



STANDING COMMITTEE ON HUMAN SERVICES

Hansard Verbatim Report

No. 42 – December 18, 2006



Legislative Assembly of Saskatchewan

Twenty-fifth Legislature

**STANDING COMMITTEE ON HUMAN SERVICES
2006**

Ms. Judy Junor, Chair
Saskatoon Eastview

Mr. Wayne Elhard, Deputy Chair
Cypress Hills

Mr. Lon Borgerson
Saskatchewan Rivers

Ms. Joanne Crofford
Regina Rosemont

Mr. Peter Prebble
Saskatoon Greystone

Mr. Don Toth
Moosomin

Mr. Milton Wakefield
Lloydminster

[The committee met at 14:12.]

The Chair: — We'll call the meeting to order. Start off with the chits that we have in. We're having Mr. Iwanchuk sit in for Mr. Prebble and Ms. Morin for Mr. Borgerson, and I think we have Ms. Draude for Mr. McMorris . . . Mr. Wakefield, okay.

We have a couple of items to table for the committee. One is the information that we have received from the minister on The Status of The Artist Amendment Act, and each committee member has it. We'll table that.

We also have some information from the minister from the November 20 meeting, the committee's request for the number of times in a row that Brown Communications has been the agency of record for Culture, Youth and Recreation. That's also being tabled.

And a bit of change to the agenda, before we get into consideration of the Bill, we do have some business. We have a researcher proposed to be hired and, yes, Ms. Crofford.

Ms. Crofford: — I'd like to move:

That effective December 18, 2006, this committee appoint Mr. Michel Carpentier as the Standing Committee on Human Services' research officer for consideration of Bill No. 40, The Status of the Artist Amendment Act, 2006.

The Chair: — Thank you. Okay then discussion. Does everybody have Mr. Carpentier's c.v.[curriculum vitae]? If not we can pass it around. Yes, Ms. Crofford.

Ms. Crofford: — Yes just for a little bit of quick information, Michel was legislative intern to both Don Morgan and myself, and we certainly both, I think, had positive experiences with that.

The Chair: — And Michel's here with us today, ready to start, good timing for the briefing. If there is no further discussion then, all in favour of that motion?

Some Hon. Members: — Agreed.

The Chair: — That's carried then. Congratulations Michel, you're our researcher.

**Bill No. 40 — The Status of the Artist
Amendment Act, 2006**

The Chair: — And the next item up for business before the committee is the consideration of Bill No. 40, The Status of the Artist Amendment Act. And we'll start off with a presentation by the Department of Culture, Youth and Recreation. The minister is here with his officials. He could introduce them and any opening statements you want to make to the . . . back before us.

Hon. Mr. Hagel: — Well thank you very much, Madam Chair, and members of the committee. It is for me an important time that we're beginning by undertaking the work of the committee on The Status of the Artist Amendment Act. And I think we

have opportunity to make a difference, as I think will often be the feelings of committee when addressing legislative changes that provide for opportunity from the public in order to help to shape the legislative framework for addressing matters of importance.

And it is certainly with a sense, a strong sense of the value of this Act that I have referred it to the committee with the intention that it would receive public hearings, and with the request that I believe it would serve the process well to have the recommendations of the committee return to the legislature so that we can proceed with legislation in the spring session of the legislature.

So it is with that in mind I know that I come to the committee, having asked the committee to undertake a fairly significant task actually. It's going to take some time and is going to require some thoughtful deliberation, I think. Meaningful — but I don't think it will be by any stretch of the imagination an exercise the committee members will have considered to be easy — valuable, but not necessarily easy.

And so it's with a deep appreciation for the democratic reform that we've done that makes this process possible, that I think it is particularly this kind of legislation that the system was intended to deal with.

So I'm pleased to be here to discuss with you my rationale for referring The Status of the Artist Amendment Act, 2006 for your review and for public hearings. I'll be doing an overview and then officials from the department will be providing you with a technical briefing.

And I'd like to introduce people here today, as I think they will be of value to you as you undertake your task over the weeks and months ahead. First of all, what I'd like to do is introduce several representatives who are here from the minister's advisory committee on the status of the artist or MACSA — minister's advisory committee on the status of the artist, which I refer to as MACSA, so that's what MACSA means.

And with us are three people here today. First of all, I'll introduce them to you and then explain the role of the committee and, I think, their value to you. The Chair of the committee is, she's behind — perhaps if they can just wave so you can recognize them — is Barbara Young. So Barb was the Chair. Patrick Close is a visual artist, and Patrick has been involved in the status of the artist agenda for really quite some time and was a member of the committee. And then the third person here from the committee is David Lawlor who is a musician and composer and committee member.

Now if you have not yet received it, you will all be provided a copy of the committee's report. And in the report will be reference of course to Ms. Young and Messrs. Close and Lawlor and as well as the other people who were involved, as well as a whole host of other recommendations. But you'll get some of that . . . that will really be part of your orientation today.

The minister's advisory committee on the status of the artist was asked to bring recommendations which I received in July

of this summer and which, in my view, are a collection of some 30 recommendations that together, in my judgment, compose a sound strategy for moving forward on the status of the artist agenda. At the end of the day, the status of the artist agenda is intended to increase the incomes of artists. I'll come back to that in a moment why that, I think, is such an important factor for Saskatchewan to be considering.

Now the members of the committee are here today and are certainly available to you, if you wish, to answer questions that you may have. And I think you may want to give some thought as you go along as to how they would best be able to serve your purposes. And they will be willing . . . they're all volunteers of course. These are all people who are associated with the arts in a whole variety of different kinds of ways around the province, and so they all came together in this exercise as volunteers. So coming together quickly or in large numbers is a fairly complicated task, but they will be most willing to assist you in any way that they can in helping you to sort through your deliberations.

I think as you get into the deliberations, you'll become aware of some of the complexities of the task which won't — as I said earlier — you'll find will not be black and white in terms of sorting them through. And you may be interested in hearing from the MACSA committee members now in terms of some of the broader principles that they brought in their recommendations. One of which then is to make the legislative change that is in the Act that I'm forwarding to you. So when I bring this Act to the legislature, it is as a result of having accepted the recommendations, consider them to be sound, and moving forward then in order to enact them.

It may be then that you would like to ask them to come back again or if you don't the first time they come back, later on in your deliberations after you've had a chance to hear from some folks who have a vested interest in the arts and you are starting to get a handle on some of the tougher questions and you'd like to then perhaps ask some questions or advice about the intentions of the committee members and bringing forth the recommendation.

They have been through, in some ways they've been through what you're going to go through except, in a sense, in a broader kind of way. And I would urge you to take advantage of their experience. The people who are involved in the committee — and you can see the bios — people who are involved in the committee have been around the arts scene in Saskatchewan for a long time, by and large, and are people with high credibility. And they bring a strong collective conscience I think about the status of the artist agenda. So I introduce the three who are here today and urge you to take advantage of their willingness to assist you as you go along, either today or later on in the process.

Then joining me as well from the Department of Culture, Youth and Recreation then, I think you'll all know Barb MacLean, deputy minister, to my left, your right. And on the other side of me is Dawn Martin who is the executive director of culture and heritage. And it'll be Dawn who will be providing the bulk of the technical briefing for you this afternoon. Also seated at the table behind is Calista Meinert who is a policy analyst with the Department of Culture, Youth and Recreation. And did you

wave?

A Member: — Yes, I did.

Hon. Mr. Hagel: — I can't see who's waving.

So before I speak to you about the legislation, I'd like you to be aware of what, to me, is the essential question that drives the importance of the status of the artist agenda and which I believe is an unacceptable situation that faces artists in Saskatchewan today. It is unfortunately not significantly different from other provinces, but what is different is that we are a province at this point in time who has made a decision to move forward to try and make progress.

Back in two thousand and . . . well it was . . . Sorry. Based on 2001 census data, according to Hill Strategies, research was done. So using 2001 census data which concluded that the average income for artists in Saskatchewan — you may want to jot this down — the average income for artists in Saskatchewan . . . I think the definition of an artist is people who are earning half, more than half . . .

Ms. Martin: — The majority of their income from their art.

Hon. Mr. Hagel: — Yes. So this is artists who are earning the majority of their income from their arts work, \$15,341. So it may be slightly different because that's 2001 numbers. But I'll give you the ratio and I have no reason to believe . . . If the numbers are slightly different today, and they'd only be slightly, they'd still be in the same proportion. So 2001, the average income for artists in Saskatchewan, \$15,341. And this was 40 per cent less than the average, Saskatchewan earned income for the same year of \$25,691. So you have a group of professionals whose earned income is 60 per cent of the averaged earned income.

While artists' incomes tend to be lower than average, artists are also likely to hold more educational credentials than the average earner. And I think, as we come to our task in the legislature and we think about what it is that we do through the arms of government and the legislature that influences quality of life, we will all come believing very strongly that there is a relationship between education and income and quality of life, and that the better the education, the more education you have, the higher your potential for earned income and your potential then to enjoy the quality of life that is available to you.

The fact of the matter is then, from the same period of time, 40 per cent of artists hold a university degree, certificate, or diploma. So 40 per cent of these artists have a post-secondary credential. This is twice the average of Saskatchewan workers in general, which is 19 per cent. So to put it into sort of its boldest, simplest terms, the reality is that in Saskatchewan, artists on balance have twice as many post-secondary credentials as the average population of working people but about only half the income.

And so there is a category, as I say, a category of professionals. And I'm sure we'll have discussion and thoughts about the contribution that this group of professionals makes to the quality of life that we know in our province. And although we'll all have our own preferences as to the ones that we enjoy the

most or whatever, we engage, you know, the most frequently, I think it would be virtually without argument that quality of life that we know is significantly influenced by artists in our province that touch our lives.

So it is with that . . . That, in my view, is the essence of the reason why a status of the artist agenda is most legitimate for the province of Saskatchewan to be trying to do something to change the outcomes over a period of time. And so that to me, that's the big picture.

To address the situation, the Government of Saskatchewan then appointed an advisory committee to recommend changes that would improve the socio-economic status of artists. And the final report was presented, as I said earlier, in July of this year. And it provided me with a comprehensive range of recommendations including legislative change, and that's the baby right there. So I have now tabled amendments to The Status of the Artist Act.

We are one of only two provinces in Canada that have a status of the artist Act; the other province is Quebec. There are other provinces in Canada that are giving very, very serious deliberation at this point in time to introducing status of the artist legislation as well as looking at thinking about status of the artist agendas, and so there is . . . I think it's really realistic to consider that what occurs in Saskatchewan from the status of the artist agenda as we move forward will have as part of its outcome, that it will provide leadership for other provinces, for artists in other parts of the country as well. And so I think that's where we are.

These amendments that I've introduced then deal with the issue of real and written contracts between artists and engagers. So that's one of the key pieces that's in the legislation as it's been referred to you. The minister's advisory committee on the status of the artist also provided a report that included a comprehensive approach to labour relations for artists, and the committee's recommendations were arrived at after considerable deliberation and consultation with artists. Now to date, neither MACSA, the committee, nor the government has had an opportunity to consult with the public on the details of the proposal. And this is the vehicle that I have chosen as a forum for that to take place.

There will be, in the legislation, definitions. There's really three pieces to the legislation. One is a definition of what constitutes a professional artist because what we're looking at here is legislation that affects the business relationship of professional, self-employed artists with engagers, engagers being the purchasers of the artistic product.

And so there's three pieces. One is to define then what is a professional artist, so who are we talking about as professionals. And the legislation does not apply to amateur artists or those who are engaged in artistic production or performance, you know, as they develop their skills, but those who are engaged in a professional way — so defining what is a professional artist.

Then secondly, there is the matter of the written contracts then, that contrary to what is really a fairly common phenomenon right now of contracts being verbal, that there be a requirement of written agreements between artists and engagers. So when

they come to an agreement for provision of product or service, that it's understood what are the specifics of that. And it would make it clear then that in the absence of a written contract then that all of the rights, all of the intellectual rights would belong to the artist, so making that clear. And one of the outcomes of that is that there would be put in . . . eventually come to be in place framework contracts that could easily just be filled in for the use of artists. So you have a clear understanding about who owes . . . you know, what are we agreeing to and what are our rights.

Now the third part then of course then is the part where the large bulk of your work will be and that is in the matter of collective bargaining for artists in Saskatchewan. So in referring the legislation, I requested the Human Services Committee to also explore then the matter of collective bargaining for artists with particular emphasis on three key questions.

And maybe I'll just walk through those now. These are in the letter that you have received that I tabled when I tabled the legislation in the House. And these are the questions that I would then look for you to answer. To provide the answers to these questions then would provide the concepts that would be written into legislation. So what I've tried to do then is to formulate the questions. If you answer the questions, then with those questions answered, the legal beagles who have the responsibility then to translate it into law then would have the information they need to do that. So these are the questions.

First of all, number one. Under what circumstances and using what processes should artists be able to enter into collective bargaining? So under what circumstances and with what processes? And implicit in that as well then is the question, how should they select a representative association? And what would be the scope of that representation?

So each of these are . . . that's really . . . in essence there's four questions there, and each of them will have, I don't think any of them will have . . . you will find none of those will have a unanimous conclusion. And I will look to the wisdom of the committee to provide guidance then, to give structure to the process of artists being able to then enter into collective bargaining and select their representation, the end objective being that out of that would come . . . One of the things that would flow, of course consistent with the status of the artist's agenda, is that it would contribute then to the ability to earn income for artists so to remedy that inequity that I described earlier.

Secondly then, because there is . . . We live in a country in which there currently does exist a national collective bargaining for artists, so we do live in a country in which that does exist. So we're not asking a question here in a vacuum, and there will be artists in Saskatchewan today who are participating in collective bargaining that's in place because of the national legislation that exists. And so secondly then, how should current national collective agreements, those that currently exist, bargain through . . . Sorry, they're done through a voluntary collective bargaining process. So how should current national collective agreements bargain through voluntary collective bargaining processes be handled then in a provincial labour relations system? It certainly is not the intention to diminish or weaken the strengths of those relationships which

currently exist as a result of a voluntary series of arrangements, but those would be put in place then by nationally focused organizations as opposed to provincially.

So thirdly, how should disputes then, when there are disputes as inevitably there will come to be, how should disputes arising from collective bargaining between artists and engagers be adjudicated?

So the three questions then, in essence then: one, under what circumstances can artists enter into bargaining and how do artists select the representatives; two, how do we accommodate currently existing national artists collective bargaining agreements; and then thirdly when there are disputes, what's the best way of solving them?

Now I would be drawing your attention to . . . this would be part of your orientation today. There was a framework that was part of the recommendations of the MACSA committee, and I think it's very important for you to understand the recommendations as they relate to collective bargaining as put forth by the MACSA committee. And I would ask that you would . . . [inaudible] . . . because that's really the starting point.

And I think therefore to do your task, it's very useful for you to establish as clear an understanding of the intents of the recommendations related to the collective bargaining as your starting point as you move forward. And therefore I think it probably will, you will find it useful to speak to the MACSA committee members now and then perhaps later on as well as you find yourself feeling increasingly informed and getting a stronger grip on the questions that you'll be wrestling with.

So the implications of the MACSA proposal in collective bargaining are significant. And it is appropriate that the Standing Committee on Human Services undertake that public hearing process to ensure that all interests are considered in crafting a legislative response.

Legislation, while it's important, is just one part of a complex plan to address the inequality of income experienced by Saskatchewan artists. There will be other recommendations then that you will see in the MACSA report that we will be considering as part of the '07-08 budgetary process. And so the legislative piece is a part of the total puzzle. It's an important part but only a part of a series of initiatives that I believe need to be taken in order to change the outcomes in terms of relationship between income for artists and education.

We're building a stronger economy where everyone in Saskatchewan benefits in making Saskatchewan the best place, for Canada, to live and work and raise a family. I think it's an objective we all share. And I believe that supporting artists is an important part of a bright future in our province. And it's an important part of addressing, I think, what we would all consider to be a key concern for us, for ourselves, and that's shaping this place, Saskatchewan, to be an attractive place for young people to build their futures. And there's no question that the arts are important to people I think of all demographics and all ages and all across the province.

So it's with that, Madam Chair, that I'll be happy to respond to

any questions or comments as best as I can. And when you're ready, then we'll move to the presentation by Ms. Martin as part of the orientation. And I do point out that the MACSA committee members are here as well and available to you to participate. And I'll be guided by your wish in terms of what you need from me in terms of presence or participation this afternoon.

The Chair: — Thank you. Ms. Crofford.

Ms. Crofford: — This might become clear, Madam Chair, as we get into the presentation, but I think one of the biggest questions we had when we had an earlier committee discussion about what our task is here, is whether the report is coming forward as the department's recommended approach or whether in fact you will be recommending to us your preferred approach.

When this committee has considered Bills before, we've considered them when the department has recommended a specific approach, and in fact we intervened and changed some of those things. But I guess I'm trying to get a sense of the status of the status of the artist report when it comes to whether it's put forward as the recommended approach.

Hon. Mr. Hagel: — It is. I've accepted the report as what I believe to be a thoughtful and progressive series of recommendations together as well as individually. And therefore it would be my advice to the committee that your beginning point — the point from which you are saying, yes it is, or no it isn't, or yes but it should be altered — would be the framework that comes from the report.

Ms. Crofford: — Thank you.

The Chair: — Mr. Toth.

Mr. Toth: — Mr. Minister, you mentioned, one of your opening comments was talking about increasing the income of artists, and you gave us a figure for — I believe it was — '01. What specifically do you mean by increasing income for artists through this Act or proposed Act?

Hon. Mr. Hagel: — I don't know that it will be possible quickly to measure how this Act all by itself will influence the growth and average income for professional Saskatchewan artists. I believe it will be a factor, but it is clearly in the context that — I make it very clear — that this is by no means the only way that I see of increasing the incomes for our professional Saskatchewan artists.

The broader agenda is really the combination of recommendations that will be made here, some of which will be very clearly focused on increasing the market that's available for artists from which to draw income so that . . . For example I think we will all recognize that there is potential for increasing the incomes for artists along with the tourism industry, that as tourism either grows or is experienced by people within a province and outside, that it is not an uncommon phenomenon that people who are tourists will pay to go to events which are artistic events or will pay to purchase artistic products.

And so that it is, I think, it is everyone's common shared

objective that the discussion about the average income for artists is not simply about trying to rebalance a pool, a currently existing pool, but it's actually to increase, to grow the pie, to increase the amount of income that artists collectively experience and consequently, individually will experience that. And you'll see that as a common thread, Mr. Toth, as you look at the recommendations.

Now having said that, I'm not asking you to redo the work of the advisory committee. The advisory committee's work gives context to your work, and your work will be focused then on the legislative, on the legislative piece by itself. However if you understand the broader series of recommendations, I think that'll position you well to understand the objectives that you'll hear from people who come to speak to you.

Mr. Toth: — Thank you, Mr. Minister. I guess, Mr. Minister, what I'm trying to grasp in my mind, and as Ms. Crofford has already indicated, I guess it's probably part of what we're all trying to come to grips with when we talk about the status of the artist. You talk about collective bargaining, or you've mentioned the term collective bargaining.

I suppose that when I think about artists, and I do have a number in my constituency . . . When you go to, for example, Wolseley, and the Wolseley artists' guild, they display their works, and everyone has a value they put on their piece of art, whatever that art may be. And you come to an agreement that, yes, I'd like to have that. I think that would certainly fit the decor of my home or office or whatever. And you agree to purchase, and you leave with the article.

Now from what you are saying, would people then who are artists — or whether they're professional or just small, people who just have a natural inkling and do artwork throughout the province — would they have to then become members of an association, of a professional association, in order to advertise and market any of their art? Is that where we're intending to go with this Bill?

And I guess that's the issue I raise in view of the fact that there are lots of individuals who've got into artwork and are doing quite well. I'm not sure they see it as their prime source of income. But they see it as a way of letting people know about their talents, expressing their abilities, and as well deriving some income from the sale of that.

And my concern is when I hear the word bargaining unit or bargaining, do we take away from individuals across the province who have realized they have potential and entered into different forms of art and marketing their art.

Hon. Mr. Hagel: — Yes, I think we'll all recognize that there will be a fair amount of economic exchange with artists who don't consider themselves to be professional artists. And that's why a key part of the Bill is the definition of a professional artist. Because the Bill only has to do with those who are professional artists, self-employed, in the province of Saskatchewan.

There will be those who would like to . . . Maybe just back up for a second. It would be not uncommon for artists . . . It certainly wouldn't be 100 per cent true by any stretch of the

imagination, but it would be not uncommon for artists . . . The strength of what they do is their creativity, to state the obvious, but for whom the matter of business relationships aren't their strength. And so you'll see many of the recommendations would assist in strengthening people's ability to market their goods, for example, as a means of increasing their income.

But this legislation would not relate to the retail situation because I think that's what you're referring to. And so this is . . . I don't think I would see this legislation having to do with that particular kind of, you know, exchange that you describe. The collective bargaining, and these are the important questions then, is under what circumstances is it appropriate that artists be represented and how would they, how would. . . I go back to the questions. How would they choose who represents them in dealing with what the legislation refers to as an engager?

Probably an example . . . I think Ms. Martin can probably give better examples than I can, but I think one . . . you know, for example, a relationship between artists in engagement that would be obvious to everybody would be a theatre doing a production that will hire performers as well as support staff and so on. And so you'll have professional artists and engagers, and they'll have a relationship. So that would be the more, you know, the more typical kind of circumstance, I think, in which you'd see . . . So bargaining would provide for artists minimum standards, but it would be a different kind of circumstance than the one you raise, I believe.

Mr. Toth: — Well thank you, Mr. Minister, and I think those are some of the issues that I think we're going to be left to grapple with to ensure that we don't all of sudden tie the hands of people who have realized that they have some artistic potential and would like to through their work present themselves to the public. As well as, you use the word tourism. And I know certainly along No. 1 there are a number of communities where there are individuals have gathered together and through the tourism branches have not only been selling themselves, but selling the area, the community because of just the creativity that they've come to, just from their own community.

And that's I think something that — I would be surprised if my colleagues don't feel the same way — we want to ensure that people have the abilities, that we don't tie the hands of the individuals while we're coming to a common consensus. And so I won't pursue the issue as I understand we're supposed to try and come up with some responses so that this piece of legislation allows people to express themselves as artists and their creativity in the province.

Hon. Mr. Hagel: — Yes. And I urge you to . . . You may find it may take a bit of work to kind of keep solidly in your mind that it's having to do with professional artists. And that's why it's such an important part of the Bill as well that the definitions of professional artists are there. So this is to deal with concerns of professional artists, and I think some of what you're saying, Mr. Toth, will be more, you know, more commonly associated with the amateur artist perhaps.

The Chair: — Thank you. Mr. Elhard.

Mr. Elhard: — Thank you, Madam Chair. Mr. Minister, I have

a few questions that have arisen out of your presentation at this point. Just looking at some of the questions you've asked, who is a professional artist? Coming up with a definition for professional artist I think is going to be possible. It won't be easy maybe but it's certainly possible.

Hon. Mr. Hagel: — Right now it's in the legislation what the recommended definition is.

Mr. Elhard: — And the requirement for written agreement between artist and engager, that looks achievable. I don't think that's a tough thing to come up with. But the matter of the collective bargaining is going to be much more problematic. And I guess I have some questions maybe that have arisen out of that part of the requirements or the recommendations to us.

You indicate that the most recent statistics you have are for 2001 where the average income was \$15,341 for a professional artist or somebody who made the majority of their living from their pursuit of art. Have we got any more recent statistics from Stats Canada? They must come out with reports on a five-year incremental reporting basis I would think.

Hon. Mr. Hagel: — Yes. The answer is we may before you're done as we're awaiting the most recent census data, but the '01 is currently — as we sit here now — is the most recent data available to us. However having said that, I don't . . . You may find yourself to be able to avail of more current data before your task is done but I would urge you not to delay your task for that purpose. It would be my sense that the '06 data won't . . . I have no reason to believe that it'll be materially different from what we find in '01.

Mr. Elhard: — And just following that you indicated that there are professional artists working without a contract. Is it your belief, is it the belief of the advisory committee that this is common? I would say that if somebody designate themselves a professional, that's one of the first things that they would want to achieve is a written contract related to the work that they are about to produce.

Hon. Mr. Hagel: — Probably. I think probably the advisory committee can give you a more detailed, perhaps more informative response than I. But it would my view that the answer is yes, that there are . . . It's not an uncommon phenomenon to have artists who are working on arrangements which are verbal agreements. They'll have agreements but they'll be done verbally as opposed to in writing.

Mr. Elhard: — You know if I had my intellectual property on the line I think I'd want to make sure I had that in writing. I don't think I would subject my capacity or my ability to a verbal agreement. I mean we don't even want to trade cars between ourselves on a verbal agreement, let alone intellectual property.

Hon. Mr. Hagel: — I think you're making the argument for the essence of the argument, because it's an intellectual property is what it is in essence. And so that it is the intention of the legislation to say then that there needs to be a written agreement; that everybody understands clearly what the entitlements are, where rights end and finish, and that if you don't have that, then the law will clearly assume that the

intellectual property belongs entirely to the artist then.

Mr. Elhard: — Okay. You also said there might be a situation where a federal voluntary group might possibly be subject to provincial labour relations. Can you give us an example of those types of groups that exist today?

Hon. Mr. Hagel: — Yes, maybe I'll ask Ms. Martin to give some examples that . . . maybe some of the more common kinds of ones that we'll be familiar with.

Ms. Martin: — Sure. There's a couple of national associations that . . . probably the one that you're most familiar with would be ACTRA [Alliance of Cinema, Television and Radio Artists] — the association of Canadian radio and television artists — who have a collective agreement that's been negotiated on a voluntary basis with independent film producers, the association of independent film producers. There's fairly good compliance with that collective agreement across the country, but . . . and I think there's a worry that by setting up a provincial framework for statutory . . . that's established in statute, that there's potential for that to have an impact on nationally agreed upon terms and working conditions.

Mr. Elhard: — And as part of this exercise, you want to make sure that we don't advertently or inadvertently complicate that situation.

Ms. Martin: — Right.

Hon. Mr. Hagel: — Right.

Mr. Elhard: — Okay.

Hon. Mr. Hagel: — I think it would be my wish that those agreements are not weakened. I think because, again going back to the key reason for looking at the legislation, the end objective is to influence the increase in incomes for artists. So if we were to move forward with legislation which had as the unintended consequence that it weakened currently existing agreements, then in my view that would be regress not progress.

Mr. Elhard: — Will the committee have recommended in their report — the advisory committee — will they have recommended some way of resolving the apparent incongruity of the term self-employed with the term collective bargaining? I'm not sure I understand how that will work.

Hon. Mr. Hagel: — Yes, I think the recommendations will deal with that question. And in many ways it is professional artists who are a unique circumstance where they are self-employed but commonly do not have available the incomes or the securities that typically come with being self-employed, nor do they have commonly the incomes or the securities that are commonly associated with being employed. And so that's why to me the status of the artist agenda is . . . It deals with a professional category which is unique, and the challenge is to find the effective ways of overcoming the barriers.

Some would argue that, for example, some of the employment securities are not available because artists are self-employed and therefore . . . so you don't have employment benefits. But you can equally argue that one of the reasons they don't enjoy

the benefits is because they don't have the incomes to self purchase some of the securities or the benefits. And so that's part of the rationale from my point of view as to why we look at a combination of things to address the status of the artist agenda. So some of those things would have to do with trying to find ways for associations perhaps to provide pools that artists can participate in for things that we commonly refer to as employment benefits.

That's different from the question before us here of course. But that will be, it will be the . . . And that's why careful thought is part of the process here. And other jurisdictions I think will also be looking at how we attempt to sort it out here because they're wrestling with those same kinds of questions. How do you balance that self-employed status with the absence of securities and benefits and income that typically go with being self-employed?

Mr. Elhard: — I think the basic question here then does really revolve around nothing much more than the income status of artists. Because technically other self-employed people could say the same thing as artists, except their incomes are higher. And they might want to use this as an argument to justify whatever they're going to do at some point or other. But I mean if I take what you're saying at face value, then really it all revolves around income. It doesn't have much to do with anything else. It doesn't have much to do with professionalism. It doesn't have much to do with availability of artists or buyers or purchasers or engagers as the term is used in this particular piece of legislation. It has everything to do with 60 per cent levels of income vis-à-vis others with similar educational standards.

Hon. Mr. Hagel: — Vis-à-vis others with, on balance, half the educational credential. Yes. So . . . But no, I think you, Mr. Elhard, you put your finger on the essence of it. It has to do with income. The other things you mention will affect of course your . . . you know, the quality of what you do will affect the attractiveness and so on. So that we would find as part of the dynamics of the marketplace of course. And that must be part of the artists' world as it is with any other self-employed person's world.

But I think you are, you're putting your finger on really the essence of the question as to in what ways can we facilitate a growth in the income of professional artists, vis-à-vis their relationship as compared to the general population, yes.

Mr. Elhard: — Thank you.

The Chair: — Ms. Draude.

Ms. Draude: — Thank you. And thank you, Mr. Minister. I think that the question we have before us is, it's going to be difficult. Can you answer the question, do you have any idea how many people are going to be affected by this Act? How many professional artists do you believe there are in Saskatchewan?

Hon. Mr. Hagel: — About 3,000 professional artists in Saskatchewan.

Ms. Draude: — Three thousand. And when I read through the

recommendations and looked at the issue that we are dealing with — and that is collective bargaining — I saw that down on the list. It wasn't the top priority on the list of recommendations that came forward from your committee.

And, in fact, when I looked at the report from Canada Heritage and they talked about the artists' ranking of measures to improve economic circumstances of artists, the collective bargaining was the very last one on the list. So I'm just wondering, do you and does your department believe this is going to be what will improve the income level of artists in Saskatchewan?

Hon. Mr. Hagel: — I believe it will be a factor, not the only factor. And that's why I come back to what I said before. When I look at what I would describe as the status of the artist agenda, which is to improve the incomes of artists, that there will be a whole series of factors that will influence that. In the world of legislation that there will then be these three items that are before the committee in this piece of legislation. But the answer is yes, I do believe that legislation can be an influencing factor in increasing the income of professional artists. Yes.

Ms. Draude: — I don't think there's anybody in this room that doesn't want to see that happen.

Hon. Mr. Hagel: — Yes.

Ms. Draude: — And our concern is, are we going to be sitting here doing something that isn't going to be the major . . . is going to be the major push to help our artists receive an income that is right now comparable to First Nations income in our province.

And when we look at some of the suggestions that they have when it comes to amending the Act and asking for exemptions from the Competition Act and a number of other issues, I just wonder. I didn't see this as their priority. And I want to feel confident that this is what the group of people that have obviously worked hard to bring these recommendations forward, if they believe that this is going to be the panacea to make things better, then we can put our heart and soul into it. But you've got to be confident when you look at a level . . . at all these recommendations. And that's down on the list.

Hon. Mr. Hagel: — Yes, well I think that's a question you'll want to ask of the committee. It's an appropriate question. Certainly the advice I received from the committee is that they see this as an important part of the whole picture and that they see it as one of the priority areas to improve the quality of life or the incomes of professional artists. I wouldn't bring it forward if I didn't believe that that was true. But I would urge you to ask the committee that very question.

They will have spoken to a good number of artists from different disciplines. And I think it will be the case that some disciplines will consider it to be a more important part of their picture than other disciplines differently. And that's why this is not . . . The status of the artist agenda is not focused on one particular discipline of the arts, but it is focused on the support for the arts collectively in our province.

Ms. Draude: — Thank you. And I guess we have the 3,000

professional artists. Do you have any idea of the number of artists you think we have in the province that aren't considered professionals?

Hon. Mr. Hagel: — Oh. Well probably about 997,000. I don't. . .

Ms. Draude: — I'll make sure you take me off there because I'm not one of them.

Hon. Mr. Hagel: — So 996,999.

Ms. Draude: — Yes.

Hon. Mr. Hagel: — You know, that is really a difficult question to quantify because those who consider themselves amateur artists will . . . It's a subjective term. And there will be many amateur artists, of course, who don't aspire to be professional artists. They engage in the arts for the point, you know, for the . . . primarily for, you know, for pleasure or to share talents or maybe make a bit of extra income, that sort of thing. And so I'm sorry, I can't quantify that.

Ms. Draude: — There are a number of artists that work alone and there are a number that would consider themselves self-employed or entrepreneurs that wouldn't benefit but would be, you know, professional people as well. How are we going to ensure that we can improve their quality of life as well?

Hon. Mr. Hagel: — I'm not sure . . .

Ms. Draude: — Well I mean, there are a number that won't be considered professionals but they work full time at it. They're entrepreneurs or they are self-employed people. How is this Act going to benefit them?

Hon. Mr. Hagel: — I think if it's not professionals, then the answer is that it wouldn't because the Act is intended to support the self-employed, professional Saskatchewan artist.

Ms. Draude: — Don't get me wrong, it's not that . . . I don't have a problem with it. I'm just saying are we going to be affecting — positively affecting — the largest number of people by putting a lot of our time and energy into this and not some of the other measures that were put forward by your committee?

Hon. Mr. Hagel: — Yes. From my point of view, it's not either/or. It's really both. And again this comes to the committee because this is legislation and legislation is a part of the total picture, that there are a number of other recommendations, including some that I am pursuing through the budgetary review process. Some of which are beyond the Saskatchewan jurisdiction, for example, to take to the national table of ministers of culture. Done some of that.

So what we have is a very thoughtful strategic plan for the status of the artist agenda in the report. And I have accepted the report as just that, as a thoughtful, progressive report with what I consider to be helpful recommendations individually, but more importantly collectively.

And within that piece then is this piece that has to do with legislation and legislation which has some consultation but

without clear conclusion. And that's what I'm asking the committee to do then, is to bring your advice as to the clear conclusion on this piece of the legislation and that . . . and to do it in as timely a way as possible to facilitate it returning to the legislature to move forward in the spring session of the legislature. And understanding that it is, you know, I don't think any . . . I note you used the word panacea before, and I don't think anybody would see it as a panacea unto itself. But it is this subject which is focused on in the legislation that brings it to this committee.

And I appreciate your perspective that there's a whole lot of other things, and I'd be the first to agree there are a whole lot of other things. And I think they need to be dealt with in the agenda. But its not either them or this; it's a combination.

The Chair: — Thank you. Ms. Crofford.

Ms. Crofford: — Yes. I was going to say when I was thinking about this income question, it is about income but it is also about reducing vulnerability. I think of artists I've known who have become sick and had nothing to fall back on because they've never had any benefits, etc. But also it's about setting a standard. And so when I look at this I'm going to be looking at the income issue, but I'm also going to look about whether the measures reduce vulnerability, whether they help to set a standard or a value in the community for what that work is worth.

But where I do want clarity is on the issue of benefits, and I'll give you an example. One time someone gave me this little item from I think it was Holland. And it was kind of like the federal government is able to collect GST [goods and services tax] on a sports activity, SOCAN [Society of Composers, Authors and Music Publishers of Canada] is able to collect artists' fees during performance, so why is it not able, from individual engagers, to collect a fee that goes towards the benefits of that artist, or the pension plan or whatever?

And I guess I'm wondering what our scope is here to think about this. Because collective bargaining is one approach to that, but having an automatic amount that's part of every engagement fee that goes towards a benefit would also be an approach that would work, and it would be automatic. And so I just don't know what our scope is here in considering these things.

Hon. Mr. Hagel: — I don't disagree with the point you're making. I think that issue is addressed in other of the recommendations of the report as it strives to offer advice as to how securities can be gained by artists. Again as Mr. Elhard said, here's the contradiction — you have self-employed people but these are low-income, self-employed people that don't have the ability to purchase the securities that are typical of people who are wage earners. And that's the unfortunate characteristic of the profession generally that is attempted to be addressed here, to facilitate. So it is about income, but security . . .

But that's not, that's not part of your . . . I'm not asking you . . .

Ms. Crofford: — That's not what you're asking us to look at.

Hon. Mr. Hagel: — . . . To wrestle with that. I'm not asking

you to . . .

Ms. Crofford: — This is just on the wisdom of this particular measure.

Hon. Mr. Hagel: — That's right. I'm asking . . .

Ms. Crofford: — . . . And the design.

Hon. Mr. Hagel: — . . . The committee only to . . .

Ms. Crofford: — Yes.

Hon. Mr. Hagel: — Because the question I'm asking you is a complicated enough question, you know.

Ms. Crofford: — We thought so.

Hon. Mr. Hagel: — Yes. You'll be comforted to know. So it has its own complications. And it's only on the narrow point of that which is in the legislation that I'm asking for your advice from the committee. If you want to tell me other things, God bless you and I'd be happy to hear it. But that's not what I'm asking you to do on this particular task.

Ms. Crofford: — Okay. Just want to be clear.

Hon. Mr. Hagel: — And I'd like you to stay focussed on that because I'd like it to come back, so that in terms of timing, it was introduced in the fall session and with the intent that the committee would provide your advice in time for the legislation then that flows out of that to be drafted and reintroduced then in the spring session. Okay.

The Chair: — Ms. Draude.

Ms. Draude: — I just have one question, Mr. Minister, and I don't know if you can answer this or if it's something that we should ask Michel to look into.

We've been told that the federal, territorial, provincial working group on the status of the artist is going to need to ask to have this, to exempt artists from the Competition Act or else basically, when you do all this, it could be useless. Has that request been made, or do you think it's important to be made, or can you answer that?

Hon. Mr. Hagel: — Yes. The answer is yes. And it was a request that I supported at the last, at the previous meeting of the ministers of Culture of the nation; federal, provincial, territorial meeting.

Ms. Draude: — So they can be exempted?

Hon. Mr. Hagel: — Yes, it's a question. It has not been answered.

Ms. Draude: — It hasn't been answered.

Hon. Mr. Hagel: — No, no. And so it is an item that we have made recommendation, but that it is an active item of consideration. So there is not a conclusion at this point in time.

Maybe if I can ask Ms. Martin to expand on that, if you would.

Ms. Martin: — Sure. There's good precedent for an exemption in that artists who negotiate and do collective bargaining under federal legislation — which applies only to federally regulated engagers — they are specifically excluded from a Competition Act.

Now the Government of Canada in its legislation can do that in a relevant Act whereas I think that what the province of Saskatchewan would have to seek through a provincial statute is the competition bureau folks to actually say that artists' associations will be treated the same as associations of employees, which are specifically excluded in the Competition Act.

Ms. Draude: — So when do you expect an answer?

Ms. Martin: — I can't say.

Ms. Draude: — Are you worried that if we do this and they say no, that this was for naught?

Ms. Martin: — I guess there weren't . . . The competition bureau was actively proceeding to prosecute artist associations in a couple of cases in Canada until the federal Act went through, which actually specifically excluded artist associations from application under the Competition Act, but only in a very narrow set of circumstances. And the competition bureau actually ceased attempting to prosecute associations that actually weren't covered under the exemption in the Act. So I actually think that there's potential for good success here.

Ms. Draude: — Thank you.

The Chair: — Seeing no further questions here then, is the committee ready for Ms. Martin to do her presentation? And maybe you can skip over the things that have already been asked and answered. I think you still have a presentation, right?

Ms. Martin: — I do actually. There is still more.

The Chair: — Whatever you feel is appropriate that we can hear it.

Ms. Martin: — There may be moments where I just will just fly through some slides. And I've given you each copies of slides. Please feel free, if you have questions during the presentation, to stop me and ask if you think it will be helpful.

The Chair: — Go ahead. Sure. Go ahead.

Ms. Martin: — There we go; we're here. I thought it might be helpful to give you some background on where status of the artist actually emerged and arose from. In 1980 UNESCO [United Nations Educational, Scientific and Cultural Organization] adopted a recommendation on status of the artist. The basic recommendation included a number of different general principles. I've provided you with a selection of some.

These principles continue to drive advocacy in the arts and some of the policy-making that happens around status of the artist. So the general principles actually recognize that art

reflects, preserves, enriches the cultural identity and spiritual heritage of any society. They recognize the essential role of art. They actually speak to the assurance that artists do have the freedom and the right to establish trade unions and professional organizations of their choosing. And it also speaks to the issues of freedom of expression and communication. Those are key principles that embody really that you see in virtually all arts advocacy today.

Some of the history across Canada, as Minister Hagel mentioned, there's only one other province that has status of artist legislation; that's Quebec. Their legislation was adopted in 1988. They have two different Acts. One Act governs labour relations in the performing arts which tend to work collectively and tend to have already well-established collective bargaining units, and that Act actually speaks to the establishment of collective bargaining rights for artists in the performing arts so that includes film, dance, theatre.

The other Act is an Act that largely relates to artists who work independently for visual and literary artists. And it's in that Act that actually establishes the need for written individual engagement contracts, and that's where the MACSA committee drew its recommendation from in terms of recommending that the province of Saskatchewan establish a need for written individual engagement contracts.

The Government of Canada established status of the artist legislation in 1990. It provides self-employed artists engaged by federally regulated entities with collective bargaining rights. There's a federal tribunal that adjudicates those rights called the Canadian Artists and Producers Professional Relations Tribunal.

Some key milestones in Saskatchewan — there was a minister's advisory committee on status of the artist in 1993. That committee tabled a report with 100 recommendations. As the minister mentioned, Patrick Close who's here in the room with us was a member of that, all the way back to that committee making status of the artist recommendations. The government passed the first status of the artist Act in 2002. I will go into some detail about what that Act provides. Under the provisions of that Act, the Government of Saskatchewan established the first minister's advisory committee on status of the artist in 2002. It tabled a report in 2003, and out of those recommendations the second advisory committee was established in 2005. And it's that committee's report that you have in front of you.

The Saskatchewan status of the artist Act is really a value-based Act and then an enabling Act. It recognizes the importance and value of artists to society and the importance of artists being able to be fairly compensated for their work.

It articulates a number of principles that are consistent with the UNESCO recommendation that I went through with you earlier, and it lays out a number of undertakings for government, but it also couches those in language that says where it's reasonable and appropriate to do so.

Those government undertakings are that the government will consider artistic work as a public good, that it will promote within government working conditions of artists, that it will

respect and abide by scale agreements, and that it will respect and abide by protocols on working conditions established by artist associations. That's all in the current Act as it stands prior to any amendments.

The advisory committee that was established under The Status of the Artist Act in 2002 focused their work on the report of the very first 1993 committee and saw their job really as making recommendations on how to operationalize that 1993 report. They organized the report under five broad themes: industry standards, the promotion of artists, benefits and taxation, maintenance of the status of the artist initiative in an ongoing way, education and training for artists, and the role of artists in economic development.

While no jurisdiction in the world other than Canada has responded to status of the artists through collective bargaining issues, collective bargaining remains one of the prevailing priorities for arts advocacy groups in Canada. MACSA 1 concluded that there were some issues that were really very difficult to overcome, as statutory mechanisms for collective bargaining were to be introduced. And a couple of them have already been mentioned here: self-employed status, how artists' associations actually certify themselves to bargain, national collective agreements, and sanctions under the federal Competition Act, and so some of those have already been discussed here.

Would you like me to go into some of the technical details of that? Self-employed status, the Canada Revenue Agency is really . . . self-employed status has implications for artists in two areas. The first is the issue of taxation and whether or not they can claim their business expenses and deduct that from their income in the calculation of net income. Employees cannot expense the cost of being an employee in the calculation of their net income. Self-employed individuals can. The other place where it's important is that the Copyright Act applies not to employees. Employees do not own their intellectual property. Self-employed people do own their intellectual property. So for artists there's two areas where self-employed status is really important — on the ownership of intellectual property and on taxation.

The Canada Revenue Agency is the body that determines whether individuals are self-employed for the purposes of taxation. And particularly in situations where artists work collectively and for a defined term — say, you know, in a symphony or producing a play — the self-employed status of artists has been I think particularly . . . I don't want to use the word threat because it sounds like a loaded word. But I think that the Canada Revenue Agency really is going in and attempting to make rulings which changes the employment status of artists working in those situations. There have been a number of appeals on that. In virtually every circumstance where that's been appealed, artists have actually won the day and maintained their self-employed status but only after exhaustive appeals that are really expensive for artists and their associations.

What appears to be . . . The relationship between collective bargaining and self-employed status is that where artists . . . where collective agreements establish minimum standards and artists are free to negotiate benefits for themselves above those

minimum standards. So they're still free to negotiate the terms and conditions of their work but above a minimum standard, then it appears that self-employed status is reasonably safe. But even in those circumstances where artists have the ability to negotiate above those minimum standards but tend not to, where virtually everybody is working at the minimum standard, that's the place where the Canada Revenue Agency tends to have stepped in and said, you know you really are working as employees here. So that seems to be the issue there.

I'm going to get more into the certification process a little later in the presentation so I'm not going to go into too much detail there. I think the minister has already to quite a large extent discussed the issue of national collective agreements. Under the federal Competition Act, we've talked a little bit about that, and I think that I don't need to get into too much more technical detail on that for you. Okay?

The first MACSA committee under the new status of the artist Act recommended that the voluntary collective bargaining systems that exist — including the national systems that we spoke of earlier — were actually the best thing going in the country for artists and didn't want to do anything to threaten those systems and thought that the best place to start with artists in the province was actually to start by strengthening those systems and ensuring that they work effectively. So the MACSA committee, the first MACSA committee recommended a strengthening of the voluntary collective bargaining systems.

That wasn't terribly well received by arts advocacy groups. And so the government appointed MACSA 2, many of whom were already on MACSA 1, with a few new appointments based on, you know, a couple of people not being able to continue and a bit of new expertise that was needed. And that committee was established primarily to review the MACSA 1 recommendation on collective bargaining. That group tabled its final report which was published in July 2006, and that's the one you have in front of them.

The committees as a starting point commissioned an independent analysis of collective bargaining for artists, including the impact of federal and Quebec statutes on the income of artists. That report is included as an appendix to the report that you have, so you'll be able to look at the detail of it. But some of the findings . . .

You will hear some discussion about sector-based certification and workplace by workplace certification. It's one of the aspects of the first question that the minister's asked you. But the Government of Canada system has sector-based certification. Established artists' associations under that system have been given a secure legal footing in terms of bargaining. It's resulted in a minor expansion of jurisdiction of collective bargaining to areas that had previously operated outside of a collective agreement, although there are no new collective agreements in sectors that did not exist prior to the establishment of the Act.

I believe — I'm just going to look to my expert here — the visual arts, for example, has not had a collective agreement with nationally regulated bodies, but I know there's bargaining underway now for the visual arts. But this Act has been in place

I think since 1990, and it has not resulted in an expansion into other sectors until . . . there's finally bargaining underway in new sectors.

In Quebec it's mostly membership-based certification workplace by workplace. Established art associations have been given a secure legal footing. Associations which have had a history of successful bargaining have been able to bring non-union productions under agreements, and there's been a greater use of individual contracts in the visual arts, crafts, and publishing. However, artists' associations in those fields have been unable to conclude collective agreements.

The committee also undertook independently facilitated focus group research with artists and engagers and artists' associations. The key themes of the focus group discussion . . . I want to talk to you about that because this is the place where the committee which was asked to review collective bargaining actually made a decision to expand its mandate. And what they heard from artists was that while they understand the collective bargaining was useful in certain circumstances, statutory collective bargaining rights were not considered to be the highest priority. And that's I think what some of the committee members have already alluded to.

Some of the themes that emerged from the focus group discussions were the following: that priority needs to be placed on developing an appreciation for artists and their work. Artists felt that if more people actually understood the role and value of the arts that their incomes would be improved. There was a priority need to develop markets for artists' goods and services. And there was a priority need for better career planning and development and better information for artists including information on how to access benefits, what their intellectual property rights were, what appropriate rates of remuneration were, and those kinds of things. Artists, just because that often many of them do work entrepreneurially and independently, sometimes that collegial sharing of information that happens when people work in a workplace just wasn't happening.

As a consequence of these three themes, the MACSA 2 committee actually developed a strategic plan for artists, and what you have in front of you is a series of recommendations to achieve that strategic plan. The goals of the strategic plan arise directly from the themes that came out of the focus groups. The overarching vision of the strategic plan is that artists will be valued and treated equitably in consideration of the contributions they make to the social, economic, and cultural well-being of Saskatchewan.

The three goals were: that artists are able to engage in viable careers in Saskatchewan; that artists will have access to thriving markets for their products and services; and that artists will have access to information that will support and enhance their individual and collective efforts to achieve viable careers in Saskatchewan.

You know, there's a range of recommendations here. Under the market goal there was a request for some market research on local markets, some support for developing marketing strategies based on that research, increases to the Cultural Industries Development Fund, and business and marketing training for artists.

Tied into the market development was also a recognition of the appreciation part and the need for audience development. And artists saw that there was a need to increase touring and outreach to rural communities; to expand the role of arts in school programs including touring artists to schools; tax credits for artists to allow them to enhance their income; to have the Government of Saskatchewan establish a Saskatchewan-first procurement policy when it comes to artistic goods and services; and a recommendation that 1 per cent of capital construction and refurbishment by the Government of Saskatchewan go to the purchase of permanently installed art in Saskatchewan.

Under the recommendation and the goal on information for artists, there was a request that there be support for artists' associations in providing better outreach services and information, recognizing that there is an important role for artists' associations; providing a reference guide for artists on a range of issues in a user-friendly fashion including issues on occupational health and safety, on benefits, on taxation, intellectual property rights, and so on; and also to establish a permanent advisory committee to continue this process.

The Government of Saskatchewan has . . . The committee also recommended that there be a number of outstanding jurisdictional issues referred to the federal-provincial-territorial ministers of culture that includes discussion on self-employed status, sanctions under the Competition Act, and taxation issues. While the Government of Saskatchewan has the ability to establish tax credits which are applied after the calculation of net income, the calculation of net income is something that's agreed to at the federal-provincial round table on taxation. So there's a whole separate process. And some of the taxation issues that artists were raising with the committee went to the calculation of net income, so that's an issue that has to be referred as well.

On the legislative agenda the MACSA committee recommended a staged and incremental process for artists to be able to move through and access their rights. And it's not incremental in terms of the staging of it from the legislative process; it's incremental in that at each stage artists' rights will be increased.

So the first stage is that we establish the statutory requirement for written contracts which you have in the legislative proposal before you. Included though in the MACSA vision was strength and support for voluntary, collective bargaining, a process whereby artists can indicate that they want their associations to engage in collective bargaining on their behalf, and a process whereby associations actually target workplaces for that collective bargaining. So you can see that it's incremental.

I think from the government's perspective, and the minister's been quite clear on this with you as well, that legislation's necessary but not sufficient to respond to all the issues that the MACSA committee recommended. And you have before you a legislative amendment but there are also budget and program recommendations and recommendations that we're trying to work on outside of our own jurisdiction here.

Just to get to sort of the crux of the issues that you have before you, artists . . . When we talk to artists — and the MACSA

committee spoke to artists really largely as individuals— and what they said to us is that collective bargaining is not high priority, that some other approaches will make more of a difference to the socio-economic status of artists, but that collective bargaining will be useful in some circumstances. The key here is that artists want the right to determine when and how collective bargaining will take place which goes to the certification question that you have in the three questions.

Artist associations on the other hand have indicated to us that collective bargaining is a high priority and that the MACSA recommendation does not provide associations with sufficient leverage to successfully negotiate collective agreements that will benefit artists. And I think there's also some concern that the recommendation fully adopted will also jeopardize national collective agreements that are bargained on a voluntary basis. So that takes us to the key questions before you. Under what circumstances and using what processes should artists be able to enter into collective bargaining?

I want to talk here a bit about sector bargaining and workplace by workplace bargaining. The federal system of collective bargaining that's been established allows artist associations by artistic discipline or sector to apply to the Canadian Artists and Producers Professional Relations Tribunal to collectively bargain on behalf of artists in their sector. What they have to do is demonstrate to the tribunal that they are the most representative in that particular sector. So for example CARFAC [Canadian Artists Representation] who we've just talked about, which is engaged in collective bargaining with the National Gallery of Canada, has applied as the body that will represent visual artists in Canada.

Its obligation when it achieves that designation by the Canadian Artists and Producers Professional Relations Tribunal, its obligation is not to bargain just on behalf of the members of CARFAC but also to bargain on behalf of all visual artists in the sector. And the engager, the National Gallery of Canada in this case, will be obligated to whenever it works with a visual artist, to abide by the minimum standards that are laid out in whatever collective agreement emerges out of it. So that's sector bargaining, is that regardless of who the members are in an association, that association has to bargain on behalf of all artists in that discipline.

The MACSA committee was not opposed to sector bargaining rather because they heard from artists that artists wanted to determine when and how they participated in collective bargaining.

What MACSA said was, we have not been able to figure out yet how to determine whether all artists want to engage in collective bargaining. We can actually ask an association to poll its members and therefore we can say very clear, see very clearly whether the membership of an association wants to engage in collective bargaining. But we can't actually say whether or not all artists in that particular discipline want to engage in collective bargaining.

So you'll find that in the MACSA recommendations, what they have said is that the issue and the matter and process of sector bargaining is still for them unresolved. Not that they're opposed to it, but they just haven't figured out how to make it work and

have suggested that that's a matter for future committees to try and figure out.

I think that some of what we're hearing from associations is that, given that the Government of Canada system is a sector bargaining system, it would be nice to have some complementarity at the provincial level. And then sure, you'll hear nuances of this discussion in your public hearings.

How should current national collective agreements bargained through voluntary collective bargaining processes be handled in a provincial context? That's a really difficult one because as soon as you require that artists actually indicate that they want to . . . that they, artists have a say in whether or not they have a representative and collectively bargain, it actually implies that bargaining needs to take place, which actually leaves open a door that the minimum standards layout in a national collective agreement might actually be undermined — bargained differently, let's say. It could be bargained better, but they could also be bargained lower. And I think there's some concern that provincial jurisdiction could undermine what is well established national standards. And I don't think anybody wants to see those lowered.

And then, how should disputes arising from collective bargaining between artists and engagers be adjudicated? And should we set up a separate system? Should we use the Canadian artists and professional relations, producers professional relations tribunal?

I think there's a number of different options there that we would I think look to your advice on. And that's I think pretty much it. Yes. Any questions?

The Chair: — Questions? Ms. Crofford.

Ms. Crofford: — Well he was first.

The Chair: — Oh were you? Sorry. Mr. Elhard.

Mr. Elhard: — Thank you, Madam Chair. When you went through this presentation I could visualize, I guess, how this might work when you're talking about musicians dealing with an orchestra, or actors dealing with a movie or performing arts area. How is this going to work for potters? How is this going to work for the artist who painted these pictures? I can't quite visualize that to be honest with you.

Ms. Martin: — In fact it would probably only be relevant where those artists were putting together a show for a gallery. So one of the things that, for example, that Canadian Artists Representation, CARFAC, has is minimum standards for artist fees when they show, minimum standards for artist fees when they're hung here. And those are . . . I think there is room for those fees to be collectively bargained.

Mr. Elhard: — Okay. And when we're talking about . . .

Hon. Mr. Hagel: — To be aware too, if you have questions that you'd like to direct at the committee as well.

Mr. Elhard: — Oh, sure.

Hon. Mr. Hagel: — Yes, just so you're aware of that as well.

Mr. Elhard: — When you're talking about associations, are you anticipating mandatory participation in the association? If you had an association of painters or professional . . . well I guess any number of artists, but I'm going to use pottery artists because I'm familiar with it since we're the home of the greatest pottery in the province — southwest Saskatchewan and the white mud clay pits. When you're talking about people actively engaged in that type of artwork in an association of some sort, is it anticipated that their involvement would be mandatory?

Ms. Martin: — It depends on how you would describe their involvement. And that's part of the questions that I think the minister has asked the committee is, for example, if in a situation like the Government of Canada has where there is sector bargaining, whether an artist is a member of an association or not, the engager is obligated to pay the artist the minimum standards that have been negotiated in the collective agreement.

So an artist can actually negotiate above those, but they're required to be paid the minimum standard in any situation. In a sector bargaining situation, in other situations, in, say, the voluntary collective agreement that ACTRA currently has with independent film producers, producers can use non-ACTRA members but ACTRA will dictate the terms and conditions of the use of non-ACTRA members. So that's a membership-based agreement. And I think that the answer to that question differs depending on what your recommendation is.

But in every case we're only talking about minimum standards because it's . . . You know, for example we just had Charlize Theron here for a movie. She would never be paid the minimum standard. But any artist has the ability to negotiate above a minimum standard based on the amount of market cachet they have in the market and so they can do that. All this would do, any collective agreement would only dictate the minimum standards and working conditions.

Mr. Elhard: — If you had standards established for shows that we've talked about, visual artists having a gallery show of some sort, and you had an artist who was going to make a direct sale to an engager, do those standards apply to that direct sale or are we envisioning that? I guess I am really kind of confused about this . . .

Ms. Martin: — I don't think that there's any expectation that those really exclusively retail kinds of relationships would be sort of caught up in the scope of this. I do however think that it is important, as part of the education information process in this, that consumers of art understand that when they purchase a piece of art, for example, they don't purchase the intellectual property rights that go along with that art. The artist still retains those. So if, for example, an artist wanted to borrow back that piece to put into a show it would be the artist that would be paid the artist fee and not the owner of the pot or the painting.

The Chair: — Ms. Crofford.

Ms. Crofford: — My gosh, I almost forgot what I was going to

ask at this point. One of the earlier comments you made was about when the opportunities to bargain exists locally it may affect a national voluntary arrangement. Would there be any situation existing today in Canada where either Quebec or the federal government has already taken that step and how has it affected the national agreement? Like in Quebec, has anybody done anything that's interfered with those national voluntary . . .

Ms. Martin: — The answer is yes, and I'm just trying to remember the exact circumstance. For the most part artist associations in Quebec are not part of national groups. So for example the Union des Artistes is the performing arts association in Quebec, right, as opposed to Equity. So it's not quite as big an issue in terms of provincial jurisdiction.

However the national screenwriters association, I believe, has a national collective agreement negotiated in a voluntary way with the independent film producers. And the Quebec arm of that association negotiated a provincial agreement under the Quebec Status of the Artist Act where the minimum standards were actually lower than the national agreement. And the national agreement invoked what they call a favoured nations clause in their collective agreement which said, listen, you know, part of this national agreement says that no provincial jurisdiction can have lower standards or the whole thing goes to the lower standard, and the independent film producers invoked the favoured nations clause. So it actually did lower the standard. So there is only one example that I'm aware of, but there is one example.

Ms. Crofford: — Okay. And the second thing, I guess, that I would address to the whole committee is we are clearly dealing with fairly complex things and I'm not sure if we will have some advice on who we need to hear from in order to answer these questions. Because this is not quite like looking at your membership fee at the local gym where you post it and everybody can relatively easily have an opinion on it. This is a more complex issue. And it would seem that in calling people to this committee it would be necessary to have some understanding of who has sufficient expertise to address themselves to the questions being asked.

But that's just my thought. I don't think this is a what-do-you-think-Bob kind of question. This is more sophisticated than that. So as a committee member I would be seeking some direction on who would be people of sufficient expertise to give us some illumination on the matters we're discussing.

Hon. Mr. Hagel: — Yes. Just the . . . I think the arts organizations in Saskatchewan are well alerted about the work of the committee and we'll be planning . . . I don't think you'll need to. . . They'll be looking for the information about when hearings are so I'm pretty confident about that. There will also be individual artists who will want to speak. And I think that's why advertising of the hearings is important.

Now artists may or may not become aware of it through the arts organizations. But I am fairly confident that there's a high enough level of awareness of the work of the committee that you're going to . . . I find it hard to imagine that you're not going to hear . . . you're going to miss somebody who wanted to or should ought to have been presenting to you as long as it's

advertised properly.

The Chair: — Thank you. Mr. Toth.

Mr. Toth: — Madam Chair, I just wondered if we do have some members of the minister's committee sitting here. I'm wondering if it might be possible just to make a few inquiries of the committee members to get a sense of why their recommendations and why they've come forward with the recommendations, who they've talked to and . . .

The Chair: — Excuse me. Before we begin that, we should finish this portion off because Mr. Iwanchuk, I think, had a question of this portion. Because the committee members are going to be asked to step forward in a moment or two and the minister will stay and his staff will stay just in case there needs to be questions answered from that perspective.

Mr. Iwanchuk then, and we'll wait for Mr. Toth's.

Mr. Iwanchuk: — You had — and thank you very much for the presentation — you had explained a bit about the associations and in Canada and how that worked by sector. But Quebec and the membership and . . . how does that work? And I guess, I guess what I'm looking at here is you simply told us that this association represents this sector. I guess my question is, is how did that . . . who determined which association represents what sector?

And then I guess the question for Quebec would be, because it's membership and I don't understand how that works so if you could just inform me of that . . . So it's probably two sort of . . .

Ms. Martin: — Sure. Let's start with Canada. It's a process of determination by the tribunal — the Canadian Artists and Producers Professional Relations Tribunal. That's essentially what the certification process is at the national level, is an association will apply to the tribunal and its application will be an attempt to demonstrate that it is the most representative of the associations in the sector.

And that's really the question that is determined by the tribunal: is this association the most representative? There's no requirement in that process for the association to actually demonstrate that its artists, its members, or the artists in the sector are anxious to undertake collective bargaining. It's simply, they are the most representative body. That's the question under determination at the tribunal.

Mr. Iwanchuk: — Okay. So I guess my . . . Under the Quebec . . .

Ms. Martin: — And in Quebec, it's a process of members actually . . . There's a couple of places where national collective agreements have . . . In order to not test the Quebec legislation . . . For example, ACTRA has a Quebec-based vote on any collective agreements so that they can demonstrate that its Quebec members are supportive of a collective agreement.

But there's a certification process. There's a tribunal that's actually called — the acronym is CRAAP [la Commission de la reconnaissance des associations d'artistes et des associations de producteurs]. C-R-A-A-P . . . I can't remember all the words,

but it's the tribunal in Quebec. It's set up and established separately from, you know, any other labour relations body. And it's an application process as well, but it's based on membership and it's workplace by workplace.

So for example the association will, say, want to certify this particular pub in Montreal and it will have to demonstrate that the people who regularly play there are its members, the American Federation of Musicians, for example. . . . [inaudible] . . . Yes.

Mr. Iwanchuk: — So how do they demonstrate that, that they have support?

Ms. Martin: — Usually, I mean, through membership roles, through . . . I actually don't know the details of that one. That's actually a question that we probably need to get more detailed about.

Mr. Iwanchuk: — Okay. Well I think, in terms of looking at what we're being asked to do in terms of establishing under what strict circumstance people would enter into collective agreements, one of the questions would be representation and how associations or which body . . . And then if it's just associations, then we should be clear, I guess, on what form we use or how we determine that in, under the Canada. And then if there's a membership component to that, then I guess we should be clear on whether members vote.

You indicated that those people who might frequent that pub, or play, would be given a vote or would they just automatically, just because the association at any given time organized that, then . . . And obviously there would be new people coming on the scene who would be playing too. So that would be interesting to have.

Ms. Martin: — One of the challenges in terms of, like, a vote is that many of the engagers, artists, work really in an only itinerant way; like, you know, one night, two, maybe up to six weeks say. And so it's really hard to identify, first of all, what the workplace is in order to identify who is 50 per cent plus one.

Mr. Iwanchuk: — Okay. I guess, that's my question. I'm not . . . you know, just the limitations because obviously if you're going to have some body deal with this, then they will have some rules as to how this works.

So are there just the associations or could new associations form? Just sort of, from what I've heard, I took it that there was just sort of the associations in existence now that are being recognized, or could a new association form? Or how does that . . . Do you have any indication of how that would work? For example, other than . . . [inaudible] . . . if, for example, we formed a new association . . .

Ms. Martin: — It's only . . .

Mr. Iwanchuk: — Can we form an association and appear before the Canada board and say we want to represent this sector?

Ms. Martin: — And it would have to demonstrate that it was

more representative than other associations in the field.

Mr. Iwanchuk: — Okay. So there's a set of criteria then. So these associations are funded, and how do they exist? Are they voluntary? Are they funded?

Ms. Martin: — It varies. There's a number of associations like ACTRA, Canadian Actors' Equity Association, that exist only through member fees. It's those kinds of associations, generally the associations where you can do a check-off payment for union fees, tend to be supported through member fees. So if artists are actually paid a salary for the work that they do for a time period, you can actually do check off in those circumstances. And the associations where check off is possible tend to be supported only by member fees.

There's a number of associations that are supported through grants as well. Like the Canadian Artists Representation would, for example, be supported nationally by the Canada Council but also provincially by the lottery system here in Saskatchewan.

Mr. Iwanchuk: — So would most of these associations have their own bylaws?

Ms. Martin: — Absolutely.

Mr. Iwanchuk: — Are they registered anywhere? Is there any form of registration for associations, or are they just . . .

Ms. Martin: — All of them would be registered non-profit organizations.

Mr. Iwanchuk: — Okay. Thank you for that. Thank you. That will be all for now.

The Chair: — Okay, Then I'll ask the members of the committee to come forward and sort of change places. We'll say bingo. Ms. Young, Mr. Lawlor, and Mr. Close.

Hon. Mr. Hagel: — Ms. Martin is also a member of the committee. Did you want her to stay here as well?

The Chair: — Yes, you might want to stay for a bit here.

Ms. Martin: — I'm not going anywhere.

The Chair: — Okay. So welcome, Ms. Young, as Chair, and Mr. Lawlor. Mr. Toth did you want to start off?

Mr. Toth: — Thank you, Madam Chair.

The Chair: — Or actually, Mr. Toth, do we want to hear from the committee first and see if they have some things that they want to say to us before we start asking them questions?

Mr. Toth: — That would be fine by me if they had some things to add.

Ms. Young: — I would just have a general comment to you that you're asking excellent questions. We're impressed.

The Chair: — Well thank you for coming so you could spend the last two hours listening to that. So, Mr. Toth, go ahead.

Mr. Toth: — Thank you, Madam Chair. Now that we've heard from the minister and department, Ms. Martin, as a representative of the committee, who would you have met with in coming forward with your recommendations regarding this piece of legislation? And when I ask that, are there professional bodies? Would you have met with individuals who might represent independent individuals who are not necessarily professionals to get their input?

I guess in general the broad spectrum of the artists or who would . . . Many people in rural Saskatchewan probably have a different view of what we term artists versus what maybe we've been discussing this afternoon as well. And you may have got that from some of the questions I asked as well. So the question I have is the largeness of the body that you would have met with to come forward with these recommendations.

Ms. Young: — Shall I start and then you can . . . Okay. The focus groups that we met with — and I actually went to each of those groups and so did the deputy minister, I believe went to two of the three — was a broad cross range of artists that were chosen because they represented all of the different disciplines that are in the province, and they were all artists who considered themselves to be professionals. Some of them were members of artist associations that represent artists so there was a broad cross-section of people.

Of the . . . MACSA 2 and 1 also had a broad cross-representation of disciplines sitting on the committee. So part of the process that we went through as an advisory committee was to educate one another. So we would often have long conversations where people would be telling stories and educating all of us about what's it like to be an artist in their discipline. So we had that process. We had the three focus groups. We also talked to many people as part of MACSA 1, and that was also similar. Some of what we were hearing was also similar. We also invited people to come and speak with us, people like representatives from the board of the arts alliance, the potters' organization — what was the name of that? — the craft council, and other people who asked to come and speak to us.

We also asked members of the Culture, Youth and Rec who worked with us on the committee to take some of our thinking by Labour and Justice within the government. And we also had a lawyer from the Labour department sitting on our committee this time. And is there anything I've missed here?

Mr. Close: — I think it's one of the great tragedies of the arts that we don't connect the people in the smaller communities and the professional artists more. In sports when your kid skates out on the hockey rink, you can see Bobby Hull. You know, I'm dating myself here, but you can see the NHL [National Hockey League] in their future. When child sits down at a piano in Shaunavon or somewhere like that, we may not see the concert stage at the National Arts Centre. The arts is a continuum from the first interest to the highest proficiency, and we recognize that, I think, in the committee. But we're charged with dealing with the top of the ladder. We're charged with dealing with those people who have become professionals.

Let me do a little story which I'm well known for. All of us have some knowledge of healing. I for example have advanced

training in first aid and life-saving, but I'm not a doctor. And I don't expect to be a member of the medical profession or the College of Physicians and Surgeons in the province of Saskatchewan. EMTs [emergency medical technicians] have more knowledge than me. But we all fit on the ladder of healing in our communities, okay.

So what we're dealing with is the top end of the ladder. But that doesn't demean or diminish anybody at the bottom end of the ladder who's just beginning their journey up that ladder, who has the slightest interest in art, who has proficiency as an amateur and practises some sort of art.

Mr. Lawlor: — In fact one of our main focuses was to make the top end of the ladder an attractive place to be, to allow people that are starting at the bottom of the ladder to aspire to. That's a viable career option for me, being a concert pianist even though I'm in Shaunavon, and I'm playing "Twinkle Twinkle Little Star."

Mr. Toth: — Thank you. Now if I could get your name right. You're David.

Mr. Lawlor: — Yes.

Mr. Toth: — Right. You're a musician. And in your profession . . . I'm not sure whether you played as an individual or with a group. If you did an engagement, you would arrive at a contract — say it's a hotel — and you're going to provide entertainment for a group they're hosting or whatever. How would you see the changes or the proposed changes to the status of artists Act impacting that contract or even — as we've been discussing — the issue of increased income for artists impacting your agreement or even increasing your ability to derive higher revenues as you provide the services or the talents that you've been granted?

Mr. Lawlor: — Well first of all, the obligation for a contract will not have a great impact on my sector because I would say the majority of us . . . Let me put this in context. I write music for film and video. I also play in a traditional band — French-Canadian traditional music band — and we don't typically play bars. So my experience with playing bars and the notorious sort of handshake agreements for bars, I can't really speak to that.

In my musical domain, I always have a contract. And the beauty of asking for written contract or obligating written contracts is that whole collegial sort of discussion between artists: oh you mean you played at bar X and you got \$1,200 a night. Well geez, I only negotiated 800. You know, I mean it becomes a matter of record when something is put kind of in writing. And so I think just through discussion, you know, we're going to find sort of the market value of playing one night at bar X. That's the value that I see in the obligation for written contracts. Like I said, personally it's not going to have that great of an impact on me because I already do, you know, negotiate contracts for the work that I provide.

The other thing that I think is very important is the intellectual property aspect of contracts because there . . . I mean, Patrick and I could go on for years with anecdotes about writing a piece of music for a specific TV show and then two years later

hearing it on a commercial. Well I never performed that service for you. There are examples of people buying a painting, taking a picture of it, and it becomes their business card — you know, so complete disrespect for the intent of the art that you're providing for them. So I see that a contract would help establish, you know, what someone can and can't do with a piece of work that you . . . And I'm not saying this because people have intended to be, you know, dishonest. In a lot of cases, it's just a matter of not knowing.

When you buy a painting, what do you mean I can't put it on my Christmas card, or what do you mean I can't, you know, use it as wallpaper for my website? You know, there are just matters of ignorance. Anecdote time.

Mr. Close: — Commercial galleries and other points of sale for visual arts in the province do not generally use contracts. It's quite unknown. It's generally a handshake agreement which is a type of verbal contract of course, but they don't use a written contract. This leads to several problems.

As late as last week, I was speaking to an artist in northern Saskatchewan who was dealing with a gallery in rural Saskatchewan, and they had no written agreement with that gallery. It's called a consignment agreement generally, where you consign goods for sale with a retailer. And that individual is expressing problems because they hadn't been paid for two years. They hadn't been paid anything from the sales. When they went to pick up their work at the gallery, the gallery had no record of any sales that had taken place. In other words the gallery hadn't been keeping an inventory.

Now most businesses would go out of business if they conducted themselves in this way. I'm interested to know whether or not that gallery had been, for instance, reporting to the Saskatchewan government for the purposes of provincial sales tax, how they were tracking that if they had no inventory.

But it would have been solved by a consignment agreement which would have required certain elements. And part of what's been put forward in legislation, before the people here, is that there be a mandatory contract and it have certain elements. And some of those elements would have applied in this situation.

But it's not common in my sector at all to have written agreements. And if you challenge it and say, I would like to have a contract, often you're rebuffed with: if you aren't willing to deal with me on the basis of trust, then I'm not willing to deal with you.

Now when I take my car in for a \$28 oil change, I sign a contract. They flip the paper around. They say sign here, and we'll have your car ready in an hour. What I'm signing is an agreement if I fail to pay, they can seize my car after so many days and sell it under a mechanics' lien. Yet — that's for \$28 — yet I can consign art works worth hundreds of thousands of dollars and not get a contract. There's something wrong there. So my sector, the visual arts, is less conversant with contracts, knows less about them, and they're not used commonly.

Mr. Toth: — Madam Chair, what I understand you're saying is over the years basically artists have had generally words of trust and agreement, not really entered into written contracts. And

this legislation then if I understand you correctly, you would like to see even legislation that when any artist enters into any agreement — and I guess I'll use the word professional because we have talked about two levels here — that they would actually sign a contract versus just have a verbal agreement. Is that correct?

Mr. Close: — That is correct, yes.

Mr. Toth: — I'm just going to come back to David for a minute. You used the analogy of someone playing in a bar and being paid 800 and another group down the road saying oh, we got 1,200. I think sometimes too we can't just use 8 or 12 because maybe the group at 12 actually was worth the additional value too, so I think it's just a matter of . . .

Mr. Lawlor: — It doesn't stop you from asking for 12.

Mr. Toth: — That's correct. I think that's basically what I have for the time being. Thank you.

The Chair: — Mr. Elhard.

Mr. Elhard: — David, I'm interested in your analogy. I want to pursue it a bit further. I can understand the needs for contracts and the intellectual property right protection element to this exercise, but I'm not sure that it's even possible to establish sort of minimum value on performance. Using the example you just cited about \$800 and \$1,200 maybe in a given situation, that's all you can legitimately get out of that market is \$800, where you may want to perform for \$1,200. So how do you envision this legislation being able to accommodate market demand?

Mr. Lawlor: — Well we wrestled for three years on the whole question about bars and collective bargaining, and is there a bar owners' association and the itinerant sort of nature of groups from Quebec coming all the way across the country, and are they really subject to, you know, agreements or legislation that we establish here? And we came to the conclusion that in a lot of cases the whole bar scenario is something that just kind of slips through the cracks and that would be a difficult thing to legislate.

But I think we've started focusing more on things like established venues like the casino for example who at present don't have any agreement with, for example, the AF of M; the American Federation of Musicians is the union that represents me as a musician.

And when you establish value . . . I mean there's a precedent; CBC has done it. The American Federation of Musicians and CBC have established a minimum value for musical services on the radio, for musical services on TV, for musical services in a regional context, for musical services in a national context. I mean it's not like there isn't precedent.

And so I think when we discussed in MACSA and especially MACSA 2, I think we were going to focus on the areas that we perceived that we would have, you know, some potential success like the casinos for example.

Mr. Elhard: — I'm sure you are familiar with Stars for

Saskatchewan, the musical venture that is provided for artists and rural communities. And I'm thinking of the quality of artistic performance that has come to very small venues, very small communities, which under ordinary circumstances would never have been possible. If it wasn't for that program and the subsidy that goes with it, those communities would miss out on that quality of performance because they ordinarily wouldn't be able to meet the negotiated value of that performer.

And so even though there might be a national experience for varying rates for performance depending on where you're at, I guess I don't want to see anything that would arbitrarily restrict the opportunity for artists to be exposed, their work publicly enjoyed in communities where the economic circumstances wouldn't allow the full value that that artist might get if they were doing their performance in a larger urban area.

Mr. Lawlor: — Right, and I would suggest that if you were to look at the minimum standards — let's say the AF of M and the CBC agreement put out — that they are by no means exorbitant. And you know, those are — that's what they are — those are minimum standards. To be quite frank, most people negotiate more than that. But you're not going to be, you know, you're not going to make, you know, much more than our \$15,000 a year by playing for the minimum standard. So they're not prohibitive. You know, minimum standards don't mean. . . We shouldn't be scared of that word because it's just, all we're doing is, we're stating that there is a minimum level of respect for the quality or the competence of a particular artist. And I just recently played with Valdy, and I tell you I didn't get the same amount that Valdy did, you know. He negotiated above the scale. So you know, the minimum standards are there just as a baseline, and as I mentioned, they're not prohibitive.

Mr. Elhard: — I guess that's the conundrum frankly is how do we respect the artist and provide that sort of minimal, financial level of support without impacting the ability of communities or organizations to pay that. I attended a Stars for Saskatchewan concert in the community of Hazlet where 25 people showed up, and I don't think they covered that artist's costs at all. But if they'd wanted to do that, if they hadn't been subsidized — his appearance hadn't been underwritten by Stars for Saskatchewan — his appearance in that community wouldn't have been possible financially. So that's a problem for me and many of the small communities that I represent.

Mr. Lawlor: — And one would hope that the next time that artist comes there would be 50 people in that room because it's always incremental, and it's always build, you build on things, and that's what I would hope. The 25 people that were at that show are talking to their 25 neighbours and they're saying, you missed something.

The Chair: — Mr. Close wanted to say something to the committee.

Mr. Close: — I'd remind committee members that we have a minimum wage Act in Saskatchewan and a labour standards Act too that applies to employees, but that doesn't inhibit the employment of people. These things do not apply to self-employed individuals and when the collective action of self-employed and entrepreneurial individuals in the 21st century is going to be one of the major challenges of labour

negotiation, and that's a provincial responsibility constitutionally. So that's a major challenge for all of you as legislators to deal with.

The Stars for Saskatchewan series, I believe that's through OSAC — is it not? — the Organization of Saskatchewan Arts Councils. They bargain with a performer for a tour, and they can have . . . a tour may involve a lower per-venue fee than a single venue that you fly in for. And recently CARFAC negotiated an agreement with OSAC for visual art shows which travel and are shown in different venues around the province as well, which was below the national agreement because of the specific . . . When it was based, it was given over to the national bargaining group, and they looked at it. And they said based on the unique circumstances in this province and the fact that OSAC tours so many shows during a year, then this fee is relevant and applicable to that sort of use. So there's a number of things at work.

I would remind members too that when they're attending meetings of the cult of accountability, that of the Provincial Auditor and others and where numbers are holy, we must remember that those 25 people in Hazlet are as important as 2,500 in Regina. And if we base all of our values and all of our evaluative mechanisms on quantitative data where it's just numbers — it's just bottoms in seats that count — then we lose those sorts of really special engagements with the public and especially in rural areas. So we have to have some qualitative things come into how we judge and how we value things that happen in the arts in the province as well.

The Chair: — Ms. Crofford.

Ms. Crofford: — Yes, I'm just going to mention I guess a slightly different perspective on that because to me it's whether we're asking the individual artist to subsidize people's access to the arts or whether that's a public responsibility. I mean other things come into it other than just the contractual agreement. And personally if I could add to what you're saying, I find that the fact that the AFM has a rate for your headmen and sidemen, at least when you're talking to someone it gives you a starting point for discussion, whereas without that you'd be totally not knowing where to start. But I'm sitting here not there, so that's all I'll say.

The Chair: — Mr. Close.

Mr. Close: — When we look at figures from Stats Canada and other places, we have to realize that these are usually people that make their majority of income from the arts, but there's a huge underground economy in the arts as well where individuals subsidize their own practice where they may be a university professor and also play in the symphony, where they may like me be a visual artist and have a day job. And we miss out on a huge number of those people when we just concentrate on the statistics from Statistics Canada and other sources like that. And they're the people that bridge between the amateur that you were speaking of earlier and the full-fledged professional who's making their complete living. And many artists spend time paying their dues in that sector where they're subsidizing their own practice. They have a day job to pay for their artistic practice before they become commercially viable and some never become commercially viable.

Mr. Toth: — Thank you very much. I have one follow-up question. First of all let me say I'm pleased to hear you talking about people as individuals not numbers. We got into that debate in another committee, but we'll put that aside because I think that's important. There was another discussion, and it surrounded benefits, and I'd like to know what exactly . . . how you perceive this issue of benefits — and I would take it you're talking health, dental, those types of things — how that would be brought forward, and do you have any idea what costs might be associated?

As I ask the question, I'm mindful of the fact that a number of years ago United Grain Growers had a package that they made available to farmers, producers who wanted to get involved. But the costs were exorbitant, and I would think very few producers picked that up. SARM [Saskatchewan Association of Rural Municipalities] tried in a manner as well to provide some options for benefits like people working in the public sector. We all know that those costs were exorbitant. In your discussions, how do you perceive this idea moving forward, and what kind of costs do you think individual artists may face if a package is offered to them?

Ms. Young: — There are actually artist associations that do have benefits packages that artists can buy into now. The trouble is you have to earn enough money to be able to buy into that. There is something that happens in France that you can talk about that we heard earlier today that's a possibility.

Mr. Lawlor: — Well I'm not sure that it's an applicable situation here, but in France in fact there is an employer or an engager contribution to a fund whereby an artist can tour for eight months or whatever, and then they can actually get a quote "unemployment insurance," you know, for months that they deem is their time just to create. If you're playing and you're constantly touring, or you're constantly — I'm speaking French, sorry — putting together shows, you don't have time to create.

So it's like an unemployment insurance in France whereby an artist contributes I think it's 10 per cent of whatever they're making, and the engager actually contributes 10 per cent to — and don't quote me on the figures — to a . . . and it's government regulated. And this becomes a fund from which you can draw when as an artist you're not out, you know, physically sort of making money. That exists in France. And I'm not advocating that, and I don't know if that's something that I would even, you know, entertain.

My role in MACSA . . . what I wanted to do was I wanted to speak to my friends, and I wanted to stay sort of grassroots. And I wanted to hear the things other than, you know, the AF of M [American Federation of Musicians], party line. And I have to admit that all the people and all the professional musicians . . . I'm talking people that make 100 per cent of their living by doing this by either teaching students, you know, music, or by playing full time, that benefits were something that they weren't even contemplating because they just wanted to make sure that they could pay the mortgage that month. So I didn't get much feedback from the professional musicians, the professional musicians that I know, about benefits because it's not even on their radar yet.

Mr. Toth: — Well I guess just in response to that, and when you mentioned EI [employment insurance] I think that becomes a major challenge especially for self-employed people. There are periods of the year where you're basically sitting with nothing and then, as you indicated for artists who feel fulfilled, there's times as well if you're very creative that you just can't be that creative when you're always involved in engagements and preparing for. And you'd like to sit down — and whether it's writing a play or whether it's putting some words to music that have been going through your mind — and so at that time period you're basically not deriving any income. And so trying to come up with how you would identify that and could basically say yes, this is the time but I still need to live. For the small-business man, they need to live too.

But it's quite a complex issue, and that's why you get to the point of people suggesting well why should I even get involved because I'll never draw on the thing. And while this idea that you have mentioned in France and how it works, maybe it's got some value, whether or not it's something you'd pursue, but I know that's quite an issue.

And I guess the other question I would have, when you talk about benefits, are you also talking on the health side? No doubt there are times when even artists find the body succumbs because of health issues. Either you're on the go and you don't look after yourself well enough and then you face a period of time of recovery. How are you looking at identifying how do we address that issue?

Mr. Lawlor: — First of all it saddens me greatly when artist friends of mine are sick and unable to work because inevitably what we do is we have benefit concerts. And it's a beautiful thing when you see a bunch of artists get together and donate their time just to help out. I don't think it should be that way, and I find that very sad.

The second thing, what was I going to mention . . . oh as far as this contribution and creating an employment insurance fund, and the artists in France, I know, use that as a creative tool. Like, they allow themselves two months a year vacation pay kind of thing to sit down and be able to create. But I think we have a far more valuable system here in the Arts Board and the individual assistance program at the Arts Board.

And if you do read the report, you'll see that the committee recommends that the Arts Board be fully and completely supported and that the individual assistance program be supported because that is an excellent program to allow artists to create.

The Chair: — Any further questions? Mr. Iwanchuk.

Mr. Iwanchuk: — I guess just in listening — and maybe we'll hear more when we start our portion of the public hearings — if I understand what's being said here, it's value. To me it sounds like it's value for work, whether it's the minimum standard and we have minimum wages or value, and that we are asking or what is being asked is that we set some sort of standards and that people should expect to be paid, to receive benefits for that work, as opposed to in some sort of group versus individual contracts within that, trying to do that.

And I guess the thing that I've always noticed is the artists are not people . . . there's more expectations that they would contribute their work, that they would not . . . that they would do something, I think, as you were speaking, that their work would be used on cards or what. So to me, as I enter into this, what I'm seeing here . . . and I guess I should make it clear that for my part I would favour minimum standards. And I would believe, because I think the question would be asked . . . if we could just go back, everybody seems to be talking about these bars or whatever.

But the expectation is, I guess, that we expect or society has come to expect that these things would be done at lower minimum or whatever you can gain and the top act gets the most. Whereas if there's minimum standards, which are the number of . . . are playing, I guess the option for . . . you know, not to make out the bar owners as some sort of unfeeling folks, but they can determine whether they would have that entertainment or not. And I guess that becomes a real test.

And I'm sure what you've heard is, you know, to do that, to have an association, to say no, no one will play here or for whatever unless there are minimum rates and to see what would happen. And if, I guess, if we go because then to places where there are 25, then I think that that has to work itself out. I think that those folks have to bring that forward. And I think they would, you know, I think they would get their fair hearing. As well as how do we solve that problem instead of this solution appears to be on the back of the artist as opposed to society in general. This is maybe long overdue. But I guess I wanted to make that a sort of as a statement first off.

But I was just wondering in terms of, if you were hearing, you know, because obviously I'm sort of . . . you're bringing forward from the artists themselves what they wanted. And so the reflection is, I guess in these things, and were you hearing . . . just any comments in around that I'd be kind of interested if you had any.

Mr. Close: — It's important to remember that we had both artists and producers or what's referred to in the legislation as engagers. So we had a dialogue between both polarities at the deliberations of the committee.

Mr. Iwanchuk: — Okay, thank you.

The Chair: — Ms. Young, sorry.

Ms. Young: — You've raised some of the more complex issues. And I just wanted to perhaps leave you with a statement that came from the craft council when we had one of our sessions with them. And they said this isn't just about raising status of the artist; it's about raising the status of art. And so all together that's what this report is about. It's not just the artists. It's the art because that in turn will raise the status of the artists. So we're putting the two together here.

The Chair: — Mr. Elhard.

Mr. Elhard: — I don't want to seem light or facetious, but you know I often learn best by examples or analogies. And I think the light just came on when the analogy was made, Mr. Close, by you saying that many artists have to subsidize their art by

full-time employment elsewhere. And I think there was reference made to charity activities undertaken to support artists.

You know that's exactly what farmers are feeling. And I know exactly how they feel. I subsidized a farm for 25 years by off-farm employment. And the Canada Revenue Agency says 80 per cent of farms enjoy the benefit of off-farm income. That's the reason they operate successfully. And Revenue Canada considers that the norm now.

And you talked earlier about how Revenue Canada . . . I guess it was Ms. Martin who talked earlier about how Revenue Canada will play a big part in the decision as to whether or not you're self-employed based on the kind of revenue expectation you have as an artist. So I think, you know, there's a lot of similarities here. And I'd hear almost identical concerns expressed by the agricultural community if they were sitting in those three chairs today.

Mr. Lawlor: — I know my in-laws are farmers in Willow Bunch, and we, sitting around the table in Willow Bunch, we have the exact same discussions, and we have the exact same concerns.

Ms. Young: — When we were looking for benefits and programs for benefits, we looked at the agricultural sector as one area.

Mr. Close: — Some of the remedies too are held by other jurisdictions, like income averaging. Artists don't have it; farmers do, I believe.

Mr. Elhard: — Used to.

Mr. Close: — Used to? And you don't have it anymore? We had it for a few years too, and we still remember those years.

Mr. Elhard: — So do farmers.

Mr. Close: — But there are remedies which other jurisdictions can . . . there can be advocacy by the government here at those other tables to try and bring those remedies forward because they would be useful.

The Chair: — Seeing no further questions then, I'd like to thank the committee members for coming. And I think we'll probably have you come back likely; we're anticipating three or four days of hearings near the end of February, and probably you would be more likely to come at the end of that after we hear from . . . That's my first thought anyways. So we'd anticipate seeing you again. And thank you very much for coming today and participating in this. And thanks to the department. We just have a few loose ends for the committee to wrap up, so everyone else is free to go. And have a wonderful holiday, all of you.

The couple of things we have to do is we have Michel now as our researcher. After today's discussion, I would anticipate that Michel would be able to give us a summary of what we heard today and some of the questions we asked. We also might want to direct him to get us some information or more information on the two models, the Quebec one and the national one, so we

would have that background.

I would anticipate then that Michel will now go off to work with the department to put together a list of stakeholders and work with Iris, our Clerk, to get an ad ready to go out. And I think we'll probably want to advertise as wide as possible to connect with all the artists and artists' groups in the province. So we would go into the weeklies as well as the dailies, and any specific advertising that reaches just artists, if the department can let us know that as well.

And we as a committee then, if anybody has any particular interest in inviting a targeted group or a targeted resource person or resource, then we need to know that as well so that we can make sure that they get an invitation.

The anticipated dates we have are the three last days of February — 26, 27, and 28. And we also can, if we have a large group of people, come in on the first. And then I would anticipate we would have some time that the committee will then need to have a couple of dates that we need to talk. And probably that'll have to happen during session as we're running already into March. Ms. Crofford.

Ms. Crofford: — Yes. I guess I'm wondering given the nature of some of the labour orientation of this, whether we're anticipating representation either from individuals or groups knowledgeable about collective bargaining or whether from the Department of Labour in terms of its staff who would be knowledgeable about collective bargaining.

The Chair: — Those are certainly resources we could ask for. And at what point in the process I don't know. If you want them upfront? Say the first day we start hearing, we want them to lay the groundwork or . . . Mr. Iwanchuk.

Mr. Iwanchuk: — Just to add on to what Ms. Crofford was saying, was that in this jurisdiction, in particular in this jurisdiction, I mean, so that we would . . . You know, if we're going to talk about people, representatives or labour lawyers or whoever . . .

The Chair: — So Michel is taking notes here. I'm assuming then that that would be the work that he would do with the department to establish the groups that get asked. Ms. Draude?

Ms. Draude: — I think that we have to ensure that we have the engager aware of this as well so that we have . . . like we're going to make special effort to ensure that people in the arts community know about it. But we have to make sure the people who will be hiring them know about it as well.

A Member: — Yes, I think they met with both groups . . .

Ms. Draude: — And I understand they did, and that's great. But I think we should be doing the same thing.

The Chair: — So I'm anticipating, since Ms. Martin is still here . . . Did you hear that one, Don? That we want to make sure we have the engagers represented as well and our stakeholders who appear? So then Michel will be working with Iris and the department to set that group together, and I'm hoping we can reach as broad a representation as possible. And

particularly who the committee heard, we will want to reach that representative scope of people as well. Ms. Crofford.

Ms. Crofford: — Yes, Madam Chair. Are we going to, as we set out the time we have to hear from people, are we going to try to — how do I put this? — ensure some balance in the representation that comes to this committee? So for example it's not just first-come, first-serve. It's well we've already got 40 of those; maybe we need 10 of something else. And so it's to kind of, I guess, have an amount of time set aside, and again this could be recommended to us for the time we would spend meeting with artists, with organizations, with engagers, and then perhaps with people with technical expertise around legal or collective bargaining matters.

The Chair: — Would the committee feel it would be more useful to do one day of artists, one day of engagers, one day of technical? Or do you want to mix them all up and go all over the map each day?

Mr. Elhard: — I think it would be better to separate them. Because if they are all over the map it's hard to . . .

The Chair: — Focus. Yes.

Mr. Elhard: — Focus, yes. I think that'd be better.

Ms. Crofford: — And then if we find we don't have enough time we could add a couple days or something.

The Chair: — Yes. Ms. Draude?

Ms. Draude: — That's what I was going to suggest because remembering what we had, one of our members already mentioned that, it's not . . . like, we got to look at individuals not just numbers. So I understand what you're saying with 40 and 10, but still people have special interests. So I think we shouldn't be limited by the number of days. We should make the days fit the number of people that want to talk to us.

The Chair: — Before I can get to Mr. Iwanchuk's question, what we also were going to do when we put the ad out is indicate in the ad what we were going to discuss so that people aren't coming to start defining the artist, you know, start from scratch. We're going to actually define what we're going to discuss so that people that come will actually be focused on what we want to accomplish with the committee. Mr. Iwanchuk.

Mr. Iwanchuk: — My concern was, as I listened to the committee's questions, I mean just kept widening the scope for me in terms of this. And then, coming back was the definition of the artist, I mean, I take it it's resolved. To a large extent, it's resolved.

But if you advertise, are we going . . . will there be some sort of gatekeeper to say no, you know, this isn't applicable to you? Or until we hear it, then we would determine whether it's applicable which could raise the numbers. If people are concerned, you know, that this is going to impact on them, we could have a lineup of folks here that, you know. . . That's I just raise that, you know, in terms of that.

But I most certainly would like to know on the galleries or what was raised here, what Mr. Elhard raised, you know, in terms of showings and how that would happen because we're sort of not understanding the process. At the same time we are saying, who is it that's going to come and present to us. So you know, I'm not sure if you muddied the waters as opposed to having some sort of answer for that, but how do we limit this? How do we. . .

The Chair: — I'm thinking that the ad worded so that the work of the committee is defined so that you're not starting back into 1993 or whatever it was. That doesn't seem to be too useful.

If we need more background, then we can ask the department to come in and give it to us or the committee to come and give it to us. We don't need to cast our net wide to the general population again, which has been done to death as I understand. So I think advertising that this is the focus of the committee's discussion, please come to address these issues.

And then, if we find out we're not clear on some things that we think would add to our consideration of those four questions, then we ask for that technical expertise from whoever we need to find it from without advertising for the public to come and give it to us.

So is that, the go-forward strategy, okay with everyone?

Mr. Elhard: — I think so. You know what our experience in the past was. . .

The Chair: — Our one committee meeting? Our one experience?

Mr. Elhard: — Yes, our one experience. But building on that, our experience suggested that we didn't know clearly what it was we wanted to do. We set out a template, and we adjusted accordingly as we moved forward. And I think we can do that here too. I mean I've got some concerns about being overwhelmed by, you know, all kinds of presentations but if we try and identify pretty specifically the subject matter that we're dealing with, that would I hope winnow out some of the extraneous stuff. And if we still find that there's far more than we expected we'll have to deal with it on some expeditious basis later I think.

But that's the beauty of this. We aren't handcuffed by any clear set of regulations and rules we have to work with. We get a little bit of opportunity to establish that as we go forward.

The Chair: — Pretty much a big opportunity. Ms. Draude.

Ms. Draude: — Don and I had the opportunity to be on the committee that was dealing with children that were being sexually exploited. And I think a couple of things we learned there is that if we advertise and give people, say, until the beginning of February to submit who may want to attend and then even by conference call get together and see what the list is and see if there's some way we can. . . You know if everybody agrees that everybody should be coming, or we should make any changes, it would give us a chance then to look at it and maybe readjust what we're thinking rather than leaving it all just in the hands. . . You know, they are capable hands but we should have some understanding of what we're going to be

getting into. I don't think we have to advertise much more than a month. If people haven't made up their mind by then, then we should. . .

The Chair: — They pretty much know this is coming. I mean the community knows it's coming. But it would be probably a good idea to see. . . When we set a deadline, would we be anticipating a deadline to be about the middle of February to submit to come in. Or no, that won't work because. . . You know, it probably would.

So if we start advertising the beginning of January and put a deadline of the 7th of February, and then after that, we can all see the list and then provide feedback and then decide if we need a conference call after we've seen the list. And we'll probably have to adjust to have late applications too. Lots of people miss deadlines.

Mr. Elhard: — We won't tell them that.

The Chair: — No, we won't tell them how flexible we are. Ms Crofford.

Ms. Crofford: — Are you recommending right now any particular days be set aside for this purpose? Do we have tentative days. . .

The Chair: — For the hearings? Yes, the 26th, 27th and 28th of February, with the option to put the first in. I think it's in the same week, isn't it?

Ms. Crofford: — Twenty-sixth, okay.

Mr. Elhard: — Madam Chair, I don't mind that group of days, but I guess what does concern me a little bit is the amount of time we're going to have available to us following to actually put our heads around this.

The Chair: — Were you at the discussion of how many dates we have available in February and January? There is none. There is none.

Mr. Elhard: — Yes, I know there's not very many. But I also know how much work this committee has to do when the session is in.

The Chair: — I know.

Mr. Elhard: — And between the first and the sixth when spring session starts is five days. And I don't know if we want to be working three to four days of hearings and then go right into our own deliberations for a couple of days. But I don't know that we can carry this on into the spring session schedule because of the other obligations that this committee faces.

The Chair: — Well process-wise if we have the three days of hearings and then we have at least a day for the committee to receive what. . . [inaudible] . . . After the hearings, Michel will need some time to prepare what he heard, and then we need to deliberate and come to a conclusion or a recommendation, so we're going to need a couple of days, so we are going to be into the session. There were no days we could find for people to come. All the committee and the people that are here, aside

from Sandra who just came back from a holiday, are committed to being here and want to hear it all. So it's not too useful to take two days here when Ms. Draude's not here and some when Mr. Iwanchuk's not here, so those were the dates everyone was here and that puts us right up to the session.

Mr. Elhard: — Well I was thinking that it might be necessary for us to stipulate that we're going to be involved in evening hearings or, I'm sorry, evening committee work.

The Chair: — Well we might also want to put the first in already to kind of just have a debriefing among ourselves. So set aside on our own calendars the four days — three days for hearings and one for us to debrief — and then we'll hear what Michel has to say or direct Michel more focus to what we want him to say. So we probably should put the four days down on the calendar: the 26th, 27th, and 28th and the first of March. I don't know if that is a Thursday or a Friday. I don't have a calendar.

Anything else? If there is anything, you can contact Wayne or myself or Iris, and if there's any other thoughts. And as things go along we'll keep the committee informed.

Thank you very much. Someone move we adjourn. Mr. Elhard wants to do that. All in favour? It's agreed. We're now adjourned to the call of the Chair.

[The committee adjourned at 16:54.]