



Response to the Discussion Paper on the Status of the Artist

The Canadian Conference of the Arts

The Canadian Conference of the Arts has read with interest the discussion paper prepared by the Ontario Ministry of Communications and Culture on the Status of the Artist. The paper covers some of the principal areas of concern, the history of the issue and offers a good overview of the question from the perspective of a provincial government.

The status of the artist in Ontario

Ontario, as a major centre of artistic activity in Canada, has an important opportunity to deliver a unique policy and a distinct legislative direction on the status of the artist which can truly serve as a model to the other provinces in Canada grappling with this issue. The arts community in Ontario embraces a wide range of activity in the performing and visual arts, broadcasting, film and video production, sound recording and literature and publishing. The particular element of this community which should be the focal point of any legislation or policy on the status of the artist should be the professional artist.

Moreover, the size and variation of the population brings into the issue other areas which have not yet been addressed within the context of similar initiatives in the Province of Quebec. The legislation and policy on the status of the artist in Ontario should directly address the circumstances of the professional multicultural and aboriginal artist in the cultural life of the province.

Ontario is the home of important training facilities for the professional artist, among them the National Ballet School, the Ontario College of Art, the Royal Conservatory of Music and the National Native Theatre School. Quite often the graduates of these programs decide to pursue their careers in Ontario based arts organizations and institutions, drawn as they are to the many opportunities which are available in the province. It is precisely these opportunities which also attract artists from the other provinces in Canada to Ontario as a preferred work place and study thereby creating a major concentration of artist talent within the confines of the province. As a measure of this important role which Ontario plays in the development of the Canadian cultural community, the status of the artist initiatives offer an ideal context for an arts training policy statement, including financial support to the national training schools in the arts.

**The Cultural Labour Market and the Status of the Artist**

As a sizable number of professional artists are located in Ontario, the status of the artist affords an opportunity for the Government of Ontario to recognize their important place in the provincial labour market. The status of the artist legislation or policy should deal directly with the structuring of the cultural labour market, so that it enjoys the same benefits as sectors.

In Ontario, as in other provinces, the collective bargaining process has been ongoing for over forty years. Unfortunately where these negotiations have been undertaken on behalf of self-employed artists it has been without any legal status. In fact, such efforts have been occasionally seen as express violations of the federal anti-competition laws.

Further, because there has been no legal footing to this process the parties have had no recourse to arbitration or mediation in the resolution of difficulties in reaching an agreement. As a result, the cultural labour market has existed in a state of precarious legal status and cannot always yield for artists marked improvements in their income or social benefits.

While federal legislation will go some way to address the concerns of those artists working in broadcasting it does not in fact have the authority to deal with artists working in theatres, galleries, dance companies, orchestras or other areas of the cultural community which fall outside of federal labour jurisdiction.

This is an area in which provincial governments can play an important if not determining role in the advancement of the status of the artist in Canada. Artists employed in areas of provincial labour jurisdiction must rely upon provincial initiatives in the field of legislation and policy if their status is to be improved. Legislation to create a context for improved conditions in the cultural labour market must address the structure of that market using existing precedents and specifically adapted measures.

The CGA calls upon the Government of Ontario to use this policy on the status of the artist to extend the collective bargaining right to professional self-employed artists, and to create a specifically constructed Commission to oversee its administration and application in the cultural sector.

The creation of a specific Commission to administer and oversee the collective bargaining is most important for the artistic profession. While existing labour boards have garnered extensive experience in the administration of the collective bargaining right in an industrial context or between employers and employees, it is not expected that they enjoy a sufficient insight into the workings of the cultural labour market to allow for difficult judgments which will be required as a result of a policy of this nature.

The provision of the collective bargaining right will have real financial implications for some of the artistic service organizations which receive financial assistance from the Government of Ontario. For some organizations who will seek the right to represent their members in the collective bargaining process for the first time, new and significant costs may be incurred equipping themselves for the exercise of this right. The very initiative of appearing before the Commission for certification as a collective bargaining agent will require the investment of scarce financial resources. The CCA is aware that the Government of Ontario is in the process of reviewing its funding program for arts service organizations. We encourage these considerations to be built into such a review and we recommend that specific funding for organizations seeking certification for the first time be considered under this program.

Artistic organizations which receive certification as collective bargaining agents will also address the question of social benefits for their members as a result of contract provisions. Under the existing law artistic organizations of self-employed individuals cannot directly manage pension plans. They have for the most part elected the route of RRSPs which represent a total of the artists' and the engagers' contributions to a specific account held by the organization for that artist alone. The management of the fund in this manner restricts the pension income of artists to the total of contributions and interest earned by the specific account alone. The right to administer a pension plan directly would afford higher levels of retirement income for artists who participate in the plan.

The CCA recommends that existing legislation in Ontario be revised to allow artistic organizations which receive certification as collective bargaining agents to administer directly a pension plan on behalf of its members.

The CCA encourages the Government of Ontario to regard favourably the five - year plan of the Ontario Arts Council, and to provide to it the levels of funding it has identified in its submission to the Government.

An important element of the status of the artist review in the Province of Ontario should be the direct involvement of those most directly concerned in the process - namely professional artists. This involvement should be substantive, not merely cosmetic. Professional artists working in Ontario are in the best conceivable position to understand the particular problems and challenges which they face. The legendary imagination of the artistic profession may also be harnessed to offer innovative solutions to some of the problems which confront the artistic profession in Ontario.

The CCA recommends that the Province of Ontario establish an advisory committee on the status of the artist, composed of professional artists from a cross section of disciplines, to actively assist and advise the policy development process. The Committee should be given a mandate of sufficient length to enable it to work through the implementation period

of any legislation or policy which the Government adopts regarding the status of the artist. The Committee should be free to consult widely with the artistic community in Ontario in the formulation of any advice it may provide to the Government on this or any issue which affects the status of the artist in Ontario.

The Canadian Conference of the Arts commends the Government of Ontario for its initiative in this most important area of concern for Canada's cultural community. The CCA is available to support your endeavors in this process to which we attribute a very high priority. As you are aware the CCA has within its Board of Governors and Secretariat individuals who are closely associated and familiar with this issue. We would be honoured to assist you in any manner you may require.

### Non-Labour Issues

While the primary focus of the status of the artist issue is clearly labour market structure, it is not the only area of intervention which the Government of Ontario should consider as it develops a policy on this question.

The value of status of the artist legislation or policy is that it recognizes the unique circumstances surrounding the artistic profession in the broadest possible context. Art cannot be easily relegated to certain well defined niches in society such as the theatre or the art gallery. It forms an essential part of the development of shared values and identity which make Canada and Ontario culturally unique.

Over the years great energy has been devoted to addressing the role of the arts in the general education system of this country. The Constitution makes it very clear that the largest part of the responsibility for education lays within the provincial domain. The introduction of a status of the artist policy would be an ideal opportunity to break this deadlock with proposals for the integration of the arts in the general education system in Ontario. Such measures could include exposure of students at every level of education to Canadian art in all of its manifestations as well as a greater integration of the professional artist within the school system. A commitment to increase the Canadian content of literature, music, film and video into the curriculum would serve this objective well and would further increase the ability of Canadian artists to increase their income levels. It would further build a consciousness and an appetite for Canadian culture in the audiences of tomorrow.

The CCA encourages the Government of Ontario to include an arts in education policy and program within a package of initiatives on the status of the artist. The Government should work closely with the Ontario Arts Council in the development of such measures.

The City of Toronto has long been a powerful magnet to artists from across Canada as a source of employment and ideal place to interact with

other members of their profession. In recent years the rapid rise in property values and the concurrent decline in available housing have had a real impact on the ability of artists to remain in Toronto. While no firm data exist, we are told that an exodus of artistic talent from Toronto is underway. Several years ago when faced with a similar dilemma, the City of Vancouver introduced a "bonusing system". The system allows for tax breaks for developers if they make available reasonably priced accommodations for arts organizations or artists.

The success of this plan in Vancouver has lead the City to adopt even bolder approaches. Recently the City acquired and renovated an old warehouse which it made available for use as artists' studios and living spaces. While it is clear that such measures are within the jurisdiction of municipalities, the Government of Ontario could use its considerable influence in encouraging the adoption of similar policies in Toronto and other major cities in Ontario.

The CCA recommends that the Government of Ontario work with the municipalities of Ontario to consider policies such as the "bonusing system" which encourage the private sector to play a role in the housing of arts organizations and artists.

In a similar vein, the question of property and business occupancy tax is one which has real implications for arts organizations attempting to cope with the costs of operations. A serious review of the status of artists within Ontario should determine if it is a factor in the artistic life of the Province.

The CCA recommends that the Province undertake a study in cooperation with the major cities of Ontario of the structure of property and business occupancy tax as it applies to arts organizations and artists' housing. The study would represent an opportunity for cooperation in ensuring that artists can remain in the urban areas of the province with a minimum tax burden.

One of the principal instruments for the funding of the arts in Ontario is the Ontario Arts Council. Operating at arms length from the Government, the Council has proved to be an important player in the development of cultural life in the Province of Ontario. As part of its five-year plan the Ontario Arts Council is seeking a major increase in the levels of funding provided by the Government of Ontario. Given the critical state of financing of many arts organizations in Ontario and the rest of Canada, a major increase in the funding of the Ontario Arts Council would net real benefits to the arts and their audiences.

Research which has been undertaken by various parties demonstrates that the funding which the Government provides to the arts results in considerable economic returns to the entire economy. In Canada, it is estimated that the amount invested in the arts is returned four-fold to the Gross Domestic Product. Increased funding to the Ontario Arts Council would not only assist artists and arts organizations but also the overall economy.