



REPORT OF
THE PREMIER'S TASK
FORCE ON THE STATUS
OF THE ARTIST



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Legal Deposit: Library and Archives Canada

ISBN (paper): 978-1-4605-2682-8

ISBN (PDF): 978-1-4605-2683-5

Production Team

Revision: Clarissa Hurley

Design: Jacques Rousseau and Emmanuelle Dubé, Productions Rouj

Cover image: Les Robes de Sainte-Anne, 2014

Design: Circus Stella

Choreography: Jay Ruby - The Carpetbag Brigade

Performers: Julie Duguay and Marie-Christine Simoneau

Music: Body Builders

Costume(s): Désordres Poétiques

Photo credit: Marykristn

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MESSAGE FROM THE MEMBERS OF THE PREMIER'S TASK FORCE ON THE STATUS OF THE ARTIST

The members of this Task Force are pleased to release this report of the Premier's Task Force on the Status of the Artist. In 2014, we accepted a mandate from Premier David Alward to examine the socio-economic conditions of professional New Brunswick artists and to make recommendations on actions or legislation that would improve their ability to make a living from their art. Premier Alward recognized the important contributions made by the arts and culture sector in New Brunswick as well as the unique challenges professional artists face.

This task force is composed of professional artists, as well as stakeholders from the arts and culture community including representatives from the Association acadienne des artistes professionnel.les du Nouveau-Brunswick, ArtsLink NB, and the New Brunswick Arts Board. In addition, the task force includes representatives and subject matter experts from the Departments of Tourism, Heritage, and Culture; Finance and Treasury Board; Executive Council Office; Education and Early Childhood Development; Post-Secondary Education, Training, and Labour; Social Development; WorkSafe NB; and the Office of the Premier.¹

It has been a great honour for us to participate in this important initiative. We have worked diligently to fulfill the responsibility entrusted to us and we present this report with a sense of pride and accomplishment. As a result of this experience, we are more convinced than ever of the need to recognize the contribution of professional artists to the economic, social, educational, and cultural development of New Brunswick.

The evidence clearly shows that by helping New Brunswick's professional artists earn a reasonable income, our province will be able to increase its cultural capital, improve its economy, and create a better living environment for all New Brunswickers.

It is our sincere hope that the government will share our viewpoint and that together we will work to improve the socio-economic situation of professional artists and consequently enable them to enjoy a better quality of life.

This report represents an important step in a multi-year process and we are pleased to acknowledge the work that has been done to date, but this work must continue.

¹ The role of Departmental representatives has been to liaise between the Task Force and respective Departments and to act as resources as needed.

Spread over more than six years, the Task Force's reflections have been accompanied and nourished by the expertise of researchers and consultants. It is thanks to their essential input that we are convinced that this report constitutes a highly credible roadmap on which the various governments and partners in the cultural sector can build. Ms. Françoise Bonnin, of FB Management des arts, has accompanied the Task Force since its inception by proposing an operating framework and a body of research that formed the basis of the Task Force's work. Martine D'Amours and Marie-Hélène Deshaies were able to consolidate the sum of several years of consultations and reflections into a comprehensive research report on which this report to the Premier is based, which they also wrote in large part in collaboration with the Task Force. Their extensive experience on the subject has enabled the Task Force to articulate the many recommendations into a concise and logical whole.

In order for the socio-economic status of professional artists in New Brunswick to be improved, the federal government must be mobilized, as some of the recommended measures fall under its jurisdiction.

The catastrophic pandemic of 2020 has further highlighted the financial precariousness of many artists and arts professionals, and the crucial importance of their contribution to our personal and collective well-being. Our society can count on the resilience of artists and their inherent adaptability, but their basic needs must be met. The social justice issues raised by the pandemic are consistent with the findings of this report.

New Brunswick's professional artists will look to their government to play a leadership role at the national level. As it assumes this crucial role, the government will be able to count on the support and collaboration of the province's professional artists to move this important initiative forward. The first step in this ongoing dialogue is to establish a transition committee on the status of the artist in New Brunswick.

It is now incumbent upon the government to examine carefully the extensive work done by this group and consider recommended actions and measures. We submit this report in the hope that both the provincial and federal governments will find it both inspiring and realistic.

It is our hope that this report will incite many of the driving forces in New Brunswick society to join us in this call to action.

- Members of the Premier's Task Force on the Status of the Artist.

MEMBERS OF THE PREMIER'S TASK FORCE ON THE STATUS OF THE ARTIST AT THE TIME OF THE TABLING OF THE REPORT

PROFESSIONAL ARTISTS

Phyllis Grant
Sebastien Michaud
Sarah Johnson Power
Mark Blagrove

REPRESENTATIVES OF ARTS ORGANIZATIONS

ASSOCIATION ACADIENNE DES ARTISTES PROFESSIONNELLES DU NOUVEAU-BRUNSWICK

Philippe Beaulieu, President; Carmen Gibbs, Executive Director;
Jean-Pierre Caissie, Assistant Director

ARTSLINK NB

Julie Scriver, President; Julie Whitenect, Executive Director

NEW BRUNSWICK ARTS BOARD

Carol Collicutt, Chair; Jocelyn Richer, Executive Director

DEPARTMENTS AND AGENCIES

TOURISM, HERITAGE, AND CULTURE

Arts, Culture and Commemorations Branch

EXECUTIVE COUNCIL OFFICE

Policy Division

POST-SECONDARY EDUCATION, TRAINING, AND LABOUR

Labour and Strategic Services Division

EDUCATION AND EARLY CHILDHOOD DEVELOPMENT

Learning and Achievement Branch; Policy and Legislative Affairs Branch

FINANCE AND TREASURY BOARD

Tax Policy Branch

SOCIAL DEVELOPMENT

Policy and Analytics Branch

WORKSAFE NB

Prevention Division

INTRODUCTION

In Canada, several advisory committees have examined ways to improve the living and working conditions of professional artists. To date, five provincial governments have passed Status of the Artist legislation containing statements on the importance of artists in society and the need to improve their social and economic conditions through legislation and public policy. However, with the exception of Quebec, these jurisdictions have adopted few concrete legislative measures to significantly improve the lives of people who struggle to make a living from their art.



In New Brunswick, the profession of artist is not recognized by law and many government measures are not accessible to artists due to the nature of their self-employment. Professional artists regularly engage in what is known as “invisible work” for which they are not paid. Invisible work includes all the time spent on activities that inevitably precede the presentation of a final artistic product, including preparation and training, research and creation, networking, dissemination, and promotion of the artwork.

Several reports depict the reality of artists' atypical work, which is often intermittent and characterized by cyclical activity. Artistic careers are, in fact, often punctuated by short-term contracts carried out in different spheres of activity (artistic or other) for different entrepreneurs or employers.

“Invisible work includes all the time spent on activities that inevitably precede the presentation of a final artistic product, including preparation and training, research and creation, networking, dissemination, and promotion of the artwork.”

Sylvie Pilotte, *Une erreur est survenue*, collage and marker on cardboard, 2017. Photo: Sylvie Pilotte.

Philippe Beaulieu and Viola Léger present an award during the Soirée des Éloizes 2016 in Dieppe. Photo: Julie D'Amour-Léger.

Performance by Circus Stella at the inauguration of the Centre Jean-Daigle in Edmundston. Photo: Dfoto.

While it is true that other occupations share some of these characteristics, overall the resulting work pattern for artists is very different from that of the majority of workers in the labour force. Furthermore, professional artists rarely have access to Employment Insurance, workers' compensation, pension plans, and comparable social programs available to other professionals.

Finally, employed artists usually work on a contract or casual basis and must combine several such jobs to earn an adequate employment income. Opportunities vary from year to year and sources of income may come from employment or self-employment in the arts and other fields. This is commonly referred to as the "double life" of professional artists.

“Finally, employed artists usually work on a contract or casual basis and must combine several such jobs to earn an adequate **employment income.**”



Marjolaine Bourgeois, *Répétition générale*, image transfers on cotton, acrylic, embroidery, 98 cm x 84 cm, 2018. Photo: Marjolaine Bourgeois.

More than ever, we are convinced of the need to recognize the contribution of professional artists to the economic, social, educational, and cultural development of New Brunswick. Data clearly shows that by helping New Brunswick's professional artists earn a reasonable income, our province will be able to increase its cultural capital, improve its economy, and create a better living environment for all New Brunswickers.

The Premier's Task Force on the Status of the Artist recognizes that many artists face further barriers and challenges due to systemic inequalities related to ethnicity, socio-economic status, and gender, to name a few.

We sincerely hope that the government will share our point of view and that together we will work to improve the socio-economic situation of professional artists and consequently enable them to enjoy a better quality of life. Since their respective foundings in 1990 and 2009, the Association acadienne des artistes professionnel.le.s du Nouveau-Brunswick and ArtsLink NB have been calling on the Government of New Brunswick to recognize the profession of artist.

These two groups, together with 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 the Indigenous, Anglophone, and Acadian communities held in the province since the 1987 forum. Over a weekend in Shippagan, artists and partners discussed issues relating to the artist's profession and proposed solutions for concrete improvements in working conditions, remuneration, and social security. The collaboration of these linguistically and culturally diverse individuals is a testament to our common purpose as artists.

The report and recommendations from this forum formed the basis for the work of the Premier's Task Force on the Status of the Artist. This committee was established in 2014 with a mandate to “make recommendations on measures or legislation that will improve the socio-economic status of professional artists and thereby enable them to enjoy a better quality of life in New Brunswick.”

Through extensive research, the Task Force has examined models of taxation, remuneration, labour relations, and legislation pertaining to all workers and how new strategies and best practices can mitigate the barriers to arts professionals. Many of the recommendations concern the federal government, since some public programs or policies fall under federal jurisdiction.

The research and arguments put forward in this report draw upon the work of D'Amours and Deshaies 2020, whose work allowed the Task Force to provide full context to each of the recommendations.

THIS REPORT IS DIVIDED INTO FOUR PARTS

1. UNDERSTANDING CREATIVE WORK
2. ARTISTS LIVING IN ECONOMIC INSECURITY
3. A LEGAL FRAMEWORK
4. INCREASING THE MEDIAN INCOME AND ACCESS TO SOCIAL BENEFITS FOR ARTISTS

HERE ARE THE TWENTY-FOUR RECOMMENDATIONS OF THE TASK FORCE

1. Establish a Transition Committee
2. Adopt a Definition of Professional Artist
3. Develop and Adopt a Status of the Artist Legislation
4. Include Provisions in a Status of the Artist Legislation
5. Recognize Invisible Work
6. Advocate for Fair Taxation of Digital Giants
7. Revise the *Copyright Act*
8. Introduce Resale Rights for Visual Artists
9. Make Written Contracts Mandatory
10. Establish Minimum Fee Scales
11. Modify Tax Measures
12. Increase Funding for Arts Programs in Schools
13. Hire New Brunswick Artists First
14. Strengthen the Public Art Policy for New Brunswick
15. Establish an Artist-in-Residence Program and Strengthen Current Program
16. Establish a Guideline for Examining and Adapting Social Protection Schemes
17. Explore the Establishment of a Guaranteed Annual Income Program
18. Explore a Portable Benefit Model
19. Include Invisible Work in the Calculation of Pension Contributions
20. Adapt and Strengthen the Canada Pension Plan
21. Review and Adapt the Existing Employment Insurance Measures to Professional Artists
22. Document Barriers to Child Care Accessibility
23. Document Workplace Injuries and Sickness and Propose Means of Prevention
24. Conduct a Feasibility Study on Career Transition Programs and Services for Artists



UNDERSTANDING
CREATIVE WORK

PART 1 UNDERSTANDING CREATIVE WORK

To understand fully the precarious economic status of artists and to recommend improvements, we must grasp the distinct character of artistic activity and employment. The term “**creative work**” refers here to paid work in one or more artistic disciplines, whether performed as an employee or as a self-employed person.

CREATIVE WORK IS INTERMITTENT.

The term intermittent is used to describe economic activity which is sporadic by nature. Like seasonal jobs in agriculture and fisheries, creative work is intermittent because the arts and culture sector is largely project-based, which results in high frictional unemployment (unemployment between contracts).

“The term **intermittent** is used to describe economic activity which is sporadic by nature.”



Alanna Baird, *Sea Urchin #18*, bronze, 2018-2019. Photo: Alanna Baird.

WORK IN THE ARTS OFTEN REQUIRES A SIGNIFICANT AMOUNT OF UNDOCUMENTED AND UNRECOGNIZED WORK.

This “invisible work” is any activity required to earn an income, obtain a job, work on a contract, sell an artwork, or advance one’s career. Unlike artistic workers employed in traditional employee-employer relationships (such as for a cultural institution), professional artists must often compete for funding, which involves investments of time in proposal writing and concept preparation, among other activities not factored into the final value of their work. In fact, “the creation of a creative product or service to gain an income requires a significant and recurring amount of invisible work: preparation (training or rehearsal) and education; creative research and development activities; inspiration and conceptualization of new projects; establishing and maintaining networks; and devoting time to marketing and searching for new projects.”² The creation and distribution of artwork would simply be impossible without this unrecognized and unpaid invisible work.



Phil Comeau, Director / scriptwriter, interviewed by ICI Radio-Canada to promote the launch of the documentary series *Vague d'Acadie*. Photo: Marcel Gallant.

In addition, professional artists rarely have access to the same level of professional development opportunities as other professions, nor the same group insurance and pension benefit options enjoyed by other professional groups. Access to protection programs such as Employment Insurance and workers’ compensation also poses unique challenges for the self-employed and for self-employed artists in particular.

² D’Amours, Deshaies. 2012.

ARTISTS ARE EXPOSED TO SIGNIFICANT ECONOMIC RISKS.

Success is unpredictable, random, and not guaranteed by either experience or the success of previous projects. The risk is heightened by the fact that the supply of talent is greater than the demand in a highly competitive economy that runs on innovation: every project and producer is in competition with a multitude of other projects and producers. Both the artist's activity and their earnings (often linked to approval of the product) are subject to unpredictability and economic fluctuations.

Artists' attempt to shield themselves from this uncertainty by diversifying their work, or "living a double life." They may hold several jobs in the arts, or a creative job and a related creative job (such as teaching), or a creative job in addition to a non-art related job. However, diversification carries its own risks; in particular, having to hold down jobs outside of their main artistic activity in order to put food on the table may detract from time invested in an artist's creative endeavours.

A CREATIVE CAREER OFTEN INVOLVES A STRING OF PROJECTS, BOTH WITHIN AND OUTSIDE OF THE CREATIVE SECTOR, WORKING FOR DIFFERENT EMPLOYERS OR CLIENTS AND UNDER DIFFERENT CONDITIONS.

Artists can have a variety of short-term jobs, in different fields and for a range of employers, with a range of social and fiscal conditions (salaried, contract, self-employed). Indeed, the benefits associated with social protections are often tied to a particular employer or activity, and there are rarely links between the various benefits systems.³

3 D'Amours, Deshaies. 2012.

The background is a dark, swirling, abstract painting. It features a central cluster of small, light-colored houses, possibly a village or a small town, surrounded by dark, swirling patterns that suggest a storm or a vortex. The overall mood is somber and turbulent. The painting is composed of various shades of dark blue, black, and brown, with some lighter, yellowish-green highlights. The texture is rough and expressive, with visible brushstrokes and a sense of movement.

2

ARTISTS LIVING
IN ECONOMIC
INSECURITY

PART 2

ARTISTS LIVING IN ECONOMIC INSECURITY

Precarious work can be defined by four criteria: job instability, low income, a limited regulatory framework, and the lack of control over one's work.⁴ The first three criteria apply to artists.

JOB INSTABILITY

The vast majority of artists do not often enjoy stable employment. They tend to work at a variety of jobs, both arts related and non-arts related. Their creative work includes fluctuating but often significant amounts of invisible work. The intermittent nature of the work and limited access to benefits contributes to their low and unstable incomes.



Gabriel Robichaud delivers a literary performance at the Soirée des Éloizes 2016 in Dieppe. Photo: Julie D'Amour-Léger.

LOW INCOME

Three conclusions emerge from numerous studies:

- Artists generally have a lower income than other workers.
- In some cases, creative work actually costs the artist more than they earn from it.
- Artists' incomes are highly polarized. The majority earn a low to modest income.

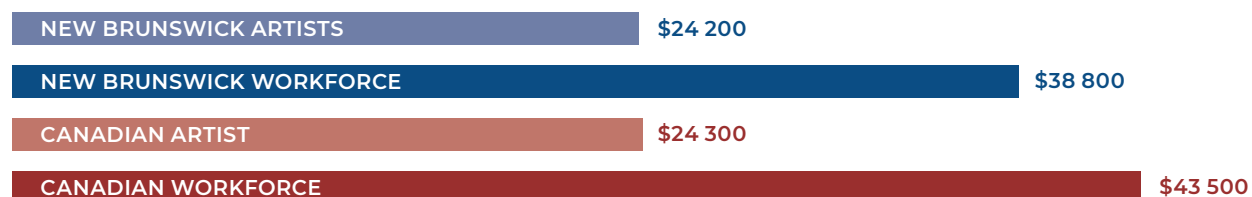
⁴ R Rodgers. 1989.

There are significant gaps between the incomes of artists and other workers in the economy, according to Hill's analysis of Statistics Canada's data on the arts sector.⁵ This is true both for artists in Canada as a whole and for those in New Brunswick.

In 2016, the median individual income of Canadian artists was \$24,300, compared to \$43,500 for all workers.⁶ Significant differences do exist between incomes in specific career fields (e.g. musicians, writers, producers, directors, visual artists, craftspeople, actors, dancers, conductors, composers, etc.). Median incomes for Canadians working in artistic occupations range by field from as low as \$15,800 to as high as \$49,300.

In New Brunswick, again in 2016, artists saw individual incomes that were 38% lower than the general workforce: \$24,200 compared to \$38,800. Individual income factors in all sources of income, not only wages, but also grants, for example.

INCOME OF ARTISTS COMPARED TO OTHER WORKERS IN NEW BRUNSWICK AND CANADA



⁵ Hill, 2019a and b.

⁶ We believe median income provides a better indication of the typical situation of artists than average income. Average is strongly affected by a few individuals with very high incomes, whereas median indicates the level at which half of all workers are above and below. Income figures are rounded to the nearest hundred, as in Hill, 2019a and 2019b.

If we consider their employment income, including wages, salaries, and self-employment earnings, artists in New Brunswick earn 56% less than the general provincial workforce: \$15,000 compared to \$33,700.

This inequity exists despite the fact that New Brunswick's artists are a highly educated part of the provincial workforce, with 41% having a bachelor's degree or higher, compared to only 21% of the general workforce.⁷

Artists' limited incomes are due to a number of causes. One of the most notable is the small share of public funds spent on the arts, which directly affects both the quantity and quality of contracts available to artists. There is also a highly unequal income distribution in the arts due to a contractual relationship imbalance, which has become even greater due to the advent of digital technology.⁸

Although they are the primary resource of the cultural and creative industries that are taken for granted by audiences and consumers, the vast majority of artists do not make a living solely from their art.

“Although they are the primary resource of the cultural and creative industries that are taken for granted by audiences and consumers, the vast majority of artists do not make a living solely from their art.”



Percy Sacobie, *Ceremony*, Acrylic painting used to depict the strawberry ceremony that was once used to celebrate young women's transition into womanhood. Acrylic painting on canvas. 28 in x 26 in, 2016. Photo: Percy Sacobie.

7 Hill. 2019b.

8 ArtsLink NB. 2013 : 13-14.

A LIMITED REGULATORY FRAMEWORK

In an employee-employer relationship scenario, there are labour laws in place to protect employees from working in conditions that are deleterious to their health, to ensure they have access to certain types of leave, and to provide wage and job protection. Unfortunately, these laws do not apply in situations of self-employment, and roughly half of Canadian and New Brunswick artists are self-employed (52% and 49% respectively).⁹

Although they face similar issues to other workers, including frequent periodic unemployment, artists are not as well covered by social protections. They may not qualify for current benefit programs due to their employment status, or they may be required to pay higher premiums, or to pay both the employee and employer contributions, as in the case of Employment Insurance (EI) and the Canadian Pension Plan (CPP) respectively. When working for an employer, benefits and protections are only in place for the term of the contract. As compensation levels and conditions depend on the duration of employment, a brief term of employment can also lead to limited compensation.

Finally, invisible work is not accounted for when calculating benefits earned. Although this activity is poorly documented, there are several indications of its importance: in a recent online survey of 190 New Brunswick artists, 51% reported spending 10-20 hours per week on unpaid creative work (creation, research, networking, and promotion) and 24% spent more than 20 hours per week on this invisible labour.¹⁰

“Although they face similar issues to other workers, including frequent periodic unemployment, artists are not as well covered by social protections.”



Director **Renée Blanchar** during a film shoot. Photo: Julie D'Amour-Léger.

⁹ Hill. 2019a and 2019b

¹⁰ ArtsLink NB: 2019 : 49-50.

The Premier's Task Force on the Status of the Artist proposes that New Brunswick adopt a strategy that includes a legal framework (Part 3) as well as specific measures (Part 4) designed to achieve two key objectives: to raise the median income of artists and to provide them with protections against economic, social, and professional risk, formally recognizing the economic, social, and cultural contribution of artists to Canadian society.

The years of work undertaken by this Task Force attest to the complexity of the issues and to the challenge of conducting such a comprehensive exercise while ensuring the full commitment of government officials despite changes at the political and administrative levels. We believe that to maintain the forward momentum, a core group of collaborators from the arts sector and government must be formalized through a transition committee with a formal mandate.

RECOMMENDATION 1

ESTABLISH A TRANSITION COMMITTEE

- a) That the Government of New Brunswick form a transition committee responsible for assisting it in implementing the recommendations contained in this report, by developing a detailed framework for action, specific timelines for measures that fall exclusively under the jurisdiction of the Government of New Brunswick, and a proposal for cooperation for those that must be discussed with the federal government.
- b) That the composition of this committee be similar to that of the Task Force and include representatives of both the artists and the departments concerned by the recommendations.
- c) That the transition committee report to the Premier's Office.



3

A LEGAL FRAMEWORK

PART 3

A LEGAL FRAMEWORK

It is essential that a public policy aimed at raising the socio-economic status of artists be based on a legal framework. The Premier's Task Force on the Status of the Artist recommends that the Government of New Brunswick adopt Status of the Artist legislation that includes an official definition of a professional artist.

RECOMMENDATION 2

ADOPT A DEFINITION OF A PROFESSIONAL ARTIST

That professional artists be recognized by the Government of New Brunswick, based on this established definition:¹¹

- a) An individual who practises an art and aspires to earn a living thereby, who offers their services as a creator or performer in one or more arts disciplines in return for compensation, and who is recognized by their peers;
- b) Has specialized training in the arts, actively practises an art and offers services in exchange for compensation in one or more of the disciplines recognized by the Canada Council for the Arts;
- c) Has presented their work in a professional context.

¹¹ This definition is recognized and used by UNESCO, the New Brunswick Arts Board, Association acadienne des artistes professionnel. le.s du Nouveau-Brunswick, ArtsLink NB, *Creative Futures - A Renewed Cultural Policy for New Brunswick*, and the Canada Council for the Arts.

In addition, the individual must meet at least two of the conditions in **Category A** and at least two in **Category B** below.

CATEGORY A

- A1. The individual is self-employed, files their taxes as an independent artist, or has received professional payment as an artist; has been hired by a recognized producer/presenter, and has signed a contract for their creative work.
- A2. The individual has had their status as a professional artist recognized by the Canada Council for the Arts or the arts council of a Canadian province or territory, following a peer review.
- A3. The individual holds a degree, a diploma, or a certification from an arts program at a recognized post-secondary institution (the equivalent of at least a two-year course in their field of at least 500 hours).
- A4. The individual has received testimonials of professional recognition from their peers or from the public, specifically honours, awards, or bursaries; or their work has been critically reviewed in the media.

CATEGORY B

- B1. The individual has presented their work publicly in exhibitions, presentations, books, periodicals, lectures, as script in the theatre, on radio or on television, in a fashion show, or in any other manner related to the nature of their work.
- B2. The individual has been represented by an art dealer, an editor, or an agent, according to their field, for a period of at least a year.
- B3. The individual has signed a service contract with a producer or distributor.
- B4. The individual devotes a reasonable amount of their professional activity to the creation, marketing, or promotion of their work, to taking part in auditions, soliciting clients and agents, presenting their work to editors, to periodicals, or to theatres, and to deploying other similar efforts, as appropriate to their artistic field.

It must be noted that the eligibility requirements for the measures proposed in this report may differ from or add to the above definition. In other words, it is possible that some measures will not apply to all professional artists.

The legal recognition of the value of art as a profession is not merely a symbolic gesture; it is a starting point for improving the socio-economic conditions of artists as a professional class. The Task Force considers that official recognition under the law of the role that artists play in our society is a key lever in raising the social and economic status of professional artists in New Brunswick.

Thankfully, New Brunswick is not the first jurisdiction to consider such recognition. The Government of Canada created the Task Force on the Status of the Artist in response to measures recommended by UNESCO, which tabled a report in August 1986. The federal government also passed the *Status of the Artist Act* in June 1992, officially recognizing the economic, social, and cultural contribution of artists to Canadian society.

Taking their cue from Quebec, where legislation was enacted in the late eighties, several Canadian provinces enacted their own laws. To date, five of those provinces have created legislation recognizing the role of artists in society and affirming their right to receive fair compensation for their work. However, with the exception of Quebec, the legislation is merely declaratory.¹² The approaches of Saskatchewan, Ontario, Nova Scotia, and Newfoundland and Labrador have acknowledged the importance of artists but led to little change in the socio-economic reality of their lives. In Quebec, where legislation has been in place for more than 30 years, the median earnings of artists is \$26,800, compared to \$24,300 for those of the rest of the country. Quebec also has the smallest gap between the median earnings of artists and those in the overall labour force, at 35%.¹³

¹² Branch, Legislative Services. 1992.

¹³ Hill. 2019b.

The creation and adoption of effective legislation to improve these conditions would be an important step forward for the Government of New Brunswick. It would also underline the significant role arts organizations have played in the definition of professional artists and in the design and implementation of measures that concern them.

RECOMMENDATION 3

DEVELOP AND ADOPT A STATUS OF THE ARTIST LEGISLATION

- a) That Legislative Assembly of New Brunswick enact legislation on the Status of the Artist in New Brunswick, which should include a definition of a professional artist, a comprehensive framework for the recognition of professional artists in New Brunswick, the general terms and conditions under which artists may negotiate separately, and the government's commitments to the promotion and recruitment of artists.
- b) That a permanent committee on the Status of the Artist be established by the Act, whose mandate would include monitoring and reporting annually to the Premier on the implementation of the recommendations made in this report.
- c) That the Government of New Brunswick set a realistic timetable for the implementation of measures exclusively under their jurisdiction, as well as an outline of steps to be taken with the federal government relating to measures under its control.



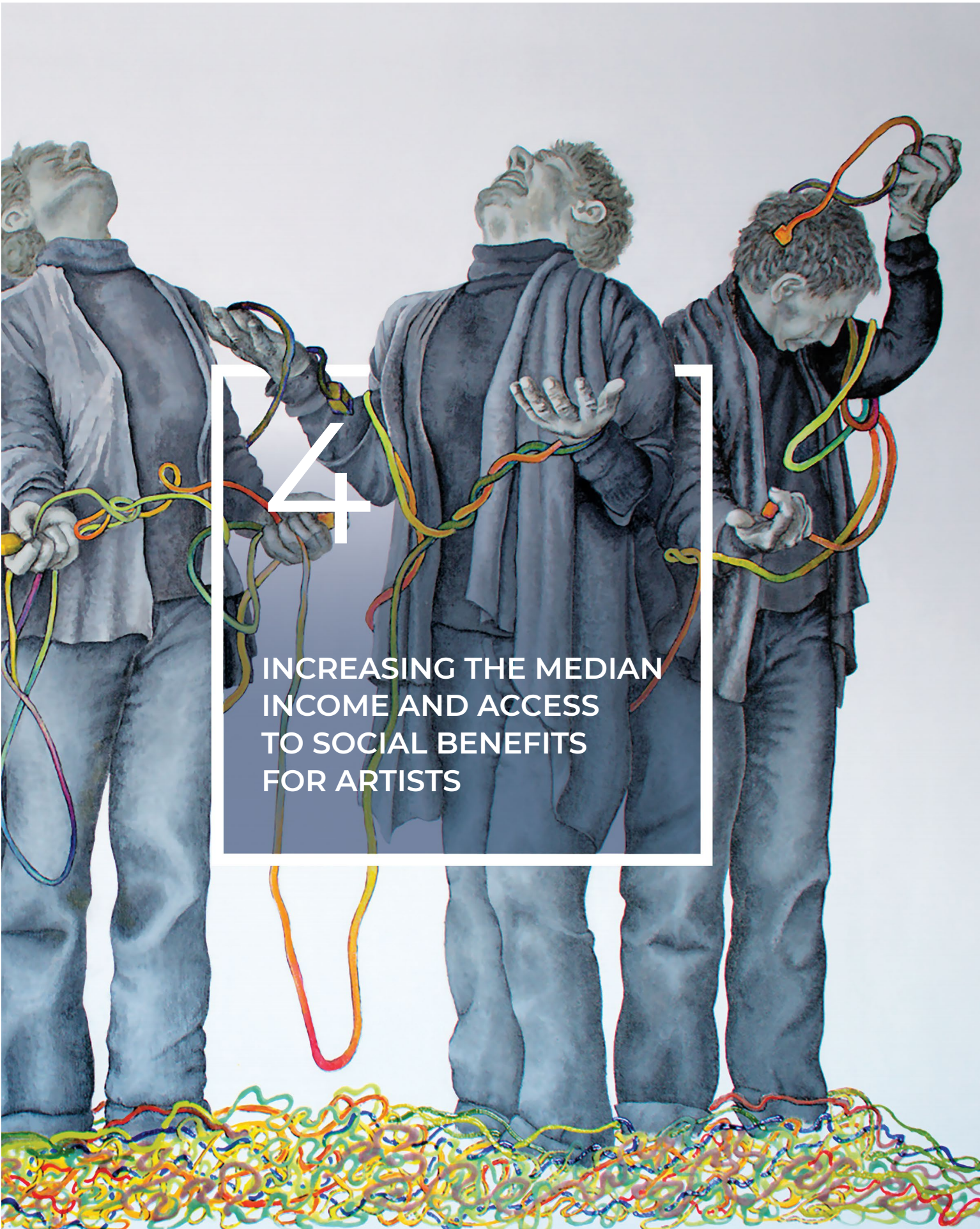
François Émond during a performance with Troisième. Photo: Cindy Duclous.

RECOMMENDATION 4

INCLUDE PROVISIONS IN A STATUS OF THE ARTIST LEGISLATION

That New Brunswick's Status of the Artist legislation include provisions recognizing and affirming:

- a) the vital contribution of artists to the cultural, social, economic, and educational fabric of New Brunswick;
- b) the fact that creative work is an objective public good and a service to the community;
- c) the importance that professional artists receive fair compensation for the creation, performance, and use of their creative work;
- d) the government's commitment to improving the socio-economic status of artists;
- e) the role and responsibilities of arts organizations in determining who fits the definition of professional artist in New Brunswick and implementing the various recommendations in this report;
- f) the inclusion of a periodic review mechanism for the Act.



4
INCREASING THE MEDIAN
INCOME AND ACCESS
TO SOCIAL BENEFITS
FOR ARTISTS

PART 4

INCREASING THE MEDIAN INCOME AND ACCESS TO SOCIAL BENEFITS FOR ARTISTS

The Premier's Task Force on the Status of the Artist identified two objectives that are particularly relevant to improving the socio-economic conditions of artists: increasing the median earnings of artists and giving them access to social benefits. The recommendations to achieve these objectives focus on the following needs:

- The need to better understand and acknowledge the nature and scope of **invisible work**, so it can be integrated into a comprehensive definition of creative work.
- The need to add value to **visible work** and its compensation, for example, through resale rights and improved copyright protections; fairer tax measures; respect for established fee scales; etc.
- The need to strengthen **social protections** by creating benefits systems better suited to the realities of artistic work, for example; by being portable from job to job; by being equally accessible to self-employed individuals; by being affordable; and by taking into account the nature of invisible work.

ACKNOWLEDGING INVISIBLE WORK

Invisible work is an integral part of the process of creative work. A better understanding of the nature of invisible work is a preliminary step to recognizing it. The creation of an artistic product or service requires a significant and recurring amount of preparation, research, and development. This includes researching and creating new projects; submitting proposals to funding sources; seeking and maintaining networks; disseminating and promoting work; searching for new clients; and ongoing professional development.

This work is essential for obtaining contracts, pursuing a career, and maintaining employability, yet it is unrecognized and unpaid, and hence not taken into account when calculating social protection benefits.

It is impossible to gauge the importance of invisible work to the creative process without understanding it in the broad sense and considering the differences between various sectors and occupations.

RECOMMENDATION 5

RECOGNIZE INVISIBLE WORK

- a) That the Government of New Brunswick recognize the reality of invisible work as an integral element of the artist's profession, as it is essential to generate income, to obtain or retain jobs, and to further careers.
- b) That the Government of New Brunswick commission research designed to document, in a qualitative and quantitative manner, the nature and amount of invisible work done by professional artists in the province, while taking into account the differences in creative professions, and that the Government of New Brunswick partner with the federal government on this research.

ADDING VALUE TO VISIBLE CREATIVE WORK AND COMPENSATION

The share of public funds devoted to arts and culture remains well below the need. Many stakeholders have suggested that a way to increase public funding for arts and culture is to fairly tax IT firms such as Google, Amazon, Facebook, Apple, Microsoft, Netflix, and Spotify, among others. This course of action is justified, since according to UNESCO the digital revolution has created “value gaps,” which have resulted in declines in income for most creative workers.¹⁴

The Legislative Review Panel on Broadcasting and Telecommunications has recommended to the federal government that all businesses, including online distribution platforms, contribute equitably to royalties and other cultural policy imperatives.¹⁵



Bonny Hill, *The Great Big Water Bottle Project*, installation mural with water bottles, 2014. Photo: Bonny Hill.

14 In 2016, the term “value gap” emerged in the global music industry. It refers to the fact that the amount spent by consumers and advertisers on music streaming and downloading services has increased dramatically despite the decline in the amount of money received by the artists who write, compose, perform, and produce that music. Neil, Garry. Culture & working conditions for artists: Implementing the 1980 Recommendation concerning the Status of the Artist. Paris: UNESCO, 2019. <https://unesdoc.unesco.org/ark:/48223/pf0000371790> [(UNESCO, 2019: 34)].

15 Broadcasting and Telecommunications Legislative Review Panel. 2020.

RECOMMENDATION 6

ADVOCATE FOR FAIR TAXATION OF DIGITAL GIANTS

- a) That the Government of New Brunswick add its voice to those of artists' collectives, producers, and other stakeholders, to call on the federal government to apply the same tax standards to the giant IT firms as it does to other firms in that sector.
- b) That the Government of New Brunswick request the federal government focus resources on ensuring that international and Canadian digital corporations, whose products are consumed in Canada, collect and remit the appropriate amount of sales taxes.



Lou Poirier filming in the TV series *Le siège*, 2017, produced by Phare-Est Média and Attractions Images.
Photo: Julie D'Amour-Léger.

The Task Force is confident that several measures relating to taxation, copyright, resale rights, the conclusion of contracts, and minimum compensation rates would add value to the compensation earned for visible, creative work.

In 2012, the federal government made changes to the *Copyright Act*, adding legislation on the fair use of creative work by all Canadian schools from kindergarten to grade 12 and by all post-secondary institutions. For the education sector, this meant that teaching institutions were no longer required to pay royalties for copying work protected by copyright. Because of the changes to the “fair use clause,” educational institutions have gained a financial benefit at the expense, in principle, of publishing houses and creative workers, including authors and artists from other fields.

In 2018, as part of the statutory review of the *Copyright Act*, the Commons Standing Committee on Canadian Heritage studied remuneration models for artists and creative industries. Several major themes emerged from their work which resulted in 22 recommendations examining challenges and solutions regarding copyright and the creative sector. Their report, *Shifting Paradigms*, looks at the increasing value gap, the decline in the artistic middle class, the impact of technology on creative industries, as well as artists’ resale rights, and fair dealing in schools and educational institutions.¹⁶

RECOMMENDATION 7

REVISE THE *COPYRIGHT ACT*

That the Government of New Brunswick recognize the intention of the Premier’s Task Force on the Status of the Artist to advocate for revisions to the *Copyright Act* in order to ensure that the education sector provide reasonable royalties to authors and editors for the reproduction of intellectual content for educational purposes.

¹⁶ Standing Committee on Canadian Heritage. 2019.

Droit de suite (or resale rights) describes how visual artists can benefit from the commercial success of their work by receiving a percentage of the sale price of the work each time it is resold, either through an auction house or a commercial gallery. The European Union member states and UK are two jurisdictions where *droit de suite* is applied.

In the field of visual arts, it is common for a work of art to gain in value over time. As it stands now, if a work of art is resold, Canadian visual artists do not benefit from that sale, even if the increased value is directly attributable to the experience and reputation of the visual artist.

Applying resale rights to works of art would allow Canadian visual artists to benefit from the profit derived from their work and would align Canada with its trade partners. Copyright Visual Arts (COVA) is a non-profit, artist-run organization that advocates for artists to collect a royalty of 5% of the resale price of their works of art.¹⁷ To enact *droit de suite* does not result in any permanent cost for the federal government. The royalties would be collected and paid out by COVA.

RECOMMENDATION 8

INTRODUCE RESALE RIGHTS FOR VISUAL ARTISTS

That the Government of New Brunswick communicate to the federal government its official support of modifying the *Copyright Act* in such a manner that New Brunswick visual artists would receive 5% of the sale price of their work when it is resold.

¹⁷ www.cova-daav.ca/en/

Unless they have very well-established reputations, artists of all disciplines are often restricted to negotiating individually for the sale of work or professional fees. Ideally, artists would be able to engage in collective bargaining, a method of negotiating which has proven very successful for other occupational groups. Unfortunately, representation is difficult to access for self-employed people. Beginning in the 1980s, both in Quebec and at the federal level, laws were enacted to make collective bargaining more efficient.¹⁸

The most realistic, affordable, and flexible way to support professional artists in New Brunswick is to officially recognize the role of arts associations in establishing standards or fee structures for artists in an industry where there are none. These industry standards and fee structures could serve as a benchmark for professional artists as they negotiate a contract.

Furthermore, the provincial government should commit to upholding industry standards and fee structures when it hires professional artists and require all companies and organizations receiving public funds from the provincial government to do the same.



Olga Petiteau and Biel Torra Matamala in the Velvet Gala, 2019 of the Atlantic Ballet Theatre of Canada. Photo: Wes Perry.

¹⁸ This does not mean that discussions on collective bargaining rights for artists in New Brunswick should be stopped. The Task Force believes that a permanent committee on the Status of the Artist, which is the subject of Recommendation 3, should be mandated to address this issue.

RECOMMENDATION 9

MAKE WRITTEN CONTRACTS MANDATORY

That the New Brunswick legislation on the Status of the Artist make written contracts between artists, customers, and clients mandatory when they retain artists' services and that the contractual arrangements be clearly stipulated, particularly:

- a) the official names of the customers/clients and the professional artist;
- b) the length of the contract;
- c) the work, the product, or the activity that is the subject of the contract;
- d) the financial details;
- e) prior notice and, where applicable, compensation required in the event that either the customers/clients or the artist ends the contract before it has been completely fulfilled;
- f) dispute resolution mechanisms;
- g) any copyright, transfer of rights, or licensing process agreed to by the artist;
- h) the possibility of transferring to a third party any license granted to the customers/clients under the terms of the contract; and,
- i) any limitations pertaining to the use, the production of the work, or the execution of the activity.

RECOMMENDATION 10

ESTABLISH MINIMUM FEE SCALES

That the Government of New Brunswick:

- a) respect and apply the standard fee schedules and best practices of each sector when hiring a professional artist;
- b) require all businesses and organizations that receive funds from the provincial government to respect and apply the standard fee schedules of each sector when hiring a professional artist;
- c) support artists' or producers' associations that wish to establish standard fees in sectors where such schedules do not exist.

Provincial income taxes in New Brunswick are collected and administered by the Canada Revenue Agency, in compliance with the bilateral agreement between the federal government and all provinces except Quebec, with respect to personal and corporate income taxes, and Alberta with respect to corporate income taxes. The deduction of taxable income and all permissible tax credits are under federal jurisdiction, whereas provincial tax credits are under provincial jurisdiction. The provinces also set their own tax rates and income tax brackets. Any tax measure the province of New Brunswick wishes to adopt may not affect the common tax base as defined in Paragraph 2.1(1) of the tax collection agreement concluded between the Government of Canada and the Government of New Brunswick.

In light of the work of this Task Force, and despite this complex and restrictive structure, we recommend the following measures in order to better adapt the tax structure to the specific nature of work in the arts.

The federal *Income Tax Act* allows an artist to exempt income funds received as an educational subsidy, a training bursary, or a grant, provided they use the funds to create a literary, dramatic, musical, or visual work. The exemption covers all reasonable expenses incurred in the course of a year according to the conditions of the arts subsidy, up to the total amount of the subsidy. However, the amount of reasonable expenses is limited and may not include such things as personal and living expenses.

The Task Force believes that a modification of the federal *Income Tax Act* to allow artists to include personal and living expenses (up to a maximum amount) in their tax exemptions would help to increase their median income.

Another way to support artists is to offer tax relief for copyright. Since 1995, Quebec has allowed a deduction on the income from copyright with great success.

Currently a Quebec artist can deduct their income from copyright under the following conditions:

- a) if they are an artist recognized under the law;
- b) if they are the first owner of the copyright; and,
- c) if the income from copyright amounts to less than \$60,000 a year.¹⁹



Zakk Cormier, Bernard Félix and Paul Cournoyer during the Soirée des Éloizes 2018 in Edmundston.
Photo: Geneviève Violette.

¹⁹ Revenu Québec, 2018.

By the very nature of creative work, an artist's income may fluctuate considerably from one year to another; lean years (which tend to be more common) and alternate with more prosperous ones. An author, for example, may spend years doing research and writing a book that will not begin to generate income until the book's publication. The income generated may well compensate the author for the lean years when it finally arrives, but it is fully taxed in the year in which it is received.

Many studies have shown that this is an unfair method of taxation since artists end up paying more tax than if their income was stable. In 2004, Quebec took the initiative to correct this situation by adopting the only permanent income averaging program in Canada. This measure allows professional artists to invest a portion of their income through the purchase of an annuity so that they can spread the taxation of income over a maximum period of seven years.

RECOMMENDATION 11

MODIFY TAX MEASURES

That the Government of New Brunswick work with the federal government to modify the federal *Income Tax Act* in order to:

- a) broaden the definition of reasonable expenses in terms of tax deductions for subsidies on artistic work, as well as the deductions allowable for creative work;
- b) make eligible artists exempt from taxation on a portion of the income earned from copyright;
- c) allow income averaging for professional artists to take into account the annual fluctuations of their income; and,
- d) seek the support of other Canadian provinces in this regard.

Another way of increasing the median income of artists is to offer them quality complementary employment, i.e., jobs that are reasonably compensated and, if possible, an extension of their creative work.

The education system is a great environment for reasonably compensated, complementary employment and the arts are increasingly present in the New Brunswick school system. Programs like *ArtsSmarts* and *Artists-in-Residency* allow schools to meet learning objectives through the arts and offer excellent employment opportunities for professional artists.

Beyond exploring similar possibilities, the Government of New Brunswick should prioritize hiring New Brunswick professional artists. It should also maintain and strengthen the Public Art Policy for New Brunswick for construction and renovation projects and expand artist-in-residence programs.

An Artist-in-Residence program is an invitation for an artist to engage in dialogue with the location of the residence and to create art within their practice in a unique environment. In a government context, the Artist-in-Residence program is perfectly suited to foster innovation in the public sector. It can also take many forms. For example, the program could address a public policy issue from an unconventional perspective or commemorate a particular event. Artist-in-Residence programs can also be used in the health sector to bring wellness and creativity closer together.



Marie-France Comeau providing a literary workshop to students in 2019. Photo: Gilles Cormier.

RECOMMENDATION 12

INCREASE FUNDING FOR ARTS PROGRAMS IN SCHOOLS

That the Government of New Brunswick increase the funds granted for initiatives such as *ArtsSmarts*, the *Artist-in-Residency School Program* as well as *VanGO!*

RECOMMENDATION 13

HIRE NEW BRUNSWICK ARTISTS FIRST

That when contracting artists for creative products or services, such as photography, video, public art, architecture, or design, the Government of New Brunswick give priority to professional artists in New Brunswick, while honouring or exceeding the minimum compensation structure outlined in Recommendation 10.

RECOMMENDATION 14

STRENGTHEN THE PUBLIC ART POLICY FOR NEW BRUNSWICK

That the Government of New Brunswick maintain and strengthen its public art policy, which applies to the construction and renovation of provincially-owned and provincially-invested construction or development projects.

RECOMMENDATION 15

ESTABLISH AN ARTIST-IN-RESIDENCE PROGRAM AND STRENGTHEN CURRENT PROGRAM

That the Government of New Brunswick:

- a) create an Artist-in-Residence program that invites New Brunswick artists to contribute in their own way to the various spheres of public administration.
- b) significantly increase the funding for the Artist-in-Residence program managed by the New Brunswick Arts Board, giving the means to develop specific residency programs with other provinces and countries.



Tara Francis, *Birchbark quillwork of the turtle with the 13 moons*, 2019. Photo: ArtsLink NB.

STRENGTHENING SOCIAL PROTECTION FOR ARTISTS

In a modern and just society, all workers, regardless of their employment status or occupation, should have access to an affordable safety net that protects them in the event of injury or illness, as well as in retirement.

The current systems of social protection are primarily designed to meet the needs of workers in conventional employment scenarios.

However, this is not how the majority of artists work. An artist's career often involves a mix of short-term projects in different areas of work (both within and outside of the artistic sectors) for different employers or clients. In a single year, an artist may be a traditional employee, a self-employed contractor, or an entrepreneur, and may not qualify under the current benefits systems for some of the social safety nets.

Some countries, most notably in Europe, have sought to adapt social protections to the reality of work life for artists, but some problems have proven insoluble, including: "The restrictive conditions limiting entitlement to benefits; the very low level of benefits compensation; the high cost of fees; the fragmentation of social protection schemes; the failure to take invisible work into account; and, on a broader scale, the status of creative work when providing employment benefits".²⁰

Another serious issue with the current system is that self-employed workers have to pay both the employee and employer contributions to access the same level of protection to receive Canada Pension Plan (CPP) benefits, whereas salaried workers only contribute the employee's amount. We have also emphasized the problem of not taking invisible work into account when calculating contribution amounts.

Finally, the eligibility threshold for social benefits must be lowered, otherwise artists contribute on all their income without qualifying for these protections. A report prepared for the European Parliament notes the growing number of artists who, due to irregular work or income, are unable to qualify for benefits in some countries.²¹

²⁰ D'Amours, Deshaies. 2012 : 43.

²¹ ERICarts. 2006.

In this section, the limitations of existing social protection schemes are explained, and recommendations made for strengthening social protections in New Brunswick and Canada, so that they are more accessible to artists as atypical and frequently self-employed workers.

Specifically, recommendations have been made in relation to: base income protection; health benefits; retirement income protection; employment insurance and leave protection; childcare; workplace injury protection; and career transition services.

RECOMMENDATION 16

ESTABLISH A GUIDELINE FOR EXAMINING AND ADAPTING SOCIAL PROTECTION SCHEMES

In adapting the current social protection programs to suit the reality of artists' careers, the Government of New Brunswick should rely on the following four principles:

- a) social benefit programs must be transferable and cumulative, connected to an individual, and must collect contributions from all types of work (employee, self-employed, artistic and non-artistic);
- b) the threshold of eligibility for these programs has to be low (otherwise, artists will pay fees on their entire income without qualifying for benefits);
- c) self-employed artists should not be required to pay both the employer and employee contributions;
- d) invisible work must be factored into the calculation of both fees and benefits.

Guaranteed annual income, or GAI (also commonly referred to as universal basic income), has been discussed for decades in Canada and is gaining relevance now in a time when so many precariously employed workers have lost their livelihoods due to the COVID-19 pandemic. While models vary, the basic idea is that the government provides a minimum level of income to every individual (or household), without condition and regardless of work status. The income is provided either up-front as a taxable income benefit, or retroactively as a refundable tax credit. It is intended to provide a base level of financial security in an economy with precarious employment, while reducing the burden on health and social programs by lifting people out of poverty.

GAI's potential benefits are particularly relevant to precarious workers and professional artists, but advocates of this measure note that it also benefits society as a whole. Much of society's most essential and meaningful work is unpaid, such as raising children, caring for the elderly, and creating vibrant communities. While many of these activities are not recognized economically, they are important contributions to society and the economy. Guaranteed annual income allows for the valuation of unpaid work by providing a baseline subsistence level that individuals can build on in any number of ways, e.g. through paid work or entrepreneurship.

Research on GAI pilots have shown that when GAI is in place, people do not stop working, and that many work more since they are able to balance employment and educational responsibilities.²²

According to some analysts, GAI programs have the potential to address poverty directly by streamlining existing social welfare programs and reducing public administration and intervention, with related savings. Similarly, guaranteed income can reduce the "welfare wall" of high marginal tax rates on earned income by the working poor. Income earned above the GAI can be taxed at low marginal rates, providing a strong incentive for recipients to work and earn more. Guaranteed income programs can also reduce healthcare spending on low-income persons, as the link between poverty and poor health is widely documented.²³

22 Stapleton. 2017.

23 Segal, Hodgson. 2016.

These programs have tangible results. Various forms of GAI have been tested in North America since the Second World War. Evidence of its success exists, both within Canada and internationally.²⁴

The 2020 COVID-19 pandemic saw the federal government take measures to address limitations of current income-security frameworks, particularly for the growing number of gig economy, part-time, and self-employed workers, most of whom do not qualify for Employment Insurance. The first response program they announced was called the Canada Emergency Response Benefit (CERB), which has been described by experts as a version of crisis-based basic income.

A preliminary report released in May 2020 by the Canada Council for the Arts showed that of the 8,842 survey respondents, 42% of the individuals had applied or planned to apply for CERB and 41% of the organizations consulted had applied or planned to apply for emergency wage subsidies.²⁵

The members of the Task Force are convinced that a guaranteed annual income program is worth testing in New Brunswick, given the evidence that it can help reduce poverty among artists by compensating them for the substantial amount of time spent performing “invisible work” (preparing, training, rehearsing, studying, and researching), and protecting them from the vulnerabilities associated with precarious and part-time employment.

RECOMMENDATION 17

EXPLORE THE ESTABLISHMENT OF A GUARANTEED ANNUAL INCOME PROGRAM

That the Government of New Brunswick explore a guaranteed annual income program for the province which would include New Brunswick artists, and would assist them in managing the realities of invisible work and address the often precarious nature of their employment.

²⁴ Stapleton. 2017.

²⁵ Canada Council for the Arts. 2020.



Vicky Lentz, *Deep Listening* exhibition in 2019. Photo: Jennifer Stead.

One of the main obstacles faced by atypical Canadian workers, particularly artists, is the fact that social protections are often attached to regular employment, rather than “following” the worker in his or her multiple jobs and arrangements. A novel approach to dealing with this reality is to explore a **portable benefits system**.

Portable benefits are connected to an individual, rather than a particular employer, and so they can be taken from job to job without interruption in coverage or loss of funding. Models have been applied in parts of the United States, and are part of the current public policy dialogue in Canada.²⁶

The notion of **portable benefits** stems from the idea that workers should not have to choose between working in the arts or the new economy and the security of a traditional job for a single employer. The Task Force agrees with arguments made by others who note that rights should be attached to the individual rather than to a particular job.²⁷ We believe that social protection rights should be transferable, i.e. that pension or sickness funds should collect contributions from all types of work (salaried, self-employed, artistic and non-artistic) and that when a worker needs to access their social benefits due to illness, accident or old age, they should receive compensation based on the total of their contributions.

²⁶ Johal, Cukier. 2019.

²⁷ Rolf, Clark, Bryant. 2016.

RECOMMENDATION 18

EXPLORE A PORTABLE BENEFITS MODEL

That the Government of New Brunswick study a “portable benefits” model for New Brunswick workers, which will include self-employed artists.

Given their low income, many artists are at risk of poverty after retirement. In particular, some workers are unable to contribute to the Canada Pension Plan (CPP) at all in certain years and rarely contribute the maximum amount. The CPP is mandatory for all workers earning a minimum annual income of at least \$3,500, which makes it accessible.

The governments of Canada and New Brunswick announced a gradual increase to the CPP in 2016. By 2025, the retirement income amount will increase from one-quarter to one-third of pensionable earnings. So, while young New Brunswick artists currently entering the workforce will see the largest increase in benefits, older artists will see very little improvements. In the case of aging artists, we propose that, through a pilot project, this increase should include recognition of invisible work and the principle that an artist should not have to pay a higher fee than a salaried worker earning an equivalent amount of money. For this reason, the portion of fees payable by the employer and attributable to invisible work should be paid by the government and/or employers and clients.

We believe that enhancing the CPP, which is an accessible and portable plan, is the simplest and best way to improve the socio-economic situation of precarious workers, including artists, who often cannot afford to contribute to private plans or RRSPs.



Mo Bolduc at the Festival acadien de poésie in Caraquet in 2017.
Photo: Julie D'Amour-Léger.

RECOMMENDATION 19

INCLUDE INVISIBLE WORK IN THE CALCULATION OF PENSION CONTRIBUTIONS

That, following studies gauging the nature and scope of invisible work, the Government of New Brunswick develop, in collaboration with the federal government, a pilot project aimed at taking invisible work into account and as a first step, apply it to social protection for retirement.

RECOMMENDATION 20

ADAPT AND STRENGTHEN THE CANADA PENSION PLAN

That the Government of New Brunswick, in collaboration with the federal government, initiate discussions to enhance the Canada Pension Plan by adapting it to the reality of the most vulnerable citizens, including artists, who make limited contributions during their working life and who receive few benefits in retirement.

Employment insurance criteria need to be adapted to the reality of professional artists, particularly to take into account invisible work. In New Zealand, for example, “an artist in receipt of unemployment benefit who develops an artistic project enabling him to receive payment or extending his artistic practice is regarded as looking for work”.²⁸

Canadian programs designed in part for fishers and for seasonal workers could serve as inspiration for a program designed specifically for professional artists. Similar to fishers and seasonal workers, many independent artists have a work schedule that is by nature cyclical and intermittent.

28 ERICarts 2006, cited in D'Amours and Deshaies 2012, 44

They go through periods with no income between production and the tourism season, for instance, and that time could be devoted to training, education, preparation, research, or initiating new projects before a new cycle of creativity, production, and distribution. Also, artistic production is largely independent of the number of hours required to produce a work. Therefore, the income earned is a much more pertinent criterion than the hours worked when determining the amount of benefits.

The Government of New Brunswick should create, in collaboration with the federal government, a pilot project aimed at developing a specific plan for employment benefits for professional artists. The project should be based on the four principles laid out in Recommendation 16.

Since 2009, self-employed Canadians have been able to access Employment Insurance (EI) special benefits by entering into an agreement, or registering, with the Canada Employment Insurance Commission (CEIC). This program only covers benefits relating to maternity, parental, sickness, compassionate care, and family caregiver benefits.

Several aspects of the EI Special Benefits program are problematic for professional artists: paying premiums for a full 12 months before being able to access the benefits; the requirement to remain registered as long as the artist is earning an income; having a net minimum of \$7,279 earned through independent work; and more generally, the high premiums.²⁹ The employment insurance pilot project addressed by Recommendation 21 must take these difficulties into account.

RECOMMENDATION 21

REVIEW AND ADAPT THE EXISTING EMPLOYMENT INSURANCE MEASURES TO PROFESSIONAL ARTISTS

That based on the experience of programs designed in part for fishers and seasonal workers, the Government of New Brunswick work in collaboration with the federal government to develop a pilot project for an employment benefits plan for professional artists.

²⁹ To be eligible for benefits in 2020, you need to have earned a minimum of \$7,279 in 2019: www.canada.ca/en/services/benefits/ei/ei-self-employed-workers.html



Carol Collicutt, *The Journal Paintings*, acrylic, pencil, Sharpie, collage, acrylic pen on wood panel. 4 ft x 4 ft, 2015. Photo: Carol Collicutt.

Artists who are primary caregivers of their children often suffer the effects of the high cost of child care, particularly in single parent families. The Task Force recognizes that several provincial programs, such as the Day Care Assistance Program, may offer a certain amount of social protection to artists as well as other types of atypical workers, but it is still necessary to remove the obstacles – such as intermittent work, irregular work hours, and limited income – that prevent them from fully benefiting. These programs are all the more important since access to child care is related to a high percentage of young mothers in the workforce.

RECOMMENDATION 22

DOCUMENT BARRIERS TO CHILD CARE ACCESSIBILITY

That the Government of New Brunswick collaborate with the arts community to document the barriers to child care accessibility for artists and other atypical workers.

In the course of their work, artists are subject to risks of injury and accident that remain poorly documented and are rarely compensated. Like some social protection plans in New Brunswick, WorkSafe NB's Workplace Injury Compensation Program is based on an employer-employee relationship. The Task Force was informed that artists who perform such work on a contractual basis may be protected by the *Workers' Compensation Act*. However, in most cases, it is the artist's responsibility to ask the employer or person who has retained their services to purchase the insurance. The Task Force found that the majority of artists who perform contract work do not know that they can be covered by insurance.

Therefore, they do not ask the employer or the person who hired them to register for the program.

Self-employed artists are most often ineligible for the WorkSafe NB program unless they voluntarily apply for insurance by paying the premium, which few independent artists can afford to do. WorkSafe NB has recently revised its policy on eligibility for voluntary insurance to make the program more accessible to self-employed workers in all sectors of activity. Today, some independent artists who in the past were denied access to the program can now be protected.

RECOMMENDATION 23

DOCUMENT WORKPLACE INJURIES AND SICKNESS AND PROPOSE MEANS OF PREVENTION

That WorkSafe NB work with artist associations:

- a) to develop injury and occupational disease prevention information relevant to the industry and the type of injuries experienced;
- b) to increase knowledge among artists and their professional associations on accessing workers' compensation coverage.

Furthermore, the career paths of many artists are much less linear than those of other workers. Some artists, such as dancers, have brief careers due to the physical demands of their craft. Others might have to leave their creative practice due to financial difficulties or for some other reason. Career transition programs exist elsewhere in Canada to provide artists with counselling resources and financial support during these transitions, for example the Dancer Transition Resource Centre (DTRC), a national organization, and Compétence Culture in Quebec. There are programs in New Brunswick to support career transition, but these are not well known and not well suited to the specific needs of artists.

Quebec's pilot program is the most notable Canadian example. Implemented in 2008, it provides **intermittent cultural workers** skills assessment, information on new opportunities, and job search assistance. The Government of Quebec is currently examining the possibility of extending this type of program to other groups of cultural workers.



Peter Powning, *Resurgo*, stainless steel, 22 ft x 13 ft x 4 ft, 2018. Public art commission in Moncton. Photo: Peter Powning.

RECOMMENDATION 24

CONDUCT A FEASIBILITY STUDY ON CAREER TRANSITION PROGRAMS AND SERVICES FOR ARTISTS

That the Government of New Brunswick build on existing cultural career transition programs in Quebec to carry out a feasibility study of similar programs adapted for professional artists in New Brunswick.

CONCLUSION

This report offers **24 recommendations** designed to study the socio-economic conditions of New Brunswick's professional artists and enable them to improve their ability to earn a living. The Premier's Task Force on the Status of the Artist is convinced that the approval and implementation of these recommendations will create greater benefits for a group of workers who contribute greatly to New Brunswick's economic growth and social cohesion. Creating positive change for professional artists is an opportunity to ensure broader cultural development, to encourage success in the province's economy, and to support the well-being of our communities.

We wish to emphasize that the process leading to these recommendations did not begin with the creation of the Premier's Task Force on the Status of the Artist; they are the result of extensive discussions with hundreds of stakeholders over several years. For the members of the Task Force and professional artists in New Brunswick, this is an ongoing process that we will support through to its conclusion.

There are challenges ahead. We need to work with federal government partners to tackle the gap between the traditional social security system and the needs of professional artists, many of whom are trying to make a living through atypical work.

The Task Force fully recognizes the many issues facing professional artists in New Brunswick and elsewhere in the country. We believe that based on our recommendations, the provincial government — through specific pilot projects for artists and through significant changes to policies — can lead change that will benefit artists here and elsewhere in the country.

Tabling this report is a historic milestone for the Premier's Task Force on the Status of the Artist. Now, going forward, artists' associations, their partners, and government inherit the enormous responsibility to ensure that our recommendations are implemented. The work ahead must be based on strong collaboration and we look forward to supporting that effort.

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APPENDIX A - CONTRIBUTORS TO THE TASK FORCE'S WORK

MEMBERS OF THE PREMIER'S TASK FORCE ON THE STATUS OF THE ARTIST AT THE TIME OF THE TABLING OF THE REPORT

PROFESSIONAL ARTISTS

Phyllis Grant
Sebastien Michaud
Sarah Johnson Power
Mark Blagrove

REPRESENTATIVES OF ARTS ORGANIZATIONS

ASSOCIATION ACADIENNE DES ARTISTES PROFESSIONNELS
DU NOUVEAU-BRUNSWICK

Philippe Beaulieu, President; Carmen Gibbs, Executive Director;
Jean-Pierre Caissie, Assistant Director

ARTSLINK NB

Julie Scriver, President; Julie Whitenect, Executive Director

NEW BRUNSWICK ARTS BOARD

Carol Collicutt, Chair; Jocelyn Richer, Executive Director

DEPARTMENTS AND AGENCIES

TOURISM, HERITAGE, AND CULTURE

Arts, Culture and Commemorations Branch

EXECUTIVE COUNCIL OFFICE

Policy Division

POST-SECONDARY EDUCATION, TRAINING, AND LABOUR

Labour and Strategic Services Division

EDUCATION AND EARLY CHILDHOOD DEVELOPMENT

Learning and Achievement Branch; Policy and Legislative Affairs Branch

FINANCE AND TREASURY BOARD

Tax Policy Branch

SOCIAL DEVELOPMENT

Policy and Analytics Branch

WORKSAFE NB

Prevention Division

RESEARCHERS

Martine D'Amours, PhD, Full Professor, Département des relations industrielles
(Department of Industrial Relations), Université Laval

Marie-Hélène Deshaies, PhD, Assistant Professor, École de travail social et de criminologie
(School of Social Work and Criminology), Université Laval

CONSULTANTS

Michel Desjardins, Groupe Consortia Group

Nancy Juneau, Consultation Point de mire

Françoise Bonnin, FB Management des arts et stratégies de développement

ACKNOWLEDGEMENT TO OTHER COLLABORATORS

David Adams, Carol Arseneau, Thierry Arseneau, Alain Basque, Lise Bellefleur, Carol Bernard, Suzanne Bernard, Gilles Bourque, Kelly Cain, Mathieu Collin, Akoulina Connell, Bronwen Cunningham, John Cushnie, Melanie Deveau, Renu Dhayagude, Gilles Doiron, Brigitte Donald, Monique Drapeau-Miles, Geneviève Drover, Nathalie Dubois, Jackie Duguay, Gillian Dykeman, Angela Francœur, Charles Gaffney, Andrea Gaujacq, Guylaine Godin, Claire Gulliver, Kathryn Hamer-Edwards, Steve Harris, Danielle Hogan, Lise Laforge, Bruno LaPlante, Marcel Lavoie, Vicky Lentz, Cécile LePage, Greg Lutes, Jane Matthews-Clark, Pierre McGraw, Jennifer McMullin, Heather McTiernan, Bruce Oliver, David Perley, Imelda Perley, Shane Perley, Marc Poirier, Françoise Roy, Mireille Saulnier, Peggy Scott, Andrew Speight, Elly State, Kate Wallace, Caroline Walker, Chet Wesley, Darlene Whitehouse-Sheehan, Linda Williams.

We would also like to acknowledge the contribution of the late Robert Morimanno, who was a great support to us during several sessions of Premier's Task Force on the Status of the Artist.

We apologize to those who participated in the process and whom we, unfortunately, failed to mention.

Many participants in this process are professional artists, beyond their roles as representatives for their organizations.