

## ***The Status of the Artist Act, 2007***

### **Media Backgrounder**

Culture, Youth and Recreation Minister Glenn Hagel has tabled Bill 68, *The Status of the Artist Act, 2007*.

The Act is a response to the final report of the Minister's Advisory Committee on Status of the Artist (MACSA), which Minister Hagel released in July, 2006. The Government of Saskatchewan has accepted the MACSA recommendations as the broad strategic framework of the Government of Saskatchewan in improving the living and working conditions of artists in Saskatchewan.

Bill 68 is one element of Government's response to the recommendations of MACSA.

The new bill, Bill 68, was entered into second reading May 7, 2007. The bill features four main areas:

1. Recognition of the role artists play in the well-being of the province and its people, which is drawn from the original *Status of the Artist Act*.
2. A requirement for professional artists and engagers to enter into written contracts when the services of artists are retained, which was drawn from Bill 40, an amendment to *The Status of the Artist Act* which has now been withdrawn.
3. A framework within which artists can choose to enter into collectively negotiating scale agreements with engagers. With this bill, Saskatchewan will become only the second province in Canada (the other is Quebec) to have a formal system for bargaining for professional artists.
4. The repeal of the original *Status of the Artist Act*.

### **Recognition of artists**

This section recognizes the importance of artists, the value of artistic creativity, the value of artists' contribution to the cultural, social, economic and educational life of the province as well as the importance of fair compensation to artists for the creation and use of their artistic works. This section also lays out the province's commitment to policy respecting artists that considers principles such as freedom of expression, the right to associate and the right to fair treatment. Finally, the section provides for an additional undertaking by the Government of Saskatchewan to promote and protect the status of artists and to promote the working conditions of artists within government.

### **Mandatory Contracts**

This feature requires that engagers must enter into a written contract with artists when retaining their services. It also stipulates that every contract must contain the elements prescribed in the regulations. The regulations will be developed at a later time, but are not intended to dictate the terms of the agreement between an artist and engager. They will merely lay out areas about which the artist and engager must agree in writing. For example, a contract will have to include the specific terms of any transfer of intellectual property rights.

## **Professional Relations**

The bill establishes a system of professional relations for the negotiation of scale agreements between artists and engagers in Saskatchewan. The system generally follows the model in laid out the federal *Status of the Artist Act*. This complementarity of the federal system with the provincial system will mean that artists' associations will be able to move easily from one system to the other. It will also make it more likely that, should other provinces choose to follow Saskatchewan's lead, systems will be relatively consistent from jurisdiction to jurisdiction.

The proposed system of professional relations is documented in the attached graphic.

While the Saskatchewan approach to professional relations for artists is largely consistent with the Government of Canada's, there are a few important differences:

- The proposal establishes the Saskatchewan Labour Relations Board (SLRB) as the body responsible for administering the Act.
- An artists' association applying to the SLRB to represent a sector for the purpose of negotiating scale agreements must provide written proof of support from the majority of its members who are professional artists living in Saskatchewan. Artists are given the opportunity to choose when and under what circumstances their associations will be authorized to act as their bargaining agents
- Registered artists' associations negotiate scale agreements for a sector with representative engagers' associations.
- Where a national (voluntary) scale agreement exists between two parties who subsequently register/certify under this Act, the scale agreement will be continued.
- The proposal provides for first agreement arbitration.

## **Repeal of *The Status of the Artist Act***

Included in Bill 68 is a section that repeals *The Status of the Artist Act* that was adopted in 2002. Text from the original statute is incorporated into the new bill, but the new bill is unilingual. Government intends to table an amendment in the next session to make the new statute bilingual.