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Chair: The Honourable Hedy Fry



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• (1610)

[*Translation*]

The Chair (Hon. Hedy Fry (Vancouver Centre, Lib.)): Good afternoon, everyone. I call this meeting to order.

I would like to acknowledge that this meeting is taking place on the unceded traditional territory of the Algonquin Anishinabe people.

Welcome to meeting number 13 of the House of Commons Standing Committee on Canadian Heritage.

[*English*]

Pursuant to the motion adopted by the committee on January 31, 2022, the committee is meeting on the study of Status of the Artist Act and its impact on improving basic working conditions for artists.

Today's meeting is taking place in a hybrid format, pursuant to the House order of November 25, 2021. Members are attending in person in the room and remotely using Zoom.

Per the directive of the Board of Internal Economy on March 10, 2022, all those attending the meeting in person must wear a mask except when they are eating, and we should refrain from moving around the room. I'd also like to warn—and this is something I keep saying—that you may speak with your masks on. You are heard. Interpreters can hear you, and doing so does stop aerosol particles from entering the room. I would hope that everyone who is in the room would follow the mask-wearing mandate of the Board of Internal Economy. Thank you.

I want to make a few comments for the benefit of the witnesses.

Please wait until I recognize you by name before speaking. For those participating by video conference, please click on the microphone icon to activate your mike, and mute it when you're not speaking. Interpretation is available. If you are on the floor, you can get it in English and French, and you can use your earpiece to do so. For those attending virtually, at the bottom of your screen you can choose floor, English or French. I remind everyone that all comments should be addressed through the chair.

For members in the room, if you wish to speak, please raise your hand and the clerk will let me know that you have done so. For members on Zoom, please use the “raise hand” function. The clerk and I will manage the speaking order as well as we can. We appreciate your patience and understanding in this regard. If you are having a problem with interpretation, please raise your hand immedi-

ately so that we will know and can try to rectify it and pause the meeting in the interim.

In accordance with our routine motions, I'm informing the committee that all witnesses have completed the required connection tests in advance of the meeting.

[*Translation*]

I would now like to welcome our witnesses.

[*English*]

Mr. John Nater (Perth—Wellington, CPC): I have a point of order, Madam Chair.

I'm sorry to interrupt you. Just before we get started with our witnesses' opening statements, I want to say that we will be having bells at about 4:33. We just had a quick chat in the room here, and there is consensus that we will go into the bells for about 10 minutes. I think there's consent to do that. I just wanted to interrupt us now rather than interrupting us in 20 minutes when bells happen. I think you'll find consent for that.

The Chair: Thank you, John. That was what I was going to go to next. We do have bells, but we also have witnesses who need to leave at a certain time. If we all agree to that, it would be so good and efficient and effective.

Again, I want to ask everyone to please obey the Board of Internal Economy's dictum to wear a mask when you are in the room with your colleagues. Thank you.

Now we're going to begin with the witness list we have here. The first witness is l'Association des réalisateurs et réalisatrices du Québec. We have two people present, but I hope everyone understands that only one of you may present or both of you may share the presentation time.

We have the Canadian Arts Coalition and la Fédération culturelle canadienne-française. Then we have Gonez Media, and we have La Société professionnelle des auteurs et des compositeurs du Québec.

Each witness or each witness group has five minutes to present.

I will give you a one-minute yell, to cut through the noise, so that you know you have one more minute to finish what you're saying. If you don't finish what you have to say in five minutes, you will be able to elaborate as you get questions from the committee itself.

With that having been said, I will ask the Association des réalisateurs et réalisatrices du Québec to begin. Please indicate who will be speaking, and whether you will be sharing your five minutes.

Please begin.

[*Translation*]

Mr. Gabriel Pelletier (President, Association des réalisateurs et réalisatrices du Québec): Good afternoon, everyone.

Thank you, ladies and gentlemen of the committee, for giving us the opportunity to speak before you today. My name is Gabriel Pelletier, and I am the president of the Association des réalisateurs et réalisatrices du Québec.

The ARRQ is an association of artists and a professional union that has been legally accredited and recognized under status of the artist legislation, both provincially and federally, to represent and defend the interests of all directors working in Quebec, in French and in any language other than English, in the fields of film, television, the Web and animation.

Our association has over 850 members and will celebrate its 50th anniversary next year. This study of the legislative framework is of direct concern to directors, as it is for them that the ARRQ negotiates collective agreements and framework agreements providing for minimum working conditions.

I will now yield the floor to Ms. Mylène Cyr.

• (1615)

Ms. Mylène Cyr (Executive Director, Association des réalisateurs et réalisatrices du Québec): Thank you, Mr. Pelletier.

Members of the committee, thank you for giving me this opportunity to express our recommendations for possible measures or amendments to the Status of the Artist Act. My name is Mylène Cyr, and I am the executive director of the ARRQ.

While ARRQ has only negotiated one framework agreement under the federal Status of the Artist Act, or SAA, we believe that some amendments to it could greatly improve its effectiveness. Our first negotiation with the National Film Board spanned almost five years and involved 59 negotiation sessions. Fortunately, we finally got a framework agreement.

With regard to the arbitration mechanism, negotiating a first collective agreement is often a very arduous process. It is particularly difficult for directors, who find themselves performing this function alone on a set. We understand that a balance of power is difficult to establish. Thus, to facilitate the establishment of a first agreement, the Act respecting the professional status of artists in the visual arts, crafts and literature and their contracts with promoters, namely Quebec's law S-32.01, provides for the possibility of holding an arbitration of disputes for the first collective agreement at the request of one of the parties.

This very important mechanism does not exist in the SAA, which is limited to offering the intervention of a mediator to help the parties reach a framework agreement. This remains insufficient. In the event of an impasse, the mediator obviously has no power to impose a framework agreement. Moreover, an impasse can arise even if both parties fulfil their obligation to negotiate in good faith.

We are also of the opinion that recourse to arbitration upon renewal of a framework agreement should also be available upon request of one of the parties, but under certain conditions. This is to

avoid lengthy negotiations that penalize those whom the act is supposed to protect. In addition, the parties could request arbitration after a certain period of time has elapsed since the start of negotiations, thus allowing the parties to really negotiate and not unduly block the process from the start. Provision should also be made for the parties to be able to refer to arbitration only those matters that have not been agreed, thus avoiding the need to review all terms before an arbitrator.

With respect to government financial support for producers, there are few directors currently covered by federal legislation. For example, CBC/Radio-Canada, which used to hire male and female directors for its in-house productions, now uses the services of independent producers. Minimum working conditions may be required through negotiated agreements with these producers.

Currently, a producer can receive government funding without any obligation to guarantee artists that they will provide minimum working conditions. These artists hired for government-funded productions have no social safety net. The pandemic has shown us how important it is to reflect on this situation.

The ARRQ believes that the federal government must take the necessary steps to ensure that producers who receive government funding guarantee minimum working conditions. This could be done by making it a condition of funding that minimum working conditions be established, for example, by reference to an existing framework agreement, and by requiring accountability in this regard.

With respect to the scope of the definition of artist, section 6(2)(b)(i) of the SAA defines artists covered by the act as professional independent contractors as follows:

6(2)(b)(i) are authors of artistic, dramatic, literary or musical works within the meaning of the Copyright Act, or directors responsible for [...] audiovisual works,

This section uses concepts from the Copyright Act for artistic, dramatic or other works, but appears to make a distinction in the case of directors. In our view, this creates confusion as to whether directors are authors. However, practice and jurisprudence recognize that directors are indeed authors within the meaning of the act. This distinction therefore creates ambiguity and unduly complicates the determination of whether a person is an artist.

The ARRQ therefore suggests that the definition of artist be amended to be more in line with the definition used in Quebec's Act respecting the professional status and conditions of engagement of performing, recording and film artists, Bill S-32.1, namely:

[...] a natural person who practises an art on his own account and offers his services, for remuneration, as a creator or performer [...]

We thank you for your interest, and we are available to answer any questions you may have.

Thank you.

• (1620)

[English]

The Chair: Thank you very much.

Now I will go to the Canadian Arts Coalition. Ms. Iley and Jacoba Knaapen are here.

I don't know if you will share your time or not, but you have five minutes. Thank you.

Ms. Sarah Iley (Member of Steering Committee, Canadian Arts Coalition): Thank you, Madam Chair.

Thank you to the committee for undertaking this study of the Status of the Artist Act and its impact on improving basic working conditions for artists.

Jacoba Knaapen and I are here as volunteer members of the Canadian Arts Coalition, which is a coalition of artists and arts organizations that first came together in 2005 as a non-partisan advocacy movement of volunteers and that has been advocating for the arts and culture sector ever since.

The world has changed a lot in the past 20 years, since the act came into being, and the basic working conditions of artists have been impacted by those changes. While the act has made a big difference to the way artists and producers work together and how associations have been able to represent groups of like-minded individual creative cultural workers, the landscape of artists' work has changed tremendously. It also became clear in the past two years that there are other concerns that need to be addressed to improve the working conditions of Canadian artists.

The first is the nature of employment. The fact is that most artists are self-employed. What became clear during the pandemic was the inadequacy of our employment income program to serve the self-employed. The mixed employment realities of self-employed creative workers mean that some may be traditionally employed part time while having a self-employed contract, and can also go through ebbs and flows of income regarding the seasonality of work.

As the government looks to modernize the employment income program, the coalition hopes that the realities of self-employed creative artists will be considered in shaping that program. For example, self-employed artists do not have an employer to pay into the system. This will need to be considered. As well, while some artists can enrol in an opt-in benefit program, many cannot afford to do so. Government, employers and the self-employed individual should all contribute to the self-employed benefit.

If the new program is designed as an opt-in program, self-employed workers can terminate their enrolment when they change careers. Consider that the average income and hours of the self-employed creative worker will have spikes and dips between weeks, months and years. These fluctuating levels will have to be considered when determining insurable hours and eligible income. We suggest that this program be available to those demonstrating a modest level of prior income and be available without prior contribution to the program.

Ms. Jacoba Knaapen (Member of Steering Committee, Canadian Arts Coalition): Thank you, Sarah.

Thank you, Madam Chair and members of this committee.

Another issue for artists is space. We all know that our cities are becoming less affordable. Housing is a top priority, but those who create art face a severe shortage of other kinds of space—affordable and accessible space to rehearse, to create and to perform. In cities like Toronto, Vancouver and Montreal, artists are struggling to find available, appropriate, affordable and accessible space that satisfactorily fulfills the requirements for very basic working conditions.

As Canadians have increasingly turned to digital experiences with the arts over the past two years, this has exposed the challenges faced by artists and arts organizations to meet the demands of their fellow citizens while being fairly compensated for their own work. Digitization has highlighted the need for the current copyright, licensing and royalty regimes to be updated.

The transition from live performances to digital experiences has also highlighted the severe technology gaps, data access and poor infrastructure that racialized and indigenous communities are experiencing. It's demonstrated that many artists and arts organizations require significant investment in basic technology and also, very importantly, in training.

• (1625)

Ms. Sarah Iley: As a result, the CAC recommends that the government expand eligible costs in programs that support digital activities, through the Canada Council for the Arts and Canadian Heritage, to include funding for acquiring the technology and equipment needed to record and distribute performances, and ensure that indigenous, racialized, the deaf and disabled, and other marginalized artists and arts organizations are enabled to engage in digital activities.

As well, ensure that funding for equipment through programs like the Canada cultural spaces fund is assessed and delivered in an expedited manner to help organizations, especially through the pandemic period.

The Chair: You have 20 seconds.

Ms. Jacoba Knaapen: Finally, the long-standing and painful truth is that those who contribute the most to the arts and culture sector and who are the lifeblood of this \$53.1-billion industry, the artists, are paid the least for their contributions.

The Canadian Arts Coalition asks for support for a basic income program to ensure a stable and effective future that recognizes the changing nature of employment for all Canadians, including artists.

The Chair: Thank you very much for your presentation. You were right on time.

Now I will go to the next witnesses, from Fédération culturelle canadienne-française.

Ms. Morin, you have five minutes, please.

[Translation]

Ms. Marie-Christine Morin (Executive Director, Fédération culturelle canadienne-française): Thank you.

Madam Chair and members of the committee, allow me to begin with the words once spoken by Herménégilde Chiasson, the celebrated Acadian poet, playwright, filmmaker and former lieutenant governor of New Brunswick:

To be an artist is to have the courage to invent a world of one's own and to make sure that one can give it to others with generosity, without knowing if what one does will interest anyone, without knowing if [someone] somewhere, someday... will cast another look and will come to us to tell us that the world resembles the one we have imagined, the one we have painted, printed, sculpted, photographed, modelled or drawn.

These words resonate with the reality of many artists and cultural workers in the Canadian and Acadian francophonie, who take risks on a daily basis while practising their craft. In fact, the major gaps in the social safety net for our sector condemn them to courage on a daily basis. Their socio-economic situation is first and foremost a real systemic issue exacerbated by the pandemic.

Still today, professional artists rarely have access to professional development, employment insurance, workers' compensation, pension plans or other comparable social programs that other professionals enjoy. In addition, artistic work often involves a considerable amount of work that is unaccounted for and unrecognized, known as invisible work.

In addition to this reality is the intermittent nature of artistic employment, which exposes our artists to significant financial risk, discontinuous work and precariousness evoking a truth: our artists and cultural workers do not currently enjoy equitable access to the Canadian social safety net, despite the essential role they play in the Canadian economy, and even more so in our francophone minority communities.

The assistant director general for culture at UNESCO reminded us of this, right in the middle of the crisis:

Culture has brought us together, keeping us connected and shortening the distance between us. It has provided comfort... at a time of enormous anxiety and uncertainty.

The WHO also confirmed in 2019 that the arts play a cardinal role in the health and well-being of societies, communities and individuals. It is here that the words of Gabrielle Roy take on their full meaning: "Could we ever know each other in the slightest without the arts?"

A paradigm shift is needed. We need to be more sensitive to the realities of all Canadian workers and leave no one behind. Artists, artisans and cultural workers in Canada's francophone communities are an essential socio-economic component of the vitality and sustainable development of francophone minority communities. The precariousness of our artists and cultural workers, which has been confirmed and amplified by the pandemic, must be eliminated. Consequently, they must also be protected by an adequate social safety net.

It is impossible to talk about a viable economic recovery in Canada without talking about our workers. In the Canadian and Acadian francophonie alone, our sector employs over 26,000 peo-

ple and generates over \$1 billion in revenue annually. The implementation of fair protection measures is also in line with Canada's international commitments, including UNESCO agreements on the status of the artist.

• (1630)

The Chair: You have one minute left.

Ms. Marie-Christine Morin: More specifically, the 1980 Belgrade Recommendation and the 2005 UNESCO Convention call on member states to improve artists' professional, social and economic status and ensure the sustainability of the social and economic rights of artists. This is why expanding the safety net to make it equitable for our artists and cultural workers in the Canadian and Acadian francophonie is fundamental to the survival of our language, culture and society, and to foster the sustainability of our francophone minority communities.

Thank you for your attention.

[English]

The Chair: Thank you very much. That was right on time, well done.

Our next witness will be Mr. Gonez, CEO of Gonez Media Inc.

You have five minutes.

Mr. Brandon Gonez (Chief Executive Officer, Gonez Media Inc.): Thank you so much.

As you heard, my name is Brandon Gonez. My experience is unique. I spent several years in the traditional system, working for all the major networks, including CTV and Global News here in Canada. However, I quickly learned that there were limitations on the types of stories I could tell and the growth opportunities available.

I decided to go out on my own and launch my own digital media company, called Gonez Media Inc. Part of this is *The BG Show* and *News You Can Use*, which live primarily on YouTube, Instagram, Facebook and TikTok.

After launching, I immediately saw the huge opportunity that on-line platforms can provide. Every day, I'm able to export Canadian stories to a worldwide audience at absolutely no cost. Our growth has been remarkable. I started just over a year ago and today, I employ 10 people and run a full studio in Toronto. As an independent creator, I also have the opportunity to tell stories that matter to me to represent local and diverse communities whose stories aren't often shared in legacy media.

This committee undertook the study of the Status of the Artist Act to consider whether there are other mechanisms the federal government should be looking at in order to support artists and creators. What stands out to me about the act is that, like many other regulatory frameworks, it doesn't apply to digital creators like me, because it became law well before the Internet existed as we know it today.

The Internet has fundamentally changed the relationship between creators and audiences—in my opinion, in a very good way. It has given me and so many others the opportunity to build our audiences and our businesses without government assistance. I encourage you to take this into consideration when it comes to your evaluation of the Status of the Artists Act and other legislation, like Bill C-11, which you will eventually be asked to study.

I am here today to advocate for the next generation of creators, who will ultimately be Canada's biggest cultural export.

Thank you for having me today. I look forward to answering any questions you may have about my path from the traditional broadcasting system to where I am today, as the CEO of my own entertainment company, leveraging the power of the open Internet to create Canada's number one online news and entertainment show.

The Chair: Thank you very much, Mr. Gonez.

We'll now go to the final witness.

[*Translation*]

We will now hear from the Société professionnelle des auteurs et des compositeurs du Québec.

Mr. Alonso, you have the floor.

Mr. Alexandre Alonso (Executive Director, Société professionnelle des auteurs et des compositeurs du Québec): Madam Chair, on behalf of the artist members of our association, I thank you most sincerely for the opportunity to testify before you today.

My name is Alexandre Alonso and I am the executive director of SPACQ, the Société professionnelle des auteurs et des compositeurs du Québec.

SPACQ is a professional association of artists that was born 40 years ago. In 1992, SPACQ was officially recognized under the Quebec status of the artist act. In 1996, SPACQ was accredited under the Canadian Status of the Artist Act. Today, SPACQ represents over 600 members.

We ensure minimum working conditions for artists with an annual business volume of over \$1 million, of which approximately 15% comes from our framework agreements with producers covered by the Canadian Status of the Artist Act.

Since its enactment, the Status of the Artist Act has not been substantially revised. Today, several important legislative revisions are needed to ensure the sustainability of our culture. The Broadcasting Act, the Copyright Act and the Official Languages Act must be revised.

We view these laws as a coherent body of legislation in the service of culture, the backbone of which must be the Status of the Artist Act. In this respect, we recommend a new Status of the Artist Act, one that imposes technological neutrality, i.e., that obliges producers to negotiate minimum working conditions for any new broadcasting channel or any new means of production within a reasonable period of time after their first use. For example, do you think it is fair that when a producer develops new podcasts for a mobile application, they are not obliged, within a reasonable period of time, to negotiate framework agreements for these new means of production or new channels of distribution?

We recommend legislation that mandates the services of our artists, that is, legislation that mandates maximum use of Canadian resources by producers by retaining the services of our artists first and foremost. For example, do you think it is fair that a producer can use royalty-free music libraries from foreign services rather than using original compositions by our artists?

We recommend a law that protects the Copyright Act, that is to say a law that requires producers to respect the spirit of the Copyright Act by safeguarding the full copyright of artists. For example, do you think it is fair that a producer should be able, because of the strong imbalance in bargaining power, to significantly diminish the effect of framework agreements by taking a significant share of the copyright income or even by obtaining a full assignment of the artist's copyright?

We recommend a law that imposes the protection and promotion of French, that is, a law that requires producers in provinces and territories where anglophones are in the majority to retain the services of a minimum number of French-speaking artists. For example, do you think it is fair that producers in majority-anglophone provinces and territories only retain the services of anglophone artists, to the detriment of francophone artists in those provinces and territories, who are already marginalized?

We recommend legislation that imposes fair treatment of artists, that is to say legislation that requires independent producers who receive federal financial assistance or tax benefits to respect existing framework agreements or to negotiate their own framework agreements. For example, do you think it is fair that an independent producer who receives government support, like federal institutions and broadcasting undertakings protected by the Broadcasting Act, should be able to use public money from taxpayers to fund their productions without guaranteeing any minimum working conditions for artists?

We recommend a law that thwarts business schemes, a law that also subjects companies related to the producers covered by the law. For example, do you think it's fair that a covered producer is able to create numerous subsidiaries without any liability for those other entities under his control?

Finally, we recommend legislation that promotes the establishment of provincial status of the artist laws.

Has the Status of the Artist Act contributed to improving the minimum working conditions of artists? We answer this question in the affirmative, but we strongly insist that as it stands it is not sufficient to ensure the sustainability of our culture, and we invite you to undertake a thorough review.

• (1635)

Thank you for your attention.

[*English*]

The Chair: Thank you very much.

Mr. Nater had suggested that when the bells start ringing we go for 10 minutes. I think these are 30-minute bells. I don't know how members intend to vote. I hope you are not going to walk back to the House, because many of these artists have taken the time to come and present to us and I know they want an interaction with you. So if we could move forward to expedite finishing up this meeting, that would be really great.

I will start now. There is only time, I think, for the first MP to ask questions. That is Mrs. Rachael Thomas of the Conservative Party for six minutes.

Mr. Peter Julian (New Westminster—Burnaby, NDP): I have a point of order, Madam Chair.

• (1640)

The Chair: Go ahead.

Mr. Peter Julian: I agree with your comments. We have very important witnesses.

I would suggest five minutes for the first round, because after that I do have to run to the House, because our leader is not there. As House leader, I have to cast a vote.

The Chair: How does the committee feel? Do I have unanimous consent to do this?

I see nodding of some heads, but I can't see the whole floor. Could the clerk inform me? Is everyone in agreement?

The Clerk of the Committee (Ms. Aimée Belmore): Madam Chair, I see general agreement around the table.

The Chair: All right.

We will begin with Mrs. Thomas for five minutes.

Mrs. Rachael Thomas (Lethbridge, CPC): Thank you, Madam Chair.

My question is for Mr. Gonez.

Thank you so much for being here and for providing testimony with regard to the important work you do as a digital-first creator. I find it really interesting, and I believe you're producing important content. In addition to your YouTube channel, you also have a news show called *News You Can Use*. I've had a chance to take a look at some of your stuff. It's intriguing and I'm inspired by your innovative approach.

As my first question, I'm hoping that maybe you can take a moment and explain to us some of the challenges you had to overcome in order to achieve success as a digital-first creator.

Mr. Brandon Gonez: Thank you for that nice message.

I would say that one of the biggest challenges for any digital creator in Canada is probably access to resources, because the level playing field basically isn't level if you are not tied to legacy media. With a lot of the funding programs, if you are looking to start up and innovate, for example, it doesn't allow you to access that funding unless you're certified through a traditional legacy broadcaster.

But the reality is that what we found in just the last year of operating is that the audience has drastically shifted. If you're looking to

connect with Canadians, most of the audience actually lives online. In the traditional space, the audience is continuing to decline.

The biggest challenge with starting up any type of media endeavour in this country is access to resources, whether that's marketing or equipment, all of those things. Getting over that hurdle was probably the biggest challenge. I was fortunate enough to have resources available to me, whether that's networking resources or financial resources. I had a lot of resources that a lot of other digital-first creators don't have access to.

If you're looking at the biggest challenge, again, I would say it's access to resources to create a substantial digital platform.

Mrs. Rachael Thomas: Mr. Gonez, I can appreciate the challenges you faced. You highlighted that it is certainly not a level playing field. The current government is claiming that with Bill C-11 they're going to level the playing field, but under this bill they'll be requiring people such as you, digital-first creators, to contribute to the art fund. Right now under the CRTC, that requirement is 30% of revenue right off the top. That's not 30% of profit; that's 30% of revenue.

They're saying that a measure like this will help to level the playing field, but they haven't clearly said that in the same way you pay into it, you'll be able to pull out of it. Under the current terms, there's actually no allowance for that. So they're happy to take your money, but they won't be happy to give any of it back in the form of grants.

I'm just wondering how something like this might hinder you as a digital-first creator.

Mr. Brandon Gonez: For any creator right now in this country looking at the ecosystem, the frameworks that are being developed right now and what the government is considering... If you live primarily on digital—that's where you live and breathe and that's where you've built your audience—the hope is that if there is any legislation where we are going to draw money from digital platforms, whether that be YouTube, Meta, TikTok or whatever, this funding will go back to those same digital creators, who are technically exporting an immense amount of Canadian culture to the world.

The Chair: You have one minute left for the interchange, just so you know.

Mr. Brandon Gonez: As a digital creator and somebody who came from the legacy space, I think what is so fascinating is that the barriers that were once in place to export what we as Canadians believe to be entertainment, art, news and essential information are no longer in place. What is so amazing is that, with these digital platforms, we can reach a global audience without those financial barriers, for example, of building up a whole network. It's right there at our disposal.

What I'm here for, and what I would hope everybody is taking into account, is that we have an opportunity to be a leader and an innovator in the world and create an ecosystem where we can have global content creators and artists who no longer have to worry about reaching Canadians from coast to coast to coast, but can easily access a worldwide audience.

• (1645)

Mrs. Rachael Thomas: Thank you so much, Mr. Gonez.

The Chair: Thank you very much for that input.

Now I'm going to the Liberal Party and Mr. Anthony Housefather for five minutes.

Mr. Anthony Housefather (Mount Royal, Lib.): Thank you, Madam Chair.

I want to thank all the witnesses for coming today. All of you are inspiring in terms of the work that you do. Thank you very much.

Given that these hearings are on the Status of the Artist Act, I'm not going to deal with Bill C-11. I'm going to deal with the Status of the Artist Act.

[*Translation*]

I'm going to start by talking about the FCCF, an incredible organization that I've had the pleasure of working with on several occasions.

Ms. Morin, I know all the work your organization does for the francophonie across Canada, and I thank you for that.

In your speech, you mentioned the essential nature of arts and culture, particularly within the Canadian and Acadian francophonie. What do you mean by "essential"?

Ms. Marie-Christine Morin: I thank you for your encouraging words.

I say that this role is essential in the sense that the arts and culture community is a pillar within the Canadian francophonie that contributes to ensuring the sustainability of the French language, which we are trying to preserve. As you know, the effects of the pandemic have hit the sector very hard, and it is still struggling to recover from this forced shutdown. The recovery is very gradual. We have lost players along the way. Many of them have decided to change professions. So there is a major labour shortage throughout the sector, which also affects the Canadian francophonie.

As to why it is so important to recognize artists and the key role they play in a community, when an artist or a cultural arts organization in the Canadian francophonie disappears or is at risk of disappearing, it is in many cases as if the heart of the francophone community stops beating. The possibility of living one's culture in French is jeopardized. This was, so to speak, the central issue of this pandemic. For us, it was a question of ensuring that this ecosystem could survive the harmful effects of the pandemic.

Mr. Anthony Housefather: As a person from the English-speaking community in Quebec, I agree with you wholeheartedly. What keeps communities together, especially remote communities, are schools and culture.

In your view, what amendments should we make to the Status of the Artist Act?

You don't need to propose amendments to only this legislation. If you have recommendations for other legislation, please feel free to submit them to us.

Ms. Marie-Christine Morin: Thank you for the question.

I'll talk about the Status of the Artist Act. However, first I want to say that changes must be made to the employment insurance system. Consultations were announced. The FCCF has been involved in them over the past few months.

The employment insurance system must be opened up to self-employed and contract workers and to people with intermittent jobs. They currently don't have access to this social safety net. Significant changes should be made to the system so that these workers are fully recognized and able to benefit from the Canadian social safety net. This path should certainly be explored.

In addition, the idea of a guaranteed annual income should be considered. The CRB and CERB showed that guaranteed income support gave our arts community the chance to survive and breathe more easily during this pandemic. I think that this idea must be considered.

I'll address the Status of the Artist Act. I want to make three quick points.

First, the definition of a professional artist should be reviewed. As one of my colleagues said today, the review should be based on the international treaties signed and on the definition given by other funders, such as the Canada Council for the Arts. Second, there should be an obligation to deliver in relation to the socio-economic conditions of the people covered by the legislation. Lastly, everything should be consistent, since all provinces and territories have status of the artist legislation. The review of the federal legislation should ensure consistency.

• (1650)

Mr. Anthony Housefather: Thank you.

[*English*]

I think my time's up, Madam Chair.

The Chair: Thank you very much. My goodness, that's really on time.

Now we have moved forward, and we've ended the 10 minutes that Mr. Nater suggested we take. I suggest that, with unanimous consent, we suspend until everyone has voted and we are able to come back to this meeting.

Thank you.

Mr. Peter Julian: On a point of order, Madam Chair, by the time we get back, it is unlikely that we would be able to ask any other questions.

The Chair: Mr. Julian, I think I have to seek unanimous consent.

Mr. Nater suggested 10 minutes. If you want.... We have Mr. Champoux and then you. That's another 10 minutes. As you well know, you have to have the ability to vote.

Mr. Peter Julian: Yes, absolutely.

I think the clerk can tell us what the count is right now.

An hon. member: We have 15 minutes.

Mr. Peter Julian: That's cutting it close.

The Chair: That's cutting it very close, Mr. Julian. I'm sorry.

Mr. Peter Julian: Okay.

The Chair: If everyone hurries to vote and come back, we may be able to finish this round and maybe get one more round.

Don't forget that we have 10 minutes of business at the end of this.

Mr. Peter Julian: Thank you, Madam Chair.

The Chair: Thank you.

We will suspend.

● (1650) _____ (Pause) _____

● (1725)

The Chair: We are resuming the meeting.

The next questioner is going to be Martin Champoux from the Bloc.

You have five minutes, Mr. Champoux.

[*Translation*]

Mr. Martin Champoux (Drummond, BQ): Thank you, Madam Chair.

I want to thank all the witnesses for their patience. We can't avoid the voting process. You have been very patient. Thank you.

I would like to speak to Ms. Cyr and Mr. Pelletier from the Association des réalisateurs et réalisatrices du Québec.

I'll get right to the point. You spoke about the current lack of teeth or effectiveness of the federal Status of the Artist Act. I think that we could make the legislation a little more flexible and responsive.

In your report for the Quebec government, you said that Quebec didn't control all the tools for developing the audiovisual sector. You also said that the federal government didn't manage to develop an international hub for French-language productions.

I'd like to hear your thoughts on this matter.

Mr. Gabriel Pelletier: I don't know whether my comments are related to the Status of the Artist Act. In terms of the act, our association represents a number of directors in Quebec who have trouble expressing their views and negotiating reasonable agreements, or at least agreements that pay them decent wages.

I'll give you an example. At the National Film Board of Canada, or NFB, we read a study conducted by the Service aux collectivités at the Université du Québec à Montréal. The study showed that the average annual salary of documentary filmmakers, for example, many of whom work for the NFB, is \$19,000. Of course, when you compare this average annual income to the income of NFB producers, which ranges from \$83,000 to \$108,000, you can see why these artists find it difficult to earn a living and express their views in a federal agency.

Mr. Martin Champoux: Mr. Pelletier, I would like to address your presentation. You spoke about the particularly difficult negotiations with the NFB that lasted almost five years before an agreement was reached.

What obstacles did you face that resulted in this process taking five years?

Mr. Gabriel Pelletier: As you know, there's only one director per film set. You can't expect the directors to go on strike to obtain better conditions. They don't have any balance of power.

For us, arbitration is the solution. It took us 15 years to negotiate a collective agreement with independent producers, and five years with the NFB. I find it unacceptable that documentary filmmakers are paid an average of \$19,000 a year and that they must wait five years to obtain better conditions.

Arbitration gives the arbitrator the power to impose decisions. This ensures that the parties don't incur delays that interfere with negotiations and that they don't negotiate in bad faith.

● (1730)

Mr. Martin Champoux: You also pointed out that only the contentious issues should be arbitrated rather than the entire agreement.

Do you have any particular issues in mind? Do the same issues always stand in the way?

Ms. Mylène Cyr: If you want, I can answer this question.

[*English*]

The Chair: You have one minute left, Mr. Champoux.

[*Translation*]

Ms. Mylène Cyr: Okay.

You referred to the part where we ask that arbitration be available for the renewal of a framework agreement. For the reasons given by Mr. Pelletier regarding the lack of a balance of power, we must have the leverage provided by arbitration in order to speed up the renewal of agreements, but under certain conditions. That way, we give ourselves a time frame to negotiate. If a party initiates arbitration, we wouldn't want to have to place previously negotiated conditions on the table before the arbitrator. We want the opportunity to use arbitration to really wrap up the negotiations.

The contentious issues certainly change depending on the negotiations. It's true that, what we see—

[*English*]

The Chair: Thank you, Ms. Cyr.

I'm sorry, Martin. That's the end of your five minutes.

I will now go to Peter Julian from the NDP for five minutes.

[*Translation*]

Mr. Peter Julian: Thank you, Madam Chair.

I want to thank our witnesses for their presentations. They spoke very eloquently. I also want to thank them for staying with us later than 5:30 p.m. We had to go vote.

I'll start by speaking to the witnesses from francophone minority communities, namely, Mr. Pelletier, Ms. Cyr and Ms. Morin, as well as Mr. Alonzo.

In our study, we want to know how the Status of the Artist Act can help francophone minority communities. You spoke about compulsory arbitration and the fact that federal institutions must respond to the requests of artists, who negotiate in good faith.

What areas should we focus on to improve the situation of francophone artists in minority communities?

Ms. Mylène Cyr: The current federal legislation covers very few directors. Although both status of the artist acts date back over 30 years, only 50% of artists manage to have RRSPs and insurance coverage through collective agreements.

The producers' associations say that many of the artists who work in subsidized productions aren't unionized. This means that the artists don't have a social safety net.

As it stands, the burden of negotiating with each producer is enormous. Artists' associations don't necessarily have the resources to do so. Since the grants come from public funds, we believe that they should be contingent on the producers giving the artists some basic conditions. The existence of these conditions should stem from the grants and shouldn't depend on the artists' associations.

Mr. Peter Julian: Thank you, Ms. Cyr.

I have the same question for Ms. Morin and Mr. Alonso.

Ms. Marie-Christine Morin: Good evening. Thank you for asking this very important question.

As I said earlier, this legislation must have an obligation to deliver in relation to the socio-economic conditions of the artists and artisans represented.

Overall, this legislation is quite declaratory. It's necessary to add this obligation to deliver in relation to the socio-economic conditions of artists. As my colleague said, access to this social safety net is impossible for people who, even if they fall under the definition of professional artist, are completely excluded from the plans currently in place. They must contribute to specialized plans and pay the employer's contribution, which affects their already precarious economic situation, since their average salary is already lower than the—

• (1735)

Mr. Peter Julian: Ms. Morin, I must interrupt you because I also want to give the floor to Mr. Alonso.

Mr. Alexandre Alonso: Thank you for your question.

Producers must first and foremost call on our local artists. When a producer uses royalty-free music libraries from abroad, they aren't involving our local artists. Above all, let's use our local artists and make it a legal requirement to do so.

Second, our association represents authors and composers in a given territory. Our accreditation means that we cover a territory where the majority of people speak French. However, some producers covered by this legislation are located in territories where English is the majority language. These producers have a strong tendency to hire artists who speak the same language.

If a minimum number of French-speaking artists had to be hired by these producers in the predominantly English-speaking

provinces, this would be a step in the right direction. We're convinced that the Status of the Artist Act must form the basis for the Broadcasting Act. To obtain content that complies with CRTC regulations and quotas, we believe that French-speaking talent must also be hired to ensure a strong Broadcasting Act.

Did I answer your question?

Mr. Peter Julian: Yes. Thank you.

[English]

The Chair: Thank you, Peter. I think you have run out of time. I have allowed some leeway here so Mr. Alonso could finish his sentence.

I want to thank the witnesses for coming and for their absolute patience. As I said earlier, votes are a necessary evil, and they do tend to take us completely off course. I want to thank you for staying the extra few minutes, and for answering the questions so very clearly.

Now I will give time for the witnesses to leave so we can move on to our business. We only have 10 minutes, and if all members of the committee are willing, that could become five if we move very quickly to deal with the business of the day.

Madam Clerk, can we begin? Have the witnesses all left?

The Clerk: Yes, Madam Chair.

The Chair: This is not an in camera meeting, but we really wanted to have the time to do it.

Colleagues, this could be quick and dirty. I just want you to know that, on April 6, we should finish up our recommendations from the report on COVID. If we finish it on April 6, then we would be able to move on and get the report back to us in record time.

We also need to have consideration of when we're going to do the Rogers and Shaw report. I know that Ms. de Billy Brown would like to talk about that and give you a bit of headline on what she thinks and where she thinks we should go.

I also want to quickly say that I am hoping we can have a subcommittee meeting on Monday, April 11. I think the clerk will let us know what time we can use, because we don't have to stick to the ordinary time, and we can get that subcommittee report done.

Can we do that on April 11, Madam Clerk?

• (1740)

Mr. Chris Bittle (St. Catharines, Lib.): I have a point of order.

There have been discussions among the parties. I did send Peter an email, but he was away.

I think there's some belief that there is plenty of time within... We may have a bit of a light week ahead of us so we can fit any committee business within the next week, rather than going into the following week, and perhaps enjoy our constituency weeks—work very hard, meet with lots of constituents and do the work of the people.

We're well through the one report. The other report is fairly short. I don't see a lot of opposition. I think there will be time to find time.

The Chair: Thank you, Mr. Bittle.

I just want to point out some of the processes involved here.

We are not asking for a full committee meeting on Monday, April 11. We're asking for a subcommittee meeting, which is only going to be the vice-chairs, the chair and Ms. Hepfner. We just want to get a clear sense of where we're going so that, when we come back, we can know where we're going, because we have a lot of things to move forward to organize our schedules. We still have two more witnesses for the Status of the Artist Act.

We have the ability to maybe hear from Ms. de Billy Brown about what she hopes we can look for so we can send her some sort of input before she gives us the Rogers-Shaw report.

Would you like to move forward, Gabrielle?

The Clerk: Dr. Fry, Mr. Champoux has his hand up in the room.

The Chair: Thank you.

Sorry, Martin, I cannot see the room. You are all tiny people in that room right now in my view.

[*Translation*]

Mr. Martin Champoux: Madam Chair, I want to address the proposal to hold a subcommittee meeting on Monday, April 11. We discussed it here earlier. The vice-chairs are here. I think that we agreed that we would settle things, as Mr. Bittle was saying earlier, sometime next week.

I don't think that anyone is planning to hold a subcommittee meeting during the break weeks.

[*English*]

The Clerk: Mr. Julian now has his hand up, Madam Chair.

The Chair: I just wanted to say that it is going to be up to the committee to therefore find that time, because we still have to do the recommendations and conclusions from our report. We left mid-sentence at the very last meeting that we had.

Does somebody else have their hand up?

Mr. Peter Julian: Yes, Madam Chair.

I agree with both my colleagues. I think we managed to make it through a 74-page report in the space of the last meeting. I think this committee works very effectively together. I think what we'll find around the recommendations is that either we come to a consensus or we vote down certain recommendations, but I think it'll happen without any of us filibustering.

I think we can fit it into next week. Unless the intention of the subcommittee was to talk about other things—and at this point it's a

little unclear when the legislation will come to us—I think we would be okay resolving things next week, as Mr. Bittle and Mr. Champoux have indicated.

The Chair: Thank you, Peter. I think the promise of not filibustering and getting going on it is a great one. That means we can move forward with this particular issue.

I do think Ms. de Billy Brown wanted to talk to us about the Rogers-Shaw report.

Ms. Gabrielle de Billy Brown (Committee Researcher): Thank you, Madam Chair.

I will actually let my colleague Marion quickly explain what we would like to talk about next week, basically.

Mr. Marion Ménard (Committee Researcher): I just wanted to let you know that the report on the transaction between Rogers and Shaw was distributed this afternoon. Otherwise, I don't have anything to say about it.

What is your question, Madam Chair?

• (1745)

The Chair: I was told the analysts wanted to speak to the committee about the Shaw-Rogers report, so I am giving you the chance to do that.

Mr. Marion Ménard: That's a very short report, as was asked by the members of the committee. There's a paragraph regarding the decision of the CRTC, published last week, because the CRTC accepted the transaction with some conditions. There are 10 recommendations at the end submitted by the members.

Essentially, that's it, Madam Chair.

The Chair: Thank you.

Madam Clerk, go ahead.

The Clerk: I believe it's the Status of the Artist Act report that Ms. de Billy Brown wants to discuss with the members of the committee, and the outline of the report.

The Chair: I see. Okay, that was not the message I had. Anyway, thank you.

Go ahead, Ms. de Billy Brown.

Ms. Gabrielle de Billy Brown: By next week, we will have a preliminary outline of what we think the report on this current study should look like. We will have it distributed ahead of the meeting on the sixth so that you can come forward with changes, discussion and elements we might have missed. We can use that as our structure to write the report and come back with it after the meeting.

The Chair: I do have one question, because this all seems to be changing at a rapid pace. I understand we have two witnesses who still wish to come and present on the Status of the Artist Act—CRA and Finance. When is that going to be?

Yes, Madam Clerk.

The Clerk: I believe on Monday we have the Department of Canadian Heritage for the first hour, and in the second hour, it will possibly be the Department of Finance—I'm waiting on an answer from them—the CRA, and an independent tax expert from Quebec who was proposed.

The Chair: If that happens on April 6.... This is the kind of thing I think we need to talk about. I thought we were going to finish up the recommendations and conclusions from the COVID report on April 6, because we still have to finish that and give the analysts the chance to draft an amended report based on what we're saying.

We have April 6. We can do fully all of the CRA, Finance and the department with regard to the Status of the Artist Act. In that case, we're going to have to find time on April 8 to deal with the conclusions and recommendations, because we have yet to deal with that.

I would like to get some sense from the committee about how we want to square this very difficult circle.

We have two meetings before the break. One of those is going to be filled with witnesses, on April 6, or we can do the recommendations for the report on April 6.

The Clerk: Dr. Fry, I'm afraid I spoke in error. The witnesses are coming on Monday, April 4. We have two panels of witnesses currently scheduled on Monday, April 4, unless that's changing.

The Chair: All right, thank you. I've been getting this message about what I thought we were going to be doing.

On April 6, we will be doing the report on COVID. On April 4, we will be getting the panel of witnesses to finish off the Status of the Artist Act.

Is the committee now clear as mud on this one? Good.

It would seem to me that with the promise of Mr. Julian and Mr. Champoux, when we get to the recommendations and conclusions of the COVID report on April 6, we would move swiftly to deal with that. Then we can have the break for the analysts to sort of

tidy up our amendments, etc. and bring us back a new report to quickly okay. Then we'll move on.

Mr. Peter Julian: I have a point of order, Madam Chair.

The Chair: Yes, go ahead.

Mr. Peter Julian: My longest speech in committee has been 16 hours, and I'm committing to not do that this time.

The Chair: Thank you very much, Peter. I am thrilled that we're not going to get filibustering from you. Martin has also promised that. You are men of honour and men of your word, so therefore we will be able to get a lot of the work done before the two weeks. There may not be a need to have a subcommittee meeting during the two weeks off.

Okay, then that's a promise.

It's my understanding that on April 4 we're going to listen to the witnesses to end up the Status of the Artist Act, which will be CRA, Finance and the department. On April 6, we will go to the committee report, ending up with looking at the recommendations and conclusions of the COVID report. If we do that really quickly and effectively, we may have some time to delve into some sort of instructions for Gabrielle and Marion on the Shaw-Rogers thing.

Marion, it would be really nice if all the members could get a copy of the CRTC report, please. It may have us ready for that Shaw-Rogers report that will come up, hopefully at the end of the day on the sixth.

Is that a good plan? Does everyone feel we can accomplish that?

You already have the Shaw-Rogers in front of you. I want to remind everyone that these reports we now have are still confidential until they're tabled in the House.

Hearing no dissent, that looks like the schedule we're going to come up with before we break. Unless somebody has something else to add, I would entertain a motion to adjourn.

● (1750)

Mr. Chris Bittle: I move a motion to adjourn, please.

Mr. Peter Julian: I second the motion.

The Chair: Thank you.

The meeting is adjourned.

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