

Status of the Artist: A Progress Review and an Opportunity to Look Forward

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Executive Summary

Preface

Status overview – creative production industry review

Creative Economy

Action Plan for implementation of policy and Status objectives:

Amendments to the Status Act

Procurement

Occupational health and safety

Workers Compensation

Taxation

International Trade and Cultural Diplomacy

Appendix – footnotes

Preface

The artist in Saskatchewan, as elsewhere, is the building block upon which rests a huge cultural enterprise. The artist is the single most important player in the enormous cultural sector encompassing the arts, entertainment, design, architecture, and a multitude of media production (film, TV, radio, sound recording, new media and more). Most of our society benefit from this creativity whether or not they realize it.

The artist's position can be portrayed as the base of an inverted pyramid on which rests all cultural enterprise – publishing, film, TV, book stores galleries, libraries, museums concert halls, radio stations, recording studios and more, including the cultural bureaucracies and other workers in service of these industries. (1)

Whatever the illustrative model without the artist whose vision, imagination, talent and work go into the creation of art, cultural industries and a multitude of cultural institutions could not exist, the whole enterprise would collapse.

Yet holding the structure up is the artist who has only a modest reimbursement and has little or no security or benefits.

This is where we came in! Back in 1980, UNESCO's declaration on Status of the Artist urged action to bring equity for artists, to achieve parity in social benefits and income. Canada has been a leader in the area of status legislation but other initiatives need to be taken.

In Saskatchewan artists have been trying to achieve equity for many years. The quest for parity is a vital component of the quest for self-sufficiency.

Government has a major role in helping make equity happen to the benefit of society both socially and economically. The government can, through recognizing artists as people pursuing an occupation like any others, provide assurance in legal and policy measures so artists and their related businesses are treated like any other occupational and industrial group.

There have been two government reports on Status, one in 1993 and the next in 2006. Both lay out similar visions:

That artists should make a fair living from their work

That artists will be treated fairly by government and society as a whole

That artists will have economic and social benefits like those available to others

That education and training will be widely available

That the public will have maximum access to the work of Saskatchewan artists.

Socio-economic Status of Artists

Holding up the whole structure of arts and culture is the individual artist. But for the average artist the picture is grim.

Average earnings for artists in Canada - 23,500, in Saskatchewan - \$15,341. This leaves artists in the lowest quarter of average earnings of all occupations.

Female, aboriginal and minority artists have particularly low earnings.

Artists are highly educated, 40 % hold university degrees (only 22% for others in the labour force) but university-educated artists earn on average half of the average earnings of university-educated workers in the overall work force.

Rates of self-employment are much higher in the arts than in the overall workforce, 44% for artists compared to 8% overall.

Average earnings gap between artists and other labour force workers is 26%; this gap exists cross Canada with slight variations.

For Saskatchewan with average income of \$15,341 and for the overall labour force at \$26,691, there is a 40% gap.

For certain artists in visual and performance fields the median income is as low as \$10,000.

Artists often work in production areas where no benefits are available.

The picture of artists' living situation should include the factors of multiple workplaces or no work place and the pattern of moving from being a producer to creative worker or the reverse, depending on circumstances. (Statistics from Hill Strategies, September 2004)

Status action is obviously suggested by these facts. What is also suggested is the need to upgrade cultural statistics for Saskatchewan. A task we urge the government to undertake and to support the need for a new survey of the cultural sector labour force, the last complete survey of cultural sector employment was 1993. An updated survey would benefit the cultural community and the government policy process. We urge the government to address this need in its representations to the Federal government and Statistics Canada.

Creative Economy and Creative Labour

The most recent discourse related to status issues employs the concept of the creative economy of which the individual creator is a vital component. This view of the cultural sector has been embraced by the federal government. The Conference Board of Canada has just completed a major conference, "The International Forum on the Creative Economy" (March 2008). While the social benefits of cultural diversity and its protection is widely seen to be of benefit to all, the Conference Board comment is that:

"(T)he economic advantage that Canadian arts and cultural industries inject into regional and national economies is less well widely acknowledged."

The aim of the Conference Board's forum was to raise the profile of the arts and cultural

industries as economic engines. The Board inquiry states:

"The Cultural Advantage: What do Canadian Creators and the Arts and Cultural Industries contribute to Canada?

\$46 billion to the economy

3.8 % of the Gross Domestic Product (GDP)

Represents a 48.4% increase since 1996

Written media alone contributed \$14 billion

Broadcasting contributed \$7 billion

Film contributed \$4 billion

Between 1996 and 2003, cultural employment growth (2.37%) outpaced overall employment (2.19%)

By 2003, total number of workers across Canada was 615,900"

(Figures are based on most recently available statistics 2003)

The creative economy with its labour is expanding and now represents a sizable component of the Canadian economy. For example, Ontario estimates that the job growth in the creative sector will surpass most of Ontario's other employment sectors. (Ontario Minister of Culture, 2007). This development emphasizes the need for benefits and social security accessible to this new labour force. This creative labour force, with its productive impact on the Saskatchewan economy, should stimulate new development strategies for the cultural sector.

Action Plan Proposal

Equity for Artists and Development of the Cultural Sector

In 2005 the Saskatchewan Arts Alliance proposed a series of action steps that would advance artists and the cultural sector. Here is a 2008 revised version of this plan.

A) Status Legislation

The present Status Act (S-58.1) should be amended in two steps.

Step 1:

Add the definition of professional artist as proposed in the 2007 legislation. This definition had support from both parties and from the arts and culture sector.

Delete Clause 6 of the Act where the Act states "as far as it considers it reasonable and appropriate to do so".

Add to the Act clarification that all artists should be contracted and the minimum terms of such contracts be set out either in legislation or in regulation. Arts organizations should be consulted on the development of minimum contract terms – what works or what doesn't and what is needed.

A Status of the Artist Commission be established under the Act, responsible to the Minister, to oversee and assist in the implementation of the guiding principles as set out in the Act, in particular to serve as information resource and as guide to oversee contract provisions. Providing artists with a guarantee of a contract is a positive and practical step but there needs to be a mechanism to ensure contracts are honoured.

Step 2.

Collective rights as proposed in the 2007 be enacted with the following guiding concepts: Saskatchewan Legislation harmonizes with federal legislation and gives protection to artists' organizations recognized by the federal Tribunal.

In harmonizing with federal legislation the concepts of sector bargaining be adhered to

and minimum term agreements the accepted pattern. It should be noted these are concepts used by artists and producers that now bargain on voluntary basis.

The Government has indicated it wishes to consult further on the nature of collective rights legislation. Consultation is always welcome, SAA points out however that there has been extensive time for such consultation and many public briefs were heard in legislative committee in 2007, as were earlier public hearings conducted by the Minister's Committee. There comes a time when the patience and efforts of artists' organizations, artists and producers should be considered. (2)

Commentary: At the time the federal Status of the Artist legislation was launched in 1992 a major consideration was the economic value of collective rights. Such rights were seen, and are, a means to alter the income imbalance experienced by artists. In this regard the federal legislation is a model for options available in realigning the position of artists and other self-employed workers. (3)

B) Status Support Action

1) Procurement

The government establish a policy that 1% of budget for all new or refurbished public buildings be allocated to art purchase.

The principles established in the Status Act as to the fair and equitable treatment of artists be formulated as guide to procurement terms of all government, agencies and crowns. This fair procurement policy be established in cooperation with artists and producers.

2) Occupational Health and Safety

The 2006 MACSA Report proposed that arts and culture be represented in OHS deliberations. While this is a positive step, it should be extended to the development of a Health and Safety Advisory Committee for the Arts and Cultural Industries. Such a committee could establish appropriate guidelines and research. The government should consider that though OHS legislation focuses on employees given the changing nature of the work force, i.e. the expansion of the self-employed sector, OHS should direct attention to this growing sector.

3) Workers Compensation

Regulations for the WCB Act still exclude artists. The Review of WCB is still before the Minister. The WC Board is considering presently the question of various exclusions. We urge that exclusion of artists be removed and that further, educational materials and guides be produced in cooperation with WCB, SAA, the TPCS and artists' representative organizations that would assist artists on how to approach WCB.

4) Taxation

SAA urges full exemption from provincial income tax on any grant income earned by individual artists from Canada Council, Saskatchewan Arts Board or any other Canadian granting agencies and provide tax deferral for creators within provincial powers.

Taxing grants undermines their essential purpose, which is to provide minimal living allowances and support research and development; the government should not be giving with one hand and taking with the other. Grants are in essence research and

development invested in creators to produce. They are investment dollars in the creative economy. Taxing these resources is counter productive.

Quebec has instituted tax exemption on copyright income up to \$30,000; this has proven to be a major support for creators and an incentive to productive development in the sector. This form of exemption of copyright income should be introduced in Saskatchewan, possibly in stages as Quebec demonstrated.

The provincial government needs to explore with the federal government further means to eliminate this contradiction in taxation policy; however the province needs to exert its influence.

There are other taxation issues of importance to artists' income; one that is critical is income averaging. Income may be earned in one year that has taken the artist/creator years to develop, yet the income cannot be rationalized over the time of production. This operates as a disincentive to the pursuit of creative excellence and economic development. This is an issue we hope you will raise, with a strong voice, on behalf of Saskatchewan artists with federal forces.

5) International Trade and Cultural Diplomacy

Canada has led the development of the UNESCO Cultural Diversity Treaty and was the first to sign the document in 2005. However, debate has continued over cultural diplomacy since the diversion of funds at the federal level.

Cultural diplomacy is key to the development of International Trade, an issue Saskatchewan artists and cultural industries have a very keen interest in advancing. International promotion of Saskatchewan cultural industries and artistic production has been and should continue to be of key interest to the Saskatchewan government. This is an economic development issue, not just a creative, cultural issue. The government can provide incentives for international trade through advancing cultural diplomacy independent of federal government action. We urge you to invest in this critical cultural policy area. (4)

Policy and Resources

1. Resources: Most important to the development of arts and culture are the resources available. The government must ensure that adequate resources are available and that these are vetted through established agencies with transparent policies established for allocation of resources.

2. Policy: For the government to follow the proposals made above will go a long way to establishing an arts and culture policy foundation for Saskatchewan. There are, however, other issues to be addressed, strategies for emerging artists, for aboriginal artists, training and education, to name some. These the Arts Alliance hopes will be part of an ongoing discussion with the government on how to strengthen and develop the sector so it serves both the community socially and economically.

Appendix and Footnotes

1) The "pyramid " conceptual model as articulated in the Status of the Artist 1993

Minister's Report, the text is a summary of the Report's introduction. Another conceptual model for the new "creative economy" is suggested by cultural economist David Throsby. The creative economy can be viewed as a set of concentric circles with creators at the hub or core from which radiates the layers of creative enterprise.

2) Collective bargaining

Collective bargaining right for artists and producers should be understood in the context of past experience.legislation should be understood to be permissive. This means artists and producers are free to utilize the rights provided in the legislation as they are willing, able and organized to do so.

For the most part artists do not work in traditional employer/employee relationships with identifiable work places. They are more likely to be in freelance and independent contractor work. Nonetheless artists (and producers) have common concerns such as payment, work conditions, benefit provision and copyright. To achieve these collective rights within a legal framework will be a major step forward in providing equity and improved work conditions for artists in Saskatchewan.

In the cultural sector it is the case that artist and producers often alternate roles and have collaborative relations. Nothing ...should be constructed to prohibit artists' and producers' crossover.

(From SAA's statement for "Amendment of the Sask. Status Act", 2003)

(3) A discussion of this question is contained in E. MacPherson's - *Collective Bargaining for Independent Contractors: Is the Status of the Artist Act a Model for Other Industrial Sectors*, August 1999.

(4) Canadian cultural industries exports were \$5 billion in 2007, 1 % of Canada's total exports. (From Conference Board of Canada)

Saskatchewan Arts Alliance, May 2008.