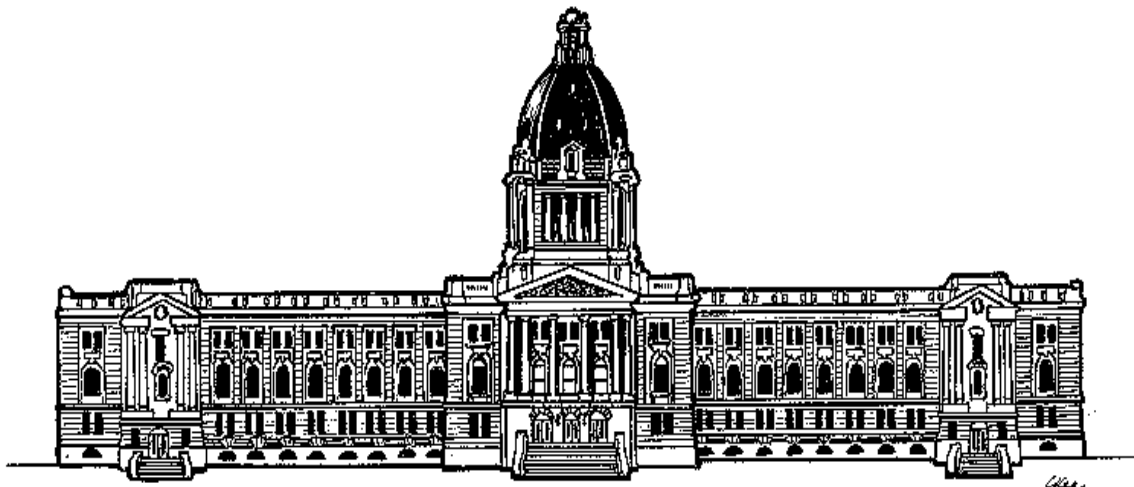




STANDING COMMITTEE ON HUMAN SERVICES

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**STANDING COMMITTEE ON HUMAN SERVICES
2007**

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 in camera at 09:03.]

[The committee resumed at 13:34.]

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

The Chair: — Good afternoon. I call the meeting of the Standing Committee on Human Services to order. The business before the committee today is Bill 40, The Status of the Artist Amendment Act.

Before we begin we'll have introductions since it's our new presenters. I'll start with myself. I'm Judy Junor, MLA [Member of the Legislative Assembly] from Saskatoon Eastview and I'm Chair of the Standing Committee on Human Services. And to my right is Wayne Elhard, Deputy Chair.

Mr. Elhard: — Good afternoon. My name is Wayne Elhard. I'm the MLA for Cypress Hills.

Ms. Draude: — June Draude, MLA for Kelvington-Wadena.

Mr. Toth: — I'm Don Toth, MLA for Moosomin.

Ms. Crofford: — Joanne Crofford, MLA Regina Rosemont.

Mr. Iwanchuk: — Andy Iwanchuk, MLA Saskatoon Fairview.

The Chair: — And next to Andy is Sandra who is coming in right at the moment.

Ms. Morin: — Sandra Morin, MLA for Regina Walsh Acres.

Mr. Carpentier: — Hi. And I'm the committee researcher, Michel Carpentier.

Mr. Kaczkowski: — I'm the committee Clerk, Viktor Kaczkowski.

The Chair: — So welcome to the committee and thank you for giving us a copy of your submission which we have before us. So if you would introduce yourselves and then walk us through your submission, please.

Mr. Sharpe: — My name is Paul Sharpe. I am the director of freelance services for the American Federation of Musicians of United States and Canada referred to as AFM.

Mr. Dojack: — I'm Brian Dojack, secretary-treasurer with Local 446, Regina, Saskatchewan, AFM.

Mr. McConnell: — I am Cameron McConnell, vice-president of Local 553 of the AFM, Saskatoon Musicians' Association, and I was also on the minister's advisory committee on the status of the artist.

The Chair: — Thank you.

Mr. Sharpe: — Thank you. First of all I'd like to say how pleased I am personally to be here. I want to tell you a little about my personal background, a little overview of the AF of M before we continue on with, we hope, some interesting and

valuable information.

I hope you will agree that I am uniquely qualified to speak on this matter as being an independent freelance musician since an early age of 15, I've been a union member for 41 consecutive years. And as director of the freelance division of the AF of M our total membership in Canada, 85 per cent of it falls under the topic subject matter we're talking about here — independent contractor status, self-employed artist — which is what I have been my whole professional career. I'm still a performing artist although I started working full-time for the American Federation of Musicians out of the New York office and I'm based in the Toronto area as a Canadian. I do cover all of the United States and Canada on behalf of self-employed independent contractor musicians.

A little bit of background from a report that we've given out. I just want to give you a brief overview here. This submission is made on behalf of the Canadian office of the American Federation of Musicians of United States and Canada, AFM on its own behalf and on behalf of its Saskatchewan affiliates, which you've just met the gentlemen here, namely Local 446 and 553, representing approximately 500 members in Saskatchewan's cultural sector, the sector.

The AFM began its operations in Canada in the city of Montreal in 1897 and expanded to Toronto and Vancouver in 1901. Over the years it has grown until there are presently 28 locals across the country. The AFM's objectives include: maintaining standards of hiring of musicians; providing pension . . . And I might say that our American Federation of Musicians employer pension welfare fund has a secured value today of over \$600 million, which our members are extremely grateful come retirement age to be able to, as independent contractors, self-employed, being able to use that fund, have that fund available to them — over \$600 million.

And of course we also have other benefits to its members and negotiate suitable conditions of work for those provided live or recorded music. The AFM's affiliated locals negotiate with local producers and the AFM negotiates national agreements, such as those with the Canadian Broadcasting Corporation and the National Film Board and there are several others.

The AFM advocates the rights of musicians in their live and recorded performances in the United States and Canada and in other countries, and where it deems appropriate collects and distributes government-mandated or compulsory royalties, remuneration that are subject to collective administration.

I want to stop just for a moment and bring your attention to the MACSA [minister's advisory committee on status of the artist] report, the final report of the minister's advisory committee on the status of the artist, July 2006, where it outlines in the collective bargaining section a possible regime of how the artists' association might be recognized. And of course we found that to be extremely troublesome for an organization of ours which is over 100 years old now. In that context and respectfully, I want to just read from the brief.

The authority granted the AFM and its locals by its members currently is noted as follows. In our international bylaws in

article 5, section 27(a):

All AFM members, by virtue of their membership, authorize the AFM and its Locals to act as their exclusive bargaining representative with full and exclusive power to execute agreements with employers governing terms and condition of employment. The AFM, by entering into collective bargaining agreements, does so for the benefit of all AFM members, and each member is bound by the collective bargaining agreement's terms.

A further excerpt from our current Canadian membership application, which is required to be signed by all members making application in Canada, states the following under collective bargaining:

I authorize the American Federation of Musicians of the United States and Canada ("AFM") and the above-named Local to act as my collective bargaining representative with full authority to negotiate and execute collective bargaining agreements with 'engagers' establishing minimum terms and conditions for my services as a professional musician/performer.

The AFM in Canada, as a service to its members, also assists in obtaining visas or work permits in the United States. This is a huge function that AFM Canada undertakes. To give you an idea of the size and scope of that, approximately 4,000 of these visas were processed each year enabling Canadians to enter the United States and to work legally in that country through a reciprocal agreement between AFM Canada, AFM head office in New York City, and the government of the United States and Canada.

A little quick background on our federal status. On January 16, 1997 the Canadian Artists and Producers Professional Relations Tribunal, the federal tribunal, granted to the AFM certification to represent a sector composed of all members of the AFM who are independent contractors engaged by any producer subject to the Status of the Artist Act of Canada, the federal Act, more particularly set forth in the subject certification order. Also the federal tribunal on the same day granted to the AFM certification to represent for pension purposes only a sector composed of those members of the AFM who are independent contractors engaged by any producer subject to the federal Act as set forth in the subject certification order.

I'd just like to move on a little bit and tell you that the AFM for the most part has very little if any problems with the current wording of Bill 40, which of course is the main reason we're here. In our brief we have made some specific suggestions which we think the language in there currently could be improved, but they're minor.

We're here today and thankful, very thankful to be here to address you about the issue of collective bargaining and its importance.

I've done a little video watching over at the hotel room after flying in from Toronto late last night. I've been able to catch a little bit of the last couple of days of proceedings. And the question has come up in that, you know, is this it? Like what is really important to you? I can't stress or overstate the

importance that we believe that there must be teeth, there must be force of law for this to work. And we believe that that force of law to make this work, to make a identifiable and quantitative improvement in the lives of artists in the province of Saskatchewan, it will require — no doubt in my mind and I'm hoping to convince others of it — that the most single, most important element here in this legislation should be collective bargaining.

I'll try to make this . . . bring it into a human standpoint because I think throughout all the hours and hours and hours and committee meeting after committee meeting, I think some of the basic premises of why this is so important may have been lost.

Artists across our country, not only in Saskatchewan but in every other province other than the province of Quebec, do not enjoy the basic rights of every other worker. I note that in the province of Saskatchewan that tomorrow morning there will be an increase of 40 cents to a minimum hourly wage of \$7.95. But that's not available to a 17- or 18-year-old independent musician in this province and I think that's just, should not be that way. It just shouldn't be. The basic premise that someone doing work and shouldn't get at least some minimum financial payment for one's good faith efforts is something that I hope that we will all embrace passionately.

I also note that in Saskatchewan there's a little thing called the minimum call-out. What is a minimum call-out? Most employees are entitled to at least pay a minimum call-out any time they ask a worker to come in in the province of Saskatchewan and currently, if I have that correct, that's \$22.65. I submit to you that there are many artists that go well beyond what you consider to be the minimum call-out in this province and don't even have that simple guarantee.

The other thing I hear wherever I go . . . And I've spoken at the federal level and the provincial level in Quebec and at the provincial level in Ontario where we continue to work hard for the same types of things. And certainly the province of Ontario has a very trained eye on what you folks are doing out here and has a great amount of interest in the outcome of your deliberations.

Artists, particularly young artists . . . I note that in the final report to the minister also there's suggestions of tax relief, for instance, for royalties and things. Well there has to be an income to generate those royalties, and if you're at the level where you're getting royalties, maybe that's not the most critical, although it's certainly a welcome suggestion. That's certainly not the critical nature of where I believe we all need to be into this thing.

Young artists in particular, playing nightclubs, playing casinos, doing weddings, doing corporate gigs, fairs, and festivals, on and on and on . . . The AFM is very strong where we have collective bargaining in place in a voluntary manner. We're very, very strong where we have federal standards take place in the broadcasting sector and other areas covered by the CRTC [Canadian Radio-television and Telecommunications Commission].

But where we and particularly the artists need help is at the

entry level of their career, where in other entry levels of one's career, a worker at McDonald's or at Wal-Mart or any other retail establishment gets minimum wage guarantees that are simply not enjoyed by artists. And that would be a wonderful place to start.

Unions and association in this country have a proud history of improving the social and economic standards of its members. And we would love to be in the process and help the Government of Saskatchewan to realize a first step. I don't want anyone to think that we're here today with, I've heard others refer to it as the magic bullet. That's certainly not the case. We see this as a first step, as something that we really feel is attainable and that we are there to co-operate 100 per cent with this government to do whatever is necessary to bring about a resolution to benefit the artists in your province.

With that I would like to turn it over to Cam McConnell, who is here today of course from Saskatoon. Cam is the vice-president of our Local 553 in Saskatoon. Cam.

Mr. McConnell: — Thanks. As you said, I've been the vice-president . . . Or I am the vice-president. I've been the vice-president for about 10 years. And for most of that time I've been responsible for negotiating and enforcing the collective agreement between the Saskatoon Symphony Orchestra and the musicians' association, which although it's not governed under labour law, it's governed under contract law. Well that's slightly more complicated. But anyway, it is in fact a collective agreement. It fits the bill of just about any other workplace collective agreement.

So as Paul said, we're experienced in this and this is actually . . . Collective agreements in the music business are nothing new. What we're asking for that's new is an enforceable collective agreement, better levers to bring people to the table and negotiate.

But to illustrate the way our business works, the role we're in, I thought I'd tell a couple of stories of our successes and then a story of one of our failures.

So recently, we just renewed our collective agreement in Saskatoon. It was a long time coming. There were three non-contract years but now we've got a reasonable deal. It was unfortunate that it was such a long process and part of what contributed to that is that we're governed under contract law. So when you're going into an engagement as a contractor, you can sign away any right that you choose. And the other side of the table were proposing that our members sign away some rights that were unreasonable.

And there are 10 members of the symphony who are full-time employees and have actually been designated employees, so they fall under a slightly different legal regime than the rest of the contractors that are working there. They're entitled to holiday pay and the other side of the table spent, I swear, a year trying to get them to give up their holidays; find ways to get them to sacrifice the right to either have holidays or have their holidays paid out.

Now we didn't choose to certify, because that would have created further problems for us. It would have developed a split

in the orchestra and we weren't sure that we would have gotten it. But had those issues not been available for the other side to negotiate, the whole thing would have gone quite a bit quicker and, to be honest, I'm excluding that they were having financial trouble.

Anyway, we got an agreement in place. That's a success. It's got reasonable pay increases and it's unfortunate that we had three years of zero increases since everyone else has been booming for the last three years and our musicians are standing still.

We recently had a dismissal case there. We chose to argue that it was wrongful; they felt that it was justified. And we ended up coming to a settlement. That's pretty standard stuff in any workplace. But the lawyer on the other side of the table, during the course of our deliberations, remarked that the musician in question, since he was under contract law, had fewer rights than a casual employee at Wal-Mart.

And this is a person, a highly trained individual, you know. He's got a graduate degree in music and has worked for nine years in that symphony. The relationship went sour and we couldn't reconstruct it and he ended up leaving with a token — at least something — but he left with a token compensation. So it's a success that he got something but at the same time it demonstrates that our successes are quite vulnerable under the current regime.

The second story I'll tell you is another success we had. A young band were travelling to Saskatoon from Victoria on a little western tour and Saskatoon was the money leg or the money anchor of their tour. They had two nights at a bar in Saskatoon. They got fired after the first set. And as luck would have it, they joined the AFM in Vancouver and it filed a contract with our local. So we were in a position to support them under contract law and to offer them some assistance.

They phoned our office on Saturday and complained. We investigated and discovered that cause had not been established and threatened action. There was some head-butting and tall talking, and finally the bar owner agreed and paid them out, although he didn't allow them to play. So the system worked; they were protected. But the system only worked because they had gone through the hoops of joining the AFM and filing a contract with us in advance, which is not necessarily onerous but it complicates your business, especially for young bands when they're flying by the seat of their pants.

And it might not have been a tragedy to see a young band stranded but that kind of thing happens to bands of all descriptions. And although that one was a success, it was a success partly because, as I said, the band had done their homework and laid the groundwork to protect themselves. Also, our investigation — without naming names — found out that the bar owner was drunk. There was an assortment of things that made it a slam dunk.

It's very common for bands to be on the road and find themselves either shortchanged or completely stiffed, have their engagements cancelled without notice. And if it's a bunch of kids off on a tear, it's not a tragic story. But if it's a bunch of middle-aged people that are actually working at a subsistence

level to try and support their families and find themselves not only deprived of income that they were banking on, but faced with new expenses or expenses that they can't cover because they've got to get home somehow, it's pretty brutal. And as much as the AFM breaks its back and as much as we have, you know, fairly good resources to try and help, a lot of people slide through the cracks and it hurts.

And even these kids — had this incident taken place in Prince Albert where we don't have an office and we don't know the club owners — might have been up a stump. We could possibly have gotten them some satisfaction down the road. But in terms of helping them as quickly as we did, it would have been impossible and they would have been stranded. But nonetheless, that one was a success.

The reason I talk about those two successes is to say that or to demonstrate that the things we're asking to be empowered to do are nothing new. We're just asking that the door be opened a little wider.

My third story is of a complete failure on the part of the AFM because of the way, the nature of the game, the nature of the music business. It's not a specific incident. But there's a drummer that's a friend of mine in Saskatoon who's just turned 65. His health isn't great these days and he's got virtually no pension assets. I mean, he's not destitute but he's next door to it. And he's been a working musician in Saskatchewan, and occasionally touring, all of his adult life since the 1960s. But the vast bulk of the work he did was outside collective agreements, was mostly contract work and consequently he didn't, wasn't able to make pension contributions even to our fund.

As Paul mentioned, we've got quite the retirement fund in the AFM. But since the rules are such governing pension funds, that it has to be an employer-side fund rather than assets held by the individuals because we don't have steady membership and so on, that's the only way the AFM can administer the fund in the interests of our members, which means that there are a few hoops for people to jump through in order to become vested. And unfortunately this drummer and a great many musicians like him just never managed to keep up.

So as much as our fund has hundreds of millions of dollars in it, sometimes it does still fail our members. And that failing comes because so little of the work that they do is under our jurisdiction.

Now it's too late to do anything for that guy. There's another guy I know that's a keyboard player who's just about 50, who's heading down the same road. He's starting to worry about it and he could be facing the choice of, do I give up on music now and do something to secure a little more comfort in my retirement, or do I gamble? And there is a lot we can do for him because a great many of the employers that he works for would be really easily organized and brought into collective agreements that could include pension contributions, with very little trouble and very little expense to anyone if we just had the means to do it.

But he plays at the Ness Creek Festival, the Regina Folk Festival, the Saskatchewan Jazz Festival. He works at various times in all of the recording studios in Saskatoon. All of those

are institutions that we could easily bring to the table without a great deal of disruption. But unfortunately under the current regime it's just a little out of our grasp. And so the reason I bring up that example of a failure of the AFM and a failure of the system as it works today is to show that the consequences of failure . . . unlike, you know, it would be a bit of a gag for a bunch of kids to get stranded. Finding yourself 65 with failing health and no money is a tragedy. That's absolutely disastrous. And it didn't have to be that way. And under the current regime it's going to happen again and again.

If we had an enforceable collective bargaining system and, importantly, a sectoral bargaining system or sectoral certification, we could prevent that and . . .

The Chair: — Excuse me. Before you continue, we need some time to ask questions.

Mr. McConnell: — Yes, sorry.

The Chair: — I'm sorry. Your time is . . .

Mr. McConnell: — I was almost done.

The Chair: — Your time is almost run out, and we need to have some time to answer questions. So perhaps you can get your last point in as answers to some of the questions our committee members may pose. Sorry. But we do have a list of presenters to follow you. Questions now from the committee. Ms. Crofford.

Ms. Crofford: — Yes. I'd just like a little more information on the recent ruling by CAPPRT [Canadian Artists and Producers Professional Relations Tribunal] on your status as a representative body. Exactly what does that encompass, and who does it affect?

Mr. Sharpe: — It's not recent. It's been in place for over a decade.

Ms. Crofford: — Oh. A decade, okay.

Mr. Sharpe: — Yes. I caught a little bit of the submission by CAPPRT, and I was very encouraged that that gentleman made it down. You know, we have several agreements that CAPPRT was extremely wonderful in providing resources and help to our locals, in Ontario in particular, where they lack the resources financially and otherwise. Without CAPPRT it would have been very difficult. But we have agreements in place that have been assisted by CAPPRT, and they've been a great, great assistance.

Ms. Crofford: — Okay. So they didn't just adjudicate. They actually assisted with the process of . . .

Mr. Sharpe: — Absolutely. Well in this particular case, it's Canada's largest communications company, Rogers Communications. And Ted Rogers would not voluntarily sit down and talk to the AF of M. We sent them letters informing Mr. Rogers that his very large corporation was required to sit down, and we didn't get an affirmative answer from the corporation. So we took . . . we, the AF of M, a local in London, Ontario, Canada filed charges of failure to bargain in good faith against Rogers Communications under the federal

Status of the Artist Act. And through that process CAPPRT assisted in every way, and we were successful in that. And currently today there is an agreement in place of that, but that was a very, very, very hostile employer that refused even under law of federal to sit down and talk. It only became clear to Mr. Rogers that he had to sit down when he started to fully understand the implications of breaking federal law. And that's the type of teeth that you need in the provincial legislation to make it work.

We're grateful of the collective bargaining we do under voluntary system but that's not working where the places, where particularly young people need this help. These are not willing engagers or employers.

Ms. Crofford: — Now even if this legislation was in place, just to get a sense of how you envision this working, would an artist still have to become a member of the AFM to come under your . . .

Mr. Sharpe: — No. No.

Mr. McConnell: — No. The club example I was talking about, if we were in some way able to bargain with the sector of club owners, we could bargain to set minimum standards. And then those would apply to anyone working in a club.

Ms. Crofford: — Setting a minimum standard for the industry.

Mr. McConnell: — Yes, industrial standards.

Mr. Sharpe: — There's also several examples today even without status of the provinces where non-members benefit. I mean the AFM sets the wage standards as it is now in Canada locally under our scale, tariff of scales, tariff of fees within each local union. And of course that at least sets some type of an example of where that might be.

And furthermore of course organizations like FACTOR, the Foundation to Assist Canadian Talent on Record, base its allocation of donated services, for instance, of musicians go in the studio and donate their services, FACTOR will look at that as, you know, their financial investment in that recording project. And that's based on AFM scales. Everyone uses it for purposes of FACTOR grants whether they're a member or not. So many, many non-members benefit from the efforts of all the arts associations and unions.

Ms. Crofford: — Thank you.

The Chair: — Ms. Morin.

Ms. Morin: — Sorry, I just wanted to get back to CAPPRT. You were saying how helpful and useful they were in your particular situation. One of the dilemmas that this committee is going to have is the adjudication process that should take place in Saskatchewan around the status of the artists legislation as well.

So I'm wondering if you have an opinion or if your organization has an opinion as to who you feel the adjudication process or how you feel the adjudication process should take place in Saskatchewan. Because right now we see it as three

options, one of which is to use CAPPRT, another one is to set up our own commission, another one is obviously to use the current Labour Relations Board that we have in Saskatchewan. So I'm just wondering if you have an opinion on that.

Mr. Sharpe: — You will note in the brief that several times we make a note to your Labour Relations Board. That is our preference.

Ms. Morin: — Sorry, I couldn't get through your brief.

Mr. Sharpe: — Yes. Oh no, I understand, but we hope you'll all have an opportunity to read it and we'll be very pleased to expand on any questions that we don't get covered today. But, Brian, did you want to speak to that as well?

Mr. Dojack: — Yes. We applied for certification through the Labour Relations Board a number of years ago with Casino Regina. While we weren't successful in our certification, there's a few parts of the report that I still find puzzling. One, where AFM is acknowledged as a trade union and our local is acknowledged as a trade union, when the judgment came down — in spite of the fact that our members when they sign an application of membership sign stating that we will be their agent for collective bargaining purposes — the Labour Relations Board ruled that they were independent contractors and weren't entitled to be represented by a union. Nor were we able to establish a normal employment relationship with the casino.

I would submit to members of the committee we are a very significant industry in this province. There were two articles in the *Leader-Post* last week, one referring to \$740 million spent in Saskatchewan on cultural goods and services. We are major players. We have musicians who are working for peanuts. They have huge investments in equipment, but they're not entitled to be represented by a union.

I find that very strange, and yet at the same time the Saskatchewan Labour Relations Board exists. They have people with expertise in adjudicating these matters. It's in our brief repeatedly. Cam, Paul have both spoken to it. I speak to reinforce the fact that we feel that the Saskatchewan Labour Relations Board would be the proper body to adjudicate in situations of this type.

Mr. McConnell: — At the SSO [Saskatoon Symphony Orchestra] in Saskatoon we did once refer or succeed in getting assistance from the labour relations enforcement branch to resolve a dispute. And they were surprisingly effective, you know, despite it being an arts situation. They were quite quick in finding out how to apply the Labour Code to our questions. And so yes, I can speak in favour of them.

The reason Casino Regina wouldn't have been certified is it doesn't have an identifiable group of employees, and that's sort of the test that the labour board follows at the moment. Sector bargaining would change that paradigm. That's why I mentioned earlier that the symphony could certify because it's the same group of people that work for the same employer all the time.

For the most part in the music business you're just a contractor

running from place to place, and any bar that's an engager probably won't hire the same band more than twice or three times a year. So the employment relationship under the current regime, the test that the Labour Relations Board needs just can't be passed.

Ms. Morin: — Thank you for that.

Mr. Elhard: — What kind of language would you envision that would provide for the enforceability that you're concerned about?

Mr. McConnell: — I'm not quite sure . . .

Mr. Elhard: — Well there's some concern, as I understand it, that this particular piece of legislation is too mild and that you would like to see, instead of a voluntary arrangement, some more stringent, prescriptive requirement. So what kind of language are you going to recommend in that regard?

Mr. Sharpe: — Well we're going to recommend something that's very similar to both the federal status as well as the Quebec status. And in the brief, when you do get a chance, we've laid out in our appendix at the back the clear differences between those and how those work. And we have experience in both, and we find that in most cases, the federal approach to it . . .

I think it's also important as the provinces come on board — like Saskatchewan, hopefully Ontario very shortly — that there's some consistency and some, you know, connection from the federal legislation. I think certainly initially speaking, any type of legislative approach that could be used that is already in force and working for the most part quite well should follow that type of structure. Certainly it's not without problems, but we found the federal legislation and Quebec in particular to be very, very good.

Mr. Elhard: — Thank you.

The Chair: — Seeing no further questions, do you have anything that we missed that you'd like to add before we let you go?

Mr. Sharpe: — Other than saying thanks for the opportunity, you know. You'd only just received the brief, but we think it's detailed enough to show our position, and it contains specific recommendations on many of the questions that the minister has encouraged this committee to look at, so we hope that you will take the time necessary to read through that. We'd be extremely pleased, all of us here and many others, to assist in any way we can so we welcome you to contact us in any way you feel is appropriate.

I just want to do a quick little finish here or summation. Back to the Rogers situation — these types of agreements were absolutely a great victory for young musicians in Ontario where an engager had been exploiting this group of young people through showing up in festivals and events and taking their picture on video and showing it wherever they liked as often as they wished. It involved copyright issues. It involved intellectual property issues. It involved the basic premise that when you do work you should get paid something. All of that

was ignored. And without the status in there, these young people doing what they love . . . I mean they're easily exploited because they just love what they do and how they do it. They need associations. They need unions. They need representation, and more than anything they need their government to step forward and to provide at least an entry level minimum standard and protection that all other people in this great province of Saskatchewan already enjoy.

So I would just urge you to . . . And I know you'll all take this challenge very, very seriously, but we feel extremely passionate about this. And if there's a single issue that needs to be in your current legislation, it's a collective bargaining regime that through co-operative nature of the government and the unions and associations in this province and nationally, we can work together to certainly improve the lives of artists in the province and for that I thank you very much.

The Chair: — Mr. Toth wants the last word.

Mr. Toth: — I just have a bit of a follow-up. First of all I will have to admit that when you first stepped up and even through your presentation in regards to the Act . . . [inaudible] . . . come across quite forcefully which shows your passion. But also the concern I have, in your deliberations you left me with the impression that you basically want everyone to be under your mantle, if you will, in negotiations, and that's one of the concerns I have in how we move forward with collective bargaining. I feel it's important that people have the ability to have the choice and to be able to choose, and I think this gentleman here mentioned something about the discussions with Casino Regina. I'm not totally familiar with that.

You also mention that you do have a \$600 million pension fund . . .

Mr. Sharpe: — Yes.

Mr. Toth: — . . . and I would like to know exactly how that pension fund . . . first of all how it's funded and then how it's disbursed.

Mr. Sharpe: — By employers.

Mr. Toth: — Is it total employers or musicians as well?

Mr. Sharpe: — No, musicians cannot make a direct contribution to it.

Mr. Toth: — So that's all employers? How do musicians then qualify for the pension benefits?

Mr. Sharpe: — Well for instance on what we call a one-night gig or a freelance gig — let's say a wedding — the father of the bride initials contract language in there where it's like a one-day collective bargaining agreement that has a beginning and an end of that day for his daughter to be married. And he agrees that the money paid to the musicians of union scale or above includes a portion designated on the contract for a contribution. And then that agreement expires, and the musician sends that money in on behalf of the employer. So it's a way to have an independent contractor, self-employed make pension contributions under a collective bargaining agreement which

has a beginning and an ending, usually of less than 24 hours.

Mr. Toth: — So then that fund then would be the contribution to that specific musician? So that at the end, through a period of years through engagements and sale have accumulated a certain amount.

Mr. Sharpe: — Not to that specific musician no. Like as any multi-employer pension fund under federal jurisdiction which it is, there's disbursements and payouts based upon age, vestige and so on and so forth. So that's in a large pool that the whole group like a multi-employer pension plan, you know.

Depending upon when they exercise their retirement and under what conditions, they get a portion of that based upon a multiplier of how many years and so on and so forth. It operates really no different than any other federally funded and it operates under the same rules and regulations as it does.

Mr. Dojack: — If I could just speak very, very briefly to that. It is a wonderful pension plan, and the greatest one in the bunch sitting down here. I am receiving my cheque every month. My only regret is I didn't do enough work that was under that pension plan, because very frankly it really, really is a lot better than Canada Pension Plan. And I wish a whole lot more of our musicians could participate in it because it is absolutely fabulous. It's something that, quite frankly, I love that envelope coming every month, and the plan's beautifully administered. It works extremely well.

Mr. Sharpe: — By the way I didn't mean to sidestep your initial question. You know you had asked well, you know, you thought that maybe individuals should be given the right, and I might come back to you and say respectfully, you know, should people working in McDonalds be able to say they'll work for Ronald McDonald for nothing. Should they have that choice? I mean at least they're guaranteed, and the law says, thou shalt pay them.

Now I think whether they're a member of my union or not is secondary to the fact that I believe that in the province of Saskatchewan and everywhere in Canada, when someone does work, particularly in something that I believe in so passionately, the music business, they should be compensated.

Rogers Communications kept on saying, you know, look at the wonderful exposure. And I said Mr. Rogers, I can't go to the bank machine and deposit your exposure. Your exposure will not pay my mortgage or support my family. I've got four kids and a grandson. It's not going to work, sir. Now if I have to go to McDonald's because I injure myself and I can't play any more, so be it. But at least this country provides for me to make at least a minimum wage and to get rights, but not for musicians. Why is that? Doesn't that seem abundantly clear to everyone that musicians and other artists in this country should at least — considering what they bring to this country and their cultural enrichment of our lives — shouldn't they be included in this group?

Let's get together and find a way to make this work. And we are willing to find a way to make it work. Maybe we're not going to get everything we want at the same time, but we're willing to work with the province to get something to work —

just a little baby step. This is not going to fix the world for the next generation.

The Chair: — Thank you very much.

Mr. Toth: — I'd just like to say I don't have a problem with you as individuals, as an association letting musicians know that you're willing to work on their behalf, and then they can make the choice of becoming involved. And I don't disagree with the fact that someone chooses to be a musician or whatever and is performing. I don't disagree with the fact that they should not receive fair compensation.

And then maybe you say that there are people that do it for less and I'm not sure why. If you've got talent and I think you should be paid well for your talent. But I'm not going to tell employers that they should be paying this much. I think your abilities will expose the fact that people are willing to pay, and they'll pay more for one group over the next group simply because of the type of the talent. And I think people tend to read how hard and deliberate people are in working to perform.

Mr. Sharpe: — And I'll just say let's just get on the same table and support the need for collective bargaining, and we'll work with you to work out the little details. Maybe it's a big detail. Maybe it's not, but we're not there then. We're just asking you to support this, and we will work with you, and I know all the other associations will. If it ends up being more in your direction than what I'd like to see it, so be it. I still see that as a step. I ask for your support of collective bargaining. This is something that is at . . . This is the heart of the matter in my opinion.

The Chair: — Thank you very much. Thank you for your whole presentation, and thank you to the committee members for their questions.

The next presenter before the committee is Mr. Brass. He's an individual artist. We're just distributing copies of his presentation that he has provided to the committee. Thank you, Mr. Brass, for coming.

Mr. Brass: — Thank you for letting me speak.

The Chair: — We have your submission here. If you want to just . . . I've saved you the onerous task of introducing yourself, but we would like you to begin your presentation. And if you want to walk us through your written submission, fine; if not, whichever way you choose to present.

Mr. Brass: — Oh yes. I'm just probably going to go through it point form. As you noticed, it's in a point form format. Sorry for the format. I had run out of time and very humble circumstances, but I do appreciate the time to speak here.

[The presenter spoke for a time in Cree.]

It is a good day. I am Brian Gregory Brass. I am an independent artist from Peepeekisis Reserve No. 81 by Balcarres. I am 44 years old, born in Fort Qu'Appelle, reside most of my life in Saskatchewan. I've travelled most of Canada. We have a very good country. I am a First Nations artist with a Saulteaux-Cree heritage related to many First Nations in Canadian immigrant

circles. Most of my family is pretty good. I am honoured to speak freely to present my concerns at this time, migwitch.

I share similar concerns with our honoured artists and association guilds found within Saskatchewan that an effective collective bargaining agreement can be developed and implemented to improve the socio-economic status of all artists in Saskatchewan, that all future programs to strengthen the ability of professional artists will improve their job security. My primary concern is an artist and social advocate for good governance. I seek in presentation to inquire before this research committee my personal goal; I hope the final draft for an effective collective bargaining agreement shall promote, preserve, and protect the rights, privileges, and freedoms of all artists, Canadians, and First Nations within Saskatchewan. I believe life's a group effort.

My own past experiences with unions and collective bargaining agreements has been unkind experiences, so I have lost faith in due process. I did work for the City of Regina and whatnot, and there was failings within the process. I learnt we may be equal in words. Some are more equal in action. There have been no fair and equal representation for all members. I base this on a . . . see page 3. Well that's a book I have, so kind of a sidebar. Sorry about that.

The question that I ask before the research committee: what legal mechanism shall be designed to ensure all artists shall be treated fairly and equally regardless of their background and heritage? I'm a firm believer in fairness and equality. Question: will the research committee seek to address a lack of equality for all artists' and associations' efforts to obtain fair and equal collective bargaining agreements in productions? I base my question on point 3.2 on page 13 written in your *Collective Bargaining Rights for Associations and Unions of Professional Artists in Saskatchewan*. CARFAC [Canadian Artists Representation] and whatnot has done work on this point.

Like I said, because there has to be some type of mechanism to preserve everyone's, you know, livelihood because we're all putting our own work . . . maybe different, like you say, talking about different, some are more better workers than others. Some are maybe . . . like, you know, to me that's almost an ambiguous point because how can you tell who's a better musician? Maybe it's just not your style of music. Who's a better painter? Like, you know, some people like Rembrandt. Some people like Picasso. Some like Mr. Sapp. But there's such a diverse expression of self, you know; you can't just narrow it down to one point. And myself, I'm a 2-D artist. Well I came from nothing to, you know . . . [inaudible] . . . It's further down. I'll discuss it. Sorry, I'm drifting off here.

Question: does the research committee evaluations include for future populations of all artists found in Saskatchewan as . . . I refer to the principal hierarchical nesting relationship amongst the Saskatchewan census geographic areas. We have a quarter million new immigrants arriving into Canada every year, and the population of the First Nations are growing about 10 per cent on average per year. So when you look down 10 years down the line, we have 3 million new Canadians. We're going to have potentially in Saskatchewan alone an additional 100,000 First Nations. And you know, will they get their fair share and opportunity as artists and whatnot through program

development? So that's my only concern on that point.

And to summarize, I speak only as one artist, one person, one life, one shared concern and interest on the well-being for all artists from today and tomorrow's generations. I firmly believe in and support the efforts of the research committee to develop and implement the standard to promote, preserve, and protect the rights, privileges, and freedoms of all artists within Saskatchewan. I declare my own personal concern that the final collective agreement does fairly and equally represent all artists within Saskatchewan, and as an independent artist and producer, hope my copyrights, associations, and status shall be protected at all times.

Good governance requires fairness and equality to work. Provincial, federal, and First Nations and international government in their agreements must develop and implement the best suited statutes and Bills adopted to ensure the rights of all fairly and equally, to nurture, foster, and develop a just society. We must protect the well-being of all artists, associations, and guilds for their artworks collectively do contribute to the well-being of our shared circle of life.

An afterthought — in my own life I have made a 1,000-day commitment to develop and produce a 2-D artwork and print it in animated format to honour all my First Nations circles and language. I am now completing the last 100 days of a 10, 10 100-day production objectives, and inspire to realize my efforts to do near meaningful ends.

I sought esteem to feel good, to create a worthy art. This is mostly the heart of most artists. And I think it's a shared thought to most artists, so it's just a point, I'm trying to make a point out there.

I am grateful for many good-hearted persons who freely helped me, gave me direction and guidance to understand my craft as a 2-D artist, writer, independent producer. I would like to give my thanks to my mentor, Mr. Allan Mills, Pat Close, CARFAC, and many other people I've met in the industry. There are a lot of good-hearted people in our society, in the industry, and I'm glad to be a part of it.

I am grateful for many loved ones, my wife, my family and friends who supported me during my humble struggles to create my artwork. I am sincerely grateful for this time to speak. I hope I spoke wisely with understanding, did contribute a good thought towards your efforts to develop an effective collective bargaining agreement for all artists within Saskatchewan. I thank you for this time to share my concerns and points of interest on due process. Migwitch.

The Chair: — Thank you. Questions from the committee. Ms. Crofford.

Ms. Crofford: — Oh, I will thank you for reminding us today that art has a social value as well as an economic value. I think your presentation really highlights that, and the value to society of having people who are involved in those kinds of positive pursuits that contribute to our cultural — what would you call it? — our cultural resource.

I'm wondering, who would be people who specifically engage

your work? You know do you have particular places your artwork is or particular people you work with or for?

Mr. Brass: — Well in First Nations circles, especially on my reserve, it's minimal, like non-existent. The urban associations tend to be very elitist. Like I don't know who they are. I don't have the background they have, so they tend to keep you out. I believe in inclusive policy, not an exclusive policy. I'm the maverick.

Ms. Crofford: — Equality of opportunity as well, that you're talking about.

Mr. Brass: — Yes, that's what I'm saying. Fair access, equal opportunity. You know, it should be for all, not just because you belong to the right group or the right school or the right race, you know. Because I believe as Canadians and First Nations, we're all good people and we all need a chance, a fair chance.

Ms. Crofford: — But you still feel that there's something about the collective bargaining process that is important to you.

Mr. Brass: — Like I said, my own experiences has been, I try to use due process to make my grievances known and they were negated because they were either . . . people were adhering to the management, the administration. They didn't want to get penalized for pushing . . . Like, I believe in social justice, you know, very strongly and that's what got me in trouble because I was saying, why is . . .

A Member: — It usually does work that way.

Mr. Brass: — Yes. But somebody had to say something because I'm older now and . . . See, I developed a philosophy — 10,000 days, 100,000 days, and 100 days; 100 days, about three months, you know, you could fulfill your own personal needs. But in 1,000 days, that's more like a career. You could fill a career need.

You know, like I'm trying to prove a point with my own art — 1,000-day timeline, that I develop an actual meaningful product — now that I'm nearing completion, to inspire my own circles, you know, because it's so necessary. Like, we have a job creation problem right now, livelihood problems.

And I jokingly say we're in the Al Capone stage of political development and, the thing is, we have to go through it. Somebody has to say something that's righteous and give direction, positive direction. So me, I'm always getting myself into trouble.

Ms. Crofford: — Thank you very much. This is very personal and I think I understand the very basic status of the artist equity that you're seeking. Yes. Thank you.

The Chair: — Thank you. Further questions? Mr. Elhard.

Mr. Elhard: — Thank you for baring your soul here today. I think that's important. We haven't had anything at quite this level of candidness or personal exposure previously in the committee hearings.

Excuse my ignorance, but what's 2-D art? What is 2-D artwork?

Mr. Brass: — Well it's two-dimensional, you know. Like a cartoon like *Simpsons* and *Chilly Beach*, that's what I'm working towards.

Mr. Elhard: — So you're an animator.

Mr. Brass: — Yes and no. I can do a pretty one real quick.

Mr. Elhard: — Well I don't want to pigeonhole you at all but I guess what I'm wondering is, given the type of art work you're primarily engaged with, is there an association of some sort in Saskatchewan that represents your type of art endeavour?

Mr. Brass: — I haven't found one. I'm looking. I wish there was something. You see my problem is I don't do politics well. I'm very anti-elitist. Don't get me wrong, I do believe in one point you pointed out. Some people are better at their crafts than others and, you know, okay that's fine and dandy, but I believe everyone has something to say. We should put value on everyone's words and give it credit where it's due. Don't beat each other up with our talent. But I wish there was an association.

Mr. Elhard: — I guess I'm really wondering how we will be able to address the crux of your concern, because if I understand you correctly, part of your challenge to us is to find a way where artists who are isolated in their work get exposure, get an opportunity to participate in the broader artistic environment of the province. And I think one of the things that we are trying to come to grips with in this whole exercise is how do we benefit the artistic community financially but I don't know that we've given any consideration to how do we benefit the artistic community in terms of exposure and in terms of greater participation. So I guess if you have some recommendations for us in that regard, I'd like to hear them.

Mr. Brass: — It'd almost have to be a new governing body, make a new artist association like, you know, a First Nation community. I believe in joint development, you know, per capita share. These kind of words mean something to me because I understand it's a core of any kind of new direction.

See that's where, as I just mentioned, I don't do politics well. I could think of what's necessary. I could see something like this where you actually take someone on, take a new artist, a new emerging artist, give him direction of 100 days, you know, establish the understanding what it takes . . . [inaudible] . . . because that's a realistic timeline, and how that goes toward their 1,000-day timeline which is like almost three years that they could actually achieve a meaningful production by that time. Like mine's more of a complex, you know, like a painting production. But still they can knock out 10 good paintings in a 1,000-day timeline or a 10-song track in a 10,000-day timeline.

So but the thing is a lot of isolated artists like myself, like speaking to a lot of First Nations artists on a reserve, federal reserves, we basically don't have a clue. You know, it's just like we need help to understand what the international community uses. Like what do they do in France? What do they do in South Africa? What do they do in Hong Kong? Like how

do they make their processes work?

See one thing that works against us is reserves are not homelands. They're not towns that trade. They're very isolated. They deliberately did that to upset our socio-economic progression 100 years ago, plus 100 years ago, and we're in a stage of recovery right now. But I always believed the values of Canadians were always the values of First Nations anyways, seeing that democracy was freedom and privileges and rights. It's all ours. But see there's a healing process going on. And see I now have the heart to do this work. But my heart had to be broken for me to get to this point.

Like, you know, I work for the city. I've been doing this healing process for 2,500 days now. Well in that timeline I've lost 20 close friends of mine. My friends are not making it to 20,000 days old, which is 50 years old. Because speaking to my brother the other day there, yes, there's health and medical conditions that make people live longer, but you've got to have a reason to live longer. You know, you've got to make people feel productive and worthy. And so whatever association can be developed, you're going to have to take those kinds of human elements into consideration. And that's what . . . I'm not a leader; I'm only a support to the leader. I haven't found him or her yet. I'm praying and hoping I'll find them soon because I'm giving up. Not giving up, but I'm tired.

Mr. Elhard: — I don't think we want to see you give up. I think some of the comments you're making here today are giving us sort of a new insight into the very personal issues that especially First Nations artists are feeling and experiencing today. And we've been kind of caught on the peripheral. We're worrying about the economic issues as it relates to art endeavour. We haven't, prior to your presentation, been dealing with the soul issues of artistic endeavour. So I think that you've brought something to our committee that is valuable and important. I'm not sure how we're going to be able to address it, but I think that your being here today is a first step in raising awareness for us personally as a committee, and we'll put our heads together and see if there is some recommendation we can make that might address some of the issues you've raised. But they are both exciting and troubling.

Mr. Brass: — Yes that's true, but somebody has to walk through the fire to get to where there's no fire.

Mr. Elhard: — Well thank you for walking through the coals today.

Mr. Brass: — Well thanks. I appreciate your words, sir. They are reassuring. Thank you.

The Chair: — Mr. Toth.

Mr. Toth: — Well actually just, Wayne pretty well covered everything that I was raising. But like the concern I had is now I've been trying to identify with like because like a 2-D artist, like when I think of a number of First Nations people that I know, I'm familiar with the Lonechilds and I'm familiar with Allen Sapp. And of course these are visual art and we see a lot in the area. I come up to lots of fundraisers, and the Lonechilds have been very good at producing art for . . . and they get a portion and the fundraiser gets a portion of it, but that's how

people identify that.

And I've been having a hard time trying to identify with the 2-D art and exactly . . . I guess the question I had was, how are you actually marketing your art and how would see a collective agreement actually work and assist you in your production? Now first of all the question is, when we talk 2-D art, are we talking like movie picture or that type, form of art or like comic strips? Is that what some of the reference we're talking about?

Mr. Brass: — Actually my goal is I use *Simpsons* as my measure. Don't get me wrong, I'm not going to hit that line. But I do believe it, you know, I jokingly say that's my competition. And when my mentor, Mr. Mills, taught me old-style animation, and I improvised. I use a window at home actually to do my tracing and my drawing, to do the motion. And see my biggest problem right now is I'm trying to get a digital camera with JPEG mode on it because it's a file size.

And what I've been doing is to draw up all my images in line and the motion is complete already, because that's what I was taught. You know, thank goodness for Mr. Mills. But I guess what I'm trying to do is set up my own production studio because I have to do the pilot. But what I had to develop was a formatting process in order to accelerate the drawing process. And my only concern as a new producer, independent producer, is copyright. These elements of copyright that, like down the road like you're talking about pension plans. Well if I do set up some type of independent studio, that the employee rights are protected, that their long-term pension rights, you know. We all get older. Like in 10,000 days I'll be 25 years older, and I'll be 68 if I make it.

But the thing is what I've been going for these 1,000 days was developing the administration process, all the, basically the whole gamut because I'm trying to prove a point. If we had the freedom of movement 100 years ago, I believe a lot of social problems we're experienced, we would have already solved them by now.

Because I'm inspired by people like Spike, you know. What's his . . . [inaudible] . . . Spike Lee, the one I mean. He used a credit card to do a movie. You know, I thought that was amazing. I said, gee I don't have a credit card but he at least had to go meet people.

And you know, I've always known most Canadians are pretty decent, good-hearted people, as are First Nations. The thing is we generally don't have . . . Like this is very, I feel comfortable here. I don't know why. I usually don't. But it's simple because I could feel there's good people in this room. And you know, to me that's, you know, that's all I got sometimes. So I don't know. Sometime I just, I drift. Sorry.

The Chair: — Ms. Morin.

Ms. Morin: — Just one quick question. I notice from your brief that you're also a writer and independent producer which you just spoke to. But in terms of your writing, does that have to do with your artwork that you're going to be using in terms of producing something or have you done some writing already?

Mr. Brass: — I've done writing in a classic way where I had an

understanding like history. See, in our culture we have the seven-generation perspective. And I just jokingly say it's 100,000 days and that's about 250 years. We've begun . . . So I did a writing on that. I photocopied like 100 times and I hand it out freely to 100 times anyone like who wanted a copy. So that's how I . . . I'm just a classic writer. I'm not in for the money yet. I'm just trying to get my message out there that there is a better way.

Ms. Morin: — I was just wondering if you'd been published or anything and whether . . .

Mr. Brass: — I wish I could.

Ms. Morin: — Yes, one of the writers' guilds or associations . . . Okay.

Mr. Brass: — That's one of my weaknesses. I'm not good at selling myself. I never . . . I do need someone. If there was a collective agreement, I wish there was someone I could contact to help me market my productions or my material or whatever, my writings because it's just a glaring weakness of mine that I'm very aware of.

Ms. Morin: — I'm sure once people get to know you that they'll want to do that for you at some point. So thanks a lot. I appreciate it.

Mr. Brass: — Yes, thank you.

The Chair: — And thank you on behalf of the committee for appearing and for giving us your written submission. As well, I just wanted to tell you that not only are we listening to you but a lot of people are listening to this televised across the province. And so the artists' community has also heard you. Exactly. You're on TV so you've reached a lot more people than you thought you did in this room.

Mr. Brass: — I hope and pray for the best for all our people in Saskatchewan.

The Chair: — Thank you.

Our next presenters are the Canadian Actors' Equity Association. Welcome to the committee. Thank you for appearing today and also thank you for giving us your submission ahead of time. If you could just introduce yourselves and then however you want to proceed, walk us through or highlight it, however you want to proceed with your presentation.

Ms. Wallace: — Sure. I'd like to introduce Marianne Woods who is our councillor for Saskatchewan, sitting beside me. I'll be presenting our brief. We have submitted it in advance. My name is Susan Wallace; I should tell you that. I'm the executive director of Canadian Actors' Equity, and I'm also rummaging in my purse for just a moment so please bear with me.

I'm not sure if you had an opportunity to peruse our brief and whether you would like me to actually just respond to questions from you. I'm sure you've probably heard many of the same things over the past three days, and I don't want to bore you.

The Chair: — I think it would be useful if you would just highlight some of the key points. Ms. Crofford.

Ms. Crofford: — Yes, if you could just start out because we realize that there was some confusion earlier about what is the difference between Actors' Equity and ACTRA [Alliance of Cinema, Television and Radio Artists].

Ms. Wallace: — Sure. Canadian Actors' Equity Association is the professional association that represents artists working in the live performing arts, and that would be theatre, opera, and dance and in English-speaking Canada. There is a counterpart called l'union des artistes that is the French equivalent. And ACTRA, the association of Canadian television and radio artists, is the equivalent of our organization but for recorded media — so film, television, radio, and digital media.

The Chair: — Now if you just want to run us through the key issues that you see.

Ms. Wallace: — And I believe I have 10 minutes. Is that right?

The Chair: — We have half an hour so however you want. We'd like to ask a lot of questions. So if you can keep your actual presentation fairly brief, half the time at least, we'd like to have time for questions. Thank you so much.

Ms. Wallace: — Well first of all I would like to start by commending the Government of Saskatchewan and Minister Hagel for pursuing this with the diligence that he has and that the government has over the past couple of years, and for sending this to this committee for further discussion of some elements that could at some point perhaps be included in the legislation that would really give it teeth and meaning to artists working in the province.

My submissions are going to be restricted to those based on the experience of my organization and those of our artists working in Saskatchewan. Equity has approximately 5,000 active members working from coast to coast to coast in Canada at any given time. About 1,200 of those will be actually working; the rest will be looking for work. Of those, there are approximately 100 that make their full-time residence in Saskatchewan, but there are many more that come to work in Saskatchewan from time to time from other parts of the country, as there are artists from Saskatchewan who travel outside of the province to work everywhere else across the country.

So we are certified under the federal Status of the Artist Act to represent this sector that we represent which is live performance English language. And we are also certified as the representative of that same sector in Quebec for the purpose of their legislation.

We would like to address primarily the issues around collective bargaining and specifically the questions that have been posed by Minister Hagel when he sends a matter to you for your consideration. Many of the other aspects in your recommendations are as important to working artists — things with respect to taxation, socio-economic status — but the number one key factor to improving the lives of working artists in our view is access to mandatory collective bargaining. And that's the prime focus of the submission that we've made.

We hope that when you do go forward to draft collective bargaining legislation that will address the needs of professional artists, you will follow the models that have already been laid down for us by the federal and the Quebec Acts which begin with the working premise of sectoral certification. And I'm sure that by now, after having heard from the American Federation of Musicians, ACTRA, and any other organizations of like standing, you're all familiar with the concept of sectoral bargaining. I can stop on that though if you wish.

Ms. Morin: — You should probably elaborate on that some more.

Ms. Wallace: — Sure. Unlike a traditional workplace where we see trade unions operating under a provincial labour relations regime, professional artists have benefited from sectoral recognition both historically in how they've gone about doing their business voluntarily and then amplified through the legislations as they were drafted in the federal sphere and in Quebec.

And what that would mean in essence is instead of waiting for a union to approach a workplace, organize the workers in that particular workplace through carding and then through a certification vote and then a request for a first contract, instead an organization like Equity would come forward to a certification body — a tribunal of sorts if you will — and demonstrate to you that we are representative of a certain sector for the purpose of bargaining. So in our case it would be artists working in live performance in English.

And absent any proof that there is another better organization out there to do that — and there should be some tests elaborated around that so that there could be challenges — we would be granted a certificate to represent all artists working within that sphere and could then not have to go through the very time-consuming process of going workplace by workplace, which in a arts environment is not practical or feasible and very, very expensive. Usually the working times are very short, and the engagers or producers or presenters are highly mobile. So the sectoral certification is the most practical and the most historically accurate.

Now whether or not that needs to be through a separate tribunal or could be handled through the existing Saskatchewan labour relations Act, I think our organization is a little bit at odds with the recommendations that have come from your own minister's advisory committee on status of the artist, in that we do not support the idea of a separate free-standing tribunal but believe that the whole matter could be housed within an existing framework that you have already in your own Labour Relations Board.

The purpose of an Act for collective bargaining for artists is labour legislation like any other. And even though it is seeking to bring artists into its purview, there is nothing fundamentally artistic about that. It is labour relations, and you have a very qualified tribunal already in existence that could help ascertain the certification of organizations like Equity and then be available for any other purpose that an ordinary labour relations tribunal is there for — jurisdictional challenges, unfair bargaining complaints, things like that.

So that would be our submission to you with respect to where to house any future labour regime for artists.

The Chair: — Do you want to continue on highlighting your brief?

Ms. Wallace: — I'm fine to take a question if there was one.

The Chair: — What does the committee want? Okay, Ms. Crofford.

Ms. Crofford: — So if there's certification and on a broad basis an agreement about what a standard would be, would there also be individual workplace certification if people so choose?

Ms. Wallace: — It should not be necessary to have to have individual workplace certification once a certificate has been granted for a particular realm of artistic genre. So if, for example, Equity is certified to represent artists who are working in theatre and dance and opera, then any producer, engager, or presenter who wishes to work with artists of that nature would be then available for us to go in and request recognition and to bargain either for his contract or to arrange for the engagement of the artists.

Ms. Crofford: — So it's not that there wouldn't be an agreement in that workplace. It's a question of who bargains it.

Ms. Wallace: — That's right. And there wouldn't need to be a case-by-case vote taken on each instance. Usually by the time those kinds of things are done, the engagement of the artists is finished.

Ms. Crofford: — And let's see, I had one other question but I can't remember it right now, so I'm going to have to let somebody else . . . I should have written it down.

The Chair: — Ms. Draude.

Ms. Draude: — Thank you for your presentation. I have a couple of questions. You said that your group would go in and would demonstrate that you could be the voice of the people in that sector. Now if you're going in to ask for that vote of confidence or that you can be that person, that voice, how would we know that you are basically, that you are favoured by the majority of the people that you want to represent if there hasn't been individual vote?

Ms. Wallace: — I can give you the example of how we demonstrate that under the federal legislation. We provided a membership list. We provided our constitution and bylaws and how that describes membership in the association. And there was a period of open hearings where any organization who believed that they could show that they were more representative of the sector was able to challenge us. And there were hearings in front of the certification tribunal for that purpose.

Ms. Draude: — So then anybody who may want to represent this group would do it after your group had already presented a submission, would they know beforehand that you were working on it and that that was your goal was to be that voice,

or would they just all of a sudden find out by being told that there was a conference going on?

Ms. Wallace: — The way it was handled under the federal law and in the Quebec legislation was there was an advertised open period for any organization who wished to, to depose a request for certification, and so all of them were heard at the same time. It was advertised publicly in media across the country, and organizations from across the country deposed for particular sectors. And as a result of those depositions, there were a number of challenges.

We were challenged, for example, on our representativeness with respect to dancers because there was another organization representing dancers. And eventually there was a hearing, and evidence was led as to how many collective bargaining agreements existed, how many active members, what services do each of the organizations provide, do they provide health and pension benefits for their members, do they provide access to dispute resolution, do they provide contract enforcement — all of those things were looked at, and in the end a decision was made.

There was a case in the Quebec Act where representation over directors was fought out between two unions. And in the Quebec situation, they ordered a vote, a province-wide vote, for any professional artist who considered him or herself a director to vote for which organization to be represented. So there are many ways that that could be handled.

Ms. Draude: — Thank you, and I just have one other question if I may. You had indicated that you believe that Labour Relations Board in Saskatchewan could be the board for the adjudication.

Ms. Wallace: — I do.

Ms. Draude: — Are you worried at all that because there is this specific interest — the music, the arts sector is very different than the retail industry — and there can only be an expectation from . . . A group of individuals, regardless of who they are, sitting around a table can only be experts in so many areas. Would that cause you any concern that there wouldn't be specific knowledge of your sector around the LRB [Labour Relations Board]?

Ms. Wallace: — It would not, actually. Most of our collective bargaining agreements that exist right now exist on a voluntary basis. They're entered into by us with producers or engagers who want to hire our members. And they all provide for dispute resolution mechanisms, and they all provide for grievance arbitration. And inevitably whenever we end up in front of a . . . pushing a grievance all the way through to arbitration, we get the same panel that the LRB puts out.

We are in front of experienced labour relations arbitrators, people who sit as Chairs, Vice-Chairs on boards. They are looking at the same thing. They are looking at contract law. They're looking at what is the history of the bargaining relationship, what does the contract say how our particular clause is interpreted.

And it is the purpose of the parties to any dispute resolution to

educate their arbiter about the particular reality of their workplace. Whether it is a dairy plant or a theatre, those realities all need to be brought into focus in any dispute. And arbitrators and adjudicators are intelligent, qualified people who are all bound by certain sets of regulations that are put down for them by the legislature through the law and the regulations and layout. For example, the federal tribunal uses the Canada industrial relations standards when it adjudicates all matters before the tribunal.

Ms. Draude: — Thank you.

Ms. Wallace: — You're welcome. The other issue I wanted to put forward to you is that resources for artists and the arts in every province — and this one as well — are scarce and they are not as abundant as we would like them. The fear is that if there is a separate tribunal, that that's taking needed money away from artists in this province. That kind of money could better go to endowing further funds to the arts councils, for example, to providing grants for more education on the arts in schools. That's money that would be needlessly taken away from other viable arts programs in the province when you've already got an infrastructure that's available as a resource to you already. And so that's I think the most important point on why we would not want to see a separate tribunal. It could be taken as money away from the arts.

The Chair: — Thank you. Mr. Iwanchuk.

Mr. Iwanchuk: — Okay. Yes, just a question, I haven't quite seen this. In Quebec do they have a separate commission that deals with, or is it the . . .

Ms. Wallace: — Yes they do, and it goes by the very unfortunate acronym of the C-R-A-A-A-P [Commission de reconnaissance des associations d'artistes et des associations de producteurs].

Mr. Iwanchuk: — Right. Okay. I mean because I know people . . . We haven't really been mentioning this a lot. We've talked about the federal. One of the other things in the federal that you speak of where the . . . Quebec seems to talk about representative votes. In the federal there are no votes or at least we've heard that there might not be votes. What are your thoughts on that?

Ms. Wallace: — As I was explaining earlier, I think because we don't have a membership, a definable membership other than the people who already have cards . . . There are more people out there who are professional theatre practitioners, for example, than are members of Equity but who would still from time to time work professionally and want to be able to have access to a strong contract. I'm not sure that we feel strongly one way or the other which is the best way or the better way. The hearings that the tribunal undertook were first-cert occasions and so they heard evidence. They looked at the history. They were trying to carve the ground from the beginning.

In the Quebec situation that we talked about before with the directors, there were two organizations that had two membership lists, if you will. And so the tribunal there was able to put it out to a known group of people. But when you're

talking nationally, that's a little different story. That could work maybe in Saskatchewan, but it wouldn't take account of the highly mobile workforce in professional arts that come in and out of the province from time to time and would be affected by the working conditions laid down by an organization but might not be here to vote on it because they live in Newfoundland or Vancouver or Toronto. So I would think that the organizational certification process would probably be most viable.

Mr. Iwanchuk: — Okay. I guess I ask that question because in terms of . . . We've had discussions here of questions about representation, and of course, am I represented, and I will, you know, by individual artists — and will I be just automatically covered by this? You know, I see my rights, you know, leaving. And the committee will have to struggle with this in terms of developing this. So I thank you for your comments on the federal. That was one of the bases of my question.

But the other point that was raised even by the AFM was the duty to bargain in good faith. And I know they very passionately spoke about a situation. And I was just wondering . . . and also I guess the conciliation and first-contract arbitration. Have you had experience with any of those?

Ms. Wallace: — I just want to touch back on the initial concern and then come to those questions. I think the way to handle the initial concern about artists who might not wish to be associated with organizations is to follow the federal model, which is the Rand formula. If you don't want to join, that's fine. But while you're working under that contract and availing yourselves of the benefits of the union, you pay a permit fee of some sort and then you go on your way. So that would be to your first point.

Mr. Iwanchuk: — You might want to expand on that and just explain the Rand formula maybe a bit.

Ms. Wallace: — Under the federal Act and based on certification by art form or genre, if you will, the organization who is chosen to be the most representative — so in our case, Equity for theatre in English — now has a duty to bargain on behalf of all artists working in that sphere, whether or not they are members or not.

And we can bargain with an engager to provide for the ability of those artists who are not yet members to join, but we cannot force them to join if they do not wish to do so. And that's fine. But while they are working with an engager who falls under the certificate, they will pay a permit to the union to get the benefits — the insurance plan, the health and safety provisions, and access to dispute resolution and contract enforcement — for a fee. But they are not in any way expected to be forced to join an association if they do not wish to. And it's not our position at all that they should. That would be an absolute infringement on their freedom of association. So that would be to that point, and then I now need to be reminded what your other one was.

Mr. Iwanchuk: — Maybe just while I have you on this because the other questions were the, your experience with bargaining in good faith, the first contract and the conciliation. But the other point I had: in the legislation, and we'll be, we've just looked at it briefly, but in the federal legislation, what was the language like in comparison to the Quebec language? For example would it be, would the use of collective bargaining be in there with

words like bargaining in good faith, or similar to the Canada Labour Code? How do you find that, or have they sort of set up a separate, for their own world, language that they use?

Ms. Wallace: — I think when you examine the language under both statutes, you'll find that there is some very strong differences from standard labour language. And one of them is, instead of calling them collective bargaining agreements they call them scale agreements because most contracts for artists establish minimums only. And most artists are, depending on their scale and talent, able to negotiate more than minimum, more than scale.

And so in the same way that a professional hockey players' association negotiates with teams for scale, artists' unions negotiate for scale, and depending on who the stars are, they can negotiate for above that. So the agreements in the federal and the Quebec Act are called scale agreements. So those kinds of language tweaks are there to recognize the reality of who the members of our organizations and who the working artists are.

But otherwise the language is actually fairly similar. And as I pointed out to you before, the federal Act is specifically governed by the Canada industrial relations rules and regulations. So we don't strike; we apply pressure tactics under the federal Act. But the intention is the same, and it's to push for a first contract and to allow for withdrawal of service in the event of a failure to agree.

Mr. Iwanchuk: — Okay. And I guess the other, the first-contract arbitration and . . . probably more the first contract than conciliation services, what have you had experience with?

Ms. Wallace: — I've had experience with both. Both are equally satisfactory. I would think that the ideal situation is one where there is access to mediation to bring the parties to a first contract within a reasonable period of time, but that both after a reasonable period of time would have access to some form of conciliation or arbitration for a first contract. There have been experiences in the federal regime that without access to that, negotiations tend to go on forever and ever. And that can be debilitating to an artists' association when we're stuck in a negotiation going nowhere. So a little bit of both, if it's possible. We have some actual locals in Alberta where the artists there are actually employees. So we do have access to the labour relations mechanisms there, and on behalf of an engager we've applied and received mediation toward first contract, and it's worked very well.

Mr. Iwanchuk: — So I would take it you'd say what's good for Sidney Crosby and the Pittsburgh Penguins is good for artists, is . . .

Ms. Wallace: — Absolutely.

Mr. Iwanchuk: — Thank you very much.

Ms. Wallace: — You're very welcome.

The Chair: — Ms. Morin.

Ms. Morin: — Just to follow up on a question that Andy asked here. You have referred to the differences in language. I'm

finding that interesting because you're saying that it's not called collective bargaining agreements, it's called scale agreements, but the intent is the same. And you said that withdrawal of services is not referred to as a strike, but rather . . . I've forgot what the term was.

Ms. Wallace: — Pressure tactics.

Ms. Morin: — Pressure tactics. Of course. Anyway, so from your experience and from your experience particularly with the community, the arts community, if push come to shove, if I may use that . . . I mean an apple is an apple. So would it make more sense to use the language with respect to labour relations language or does it make more sense to use these other languages even though they mean the same thing as the term strike and collective bargaining agreements?

Ms. Wallace: — Well one of the things I think we have to be most mindful of is that artists, professional artists for the most part are independent contractors and so we do have to have some sensitivity about the requirements of independent contractors that are not the same, that are not the same as an employee or a worker in a general workforce environment. So for example, scale agreement does reflect the ability to work for more whereas in a traditional labour situation that's absolutely prohibited. That's exactly why we have unions, to stop that. So those kinds of things, I think, do need some deference.

But we do have good working models already, translated English and French, in both the federal and in the Quebec situations. So I think that's a fine tuning situation. Really what we have to have is attention to the overarching big picture, which is, as independent contractors, the artists need protection from the Competition Act, that they should not be subject to allegations of collusion and price fixing as they currently could be and have been in the past when engagers decide they don't want to bargain with an artists' association to improve their working conditions or their socio-economic status. So those kinds of things I think do need diligence and attention.

And we have to be very careful. I know that there's a jurisdictional issue there between federal and provincial governments and how far your government could go. But there is a submission, I think, by the Saskatchewan Arts Alliance, that's proposed a model that I think is very realistic in how to deal with that.

Ms. Morin: — Thank you very much.

Ms. Wallace: — You're welcome.

The Chair: — Mr. Elhard.

Mr. Elhard: — I missed some of the earlier discussion but I want some clarification on the Rand provision. If I understand you correctly, an individual who does not belong to your organization can come work for an engager that is included in the collective bargaining process, pay a fee to perform there. But I wasn't clear on what happens with the pension contributions and the other things. That performer is required to contribute to the pension plan?

Ms. Wallace: — It would depend on what the agreement says

with that engager. Some, yes, and then they get the benefit of those provisions. Some don't. It's all negotiable, producer by producer. And we've got experience with every variation.

Mr. Elhard: — So there are situations where somebody may not be a member of the organization, of the Actors' Equity — or, is that the official title here? — but they contribute to the pension plan and could actually lay claim to pension benefits at some point in the future?

Ms. Wallace: — We don't have a defined benefit plan. It's a group RRSP [Registered Retirement Savings Plan], so they could certainly take their money out, yes.

Mr. Elhard: — Okay.

Ms. Wallace: — But while they're working, they pay insurance, they would be protected. They would receive benefits if they were injured or became ill. Yes.

Mr. Elhard: — Okay. Thank you.

Ms. Wallace: — You're very welcome.

The Chair: — Mr. Iwanchuk.

Mr. Iwanchuk: — Sorry, one final question. In terms of federal and Quebec, how is it determined under which, where you fall? Like are there disputes in that or . . . I say that because one of the strong messages we've gotten is, don't mess with what we've got and so . . . But if there is a dispute, how do we know where it should go? What should we be aware of here?

Ms. Wallace: — Now I'm understanding a jurisdictional dispute?

Mr. Iwanchuk: — Well I'm not certain. I mean, when would we . . . If we had the Labour Relations Board here and we have the federal and you have a dispute, is it just simply do we look at for certification and that's what gives us the lead or how do we do this?

Ms. Wallace: — I think to get a handle on it, you have to kind of go back to the British North America Act and figure out who falls into provincial jurisdiction and who falls into federal. And believe it or not, the federal jurisdiction is pretty tiny. There are very few federal producers, certainly in live performance. There are very few.

With ACTRA, maybe more. They've got the CBC [Canadian Broadcasting Corporation], National Film Board, the CRTC, all that kind of stuff.

Mr. Iwanchuk: — So that's basically just . . . I mean, I just thought maybe there'd be certain disputes that would be . . . you know, which board you would go to.

Ms. Wallace: — We would only take a question to the federal tribunal when it has to do with a federal producer. So that's the National Arts Centre, the National Art Gallery, the National Archives, those federal entities. Air Canada perhaps — I don't see them hiring theatre people, but that's where that would go.

The rest, the vast, vast majority all falls in your sphere. It's provincial. It's labour. It's you. And without it, we can't make any progress with engagers who are recalcitrant, who are working with artists in the live performance, in particular. And I do not speak in any way for artists working individually as writers. They have completely different issues.

But interpretive artists who are working in groups, in large groups, are often asked to work in abysmal and appalling unsafe working conditions where there is no recourse to any remedy for them. And I would just ask you to cast your eye down the street to the Regina casino where that goes on every day — every day — with no access for us to improve the working conditions of the artists working in that environment because they just say no, and we have nothing that we can do.

Mr. Iwanchuk: — Thank you.

Ms. Wallace: — You're welcome.

The Chair: — Ms. Crofford, did you have the rest of your question?

Ms. Crofford: — Yes. I just have one little comment, and this is really for the sake of historical clarity. At the beginning of your presentation, you commended Minister Hagel for his continuing moving forward on this. But I think I'd be remiss if I didn't just acknowledge Sheila Roberts who has been absolutely steadfast on this issue and has probably led to the steadfastness of many ministers. So just to have it on the public record, that ministers do wonderful things and they come and go, but often it's the community who pushes things forward. So I'll just leave it at that.

Ms. Wallace: — If I could echo that, as Sheila's fingers are on my back too.

The Chair: — I see no further . . .

Ms. Wallace: — For the rest of us, we really do applaud the initiative and thank you for it. You stand to do a great deal of benefit for working artists in this province of all stripes, and you are to be commended. Thank you.

The Chair: — And thank you for your presentation.

Ms. Wallace: — You're welcome.

The Chair: — The next presentation is the Writers' Union of Canada and with the Saskatchewan branch. Thank you. Good afternoon. If you can introduce yourself and we don't have any of your material so we rely on you to give the presentation to us.

Ms. Siggins: — Thank you. My name is Maggie Siggins. And I've been a writer in Saskatchewan since 1983. I am here representing the Writers' Union of Canada, the Saskatchewan branch. I'll tell you a little about what this organization is. It's a national organization of over 1,500 professional book writers. You have had to have written at least one trade book, popular book, in order to be able to belong to this organization. So it's a professional organization as opposed to the Saskatchewan Writers Guild, which I also of course am a member. Of these

1,500 professional writers, 50 of them live in Saskatchewan. And if you think population-wise, that is a very large number.

I am supposed to read this brief; it's written by the lawyer. But it's late in the afternoon, and I think most of you have already heard just about everything in it. It's technical, and it's really not my expertise. So I thought perhaps I would just tell you — because I have a very long experience as a writer now — a little bit about how I think the Writers' Union of Canada could help writers if they have legislation to back them.

Let me just say to begin that I'm a writer of books — approximately nine at this point. But I also have another foot in that my husband and I own a film company called Four Square Productions of which I'm the creative director and chief writer on that. So I have done a great deal of writing and documentaries and feature films as well.

I guess what I'm here to talk to you about . . . I want to discuss one particular artist, and that artist is someone I called the solitary artist. This is the person who sits in their, his or her attic and writes or paints or composes music. This is the person that often, through their nature, is the least businesslike, is the person that needs to be protected in their business arrangements, the bulk and the most, and is the least protected.

And I think it's this person that you should worry about because this is the most creative person in society as far as I'm concerned. This is the person that is at the basis of all publishing, our wonderful film industry that's flourishing here, all very fine. It would be non-existent if it was not for the solitary artist. In any way that that person's livelihood can be improved will be of such enormous benefit to this province, I can hardly imagine it. You've probably all heard what dastardly lives some of these people live, how low their income is, and it's quite true. I've been through it myself.

But what I want you to . . . And people often say, well you know, they have to have another job. That's okay. It's like the farmers. You know, you can have a farm. You can go and work in town somewhere. But every time a writer has to go and work as a receptionist in somebody's real estate office or has to even go and give courses somewhere means that the creative energy in this province has been diluted and that you are missing something that is really, really fundamental.

Now I know many, many artists that try very hard. They say okay, I'm going to give up everything in the world and live on, you know, \$15,000 a year or \$20,000 a year. Can you imagine yourselves what that means? It means you can't go to the movies if you're going to feed your kids, basically. It means you don't have a car. Listen, I know lots and lots of writers that don't drive in this province because they can't afford a car.

To be a solitary writer, you know, you can do that for only so long if you want to function in this society. And then you have to say to yourself, no, I want more than that. So I go and I become the receptionist in the real estate office, and I give up three books or two screenplays or music or art of whatever it is.

So I am going to tell you just . . . the Writers' Union of Canada has been in existence for 35 years, and what it has, as I'm sure you've heard, is called a model agreement. And this is an

agreement that they hope that publishers will adhere to. It's not binding in any way, but it's kind of a guide. It's a very low minimum; let me tell you that. And there are writers — and myself included because, you know, I'm old now — who can negotiate fees on conditions far above that, but I would say the most of the writers can't.

Now let me tell you just the kind of things the Writers' Union negotiates, and if such a legislation in place would be able to do so in a much more effective way. When should the writer be paid? Okay, you've got this little mousy person up in their attic. They're not going to sit there on the telephone and say, where's my royalty cheque, where's my royalty cheque, right? When should the writer be paid? That's often not clear.

What should the minimum royalty be? Well you think, you know, 10 per cent. Just think. You know . . . [inaudible] . . . surplus value, surplus, labour value, surplus value of labour? I've forgotten the exact term. But a book is produced, and the writer gets 10 per cent if they're very, very lucky.

So the solitary person sitting in their attic with their dog is . . . On their shoulders, on that person's shoulders is a whole industry, the other 90 per cent of the book. Those are all the people that are being paid. Often they'll get less than 10 per cent because people, writers of books in particular, are such mouses — people that don't know the worth. They won't fight for their own rights. And I guess this is what this committee's all about in some ways.

What is the difference between an e-book rights and multimedia rights? We as writers have to get into all of this stuff now, right. We have to know what the new technology is. And you can say, yes, you have to be entrepreneurs. You have to really, you know, you must know bookkeeping. You must know this; you must know the new technology. Sorry, an awful lot of creative people just don't have that in themselves. You can't be everything. You can't be a great entrepreneur and a great poet. Not many of us can. Maybe some of us can, not many of us.

What information should go into a royalty statement? You think that would be obvious. Listen, if a publisher is on the point of not making much money or is a rather dubious outfit — and you know there's lots of those in the publishing industry, not in Saskatchewan, of course, but other places — they hide things, absolutely no way that a writer can find out about true royalties.

What rights should revert back to the author? Lots of times your book, okay, they publish it. Sometimes they give you no publicity at all so nobody in the world but your mother knows about it. Eventually the rights are supposed to revert back to you, and you're supposed to then go ahead and get another publisher or perhaps get a movie made out of it. But lots of times these details are not very clear in contracts, and you really need an organization, a legitimate organization to act on your behalf.

What will happen if the publishers fail to pay or go out of business? In most cases, absolutely nothing. I have a publisher right now — a very, very large publisher — called Wiley Publishing. It's big here, but it's big in the . . . one of the biggest. They have stolen \$16,000 of my money. And how they did that is they took royalties on the CBC movie *Love and Hate*.

And I don't know if any of you remember that one, was about a certain member of this legislature.

I didn't know that the royalties went to the publisher; it was Macmillan. That publisher was sold to Wiley. I didn't know that I wasn't receiving royalties. And I can't get them to pay this. This is my money, and I have really nothing that the Writers' Union can do because it has no legal standing. And so you know, unless I'm going to pay almost \$16,000 to a lawyer, I might as well just kiss that money goodbye. And there's many, many, many instances of that.

So those are the kinds of things that the Writers' Union negotiates now, but only in a very, you know, loosey-goosey way. The publisher can pay attention, or they don't need to pay attention. And it's the kind of thing that an organization of writers really needs to be represented in a very — what shall I say? — lawyerly, legal, hard way that most writers can't.

So what I'm going to do, instead of . . . I'm going to save you from this entire brief. I'll hand it in from our lawyer — who is a very good lawyer — but it is in lawyerese, so I'll be happy not to read it. I'll read you the recommendation, and I think that just about sums up.

We urge that you recommend a labour relations regime that will provide for certification of artists' organizations representing professional artists and mandatory collective bargaining for minimum terms agreements with producers. This would cover all professional artists working in a particular sector. We also submit that producers should be required to negotiate as groups.

And I'm sure that you've all heard this before, but this is basically what they are saying, and they're backing it up with lots of statistics and stuff that I'm sure you know.

Anyway I'm just here to plead for these people that need protection. If you want a creative industry in this country . . . You just think that the kernel is that solitary artist. It isn't the producer. It isn't the sales representative. All those people are very important and help, but where this comes from and where the spirit, the very spirit of this province comes from is that man or woman who is willing to spend years and years and years all by themselves in a cupboard basically trying to get things down on paper or you know, either in the form of notes or words or whatever. Anyway that's all I'll say. I'll certainly be open to questions if anybody wants to ask me.

The Chair: — Thank you very much for a very eloquent presentation. And I appreciate the fact that you will give us your formal brief, and we will certainly distribute it to the committee members. Questions? Ms. Morin.

Ms. Morin: — Thank you very much. It was a very good presentation. I have one short question and maybe there will be others that come of that. You've given us the position of the writers' association, Writers' Union, as to the support for the status of the artist legislation. The only thing that you didn't touch on that I'm curious about is the adjudication process because we've heard different opinions on that as well. I'm just wondering if your union has an opinion on that that you could, you know, express with us as well and if not whether you could

give us your personal opinion as to . . . The three choices that we seem to have outlined in front of us is that it can either be done through CAPPRT, the national tribunal, or it can be done through a separate commission provincially, or it could be done through the Saskatchewan Labour Relations Board. Does your union have a position on that or . . .

Ms. Siggins: — Yes it does. It wants it through the Saskatchewan Labour Relations Board, and it says that there should not be a separate — what would you call it? — board, not board but a separate commission for that specifically, but that people that sit on the board or sit on the hearings should have a little bit of interest or knowledge in the arts. But they don't think that it needs to be a lot, and it doesn't need to be separate. It's just perhaps some members would express some interest in the arts more than others. Yes, that's part of the brief that I didn't read.

Ms. Morin: — Well it's because I haven't read your brief yet I wasn't sure if that was contained in the brief, and it is one of the issues that we have to struggle with as a committee .

Ms. Siggins: — Yes.

Ms. Morin: — So I wanted to make sure that we had your position on that as well.

Ms. Siggins: — Yes, that's exactly . . .

Ms. Morin: — Thank you very much. I appreciate that.

The Chair: — Ms. Crofford.

Ms. Crofford: — Thank you for your presentation today. I think we've had a couple today that have spoken a little more to the soul of the artist. What I want to ask is, sometimes I think a commonly held view is, well you're a business person like anybody else, so if someone likes your book, they'll buy it. But you're telling us today that even when they buy it, you don't necessarily get the money that's due you.

Ms. Siggins: — You get, you know, your 10 per cent or your 12 per cent usually but sometimes there's crooked publishers and there's no protection against that at all. I mean that happens rarely. There is a committee, I must say, as part of the Writers' Union of Canada, a grievance committee that you can go before, but it's not very effective. It really is not. They can approach the publisher and the publisher can say, you know, too bad, I'm not doing anything. I've had two issues go before the grievance committee of the Writers' Union. Not the Writers' Union's fault, but in both cases they told me to please go and get a lawyer, you know.

So usually because the fees are so small all of the fees will go to, all of the money will go to lawyers' fees. And, you know, I really dislike this idea that writers have to be business people. Do business people have to be writers?

Ms. Crofford: — Now the shoe's on the other foot.

Ms. Siggins: — Yes, you know. The other thing I'd like to say about the solitary writer, sometimes you know — and we think about James Joyce perhaps — this province could easily

produce a James Joyce. The atmosphere, for whatever reason, is here. But James Joyce sold two copies of his original book, right? You cannot judge a writer or a composer or an artist by the number of whatever they sell. That is not the way it works. It never has worked that way and it never will. Creative people do things that rile the society. That's their job. And they do things that upset people and they do things that people don't understand, and that's the only way that you're going to get a civilization moving forward, as far as I'm concerned.

People have to be creative in order for us to move forward as a collective group, and you cannot say oh, a writer has to be a businessman. That's ridiculous, actually.

Ms. Crofford: — Kind of like the inventor whose every invention doesn't go to marketplace.

Ms. Siggins: — That's right. And then, you know, eventually maybe they'll make a lot of money. I can think of writers that made over \$1 million, millionaires over in one night and nothing necessarily to do with them or the work. They got an Oprah. They just happened to be lucky, they got on a . . . But you really cannot consider truly creative people that way.

You know, I spend so much time doing my GST [goods and services tax]. I can see us, you know, we could easily become a nation full of bookkeepers and salespeople. It isn't what we want; we want people that are there that . . . And you know, the other thing about creative people is it's very, very hard work. It is very hard work to sit there and do something that's original. Harder than most people can ever imagine. And so I really, really dislike this idea that somehow or other these people who are often very timid or often very eccentric or often very stupid about things — but brilliant in their field — have to be businessmen. That's my own feeling. And I'm a terrible business person so . . .

Ms. Crofford: — Well I know even living close to an artistic person that sometimes you feel like you're giving birth to the work of art, not merely . . . [inaudible] . . . the same household.

But the other thing I wanted to ask is just the clarity between the writers' union and the writers guild.

Ms. Siggins: — Yes. The writers guild is — I think you've had a presentation already, have you not? — the writers guild is for all the . . . Anybody that considers them a writer can join it. All of you can join the writers guild if you want to pay your \$40 or whatever it is. And for that you get, you know, you get all sorts of services.

The writers' union — and many people in the writers guild belong to the writers' union — is a professional organization. As I said, you have had to have at least one trade book published and therefore you . . . And you go through a certain process. So to have 50 professional writers, book writers, in this province, I think is really a remarkable feat. And the dues are not cheap either. I mean you have to put out now, I think it's about \$200 a year. For a writer, that's a lot of money for an organization. So you know I . . . it's something that we should be very, very proud of.

And can I just . . . Just one more other thing I'd like to say is

that I sat for eight years on the Arts Board. I wasn't supposed to; I was only supposed to be on for six years but the politicians couldn't get it around to appoint other people so I was there. And I always felt such pride that we were the first province in Canada to set up that, the Arts Board.

You know, you think in the late '40s when this province was so poor, who on earth came up with the idea of setting up an Arts Board? And everything that you see now, from your moviemakers to your musicians to your actors to your writers, I think in some ways stems from that initial vision. So why can't we, when we're so rich — and we are, eh, compared to so much of other countries in the world — why can't we now take the next step and really help our artists again?

The Chair: — Mr. Iwanchuk.

Mr. Iwanchuk: — One of the questions that has been raised is the . . . and you mentioned, would it be correct to say you have about 50 writers then in the union?

Ms. Siggins: — So 1,500.

Mr. Iwanchuk: — 1,500. Okay.

Ms. Siggins: — Yes.

Mr. Iwanchuk: — Now what mechanisms do you have? For example people ask the question of, are you representing? Did you have a meeting to, you know, around your proposal or that? How would you meet to sort of find out what the writers are . . .

Ms. Siggins: — Oh there's a very big annual meeting every year. And people come from all over. It's subsidized actually. People that can't afford it . . . well there's not a means test, but if you want, they'll pay your way. And it's usually at some dormitory, a terrible dormitory, in a university. So we can all suffer, you see, as being poor writers. But the issues . . . and of course there's an incredible listserv in which everything in the world gets . . . and writers being writers, they all want to write about it all the time. So it's there. But there is a very democratic process.

And as I say, I was the Chair of the writers' union for a year, so I have a pretty good idea. It's very much a lobbying group. We spend a lot of time in Ottawa trying to get this and that, everything from censorship, which is a very big issue, to, you know, electronic things to . . . We work with the Canada Council to try to get bigger grants. So we're on a national level rather than more just simply on a provincial level. But it's a very democratic organization.

And this annual meeting is a big three-day affair in which we have people from all over the country come and talk, and it goes on and on. And writers talk and come out of their cellar for the weekend.

Mr. Iwanchuk: — Has your union ever appeared before the federal tribunal or any tribunal in terms of . . .

Ms. Siggins: — Oh yes. They have a very, very . . . the woman that wrote this thing is . . . name is Marian Hebb, and she couldn't be here today. It's a little much to ask. But she is

extremely knowledgeable about all of that. And you'll find it in my brief if you just want to take a look at it. It's just that I thought, you know, you've probably heard so much of it, and maybe it'd be better if I tried to express it personally as I am far from being a lawyer.

Mr. Iwanchuk: — Thank you very much. Yes, I think that was one thing we were missing, so I thank you very much for that.

Ms. Siggins: — Thank you.

The Chair: — Thank you. Mr. Elhard.

Mr. Elhard: — Well, Ms. Siggins, you might be far from a lawyer, but you're not far from a salesman or a salesperson. I was interested in your comments about salespeople because in the final analysis, I think everybody is a salesperson at some level or in some way. So I wouldn't denigrate that particular endeavour too much. And you'll be happy to know that you won't have to hire a lawyer to recover some of your losses. I think small claims court allowances or maximums have been lifted to the point where you could probably qualify for a small claims court action.

Ms. Siggins: — I never even thought . . .

Mr. Elhard: — So you might be a lawyer yet.

Ms. Siggins: — Yes, that's true.

Mr. Elhard: — I wasn't clear on the earlier comments you made about writers getting about 10 per cent of the value of a project. I thought initially you were referring to the advance that might be paid to writers, worth about 10 per cent of the total value.

Ms. Siggins: — Ten to twelve per cent is usually the going rate. You sign an agreement. An advance, you understand, is just that, that it comes off your royalties but . . .

Mr. Elhard: — Being a salesman, I understand that.

Ms. Siggins: — Yes, yes. By the way I don't mean to denigrate salesmen. I think they're wonderful. It's just that sometimes writers want the work to sell for them. It's the manuscript, not the . . . [inaudible] . . . That's all I was trying to say.

Yes, it's 10 per cent usually. If you buy a book for \$34, the writer will get \$3.40.

Mr. Elhard: — And that will include everything.

Ms. Siggins: — Yes.

Mr. Elhard: — That will have been your advance and your final payment on the contract.

Ms. Siggins: — That's everything. That's what, that's what you will get.

Mr. Elhard: — I see.

Ms. Siggins: — Sometimes it goes up to 12. And what it does,

it's a sliding scale. The more you sell, the higher your royalty, you know. Do you know what I mean? I mean if you sell, say, 20,000 copies of a book, which is very rare, your royalty probably goes up to about 15 per cent. But I think that that is the top, that would be about the top level. Most people's royalties start about 10 to 12 per cent.

Mr. Elhard: — I see. You indicated that we had about 50 members of the writers' union in Saskatchewan. Five thousand copies sold is considered to be a bestseller in Canada.

Ms. Siggins: — Yes.

Mr. Elhard: — How many of our 50 authors are bestsellers by that standard?

Ms. Siggins: — You might be surprised. It depends on the book, you know. If you start adding them up . . .

Mr. Elhard: — How many of your books are bestsellers?

Ms. Siggins: — All but one. It's true, you know. All but one.

Mr. Elhard: — No, I don't doubt . . .

Ms. Siggins: — We're talking . . .

Mr. Elhard: — That at all.

Ms. Siggins: — No, you know, I don't want to be too negative. There's some very, very successful writers in this province. I'm worrying about the people that are maybe not quite there yet but could be there. I think those are the people that . . . And they're a large number of people, large number of creators, you know.

Mr. Elhard: — See I judge the genre, I guess, by the success stories. You're one of them. Sharon Butala, who I know well from my own community, is one of them. We had . . .

Ms. Siggins: — Guy Vanderhaeghe.

Mr. Elhard: — Vanderhaeghe here the other day. And I mean we know those reputations. So I guess I wonder about why people of your stature and ability and reputation need the protection that we're talking about.

Ms. Siggins: — Well I would . . . I still need protection and because I simply, I simply can't speak for myself. I have an agent now who . . . You know, many of us now have agents. But even, even with that person, if a publisher said to me, you know, this isn't such a great book; I think I'm only going to give you 8 per cent royalties, I just don't have it in me to say no, damn it, if you don't want it I'll give you . . . [inaudible] . . . I just don't.

And it's got something to do with somebody that creates original works. You don't . . . Very few people have the self-confidence to or even the reputation. And you'd be surprised. You're only as good as your last book, I'll tell you. You know, it really is true. Even with somebody with the enormous prestige of Guy Vanderhaeghe. I mean his books sell very, very well. But if his last book didn't, you know, he would be needing some sort of protection or . . . in the next one.

But it isn't, you know, it's never the top few that make it. It's always that sort of middling group that will be, if they ever manage to stick in, or maybe they won't be. They'll just, they'll just always, they'll have a body of work that maybe isn't sensational but still contributes to society in a lot of ways. Not everybody can be at the top of their form. It doesn't mean they're not contributing. And it's those people, I think, to a large . . . [inaudible] . . . They don't have agents. And they are sort of struggling to themselves. And we have a lot of those in this province, really a lot.

And I will say, you know, writers in the film business get paid a lot more because they have an organization that is much, much stronger. And it's just because it's developed out of the movie business where there's a lot more money, you know, floating around, for whatever reason.

Mr. Elhard: — Thank you.

The Chair: — Ms. Morin.

Ms. Morin: — Sorry. Just one more question, Ms. Siggins. And that is, because you're the last person testifying in our three days, I'm going to throw everything at you because I'd like to pick your brain, if that's okay.

We've also heard that there's a sensitivity around language for this particular industry. And we heard that, for instance, collective bargaining agreements are called scale agreements in the federal Act and the Quebec Act, and that, you know, strikes are referred to as pressure tactics. Is that something that you can give us a personal opinion on? I mean, you know, would you rather call a spade a spade or, you know, is the softened language something that you think is more conducive to the industry? What is your opinion on that?

Ms. Siggins: — I don't know if I have much an opinion on it. I mean I had this brief by this writer that's full of, this lawyer that . . . And I completely rewrote it from beginning to end. I turned it into English. I mean I really do think that everybody would appreciate good, strong language that we all understood.

On the other hand, you know, if it means something legally, if it really does mean something, if you have to put in seven words instead of one in order to cover all circumstances, I think people understand that. I would. But certainly it would be a lot better if it was written so that the ordinary playwright could understand it, you know, and it would mean a lot more to them too as a piece of legislation.

Ms. Morin: — Well I mean in normal labour relations terms it would be called, for instance, a collective bargaining agreement and a strike, and this would be somewhat more softened language. And I'm understanding that potentially it's the industry that would feel better about that. And so that's what I'm trying to get a read on, is whether . . .

Ms. Siggins: — Oh, I see. Well it certainly doesn't bother me to have a collective agreement, I'll tell you. I think it's about time, you know. I see what you mean, that they're afraid that they don't want to really be a union.

Ms. Morin: — Right.

Ms. Siggins: — Notice the name of my organization — the Writers' Union of Canada. I think there's a lot of us that have got beyond that actually and really do think that we need collective whatevers and don't mind that language.

Ms. Morin: — Okay. No, that was my concern. Is that a real fear? Is it a perceived fear? Like I said, do people want us to potentially call a spade a spade, use collective bargaining, use the terms that are normally existent in labour relations, right?

Ms. Siggins: — Well it certainly doesn't offend me, and I don't know too many people that it would at this point. I mean, they've just . . . I don't know. I mean, artists have lived with so little for so long I don't think at this point being part of the labour movement's going to hurt them. You know, I don't know anybody that would be . . . I did know years ago. I know exactly what you're talking about because even the naming of the organization came under some debate because of the use of the word union, but I really haven't heard that for a long time. I think it's because of the success of ACTRA and the writers guild which . . . The writers guild, you understand, is for screenwriters. I don't know if they've addressed you or not, but they're much richer than the Writers' Union of Canada.

Ms. Morin: — Well I appreciate your answers and thank you so much for letting us pose these questions to you.

Ms. Siggins: — Okay, thanks.

The Chair: — Seeing no further questions then, thank you very much for your presentation.

Ms. Siggins: — Thank you very, very much for your time. And I too want to thank Sheila so much. I've worked with Sheila on committees — it seems like 100 years ago, but maybe it's not — through the years, and she's the only one I know that's stuck with it and stuck with it. So if anything comes of it . . . and our almost former MLA, my former MLA as well.

Anyway, congratulate you for listening to all this and really having our interests, I hope, at heart. Thank you.

The Chair: — That's the last of our formal presentations, so I would now entertain a motion for the committee to go in camera. Ms. Draude. Is the committee agreed to go in camera now? Thank you. Then we'll wait till the room clears and resume in five minutes.

[The committee met in camera.]

[The committee adjourned at 17:01.]