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## Small Business, Tourism and Culture

### Waddell receives report on artists' working conditions

10/03/2000

VANCOUVER - A report describing issues in working conditions faced by B.C. artists was released today by Small Business, Tourism and Culture Minister Ian Waddell.

The Labour of Art: Working Conditions and Environment for B.C. Artists was written by Vancouver labour lawyer Sandra Banister and provides a snapshot of artists' common concerns as well as opportunities and resources that would help artists pursue their respective crafts.

The report says the historical value of a society is frequently measured by the contributions of its artists. Yet, although the arts enrich society, income levels for those employed in the artistic sector are generally lower than for other B.C. workers. Few artists work fulltime, and those who do earn about 20 per cent less than the average provincial income. These conditions prevail despite the fact that the artistic community is highly educated and multi-skilled.

"Last fall I asked Sandra to review, from a legal perspective, existing legislation and issues in the workplace affecting artists," said Waddell. "Artists have the right to a fair working environment with the same resources that many others may take for granted, and finding new ways to come to artists' aid will support the culture sector."

"The important role artists play in our culture and economy is seldom recognized or reflected in their financial position," said Banister. "The report reviews the working environment for B.C. artists in order to identify the main problems faced by professional artists working in British Columbia and to formulate solutions."

The report's recommendations include:

- Passing an art agency agreement act to provide minimum protection to visual artists and craftspeople by requiring a written contract between them and agents who deal with their works. □ Consult more broadly with the community and the Ministry of Labour before deciding to enact Status of the Artist legislation, which would extend collective bargaining rights to artists who are dependent contractors.
- Help establish a cultural sectoral council comprising of artists, those who engage their services, producers, labour leaders, business people, educators and government representatives to explore concerns related to human resource development in the sector and identify possible solutions.
- Develop a legal advice program for artists to be funded in part by the Legal Services Plan in conjunction with the Ministry of Attorney General.

-- Develop a method to disseminate information electronically to facilitate education and communication within the cultural sector to provide easier access to model contracts, government forms, grant applications and other documents.

The report also reviews recommendations from the 1994 report *In Spirit and in Law*, tabled by the B.C. advisory committee on the status of the artist. It outlines amendments to existing legislation made at that time, including the Employment Standards Act and Workers' Compensation Act. Ministry staff have been asked to review implications of the report's recommendations to determine further action. "It's appropriate to take a longer-term look at how we can support the arts as a key player in our new economy," Waddell said.

Waddell said he will also look at ways to establish contract standards between artists and those who engage their services. "An art agency agreement act would provide minimum protections to visual artists and craftspeople by requiring a written contract between them and agents who deal with their work."

B.C.'s cultural community employs nearly 60,000 people, and arts and culture-related occupations are outpacing growth in the province's total labour force by a factor of two to one.

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Executive summary of report attached.

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Visit the Ministry of Small Business, Tourism and Culture Web site at [www.sbtc.gov.bc.ca](http://www.sbtc.gov.bc.ca) on the Internet for more information.

## Executive Summary

### A. Working Conditions for Artists

1. The Province has amended the Employment Standards Act (E.S.A.), and Regulations to provide significant protection to artists. The amendments to the Employment Standards Act are sufficient although fine tuning may be required, particularly in the area of trust funds for child actors. In order to eliminate unnecessary cost and bureaucracy, block trust funds should be investigated and developed.

2. The Workers' Compensation Act and the Occupational Health & Safety Regulation have been amended to extend coverage to performing artists. The extension of Workers' Compensation benefits to performing artists and the movie industry has been successful. Written guidelines are required to ensure flexibility of enforcement of health and safety regulations in the artistic work place.

3. An Art Agency Agreement Act should be enacted to provide minimum protections to visual artists and crafts people by requiring a written contract between them and agents who deal with their works. Issues which must be dealt in such a contract include ownership of the work(s), rates and charges, and terms of payment. A model contract should be appended to the Act to facilitate compliance and reduce costs for all parties.

4. Status of the artist legislation would extend bargaining rights to artists who are independent contractors. However, status of the artist legislation, whether by amendment to the Labour Code or by stand alone legislation and regardless of whether it utilizes a dedicated Tribunal or the existing B.C. Labour Relations

Board, is a major initiative with wide ranging ramifications from both a labour relations and cost perspective. Broader consultation with the artistic community and the Ministry of Labour is required before enacting such legislation, since there is no consensus on the issue. If the decision is made to proceed with such an initiative, status of the artist legislation should be contained in a separate statute similar to the Fishing Industry Collective Bargaining Act, R.S.B.C. 1996 C. 150, and should utilize the B.C. Labour Relations Board. The Labour Board would require additional artist Vice Chairs and increased funding.

5. The Ministry should assist in the creation of a cultural sectoral council composed of artists, engagers/producers, labour leaders, business people, educators and government representatives in order to explore concerns related to human resource development in the sector and identify possible solutions. Government funding, at least at the initial stages, will be required.
6. An artists' legal advice program, to be funded at least in part by the Legal Services Plan, should be investigated in conjunction with the Ministry of the Attorney General. Lawyers with expertise in legal matters affecting artists would provide artists with free summary legal advice on any issue related to their art. This would require additional funding for the Legal Services Plan.
7. The Ministry should develop a method to disseminate information in an electronic format to facilitate education and communication within the cultural sector and to provide easy access to model contracts, government forms, grant applications and other documents. This could be accomplished either by the development of a comprehensive ministry website or by additions to an independent site.

## B. Financial Issues

1. The Ministry should work with the Ministry of Finance to develop tax incentives or credits and to consider relief from provincial sales tax on original art works in order to promote artistic endeavours.
2. Funding of the arts should be reviewed and increased. At a minimum, government funding should recognize the financial burden on arts organizations caused by government initiatives, such as Workers' Compensation coverage, and should be increased to offset these additional costs.
3. The B.C. Government should work with the industry to examine the need for a sound recording facility capable of accommodating major orchestras (70 - 100 musicians) for recording TV and movie sound tracks and, if warranted, explore the viability of expanding the sound recording infrastructure to include such a studio. Such an initiative would be consistent with government policy of supporting the film industry in the Province.

The Labour of Art: A Report to the Honourable Minister Ian Waddell, Minister of Small Business, Tourism and Culture on the working conditions and environment for B.C. Artists.

Sandra I. Banister February 14, 2000