

# **STATUS OF THE ARTIST**

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**Recommendations for government action**

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**From a seminar of the Board of Directors  
of ACTRA on the Status of the Artist,  
October 23, 1983.**

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# ACTRA

The Alliance of Canadian Cinema, Television and Radio Artists is a national union of performers, writers, researchers and broadcast journalists. Our 7,000 members work in film, television, and radio, in all parts of Canada. ACTRA maintains fifteen branches and offices in ten cities.

ACTRA's main function is to negotiate and administer collective agreements providing minimum rates and basic working conditions. ACTRA currently has Performer Agreements covering: Canadian Broadcasting Corporation, CTV Television Network Limited, Global Communications Limited, Commercials, Independent Film and Television Producers (including the NFB), Ontario Educational Communications Authority — TV Ontario, Alberta Educational Communications Corporation — ACCESS, SASKMEDIA. ACTRA has Writer Agreements covering all these areas, except commercials. In addition, there are a number of local television agreements and an Audio Code that covers productions such as commercial recordings and slide films.

ACTRA is a leader in the promotion of Canadian talent and the fight to develop the Canadian production industry. ACTRA is committed to a strong Canadian cultural presence and continues to lobby government for improvements in the economic, social and political status of the artist in Canada.

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*The UNESCO Recommendation on the Status of the Artist, passed at the twenty-first session of UNESCO in the fall of 1980, advances the cause of all artists. It is a clear and straight-forward call to nation states to recognize the problems confronting working artists and to take action to improve the status of artists in the national community.*

*On October 23, 1983 ACTRA's Board of Directors met to discuss the UNESCO Recommendation and to formulate proposals for government action in Canada. This booklet includes the introductory remarks of ACTRA President Bruce MacLeod and General Secretary Paul Siren on the importance of the UNESCO Recommendation and the reasons for the seminar, ACTRA's recommendations to the Canadian government for action, and the text of the UNESCO document.*

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**SEMINAR ON THE STATUS OF THE ARTIST  
ACTRA BOARD OF DIRECTORS  
OCTOBER 23, 1983, TORONTO**

**PANEL:** ACTRA President Bruce MacLeod, Chairperson  
General Secretary, Paul Siren  
William Kilbourn, UNESCO Commission of the Canada Council  
Peggy MacLeod, Canadian Conference of the Arts  
David Silcox, Assistant Deputy Minister, Arts and Culture, Department of Communications.

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*Montreal*

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*Performers Guild — Maritimes*

John Porteous  
*Writers Guild — Maritimes*

Abe Peters\*  
*Newfoundland/Labrador*

**GUESTS:**

Graham Spicer, Patricia Carroll Brown  
*Canadian Actors Equity Association*

Claudette Fortier  
*SARDEC*

Diane Vitalis  
*Union des Artistes*

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# WHY THE SEMINAR?

**Bruce MacLeod, *President***

The National Executive of the Alliance decided to hold this Seminar on the UNESCO Recommendation on the Status of the Artist for several reasons.

First, the Recommendation is an important declaration by an international body to which most of the nations of the world are affiliated on the role of the artist in contemporary society.

Second, the Recommendation embraces all the elements of the social, economic and political aspirations and needs of professional performers and writers, and therefore by its very terms requires that ACTRA Directors and members be informed of its purpose and scope.

Third, in the absence of certain basic rights and the lack of political recognition for a need to establish a clear and defined economic base for the professional artist to survive in a society in which technology develops new means of distribution and use of recorded program material continuously; a study of the Recommendation can be of great value.

Cultural objectives including the cabled and satellite signal media offering many channels of entertainment, information and other material can only be met by a conscious, carefully developed set of cultural objectives in which the professional artist has a decent economic opportunity.

Fourth, this Seminar gives ACTRA and the Directors an opportunity to determine the manner in which ACTRA and other organizations representing the arts and artists are able to rally support for the key elements of the Recommendation.

The Executive prepared and submitted to the Directors several draft resolutions in six basic areas of concern arising from the Recommendation.

You will have the opportunity of debating these resolutions during the course of the Seminar.

In order to provide an opportunity for the Directors to see and hear from the bodies of government and organizations concerned with the artist, ACTRA invited representatives from the Department of Communications represented by Mr. David Silcox, Assistant Deputy Minister, Arts and Culture from Ottawa; The United Nations Educational, Scientific and Cultural Organization (UNESCO) Commission of the Canada Council represented by Dr. William Kilbourn and the Canadian Conference of the Arts represented by Ms. Peggy MacLeod.

We will hear from our invited guests shortly.

In addition, we have invited fraternal unions to send representatives to observe our efforts. We believe that their interest and concerns are fundamentally parallel to the concerns of ACTRA members.

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## THE DEVELOPMENT OF THE UNESCO RECOMMENDATION

**Paul Siren, *General Secretary***

It has been a great privilege to me and an honour bestowed upon this Alliance that I have had the opportunity to participate in the development of the Recommendation on the Status of the Artist from its early beginnings.

In considering the Recommendation, the Directors should be aware of its genesis.

The 19th session of the General Conference of UNESCO in Nairobi in 1976 suggested that a study be made of the status of the artist on a world scale.

A meeting of the International Labour Organization held in February 1977 also considered the status of the artist as it related to working conditions and other matters within the purview of the ILO.

As a result of these two bodies becoming concerned with the role and status of the artist, a Joint ILO/UNESCO meeting of Experts on the Status of the Artist was convened in Geneva in the latter part of August and the first part of September 1977.

For whatever reason, I was requested to attend this meeting on Canada's behalf and I found myself as the Chairman of the Joint Committee of Experts. (I must have carried a briefcase to qualify!)

After many days of work by this Joint Committee, assisted by representatives of international bodies such as the World Intellectual Property Organization, International Confederation of Societies of Authors and Composers, International Confederation of Professional and Intellectual Workers, International Federation of Actors, International Federation of Musicians, International Federation of Producers of Phonograms and Videograms and others, the Joint Committee prepared a draft Recommendation for the consideration of member states and subsequent consideration by the UNESCO General Conference.

The Committee examined the need for such a Recommendation, and came to the conclusion that while there are international conventions governing the transportation and exhibition of artistic works, international conventions concerning intellectual works including written material and musical compositions, there did not exist any international instrument that relates to the artist — the human being that creates, designs, composes, performs, paints, sculpts and otherwise develops the cultural sinews that form our diverse cultures around the world.

The unanimous conclusion of the Committee was to urge the adoption of such a Recommendation by UNESCO.

The next step was the convening of a meeting of representatives of member governments to approve a final draft. Each of the member countries was requested to submit amendments and additions.

The meeting was called for February-March of 1980 in Paris, France.

Canada was somewhat unprepared. In fact, the prevailing opinion was to oppose the Recommendation.

As good fortune would have it, a meeting of interested parties was convened, influenced by our insistence. This meeting proceeded to discuss Canada's position. The meeting endorsed the proposition that Canada support the concept of the Recommendation and, further, that certain amendments which ACTRA proposed be adopted as Canada's recommendation. Since I had opened my mouth, I was also called upon to draft Canada's proposals for the consideration of the meeting. These proposals were endorsed by the meeting and incorporated in Canada's submission to the intergovernmental committee.

I had the privilege of representing Canada as part of the Department of External Affairs' delegation. Canada's Ambassador to UNESCO at the time, M. Pierre Trottier, was the spokesman for our delegation.

However, in the course of preparatory meetings, it became obvious that two key issues would determine the nature of the Recommendation at the Paris meeting in 1980. The first was an ideological issue relating to the question of the duty or responsibility of the artist to the state. The Soviet Union, eastern European countries and several third world nations saw the role and duty of the artist to conform to the needs of the state, since the state had provided the resources and opportunity for the artist to practise his or her profession or artistic bent. The western countries, including Canada, took the position that the freedom of the artist to create and work, including political freedom was a basic requisite for human rights and, therefore, the status of the artist in contemporary society must reflect such freedoms.

The second issue was the right of the artist to exercise an on-going right and control of recorded material in artistic works. This issue was primarily opposed by some western countries, and in the case of the United States, considerable work had to be done to convince some members of the U.S. delegation to support the principle.

The western delegations from North America, Japan and Europe requested that I chair a meeting of the western group to articulate our position on these two fundamental issues, as we perceived them.

I am pleased to report that our views prevailed, and the majority of member states' representatives supported our position.

. . . .

The Recommendation is indeed all embracing and at first glance perhaps too cumbersome. It may be no comfort, but let me say that to include the specific concerns of various parts of the world and particularly the sensitive views of the third world, requires an international instrument which to some of us is repetitive and onerous.

But aside from its editorial shortcomings, the substance of the need to foster, protect and allow the artist to work and live in juxtaposition with other workers and other artists and citizens is embodied in the Recommendation.

The challenge is to find the technical and political skills to implement the Recommendation in every day means of life of the Canadian artist.

As Directors of this Alliance, you have the opportunity to raise the banner of the artists' role to a "special priority" as the Applebaum/Hebert Report suggests. We agree with the Report of the Federal Cultural Policy Review Committee that "Recognition will also mark the beginning in which the artist is freed from what are now unreasonable economic constraints".

Your contribution to this task is valuable and necessary.

In considering the many issues raised by the Recommendation, it should be borne in mind that ACTRA is not asking Canada to be in the lead of legislative action on an experimental basis.

In the matter of economic rights — approximately 30 western nations have enacted special conditions allowing for deductions from earned income for artists.

Many western countries provide artists the same social benefit for unemployment insurance and other universal benefits as enjoyed by other citizens and workers in such countries.

Most western countries have adapted their copyright laws to changing conditions in some form — often still in inadequate form. Very few countries have allowed a 60 year period of inaction to occur in revising copyright to meet the technology and social changes as Canada has done.

The United Kingdom, Denmark, Finland, Iceland, Norway, the Federal Republic of Germany, Italy, Austria and Mexico have enacted legislation covering performers rights which are analogous to copyright laws.

In Belgium, a cabled country, cable operators are required to pay 400 Belgian francs per year for each of the 1 ½ million Belgian cable subscribers to a fund for distribution among rights holders. It is estimated that this provision will provide the equivalent of 8½ million (U.S.) dollars per annum.

In Canadian terms, this amount would be almost equal to the amount currently advanced by the Canadian Broadcast Program Production Fund administered by the CFDC to this date for Canadian program production.

This Seminar can assist in raising the standard of enlightenment in Canada to secure for legislation concerning the artist and cultural goals the priority such legislation so richly merits.

**RESOLUTIONS FOR  
GOVERNMENT ACTION**

# (A) NATIONAL CULTURAL OBJECTIVES

*Culture is by no means ornamental, but is 'an integral part of social life'. There is no people without culture... without its own special way of feeling, thinking, expressing itself and acting... each culture, locally lived, is seen as potentially contributing to a new national (and international) culture that will be new and original but partake of the universal...*

Proceedings of Intergovernmental Conference on Institutional, Administrative and Financial Aspects of Culture Policies. Venice 1970.

*Recognizing that the arts in their fullest and broadest definition are and should be an integral part of life and that it is necessary and appropriate for governments to help create and sustain not only a climate encouraging freedom of artistic expression but also the material conditions facilitating the release of this creative talent.*

Recommendation concerning the Status of the Artist — approved by the 21st General Conference of UNESCO, Belgrade, 1980.

This Seminar of the Board of Directors of ACTRA, meeting in Toronto, Ontario on October 23rd, 1983, takes notice that:

- (a) The Minister of Communications described the cultural deprivation of Canadian programming in Canada's broadcast environment in his March 1st, 1983 announcement entitled *Towards a New National Broadcast Policy* as "an economic crisis of Canadian production". The Minister referred to the statistics on the overwhelming preponderance of foreign programs on Canadian television and stated, "they also portray a cultural crisis of undetermined proportions".

ACTRA has declared Canada as a culturally-occupied country.

- (b) The right and the duty of Canadians to protect and develop our own cultural aspirations include a policy by all levels of government to produce Canadian programs, crafts and other forms of artistic activity. In addition, the protection of the creative and performing artist for unauthorized use of intellectual property and recorded material is a fundamental requisite of an objective national cultural policy.
- (c) There is a growing proliferation of means of distribution of recorded program material. In addition to broadcasting off-air, recorded program material is now available from satellites, on cable, on video tapes and on audio tapes. The use of recorded material is a vehicle for commercial interests to sell advertising, to secure broadcast, cable, pay-tv and other forms of licence of franchise, sell video and audio tapes and use satellites to reach continental and inter-continental audiences for the purpose of seeking business income and profit.
- (d) The constantly developing technology allows the reproduction of old existing recorded material into new programming which could not be perceived or authorized at the time of production.
- (e) The use of recorded material reduces the work opportunities of working artists directly by substituting such use for live performance.

**Therefore, this Seminar of the Board of Directors of ACTRA calls upon the Minister of Communications to prepare and submit a Performers' Rights Act to Parliament together with a revised Copyright Act at the next session of Parliament.**

**Further, this Seminar urges the Minister of Communications to direct all public agencies which administer broadcasting, film and arts generally, to apply the often stated cultural pursuits and objectives of the government as a primary and fundamental responsibility. Licencing and administrative policies must conform to cultural objectives.**

**This Seminar calls upon the Federal Government to direct its energies, resources and policies to create a cultural balance that will ensure a continuous and distinct Canadian cultural presence in all forms of cultural activity and, most urgently, in broadcasting and film.**



## **(B) PROTECTION OF THE ARTIST – A SOCIAL RESPONSIBILITY**

*Taking note of the provisions of the international conventions in force relating, more particularly, to literary and artistic property, and in particular of the Universal Convention and the Berne Convention for the Protection of Literary and Artistic Works, and of those relating to the protection of the rights of performers, of the resolutions of the General Conference, of the recommendations made by UNESCO's inter-governmental conferences on cultural policies, and of the conventions and recommendations adopted by the International Labour Organization, listed in the appendix to this Recommendation,*

*Having before it, as item 31 of the agenda of the session, proposals concerning the status of the Artist,*

*Having decided, at its twentieth session, that this question should be the subject of a recommendation to Member States.*

- (6) (a) ensure that the artist is remunerated for the distribution and commercial exploitation of his work, and provide for the artist to maintain control of his work against unauthorized exploitation, modification or distribution;*
- (b) provide, to the extent possible, for a system guaranteeing the exclusive moral and material rights of artists in respect of any prejudice connected with the technical development of new communication and reproduction media, and of cultural industries; this means, in particular, establishing rights for performers, including circus and variety artists, and puppeteers; in doing so, it would be appropriate to take account of the provisions of the Rome Convention and, with reference to problems arising from the introduction of cable diffusion and videograms, of the Recommendation adopted by the Intergovernmental Committee of the Rome Convention in 1979.*
- (c) compensate any prejudice artists might suffer in consequence of the technical development of new communication and reproduction media and of cultural industries by favouring, for example, publicity for and dissemination of their works, and the creation of posts;*
- (d) ensure that cultural industries benefiting from technological changes, including radio and television organizations and mechanical reproduction undertakings, play their part in the effort to encourage and stimulate artistic creation, for instance by providing new employment opportunities, by publicity, by the dissemination of works, payment of royalties or by any other means judged equitable for artists;*

Recommendation concerning the Status of the Artist, approved by the 21st General Conference of UNESCO, Belgrade, 1980.

**This Seminar of the Board of Directors of ACTRA meeting in Toronto, Ontario on October 23rd, 1983, calls upon the Federal Government and the Parliament of Canada to give immediate consideration to:**

- (i) Revising the Copyright Act to update the provisions of the Act to cover new technologies introduced into the production and distribution of program material and strengthen the rights of writers regarding use of intellectual property and recorded use of writers material.**
- (ii) Enact a Performers' Rights Act to protect the performer whose talent and skill is recorded in any form of recording that is distributed commercially or for public use.**
- (iii) Incorporate the recommendations of the Disney Report in appropriate legislation.**

**See Addendum I**

## **(C) SOCIAL STATUS OF THE ARTIST**

- (1) Member States, recognizing that art reflects, preserves and enriches the cultural identity and spiritual heritage of the various societies, constitutes a universal form of expression and communication and, as a common denominator in ethnic, cultural or religious differences, brings home to everyone the sense of belonging to the human community, should accordingly, and for these purposes, ensure that the population as a whole has access to art.***
- (2) Member States, should encourage all activities designed to highlight the action of artists for cultural development, including in particular activities carried out by the mass media and the educational system, and for the employment of leisure for cultural purposes.***
- (5) Member States are invited to endeavour within their respective cultural environments to provide the same social protection for employed and self-employed artists as that usually granted respectively to other employed and self-employed groups. Provision should likewise be made for measures to extend appropriate social protection to dependent members of the family. The social security system which Member States may find it well to adopt, improve or supplement should take into consideration the special features of artistic activity, characterized by the intermittent nature of employment and the sharp variations in the incomes of many artists without, however, this entailing a limitation of the artist's freedom to create, publish and disseminate his work. In this context, Member States are invited to consider the adoption of special means of financing social security for artists, for example by resorting to new forms of financial participation either by the public authorities or by the business undertakings which market or which use the services or works of artists.***

Articles from the Recommendation of the Status of the Artist — approved by the 21st General Conference of UNESCO, Belgrade, 1980.

This Seminar of the Board of Directors of ACTRA meeting in Toronto, Ontario on October 23rd, 1983 is cognizant that:

- (a) An unacceptable number of Canadians are currently unemployed.**
- (b) A large segment of the Canadian work force is underemployed.**
- (c) The communications media, including broadcasting, publications and other forms of recorded production are dominated by foreign program material, reducing Canada to the status of a culturally occupied country.**
- (d) The cultural industries form a labour intensive sector of the economy and have a potential for an even greater contribution to raise the economic and cultural capacity of Canada.**
- (e) Canada's writers, playwrights, performers, painters, sculptors and other creative and performing artists possess the talent, the desire and the drive to make a strong and rich cultural contribution in all forms of artistic expression and, more particularly, in the all-embracing television media.**
- (f) Unlike many western countries, Canada has failed to eliminate inherent unfairness in the treatment of professional artists in income tax and social legislation and, more particularly, has failed to implement the recommendations of the report on *Federal Tax Issues of Concern to the Arts Community in Canada*, known as the Disney Report.**

**BE IT RESOLVED** that this Seminar urges the federal and provincial governments to give cultural projects and culturally oriented production a high priority to provide jobs for Canadians and to develop a vigorous Canadian presence in all forms of communications to preserve and advance our cultural heritage from all regions of the country; and

**BE IT FURTHER RESOLVED** that this Seminar urges the federal government and the Parliament of Canada to:

- (1) Institute an immediate moratorium on Revenue Canada's reclassification of the employment status of artists for tax purposes: This moratorium to remain in place until such time as the government has reviewed and implemented new taxation regulations appropriate to performers, writers and visual and other artists.**
- (2) Implement the "Disney Report" by including its recommendations in income tax and social benefit legislation. Specifically, to amend the Income Tax Act to provide special conditions for the professional artist wherein the artist is able to deduct professional related expenses from gross earnings. Further, to extend social benefits such as unemployment insurance to professional artists whether the artist is self-employed or employed.**

## **(D) STATUS OF WOMEN ARTISTS**

*(8) Member States should ensure that all individuals, irrespective of race, colour, sex, language, religion, political or other opinion, national or social origin, economic status or birth, have the same opportunities to acquire and develop the skills necessary for the complete development and exercise of their artistic talents, to obtain employment, and to exercise their profession without discrimination.*

*IV (i) Member States should give particular attention to the development of women's creativity and the encouragement of groups and organizations which seek to promote the role of women in the various branches of artistic activity.*

Recommendation on the Status of the Artist, approved by the 21st General Conference of UNESCO, Belgrade, 1980.

This Seminar of the Board of Directors of ACTRA, meeting in Toronto, Ontario on October 23rd, 1983 recognizes that:

- (a) While a large segment of the artistic community is unable to earn a decent living, women artists face a particularly difficult situation since they do not have equal access to existing work opportunities.
- (b) As well, women are inadequately represented in all levels of arts organizations including juries, selection committees and boards.
- (c) The present inequitable participation of women in the cultural sector deprives the society as a whole of a vital dimension of human and creative expression.
- (d) Media exercise a major impact on society in terms of ability to direct our thinking, our perceptions and our actions. As long as women continue to be portrayed in a stereotyped manner, women will be denied a fundamental position of equality in the society and will continue to be disadvantaged in the workplace.

**THEREFORE, BE IT RESOLVED that this Seminar urges the federal and provincial governments to:**

- (1) Undertake affirmative action policies to ensure equality of work opportunities and support for women who work as performers and writers, and as creators, producers, directors in the arts.**
- (2) Encourage fund granting bodies to develop systems of financial incentives which would have the positive effect of increasing the level of engagement of women in all these areas.**
- (3) Appoint women to the Boards and Chief Executive Offices of the CRTC, CBC, CFDC, Canada Council and to other government agencies and selection committees to ensure equal and balanced representation of women and men.**
- (4) Impose adherence to stringent guidelines which counter sex-role stereotyping as a condition of licence for all broadcasters and as a prerequisite for receipt of funding from any government agency, in the event that broadcasters or producers do not immediately implement such guidelines voluntarily.**
- (5) Amend the Broadcasting Act to state in specific language, the right of all Canadians — female and male, of all ages and ethnic, racial and religious backgrounds — to be appropriately and fully represented in Canadian programming.**
- (6) Further amend the Broadcasting Act to extend to women the same protection against abusive comment or abusive pictorial representation as now exists for racial and religious groups.**

**See Addendum 2**

## **(E) THE ROLE OF PROFESSIONAL UNIONS**

*Considering that artists must be able collectively to consider and, if necessary, defend their common interests, and therefore must have the right to be recognized as a professional category and to constitute trade union or professional organizations.*

- (5) Recognize the right of trade union and professional organizations of artists to represent and defend the interests of their members and give them the opportunity to advise the public authorities on suitable measures for stimulating artistic activity and ensuring its protection and development.*

Recommendation on the Status of the Artist, approved by the 21st General Conference of UNESCO, Belgrade, 1980.

**This Seminar of the Board of Directors of ACTRA meeting in Toronto, Ontario on October 23rd, 1983 urges the Federal Government to recognize the need for representation from professional artists, either individually or by their unions, on the Boards of Directors or Governors which establish policy directives for public agencies and corporations: Specifically, on the Boards of the Canadian Broadcasting Corporation, the Canadian Film Development Corporation, the Canadian Radio-television and Telecommunications Commission and others.**

**This Seminar considers that contemporary social, economic and political conditions demand that the interests of the public, industry and unions are needed in an objective effort to motivate and direct cultural and industrial resources to meet the needs of a modern sovereign Canadian society.**

**Further, this Seminar urges the Federal Government and Parliament to act to protect the bargaining rights of unions representing self-employed professional artists by amending the Canada Labour Code to provide for the recognition of such unions as "trade unions" for purposes of collective bargaining without encroaching on the right of the individual artist to enjoy self-employed status for tax purposes and to retain copyright and other rights related to the protection of intellectual property and performers' rights in recorded performance, and to exclude unions representing professional artists from the provisions of the Combines Act.**

# **(F) STANDING COMMITTEE OF THE HOUSE OF COMMONS ON COMMUNICATIONS AND CULTURE**

## **A CALL TO PROTECT AND DEVELOP CULTURAL AIMS**

*The General Conference recommends that Member States bring this Recommendation to the attention of authorities, institutions and organizations in a position to contribute to improvement of the status of the artist and to foster the participation of artists in cultural life and development.*

*The General Conference recommends that Member States report to it, on dates and in a manner to be determined by it, on the action they have taken to give effect to this recommendation.*

Recommendation on the Status of the Artist, approved by the 21st General Conference of UNESCO, Belgrade, 1980.

**This Seminar of the Board of Directors of ACTRA, meeting in Toronto on October 23rd, 1983, requests the Standing Committee of the House of Commons on Communications and Culture to conduct a study of the Recommendation on the Status of the Artist at the earliest opportunity and prepare a report to the House of Commons on the action to be taken by Canada to implement the Recommendation.**

**Further, this Seminar calls upon the Standing Committee of the House of Commons on Communications and Culture to prepare, or cause the preparation of, a comprehensive report to UNESCO on the manner in which Canada, as a Member State, is implementing the provisions of the Recommendation.**

**This Seminar affirms the willingness of the Officers and Directors of ACTRA, representing 7000 professional writers and performers, to have representatives of ACTRA appear before the Standing Committee with a view to assisting the Standing Committee in preparing its report to the House.**

# UNESCO RECOMMENDATION CONCERNING THE STATUS OF THE ARTIST

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Belgrade from 23 September to 28 October 1980 at its twenty-first session,

*Recalling that*, under the terms of Article 1 of its Constitution, the purpose of the Organization is to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations,

*Recalling* the terms of the Universal Declaration of Human Rights, and particularly Articles 22, 23, 24, 25, 27 and 28 thereof, quoted in the annex to this Recommendation,

*Recalling* the terms of the United Nations International Covenant on Economic, Social and Cultural Rights, particularly its Articles 6 and 15, quoted in the annex to this Recommendation, and the need to adopt the necessary measures for the preservation, development and dissemination of culture, with a view to ensuring the full exercise of these rights,

*Recalling* the Declaration of the Principles of International Cultural Co-operation, adopted by the General Conference of Unesco at its fourteenth session, particularly its Articles III and IV, which are quoted in the annex to this Recommendation, as well as the Recommendation on Participation by the People at Large in Cultural Life and their Contribution to It, adopted by the General Conference of Unesco at its nineteenth session,

*Recognizing* that the arts in their fullest and broadest definition are and should be an integral part of life and that it is necessary and appropriate for governments to help create and sustain not only a climate encouraging freedom of artistic expression but also the material conditions facilitating the release of this creative talent,

*Recognizing* that every artist is entitled to benefit effectively from the social security and insurance provisions contained in the basic texts, Declarations, Covenant and Recommendation mentioned above,

*Considering* that the artist plays an important role in the life and evolution of society and that he should be given the opportunity to contribute to society's development and, as any other citizen, to exercise his responsibilities therein, while preserving his creative inspiration and freedom of expression,

*Further recognizing* that the cultural, technological, economic, social and political development of society influences the status of the artist and that it is consequently necessary to review his status, taking account of social progress in the world.

*Affirming* the right of the artist to be considered, if he so wishes, as a person actively engaged in cultural work and consequently to benefit, taking account of the particular conditions of his artistic profession, from all the legal, social and economic advantages pertaining to the status of workers,

*Affirming further* the need to improve the social security, labour and tax conditions of the artist, whether employed or self-employed, taking into account the contribution to cultural development which the artist makes.

*Recalling* the importance, universally acknowledged both nationally and internationally, of the preservation and promotion of cultural identity and of the role in this field of artists who perpetuate the practice of traditional arts and also interpret a nation's folklore,

*Recognizing* that the vigour and vitality of the arts depend, *inter alia*, on the well-being of artists both individually and collectively,

*Recalling* the conventions and recommendations of the International Labour Organization (ILO) which have recognized the rights of workers in general and, hence, the rights of artists and, in particular, the conventions and recommendations listed in the appendix to this Recommendation,

*Taking note*, however, that some of the International Labour Organization standards allow for derogations or even expressly exclude artists, or certain categories of them, owing to the special conditions in which artistic activity takes place, and that it is consequently necessary to extend their field of application and to supplement them by other standards,

*Considering further* that this recognition of their status as persons actively engaged in cultural work should in no way compromise their freedom of creativity, expression and communication but should, on the contrary, confirm their dignity and integrity,

***Convinced*** that action by the public authorities is becoming necessary and urgent in order to remedy the disquieting situation of artists in a large number of Member States, particularly with regard to human rights, economic and social circumstances and their conditions of employment, with a view to providing artists with the conditions necessary for the development and flowering of their talents and appropriate to the role that they are able to play in the planning and implementation of cultural policies and cultural development activities of communities and countries and in the improvement of the quality of life,

***Considering*** that art plays an important part in education and that artists, by their works, may influence the conception of the world held by all people, and particularly by youth,

***Considering*** that artists must be able collectively to consider and, if necessary, defend their common interests, and therefore must have the right to be recognized as a professional category and to constitute trade union or professional organizations,

***Considering*** that the development of the arts, the esteem in which they are held and the promotion of arts education depend in large measure on the creativity of artists,

***Aware*** of the complex nature of artistic activity and of the diverse forms it takes and, in particular, of the importance, for the living conditions and the development of the talents of artists, of the protection of their moral and material rights in their works, or performances, or the use made of them, and of the need to extend and reinforce such protection,

***Considering*** the need to endeavour to take account as far as possible of the opinion both of artists and of the people at large in the formulation and implementation of cultural policies and for that purpose to provide them with the means for effective action,

***Considering*** that contemporary artistic expression is presented in public places and that these should be laid out so as to take account of the opinions of the artists concerned,

***Considering*** therefore that there should be close co-operation between architects, contractors and artists in order to lay down aesthetic guidelines for public places which will respond to the requirements of communication and make an effective contribution to the establishment of new and meaningful relationships between the public and its environment,

***Taking into account*** the diversity of circumstances of artists in different countries and within the communities in which they are expected to develop their talents, and the varying significance attributed to their works by the societies in which they are produced,

***Convinced***, nevertheless, that despite such differences, questions of similar concern arise in all countries with regard to the status of the artist, and that a common will and inspiration are called for if a solution is to be found and if the status of the artist is to be improved, which is the intention of this Recommendation,

***Taking note*** of the provisions of the international conventions in force relating, more particularly, to literary and artistic property, and in particular of the Universal Convention and the Berne Convention for the Protection and Literary and Artistic Works, and of those relating to the protection of the rights of performers, of the resolutions of the General Conference, of the recommendations made by Unesco's intergovernmental conferences on cultural policies, and of the conventions and recommendations adopted by the International Labour Organization, listed in the appendix to this Recommendation,

***Having before it***, as item 31 of the agenda of the session, proposals concerning the status of the artist,

***Having decided***, at its twentieth session, that this question should be the subject of a recommendation to Member States,

***Adopts*** this Recommendation this twenty-seventh day of October 1980:

The General Conference recommends that Member States implement the following provisions, taking whatever legislative or other steps may be required — in conformity with the constitutional practice of each State and the nature of the questions under consideration — to apply the principles and norms set forth in this Recommendation within their respective territories.

For those States which have a federal or non-unitary constitutional system, the General Conference recommends that, with regard to the provisions of this Recommendation the implementation of which comes under the legal jurisdiction of individual constituent States, countries, provinces, cantons or any other territorial and political subdivisions that are not obliged by the constitutional system of the federation to take legislative measures, the federal government be invited to inform the competent authorities of such States, countries, provinces or cantons of the said provisions, with its recommendation for their adoption.

The General Conference recommends that Member States bring this Recommendation to the attention of authorities, institutions and organizations in a position to contribute to improvement of the status of the artist and to foster the participation of artists in cultural life and development.

The General Conference recommends that Member States report to it, on dates and in a manner to be determined by it, on the action they have taken to give effect to this Recommendation.



## **I. Definitions**

For the purposes of this Recommendation:

1. 'Artist' is taken to mean any person who creates or gives creative expression to, or re-creates works of art, who considers his artistic creation to be an essential part of 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 he is bound by any relations of employment or association.
2. The word 'status' signifies, on the one hand, the regard accorded to artists, defined as above, in a society, on the basis of the importance attributed to the part they are called upon to play therein and, on the other hand, recognition of the liberties and rights, including moral, economic and social rights, with particular reference to income and social security, which artists should enjoy.

## **II. Scope of application**

This Recommendation applies to all artists as defined in paragraph I.1, irrespective of the discipline or form of art practised by such artists. These include *inter alia* all creative artists and authors within the meaning of the Universal Copyright Convention and the Berne Convention for the Protection of Literary and Artistic Works, as well as performers and interpreters within the meaning of the Rome Convention for the Protection of Performers, Producers and Phonograms and Broadcasting Organizations.

## **III. Guiding principles**

1. Member States, recognizing that art reflects, preserves and enriches the cultural identity and spiritual heritage of the various societies, constitutes a universal form of expression and communication and, as a common denominator in ethnic, cultural or religious differences, brings home to everyone the sense of belonging to the human community, should accordingly, and for these purposes, ensure that the population as a whole has access to art.
2. Member States should encourage all activities designed to highlight the action of artists for cultural development including, in particular, activities carried out by the mass media and the educational system, and for the employment of leisure for cultural purposes.
3. Member States, recognizing the essential role of art in the life and development of the individual and of society, accordingly have a duty to protect, defend and assist artists and their freedom of creation. For this purpose, they should take all necessary steps to stimulate artistic creativity and the flowering of talent, in particular by adopting measures to secure greater freedom for artists, without which they cannot fulfil their mission, and to improve their status by acknowledging their right to enjoy the fruits of their work. Member States should endeavour by all appropriate means to secure increased participation by artists in decisions concerning the quality of life. By all means at their disposal, Member States should demonstrate and confirm that artistic activities have a part to play in the nations' global development effort to build a juster and more humane society and to live together in circumstances of peace and spiritual enrichment.
4. Member States should ensure, through appropriate legislative means when necessary, that artists have the freedom and the right to establish trade unions and professional organizations of their choosing and to become members of such organizations, if they so wish, and should make it possible for organizations representing artists to participate in the formulation of cultural policies and employment policies, including the professional training of artists, and in the determination of artists' conditions of work.
5. At all appropriate levels of national planning, in general, and of planning in the cultural field, in particular, Member States should make arrangements, by close co-ordination of their policies relating to culture, education and employment among other things, to define a policy for providing assistance and material and moral support for artists and should ensure that public opinion is informed of the justification and the need for such a policy. To that end, education should place due emphasis on the encouragement of artistic awareness, so as to create a public capable of appreciating the work of the artist. Without prejudice to the rights that should be accorded to them under copyright legislation, including resale rights (*droit de suite*) when this is not part of copyright, and under neighbouring rights legislation, artists should enjoy equitable conditions and their profession should be given the public consideration that it merits. Their conditions of work and of employment should be such as to provide opportunities for artists who so wish to devote themselves fully to their artistic activities.
6. Since freedom of expression and communication is the essential prerequisite for all artistic activities, Member States should see that artists are unequivocally accorded the protection provided for in this respect by international and national legislation concerning human rights.
7. In view of the role of artistic activity and creation in the cultural and overall development of nations, Member States should create conditions enabling artists fully to participate, either individually or through their associations or trade unions, in the life of the communities in which they practise their art. They should

associate them in the formulation of local and national cultural policies, thus stressing their important contribution in their own society as well as towards world progress in general.

8. Member States should ensure that all individuals, irrespective of race, colour, sex, language, religion, political or other opinion, national or social origin, economic status or birth, have the same opportunities to acquire and develop the skills necessary for the complete development and exercise of their artistic talents, to obtain employment, and to exercise their profession without discrimination.

#### **IV. The vocation and training of the artist**

1. Member States should encourage, at school and from an early age, all measures tending to strengthen respect for artistic creation and the discovery and development of artistic vocations, and should bear in mind that, if it is to be effective, the stimulation of artistic creativity calls for provision of the necessary professional training of talent to produce works of outstanding quality. For this purpose, Member States should:
  - (a) take the necessary measures to provide an education designed to stimulate artistic talent and vocation;
  - (b) take all appropriate measures, in association with artists, to ensure that education gives due prominence to the development of artistic sensitivity and so contributes to the training of a public receptive to the expression of art in all its forms;
  - (c) take all appropriate measures, whenever possible, to institute or develop the teaching of particular artistic disciplines;
  - (d) seek by means of incentives, such as the granting of fellowships or paid educational leave, to ensure that artists have the opportunity to bring their knowledge up to date in their own disciplines or in related specialities and fields, to improve their technical skills, to establish contacts which will stimulate creativity, and to undergo retraining so as to have access to and work in other branches of art; for these purposes, Member States should see that appropriate facilities are provided and that those already existing are, where necessary, improved and developed;
  - (e) adopt and develop co-ordinated, comprehensive vocational guidance and training policies and programmes, taking into consideration the particular employment situation of artists and enabling them to enter other sectors of activity if necessary;
  - (f) stimulate artists' participation in the restoration, conservation and use of the cultural heritage in the widest sense of the term, and provide artists with the means of transmitting to future generations the knowledge and artistic skills which they possess;
  - (g) recognize the importance in arts and craft training of the traditional ways of transmitting knowledge and in particular of the initiation practices of various communities, and take all appropriate measures to protect and encourage them;
  - (h) recognize that art education should not be separated from the practice of living art, and see that such education is reoriented in such a way that cultural establishments, theatres, art studios, radio and television broadcasting organizations, etc., play an important part in this type of training and apprenticeship;
  - (i) give particular attention to the development of women's creativity and the encouragement of groups and organizations which seek to promote the role of women in the various branches of artistic activity;
  - (j) recognize that artistic life and the practice of the arts have an international dimension and accordingly provide those engaged in artistic activities with all the means and, in particular, travel and study grants, likely to enable them to establish lively and far-reaching contacts with other cultures;
  - (k) take all appropriate steps to promote the free international movement of artists, and not to hinder the freedom of artists to practise their art in the country of their choice, while ensuring that these do not prejudice the development of endogenous talents and the conditions of work and employment of national artists;
  - (l) give special attention to the needs of traditional artists, in particular by facilitating their travel inside and outside their own country to serve the development of local traditions.
2. As far as possible and without prejudice to the freedom and independence of both artists and educators, Member States should undertake and support initiatives to ensure that artists, during their training, are made aware of their community's cultural identity, including traditional and folk cultures, thereby contributing to the affirmation or revival of that identity and those cultures.

#### **V. Social status**

Member States should promote and protect the status of artists by considering artistic activity, including innovation and research, as a service to the community. They should make it possible for them to enjoy the esteem necessary for the full development of their work and provide the economic safeguards to which artists are entitled as people actively engaged in cultural work. Member States should:

1. Grant artists public recognition in the form best suited to their respective cultural environments and establish a system, where it does not already exist or is inadequately designed, to give artists the prestige to which they are entitled.
2. See that the artist benefits from the rights and protection provided for in international and national legislation relating to human rights.
3. Endeavour to take the necessary steps to see that artists enjoy the same rights as are conferred on a comparable group of the active population by national and international legislation in respect of employment and living and working conditions, and see that self-employed artists enjoy, within reasonable limits, protection as regards income and social security.
4. Recognize the importance of international protection of the rights of artists under the terms of existing conventions and in particular of the Berne Convention for the Protection of Literary and Artistic Works, the Universal Copyright Convention, and the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, and take all necessary steps to extend the field of application, scope and effectiveness of those instruments, particularly — in the case of Member States which have not already done so — by considering the possibility of adhering to them.
5. Recognize the right of trade union and professional organizations of artists to represent and defend the interests of their members and give them the opportunity to advise the public authorities on suitable measures for stimulating artistic activity and ensuring its protection and development.

#### **VI. Employment, working and living conditions of the artist; professional and trade union organizations**

1. Being aware of the need to improve the social recognition of artists by according them the moral and material support required to remedy their difficulties, Member States are invited to:
  - (a) consider measures for supporting artists at the beginning of their careers, in particular during the initial period when they are attempting to devote themselves completely to their art;
  - (b) promote the employment of artists in their own disciplines, particularly by devoting a proportion of public expenditure to artistic works;
  - (c) promote artistic activities within the context of development and stimulate public and private demand for the fruits of artistic activity in order to increase opportunities of paid work for artists, *inter alia* by means of subsidies to art institutions, commissions to individual artists, or the organization of artistic events at the local, regional or national levels, and by establishing art funds;
  - (d) identify remunerative posts which could be given to artists without prejudice to their creativity, vocation and freedom of expression and communication, and in particular:
    - (i) give artists opportunities in the relevant categories of the educational and social services systems at national and local levels and in libraries, museums, academies and other public institutions;
    - (ii) increase the participation of poets and writers in the overall effort towards the translation of foreign literature;
  - (e) encourage the development of the necessary facilities (museums, concert halls, theatres and other forums) conducive to fostering the dissemination of the arts and the meeting of artists with the public;
  - (f) study the possibility of establishing, within the framework of employment policies or public employment services, effective machinery to assist artists to find jobs and that of adhering to the Fee-Charging Employment Agencies Convention (revised) (No. 96) of the International Labour Organization, which is listed in the appendix to this Recommendation.
2. Within the context of a general policy to encourage artistic creativity, cultural development and the promotion and improvement of conditions of employment, Member States are invited, wherever possible, practical and in the interest of the artist, to:
  - (a) encourage and facilitate the application of the standings adopted for various groups of the active population to artists, and ensure that they enjoy all the rights accorded to the corresponding groups in respect of working conditions;
  - (b) seek means of extending to artists the legal protection concerning conditions of work and employment defined by the standards of the International Labour Organization, in particular the standards relating to:
    - (i) hours of work, weekly rest and paid leave in all fields of activities, more particularly, in the case of performers, taking into consideration the hours spent in travelling and rehearsal as well as those spent in public performance or appearances;
    - (ii) protection of life, health and the working environment;
  - (c) take into consideration the particular problems of artists, in respect of the premises where they work, while at the same time ensuring the preservation of the architectural heritage and the environment and upholding regulations pertaining to safety and health, when administering regulations relative to the alteration of artists' premises where this is in the interests of artistic activity;

- (d) make provision when necessary for appropriate forms of compensation for artists, preferably in consultation with organizations representing artists and their employers, when, for reasons connected with the nature of the artistic activity undertaken or the artists' employment status, the standards relating to the matters referred to in paragraph 2(b)(i) of this section cannot be observed;
  - (e) recognize that profit-sharing systems, in the form of deferred salaries or shares in the profits of production, may prejudice artists' rights *vis-a-vis* their real incomes and social security entitlement and take appropriate measures in such cases to preserve these rights.
3. With the object of giving specific consideration to the child artist, Member States are invited to take account of the provisions of the United Nations Declaration of the Rights of The Child.
  4. Recognizing the part played by professional and trade union organizations in the protection of employment and working conditions, Member States are invited to take appropriate steps to:
    - (a) observe and secure observance of the standards relating to freedom of association, to the right to organize and to collective bargaining, set forth in the international labour conventions listed in the appendix to this Recommendation and ensure that these standards and the general principles on which they are founded may apply to artists;
    - (b) encourage the free establishment of such organizations in disciplines where they do not yet exist;
    - (c) provide opportunities for all such organizations, national or international, without prejudice to the right of freedom of association, to carry out their role to the full.
  5. Member States are invited to endeavour within their respective cultural environments to provide the same social protection for employed and self-employed artists as that usually granted respectively to other employed and self-employed groups. Provision should likewise be made for measures to extend appropriate social protection to dependent members of the family. The social security system which Member States may find it well to adopt, characterized by the intermittent nature of employment and the sharp variations in the incomes of many artists without, however, this entailing a limitation of the artist's freedom to create, publish and disseminate his work. In this context, Member States are invited to consider the adoption of special means of financing social security for artists, for example by resorting to new forms of financial participation either by the public authorities or by the business undertakings which market or which use the services or works of artists.
  6. Recognizing in general that national and international legislation concerning the status of artists is lagging behind the general advances in technology, the development of the media of mass communication, the means of mechanical reproduction of works of art and of performances, the education of the public, and the decisive part played by the cultural industries, Member States are invited to take, wherever necessary, appropriate measures to:
    - (a) ensure that the artist is remunerated for the distribution and commercial exploitation of his work, and provide for the artist to maintain control of his work against unauthorized exploitation, modification or distribution;
    - (b) provide, to the extent possible, for a system guaranteeing the exclusive moral and material rights of artists in respect of any prejudice connected with the technical development of new communication and reproduction media, and of cultural industries; this means, in particular, establishing rights for performers, including circus and variety artists, and puppeteers; in doing so, it would be appropriate to take account of the provisions of the Rome Convention and, with reference to problems arising from the introduction of cable diffusion and videograms, of the Recommendation adopted by the Inter-governmental Committee of the Rome Convention in 1979;
    - (c) compensate any prejudice artists might suffer in consequence of the technical development of new communication and reproduction media and of cultural industries by favouring, for example, publicity for an dissemination of their works, and the creation of posts;
    - (d) ensure that cultural industries benefiting from technological changes, including radio and television organizations and mechanical reproduction undertakings, play their part in the effort to encourage and stimulate artistic creation, for instance by providing new employment opportunities, by publicity, by the dissemination of works, payment of royalties or by any other means judged equitable for artists;
    - (e) assist artists and organizations of artists to remedy, when they exist, the prejudicial effects on their employment or work opportunities of new technologies.
  - 7.(a) Convinced of the uncertainty of artists' incomes and their sudden fluctuations, of the special features of artistic activity and of the fact that many artistic callings can be followed only for a relatively short period of time, Member States are invited to make provision for pension rights for certain categories of artists according to length of career and not the attainment of a certain age and to take into account in their taxation system the particular conditions of artists' work and activity;
  - (b) in order to preserve the health and prolong the professional activity of certain categories of artists (for example ballet dancers, dancers, vocalists) Member States are invited to provide them with adequate medical care not only in the event of incapacity for work but also for the purpose of preventing illness, and to consider the possibility of research into the health problems peculiar to artistic professions;

- (c) taking into account the fact that a work of art should be considered neither as a consumer good nor as an investment, Member States are invited to consider the possibility of alleviating indirect taxation on works of art and on artistic performances at the time of their creation, dissemination or first sale, and this in the interest of artists or of development of the arts.
8. In view of the growing importance of international exchanges of works of art, and contacts between artists, and the need to encourage them, Member States separately or collectively, without prejudice to the development of national cultures, are invited to:
- (a) assist freer circulation of such work by, *inter alia*, flexible customs arrangements and concessions in relation to import duties, particularly as regards temporary importation;
  - (b) take measures to encourage international travel and exchange by artists, giving due attention to visiting national artists.

## **VII. Cultural policies and participation**

Member States should endeavour, in accordance with paragraphs III.7 and V.5 of this Recommendation, to take appropriate measures to have the opinions of artists and the professional and trade union organizations representing them, as well as of the people at large, in the spirit of Unesco's Recommendation on Participation by the People at Large in Cultural Life and their Contribution to It, taken carefully into account in the formulation and execution of their cultural policies. To this end, they are invited to make the necessary arrangements for artists and their organizations to participate in discussions, decision-making processes and the subsequent implementation of measures aimed, *inter alia*, at:

- (a) the enhancement of the status of artists in society, for example measures relating to the employment and working and living conditions of the artist, to the provision of material and moral support for artistic activities by the public authorities, and to the professional training of the artist;
- (b) the promotion of culture and art within the community, for example measures relating to cultural development, to the protection and effective presentation of the cultural heritage, including folklore and the other activities of traditional artists, to cultural identity, to relevant aspects of environmental issues and the use of leisure, and to the place of culture and art in education;
- (c) the encouragement of international cultural co-operation, for example measures relating to the dissemination and translation of works, to the exchange of works and of persons, and to the organization of regional or international cultural events.

## **VIII. Utilization and implementation of this Recommendation**

1. Member States should strive to extend and supplement their own action in respect of the status of the artist by co-operating with all the national or international organizations whose activities are related to the objectives of this Recommendation, in particular with National Commissions for Unesco, national and international artists' organizations, the International Labour Office and the World Intellectual Property Organization.
2. Member States should, by the most appropriate means, support the work of the above-mentioned bodies representing artists and enlist their professional co-operation to enable artists to benefit from the provisions set forth in this Recommendation and to obtain recognition of the status described herein.

## **IX. Existing advantages**

Where artists enjoy, in certain respects, a status which is more favourable than that provided for in this Recommendation, its terms shall not in any case be invoked to diminish the advantages already acquired or directly or indirectly to affect them.

# **Addendum I: Performers' Rights**

## **Statement by the National Council of the ACTRA Performers Guild**

No longer are we living on the threshold of a technological revolution. As recently as three years ago, we were still predicting the onslaught of fibre optics, videodiscs, telidon, direct broadcast satellites. Canada, known as the most cabled country in the world, has declared an "open skies policy", the CRTC has licenced two national (one of which died a-borning) and four regional Pay-TV companies, with more specialized Pay-TV companies to come, and virtually anyone who can afford a "dish" to receive a signal can install one on their front lawn.

Over the years, the general public has become accustomed to the application of copyright and accepts it as necessary and appropriate. There is however less understanding and acceptance of the need for the same rights to be applied to the performer for residual compensation for and control over the distribution of a recorded performance.

In 1980, when application was made to the Minister of Consumer Affairs, then Andre Ouellet, ACTRA was turned down with the argument that the rights of the performer would interfere with the rights of the consumer for access to recorded entertainment programs.

While we talk, scientific geniuses are devising more and more intricate and compact devices for the preservation, duplication of, and even substitution for the creative artistic performance.

A recent innovation has been the invention of the "emulator". This device can do exactly what its name implies. That is to emulate electronically any sound produced, be it mechanical, musical, or the sound of the human voice. It can add the background accompaniment to a line of music. It can, on single track, increase the sound of one voice singing to the sound of many singing in harmony. It can take one voice and make a chorus, or it can turn a few spoken words into a narration. An even more sophisticated device is the New England Digital. To quote a distributor, "... it's going to be pretty scary. There's some pretty heavy duty stuff happening."

The implications for performers are frightening. Especially in the light of a United States Supreme Court decision which states to the effect that sound once uttered, is no longer the property of the speaker.

As performing artists, we are certainly not opposed to the development of high technology. Progress must be made. What we are opposed to is the threat of uncontrolled, pirated use of material by unscrupulous distributors, with the resulting loss of residual compensation for the use of a creative work.

There has been a long history in the struggle for the adoption of legislation for a Performers' Rights Act. With the certain knowledge that technological development was going to revolutionize the industry and drastically affect the performer, ACTRA has long sought this legislation.

ACTRA has not been alone. Performer unions from around the world have been seeking similar protection. FIA and FFF have been working exhaustively toward this end. In 1980, the General Conference of UNESCO at its 21st Session adopted the resolutions under which we are examining the Status of the Artist, setting out requirements necessary for the protection of the rights of the artist, and urging member nations to seek the support of their governments in establishing these rights.

Section VI: 6 of this recommendation states:

*Member states are invited ... to take appropriate measures to ensure that the artist is remunerated for the distribution and the commercial exploitation of his work, and provide for the artist to maintain control of his work against unauthorized exploitation, modification or distribution.*

The International Labour Organization is solidly in support of performers' rights advocating the right of performers to control relay of their performances by cable systems. In December of this year, the subcommittees of the Executives of the Berne Union, the Universal Copyright Convention and the Rome Convention will meet again, at which time it is predicted that some international regulation of cable diffusion of broadcast programs should be concluded.

In May of 1984, a special seminar on the Status of the Artist is to be convened in the USSR in conjunction with a meeting of the FIA.

On one front there has been success. The Israeli performer union has been successful in having a Performers' Rights legislation enacted. At the same time they were able to gain an increase of 35% to be indexed monthly!

We must capitalize on the momentum. ACTRA must be relentless in the pursuit of support for a Performers' Rights Act.

In the light of the urgency of the situation facing us, the long struggle already undertaken, and the impetus created by the collective efforts of performer unions around the world, and international organizations, the National Council of the Performers' Guild makes the following recommendations, urging that they be acted upon with the utmost speed and determination.

This Board of Directors of the Alliance, meeting in special seminar on the Status of the Artist, October 23, 1983, hereby resolves:

#### **MOTION**

**That meetings be sought with the Minister of Communications, the House of Commons Committee on Culture and Communications, and to Senator Jack Austin's Cabinet Committee to pursue the implementation of a Performers' Rights Act, and further**

**That ACTRA seek the support of the Progressive Conservative Party and the NDP, as well as the support of the CLC, in lobbying government for the enactment of a Performers' Rights Act, and further**

**That the necessary steps be taken for the establishment of a licenced Collection Agency to collect all monies owing to the Performer for use of recorded production.**

# **Addendum 2: ACTRA Committee on Women's Issues**

(Reprint of Committee Pamphlet, October, 1983)

The National Committee on Women's Issues is a Standing Committee of the Alliance of Canadian Cinema, Television and Radio Artists (ACTRA), a national union of performers and writers working in the recorded media.

## **Objectives**

We have two key objectives:

- to promote equality of job opportunities for women writers and performers;
- to eliminate the sex role stereotyping which persists in film, television, radio and commercials.

Broadcasting is the most powerful influence of our times. No other aspect of culture has as much impact on society in terms of the ability to direct our thinking, our perceptions and our actions. Obviously, the ways in which women are portrayed by, and participate in, the Canadian recorded media are of paramount importance.

## **Work Opportunities**

The National Committee on Women's Issues was formed in 1980. Since that time, we have collected a large body of research, both from outside sources and from ACTRA. This material clearly illustrates that professional women performers and writers are vastly under-represented in the television, radio and feature film industries. Bearing in mind that women total 51% of the general population, 52.6% of the paid labour force (1983), and 40% of ACTRA's national membership, we find the following facts illuminating.

## **Facts**

- In 46 CFDC financially assisted films (1980-82), 78 writers were used. 82% of these were men, 9% were men/women co-writers. Only 1 film was written solely by women.
- In 1981 CBC TV drama and comedy programming, 63% of the acting roles were male, 37% were female.
- In the 25 films entered in the Genie Awards for 1981 and 1982, there were no women directors.
- Of 139 TV Drama Writer contracts issued by CBC (Toronto) in 1981, 120 (86.3%) went to men, 19 (13.7%) to women.
- In CBC Radio Drama for 1981, 73% of the acting roles were male, 27% were female.
- In 1982 on radio CFRB (Toronto), 92.3% of the on-air staff positions were held by men, 7.7% by women. On CHUM (Toronto), 71.4% of producer/newscasters in 1982 were men, 28.6% were women.
- On CBC's "The National" during 1981, 92.5% of on-camera reporters were men, 7.5% were women.
- Nearly 70% of TV acting roles for women are in the under 40 age bracket. For ACTRA members, the opportunities to work after age 40 decline significantly for women but increase dramatically for men.
- In 1982, men in ACTRA earned an average of \$6,720 from ACTRA's jurisdiction. Women earned only \$4,680.

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In 1982, of 442 ACTRA members earning \$25,000.00 or more per year, 318 (72%) were men, and 124 (28%) were women.

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The National Committee on Women's Issues is attempting to up-grade the employment opportunities for women writers and performers through effective action.

## **Action taken**

- In 1982 we organized a Symposium on Women in the Media to alert nearly 100 industry members and the press to the current situation and what must be done.
- We carried out an intensive lobbying campaign to have our concerns recognized and implemented in the Applebaum-Hebert Report.
- We submitted a Brief on Opportunities for Women in Pay Television to the CRTC and the licencees.



- We continue to monitor complaints of sexual harassment on the job and have developed guidelines for auditions and taping of nude and semi-nude scenes. These guidelines are being incorporated into all ACTRA agreements.
- We have ongoing meetings with CBC management and producers to encourage the hiring of more women.
- We exert pressure on the various government bodies relevant to our concerns.
- We make the research we have gathered available to all concerned, through our 15 ACTRA branches and our liaisons with industry, government, the press, and women's organizations.

### **Sex role stereotyping**

Of equal concern to us is the sex role stereotyping which persists in the film and broadcast media.

### **Facts**

- In 1981, 97% of prime-time TV characterizations (both male and female) were depicted within the traditional social and occupational sex roles.
- Female prime-time characterizations are over-represented in the 20-29 year age bracket. Overall, men on prime-time TV are depicted as being ten years older than women.
- According to a sampling of films submitted to the Genie Awards from 1979-1981, the typical Canadian feature film contains 18 males and 8 females.
- In TV Variety programming, major performers are 3 times more likely to be men than women. In Comedy and Drama, male characters outnumber female characters 2 to 1.
- Voice-overs (voice of authority) for commercials are almost exclusively male. Voice-overs used on CBC's *The National* were 80% male in 1981.
- On *The National* in 1981, only 17% of people interviewed by reporters were women. In the role of giving "expert opinion" (politicians, scientists, etc.) men outnumber women 12 to 1.
- Ads and program content fail to show women and men as comparably capable, resourceful, self-confident, intelligent, productive and independent.

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\*The TV statistics are taken from a study of the CBC, the network with the *best* record in terms of sex role stereotyping.

The National Committee on Women's Issues continues to work to eliminate sex role stereotyping in the recorded media.

### **Action taken**

- We have spoken against the Playboy/First Choice Pay-TV deal and have urged a consumer boycott of First Choice. We work with Media Watch and with The Canadian Coalition Against Media Pornography.
- We have met with the Advertising Advisory Board's Committee on Sex Role Stereotyping. One of our members now attends their meetings as a Speaking Observer.
- We continue to monitor commercials to determine the effectiveness of the industry's two-year self-regulatory period regarding sex role stereotyping.
- We meet with CBC television and radio producers regarding sex role stereotyping in program content.
- We are undertaking a joint study with the Advertising Advisory Board to assess the extent of the disparity in work opportunities for voice-overs in 1983 commercials.
- We lobby all relevant government agencies, commissions and industry representatives with regard to sex role stereotyping.
- We gather research, our own and others', on sex role stereotyping and make this material available to organizations, individuals, and the press.

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While the media present images of negative stereotypes, limited and limiting role models and women as a demented minority group, it will be virtually impossible for women to make inroads into the employment patterns of broadcast establishments. Conversely, until women are properly represented at the management and decision-making levels of these establishments, it is unlikely that the media image will change.

Nanci Rossov, For Status of Women Canada

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This “chicken and egg” syndrome addressed by writer-director Nanci Rossov must be corrected.

The National Committee on Women’s Issues has urged the Federal Cabinet to appoint women to positions on the CRTC and the CBC Board of Directors.

It is imperative that the issues of unequal participation of women, and the unreal portrayal of women in Canadian media be tackled simultaneously in order to be corrected.

### **Strategy for change**

- Correct systemic discrimination — and work opportunities for women performers will increase.
- Hire more women writers — and a more realistic portrayal of women will emerge.
- Increase women’s participation at policy making, management, and Board levels — and programming will reflect the change.
- Use more women in front of the camera and behind the scenes in Information Programs — and a more accurate reflection of Canadian life will ensue.
- Show women as authority figures in both advertising and program content — and they will be recognized as such in the workplace.
- Eliminate sex-linked language and increase women’s participation as experts — and the range of roles available to women will widen.
- Employ more women producers/directors — and a richer and broader spectrum of program concepts and story ideas will follow.