



THE PROFESSIONAL STATUS OF **ARTISTS** IN NEW 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

May 31 to June 2, 2013

**ASSOCIATION ACADIENNE
DES ARTISTES PROFESSIONNELS
DU NOUVEAU-BRUNSWICK**



THE PROFESSIONAL STATUS OF **ARTISTS** IN NEW 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



Coordination

Carmen Gibbs

Research and Writing

Françoise Bonnin

Jean-Pierre Caissie

Research and Writing Support

Philippe Beaulieu

Romain Blanchard

Louise Boucher

Jacinthe Breau

René Cormier

Kathryn Hamer

Editing

Réjean Ouellette

Translation

Jo-Anne Elder

Graphic Design

Jacques Rousseau

Cover

Radeau du désir, by Éveline Gallant Fournier / photo : Éveline Gallant Fournier

Photos

Jean-Pierre Caissie, AAAPNB, except where noted

© Association acadienne des artistes professionnel.le.s du Nouveau-Brunswick, February 2014

140, rue Botsford, bureau 29

Moncton (Nouveau-Brunswick) E1C 4X5 Canada

Téléphone : (506) 852-3313

info@aaapnb.ca

www.aaapnb.ca

Find Us :



www.twitter.com/aaapnb



www.facebook.com/aaapnb

ISBN : 978-1-895819-47-2



Association acadienne
des artistes professionnel.le.s
du Nouveau-Brunswick



SUMMARY

The Association acadienne des artistes professionnel.le.s du Nouveau-Brunswick (AAPNB), in collaboration with ArtsLink NB and with the participation of the Assembly of First Nations Chiefs of New Brunswick, organized a **Forum on the Professional Status of Artists** which took place from May 31 to June 2, 2013. With a total of 164 participants, this was the largest gathering of artists from every community—Aboriginal, Anglophone, and Acadian—held in the province since 1987. Over a busy weekend in Shippagan artists and partners discussed issues relating to the artist's profession and proposed possible solutions which could lead to concrete improvements the working conditions, remuneration, and social security of artists in the province. The Forum was made possible by the financial support of the Department of Tourism, Heritage and Culture, the Regional Development Corporation, and New Brunswick Intergovernmental Affairs.



A full house during the Forum's plenary.

IN MEMORIAM
Luke Simon

At the opening of the Forum, on May 31st 2013, **Luke Simon** spoke on behalf of the Assembly of First Nations' Chiefs in New Brunswick.





THE PROFESSIONAL STATUS OF ARTISTS IN NEW BRUNSWICK

Recommendation concerning
the Status of the Artist,
The General Conference
of UNESCO, Belgrade, 23
September to 28 October
1980

“Member States should promote and protect the status of artists by considering artistic activity, including innovation and research, as a service to, the community. They should make it possible for them to enjoy the esteem necessary for the full development of their work and provide the economic safeguards to which artists are entitled as people actively engaged in cultural work. Member States should: [...]”

“Endeavour to take the necessary steps to see that artists enjoy the same rights as are conferred on a comparable group of the active population by national and international legislation in respect of employment and living and working conditions, and see that self-employed artists enjoy, within reasonable limits, protection as regards income and social security.”

Serena Sock,
Marie Cadieux and
Carlos Gomez read
from *Comment la rivière*
Petitcodiac devint
boueuse / Ta'n Tel-
kisi-siskuapua'qsepp
Petikotiak Sipu / How
the Petitcodiac River
Became Muddy.

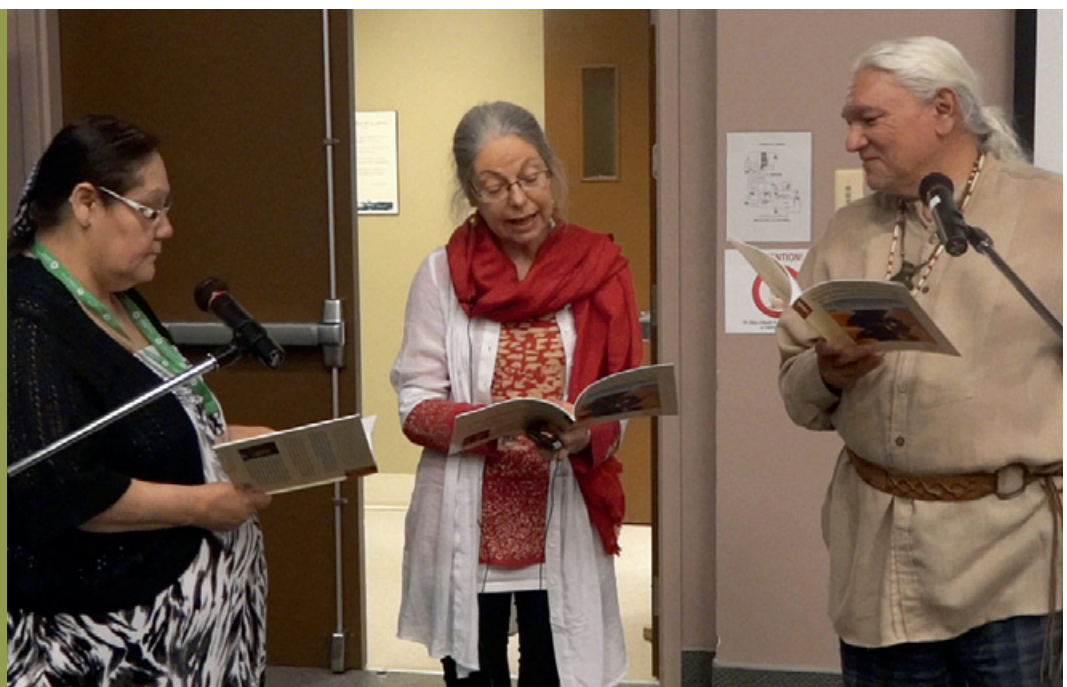




TABLE OF CONTENTS

Summary.....	3
---------------------	----------

PREPARING FOR THE FORUM

A . The reality of artists in New Brunswick.....	9
B. Towards a recognition of the professional status of artists in New Brunswick : overview of initiatives to date.....	9
C. Key dates of commitments made by the Premier regarding the artist's profession.....	11
D. Current efforts to recognize the artist's profession in New Brunswick.....	13

THE FORUM

A. The recognition of the professional status of artists.....	16
B. Programs in New Brunswick and elsewhere	18
Europe.....	18
Québec.....	20
Canada.....	21
New Brunswick.....	21
C. Preamble to the recommendations	23
A solution designed for us.....	23
Adopting a new law.....	24
Adapting New Brunswick's Employment Standards Act.....	25

RECOMMENDATIONS

A. Questions discussed by Forum participants	26
B. Categories of needs identified by participants.....	26
C. Recommendations.....	28



TABLE OF CONTENTS

LEGAL MEASURES

1. Official proclamation of the professional status of the artist.....	29
1.1 Status of the Artist Act.....	29
1.2 Adapted Employment Standards Act.....	29
2. Collective bargaining.....	29
3. Remuneration, rights, royalties and fee scales.....	30

GOVERNMENT MEASURES

4. Underemployment.....	31
5. Obsolescence of knowledge and skills.....	32
6. Business risks	33
7. Fluctuations in income.....	34
8. Improvements to income through fiscal measures.....	34
9. Illness, parenting, compassionate situations	35
10. Workplace accidents and occupational illness.....	36
11. Aging and retirement.....	36

OTHER NEEDS ASSOCIATED WITH THE RENEWAL OF THE CULTURAL POLICY SENSIBILISATION

12. Promoting the artist's profession in society.....	37
---	----

Funding the arts

13. Grants and bursaries.....	38
Recommendations for the Premier's Working Group on the Status of the Artist.....	39
Glossary.....	41
Selected Bibliography on the Professional Status of the Artist.....	42
List of Participants.....	44
Images of the Forum.....	45
The Forum's arts program.....	46
Images of the arts program.....	47
Acknowledgements.....	48



INTRODUCTION

This report on the Forum on the Professional Status of Artists in New Brunswick, which was held from May 31 to June 2, 2013, is a compilation and synthesis of the challenges and priorities as defined collectively by the 164 artists and stakeholders in attendance. The objective of the forum was to describe the current socio-economic conditions in which artists live and work, and, more importantly, to identify possible solutions to present to the Premier's Task Force on the Status of the Artist that was announced in the Speech from the Throne on November 5, 2013, for consideration and discussion by its future members.

THE CHALLENGES IDENTIFIED BY THE PARTICIPANTS ARE NUMEROUS AND VARIED, AND CALL FOR TWO CATEGORIES OF MEASURES:

Legal measures (proclamation of a law recognizing the professional status of artists and adaptations of existing laws);

Government measures, which include the reduction of economic risks and social risks for artists, most of whom are independent (self-employed or freelance) workers and are not covered by the majority of social programs. These measures should deal with such challenges as underemployment, the obsolescence of knowledge and skills, fluctuations in income, business risks, sick leave, parental and compassionate leave, workplace accidents and occupational illnesses, and aging.

The Premier's Task Force on the Status of the Artist will need to examine these challenges and recommend measures to respond to them and reduce the risks. This task force will be composed of artists and experts (tax experts, lawyers, public servants) and will suggest to the Premier a full range of measures that could be introduced by various departments and agencies to improve the working conditions and the socio-economic situation of New Brunswick's artists in the short, medium and long term.

PREPARING FOR THE FORUM

A. THE REALITY OF ARTISTS IN NEW BRUNSWICK

¹It is difficult to determine the exact number of artists in the province, since Statistics Canada counts all those who declare their artistic practice as their main occupation as artists. Artists often earn income from several different occupations.

More than 1,900 professional artists live and work in New Brunswick (Statistics Canada, 2006)¹. Artists are active citizens who contribute to their communities. They create works that stimulate the imagination and help build a common heritage and a strong sense of identity. Artists add to the quality of life of New Brunswickers by sharing their knowledge and skills and by presenting new ways of seeing the world and overcoming the challenges we face. Artists invest their talents in school programs both by teaching art classes and facilitating learning in other disciplines through the arts.

Despite their importance, the professional status of artists is not recognized in the province. There is no law on the status of the artist in New Brunswick, nor any body mandated by legislation to evaluate and define the status of artists. This situation results in a lack of recognition of their profession and status and **the existence of flagrant socio-economic inequalities** for those who work professionally in the arts. Nor are there comprehensive and coordinated government programs designed to address the issues and possible solutions relating to the recognition of the professional status of artists and based on reliable research.

According to Statistics Canada, artists in New Brunswick earned an average of approximately \$15,600 a year (2006) from their art, despite having a high level of education. Often they do not have access to **professional development, employment insurance, health care coverage, workplace health and safety** programs, or **pension plans** to ensure them **retirement conditions comparable to those of other professionals**.

B. TOWARDS A RECOGNITION OF THE PROFESSIONAL STATUS OF ARTISTS IN NEW BRUNSWICK: OVERVIEW OF INITIATIVES TO DATE

Since the Association acadienne des artistes professionnel.le.s du Nouveau-Brunswick was founded in 1990, artists have frequently shared their concerns about the lack of recognition of their professional status and their precarious living conditions. This led the AAAPNB and its partners to reflect on the situation and to carry out research and analyses on these issues.

In October 2004, the critically important role played by arts and culture in the development of Acadian society was unanimously acknowledged at the Convention of the Société acadienne du Nouveau-Brunswick and the Forum de concertation des organismes acadiens. Plans for the États généraux on Arts and Culture in Acadian Society in New Brunswick originated at that time; this large-scale forum was considered an essential step towards a project which would be pivotal for New Brunswick society.

PREPARING FOR THE FORUM

B.

continued

²AAAPNB, A Global Strategy for the Integration of Arts and Culture into Acadian Society in New Brunswick, *English translation*, 2010, p. 89.

³*Ibid.*, p. 91.

The arts and cultural community feels that the approach adopted by the États généraux, involving every sector of society, was an essential means of bringing together artists and the general public. Artists count on this connection to help them achieve a professional status which respects the true value of their contribution to society and thus lead to improvements to their working conditions and their quality of life.

The *Stratégie globale pour l'intégration des arts et de la culture dans la société acadienne au Nouveau-Brunswick* was the culmination of this societal project. Launched in 2009 and translated into English (*A Global Strategy for the Integration of Arts and Culture into Acadian Society in New Brunswick*) by ArtsLink NB in 2010, this strategy was a detailed artistic and cultural roadmap encompassing all sectors of New Brunswick society. The Global Strategy sets out action items to be completed over a period of ten years in seven areas of strategic action, including the Development of Professional Artists. The vision statement for this area is:

VISION

Professional artists in New Brunswick, whether they are emerging, ethnocultural or established artists, are recognized, appreciated, and fully integrated as highly specialized workers who contribute to the life of their community and promote their province. They receive an annual revenue comparable to that of professionals employed in New Brunswick and have access to the tools they need to express their diversity and creativity and to cultivate artistic excellence.²

THE FOLLOWING TWO RECOMMENDATIONS CAME OUT OF THE DISCUSSIONS IN THIS AREA:

Establish a New Brunswick Premier's Working Group on the Status of the Artist

Ensure that the Premier's Working Group on the Status of the Artist addresses the socio-professional situation of emerging artists, ethnocultural artists and established artists in Acadian New Brunswick.³



PREPARING FOR THE FORUM



KEY DATES OF COMMITMENTS MADE BY THE PREMIER REGARDING THE ARTIST'S PROFESSION

In its Speech from the Throne on November 17, 2009, the Government of New Brunswick at the time stated:

“Since New Brunswick now has a Cultural Policy and a Book Policy to build on, developing an action plan to enhance the status of your artists is consistent with recent efforts aimed at supporting arts and culture.

“The government will establish a Premier’s task force on the socio-economic status of artists, which will be called upon to make recommendations on recognizing the contribution artists make to society and on improving their socio-economic situation.”

When it came to power in fall 2010, the Conservative government committed to forming a task force on the socio-economic status of artists in order to improve their living and working conditions. The government has repeated this commitment on a number of occasions and confirmed it in the Speech from the Throne in November 2013, when it announced that a Premier’s Task Force on the Status of the Artist was to be formed.

KEY DATES OF COMMITMENTS

May 28, 2011

In a speech she gave at the AAAPNB’s AGM in Edmundston, Minister Madeleine Dubé stated that her government would continue to work closely with AAAPNB and other key partners from the arts and cultural community to undertake a renewal of the Cultural Policy, an important exercise that would be accompanied by discussions and efforts to improve the socio-economic status of the professional artist and a strategy for the development of cultural organizations.

January 11, 2012

In a letter to the Executive Director of the AAAPNB, Premier David Alward noted the commitment he had made to the recognition of the professional status of the artist.



PREPARING FOR THE FORUM

KEY DATES OF COMMITMENTS

June 16, 2012

At the Annual General Meeting of the AAAPNB in Bouctouche, Premier Alward discussed the situation of arts and culture in New Brunswick with the members, stating that the government appreciated the work being done in the arts sector in New Brunswick. He said that it was for this reason that it made the commitment in its electoral platform in 2010 to study and establish recognition for the professional status of the artist. He added that the government also planned to introduce incentives to improve the socio-economic situation of working artists. The Premier said that the government recognized the important role artists played in the creative and knowledge economy.

August 7, 2012

In another letter to the AAAPNB, Premier Alward wrote that with respect to advancing discussion of the professional status of the artist, next steps would be made within the framework of the Cultural Policy renewal. He noted that the project team from the Department of Culture, Tourism, and Healthy Living (which later became the Department of Tourism, Heritage and Culture) was drafting a background document which would include a summary for each jurisdiction describing actions undertaken by governments in other Canadian provinces to improve the professional status of the artist.

November 5, 2013

In its Speech from the Throne, the government committed to forming a Premier's Task Force on the Status of the Artists in New Brunswick. "By establishing a Premier's Task Force on the Status of the Artist, your government will work towards recognizing and supporting the profession of artists in our province. This task force will provide recommendations that will improve the socio-economic status of professional artists."



PREPARING FOR THE FORUM

D. CURRENT EFFORTS TO RECOGNIZE THE ARTIST'S PROFESSION IN NEW BRUNSWICK

Currently, the Government of New Brunswick is doing a great deal of background work which will provide input to the Premier's Task Force on the Status of the Artist: the renewal of the Cultural Policy, the development of a **Cultural Industry Development Strategy**, the work of the **Roundtable on Cultural Human Resources**, the development of a **language and cultural development policy for the francophone educational sector**, and an **examination of workers' compensation programs**.

Artists in New Brunswick are conscious that the recognition of their profession and, especially, the improvement of their socio-economic conditions will be closely related to this series of measures that in turn will be part of the work plan of the recently-announced Task Force. However, they underscore the importance of arts funding, the real key to mitigating the risks inherent in their profession. Therefore, what is called for is a **cultural policy that is renewed and enriched, combined with a solid plan of action and the funding necessary to carry it out**. An increase in arts funding is essential if we are to properly recognize the importance of culture in the development of a truly diverse society. Adequate funding will stimulate the volume of artistic and cultural activities and productions, ensure that sufficient infrastructures (for the production, presentation, and support of art and culture) exist and are in good working order; and support a variety of approaches aimed at creating meaningful contact between artworks and the audience for whom they were created.

The Roundtable on Cultural Human Resources is another initiative that will reinforce the professional status of artists, by situating the creator in a larger chain of colleagues who need to be competent and well-trained in order to provide him or her with the necessary support. Artistic creation requires the contributions of arts professionals who work in other capacities: production, presentation, promotion, conservation, development, distribution, marketing, and management.

PREPARING FOR THE FORUM

D.

continued

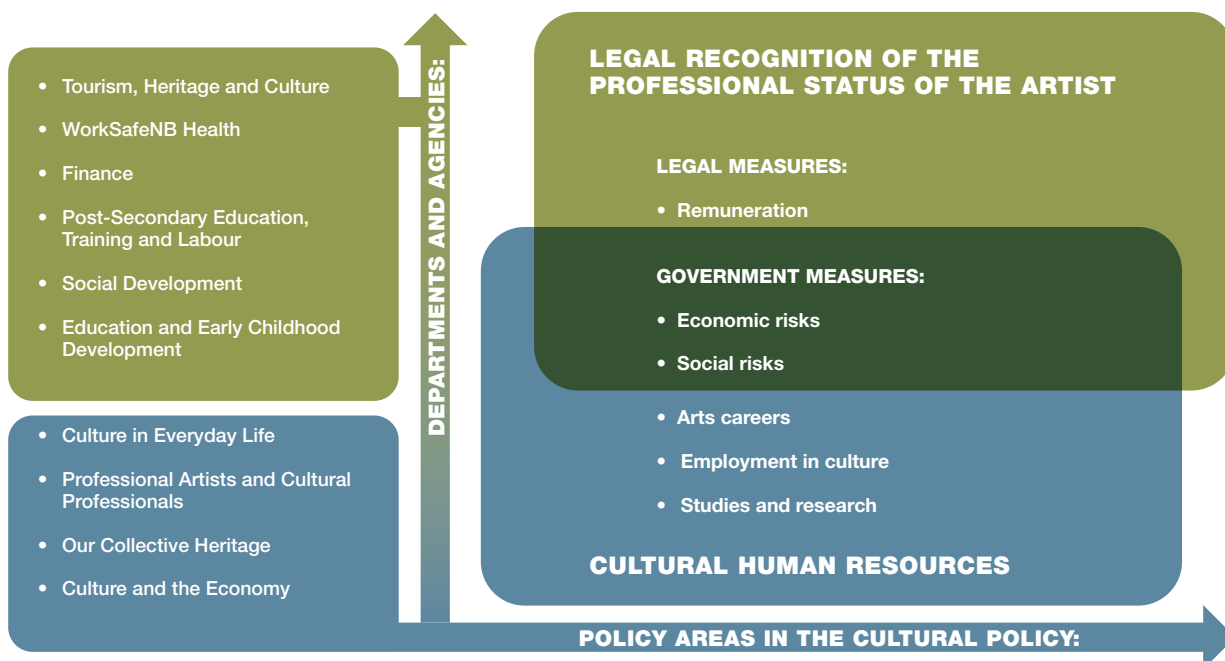
The **Cultural Industry Development Strategy** will address the exports of artworks and cultural products, which may result in increased income and a higher profile for artists.

In addition, a **language and cultural development policy** will define the roles of cultural ambassadors (“passeurs culturels”) as well as artists in the classroom.

Last but not least, the legislative review of **workers’ compensation programs** should consider the needs of artists by protecting them from financial hardship due to workplace injury or illness, as they do for other workers.

It is obvious that these efforts are interconnected, and it should be noted that the Premier’s Task Force on the Status of the Artist will be responsible for studying all of the recommendations and identifying those that are outside of the focus of other initiatives.

DIAGRAM OF ECOLOGY FOR THE RECOGNITION OF THE ARTIST’S PROFESSION IN NEW BRUNSWICK.



PREPARING FOR THE FORUM

D.

continued

“ This unparalleled mobilization of artists and stakeholders from different backgrounds and diverse groups proved beyond the shadow of a doubt how important the recognition of the artist’s profession was to artists, but especially how urgent it was to improve their socio-economic conditions.”

To encourage the establishment of the Premier’s Task Force on the Status of the Artist and to pave the way for its work in the future, the Association acadienne des artistes professionnels du Nouveau-Brunswick, in collaboration with ArtsLink NB and with the participation of the Assembly of First Nations Chiefs of New Brunswick, organized a **Forum on the Professional Status of Artists** which was held from May 31 to June 2, 2013. As a partner of the government and provided with financial support from the Department of Tourism, Heritage and Culture, the Regional Development Corporation, and New Brunswick Intergovernmental Affairs, the AAAPNB was able to organize a Forum which proved to be the largest gathering of artists from all cultural groups—Aboriginal, Anglophone and Acadian—held in New Brunswick since 1987.

In addition to gaining **broad support from artists from all cultural groups in the province**, the Forum gave 164 artists and partners—80 had been expected at the beginning of the planning—an opportunity to gather together in Shippagan for a weekend and exchange their ideas about the issues and challenges related to the artist’s professional life, identify priorities, and sketch out concrete solutions that could improve the working conditions, remuneration, and social security for artists in the province.

This unparalleled mobilization of artists and stakeholders from different backgrounds and diverse groups provided unequivocal confirmation of the importance of professional recognition for artists, and demonstrated especially the urgency of improvement in their socio-economic condition.



Artist **Claude Robinson** was the keynote speaker at the Forum.

THE FORUM

A. RECOGNITION OF THE PROFESSIONAL STATUS OF THE ARTIST

⁴See the presentations on www.aaapnb.ca/autresinitiatives/forum-statut-artiste

At the Forum, the participants attended presentations on labour legislation in New Brunswick, status of the artist laws in Canada, as well as employment and social security frameworks that artists around the world enjoy. They also heard about Québec's laws on the professional status of the artist (S-32.1 et S-32.01) and social security programs for artists⁴. These presentations provided a starting point for the small-group discussions that followed.

The recognition of the professional status of artists is a process that may include **legal measures** (proclamation of a Status of the Artist Act or adaptations of existing legislation) and **government measures** designed to protect artists from economic and social risks.

Legal measures make it possible to address such matters as the fair payment of professional artists (definitions of methods of remuneration) and their working relations (who pays what and how).

Artist **Ned Bear** exhibited some of his recent work during the Forum.



Photo : AAAPNB

THE FORUM

A.

continued

Government measures focus on social programs which provide protection or compensation to artists in the following situations:

ECONOMIC RISKS

FLUCTUATIONS IN INCOME

defined as alternating periods of surplus 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.

SOCIAL RISKS

ILLNESS/DISABILITY/PARENTING

defined as the possibility of a loss of income as a result of a physical or mental incapacity to undertake a normal work load due to illness, partial or full disability; or the possibility of a loss of income as a result of pregnancy or the care of an infant or other close dependants.

WORKPLACE ACCIDENT/OCCUPATIONAL ILLNESS

defined as the possibility of a loss of income as a result of physical or mental incapacity to undertake a normal work load due to a workplace accident or injury or to an occupational illness.

AGING

defined as diminished capacities to work or earn income from work occurring gradually as one gets older, the need to make career transitions, and retirement.



THE FORUM

B. PROGRAMS IN NEW BRUNSWICK AND ELSEWHERE

For the past several years, New Brunswick's arts communities have considered the possibility of a New Brunswick law on the status of the artist; at the heart of discussions at the Forum was the need to consider the form such a provincial law might take. Presentations on the situation of artists around the world and various other measures introduced since UNESCO's 1980 *Recommendation concerning the Status of the Artist* demonstrated the advantages of laws, as well as their limitations. They have also highlighted the importance of adapting social programs to take into account the atypical working conditions of artists.

In Canada, Québec is the leader in legislation protecting the status of the artist. Québec's law on performing artists S-32.1 (*An Act respecting the professional status and conditions of engagement of performing, recording and film artists*) made remarkable progress towards improving the living and working conditions of artists. It led to the signing of no fewer than 700 collective agreements and the introduction of health and safety, retirement and other social programs.

The other status of the artist laws which were passed, both by the Canadian government and the other provincial governments and a second Québec law, S-32-01 (*An Act respecting the professional status of artists in the visual arts, arts and crafts and literature, and their contracts with promoters*), did not have the same positive results as S-32.1. In Québec, visual artists' and writers' associations have not been able to negotiate collective agreements under S-32.01, but they have been able to provide resources for their members such as model contracts, and offer them an opportunity to group together.

EUROPE

During the Forum, various models of support and guidance for artists and their profession were presented, illustrating some of the measures relevant to artists that have been introduced in North America and elsewhere. Once again, these measures tended to be more successful in the case of performing artists, as they could group together to negotiate collective agreements (Canada), or benefit from an employment insurance plan adapted to the needs of casual employees in the theatre or entertainment world (France). The situation is always a little more fragile for creators than for performers. For them, adoption of additional government measures is extremely important. This could mean fiscal measures such as tax exemptions on income from art or income averaging, social security programs such as sick leave or workplace health and safety, or financial support during periods when they are not working.

THE FORUM

B. PROGRAMS IN NEW BRUNSWICK AND ELSEWHERE

continued

In certain countries, artists are considered the way all salaried employees are, and receive the same social benefits and protections. In France, for example, the law on “intermittents du spectacle”—casual employees in the media and entertainment industries—which also covers performing artists, treats them as salaried workers. They are covered by the Labour Code and all provisions and entitlements for employees apply to them: minimum wage, health care coverage, compensation in the case of workplace injury, professional development, vacation and paid holidays, maternity leave benefits, and a pension plan. In countries in northern Europe independent artists are considered to be self-employed workers, and are entitled to the same social security programs.

The General Conference of UNESCO held in Belgrade from 23 September to 28 October 1980 adopted the following Recommendation concerning the Status of the Artist:

“Member States are invited to endeavour within their respective cultural environments to provide the same social protection for employed and self-employed artists as that usually granted respectively to other employed and self-employed groups. Provision should likewise be made for measures to extend appropriate social protection to dependent members of the family. The social security system which Member States may find it well to adopt, improve or supplement should take into consideration the special features of artistic activity, characterized by the intermittent nature of employment and the sharp variations in the incomes of many artists without, however, this entailing a limitation of the artist’s freedom to create, publish and disseminate his work. In this context, Member States are invited to consider the adoption of special means of financing social security for artists, for example by resorting to new forms of financial participation either by the public authorities or by the business undertakings which market or which use the services or works of artists.”

- United Nations Educational, Scientific and Cultural Organization, Recommendation concerning the Status of the Artist, Section VI, para. 5, adopted at the General Conference held in Belgrade from 23 September to 28 October 1980 at its twenty-first session.



THE FORUM

B. PROGRAMS IN NEW BRUNSWICK AND ELSEWHERE

QUÉBEC

continued

⁵Comité permanent et Secrétariat permanent à la condition socioéconomique des artistes, *Rapport d'activité pour l'année 2005-2006, Québec, Pour mieux vivre de l'art, MCCCCF, 22 p.*

Since status of the artists laws were passed in 1987, the Québec government has introduced new measures and continued to improve existing programs available to artists in general and independent artists in particular, including those who do not have collective agreements providing for benefits. In 1995, the Québec government introduced a tax exemption for a portion of artists' and writers' royalties. Over the years, the ceiling for this exemption has risen to \$30,000, and the exemption now includes royalties earned by performing artists (royalties, licensing, subsidiary rights, etc.). By definition, the amount of income varies depending on the number and timing of performances, publications, creations and other works. Since 2007, the government has offered artists the option of using an income averaging formula if they earn \$50,000 or more in a year, through the purchase of an annuity.

In 2004, Québec's department of culture (le ministère de la Culture, des Communications et de la Condition féminine du Québec) published an action plan entitled *Pour mieux vivre de l'art*, intended to help artists make a better living from their art and to provide better socio-economic conditions for them, such as workplace safety, retirement pensions, income security, and employment insurance. In 2006, the president of the standing committee and the permanent secretariat created when the action plan had been completed, Raymond Legault, presented his report on the progress of the recommendations⁵. Responding to an invitation from Ontario's Minister of Culture, the Secretariat presented the action plan for improving the socio-economic conditions of artists to members of the Status of the Artist Subcommittee of the Minister's Advisory Council for Arts and Culture and to representatives from the Ministry of Culture and the Ministry of Labour. The Minister's Advisory Council had the five-year mandate (2004-2009) to advise the Minister of Culture on policies and programs to help build strong and dynamic cultural communities through the contributions of the arts, cultural industries, and heritage, and to provide a forum to consult and discuss with the cultural community in order to eventually make recommendations for improving the social and economic situation of artists.

THE FORUM

B. PROGRAMS IN NEW BRUNSWICK AND ELSEWHERE CANADA

continued

Throughout the country, following Ontario's lead, a number of advisory committees and working groups looked at different ways of improving the living conditions of professional artists by introducing concrete measures. In September 2005, representatives from New Brunswick attended a meeting of federal, provincial, and territorial ministers responsible for culture and heritage in Banff. At the meeting, Québec presented the *Pour mieux vivre de l'art* action plan, which included such measures as income tax credits for royalties, income averaging, and access to employment insurance benefits.

“ There is a distinction between creative artists (such as authors, visual artists, composers and designers) and interpretive artists (such as actors, dancers and musicians) since the artists in these categories generally have different working relationships and are engaged in different ways for purposes of earning artistic income. Creative artists are more likely to work on their own to create their art and will often do so without a pre-existing contract. The works will be sold after they have been created, although some may be created under a commission or contract. Interpretive artists are more likely to work in an ensemble and to be engaged by someone else for professional purposes. They are asked to give life and meaning to an artistic work created by others.”

- Garry Neil, *The Status of the Artist in Canada—2010 Update*, p. 3.

In addition, across Canada, six laws on the status of the artist contain statements on the importance of art in our society and the need to improve the social and economic situations of artists through legislation and policy. Outside Québec, however, few concrete measures have been introduced at the federal or provincial level. The following provinces have passed laws that are declaratory rather than justiciable (or actionable): Ontario, Saskatchewan, Nova Scotia. These laws have not had a major impact on those who are trying to earn their living as artists.

NEW BRUNSWICK

The professional status of the artist in New Brunswick is not recognized in law and policy, and the socio-economic situation of artists, as described earlier in this report, places artists below the poverty line.

In New Brunswick, a professional artist who is a self-employed worker earns a lower income than other workers and lives below the poverty line. In addition, artists only rarely have access to professional development, employment insurance, workplace compensation, pension plans or other programs comparable to those other professionals enjoy.

THE FORUM

B. PROGRAMS IN NEW BRUNSWICK AND ELSEWHERE

continued

“Artists in France are considered employed or self-employed depending on the stream in which they work. France has entrenched the presumption that artists, workers, and technicians in the entertainment and media industries are employees (referred to as “intermittents du spectacle”) while author/artists, the category in which we find writers and visual artists, are considered self-employed.”

- Martine D'Amours et Marie-Hélène Deshaies, La protection sociale des artistes et autres groupes de travailleurs indépendants : analyse de modèles internationaux. Cadre d'analyse, synthèse des résultats, Québec, Université Laval, 2012, p. 21.

Furthermore, it is tempting to believe that when an artist has a salary, he or she also has benefits equivalent to those of other workers under labour standards legislation. That may be true for the small percentage of artists who have a full-time job with an organization stable enough to offer suitable working conditions. However, it is rarely the case for work in the arts

in New Brunswick, where artists who are employed are usually employed on a contract or casual basis. For these artists, periods of employment may alternate with unemployment. And since several jobs of this sort must be combined in order to make a living wage, the artists accept any form of remuneration. Opportunities vary from one year to the next, and sources of income often include income from employment as well as self-employment in the arts and in other fields. This is what is called the “double life” of professional artists.

As a result, even employed artists are actually “casuals” and, consequently, rarely manage to accumulate enough periods of employment to ensure access to adequate socio-economic programs.

In such conditions, legislation that recognizes and protects the professional status of the artist by defining professional artists and establishing their working relations will prove to be inadequate if it is intended to address only the needs of self-employed workers.

THE FORUM

C. PREAMBLE TO THE RECOMMENDATIONS

A SOLUTION THAT MEETS NEW BRUNSWICK NEEDS

There is no one-size solution to cover the entire range of risks experienced by artists in their professional lives. Instead, there are many possible avenues to explore in order to find concrete solutions to the socio-economic issues facing artists in the province. It is clear that official recognition of the status of the artist, which would set benchmarks for the remuneration of artists, is the golden thread that would tie together the many and varied efforts that fall under the jurisdiction of different departments and agencies of the government: arts funding (Tourism, Heritage and Culture), training and professional development (Post-secondary Education, Training and Labour), fiscal measures and modifications to income tax returns (Finance), workplace health and safety in the specific framework of arts professions (WorkSafeNB).

The Forum provided an opportunity to identify possible solutions and to formulate recommendations to contribute to the work of achieving full recognition of the professional status of the artist in New Brunswick.

The Premier's Task Force on the Status of the Artist will take on the important work of examining different models of legal recognition of the status of the artist and social security programs which have proven successful elsewhere, in order to make an informed choice when the time comes to decide on the model best suited to the realities of New Brunswick. Whether it is the law governing performers and the social programs for artists in Québec, one of the European social programs—French, Belgian, or German—or a model from Scandinavia—Sweden or Denmark—each option sheds light on the complexity of the matter, certainly, but also on the countless solutions that a society can find when it truly values art and wants to offer artists the same living conditions it offers other citizens. Hence, the Task Force will be called upon to explore several different paths going in two basic directions: the adoption of a new law or amendments and adjustments to existing legislation.

THE FORUM

C. PREAMBLE TO THE RECOMMENDATIONS

continued

⁶See Glossary.

⁷See Glossary.

ADOPTING A NEW LAW

The Task Force may examine the possibility of adopting a law on the status of the artist which would recognize the right of groups of artists to collective bargaining and would immediately establish additional fiscal and social programs; these measures would be similar to those which have been in place in Québec for the past 20 years. It may also consider the reasons behind the fact that other Canadian laws have not had a real impact on artists' lives:

- Is it because these laws, unlike the laws passed in Québec, are mainly limited to the recognition of the importance of artists in society and promises to work towards improvements to their living and working conditions at some point in the future? The Task Force could determine whether the arts community in New Brunswick contains a "critical mass" or a large enough population to use the Québec model.
- Is the Québec model flexible enough? Can we imagine a law which would enable artists from all disciplines to negotiate collective agreements to achieve working conditions adapted to their different situations?
- How do we overcome the challenge of legislating for an entire community in the face of the obvious socio-economic differences between creators⁶ and performers⁷ differences that have been addressed by separate laws, for example in Québec, where it has proved impossible for creators to negotiate collective agreements?
- And could this law, adapted to the size of the population of artists in the province, to its capacity to unite and agree on the methods of negotiating to be used so that all will benefit from the process, also include measures to protect artists against economic as well as social risks, fiscal measures, workplace health and safety programs, training and professional development opportunities, employment insurance to cover period of unemployment and illness, and retirement pensions?

THE FORUM

C. PREAMBLE TO THE RECOMMENDATIONS

continued

ADAPTING NEW BRUNSWICK'S *EMPLOYMENT STANDARDS ACT*

The Task Force could also examine the status of the artist under the lens of an original model to protect artists; such a model would extend every facet of labour legislation and guidelines, including social benefits, to all professional artists.

- Could we be inspired by the work of legislators in Europe, rethink their accomplishments and adapt them to the working conditions of New Brunswick's arts community, and design provisions that would apply specifically to artists, as is done in some Scandinavian countries which generally offer universal protection?
- Could we review labour laws, adapt them, broaden them, or modify them, again as is done in Europe, to enable independent artists to have access to their own social security program that recognizes their specific needs and proposes eligibility criteria similar to those of other self-employed workers?
- The committee could also look at the case of France, where policies were developed for artists by applying two types of strategies:
 - The recognition of the artist as an employee according to the *Employment Standards Act*, so he or she could benefit from certain types of protection offered to other employees (in the case of performers and workers in the entertainment industry).
 - The creation of particular programs or specific provisions and categories in an existing program geared to independent artists (creators: writers, craftspeople, visual artists) to protect them against certain types of risk.
- Could artists be covered by a universal program, as in Scandinavian countries, which provides a complete program protecting independent workers to nearly the same extent as employees, and recognizing their entitlement to the same living conditions as other workers?

The Premier's Task Force on the Status of the Artist will assume significant responsibilities. But it will also have the extraordinary privilege of becoming a pioneer in Canada by imagining and proposing a progressive model, an avant-garde design, for a program which dares to think outside the box. This model will be a reflection of the unique character of New Brunswick artists who resist and innovate in a challenging environment which has not traditionally nurtured their fulfilment and growth, and which could lead the way for other Canadian provinces where similar living conditions exist.

RECOMMENDATIONS

A. QUESTIONS DISCUSSED BY FORUM PARTICIPANTS

Participants attending the Forum were invited to discuss the challenges and choices they face, share their experiences with each other, and, especially, respond to the following questions, especially by learning about and seeking inspiration from models used elsewhere:

What needs to change so I can make a better living from my art?

This question led to others, as follow:

1. What needs to change to improve my income (wages, fees, selling prices)?
2. What needs to change so I can have access to a social net throughout my life?
3. What needs to change in terms of my income tax?
4. What needs to change so I can have access to professional development opportunities throughout my career?

B. CATEGORIES OF NEEDS IDENTIFIED BY PARTICIPANTS

By responding to these questions, the artists targeted the measures most likely to improve their working conditions here in New Brunswick. These measures were of many different types and addressed both the provincial and federal government and professional associations.

Two general approaches are suggested here. The first concerns the adoption of a new law, and the second the adaptation of the *Employment Standards Act*. In addition, there are government measures which would accompany and support these approaches.

The colour codes identify, in **yellow**, measures that will be the responsibility of the Task Force, and in **blue**, those that stem from other government initiatives.



RECOMMENDATIONS

LEGAL MEASURES AND GOVERNMENT MEASURES

The needs identified by the participants fall into two broad categories:

LEGAL MEASURES

LABOUR RELATIONS

- 1. Official proclamation of the professional status of the artist**
 - 1.1. Status of the Artist Act
 - 1.2. Adaptation of the *Employment Standards Act*
- 2. Collective bargaining**

PROFESSIONAL INCOME

- 3. Remuneration, rights, royalties and fee scales**
 - 3.1. Recognition of the right to apply scales
 - 3.2. Establishment of new fee scales and drafting of model contracts
 - 3.3. Promotion of the need to use fee scales
 - 3.4. Hiring professional artists
 - 3.5. Respect for copyright and licensing, and fees for reproduction
 - 3.6. Artist resale right

OTHER

OTHER NEEDS ASSOCIATED WITH THE RENEWAL OF THE CULTURAL POLICY:

RAISING AWARENESS

- 12. Promoting the artist's profession in society**
 - 12.1. Integration of artists into the school system
 - 12.2. Increasing awareness among citizens of the province

FUNDING THE ARTS

- 13. Grants and bursaries**
 - 13.1. Support for artistic creation through grants

GOVERNMENT MEASURES

ECONOMIC RISKS

- 4. Underemployment**
 - 4.1. Employment insurance benefits
 - 4.2. Social assistance benefits: guaranteed minimum income
- 5. Obsolescence of knowledge and skills** (access to training and skill development)
 - 5.1. Structure to develop human resources in the cultural sector
 - 5.2. Training and professional development
 - 5.3. Formal recognition of competences
 - 5.4. Artists' residency programs
- 6. Business risks**
 - 6.1. Invisible work
 - 6.2. Business development: start-up costs
 - 6.3. Arts career development
- 7. Fluctuations in incomes**
 - 7.1. Adapted fiscal measures
- 8. Improvements in 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, parental leave, compassionate leave
 - 9.2. Incentives for affordable child care services
 - 9.3. Group or collective insurance
- 10. Workplace accidents and occupational illness**
 - 10.1. Workplace health and safety
 - 10.2. Compensation for injuries
 - 10.3. Disability
- 11. Aging and retirement**
 - 11.1. Career transitions
 - 11.2. Pension, retirement plan

RECOMMENDATIONS

C. RECOMMENDATIONS

AAAPNB and ArtsLink NB are in agreement with the recommendations for possible solutions made by the participants who attended the Forum.

LEGAL MEASURES / LABOUR RELATIONS

That, after analyzing comparable situations around the world and New Brunswick's *Employment Standards Act*, it be determined which of the following two options is the most promising choice for artists:

- the adoption of a new law which sets out benchmarks for remuneration, labour relations, and social security measures for artists, calling for all departments, according to their jurisdiction, to attenuate the economic and social risks associated with the professional life of the artist as a self-employed worker (law);
- adaptation of the *Employment Standards Act* to group together various government representatives into a cultural sector employers' committee, mandating them to adopt, respect, and periodically review remuneration systems for the full range of artistic endeavours; by doing this, artists will be considered the same way employees are, and will benefit from the same protection against economic and social risks (adapted *Employment Standards Act*).

Deputy Premier
Paul Robichaud at
the Forum's opening



RECOMMENDATIONS

LEGAL MEASURES / LABOUR RELATIONS

1.

RECOMMENDATIONS

OFFICIAL PROCLAMATION OF THE PROFESSIONAL STATUS OF THE ARTIST

1.1 STATUS OF THE ARTIST ACT

1.1.1. That a legal definition of the artist be formulated and that, after examining the Acts which have been passed in Canada, a framework for collective representation for self-employed workers be established, that is a collective labour relations system, to allow for the negotiation of collective agreements which would entrench the minimum conditions for remuneration and benefits, including the creation of a collective insurance and pension plan which would cover both clients and artists and would be supported by the Government.

1.1.2. That other legal measures, beyond a declaratory law, to recognize the status of the artist, be examined.

1.2 ADAPTED EMPLOYMENT STANDARDS ACT

1.2.1. Following a comprehensive study of the matter, that collective social security measures be developed which are adapted to artists' professional situations and career paths by defining an "artist's employment status," and that the study be conducted by examining the problematic of artists' eligibility for employment insurance as well as that of self-employed workers. For this purpose, that job categories eligible for employment insurance be broadened, that methods be adopted to recognize invisible work (research and preparatory work in order to earn income) and that appropriate social programs be developed, including health insurance, pension and retirement plans, and career transition programs.

2.

RECOMMENDATION

COLLECTIVE BARGAINING

RECOGNITION OF THE RIGHT TO COLLECTIVE BARGAINING

2.1. That legislation be drafted and put in place to allow artists to group together to negotiate working conditions which respect the atypical work pattern in arts disciplines and which are designed to guarantee artists working conditions equivalent to those of employees in the province.

RECOMMENDATIONS

LEGAL MEASURES / PROFESSIONAL INCOME

3.

RECOMMENDATIONS

REMUNERATION, RIGHTS, ROYALTIES AND FEE SCALES

RECOGNITION OF THE RIGHT TO APPLY FEE SCALES

3.1. That the government, its departments and agencies and all provincially-funded organizations which funded by the province respect the existing Canadian scales for remunerating artists for their work.

ESTABLISHMENT OF NEW FEE SCALES AND DRAFTING OF MODEL CONTRACTS

3.2. That artists' associations in the province establish pay scales in disciplines in which they do not yet exist, so that artists working in all disciplines in the province can benefit from fee scales.

PROMOTION OF THE NEED TO USE FEE SCALES

3.3. That the government launch a campaign, directed in particular to presenters and producers, to raise awareness of the existence of fee scales, of their importance, and of the need to respect and use them.

HIRING PROFESSIONAL ARTISTS

3.4. That the government and its departments be required to hire professional artists whenever artists are hired.

RESPECT FOR COPYRIGHT AND LICENSING, AND FEES FOR REPRODUCTION

3.5. That the government and its agents respect the copyright of artists, and the licensing and fees for reproducing their work.

RECOMMENDATIONS

3.

continued
RECOMMENDATIONS

ARTIST RESALE RIGHT

3.6. That a law enabling artists to obtain the “ resale right ” and the right to share in the proceeds of successive sales of their work be studied.

GOVERNMENT MEASURES/ECONOMIC RISKS

4.

RECOMMENDATIONS

UNDEREMPLOYMENT (PERIODS WITHOUT INCOME, PROJECT RESEARCH AND DEVELOPMENT, EMPLOYMENT INSURANCE AND SECOND JOB, MINIMUM INCOME)

EMPLOYMENT INSURANCE BENEFITS

4.1. That fiscal measures which are adapted to artists’ working conditions be introduced, especially as regards eligibility for employment insurance.

SOCIAL ASSISTANCE BENEFITS: GUARANTEED MINIMUM INCOME

4.2. That a basic needs level be established for social assistance—a guaranteed minimum income—which would consolidate necessary measures and extend a social safety net to all artists, both self-employed and employed⁸.

⁸The principle of a “basic needs level” is intended to guarantee, through a concrete measure entrenched in the Family Income Security Act, that social assistance benefits cannot be cut, in part or in whole, under any pretext.



RECOMMENDATIONS

5.

RECOMMENDATIONS

OBSOLESCENCE OF KNOWLEDGE AND SKILLS (ACCESS TO TRAINING AND SKILL DEVELOPMENT)

STRUCTURE TO DEVELOP HUMAN RESOURCES IN THE CULTURAL SECTOR

5.1. That support be given to the process already underway of creating a new structure to foster the development of human resources in the cultural sector, and that it be provided with sufficient funding to enable it to adequately fulfil its mandate, in partnership with the arts, cultural and educational communities.

TRAINING AND PROFESSIONAL DEVELOPMENT

5.2. That artists, as self-employed workers, be given access to training and professional development opportunities, as other workers are, both in their field of practice and in other areas outside the cultural sector.

FORMAL RECOGNITION OF COMPETENCES

5.3. That the competences acquired by artists be recognized.

ARTISTS' RESIDENCY PROGRAMS

5.4. That artists' residency programs be developed in government departments and agencies.

RECOMMENDATIONS

6.

RECOMMENDATIONS

BUSINESS RISKS

INVISIBLE WORK

6.1. That, after a survey on the social and professional conditions of artists in all arts disciplines from the Acadian, Aboriginal and Anglophone communities has determined the extent of unpaid work and the number of hours of invisible work they perform, a means of deducting expenses related to creative work, including those incurred during periods of invisible work, be introduced.

BUSINESS DEVELOPMENT: START-UP COSTS

6.2. That measures be put in place to support the development of businesses in the arts sector (start-up costs), so that assistance and advice can be offered to people with promising ideas⁹.

ARTS CAREER DEVELOPMENT

6.3. That artists be able to benefit from the expertise of others and professional services to foster the development of their arts career.

⁹Information on the "Support for Self-Employment Measure" is available in English from SAJE and from Emploi-Québec. People who are receiving employment insurance benefits or social assistance, who are unemployed and not receiving government income support, but also those who are working but have precarious employment are eligible to obtain support for a viable project to start a business and join the labour market. <http://emploi.quebec.gouv.qc.ca/index.php?id=73&L=1>

RECOMMENDATIONS

7.

RECOMMENDATION

FLUCTUATION IN INCOME

ADAPTED FISCAL MEASURES

7.1. That fiscal measures adapted to the conditions of work in the arts be developed and introduced, including a tax credit for artists for grants, bursaries, and royalties they receive.

8.

RECOMMENDATIONS

IMPROVEMENTS IN INCOME THROUGH FISCAL MEASURES

INCOME AVERAGING

8.1. That measures be developed to give artists the option of investing part of their income in the purchase of an annuity that would enable them to spread their income tax payable on this income over a period of several years¹⁰.

¹⁰In 2004, this type of measure was introduced in Québec. See "Deduction for the Purchase of an Income-Averaging Annuity for Artists." http://www.revenuquebec.ca/en/citoyen/situation/artiste/achat_rente_etalement_artiste.aspx

TAX EXEMPTION FOR INCOME FROM ART

8.2. That measures be introduced to allow artists to deduct from their annual income the amounts they receive from royalties, bursaries, and grants.

INCOME TAX CHANGES ADAPTED TO SPECIFIC NATURE OF ARTS PROFESSIONS

8.3. That measures be introduced to allow artists to deduct expenses related to their creative work; these measures should be adapted to work in arts professions and take into consideration the findings of the survey discussed in Recommendation 6.1.

TAX CREDITS FOR PURCHASE OF ARTWORKS

8.4. That a provincial tax credit for the purchase of works of art be introduced.

RECOMMENDATIONS

GOVERNMENT MEASURES/SOCIAL RISK

9.

RECOMMENDATIONS

ILLNESS, PARENTING, COMPASSIONATE SITUATIONS

SICK LEAVE, PARENTING LEAVE, COMPASSIONATE LEAVE

9.1. That the *Fairness for the Self-Employed Act*, S.C. 2009, c. 33, according to which artists who are self-employed are eligible for special benefits in cases of illness, parenting or compassion situations, be examined in order to adapt it to the socio-economic situation of New Brunswick artists and to allow them to be covered under the program.

INCENTIVES FOR AFFORDABLE CHILD CARE SERVICES

9.2. That the option of offering a financial contribution to parents to enable them to have access to affordable child care services be examined.

GROUP OR COLLECTIVE INSURANCE

9.3. That a survey be conducted to determine the needs of artists in terms of group or collective insurance plans (in particular for health care, dental, and drug coverage), their financial capacity to obtain these plans, and their interest in grouping together with the largest possible number of artists to purchase insurance, or to join an existing group plan, in order to benefit from adequate and affordable coverage; and that, based on the findings of the survey, prototypes of possible group or collective insurance plans be developed and options be explored to finance these plans.

RECOMMENDATIONS

10.

RECOMMENDATIONS

¹¹ See, in this regard, An Act Respecting Industrial Accidents and Occupational Diseases, CQLR c A-3.001, and the specific measures addressing the arts community in Québec. See, also, Pour mieux vivre de l'art, p. 16-20.

WORKPLACE ACCIDENTS AND OCCUPATIONAL ILLNESS

WORKPLACE HEALTH AND SAFETY. COMPENSATION FOR INJURIES

10.1. That independent artists and self-employed workers be taken into consideration when New Brunswick's legislative measures and policies related to the compensation for workplace accidents are reviewed.

10.2. That specific measures for compensation in the case of workplace accidents and injuries for workers in the arts professions be considered when New Brunswick's workplace compensation plan is reviewed, as was announced in April 2013¹¹.

DISABILITY

10.3. That a disability insurance plan for artists be developed.

11.

RECOMMENDATIONS

AGING AND RETIREMENT

CAREER TRANSITIONS

11.1. That a measure be developed to support independent artists, cultural workers, and self-employed workers during periods of transition in their career, through training programs and employment insurance plans.

PENSION. RETIREMENT PLAN

11.2. That a survey be carried out to determine the needs of artists in terms of pension and retirement plans, their financial capacity to obtain these plans, and their interest in grouping together with the largest possible number of artists to purchase a plan, or to join an existing group plan, in order to benefit from adequate and affordable coverage; and that, based on the findings of the survey, a pension or retirement plan be developed that respects the financial capacity of artists.

RECOMMENDATIONS

OTHER NEEDS ASSOCIATED WITH THE RENEWAL OF THE CULTURAL POLICY

Throughout the Forum, some common themes emerged in discussions among participants. Artists reiterated the importance they attached to obtain a RECOGNITION of the professional status of the artist by raising the awareness of all sectors, including the educational system, the private sector and institutions, the government, and the media, about the ways art and culture enrich society. They emphasized the fact that art should not be reduced to its material or market value. They asserted the right to refuse to work without remuneration or on a volunteer basis, as well as their right to be free to create their art, and denounced the control exerted by certain grant programs.

Lastly, the importance of adequate ARTS FUNDING was central to their concerns, because the living conditions and their ability to continue to grow and develop depend on the vitality of all links in the arts chain: creation, production, conservation, circulation, dissemination, promotion, audience development and exports. When a synthesis was presented, these expectations were clearly expressed, and were associated, as was appropriate, to the renewal of the Cultural Policy and the work being done to develop cultural human resources in New Brunswick. Below, we outline the recommendations made by Forum participants regarding arts funding and raising the awareness of New Brunswickers about the importance of the contribution artists make to society.

RAISING AWARENESS

12.

RECOMMENDATIONS

PROMOTING THE ARTIST'S PROFESSION IN SOCIETY

INTEGRATION OF ARTISTS INTO THE SCHOOL SYSTEM

12.1. That artists and their creative practices be better integrated into New Brunswick's educational system, through teaching art and facilitating learning in other disciplines through the arts.

INCREASING AWARENESS AMONG CITIZENS OF THE PROVINCE

12.2. That a promotional campaign be conducted out in the province to make its citizens more aware of the living and working conditions of artists and the place of the arts and artists in society.

RECOMMENDATIONS

FUNDING THE ARTS

13.

RECOMMENDATIONS

GRANTS AND BURSARIES

SUPPORT FOR ARTISTIC CREATION THROUGH GRANTS

13.1. That the funding given to artists and the arts in the province be increased, in particular through programs offered by the Department of Tourism, Heritage and Culture and by artsnb.

13.2. That the relevant governmental bodies be made aware of the following recommendations formulated at the Forum:

13.2.1. That an information campaign be conducted to make both artists and arts and cultural organization aware of funding programs for the arts community offered by the provincial and federal governments (including the criteria, objectives, documentation, etc.).

13.2.2. That this information be provided throughout the province and to artists in all communities, by making use of existing networks of organizations and their capacity to bring artists together, to transmit information to them, and to support their ability to work together.

13.2.3. That an evaluation of the mandate, programs, and operations of the New Brunswick Arts Board (artsnb) be carried out in order to optimize the human and material resources of the organization and to adapt the programs so that they can better meet the needs of artists in the province.

13.2.4. That the Government of New Brunswick better reflect society's concerns about the arts and culture on a permanent basis and that the relevancy of creating a Department of Arts and Culture in New Brunswick be examined.



RECOMMENDATIONS

RECOMMENDATIONS FOR THE CREATION OF A PREMIER'S TASK FORCE ON THE STATUS OF THE ARTIST

In light of the numerous issues identified at the Forum on the Professional Status of the Artist and the work completed over more than a decade, the role and the responsibilities of the Premier's Task Force on the Status of the Artist will be decisive factors for artists' professional lives in the future. The AAAPNB and ArtsLink NB have formulated a number of recommendations, shared below, concerning the mandate, the composition, and the operation of this task force.

MANDATE

We recommend that the responsibility of the Premier's Task Force on the Status of the Artist be to study the multiple facets of the recognition of the professional status of the artist and the numerous means of improving the socio-economic status of artists, in order to better equip the Premier and the government to fulfil their commitment towards artists in the province. To do so, the Task Force should, in particular, act on the following items:

- create a profile of the current situation of artists in New Brunswick by making an inventory of the existing measures for artists in New Brunswick and identifying measures which could be improved and/or introduced;
- familiarize itself with and consider the recommendations arising from the Forum on the Professional Status of the Artist held in June 2013;
- use the contents of the *Global Strategy for the Integration of Arts and Culture into Acadian Society in New Brunswick* as a starting point and foundation for its work.

COMPOSITION

We recommend that the Premier's Task Force on the Status of the Artist be a bipartite group (government and community) and that it be composed of the following members:

- active artists (emerging and experienced) working in different disciplines and representing the Acadian, Anglophone, and Aboriginal communities as well as newcomers and multicultural artists;
- representatives from arts service organizations: AAAPNB and ArtsLink NB;
- a representative from the New Brunswick Arts Board (artsnb);
- representatives from the Department of Tourism, Heritage and Culture;
- lawyers;
- an expert in social security policies and programs;
- an expert in status of the artist legislation;
- tax specialists.



RECOMMENDATIONS

RECOMMENDATIONS FOR THE CREATION OF A PREMIER'S TASK FORCE ON THE STATUS OF THE ARTIST

The Task Force could turn to people in the following agencies and departments for help on an ad hoc basis: Post-Secondary Education, Training and Labour; Regional Development Corporations; Finance; Intergovernmental Affairs; Human Resources; Health; and Aboriginal Affairs.

NECESSARY RESOURCES

The Task Force requires a stable base. To adequately support its work, we strongly recommend that the Task Force be able to rely on experts in various fields and benefit from human resources who can work in both official languages, both in speaking and writing, and that it be provided with adequate funding allowing it to hire :

- specialists in facilitation and consultation;
- researchers, professional writers;
- professional translators and simultaneous interpreters.

AAAPNB and ArtsLink NB recommend that the artists who serve on the Task Force be considered as consultants and that, as such, they receive a minimum remuneration of \$300 a day in order to ensure that they can fully participate in the considerable volume of work there is to be done, have the time available to prepare for and attend meetings, and to lead the consultation process in the community. The recognition that artists are consultants will be the first step towards a concrete recognition of the professional nature of artists' work by the Government of New Brunswick.



GLOSSARY

Creative artist

Creative artists include authors, visual artists, composers, and designers.

“Intermittent du spectacle”

Taken from legislation in France, this refers to a legal status of temporary workers in the creative/artistic sector, including artists, who work intermittently (that is, alternating periods of contract employment and unemployment) for companies and organizations in live entertainment, theatre, film, media, and audiovisual industries, and who are entitled to unemployment benefits at higher rates than under the general plan if they meet the criteria for the number of hours worked and the type of work performed.

- See European Labour Law Network, Bill on artists and ‘intermittents du spectacle.’

Invisible work

The creation of an artistic product or service for which it will be possible to obtain remuneration requires a substantial and recurring portion of uncompensated “invisible work”: the work involved in the preparation (draft, sketch or rehearsal) and refinement; creative research and development activities; the formulation of an idea and the conception of new projects; creation and maintenance of networks; time spent on promotion, dissemination, and looking for new projects or audiences. This work, which is not remunerated and is invisible (and therefore ineligible for social security or benefits) brings about a “discontinuity between commitments and revenues” (Capiou, 2000)¹², which conflicts with the classic regulations governing employment insurance. When artists perform invisible work, they cannot be said to be “not working,” although they are not receiving income, while access to unemployment benefits require them to be actively looking for paid work, inside or outside the arts sector.

- Martine D’Amours et 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*, Québec, Université Laval, 2012, p. 5. (Available in French only.)

Performing artist

Performing artists include actors, dancers, and musicians.

Professional artist

‘Artist’ is taken to mean any person who creates or gives creative expression to, or recreates works of art, who considers his artistic creation to be an essential part of his life, who contributes in this way to the development of art and culture and who is or asks to be recognized as an artist, whether or not he is bound by any relations of employment or association.

- UNESCO, *Recommendation concerning the Status of the Artist*, 1980.

Self-employed worker

A self-employed worker (also called an independent contractor or a freelance worker) is an independent worker who contracts services to companies or individuals, controls his or her own working hours, and may or may not own his or her own business. He or she does not employed by someone else under a contract of service and does not have an employer-employee relationship.

- Based on information from Service Canada

Status

The word ‘status’ signifies, on the one, hand, the regard accorded to artists, defined as above, in a society, on the basis of the importance attributed to the part they are called upon to play therein and, on the other hand, recognition of the liberties and rights, including moral, economic and social rights, with particular reference to income and social security, which artists should enjoy.

- UNESCO, *Recommendation concerning the Status of the Artist*, 1980

¹²Suzanne Capiou, *La création d’un environnement juridique et économique approprié pour les activités artistiques. Nécessité et urgence d’une intervention publique*, Conseil de l’Europe, Programme MOSAIC, 2000. (Available in French only)

SELECTED BIBLIOGRAPHY ON THE PROFESSIONAL STATUS OF THE ARTIST

International Sources

UNESCO, *The Artist and Society: Conclusions of the World Congress on the Implementation of the Recommendation concerning the Status of the Artist*, UNESCO, 1997. http://www.unesco.org/new/en/culture/themes/dynamic-content-single-view/news/the_artist_and_society_conclusions_of_the_world_congress_on_the_implementation_of_the_recommendation_concerning_the_status_of_the_artist/#.Uqo_TJsJcU

UNESCO, *Recommendation concerning the Status of the Artist*, adopted at the General Conference held in Belgrade from 23 September to 28 October 1980. http://portal.unesco.org/en/ev.php-URL_ID=13138&URL_DO=DO_TOPIC&URL_SECTION=201.html.

World Congress on the Implementation of the Recommendation Concerning the Status of the Artist, *Final Declaration*, Paris, UNESCO, 1997. <http://unesdoc.unesco.org/images/0010/001090/109018e.pdf>

Canadian Sources

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

Canadian Conference of the Arts, *ABC on the Status of the Artist*, Toronto, Canadian Conference of the Arts. <http://ccarts.ca/wp-content/uploads/2011/11/Status-of-Artist-eng.pdf>

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

Neil Craig Associates, *The Status of Status: Update on initiatives to improve the socio-economic status of Canadian artists*, Toronto, Canadian Conference of the Arts, 2007. http://ccarts.ca/wp-content/uploads/2011/09/statusofstatus_neilcraig_120407.pdf

New Brunswick Sources

ArtsLink NB, *Sustaining New Brunswick's arts and cultural workforce*, Fredericton, ArtsLink NB, 2013. http://www.artslinknb.com/UserFiles/file/Campbell%20Report_Sept18_print.pdf.

Association acadienne des artistes professionnels du Nouveau-Brunswick, *Stratégie globale pour l'intégration des arts et de la culture dans la société acadienne au Nouveau-Brunswick*, Moncton, AAAPNB, 2009. www.aaapnb.ca/strategieglobale/documents

translation: Association acadienne des artistes professionnels du Nouveau-Brunswick, *A Global Strategy for the Integration of Arts and Culture into Acadian Society in New Brunswick*, 2010. <http://www.aaapnb.ca/english/AGlobalStrategy.pdf>

Québec Sources

Bernier, Jean, *La protection sociale des travailleurs atypiques en dehors du lien d'emploi*, Québec, Commission sur l'examen des normes fédérales du travail, 2006.

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 »*, Québec, ministère de la Culture, des Communications et de la Condition féminine du Québec, 2008. www.gmmq.com/sites/www.gmmq.com/files/bilan-mvla-juillet08.pdf

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 !*, février 2010. www.csst.qc.ca/publications/600/Documents/DC_600_421_1_web1.pdf



SELECTED BIBLIOGRAPHY ON THE PROFESSIONAL STATUS OF THE ARTIST

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

D'Amours, Martine, et 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*, Québec, Université Laval, 2012.
www.fss.ulaval.ca/cms/upload/rlt/fichiers/synth_protection__sociale_artistes_cadre_analyse_synthesesecurev3.pdf

Québec, *An Act respecting the Professional status of artists in the visual arts, arts and crafts and literature, and their contracts with promoters*, CQLR c S-32.01
<http://www.canlii.ca/en/qc/laws/stat/cqlr-c-s-32.01/latest/cqlr-c-s-32.01.html>

Québec, *An Act respecting the Professional status and conditions of engagement of performing, recording and film artists*, CQLR c S-32 <http://www.canlii.ca/en/qc/laws/stat/cqlr-c-s-32.1/latest/cqlr-c-s-32.1.html>

Québec, *An Act Respecting Industrial Accidents and Occupational Diseases*, CQLR c A-3.001
<http://www.canlii.org/en/qc/laws/stat/cqlr-c-a-3.001/latest/cqlr-c-a-3.001.html>

Québec, *Pour mieux vivre de l'art : cahier de propositions (amélioration des conditions socioéconomiques des artistes)*, Québec, ministère de la Culture, des Communications et de la Condition féminine, avril 2004.
www.mcc.gouv.qc.ca/publications/cahier-propositions.pdf

Québec, *Pour mieux vivre de l'art : plan d'action pour l'amélioration des conditions socioéconomiques des artistes*, Québec, ministère de la Culture, des Communications et de la Condition féminine, juin 2004. www.mcc.gouv.qc.ca/index.php?id=3355&tx_lesecrits_pi1%5Becrit%5D=165&cHash=aba840807096fb168f3fe22de671134

Nova Scotia Sources

Nova Scotia, *Status of the Artist Act*, 2012. nslegislature.ca/legc/bills/61st_4th/1st_read/b001.htm

Ontario Sources

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

Saskatchewan Sources

Saskatchewan, *The Arts Professions Act: An Act respecting the Arts Professions and the Status of the Artist*. Chapter A-28.002 of the Statutes of Saskatchewan, 2009 <http://www.pcs.gov.sk.ca/arts-professions-act>

Minister's Advisory Committee on Status of the Artist, the, *Final Report*, Regina, Department of Culture, Youth and Recreation, 2006. www.pcs.gov.sk.ca/Status-Artist-EN

LIST OF PARTICIPANTS

Chantal Abord-Hugon
 Marie Hélène Allain
 WL Altman
 Maurice Arseneault
 Martine Aubé
 Sophia Bartholomew
 Alain Basque
 Julie Basque
 Nicolas Basque
 Edward Ned A. Bear
 Jeremy J.B. Bear
 Philippe Beaulieu
 Albert Belzile
 Marie-Philippe Bergeron
 Jared Betts
 Lina Bilodeau
 Renée Blanchard
 Romain Blanchard
 Catherine Blondin
 Françoise Bonnin
 Isabelle Bonnin
 Michèle Bouchard
 Louise Boucher
 Joël Boudreau
 Louise Bourque
 Pauline Bourque
 Dolores Breau
 Jacinthe Breau
 Archange Brideau
 Théo Brideau
 Marie Cadieux
 Kelly Cain
 Jean-Pierre Caissie
 Michèle Caron
 Rodolphe Caron
 Mathieu Chouinard
 Brigitte Clavette
 Julien Cormier
 Gracia Couturier
 John Edward Cushnie
 Diane Deschênes
 Marc Desgranges
 Jean-Pierre Desmarais
 Lesandra Dodson
 Gilles Doiron
 Jason Doiron
 Geneviève D'Ortun
 Carole Doucet
 Dann Downes
 Nathalie Dubois
 Bertrand Dugas
 Julie Duguay
 Michelle Anne Duguay
 Murielle Duguay

Rachel Duperreault
 Khalid El Idrissi
 Jo-Anne Elder
 Julie Emond McCarthy
 Amanda Fauteux
 Shaun Ferguson
 Shannon Ferris
 Raymonde Fortin
 Ghislaine Foulem
 M. Fournier
 Marie-Ève Gagnon
 France Gallant
 Melvin Gallant
 Éveline Gallant Fournier
 Louise Gauthier
 Michel Gauthier
 Daniel Gautreau
 Joe Gibbons
 Carmen Gibbs
 Kathy Gildart
 Anna Girouard
 Line Godbout
 Léo Goguen
 Carlos Gomes
 Céline Haché
 Joey Robin Haché
 Linda Haché
 M. Haché
 Nicole Haché
 Kathryn Hamer-Edwards
 Elliott Hearte
 Trevor Holder, Minister, Tourism,
 Heritage and Culture
 Nisk Imbeault
 Jocelyn Jean
 Guylaine Joly-Enchardour
 Denis Lanteigne
 Stéphanie Lapierre
 Christine Lavoie
 Marcel Lavoie
 Gilbert LeBlanc
 Joel LeBlanc
 Sandra Le Couteur
 Raymond Legault
 Monette Léger
 Christine Lemay
 Louise Lemieux
 Vicky Lentz
 Anika Lirette
 Sandy Mackay
 Gilles Manuel
 Élisabeth Marier
 Caleb Marshall
 Fabiola Martinez Rodriguez

Pierre McGraw
 Mario Mercier
 Christian Michaud
 Sébastien Michaud
 Bob Morouney
 Rachel Morouney
 Raymond Nadeau
 Claire Normand
 Émerise Nowlan
 Jérôme Luc Paulin
 Bruno Jacques Pelletier
 Marie Christine Pierre
 Line Pinet
 Jean-Mari Pître
 René Poirier
 Helen Pridmore
 Dave Puhacz
 Diane Ricard
 Noëlla Richard
 Serge V. Richard
 Jean-Guy Rioux
 Claire Robert
 Dominik Robichaud
 Paul Robichaud, Deputy-Premier
 Claude Robinson
 Guy Robinson
 Jeannelle Robinson
 Lisa Ross
 Jacques Rousseau
 Lisa Roy
 Barbara Safran
 Danielle Saulnier
 Raymond Sewell
 Evan Shaw
 Luke Simon
 Michèle Smith
 Julie D'Amour-Léger
 Serena Sock
 Christiane St-Pierre
 Darlene Strong
 Jean Surette
 Adam Sweet
 Carol Taylor
 Lizon Thériault
 Michel Thériault
 Lee Thompson
 Marie-Pierre Valay-Nadeau
 Roger Vautour
 Véronique Wade
 Caroline Walker
 Kate Wallace
 Peggy Woolsey

IMAGES OF THE FORUM



Trevor Holder
Minister, Tourism, Heritage and Culture



**Kathryn Hamer, Louise Lemieux,
Chantal Abord-Hugon and Carmen Gibbs**



Kathryn Hamer, president, ArtsLink NB



Romain Blanchard, AAAPNB



Raymond Legault, president, UDA



THE FORUM'S ARTS PROGRAM

This Forum on the Professional Status of Artists was an ideal opportunity to showcase the art and talent of New Brunswick through our Arts Program, which will feature the following artists: hoc basis:

Claire Normand, artistic director - Marie-Pierre Valay-Nadeau, actor - Albert Belzile, actor - Marie-Philippe Bergeron, singer-songwriter - Emma Haché, author - Bertrand Dugas, actor - Mario Mercier, actor - Julie Duguay, dancer/choreographer - Shaun Ferguson, singer-songwriter - Geneviève D'Ortun, singer-songwriter - Jean-François Mallet, music director/composer - Raymond Sewell (Red Suga), singer-songwriter - Adam Sweet, vocals - Sandra Le Couteur, singer/host - Dave Puhacz, singer-songwriter - Stéphanie Lapierre, singer - Michèle Smith, singer - Pierre McGraw, choir director - Michel Thériault, singer-songwriter - Éveline Gallant Fournier, visual artist - Marie Cadieux, reader - Lee Thompson, singer-songwriter - Ned Bear, visual artist - Carlos Gomes, reader - Serena Sock, reader - Bernard Dugas, set designer

Finally, we wish to thank the following people for their generous contribution to this historic event's arts program.

Lizon Thériault, Aurore Thériault, Julien Cadieux, Sylvie Mazerolle, Rodolphe Caron, Monique LeBlanc, Paul Arseneau and Bellefeuille Production.



IMAGES OF THE ARTS PROGRAM



Marie-Philippe Bergeron



Lee Thompson



Red Suga and Adam Sweet



Emma Haché



Sandra Le Couteur

ACKNOWLEDGEMENTS

The report of the Forum on the Professional Status of Artists is the culmination of a great deal of hard work and careful research and reeding on the part of the AAAPNB. It was made possible by the contributions of a number of partners.

In particular, we would like to thank the Province of New Brunswick, through the Department of Tourism, Heritage and Culture, Regional Development Corporation, as well as the Intergovernmental Affairs. Their support for this initiative demonstrates the commitment of our provincial government towards a society which understands the value of artists and which treats artists and their work more fairly.

We also want to acknowledge the dedicated efforts of ArtsLink NB, artsnb and the Assembly of First Nations Chiefs of New Brunswick. They have worked alongside the AAAPNB from the earliest days of planning and throughout the entire process leading up to the Forum. Our collective efforts have made it possible to gather a significant number of artists from New Brunswick's various cultural groups.

Lastly, we would like to express our appreciation for the important contribution of all of those who presented at the Forum and whose expertise fuelled the discussions which took place over the weekend: Claude Robinson, artist and keynote speaker, who set the tone for the event by telling his own rich and complex story, Louise Boucher, Executive Director of the Conseil québécois des ressources humaines en culture, Raymond Legault, President of the Union des artistes, Marie-Ève Gagnon, Executive Director of the Association québécoise des auteurs dramatiques, Michèle Caron, legal expert, and Françoise Bonnin, consultant. We would also like to thank Chantal Abord-Hugon, MC for the Forum, Marie Cadieux, MC for the Opening Ceremony, and all the facilitators and recorders involved in the workshops.



