

PREMIER'S STEERING COMMITTEE ON THE STATUS OF THE ARTIST

Recognition of the Professional Status of Artists

RESEARCH AND ANALYTICAL REPORT ON THE POSSIBILITIES TO BE EXPLORED BY THE STEERING COMMITTEE UPON EXAMINATION OF THE RECOMMENDATIONS OF THE JUNE 2013 FORUM ¹

Analytical Framework STEP 1

February 2015

¹ The Association acadienne des artistes professionnels du Nouveau-Brunswick organized the **Forum on the Professional Status of Artists**, which was held from May 31 to June 2, 2013, with 164 participants, the largest gathering of artists from the Aboriginal, Anglophone, and Francophone communities in the province since 1987. For a weekend in Shippagan, artists and their partners discussed issues affecting the artist's profession and proposed possible solutions for concrete improvements in the working conditions, remuneration, and social security of artists in the province.



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BACKGROUND

This document is intended to support the Premier's Task Force on the Status of the Artist (TF) in the reflection it is undertaking – based on the report on the work of the Forum on the Professional Status of Artists (PSA) – in an effort to prioritize the avenues it decides to pursue in greater depth in cooperation with the government representatives concerned. This will produce the recommendations that will be submitted to the Premier in an effort to improve working conditions for artists and put in place social protection adapted to the realities of artistic work.

The analysis presented is a summary of measures implemented in other models and university research in the field. It was essentially carried out using North American (American and Canadian) and European models. We are fortunate to have access to recent documents on legal work frameworks and the social protection of artists and self-employed workers². The models implemented in Europe, the United States, and Canada offer a wide variety of solutions that attempt to provide better living conditions for artists; some provide inspiration for New Brunswick because they offer a wide range of measures, programs, and avenues to explore in order to find the model most appropriate for the province. This document also suggests some original options to explore further.

Exploring the field of the social protection for artists and independent workers is relatively new, and documentation is not always accessible or available for certain countries in other parts of the world. It will be up to the Task Force to decide on the scope it wants to give to this research and to focus on the models from other countries or continents it considers relevant to explore.

Moreover, special attention was paid to incorporating references, both in footnotes and endnotes, so as not to overload the body of the text and to facilitate the work to come from the subcommittees, thus making documentation available to them that was the basis for the analysis that led to the summary presented in the table. A web link provides direct access to documents where available.

Although the artists indicated their needs with respect to promoting the artist's profession in society and in arts funding at the Forum in June 2013, resulting in recommendations 12 and 13 on those topics, they are not documented here because they are not directly related to the task force's mandate; rather, they are more closely associated with the review of the cultural policy. However, the task force has considerable latitude to take them into account in its recommendations.

It is strongly suggested that the following documents be consulted prior to this one:

- *Towards a concrete recognition of professional artists and their right to make a living from their art*, Report on the Forum on the Professional Status of Artists in New Brunswick, AAAPNB, February 2014. http://www.aaapnb.ca/ftp/Rapport_forumSPA_En.pdf
- Presentation, Forum on the Professional Status of Artists, AAAPNB, June 2013, <http://www.aaapnb.ca/autresinitiatives/files/autresinitiatives/wf/wf/AAAPNB-Forum-Presentation-Mesures-internationales-2013-AN.pdf>

Before getting into the meat of the recommendations of the 2013 Forum on the Professional Status of Artists, an overview of the world of atypical work in culture is presented in the following pages. It is taken from the report on the important initiative that took place between 2012 and 2014 for *Designing a New Structure for Developing Cultural Human Resources in New Brunswick*³.

² See attached bibliography for the list of documents used to produce this analysis.

³ Association acadienne des artistes professionnels du Nouveau-Brunswick, *Designing a New Structure for Developing Cultural Human Resources in New Brunswick* [online] (Moncton: AAAPNB, 2014), http://www.aaapnb.ca/autresinitiatives/files/autresinitiatives/wf/wf/RHC_rapport_EN-2014.pdf

THE WORLD OF ATYPICAL WORK IN CULTURE: SOME BENCHMARKS⁴

Cultural occupations

Employment in the cultural sector is quite different from employment in various other economic sectors.

Atypical work refers to any form of employment that is not a regular full-time position working for a single employer. The following examples illustrate the precariousness of atypical work. A summary is included in a diagram at the end of this section.

Whereas the bulk of employment in Canada consists of traditional arrangements, with employees working for a single employer, at full-time hours, year round, and with statutory benefits and entitlements, a high percentage of workers in the cultural sector are not employed in this type of arrangement.

Instead, many of those working in the cultural sector are in non-traditional employment categories, such as "own-account" self-employed (a self-employed person with paid employees). Rather than holding full-time positions, many are part-time, temporary, or contract employees. Many are multiple job holders, with two or more concurrent jobs. Given the higher incidence of non-traditional employment in the sector, many cultural workers face tremendous uncertainty about employment, hours, earnings, and benefits.⁵

The best measurement of employment considers workforce data collected during the census regarding cultural occupations according to the National Occupational Classification (NOC).

(...) presents a profile of employment in the cultural labour force,, uuusing the latest available data from Statistics Canada. This profile focuses on cultural occupations, rather than cultural establishments, in order to capture those individuals employed in the cultural sector who do not work for cultural establishments.⁶

According to 2011 data for New Brunswick⁷, the cultural sector employs 8% of the total workforce. The table below (National Household Survey 2011) shows that nearly 9,000 people work in the arts and nearly 22,000 are employed in technical support jobs, for a grand total of almost 31,000 direct and indirect jobs.

Without more information on the labour dynamics (the persistence or duration of employment, for an individual) of atypical work, it is difficult what is the result of personal choice or a transition to standard employment. Non-traditional work scenarios include part-time, temporary, overtime, or seasonal contracts, as well as self-employment and free-lance work.

⁴ Excerpt from Association acadienne des artistes professionnels du Nouveau-Brunswick, *Designing a New Structure for Developing Cultural Human Resources in New Brunswick* [online], p. 16-22, http://www.aaapnb.ca/autresinitiatives/files/autresinitiatives/wf/wf/RHC_rapport_EN-2014.pdf

⁵ Cultural Human Resources Council and The Conference Board of Canada, *Cultural HR Study 2010: Labour Market Information Report for Canada's Cultural Sector* (Ottawa: CHRC; The Conference Board of Canada, December 2010).

⁶ Ibid.

⁷ Statistics Canada. (Code 01)(table). "National Household Survey (NHS) Profile." *2011 National Household Survey*. Statistics Canada Catalogue no. 99-004-XWE. Ottawa. Released September 11, 2013. <http://www12.statcan.gc.ca/nhs-enm/2011/dp-pd/prof/index.cfm?Lang=E> (accessed June 27, 2014).

National Household Survey 2011	Employed workers	Self-employed workers
Total NB population in the labour force	351,935	28,685
Domain according to the Canadian Framework for Cultural Statistics (CFCS)	Cultural Sector Employment (age 15+)	
Heritage and Libraries	1,570	-
Subcategory: technical and support	880	10
Total Heritage and Libraries	2,450	10
Live Performance	690	345
Subcategory: technical and support	195	30
Total Live Performance	885	375
Visual & Applied Arts	3,400	865
Subcategory: technical and support	60	-
Total Visual and Applied Arts	3,460	865
Written & Published Works	1,730	175
Subcategory: technical and support	380	110
Total Written & Published Works	2,110	285
Audio-visual & Interactive Media	185	-
Subcategory: technical and support	1,965	320
Total Audio-visua & Interactive Media	2,150	320
Total Sound Recording	65	30
Education & Training	14 870	250
Governance, Funding & Professional Support	960	75
Subcategory: technical and support	2,980	45
Total Governance, Funding & Professional Support	3,940	120
Total Multidomain	475	20
Total CFCS (without Education & Training)	9,075	1,510
Partial Occupations	21,330	765
Total CFCS & Partial Occupations	30,405	2,275

The distribution shows the number of self-employed workers relative to the total number of employed workers in each group.

The double life of professional artists

The majority of self-employed individuals within the cultural sector are first and foremost artists. The following quote describes a situation in which artists juggle several different roles and types of work for payment:

*Artists often work at their art for many years before becoming a professional; they can spend a substantial amount of time preparing to earn income, in training, rehearsal, study, research or in creating a finished product; they sometimes work for a number of engagers simultaneously, or for none at all; they may sell nothing for long periods and then suddenly a great deal; they often have to train and rehearse even when they are working, either as an artist or outside their art; many professional artists must supplement their income with revenue generated from part-time work outside their area of professional expertise, and because of the creative nature of the work, they often have an ongoing economic interest in their complicated work, either through copyright law or contract, and they can receive income from it long after the work is finished.*⁸

The combination of different remunerated activities⁹ is called the double life of the professional artist, whether or not their second income comes from work within the cultural sector or from another sector (a subsistence job). The 2010 study by CHRC included a large-scale survey. The 1,528 respondents – including self-employed and employed by others – stated that an average of 25% of their annual income came from another job in the cultural sector (6%), another job in a different sector (14%), or another source of income (6%).

The double life of the professional artist is a response to the economic risks of being artists and freelance workers¹⁰. The economic risks can be divided into four categories:

- Fluctuations in income: defined as alternating periods of excess and lack of work.
- Underemployment: defined as the possibility of not having enough contracts or clients and, therefore, inadequate income.
- Business risk: defined as the risk associated with developing a product or a service without knowing whether it will be sold or at what cost.
- Obsolescence of knowledge or skills: defined as the possibility of having one's employability decrease because knowledge or skills are not up to date. Self-employed workers cannot count on an employer to plan and fund their individual training, or to cover the cost of the time they spend on professional development. What is even more challenging is that artists and cultural workers must be prepared to compete for work (audition, project, proposal). They must be on the cutting edge of their field, and they must finance this competitive advantage themselves.

⁸ Garry Neil, *Status of the Artist in Canada* [online], prepared for the Canadian Conference of the Arts (Toronto: Canadian Conference of the Arts, 2010), <http://ccarts.ca/wp-content/uploads/2010/10/StatusoftheArtistReport1126101-Copy.pdf>.

⁹ Quebec, Ministère de la Culture, des Communications et de la Condition féminine, *Pour mieux vivre de l'art: plan d'action pour l'amélioration des conditions socioéconomiques des artistes* [online] (Québec: Ministère de la Culture, des Communications et de la Condition féminine, June 2004), http://www.mcc.gouv.qc.ca/index.php?id=3355&tx_lesecrits_pi1%5Becrit%5D=165&tx_cHash=aba840807096fb168f3ffe22de671134.

¹⁰ Martine D'Amour and Marie-Hélène Deshaies, *La protection sociale des artistes et autres groupes de travailleurs indépendants : analyse de modèles internationaux. Cadre d'analyse et synthèse des résultats* [online] (Québec: Université Laval, 2012), https://www.mcc.gouv.qc.ca/fileadmin/documents/publications/Protection_sociale_artistes_Cadre_analyse_synthese.pdf.

Cyclical activity resulting from intermittent work creates a precarious situation shared equally by artists and salaried workers in the cultural sector

Activity in the cultural sector is cyclical in nature, and results from intermittent work patterns. There are periods without income between productions and tourist seasons that may be spent on learning, training, or developing new projects before starting on a new cycle of creation, production, and distribution. Artists are very familiar with this phenomenon, but intermittence also affects many salaried workers, because they work for organizations that are also part of the cultural chain. For organizations, the situation is similar. Their activity centres around time-sensitive encounters with their audience/public (i.e. tours, exhibitions, visits to heritage sites during the tourist season). Organizations depend largely on project funding, which explains the proportion of term or contract positions and the hiring of seasonal or temporary workers.

Cultural workers often transition between subsectors or work in more than one subsector, and within for-profit, not-for-profit and other types of employment. High levels of self-employment are the norm, particularly in visual art and crafts, writing and publishing, and film and television production. Even in subsectors where self-employment has been traditionally less prevalent – in heritage, for instance – self-employment may be on the rise.¹¹

Cyclical activity defines the economy of culture, thus intermittent work is inherent to the sector. Public policy should not exacerbate the challenges of intermittent work¹². The majority of organizations, therefore, cannot offer regular and/or stable jobs 12 months of the year. The consequent movement of self-employed workers between projects and periods of salaried work for organizations is part of this ecosystem. One of the most undesirable impacts of this situation is professional burn-out.

One of the implications of multi-tasking and working multiple jobs is that individuals often work long hours. Nearly a third of responding cultural workers (32 percent) worked more than 40 hours per week, on average, in their chief cultural subsector. Moreover, many of them also spend additional hours working in other cultural subsectors or outside the cultural sector (...). Of those who worked in excess of 40 hours per week in their subsector, 15 percent also spent time working outside the cultural sector, including 3 percent who reported working more than 20 hours a week in their other work. The evident risk of burnout to talented cultural workers is a real concern.¹³

We often assume that salaried employees are much better protected than self-employed workers¹⁴ because employees have regular hours of work, the employer is obligated to play a role in the professional development of the employee, and social policies include precise provisions in labour codes and standards to minimize the other risks. However, salaried positions in the cultural sector may not have the same measure of security. The precarious situation in which cultural organizations often operate does not always allow employers to assume responsibility for the continuing education for their staff. The pattern of periodic employment in the cultural sector often does not meet the criteria of Employment Insurance programs. Salaried workers within the cultural sector are not always eligible to receive EI benefits in order to subsist between projects without the need to seek subsistence work in other employment sectors.

Volunteers are an integral part of human resources within the cultural sector. The significance of their role is reflective of the precarious funding for culture (the volume of work on hand cannot be met by the financial resources available for wages); the profound commitment people show towards their project or program despite the lack of financial resources available; and the motivation of communities to sustain cultural activities.

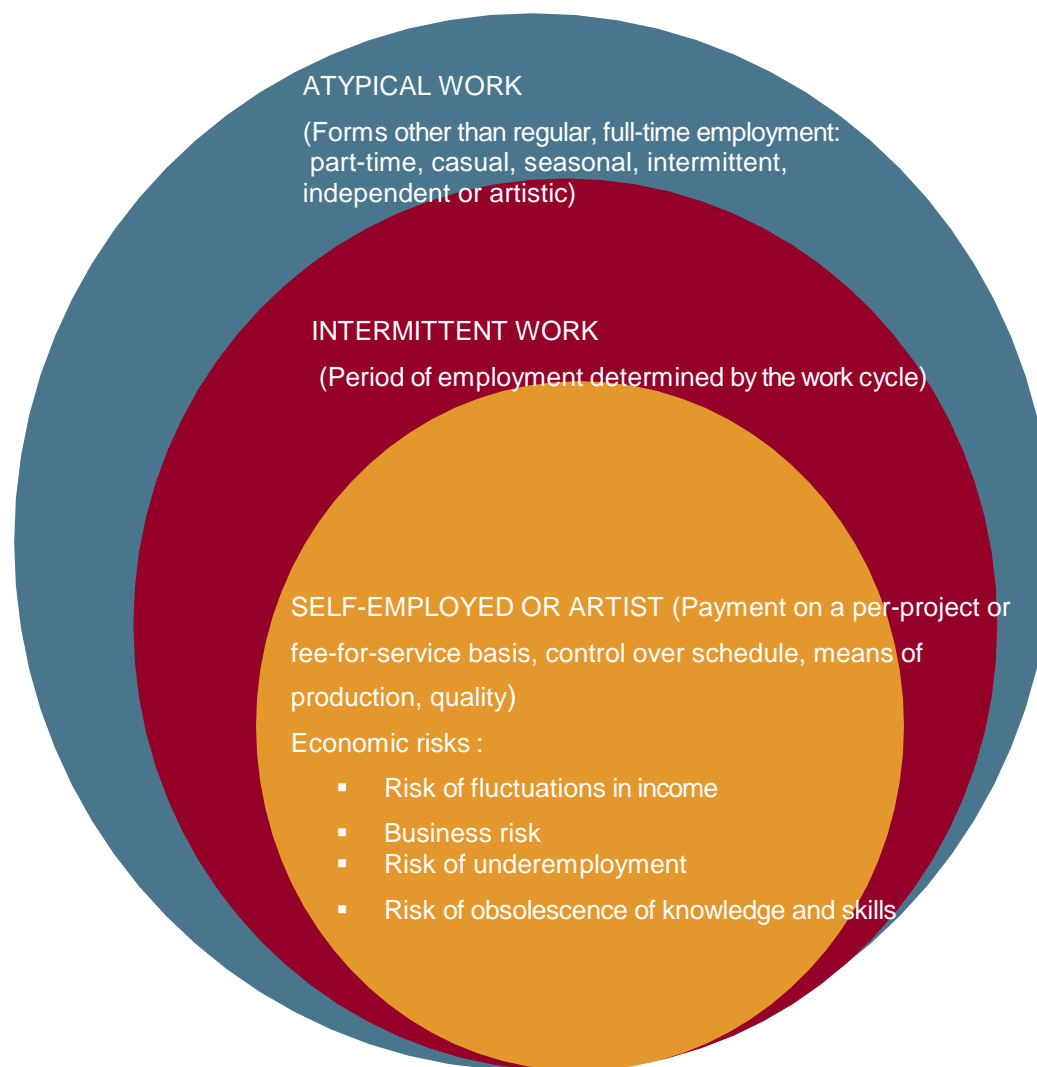
¹¹ Cultural Human Resources Council and The Conference Board of Canada, *Cultural HR Study 2010: HR Trends and Issues Report* (Ottawa: Cultural Human Resources Council; The Conference Board of Canada, 2010).

¹² Quebec, Commission nationale sur l'avenir de l'assurance-emploi, *Réforme de l'assurance-emploi: des correctifs pressants et des perspectives d'avenir* [online], Commissioners: Gilles Duceppe et Rita Dionne-Marsolais ([N.p.]: Commission nationale sur l'avenir de l'assurance-emploi, November 2013), http://www.cneae.gouv.qc.ca/publications/PDF/CNEAE_Rapport.pdf.

¹³ Cultural Human Resources Council and The Conference Board of Canada, *Cultural HR Study 2010: HR Trends and Issues Report*, p. 33.

¹⁴ Cultural Human Resources Council and The Conference Board of Canada, *Cultural HR Study 2010: HR Trends and Issues Report*.

This table summarizes the lack of security in atypical work (jobs that are neither regular nor full-time):



End of excerpt

EVOLUTION OF ATYPICAL WORK

Atypical forms of work have long been considered marginal because few people did those jobs or they were perceived as a way of earning extra income. Not only has this sector become far more numerically significant, for many workers such jobs are one way of being part of the workforce intermittently or on a full-time basis throughout their working lives. For many it is how they work.

Non-traditional work, which differs from the classic salaried form, has grown extensively in all industrialized countries over the past 35 years. Already in 2003, a study showed ¹⁵ that, in Quebec, the percentage of atypical jobs in relation to total employment had increased ¹⁶ from 16.7% in 1976 to 29.3% in 1995. Between 1997 and 2001, it varied between 37.1% and 36.4%.

According to the 2013 report of the Commission nationale sur l'avenir de l'assurance-emploi and according to data from the Institut de la Statistique du Québec, released in 2013, between 1999 and 2012, atypical employment grew at twice the rate of total employment. The total percentage of non-permanent and non-full-time jobs in Quebec increased from 36% in 1999 to 42% in 2012. This report underscores that employment insurance has a role to play in a changing labour market: "These changes... provoke considerable questioning about their adaptation to the new realities of the labour market, especially on the topic of the increase in atypical work." [Translation] ¹⁷

Consequences of this development

Labour laws were designed to cover conventional labour relations and have not been adapted to take these new realities into account. It is often difficult to qualify these new labour relations legally and to determine whether the holders of these atypical jobs will have access to protection plans defined in this way.

¹⁵ Statistics Canada, Labour Force Survey, 2003

¹⁶ J. Bernier, Guylaine Vallée and Carol Jobin, *Social protection needs of individuals in non-standard work situations: synopsis of final report* [online] ([Québec]: Ministère du travail, 2003), p. 5, <http://collections.banq.qc.ca/ark:/52327/bs44643>.

¹⁷ Duceppe-Marsolais report, p. 27, http://www.cneae.gouv.qc.ca/publications/PDF/CNEAE_Rapport.pdf.

PREAMBLE

For about 10 years, reflections on artists' living conditions have emphasized the need to protect both salaried and self-employed workers who live off the proceeds of their work. It is suggested that all dimensions of labour regulations, including social protection, be extended to cover "all workers."

It is hard to imagine collective bargaining in all sectors, which confirms the importance of public plans implemented through legislation in order to, at the same time, permit broader access to labour laws, full recognition of recognized economic and social rights, and the acquisition of rights through a broader conception of work. [Translation]

D'Amours and Deshaies, La protection sociale des artistes et autres groupes de travailleurs indépendants : analyse de modèles internationaux. Cadre d'analyse et synthèse des résultats, p. 41

...in Canada, as in a number of European countries, the only really effective way of providing coverage for all self-employed workers remains to establish or adapt it through legislation.

Bernier Report, 2006
Federal Labour Standards Review Commission

As we mentioned, our main labour laws were designed and developed to meet the needs and expectations of people in a traditional salaried position, and it becomes increasingly evident, year after year, that a considerable legislative effort will be required to adapt our various plans so that they can adequately meet the expectations of atypical workers who we know comprise a significant portion of the working population, and an even higher percentage of those working in the arts.

A step-by-step process for recognizing the professional status of artists in New Brunswick

Whatever the avenue or avenues used by the Premier's Task Force and the government to adapt the regulations in New Brunswick, it is very likely that various acts and other regulations will need to be amended, adapted, or new ones will need to be drafted, and it is unrealistic to think that this can be done quickly, despite the urgency of providing social protection for more people working in the arts and putting an end to the unequal treatment of these workers.

In cooperation with government stakeholders

The success of such an initiative is strongly dependent on the cooperation and collaboration established between those in the arts and representatives of the government departments affected by the needs expressed by the artists. Their participation in the work of the Task Force is very important so we can all consider how to attain the objectives arising from the recommendations of the Forum on the Status of the Artist, based on the priorities deemed appropriate by the Task Force.

Cost

In a period of budgetary restrictions, it is justifiable to wonder about the relevance of exploring avenues that will inevitably require government investment and will lead to an increase in labour costs for many employers, including the government. It might be tempting to only investigate approaches that will not involve seeking additional funding. This is not the same as a new short-term project whose relevance might be questioned, because it is a matter of expanding access to the same social safety net to all New Brunswickers, regardless of their work status. This is a question of equity.

RECOMMENDATIONS OF THE FORUM ON THE PROFESSIONAL STATUS OF ARTISTS IN NEW BRUNSWICK

LEGAL MEASURES: An appropriate framework

Labour relations

1. Official proclamation of the professional status of artists

- 1.1 Status of the Artist Act
- 1.2 Adaptation of the *Employment Standards Act*

2. Collective bargaining

Professional income

3. Remuneration, rights, fees, and fee scales

- 3.1 Recognition of the right to apply fee scales
- 3.2 Establishment of new fee scales and drafting of standard contracts
- 3.3 Promotion of the need to use fee scales
- 3.4 Hiring professional artists
- 3.5 Respect for copyright and fees for reproduction
- 3.6 Resale right

OTHER

Other needs stated and associated with the renewal of the cultural policy

Awareness

12. Promoting the artist's profession in society

- 12.1 Integrating artists into the education system
- 12.2 Educating the public

Funding the arts

13. Grants and bursaries

- 13.1 Support for artistic creation through grants
- 13.2 The relevant authorities should be made aware of the requests formulated at the Forum

Economic risks

4. Underemployment

- 4.1 Employment insurance and second job
- 4.2 Guaranteed minimum income

5. Obsolescence of knowledge (access to training and skill development)

- 5.1 Human resources development mechanism in the cultural sector
- 5.2 Training and professional development
- 5.3 Recognition of skills
- 5.4 Artist in residence program

6. Business risks

- 6.1 Invisible work
- 6.2 Business development: start-up funds
- 6.3 Development of artistic careers

7. Fluctuations in income

- 7.1 Adapted fiscal measures

8. Improvements to income through fiscal measures

- 8.1 Income averaging
- 8.2 Tax exemption for income from art
- 8.3 Income tax changes adapted to specific nature of arts professions
- 8.4 Tax credits for purchase of artworks

Social risks

9. Illness, parenting, compassionate situations

- 9.1 Sick leave, parenting leave, compassionate leave
- 9.2 Incentives for affordable daycare
- 9.3 Group insurance

10. Workplace accidents and occupational illness

- 10.1 Occupational health and safety
- 10.2 Accident compensation
- 10.3 Disability

11. Career transitions

- 11.1 Career transitions
- 11.2 Retirement plan

ANALYTICAL FRAMEWORK OF THE RECOMMENDATIONS ON THE STATUS OF ARTISTS

LEGAL MEASURES		
<p>Labour relations</p> <p>Following an analysis of comparable situations in the world and the New Brunswick <i>Employment Standards Act</i>, be it established which of the following two options is better for artists:</p>		
<ul style="list-style-type: none"> • adoption of a new law that determines remuneration, labour relations, and social protection for artists, requiring all departments, according to their area of competence, to alleviate the economic and social risks associated with the professional life of artists as self-employed workers (law); 		<ul style="list-style-type: none"> • a reworking of the <i>Employment Standards Act</i> to form a group of "government authorities" within a sectoral committee of cultural sector employers, requiring them to adopt, comply with, and periodically review the terms and conditions of remuneration of all artistic practices; artists are thereby considered salaried workers, and their economic and social risks are covered (Adapted <i>Employment Standards Act</i>).
<p>1. OFFICIAL PROCLAMATION OF THE PROFESSIONAL STATUS OF THE ARTIST</p> <p>Creative and performing artists earn their living differently. The former are usually self-employed without a prior contract, and the latter are hired by someone. Artists are generally self-employed workers, earn low incomes, and have no social safety net.</p>		
RECOMMENDATIONS	Canadian initiatives and practices in other countries	Comments possible actions, issues to explore, options
<p>1.1 Status of the Artist Act</p> <p>1.1.1 That a legal definition of artists be determined and that following an examination of Canadian legislation, a collective representation framework scheme be developed for self-employed workers¹⁸, i.e. a collective labour relations scheme to permit the signing of collective agreements setting out the minimum conditions of payment and social security, including the establishment of a retirement fund to which work providers and artists would contribute and which would be supported by the government.</p>	<p><i>A STATUS OF THE ARTIST ACT</i> - Method adopted in Canada¹⁹</p> <p>At the federal level <i>Status of the Artist Act—1992</i>²⁰ Legislator's intention: Enable professional independent contractors in the arts and culture field to benefit from the protection of a labour relations plan by defining them as artists.</p> <p>In Quebec 1987 – Law for performing artists – <i>An Act Respecting the Professional Status and Conditions of Engagement of Performing, Recording and Film Artists</i> 1988 Law for creative artists²¹— <i>An Act Respecting the Professional Status of Artists in the Visual Arts, Arts and Crafts and Literature, and Their Contracts with Promoters</i> Legislator's intentions : State the professional status of self-employed artists with a view to establishing a labour relations scheme adapted to this status.</p> <p>These models benefit independent workers and are based on the right to freedom of association.</p> <p>Other provinces: Some declaratory laws without application of concrete measures</p> <p>Current situation in New Brunswick</p> <ul style="list-style-type: none"> • No special legislative protection • Some New Brunswick artists are members of Canadian professional associations or associations in other provinces 	<p>Limit Laws do not cover all needs or all categories of artists</p> <ul style="list-style-type: none"> • Works very well in Quebec for performing artists¹ : 17 artists' associations recognized and nearly 700 collective agreements signed. However, difficult to apply in a small pool of artists as is the case in New Brunswick with respect to implementing collective agreements. • Relatively ineffective for creative artists (no collective agreement because of their low wages and lack of contributions from presenters) except for implementation of wage scales and individual contracts that are standard between employers and artists. Requires the implementation of additional measures : Does not cover economic risks such as unemployment, invisible work, fluctuations in income penalized by a tax structure not adapted to the situation, does not cover social risks such as workplace accidents and, for the majority, the loss of income owing to illness without group insurance and the lack of adequate income or support for career changes later in life. <p>Advantage of enacting legislation on the status of the artist</p> <ul style="list-style-type: none"> • Political value for official or even symbolic recognition that could be beneficial in the long term <p>Other option</p> <ul style="list-style-type: none"> • Look at the possibility of joining existing associations or unions that could cover New Brunswick. <p>Possible action Social protection of self-employed workers²²</p>

			<p>The Quebec scheme is seen as an example to follow by other groups (e.g. reporters) and inspired the Bernier Report's proposal of a <u>framework scheme of collective representation</u> to help them achieve better social protection with the following characteristics:</p> <ol style="list-style-type: none"> 1. Status providing access to the scheme is the non-salaried person providing a work benefit for others through remuneration or by selling a product that is the result of the individual's personal work for remuneration, a price, or a fee. 2. Recognition and protection of individual freedom of association 3. Right to recognition or accreditation of an association or group of associations of self-employed artists targeting the collective and individual representation of persons in the target sector. <p>Since this scheme practically excludes creative artists, and the option of setting up the schemes based only on contributions by artists is unfair and inapplicable, one alternative would be to seek contributions from the other stakeholders in the sector, so that either the government sets the minimum contribution standards of the various parties (as determined in a federal German law) or it develops a framework allowing the parties to negotiate these standards.</p>
	<p>1.1.2 That other legislative measures designed to recognize the artist's profession be studied, beyond a declaratory law.</p>	<p>The European Parliament passed a resolution on the social status of the artist in 2007, in which it :</p> <p><i>"1. Calls on the Member States to develop or implement a legal and institutional framework for creative artistic activity through the adoption or application of a number of coherent and comprehensive measures in respect of contracts, social security, sickness insurance, direct and indirect taxation and compliance with European rules;</i></p> <p><i>2. Stresses the need to take account of the atypical nature of an artist's working methods;</i></p> <p><i>3. Stresses in addition the need to take into consideration the atypical and precarious nature of all professions relating to the performing arts;</i></p> <p><i>4. Encourages the Member States to introduce contracts for the provision of training or qualifications in artistic professions;</i></p> <p><i>5. Recommends, accordingly, that Member States encourage the recognition of professional experience acquired by artists."</i></p>	<p>An analysis of Canadian laws, except for the Quebec law on performing artists, shows the lack of impact of such legislation on the protection of artists.</p> <p>If this avenue were recommended for New Brunswick, it should be accompanied by :</p> <p>Access to collective bargaining terms and conditions according to different models : Broader access to the general collective labour relations scheme; Juridical extension schemes (decrees) The development of special plans by sector</p> <p>Furthermore, complementary measures should be implemented through the adaptation of existing public programs or the development of specific measures to cover the special circumstances of artists with respect to unemployment, social security (employment insurance, maternity leave, disability), protection for workplace accidents, retirement, taxation, career transition, and training.</p>

¹⁸ The terms underlined are defined in the lexicon.

¹⁹ Françoise Bonnin, "What if I Were Inspired by the Improvements Made by Artists in Canada and Around the World? Presentation of Employment Plans and Social Programs for Artists Around the World" [online] (presentation made at the Forum on the Professional Status of Artists, Shippagan, 2013), <http://www.aaapnb.ca/autresinitiatives/files/autresinitiatives/wf/wf/AAAPNB-Forum-Presentation-Mesures-internationales-2013-AN.pdf>.

²⁰ For example: agreement between the NFB and the Director's Guild of Canada s http://www.dgc.ca/en/national_film_board.cfm; The NFB and the CMPA http://www.dgc.ca/en/dgc_cmpa_standard_agreement.cfm

²¹ Raymond Legault and Marie-Ève Gagnon, "Comments on status of the artist legislation in Quebec (S-32.1 and S-32.01) and other programs" [online] (presentation made at the Forum on the Professional Status of Artists, Shippagan, 2013), <http://www.aaapnb.ca/autresinitiatives/files/autresinitiatives/wf/wf/AAAPNB-Forum-Presentation-Quebec-2013-AN.pdf>

²² Bernier et al., *Social protection needs of individuals in non-standard work situations: synopsis of final report*, p. 30; D'Amours and Deshaies, *La protection sociale des artistes et autres groupes de travailleurs indépendants: analyse de modèles internationaux. Cadre d'analyse et synthèse des résultats*, p. 44-45.

RECOMMENDATIONS		Canadian initiatives and practices in other countries	Comments, possible actions, questions to explore, options
1.2 Adapted <i>Employment Standards Act</i>	1.2.1 Following comprehensive consideration, that collective terms and conditions of safeguarding the career and career paths ⁱⁱ of artists be determined by developing a "professional status of artists" and that this reflection examine the problems related to artists' eligibility for employment insurance and problems related to self-employed workers. That the job categories eligible for employment insurance be expanded, that terms and conditions be put in place for recognition of invisible work (work in preparation for earning income) as well as for medical insurance, retirement, and career transition schemes.	<p>Canada - United States Access to minimum employment standards, workplace accident and occupational illness compensation, and workplace collective bargaining plans is essentially based on the recognition of an employment contract within the common law meaning. This contract contains the same basic elements as those set out in the <i>Civil Code of Quebec</i> defining the work contract. However, some of this legislation defines "employee" more broadly than Quebec law. They include "<u>dependent contractor</u>²³" and exclude, explicitly or implicitly, "independent contractor." Few documents include or exclude atypical workers. United States: Performers and other stage, screen, and television artists are considered "employees."ⁱⁱⁱ</p> <p>British Columbia The British Columbia Labour Relations Board has been the most dynamic in the country in establishing that artists can be considered employees for the purposes of labour relations in the province.²⁴</p> <hr/> <p>International and European law This new non-traditional work situation has been studied for over 20 years and an effort has been made to implement legal tools to provide a better structure for it. Several of the European Union member states have amended their national legislation and have adopted much more restrictive laws.</p> <p>1. Social programs are adapted to take the realities of artists' work into account²⁵ Sweden: No specific scheme for artists because salaried and self-employed artists are affiliated with the national insurance and social assistance plan Denmark: No specific plan for artists because salaried and self-employed artists are affiliated with the social protection scheme.</p> <p>2. Certain categories of artists are considered employees and receive benefits (right to work) France: Specific social legislation, protects performing artists (performers as opposed to creative artists, known as authors, item 3 below) (s.L.762-1 of the Labour Code)^{26iv} Germany: Quasi-employee status</p> <p>Belgium: Since 2006, there has been a social security system for all</p>	<p>Issues Accessibility to social protection depends on employment status. Self-employed workers are often excluded or have minimal coverage when there is a special plan for them but they are not considered employees.</p> <p>Possible action For greater accessibility to labour laws, according to an original proposal by Bernier that would be adapted for artists²⁹ : That the definition of employee under the <i>Employment Standards Act</i> be revised and adapted for artists and include only the following:</p> <ul style="list-style-type: none"> ● A person who works for another person and for remuneration ● Whether this person is or is not an employee or not an employee under a contract of employment; ● and who is obliged to personally do work for that other person in such context or under such terms and conditions that he or she is made economically dependent on that person. <p>For exploration Comparison with other special situations such as construction or fisheries workers³⁰</p>

²³ **Dependent contractor:** Worker characterized by a situation of economic dependence on an employer or work provider.

²⁴ This had an enormous impact, especially in the film and television sector. In order for an agreement to be valid in the province, it must be negotiated and ratified locally. This led to a restructuring of organizational relations. For example, the Union of British Columbia Performers, the British Columbia division of ACTRA, is responsible for negotiating and administering an agreement to cover independent producers working in the province. There are several major differences between that agreement and the agreement negotiated nationally that applies in all the other provinces. Neil, *Status of the Artist in Canada*, p. 17

²⁵ Neil, *Status of the Artist in Canada*, p. 23-24.

²⁶ This assumption is made for the following artists: opera singers, stage actors, choreographers, variety artists, musicians, cabaret singers, bit players, orchestral conductors, arrangers/orchestrators, and directors (for the physical execution of their artistic designs).

D'Amours and Deshaies, *La protection sociale des artistes et autres groupes de travailleurs indépendants: analyse de modèles internationaux. Cadre d'analyse et synthèse des résultats*, page 21

www.fss.ulaval.ca/cms/upload/rlt/fichiers/synth_protection_sociale_artistes_cadre_analyse_synthesesecurev3.pdf

	<p>professional artists that offers complete protection^v.</p> <p>3. Special provisions designed for certain categories of artists: France : Authors²⁷ are considered to be self-employed and are affiliated with the authors' social security system, which entitles them to compensation for illness, disability, parenthood, and retirement.^{28vi}</p> <p>OTHER Administrative, contractual, and financial services:</p> <ul style="list-style-type: none"> • France: Portage salarial (umbrella structure providing employee status for social welfare advantages) • Belgium: Third-party payment 	
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²⁹ Adapted from Bernier et al., *Social protection needs of individuals in non-standard work situations: synopsis of final report*, p. 15

³⁰ Social protection under a particular scheme; recognition of a community (Judge Bastarache vs Individual; similarity with conditions in the construction industry (sectoral table); Community of interest: unionization : which one? Toward accreditation; Place for specific cases.

²⁷ Authors write literary and dramatic works, create musical, choreographic, audiovisual, cinematographic, photographic, graphic, and plastic works and software, and are staggers of dramatic, operatic, and choreographic works. D'Amours and Deshaies, *La protection sociale des artistes et autres groupes de travailleurs indépendants: analyse de modèles internationaux. Cadre d'analyse et synthèse des résultats*, p. 21

²⁸ Summary of the French model

STATUS	EMPLOYEE S	STAGE AND AUDIOVISUAL ARTISTS, WORKERS, AND TECHNICIANS	AUTHORS	SELF-EMPLOYED WORKERS (craftspersons)
Characteristics	<ul style="list-style-type: none"> - Persons deemed to be bound by a work contract - Affiliation with the Régime général de la sécurité sociale 	<ul style="list-style-type: none"> - Presumption of salaried status - Special provisions for unemployment - Specific program for safeguarding career paths - Affiliation with the Régime général de la sécurité sociale 	<ul style="list-style-type: none"> - Mandatory compliance with the Régime de sécurité Sociale des artistes auteurs (scheme attached to the Régime général de la sécurité sociale) - Affiliation if income is sufficient 	<ul style="list-style-type: none"> - Affiliation with the Régime social des indépendants

In short, the presumption of salaried status for stage and audiovisual artists and technicians provides them in principle with a level of protection against social risks comparable to that of employees and enables them to take advantage of overriding provisions with respect to compensation for unemployment. In addition, France has developed a specific program for safeguarding career paths for intermittently employed theatrical and audiovisual workers that seems to be working fairly well (in principle but not in funding) in adapting social protection to atypical work situations. Authors are subject to a specific scheme to which presenters of their work contribute, which makes them eligible for some protection in case of illness and for parental responsibilities. However, because they often earn low wages from their professional activity, they pay their contributions without knowing whether they can take advantage of social protection (47% of artists are subject to this but are not affiliated) and if they benefit it will be in proportion to their income, which means they will receive very little. And like self-employed workers, they have no access to employment insurance benefits, are not compensated for workplace accidents or occupational diseases, and assume the full amount of their basic and additional retirement schemes on their own.

2. RECOGNITION OF THE RIGHT TO COLLECTIVE BARGAINING

<p>2.1 Recognition of the right to collective bargaining</p>	<p>2.1. That legislation be developed and implemented to enable artists to get together to negotiate working conditions respectful of atypical work in artistic disciplines, designed to guarantee working conditions equivalent to those of all salaried workers in the province.</p>	<p>Germany Right to work : Extension of bargaining rights to self-employed artists</p> <p>Canada For many community cultural organizations, the status of artists continues to be synonymous with collective bargaining rights.³¹</p> <p>Artists covered by agreements can receive registered retirement savings plan payments, employment insurance benefits, and others.</p> <p>If unions and guilds of creative artists were organized in the 1960s and 1970s, they have in general not succeeded in negotiating collective agreements. The problems for these unions and guilds are the result of the following:</p> <ul style="list-style-type: none"> • Some artists only receive the contract after they have created the work. • Many artists work alone and have special contracts with the editor, producer, or gallery, which means there is little collective strength³². 	<p>Whatever the means chosen to officially recognize artists' right to the same working conditions as other protected workers, and especially insofar as complementary solutions should be envisaged, official recognition of the right of artists as a group to negotiate adapted working conditions is a foreseeable solution among and complementary to others.</p>
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³¹ Neil, *Status of the Artist in Canada*, p. 7

³² *Ibid.*, p. 7-8.

LEGAL MEASURES

Professional income

3. REMUNERATION, RIGHTS, ROYALTIES, AND FEE SCALES

RECOMMENDATIONS	Canadian initiatives and practices in other countries		Comments, possible actions, questions to explore, options
3.1 Recognition of the right to apply fee scales	3.1. That the government, its departments and agencies and all authorities receiving provincial funding comply with existing fee scales in Canada.		
3.2 Establishment of new fee scales and drafting of standard contracts	3.2. That artists' associations in the province establish fee scales in the disciplines that do not have them yet so that they are available to artists in all disciplines in the province.	Saskatchewan example The law recognizes artists as professionals and the importance of fair remuneration. Written contracts are now required between artists, including performers, and all those who want to hire, employ, or enter into a contract with them in connection with their works or performance. ³³	Importance of implementing measures to permit fair remuneration, through written contracts between artists and all those who want to hire them.
3.3 Promotion of the need to use fee scales	3.3. That the government conduct an awareness campaign among presenters and producers about the existence of fee scales and the importance of complying with them.		
3.4 Hiring professional artists	3.4. That when artists are being hired, the government and departments be required to hire professionals.		
3.5 Respect for copyright and fees for reproduction	3.5. That the government and its agents respect artists' copyright and fees for reproduction of their works.		
3.6 Resale right	3.6. That consideration be given to implementing an act allowing artists to obtain a right or fee on the resale of their works.		

³³ Ibid., p. 15.

GOVERNMENT MEASURES

Economic risks

4. UNDEREMPLOYMENT Non-income period, project development, employment insurance, second job, minimum wage

RECOMMENDATIONS	Canadian initiatives and practices in other countries	Comments, possible actions, issues to explore, options
<p>4.1 Employment insurance benefit</p>	<p>4.1. That tax measures adapted to the conditions of artistic work be implemented with respect to participation in employment insurance.</p> <p>Canada Artists have no access to any special income replacement scheme if there is no work. They are eligible for employment insurance benefits if they have accumulated the required number of hours worked in an insurable job but the lack of continuity of their activity may make it hard to satisfy this criterion. Artists who hold another job and also have income as a self-employed worker through their art are not eligible for regular employment insurance benefits when they are not working, even if they paid the maximum contributions when they were working. If they have no income or resources they have access to social assistance.</p> <p>Quebec If they have no income or resources (individual and spouse), artists are eligible for last resort financial assistance as set out in the <i>Individual and Family Assistance Act</i>. If they have a low income, they may be eligible for a work premium (tax credit). Establishment of self-employed status may provide one year of access to monies and other benefits set out under the Support for Self-Employment measure.³⁴</p> <p>Income allocations Provisions have been made for special adaptations to take into account certain kinds of artistic incomes that, depending on how they have been allocated, may affect the amount of assistance benefits. Hence, income from the Public Lending Right and copyright will be included in the self-employed worker's annual income if the social assistance recipient is still carrying out activities under this status; if no longer working under this status, this income can be divided over 12 months (for the Public Lending Right) or during the period covered (for copyright).</p> <p>France Intermittent workers who have access to unemployment compensation through presumption of salaried status have also, since 2007, benefited from an additional specific program to <u>safeguard the career path</u>: the <i>Fonds de professionnalisme et de solidarité</i>. When the unemployment entitlements are exhausted, artists can access the <i>allocation de professionnalisation et de solidarité (APS)</i> and the <i>allocation de fin de droit (AFD)</i> or last resort assistance.</p>	<p>Fisherman's benefit</p> <p>This is paid to self-employed fishermen. These benefits have been in existence since 1957. Fisheries workers receiving a salary are treated like any other employee. Self-employed fishermen have access to employment insurance if, in the past 31 weeks, their fishing-related earnings are between \$2,500 and \$4,200, depending on the regional unemployment rate. These thresholds have not been changed since 1997. Benefit rates are set according to total earnings in the past 31 weeks divided by a number from 14 to 22 depending on the regional unemployment rate. There are two seasons of benefits for fishing : for winter fishermen, it is from April 1 to December 15, and for summer fishermen it is from October 1 to the following June 15. For each season, fishermen's benefits are payable for 26 weeks regardless of the unemployment rate. Since January 1, 1997, fishermen's benefits have been based on earnings, not on the weeks worked. This particular method is justified by the fact that for these self-employed workers, it was difficult to check hours or weeks. In 2011-2012, \$259 million were paid in fishermen's benefits in Canada.³⁷</p>

³⁴ D'Amours and Deshaies, *La protection sociale des artistes et autres groupes de travailleurs indépendants: analyse de modèles internationaux. Cadre d'analyse et synthèse des résultats*, p. 10 and p. 19.

³⁷ Duceppe-Marsolais report, p. 76, http://www.cneae.gouv.qc.ca/publications/PDF/CNEAE_Rapport.pdf.

		<p>Europe Non-salaried workers rarely receive mandatory protection in the form of unemployment benefits, although the very nature of activities in the artistic sector exposes these workers to regular and unforeseeable periods of unemployment. Freelance or intermittent salaried workers rarely obtain employment insurance even when they pay social contributions unless the system is very specific, as in Denmark, Finland, and France.³⁵ Solutions are being sought by the unions in the form of a voluntary solidarity system as in Denmark and Finland.</p> <p>Denmark: income maintenance The general employment insurance system is based on voluntary participation in an employment insurance fund. A self-employed artist who must close his or her business is entitled to benefits if a sufficient number of conditions are met, such as subscribing to an employment insurance fund for at least a year and having carried out self-employed work activities on a full-time basis for at least 52 weeks over the past three years.</p> <p>Sweden, Belgium, and the Netherlands These three countries have provisions for special financial remuneration of freelance artists during periods of unemployment, but they are all limited in scope and amount to the contribution paid. These systems also need to determine when a freelance artist is "unemployed." For example, a few years ago in Belgium, a musician, novelist, and sculptor all received unemployment benefits. However, since they all continued to carry out their art (playing, writing, and sculpting) during the benefit period, they were declared ineligible and were required to repay their benefits, even without having been paid for their art or having sold their artistic work during the period in question.³⁶</p>	<p>Commission nationale sur l'avenir de l'assurance-emploi, report of commissioners Gilles Duceppe and Rita Dionne-Marsolais, November 2013.</p> <p>Among the recommendations is to adopt a code for work in a cyclical activity sector, and the hypothesis of encouraging training during periods of inactivity. The Commission suggested that the Government of Quebec hold a dialogue with its socio-economic partners to reach a consensus on a formula that would enable it to participate more actively in managing the employment insurance system. This is a longer term project that is likely to open up a broader perspective.³⁸</p>
<p>4.2 Social assistance benefits: guaranteed minimum income</p>	<p>4.2. That a minimum social assistance benefit – guaranteed minimum income – be established in order to consolidate and expand social protection to all artists, both salaried and self-employed.</p>	<p>The principle of a "minimum benefit" is designed to guarantee through a concrete measure written into the <i>Social Assistance Act</i>, that social assistance benefits cannot be cut, in whole or in part, under any pretext. Quebec established a minimum social assistance benefit in 2005, which means that artists are no longer subject to penalties if they refuse or quit a job to dedicate themselves to their art. This removal of penalties for refusing or quitting a job is not restricted to artists, however.³⁹</p>	

³⁵ European Arts and Entertainment Alliance, *Étude relative aux régimes d'emploi et de protection sociale des travailleurs du spectacle et de l'audiovisuel dans les pays membres de l'union européenne* [online] ([N.p.]: EAEA) 2002, http://old.fim-musicians.org/pdf/7_1_1_2_2.pdf.

³⁶ Neil, *Status of the Artist in Canada*, p. 27

³⁸ Duceppe-Marsolais report.

³⁹ D'Amours and Deshaies, *La protection sociale des artistes et autres groupes de travailleurs indépendants: analyse de modèles internationaux. Cadre d'analyse et synthèse des résultats*, p. 11.

Economic risks (contd.)

5. OBSOLESCENCE OF KNOWLEDGE (ACCESS TO TRAINING AND SKILL DEVELOPMENT)

<p>5.1 Human resource development mechanism in the cultural sector</p>	<p>5.1. That the action already taken to develop a new human resource development mechanism in the cultural sector be supported and that sufficient funding be allocated to adequately fulfil this mandate in partnership with the artistic, cultural, and educational community.</p>			
<p>5.2 Training and professional development</p>	<p>5.2. That artists as self-employed workers be given access to training and professional development opportunities like other workers, both in their field of activity and non-cultural fields.</p>	<p>See <i>Les défis d'ajustement des politiques publiques et Les défis du secteur ayant un impact sur les RH</i>⁴⁰</p>		
<p>5.3 Recognition of skills</p>	<p>5.3. That the skills acquired by artists be recognized.</p>			
<p>5.4 Artist in residence program</p>	<p>5.4. That artist in residence programs be developed in government departments and agencies.</p>			

⁴⁰ Association acadienne des artistes professionnels du Nouveau-Brunswick, *Designing a New Structure for Developing Cultural Human Resources in New Brunswick*, p. 23 and p. 31, http://www.aaapnb.ca/autresinitiatives/files/autresinitiatives/wf/wf/RHC_rapport_EN-2014.pdf.

Economic risks (contd.)			
6. BUSINESS RISKS			
RECOMMENDATIONS		Canadian initiatives and practices in other countries	
		Comments, possible actions, issues to explore, options	
6.1 Invisible work	6.1. Following a socio-professional investigation of members of artistic disciplines from the Acadian, Aboriginal, and Anglophone communities to document unremunerated work and the number of invisible hours worked, measures be adopted to deduct creation expenses, including those encountered during periods of invisible work.		
6.2 Business development: start-up funds	6.2. That support measures be put in place for the development of projects and businesses in the artistic sector (start-up funds), with the objective of offering support and advice to individuals with promising projects.	Quebec See the Support for Self-Employed workers measure administered in Quebec by Emploi-Québec ⁴¹ . Recipients of employment insurance and last resort assistance, those who are unemployed and do not have public income assistance, and workers with precarious work status can register to develop a business plan or set themselves up as self-employed workers.	
6.3 Development of artistic careers	6.3. That artists have access to expertise and professional services that will promote the development of their artistic career.	In the Netherlands , under the <i>Artists' Income Scheme Act</i> , there are special rules to support artists launching their career. Young artists can receive a basic income (70% of social assistance benefits) for a period of four years to help them establish their professional careers. An independent consultant looks over the applications and makes a decision. This incentive does not prevent artists from selling their work and drawing a value of 125% of the benefit they are receiving. They are entitled to use this provision for a maximum of four years, which does not necessarily have to be consecutive, but the artists must apply for it within a period not exceeding 10 years. ⁴²	
7. FLUCTUATIONS IN INCOME			
7.1 Adapted fiscal measures	7.1. That fiscal measures adapted to working conditions in the arts be developed and implemented, including granting an artists' tax credit for grants, subsidies, and copyrights received.	Several countries have implemented adapted measures such as: <ul style="list-style-type: none"> • Set premium for deductions for professional expenses; • Spreading of income and expenses over several years; • Tax reduction (tax equivalent to the goods and services tax or harmonized sales tax in Canada); • Tax exemption for self-employed artists. 	

⁴¹ <http://www.emploiquebec.gouv.qc.ca/en/citizens/starting-your-own-business/support-for-self-employment/>; http://www.emploiquebec.gouv.qc.ca/fileadmin/fichiers/pdf/Publications/00_ind_soutien-travail-autonome_A2435_en.pdf

⁴² Neil, *Status of the Artist in Canada*, p. 25-26.

Economic risks (contd.)

8. IMPROVEMENTS TO INCOME THROUGH FISCAL MEASURES

RECOMMENDATIONS	Canadian initiatives and practices in other countries	Comments, possible actions, issues to explore, options
<p>8.1 Income averaging</p>	<p>8.1. That measures be developed giving artists the opportunity to invest part of their income in the purchase of an annuity, thus enabling them to spread taxation of this income over a period of several years.</p> <p>Taxation can play an important role in the cultural field through support measures and especially through adaptation of the general rules to the specific conditions of the cultural sector.</p> <p>In several countries, when income is irregular, a fiscal measure enables artists to calculate the tax amount over an average of three to five years and to average the payment over the same period. Sweden, Germany, the Netherlands, France, and the United Kingdom Averaging income over subsequent years is a mechanism used very often to support artists and other independent contractors. These countries all have measures for averaging income over subsequent years.</p> <p>Australia Australia classifies artists (with some other categories such as inventors and athletes) as "special professionals" who can average their incomes over subsequent years for tax purposes for a maximum period of five years.</p> <p>Quebec In 2004, Quebec established an income averaging system to help artists with incomes that fluctuate from year to year. This income-averaging annuity allows an artist whose income is over \$25,000 to invest a portion in the purchase of an annuity and to average taxation over a period of seven years.⁴³</p>	
<p>8.2 Tax exemption for income from art</p>	<p>8.2. That measures be put in place for deductions from an artist's annual income arising from copyright, bursaries, or grants.</p> <p>In Australia and the United Kingdom, arts grants are exempt from income tax. Grants may be exempt in other countries, depending on their purpose and duration.</p> <p>Example of Ireland The most famous measure of all is perhaps the tax exemption for creative artists (visual arts, authors, and composers) living in Ireland. All income derived from the sale of artwork or copyright to a maximum of 250,000 Euros is exempt from income tax for the year for which the application is made for the exemption. The only taxation of this income is a 5% social assistance mechanism attached to remuneration, which offers a minimum level of insurance and pension.</p> <p>Quebec In 1995, the government introduced a measure providing an exemption from provincial income tax to a maximum of \$15,000 on an author's annual copyright income. The exemption of annual copyright income was expanded in 2003 to include authors' income through a right to a public loan, and the maximum was increased to \$30,000 on a decreasing basis. The 2004 budget further expanded the amount eligible for exemption, adding the copyright income received by performers (related rights).</p>	<p>In February 2006, the Canadian Council of Chief Executives (CCCE) published <i>From Bronze to Gold: A Blueprint for Canadian Leadership in a Transforming World</i>. The CCCE is composed of chief executives of 150 of the main companies in Canada. Among other recommendations, the CCCE called for the abolition of taxes on creativity and cited the Irish model as an example.⁴⁴</p>

⁴³ See http://www.revenuquebec.ca/en/citoven/situation/artiste/achat_rente_etalement_artiste.aspx

⁴⁴ Neil, *Status of the Artist in Canada*, p. 24-25.

		Scholarships, fellowships, and awards for exceptional work are totally exempt. Artistic production grants are included in income, and the higher of \$500, or the total of reasonable expenses incurred to satisfy all the requirements of receiving these grants may be deducted.	
8.3 Income tax changes adapted to the specific nature of the arts professions	8.3. That measures be put in place to deduct creation expenses adapted to the arts professions as targeted following the socio-professional investigation mentioned in recommendation 6.1.	In Germany , most professional artists are covered by tax law as freelancers, with the ability to deduct professional expenses from income earned. In some cases, they can deduct a lump sum from their business earnings instead of their individual expenses. Occasional artists can deduct 5% of their business income, and authors and self-employed journalists can deduct 30%; there is a maximum amount in each case. In Bulgaria, Poland, and Slovenia , creative artists can deduct between 40% and 50% of their income generated from artwork without supporting or detailing their expenses. ⁴⁵	For exploration Measures to deduct all expenses related to carrying out an artistic profession can be implemented to support artists. These include travel expenses, clothing worn on stage, rehearsal spaces, professional insurance, musical instruments, all materials required to produce or prepare for a show or film, etc. Perverse effect When artists can benefit from coverage such as that offered to employees, these deductions may encourage those in a difficult financial situation to "opt" for non-salaried status. They are simply choosing a direction dictated by an immediate financial need, regardless of what their material situation will be in case of illness, workplace accident, unemployment, or retirement.
8.4 Tax credits for purchase of artworks	8.4. That a provincial tax credit be established for the purchase of artworks.		

⁴⁵ Neil, *Status of the Artist in Canada*, p. 25.

GOVERNMENT MEASURES

Social risks

9. ILLNESS, PARENTING, COMPASSIONATE SITUATIONS

RECOMMENDATIONS		Canadian initiatives and practices in other countries	Comments, Possible actions, issues to explore, options
<p>9.1 Sick/parental/compassionate leave</p>	<p>9.1. That the <i>Fairness for the Self-Employed Act</i>, S.C. 2009, c. 33, according to which artists can claim special sickness, parental, and compassionate care benefits, be studied for adaptation to the socio-economic conditions of New Brunswick artists and to enable them to be a part of it.</p>	<p>Special employment insurance benefits for self-employed workers</p> <p>Since January 1, 2011, self-employed workers in Canada have been able to join the employment insurance program and become eligible for maternity, parental, compassionate care, and sick leave benefits.</p> <p>Self-employed workers who opt in must pay the normal employee dues on insurable earnings up to the maximum regular contributions.</p> <p>While it is designed for all self-employed workers in the work force, the program is for artists.⁴⁶</p>	<p>For exploration</p> <p>The new employment insurance program contains several points that mitigate its effectiveness for artists and show that it was not designed with their unique situation in mind.</p> <ul style="list-style-type: none"> • Once you claim benefits, you must stay in the program as long as you are earning an income. Even if artists are no longer creating new works, many will continue to receive an income from works they have created in previous years, from such things as royalties, resale right, public lending right, exhibit fees, and other copyright payments for the rest of their lives. • Net minimum income for self-employment must be \$6,645 annually (amount for 2014; it is adjusted every year). Thus, the program is of little value for many artists, either because they do not earn that amount or because their income may fluctuate above or below the threshold from one year to another. • Even if artists are unable to work because of a birth or illness, they can receive income from works created in the past. This reduces the benefits payable during their leave.⁴⁷
<p>9.2 Incentives for affordable child care services</p>	<p>9.2. That the option of offering financial assistance to parents be studied to give them access to affordable child care services.</p>		

⁴⁶ https://web.archive.org/web/2014112010826/http://www.servicecanada.gc.ca/eng/ei/publications/sew_publication.shtml

⁴⁷ Gary Neil, *Employment Insurance Special Benefits for Self-Employed People: The Impact on Artists and Cultural Workers* [online] (Ottawa: Cultural Human Resources Council, 2010), <http://www.culturalhrc.ca/research/CHRC-EI-report-self-employed-en.pdf>.

<p>9.3 Group insurance</p>	<p>9.3. That an investigation be carried out on artists' needs in terms of a group insurance plan (including health, dental, and drug plans), on their financial capacity to join, and their interest in getting together in the largest group of dues-paying artists as possible or in joining an existing group to be able to benefit from adequate coverage under viable conditions; that in the light of the results of the study, prototypes of group insurance plans be developed and possible ways of funding these plans be explored.</p>	<p>There are many insurance plans in Canada offered by artists' associations, guilds, and unions:</p> <p>Contributions are payable by the artist:</p> <ul style="list-style-type: none"> • The Writers Union of Canada and the Periodical Writers Association of Canada offer group insurance plans to their members on an individual basis. The program includes life insurance, long-term care, and basic dental care; • The American Federation of Musicians of the United States and Canada (AFM) and the Guilde des musiciens et musiciennes du Québec also offer group insurance plans; • The ACTRA Fraternal Benefits Society, the most extensive program in the sector, now offers better coverage to a wide range of individual artists than their basic ACTRA/WGC coverage. <p>The employer pays the contributions :</p> <ul style="list-style-type: none"> • The Directors Guild of Canada <p>The employer pays the contributions and deductions are made from the artist's contractual fees:</p> <ul style="list-style-type: none"> • The Alliance of Canadian Cinema, Television and Radio Artists (ACTRA), • Union des artistes, the Canadian Actors' Equity Association (CAEA) • The Writers Guild of Canada (WGC) <p>A new insurance plan designed in cooperation with a coalition of authors' organizations was launched in 2010.⁴⁸</p> <p>Beyond status itself (salaried or self-employed), there is a major difference between the categories of artists with access to collective bargaining (essentially performing artists such as actors, musicians, singers, and dancers) and those without formal access (writers, visual artists, and craftspersons). The former have been able to negotiate, to varying degrees, protective terms and conditions (group insurance and retirement plans) to which work providers contribute and which are in addition to public provisions. For artists not eligible for collective bargaining, there are associations that negotiate group insurance programs, to which members are free to contribute and which, as the case may be, are supported by artists' contributions only. The lack of a counterpart (by presenters or a third party like the government) and the low average incomes, especially among visual artists and craftspersons, explain the virtual lack of such plans.⁴⁹</p>	
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⁴⁸ Neil, *Status of the Artist in Canada*, p. 8-9.

⁴⁹ D'Amours and Deshaies, *La protection sociale des artistes et autres groupes de travailleurs indépendants: analyse de modèles internationaux. Cadre d'analyse et synthèse des résultats*, p. 10.

GOVERNMENT MEASURES

10. WORKPLACE ACCIDENTS AND OCCUPATIONAL ILLNESS

RECOMMENDATIONS	Canadian initiatives and practices in other countries	Comments, possible actions, issues to explore , options
10.1 Occupational health and safety	<p>10.1. That artists and self-employed workers be taken into account in the review of legislative measures and policies governing workplace accident compensation in New Brunswick.</p> <p>Canada In some provinces artistic communities have developed special health and safety initiatives in cooperation with their governments. This includes various safety guidelines for television and film production and for the theatre in Ontario, British Columbia, Quebec, and elsewhere.</p> <p>Quebec <i>An Act respecting Industrial Accidents and Occupational Diseases</i> protects employees and self-employed workers working under conditions similar to those of an employee for a company for a duration of 420 hours or more per calendar year. The rest can register individually or through an association and pay the premium. In actual fact, very few self-employed workers register on their own. vii</p>	In the fall of 2013, the Province of New Brunswick announced an exhaustive examination of the legislation associated with workplace accident compensation in an effort to review legislative measures and policies governing the workplace compensation system in New Brunswick. ⁵⁰ It would be worthwhile to produce recommendations for the artistic community of New Brunswick. ⁵¹
10.2 Accident compensation	<p>10.2 That special measures be developed to compensate arts workers for accidents and injuries in the context of the study of New Brunswick’s workplace accident compensation program announced in April 2013.⁵²</p> <p>Quebec has adapted some public policies to take the special situation of artists into account. Thus some self-employed artists (especially stage actors) are incorporated with employees for compensation of workplace accidents in the context of their work contract (premiums paid by producers).</p> <p>This coverage was extended to professional dancers covered during training periods outside their work contract (premiums paid by the MCCQ – Ministère de la Culture et des Communications du Québec).</p>	See studies on risks of the occupation in the arts field ⁵³
10.3 Disability	<p>10.3. That a disability insurance plan be developed for artists.</p>	

11. AGING, RETIREMENT

11.1 Career transition	<p>11.1 That a measure be developed to support artists, cultural workers, and self-employed workers in their career transition, through training and employment insurance programs.</p> <p>Canada There are career transition programs such as the one introduced in 1985 by the Dancer Transition Resource Centre (DTRC) working at the national level, whose mission is to support dancers in the various phases of transition related to their artistic, professional, and personal path, whether they are starting out, in mid-career, or in retirement.</p>	Career transition is included in the action plan of the future mechanism for cultural human resources development in New Brunswick.
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⁵⁰ http://www2.gnb.ca/content/gnb/fr/nouvelles/declaration/declaration_2013_04_2013-04-12b.html

⁵¹ For details on protection in Quebec: http://www.csst.qc.ca/publications/600/Documents/DC_600_421_1_web1.pdf ; See also *An Act respecting Industrial Accidents and Occupational Diseases* (ARIAOD) and special measures for the arts setting. See also *Pour mieux vivre de l’art*, p. 16-20. <http://www.mcc.gouv.qc.ca/fileadmin/documents/publications/plandaction-conditions-socio.pdf>

⁵² See *An Act respecting Industrial Accidents and Occupational Diseases* of Quebec (ARIAOD) and special measures for the arts field. See also *Pour mieux vivre de l’art*, p. 16-20.

<http://www.mcc.gouv.qc.ca/fileadmin/documents/publications/plandaction-conditions-socio.pdf>

⁵³ <http://www.irsst.qc.ca/projet-les-risques-du-metier-dans-le-domaine-des-arts-de-la-scene-une-etude-exploratoire-0099-5450.html>

		<p>Quebec Also under the impetus of <i>Pour mieux vivre de l'art</i>, there is a measure funded by Emploi-Québec intended for artists and cultural workers in the metropolitan area wondering about pursuing their career. Private counselling, known as a skills profile, represents an average investment of \$1,650 per client of Emploi-Québec, that is, about 60 hours over 14 weeks. Between 2009 and 2012, approximately 200 spaces were open for artists.</p>	
<p>11.2 Retirement plan</p>	<p>11.2. That a study be conducted on the needs of artists with respect to a retirement plan, on their financial ability to pay into it, and their interest in assembling the largest possible group of artists to participate financially or in joining an existing group in order to have adequate coverage under viable conditions, and that a retirement fund be set up in accordance with the artists' financial ability to contribute to it.</p>	<p>All Canadians are included in the Canada Pension Plan or the Régime de rentes du Québec, or both. As independent contractors, artists must pay both employee and employer contributions. Because of artists' low average incomes, some may not be able to make any contributions during certain years and many do not pay the maximum, which means they will only be eligible for minimum benefits on retirement.</p> <p>This problem is exacerbated for artists in fields such as dance, in which careers are relatively short and come to an end at a young age because of injury or simply age. The biggest problem for artists, however, is simply finding the income needed to survive in the present, well before contributing to a retirement plan. For many artists, contributing to the CPP/RRQ is no small matter. The Quebec study of 14,000 artists noted that over one quarter (26.7%) of them had not contributed to any type of retirement plan in 2001. All the other schemes are registered retirement savings plans. Artists' contributions are sometimes topped up by contributions paid by their producers/employers. The study of 14,000 Quebec artists noted that a little over half of them contributed to a retirement savings plan in 2001.</p> <p>Senior Artists Research Project In 2006, a group of associations of artists and individuals was formed in response to the growing awareness of major challenges faced by elderly Canadian artists. Before programs and services can be developed to take up these challenges, they realized that they needed quantitative data. In 2009, they launched the Senior Artists Research Project, a three-year project examining the circumstances, situation, needs, and interests of senior artists in Canada by looking at the services offered to them at the present time and examining relevant international models. The research project confirmed that senior artists have financial, housing, health, isolation, and career challenges and some of these challenges are shared by other seniors whereas others are of concern to artists only. The group is striving to determine how to work together to meet the needs established in the research project.⁵⁴</p> <p>Quebec Similar to additional medical and disability insurance, nine artists' associations and groups recognized by An Act Respecting the Professional Status and Conditions of Performing, Recording and Film Artists, who have collective bargaining rights, developed group retirement and RRSP plans to which work providers and generally the artists themselves, contribute. The amounts accumulated are based on the income generated by the artists but unlike the prevailing situation in insurance, the benefits accumulate and are transferrable. According to the associations, in general, the contribution by the work provider is equivalent to 5% to 10% of the fees.</p> <p>Public retirement programs also apply to them with respect to the universal, health care, and contributory aspects. However, like other workers, artists whose earnings are low are not likely to fully contribute to the Régime des rentes du Québec.</p> <p>According to the investigation conducted by the Ministère de la Culture et des Communications in 2004, 57 % of artists had contributed to the RRQ in 2001, whereas 26.7% had not contributed to any plan⁵⁵.</p>	

⁵⁴ Neil, *Status of the Artist in Canada*, p. 9 and p. 20; Hill Strategies, "Situation and Needs of Senior Artists in Canada," *Arts Research Monitor* [online], 2010, vol. 9, no. 6, <http://www.hillstrategies.com/content/situation-artists-0>.

⁵⁵ D'Amours and Deshaies, *La protection sociale des artistes et autres groupes de travailleurs indépendants: analyse de modèles internationaux. Cadre d'analyse et synthèse des résultats*, p. 17 and p. 19.

OTHER NEEDS STATED AND ASSOCIATED WITH THE RENEWAL OF THE CULTURAL POLICY

RECOMMENDATIONS

Awareness

Implicit in the exchanges that took place during the Forum, was the attempt by the artists to reiterate the importance of RECOGNIZING the professional status of artists among all levels of society, in the teaching environment, in the private and institutional sector, in government, and in the media. They stressed that art must not be reduced to its market value and emphasized the right to refuse to do work free of charge or on a volunteer basis and on the freedom to create, speaking out against the control imposed by some grant programs.

Lastly, the importance of adequate ARTS FUNDING was a central concern since the conditions in which artists learn and develop depend on the soundness of each link in the artistic chain: creation, production, conservation, distribution, marketing, development of an audience, and exportation.

During the wrap-up of the workshop, these expectations were stated and rightfully associated with the revision of the cultural policy, or with the work on cultural human resources development in New Brunswick. The recommendations for arts funding and for raising awareness of the importance of artists to society are presented below.

12. PROMOTING THE ARTIST'S PROFESSION IN SOCIETY

12.1 Integrating artists into the education system	12.1. That artists and their artistic practice be better integrated into New Brunswick's educational systems through teaching of the arts and teaching subjects through the arts.		
12.2 Educating the public	12.2. That a campaign to raise awareness of the living and working conditions of artists and on the place of the arts and artists in society be conducted among New Brunswick residents.		

OTHER NEEDS STATED AND ASSOCIATED WITH THE REVISION OF THE CULTURAL POLICY			
Arts funding			
13. GRANTS AND BURSARIES			
13.1 Support for artistic creation through grants	13.1. That funding be allocated to artists and the arts in the province, through the Department of Tourism, Heritage and Culture and the New Brunswick Arts Board (artsnb).		
13.2. The relevant authorities must be informed of the following requests formulated during the Forum:	13.2.1. That an information campaign on funding programs offered to the arts be developed by the provincial and federal governments (criteria, objectives, writing, etc.) and that it be launched for artists and artistic and cultural organizations.		
	13.2.2. That this initiative take place on a province-wide basis with artists in all communities, by calling on networks of existing organizations and their ability to gather artists together, convey information, and support the dialogue.		
	13.2.3. That an evaluation of the mandate, programs, and operation of artsnb be carried out to optimize the organization's human and material resources and to adapt programs to better meet the needs of artists.		
	13.2.4. That the provincial government better reflect, on a permanent basis, society's concerns about arts and culture and that the relevance of establishing a New Brunswick department of arts and culture be examined.		

SOME DEFINITIONS

Collective representation framework scheme for self-employed workers

A framework for collective labour representation enabling the signing of collective agreements setting out the minimum conditions of payment and social protection, including the establishment of a group insurance and retirement fund to which work providers and artists would contribute, and which would be supported by the government.

Safeguarding the career and career path of artists

Providing career security will facilitate the major steps in a person's career from beginning to end, including redeployment and help in finding re-employment.

The concept of career security and the widely diversified practices attached to it are designed to facilitate transitions between the various situations an individual may encounter in life, such as training and employment, being between jobs, and being between employment and unemployment.

The goal is to safeguard career paths rather than jobs, which will be increasingly exposed to destruction/creation processes in the globalized economy.

In the past few years, a lot of conceptual work has been done on this, designed to construct a "professional status of persons" that would guarantee the continuity of a career path rather than job stability (A. Supiot, *Au-delà de l'emploi*, Paris, Flammarion, 1999). Excerpt from a seminar organized by AMNYOS on May 16, 2006, at the Musée de la Poste, *La sécurisation des parcours professionnels*, Groupe AMNYOS consultants. <http://www.amnyos.com/IMG/pdf/1-conference-securisation-parcours.pdf>

Stage actors and audiovisual workers who work sporadically have benefited from a specific program to safeguard career paths since 2007, known as the *Fonds de professionnalisation et de solidarité* <http://www.pole-emploi.fr/informations/le-fonds-de-professionnalisation-et-de-solidarite-@/suarticle.jspz?id=69216>. Funded by the government, this fund applies when employment insurance is coming to an end and the artist or technician cannot make another claim. This fund comprises two allowances, the allocation de professionnalisation et de solidarité – APS (professionalization and solidarity allowance) and the allocation de fin de droits – AFD (end of rights allowance). Artists, workers, and technicians who are unable to take advantage of these measures may be eligible, under certain conditions, for the allocation spécifique de solidarité – ASS (specific solidarity allowance), lump-sum assistance that takes the applicant's resources into account. They also have access to last resort assistance, revenu du solidarité active – RSA (active solidarity income), under the same conditions as other citizens. D'Amours and Deshaies, *La protection sociale des artistes et autres groupes de travailleurs indépendants: analyse de modèles internationaux. Cadre d'analyse et synthèse des résultats*, p. 21.

Professional status of artists

This is an idea taken from the seminal proposal of the Supiot Report (Supiot, 1999) to establish a "professional status" for people throughout their lives, covering periods of inactivity as well as periods of training, employment, self-employment, and work outside the labour market (volunteering, bringing up children, etc.). It involves the acquisition of rights through an expanded concept of work, including salaried, unsalaried, and non-profit work. A person would accumulate credits through work that could be used when desired. These "social drawing rights" (taken for example in the form of parental leave, training credits, etc.) would be in addition to traditional social protection.

Social drawing rights

See professional status of artists above et Antonella Corsani and Maurizio Lazzarato, *Intermittents et précaires*, Paris, Éditions Amsterdam, Paris 2008, p. 120 <http://www.cip-idf.org/IMG/pdf/Intermittent-Ultimate-interior-file.pdf>

Social protection

Social protection can be defined as all of the institutional provisions designed to collectively cover certain risks that may affect individuals or families (Aglietta and Brender, 1984: 114-115), or as the set of public programs designed to protect the economic situation of individuals or families against circumstances that could involve loss, absence, or insufficiency of income or an increase in financial burden (poverty, illness, retirement, family) (Poulin, Simon, 1981, cited in Morel, 1999 : 2) D'Amours and Deshaies, *La protection sociale des artistes et autres groupes de travailleurs indépendants: analyse de modèles internationaux. Cadre d'analyse et synthèse des résultats*, p. 2

Self-employment

Independent work is designated as "self-employment" according to the following taxation criteria (income tax return) : owning the tools of production, managing one's work time, assuming the risk for profit and loss in negotiating payment, Association acadienne des artistes professionnel.le.s du Nouveau-Brunswick, *Designing a New Structure for Developing Cultural Human Resources in New Brunswick*, p. 73

BIBLIOGRAPHY

International Sources

Caveng, Rémy. "De l'intermittence comme nouveau modèle de protection sociale." *La Vie des idées* [online]. 2008. Available from: <http://www.laviedesidees.fr/De-l-intermittence-comme-nouveau.html>

European Arts and Entertainment Alliance. *Étude relative aux régimes d'emploi et de protection sociale des travailleurs du spectacle et de l'audiovisuel dans les pays membres de l'Union européenne* [online]. [N.p.]: EAEA, 2002. Available from: http://old.fim-musicians.org/pdf/7_1_1_2_2.pdf

Groupe Amnyos consultants. *La sécurisation des parcours professionnels* [online]. Seminar, May 16, 2006, Musée de la Poste. Available from: <http://www.amnyos.com/IMG/pdf/1-conference-securisation-parcours.pdf>

Supiot, Alain. *Beyond Employment: Changes in Work and the Future of Labour Law in Europe*. Oxford: Oxford University Press, 2001.

UNESCO. *The Artist and Society: Conclusions of the World Congress on the Implementation of the Recommendation Concerning the Status of the Artist* [online] (CLT-97/CONF.206/CLD.11). 1997. Available from: <http://unesdoc.unesco.org/images/0011/001113/111305Eo.pdf>

UNESCO. *Recommendation Concerning the Status of the Artist Adopted by the General Conference at its Twenty-First Session Belgrade, 27 October 1980* [online]. 1980. Available from: <http://unesdoc.unesco.org/images/0011/001114/111428mo.pdf>

World Congress on the Implementation of the Recommendation concerning the Status of the Artist. *World Congress on the Implementation of the Recommendation Concerning the Status of the Artist: Final Declaration* [online] (CLT/CONF/206/9; CLT.97/CONF.206/CLD.10). Paris, 1997. Available from: <http://unesdoc.unesco.org/images/0010/001090/109018e.pdf>

Zin, Jean. *Au-delà de l'emploi: Synthèse du rapport Supiot pour la commission européenne* [online]. Available from: <http://jeanzin.fr/ecorevo/politic/revenus/supiot99.htm>

⁵⁶ Some references are taken from the Report on the Forum on the Professional Status of Artists in New Brunswick, p. 42 and 43
http://www.aaapnb.ca/ftp/Rapport_forumSPA_Fr.pdf

Canadian Sources

Canadian Conference of the Arts. *ABC on the Status of the Artist* [online]. Toronto: Canadian Conference of the Arts, 2008. Available from:

<http://ccarts.ca/wp-content/uploads/2011/11/Status-of-Artist-eng.pdf>

Hill Strategies. "Situation and Needs of Senior Artists in Canada." *Arts Research Monitor* [online]. 2010, vol. 9, no. 6. Available from: <http://www.hillstrategies.com/content/situation-artists-0>

Status of the Artist Act, S.C. 1992, c. 33, online: Justice Laws Website <http://laws-lois.justice.gc.ca/eng/acts/S-19.6/>.

Neil, Garry. *Status of the Artist in Canada: An Update on the 30th Anniversary of the UNESCO Recommendation Concerning the Status of the Artist* [online]. Toronto: Canadian Conference of the Arts, 2010. Available from: <http://ccarts.ca/wp-content/uploads/2010/10/StatusoftheArtistReport1126101-Copy.pdf>

Neil, Garry. *The Status of Status: Update on Initiatives to Improve the Socio-Economic Status of Canadian Artists* [online]. Toronto: Canadian Conference of the Arts, 2007. Available from: http://ccarts.ca/wp-content/uploads/2011/09/statusofstatus_neilcraig_120407.pdf

Statistics Canada. *Canada (Code 01)* (table). "National Household Survey (NHS) Profile." *2011 National Household Survey*. Statistics Canada Catalogue no. 99-004-XWE. Ottawa. Released September 11, 2013. Available from: <http://www12.statcan.gc.ca/nhs-enm/2011/dp-pd/prof/index.cfm?Lang=E>

New Brunswick Sources

ArtsLink NB. *Sustaining New Brunswick's Arts and Cultural Workforce* [online]. Fredericton: ArtsLink NB, 2013. Available from:

http://artslinknb.com/index.php?option=com_k2&view=item&task=download&id=35_769def92a27580ab1ba62b7f5334be09&Itemid=136

Association acadienne des artistes professionnel.le.s du Nouveau-Brunswick. *Designing a New Structure for Developing Cultural Human Resources in New Brunswick* [online]. Moncton: AAAPNB, 2014. Available from: http://www.aaapnb.ca/autresinitiatives/files/autresinitiatives/wf/wf/RHC_rapport_EN-2014.pdf

Association acadienne des artistes professionnel.le.s du Nouveau-Brunswick. "Forum sur le statut professionnel de l'artiste au Nouveau-Brunswick." *Association acadienne des artistes professionnel.le.s du Nouveau-Brunswick* [online]. [N.d.]. Available from: <http://www.aaapnb.ca/autresinitiatives/forum-statut-artiste/presentations>

Association acadienne des artistes professionnel.le.s du Nouveau-Brunswick. *A Global Strategy for the Integration of Arts and Culture into Acadian Society in New Brunswick* [online]. Moncton: AAAPNB, 2009. Available from: http://www.aaapnb.ca/strategieglobale/files/strategieglobale/wf/wf/GlobalStrat_en2011web.pdf

Association acadienne des artistes professionnel.le.s du Nouveau-Brunswick. *Towards a Concrete Recognition of Professional Artists and Their Right to Make a Living from Their Art: Report on the Forum on the Professional Status of Artists in New Brunswick* [online]. Moncton: AAAPNB, February 2014. Available from: http://www.aaapnb.ca/ftp/Rapport_forumSPA_En.pdf

Bonnin, Françoise. "What if I Were Inspired by the Improvements Made by Artists in Canada and Around the World? Presentation of Employment Plans and Social Programs for Artists Around the World" [online]. Presentation made at the Forum on the Professional Status of Artists, Shippagan, 2013. Available from:

<http://www.aaapnb.ca/autresinitiatives/files/autresinitiatives/wf/wf/AAAPNB-Forum-Presentation-Mesures-internationales-2013-AN.pdf>

Quebec Sources

An Act Respecting the Professional Status and Conditions of Engagement of Performing, Recording and Film Artists, C.Q.L.R. c. S-32.1, online: Publications du Québec http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/S_32_1/S32_1_A.HTM.

An Act Respecting the Professional Status of Artists in the Visual Arts, Arts and Crafts and Literature, and Their Contracts with Promoters, C.Q.L.R. c. S-32.01, online: Publications du Québec http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/S_32_01/S32_01_A.html.

Bernier, Jean. *Social Protection for the Non-Standard Workers Outside the Employment Relationship* [online]. Québec: Federal Labour Standards Review Commission, 2006. Available from: http://web.archive.org/web/20130630235653/http://www.hrsdc.gc.ca/eng/labour/employment_standards/fls/pdf/research06.pdf

Bernier, Jean, Guylaine Vallée and Carol Jobin. *Social Protection Needs of Individuals in Non-Standard Work Situations: Synopsis of Final Report* [online]. [Québec]: Ministère du travail, 2003. Available from: <http://collections.banq.qc.ca/ark:/52327/bs44643>

D'Amours, Martine, ed. *La protection sociale des artistes et autres groupes de travailleurs indépendants: analyse de modèles internationaux. Fiches descriptives par pays* [online]. Québec: Université Laval, 2012. Available from: http://www.mcc.gouv.qc.ca/fileadmin/documents/publications/Protection_sociale_artistes_Fiches_pays.pdf

D'Amours, Martine, and Marie-Hélène Deshaies. *La protection sociale des artistes et autres groupes de travailleurs indépendants: analyse de modèles internationaux. Cadre d'analyse et synthèse des résultats* [online]. Québec: Université Laval, 2012. Available from: https://www.mcc.gouv.qc.ca/fileadmin/documents/publications/Protection_sociale_artistes_Cadre_analyse_synthese.pdf

Fafard, Josée. *Profession artistes, j'y crois, j'y vois*. Québec: Culture Lanaudière, 2006.

Ledoux, Élise, Esther Cloutier, François Ouellet, Isabelle Gagnon, Chloé Thuilier and Julie Ross. *Occupational Risks in the Performing Arts: An Exploratory Study* [online]. Studies and Research Projects Report R-607. Montréal: IRSST, 2009. 80 pages. Available from: <http://www.irsst.qc.ca/media/documents/PubIRSST/R-607.pdf>

Legault, Raymond, and Marie-Ève Gagnon. *Comments on Status of the Artist Legislation in Quebec (S-32.1 and S-32.01) and Other Programs* [online]. Presentation made at the Forum on the Professional Status of Artists, Shippagan, 2013. Available from: <http://www.aaapnb.ca/autresinitiatives/files/autresinitiatives/wf/wf/AAAPNB-Forum-Presentation-Quebec-2013-AN.pdf>

Québec. Comité permanent à l'amélioration des conditions socioéconomiques des artistes. *Bilan du Comité permanent à l'amélioration des conditions socioéconomiques des artistes sur son rôle, son mandat, sa composition et la mise en œuvre du plan d'action « Pour mieux vivre de l'art »* [online]. Québec: Ministère de la Culture, des Communications et de la Condition féminine du Québec, 2008. Available from: <http://www.gmmq.com/sites/www.gmmq.com/files/bilan-mvla-juillet08.pdf>

Quebec. Commission de la santé et de la sécurité du travail. *Producteurs du domaine artistique. La loi sur les accidents du travail et les maladies professionnelles, ça vous concerne!* [online]. [N.p.]: CSST, February 2010. Available from: http://www.csst.qc.ca/publications/600/Documents/DC_600_421_1_web1.pdf

Quebec. Commission nationale sur l'avenir de l'assurance-emploi. *Réforme de l'assurance-emploi: des correctifs pressants et des perspectives d'avenir* [online]. [N.p.]: Commission nationale sur l'avenir de l'assurance-emploi, November 2013. (Commissioners: Rita Dionne-Marsolais, Gilles Duceppe). Available from: http://www.cneae.gouv.qc.ca/publications/PDF/CNEAE_Rapport.pdf

Quebec. Ministère de la Culture, des Communications et de la Condition féminine. *Pour mieux vivre de l'art: cahier de propositions (amélioration des conditions socioéconomiques des artistes)* [online]. Québec: Ministère de la Culture, des Communications et de la Condition féminine, April 2004. Available from: <http://www.mcc.gouv.qc.ca/publications/cahier-propositions.pdf>

Quebec. Ministère de la Culture, des Communications et de la Condition féminine. *Pour mieux vivre de l'art: plan d'action pour l'amélioration des conditions socioéconomiques des artistes* [online]. Québec: Ministère de la Culture, des Communications et de la Condition féminine, June 2004. Available from: http://www.mcc.gouv.qc.ca/index.php?id=3355&tx_lesecrits_pi1%5Becrit%5D=165&cHash=aba840807096fb168f3ffe22de671134

Nova Scotia Sources

Status of the Artist Act, S.N.S. 2012, c. 15, online: Nova Scotia Legislature
http://nslegislature.ca/legc/bills/61st_4th/1st_read/b001.htm.

Ontario Sources

Status of Ontario's Artists Act, 2007, S.O. 2007, c. 7, Sch. 39, online: E-laws
http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_07s07_e.htm.

Saskatchewan Sources

The Arts Professions Act, S.S. 2009, c. A-28.002, online: Queen's Printer <http://www.qp.gov.sk.ca/documents/english/Chapters/2009/A28-002.pdf>.

Saskatchewan. Minister's Advisory Committee on Status of the Artist. *Final Report of the Minister's Advisory Committee on Status of the Artist: "Laying the Groundwork."* [N.p.]: Department of Culture, Youth and Recreation, July 2006.

END NOTES

ⁱ Martine D'Amours, "Travail et représentation collective dans l'économie de la création: le cas des artistes interprètes," *Revue Vie économique* [online], Les Éditions Vie Économique, vol. 4, no. 3, <http://www.eve.coop/?a=184>.

ⁱⁱ Social protection is not adequately adapted to the unique characteristics of atypical work (discontinuity), especially artistic work (invisible work, functional diversity, employment status and sources of income). To overcome this problem, various proposals, mainly from Europe, provide inspiration in suggesting that rather than attaching the protection to the job, the protection should be attached to the person, in order to support the individual through his or her mobility throughout the life cycle. Two main models were identified. A first, more individual model, consists of equipping the worker by reinforcing his or her skills and various assets; it refers mainly to training initiatives on a life-long basis and support for entrepreneurship (Giddens, 2001). A second avenue seeks to develop **collective means of safeguarding career paths**. Along the same lines is the Supiot report's proposal of developing a professional status for individuals with social drawing rights (Supiot, 1999) or the viewpoint of transitional labour markets, designed to provide protection during transitions between different positions in the workforce, giving everyone a new freedom (such as self-employment) and new rights (right to training, to look after your children or other dependents) (Gazier, 2003).

This avenue could, if not fully, be at least partially implemented, for example, in career transition mechanisms, a more flexible definition of acceptable work for employment insurance, conditions for recognition of invisible work, and eligibility for and transferability of medical and retirement insurance. In the section of his report dealing with self-employed workers, Bernier (2006) submits that supplementary insurance programs inspired by the Régime québécois d'assurance parentale – RQAP (Quebec Parental Insurance Plan) could be set up for group insurance, workplace accident and occupational disease protection, and retirement, as well as separate social drawing rights that meet specific needs, such as occupational training and compassionate leave. [Translation] D'Amours and Deshaies, *La protection sociale des artistes et autres groupes de travailleurs indépendants: analyse de modèles internationaux. Cadre d'analyse et synthèse des résultats*, p. 45.

ⁱⁱⁱ Under U.S. tax laws, all employees may deduct business expenses. This also means that unions and guilds are covered by the labour laws and that the producer is the first owner of the copyright in their work. But, these artists are entitled to collect unemployment benefits in appropriate conditions. Once again, there may be some difficulty collecting benefits because of the intermittent nature of the work and the need to practise and rehearse. However, while Ronald Regan was President, there was a famous photograph of his son, Ron Jr., lining up to collect unemployment benefits when he was laid-off from his job as a professional dancer. Neil, *Status of the Artist in Canada*, p. 27.

^{iv} And on the adaptation of the French work code and intermittent workers, D'Amours and Deshaies, *La protection sociale des artistes et autres groupes de travailleurs indépendants: analyse de modèles internationaux. Cadre d'analyse et synthèse des résultats*, p. 21 and following.

^v A 13 percent deduction is taken from the fees of the artist and a 35 percent contribution is paid by the employer. Artists have access to public funds to compensate their share of social security costs. If an artist certifies that they are providing services on a self-employed basis, they will be required to make all of the social security payments themselves and they will be eligible for a far less comprehensive package of benefits, but will have greater scope in deducting business expenses from their income. Neil, *Status of the Artist in Canada*, p. 26.

On the special nature of the Belgian plan, D'Amours and Deshaies, *La protection sociale des artistes et autres groupes de travailleurs indépendants : analyse de modèles internationaux. Cadre d'analyse et synthèse des résultats*, p. 26 and following.

^{vi} Organizations manage the plan for the government as the employer. Thus the Maison des artistes has been accredited by the state since 1965 to manage social security for graphic and plastic artists. <http://www.lamaisondesartistes.fr/site>

On the special plan for French creative artists, D'Amours and Deshaies, *La protection sociale des artistes et autres groupes de travailleurs indépendants: analyse de modèles internationaux. Cadre d'analyse et synthèse des résultats*, p. 22-23

^{vii} On *An Act respecting Industrial Accidents and Occupational Diseases*, D'Amours and Deshaies, *La protection sociale des artistes et autres groupes de travailleurs indépendants: analyse de modèles internationaux. Cadre d'analyse et synthèse des résultats*, p. 15.