for member states on 'status'.
- **1980** - the *UNESCO Belgrade Recommendations on Status of the Artist*, which Canada signed, urged member states to act on a broad range of policy, including access to social programs and protection of artists' rights.
- **1980-90's** - other states developed programs designed to address status issues in the area of income, benefits and social policy.
- **2001** – UNESCO has continued forums on Status, most recently in Sweden.

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#### **FEDERAL ACTION:**

- **1978 *Disney Report*** on taxation. This is the most comprehensive analysis of the difficulties imposed on artists by the tax system. It recommended, among other aspects, "dual status" for professional artists.
- Other reports on taxation have also dealt with the inequities for artists, including the **1984 *Taxation of Visual and Performing Artists and Writers***, and the **1986 *Funding of the Arts in Canada (Bovey Report)***.
- **1982 - *Applebaum-Hebert Report*** on Federal Cultural Policy Review, following extensive hearings and consultations, concluded that in 30 years, despite their overwhelming contribution to Canadian life, artists' living conditions remain virtually unchanged: "the income of many, if not most, of these artists classifies them as highly-specialized, working poor."
- **1986 - *Task Force on the Status of the Artist***, established by the federal government, made recommendations over a broad range of issues, particularly on labour relations within federal jurisdiction.
- **1987 - *Canadian Advisory Committee on the Status of the Artist*** created by the federal government, the first step in implementing Task Force recommendations.

- **1988** - the Advisory Committee developed draft legislation, with the assistance of the Canadian Conference of the Arts, referred to as the *Canadian Artists' Code*. While not enacted the Code formed the basis for further action.
- **1990 - Bill C-7, Status of the Artist Act** was first introduced and in **1992** passed by the federal parliament. The Act covers the formation of an Advisory Council and collective bargaining within federal jurisdiction.
- **1995 - CAPPRT (Canadian Artists and Producers Professional Relations Tribunal)** was established to administer professional relations provisions of the Act. CAPPRT has dealt with numerous certifications and collective bargaining issues since then. In **2001 – 02** there will be a review of the legislation.
- **1999 - A Sense of Place A Sense of Pride**, a Canadian Heritage report on support of culture in Canada called for examination of self-employment issues, including for artists as creators, formation of a review task force and invited provincial governments to put in place complementary legislation on status.
- **1999 - Connecting to the Canadian Experience**, federal government's response endorsed the recommendations related to self-employment and promoted provincial status legislation.
- **2001** – HRDC study on EI extension to self-employed, including artists, has been launched.

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#### **PROVINCIAL ACTION:**

- **Quebec** became the first province to develop status legislation. In response to considerable pressure from the artistic community the Quebec government enacted **Bill 90 (1987)** dealing with collective bargaining for performing artists, and **Bill 78 (1988)** covering visual and literary artists.
- **1992 - B.C. and Saskatchewan** appointed artists committees to make recommendations for programs and legislation.
- **1993 B.C. "In spirit and In law" Report of the B.C. Advisory Committee on the Status of the Artist** was produced. While some action has taken place the B.C. government has not yet proceeded with the major elements of the report. A report produced in **2000 "The Labour of Art"** reexamines status issues in B.C.
- **1993 Saskatchewan - The Report of the Minister's Advisory Committee on Status of the Artist** was published containing 115 recommendations across a broad spectrum of issues affecting artists. An initial start at examining implementation of the report did not proceed.
- **2001** - the **Saskatchewan Arts Alliance** took up the Report and mobilized the Saskatchewan cultural community in support of provincial government action.
- **2001** - The Minister of Culture, Youth and Recreation has indicated that the government is considering legislation and programs.
- Other provinces have also examined status issues, notably Ontario and Manitoba.
- **2001 NFLD** - a major policy report of Association of Cultural Industries (ACI) in has called to status programs and legislation. It is currently under review.

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***CULTURAL COMMUNITY ACTION:***

From the emergence of the demand for equity for artists many provincial and national arts and cultural organizations have taken direct action lobbying for support of status.

- ***The Canadian Conference of the Arts*** has been in the forefront of activity with numerous briefs and representations to the federal government on issues of taxation, benefits, legislation and social programs over many years.
- **2000** - The CAA issued a study - ***A Call to Action*** dealing with Status of the Artist policy and legislation.

(1) "Status" is used here as the historic title for the concept, however the issue is better understood by government and the public to be one of "equity" for artists, and this is the term SAA prefers to express the issues encompassed.

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November 2001

Prepared by the Saskatchewan Arts Alliance, based on Canadian Conference of the Arts "Brief History"

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# **EQUITY FOR SASKATCHEWAN ARTISTS**

## **EXECUTIVE SUMMARY MINISTER'S ADVISORY COMMITTEE REPORT ON STATUS OF THE ARTIST, 1993**

Prepared by the Saskatchewan Arts Alliance  
November 2001

## **I. INTRODUCTION**

In 1993 the Saskatchewan Status of the Artist Report was produced for the Saskatchewan Government, specifically for the Minister in charge of culture. The Committee responsible was composed of Saskatchewan artists from various disciplines. Since 1993 the recommendations of the Report have largely remained untouched. In 2001 there is renewed interest. This executive summary is provided as a short review of the basic elements of the Report.

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

Artists are primarily interested in making art. But they're also concerned with putting bread on the table. The focus of the Status Report is just that: not art itself, but the bread and butter issues that surround the making of art, that allow art to happen.

Basically "status" is about equity, economic and social justice for artists. Giving artists the same protections and rights as other citizens, in other words the same "status".

In practice it means access to social benefits, collective bargaining rights, health and safety, insurance, training, income protection – bread and butter issues for artists to make their lives more secure.

### **What Is The Problem To Be Solved?**

Artists are mainly self-employed, their work is insecure and mostly low income, they lack benefits, collective bargaining rights and labour standards, access to programs and security that other workers have, their work is often viewed as marginal, not a "real job", yet society holds art as invaluable to its core conception of itself. And the cultural sector is a substantial one, in Saskatchewan alone there are 18,000 cultural workers and in the economy - direct and indirect impact on the GDP in 1995 was over \$650 million for the cultural sector in Saskatchewan. (Source – Statistics Canada)

The Status Report addresses these problems with a series of practical proposals.

### **A Short History**

For over 30 years "status of the artist" has been advocated nationally, internationally and provincially. Other countries have implemented a variety of programs to address status issues. In Canada, Quebec began with legislation in the 1980's and the federal government acted in 1992. Other provinces have examined the issue and artists' organizations have called for action in a number of forums.

The federal government has stated "it will be difficult to make improvements to the status of Canadian artists without the cooperation and participation of provincial governments." In Saskatchewan, "status" action was called for by the Arts Strategy Task Force Report (1990). In 1992 the government formed the Status of the Artist Committee to examine the issue and make recommendations for provincial action resulting in the 1993 Report.

## II. PRINCIPAL ELEMENTS AND RECOMMENDATIONS

The Report includes some 115 recommendations. It is intended as a guide to Government on policy, legislative and program changes affecting artists and their organizations both in provincial matters and those covered by federal jurisdiction.

The Report recommendations cover basic rights, collective bargaining and industry standards, economic and social security, education and training, economic development, visibility, and minority rights.

### VISION:

The report sets out a vision for achieving “status” of the artist in Saskatchewan:

- *Saskatchewan artists in all disciplines will be able to earn a living from the making of their art*
- *Artists will be treated fairly, by government and society as a whole*
- *Economic and social benefits available to other workers will be available to Saskatchewan artists*
- *Resources for education and training will be widely available to Saskatchewan artists*
- *And that the creations of Saskatchewan artists will be available to the public to the maximum extent possible.*

### A. Basic Rights – An Artists Code:

The Report endorsed three principles established by the federal Canadian Artists code and added one more.

1. The treatment of the artist by society reflects its appreciation of the value of creativity, the right to self-expression, and the respect it holds for its cultural heritage and development.
2. The contribution of the artist to society is manifest in economic, labour market, social and industrial terms, true value being evidenced in the quality of life and the maturity of the nation.
3. The fundamental role of the artist as the creative force behind all cultural industries warrants that artists enjoy an equitable share of the profits and decisions in the sector.
4. All people should have the broadest access to artists and their work through distribution, exhibition, and education. In particular, we believe Saskatchewan people must have full access to Saskatchewan arts and artists, including the work of indigenous artists, whose cultural and aesthetic traditions predate European contact and must be nurtured and encouraged.

The Report recommends these principles be included in new legislation and sets out a definition of “professional artist” for the proposed legislation.

## **B. Collective Bargaining And Industry Standards:**

Many, particularly artists who are self-employed, are excluded from normal protections in the labour market.

To be included in new legislation are provisions to provide artists organizations with recognition as collective bargaining units, for work and engagement standards including health and safety, contract protections and conditions of work. Other recommendations cover policy for establishing conditions of engagement for artists, application of health and safety programs to artists' work and coverage under workers' compensation.

## **C. Economic And Social Equity And Security:**

Most artists are poorly paid, their incomes at or below the poverty level. Artists do not enjoy the income protection that many other workers are afforded in our society. Artists typically experience short employment periods, fluctuating income, and self-employed "contracted" status, and often work in isolation and are woefully behind other workers in areas of "fringe benefits" such as pensions and insurance. As a result of these deficiencies, many artists can look forward to a working life and an old age marked by minimum living standards.

Report recommendations in this area cover benefit and pension proposals, employment insurance issues, income, housing/workplace, copyright, social assistance and benefits, dependent care, bankruptcy protection, artist engagement policies for government, and taxation.

## **D. Education And Training:**

Accessibility to training and education is an important issue for artists. Public training programs are primarily aimed for employer/employee circumstances.

Recommendations in education and training cover access issues, improvements/expansions in training programs, promotion of apprenticeship and mentor training, engagement of artists in residencies, establishment of an arts school, business of art training, and technology issues.

## **E. Economic Development:**

Artists form an important element within the economy, arts and cultural industries are labour intensive, job creating. The most effective way of supporting individual artists is by developing the cultural sector of the economy.

Cultural industry support programs are proposed, marketing, research and incentives for artists, buy Saskatchewan policy, tax credits, grants and loan systems.

## **F. Visibility, Legitimizing Artists Work And Access To Art:**

Artists are not commonly viewed as workers. Government employees are unfamiliar with the form and situation of their work. The work of an artist may not be viewed as *real* work, but rather as peripheral activity or hobby. Government programs and agencies are

not well equipped, therefore, to deal with artists' needs or claims. Public access to art is an issue. That the cultural sector constitutes a large part of the economy is not well understood.

The Report recommends that all residents of Saskatchewan should have the broadest possible access to the province's artists and their work and proposes Government has a special role as patron of the arts and a special responsibility to develop public policy for fostering appreciation of the arts. To this end the recommendations include proposals for commissioning of art, media coverage, information programs, international access programs and provincial promotion programs.

### **G. Minority Rights:**

Protection of minority rights and non-discrimination policies are proposed for the new legislation and active support programs for aboriginal, women and disabled artists.

## **III. IMPLEMENTATION**

The report proposes action be taken by three means – legislation, policy reform and program initiatives, and also by government example in according artists recognition.

The principal vehicle for assisting implementation is the proposed *Advisory Commission on Status of the Artist*, a government body set up to assist the Minister and Department responsible for culture to implement the recommendations of the report and to advise government and artists on status processes.

## **IV. DEVELOPMENTS TO 2001**

The Saskatchewan government is reviewing the situation and options for implementation of the Report. Some of the recommendations require review in light of developments in the intervening eight years, notably in the area of copyright where new legislation at the federal level has brought advances. At the provincial level there has been progress in support of cultural industries, in particular the implementation of a film tax credit program and the formation of Cultural Industries Development Council.

However many of the Report's recommendations remain valid today and the considerations for artists remain substantially the same as when the Report was written.

**Federal Government action:** At the federal level "status" legislation has established CAPPRT (Canadian Artists and Producers Professional Relations Tribunal). Where arts organizations and unions come under federal jurisdiction they are now recognized by the Tribunal for collective bargaining.

**Artists' Organizations:** Organizations of artists have continued to press for further federal and provincial initiatives, notably the Canadians Conference of the Arts. In



Saskatchewan the leading organization for artists on this issue is the Saskatchewan Arts Alliance.

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