

A Submission
to the
Minister's Advisory Committee
on the Status of the Artist
by the
Saskatchewan Federation
of Labour

June, 2003

LABOUR AND THE ARTS

The Saskatchewan Federation of Labour would first like to express sincere appreciation to the Minister's Advisory Committee for extending this opportunity to present our position on the issues arising out of the Progress Report on the Status of the Artist of April 2003.

There are certain core elements in the lives of working people that by necessity preoccupy all wage earners and their organizations. These include the requirement to derive a livelihood from the sale of one's labour, the need to look after the economic well-being of dependents and provide for retirement. Those are all matters of vital, basic relevance to workers and the organizations that protect their interests.

But that is not all there is to life. And it may interest the Committee members and staff to know that organized labour has a long and impressive record of fighting for the right of working people to have access to the cultural aspects of society, and the time and resources to take advantage of the arts.

In the 1880s the Knights of Labour were formed and for a couple of decades fought for such causes as having the children of working class parents taken out of factories, mines and warehouses and put in school where they would learn to read and write. The Knights, along with the early craft unions in the building and printing trades, also campaigned tirelessly to establish workdays and workweeks that were of a length that

would permit wage earners to have some free time to devote to non-job related interests.

Many early unions set up reading rooms and lending libraries for their working class members and their families.

The militant, syndicalist Industrial Workers of the World in the early 1900s and the CIO unions in the 1940s and 50s, devoted a good deal of time and effort to bringing music, literature, theatre and film to their membership.

Many of the great unions, among them the Amalgamated Clothing Workers, the International Ladies Garment Workers, the Mine Mill and Smelter Workers, the Auto Workers, many urban labour councils and the Canadian Labour Congress have endeavoured for many years to establish a cultural component to trade unionism.

At the present time the Saskatchewan Federation of Labour has committed significant resources to the researching and writing of a history of the provincial labour movement. We hope to have this account of trade unionism published by the province's centennial year. The Regina Union Centre will later this summer have a large mural painted on its front façade done by a local artist who recently graduated from the Fine Arts College of the University of Regina. The most prominent labour leader this province ever produced – Bill Davies – has written and published a fine book of poems, some of them with working class and trade union themes.

MayWorks is an annual effort to promote the links between labour and the arts, and it continues to grow and develop.

We are proud of that record, and wish to do our part in extending it.

ABOUT US

The Saskatchewan Federation of Labour represents over 88,000 unionized workers across the province who are members of some three dozen trade unions affiliated to our organization, as well as seven labour councils and 800 locals.

The SFL is the largest labour organization in Saskatchewan. Our affiliated unions represent people in every sector of the economy. Our members work in uranium and potash mines in the north, electrical generating stations near the U.S. border, steel, pulp and paper mills, retail food chain stores and warehouses, government offices, construction sites, group homes, chemical plants and oil refineries, grain terminals, day care centers, correctional facilities, schools, nursing homes, saw mills and lumber camps, universities, hospitals, hotels, fast food outlets, on trains, planes and buses, in municipal governments, lunch counters, restaurants, financial institutions, and as Committee members may know, we also represent workers on film sets, camera crews, in orchestras, on stages and in book stores, as well as other occupations that involve the arts.

The SFL is about as familiar with the working people of Saskatchewan as it is possible to be and that includes those employed in the cultural industries.

The Federation counts among its affiliated members the Alliance of Cinema, Television and Radio Artists, the American Federation of Musicians, the Communications, Energy and Paperworkers Union and the International Alliance of Theatrical Stage Employees, Moving Picture Technicians.

In addition to the organized workforce, the Federation has for more than half a century now assumed the responsibility of speaking for all workers in the province - organized and unorganized – and in all industries.

While most cultural workers will not currently be covered by a collective agreement, the Federation of Labour recognizes our duty to speak for those workers who comprise the province's art community. What follows is our position of the specific issues faced by workers in the cultural sector.

A NEED FOR EQUITY

We would first like to express our full support for the government and the minister in taking the initiative to investigate the ways and means to address and hopefully alleviate the problems faced by workers in the cultural sector.

We also want to endorse those efforts by the Advisory Committee to bring a decent standard of living, some economic security and an acceptable level of employee benefits to artists, performers and technical workers.

Improving the financial circumstances and fringe benefits of those people who so obviously enrich our lives is a very worthwhile undertaking and one that has the wholehearted support of the labour movement.

We readily concede that there are unique problems associated with improving the economic return due to employees in this sector of the economy, but they are not so challenging as to be insurmountable. We would urge the Advisory Committee to be bold and imaginative in recommending solutions.

BETTER INCOMES

The pattern established long ago – of having artists routinely subjected to the most extreme kind of financial hardship and deprivation – is a crude anachronism that we should no longer tolerate.

The Progress Report notes that the Advisory Committee has placed an emphasis on fair compensation and the role of collective bargaining in achieving it.

In our view this is a well chosen priority and the mechanism of collective bargaining is a particularly useful vehicle in achieving economic justice for artists.

There is reference made in the Progress Report to sectoral bargaining, the Trade Union Act and the Construction Industry Labour Relations Act. This is an avenue we would encourage the Committee to pursue.

As Committee members may know that latter statute applies specifically to the building trades unions, which represent employees in the construction industry. In that sector each trade, such as carpenters, electricians, plumbers and construction labourers, has a province wide-collective agreement that automatically covers the workers of all unionized contractors. As soon as the Labour Relations Board has certified a building trade union to represent the workforce of a contractor, the collective agreement is brought into force and covers the company's employees in that trade.

It is a form of sectoral bargaining which has generally worked pretty well. It removes the frustrating and often unproductive process of trying to get a collective agreement negotiated in each work site or for each individual contractor.

The Progress Report speaks of "a quasi-judicial authority" to register contracts, resolve disputes and enforce contract provisions. In fact the Report proposes the establishment of such an authority.

The SFL is of the view that the Committee should consider discussions with the Labour Relations Board, about that agency handling these matters. The LRB has more than half a century of experience in dealing with precisely these issues, and is the most qualified institution by far to adjudicate such cases.

We note too a reluctance in the Progress Report to recommend an extensive use of the collective bargaining process for artists.

Our advice would be to rely more heavily on a system of bargaining collectively to address the lack of income and benefits for artists.

Until well into the twentieth century there was a widespread notion that collective bargaining could simply not be made to work in most workplaces. The highly skilled tradesperson could make the process work with some enlightened employers, but to apply it generally was unworkable...at least that was a commonly held attitude; enthusiastically promoted by business and subscribed to by many politicians.

Then some more enlightened legislators emerged. In the U.S. Senator Robert Wagner of New York and the New Deal Democrats passed the Wagner Act in 1935. A decade later the war-time administration of Mackenzie King passed similar legislation in Canada. And in November 1944 the first CCF government in this province passed the Trade Union Act 1944. All these legislative measures provided for workers to have the legal right to organize and bargain collectively through the union of the employees' choice. They also required the employers to "recognize" the

union as the employees' representative and to make a sincere effort to conclude a contract.

The result was not the unworkable mess that opponents of the laws predicted but rather a vast improvement in the wages and working conditions of millions of North American workers and their families.

A sensibly designed structure to govern collective bargaining in the cultural sector would have a similar beneficial result.

The Progress Report refers often to artists' associations being the primary means of protecting the interest of workers engaged in the arts. Our view is that the unions that have operated in this industry – in some cases for more than a century – have the expertise and experience to do that work better than any other organization.

BENEFITS

Those cultural employees lucky enough to be covered by a collective agreement will typically have some employee benefit plans. These plans, sometimes referred to as fringe benefits, include insurance coverage which, for example, will pay all or a substantial part of dentist and optometrist bills and prescription drug costs.

A good set of employee benefit plans can be of immense value to a working class family, particularly where the plan accepts enrollment of a spouse and dependent children. The better employee benefit plans are not inexpensive; they can add an addition 20 per cent to the cost of employing a

person. But these plans are a well-established fact of life for vast numbers of employees in both public and private companies and union and even some non-union workplaces. It is long past the time that artists had similar coverage for themselves and their immediate families.

There is a model of sorts that the Advisory Committee may want to examine, not because it is perfect, but because it has been operating without hardship on employers, and with some advantage for employees, right here in Saskatchewan.

At the spring session of the legislature in 1994 amendments to section 45.1 of the Labour Standards Act and Regulations enacted what came to be known as “pro-rated benefits for part-time employees”. What the amendment did was to require companies with ten or more employees, that had benefit plans for full-time staff, to extend the coverage on a pro-rated basis to part-time workers.

There were eligibility thresholds that had to be met by the part-time workers and the coverage did not include the full spectrum of available benefits plans, but it was a start, and would be worth looking at as a model.

Artists require eye exams and dental filling and prescribed medication just as the rest of us do. They can use group life insurance, accident and dismemberment coverage as well. It is not at all equitable that these benefits should be routinely provided to tens of thousand of other workers and denied to artists

The SFL also wants to see cultural workers made eligible for federal unemployment insurance, minimum employment standards as provided to other workers in the Labour Standards Act, Workers' Compensation coverage and the full protection of the Occupational Health and Safety law and regulations.

PROMOTION

We would strongly endorse the proposition that promotional initiatives need to be stepped up. All procurement of artists' work should be strongly influenced by a public relations campaign aimed at expanding the market for Saskatchewan artists.

Part of that initiative should be better funding to the Saskatchewan Arts Board, a recommendation with which we enthusiastically agree.

THE 1993 REPORT

The Federation of Labour is familiar with the 1993 Status of the Artist Report and its content. We liked a number of the recommendations in that document, particularly its bold support for collective bargaining to achieve fair and reasonable compensation, and full ownership by the artists of their creation, freedom of artistic expression and safe working conditions.

The 1993 Report is an extremely comprehensive, well-reasoned analysis of the problems facing artists. It is also a sensible, practical prescription for workable and affordable change.

TO CONCLUDE

It is time, in fact long past the time, that artists had what is right and just and well deserved.

All of us who have senses to experience the world around us have had our lives enhanced by an attractive painting, and inspirational mural, a moving passage of literature, a poignant play or a beautiful melody.

We must now see to it that something fair, meaningful and equitable is given in return.