

## Evaluation of the Provisions and Operations of the Status of the Artist Act

### Government Response to the Evaluation of the Provisions and Operations of the Federal Status of the Artist Act

#### Background

Enacted in 1993 and brought into force in 1995, the Status of the Artist Act officially recognizes the contributions artists make to Canadian cultural, social, economic and political life and establishes a policy on the professional status of the artist. It also recognizes rights of freedom of association and expression of artists and producers, as well as the right of artists' associations to be recognized in law and to promote the socio-economic well being of those they represent. The Act consists of two parts. Part I establishes the Canadian Council on the Status of the Artist, an advisory body which reports to the Minister of Canadian Heritage. Part II of the Act, which is under the purview of the Minister of Labour, establishes the Canadian Artists and Producers Professional Relations Tribunal, and puts into place a framework for the conduct of professional relations between artists and producers within federal jurisdiction.

According to article 66 of the Act, in the seventh year after the coming into force of the legislation the Minister of Canadian Heritage, in consultation with the Minister of Labour, must undertake a review of the provisions and operations of the *Status of the Artist Act*. The Minister must submit a report on this review to both Houses of Parliament including a statement of any potential changes to the Act that the Minister would recommend.

In order to fulfill this legislative requirement, the Department of Canadian Heritage, in collaboration with the Labour Program at Human Resources Development Canada, selected Prairie Research Associates to conduct an evaluation of the legislation. The evaluation, completed in July 2002, consists of a document review of information relating to the Act; interviews with 65 "key informants" representing artists' associations, federal producers, government and others; a survey of almost 300 artists; and a survey of federal producers to whom Part II of the *Status of the Artist Act* applies.

#### Overall Conclusions of the Report

Overall, the evaluation concluded that the statements of principle and the legal framework for collective bargaining contained within the *Status of the Artist Act* continue to have relevance and value. However, it also found that the legislation's impacts are limited by its scope, as the Act applies only to labour relations within federal jurisdiction, while the majority of artistic activity actually falls within provincial jurisdiction. However, with the exception of Quebec, and more recently some enabling legislation in

Saskatchewan, none of the provinces have enacted legislation aimed at improving the socio-economic situation of self-employed artists. Despite the strong support expressed by key informants and artists for the *Status of the Artist Act*, there is a consensus that the federal legislation by itself is insufficient to bring about significant change in the socio-economic circumstances of artists. The evaluation recommended that other policies and programs be explored to improve the situation of artists, in addition to possible amendments to the Act itself.

## **Government's Landmark Investment in the Arts**

In May of 2001, the Prime Minister announced the most significant investment in the arts since the creation of the Canada Council. Subsequently, new programs in support of sustainability, infrastructure and arts presentation, as well as additional funding to the Canada Council for the Arts were announced. This additional support for the arts is extended over a three-year time period. Highlights included:

- an investment of \$288 million to encourage the growth, development and diversity of the arts in this country, including \$75 million to the Canada Council for the Arts;
- an investment of \$24 million to preserve Canada's architectural heritage;
- an investment of \$108 million to promote Canadian content on the Internet and to develop the new media industry;
- an investment of \$56 million in the book and sound recording industries; and
- an investment of \$32 million to help build new markets for Canadian artists and cultural industries.

## **Proposed Action Plan**

The new and enhanced programs described above impact artists directly through additional investment in organizations, facilities and increased access by Canadians to artistic works. The Government recognizes, however, that there are elements of the working lives of artists which are not addressed through program funding alone. Addressing issues relating to the *Status of the Artist Act* would help us to ensure that our cultural institutions, artists and performers can continue to offer high-quality artistic offerings from a diverse array of disciplines and backgrounds to Canadians and to the world. In so doing, our artists are giving voice to our experiences and perspectives, challenging our perceptions, enriching our quality of life and building a creative Canada.

The Department of Canadian Heritage and Human Resources Development Canada are satisfied with the evaluation conducted by Prairie Research Associates on the provisions and operations of the *Status of the Artist Act*. Their report provides a balanced and comprehensive overview of a complex piece of legislation.

The recommendations in this report have been noted by both the Department of Canadian Heritage and Human Resources Development Canada. These Departments will undertake further policy work which will include consultations with the arts community and other government departments. As a result of this work and consultations, amendments to the Act and other related legislation could be developed.