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# Standing Committee on Canadian Heritage

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Chair: The Honourable Hedy Fry





## Standing Committee on Canadian Heritage

Monday, March 21, 2022

• (1540)

[English]

**The Vice-Chair (Mr. John Nater (Perth—Wellington, CPC)):** Good afternoon, colleagues. I call this meeting to order.

Welcome to meeting number 10 of the House of Commons Standing Committee on Canadian Heritage. I would like to acknowledge that this meeting is taking place on the unceded traditional territory of the Algonquin Anishinabe people.

I'm going to read through this quickly, because I think we know most of the things on here. If I read too fast, I'm sure our interpreters will tell me to slow down.

Pursuant to the motion adopted by the committee on Monday, 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 the Zoom application. The proceedings will be made available via the House of Commons website.

Given the ongoing pandemic situation and in light of the recommendations from health authorities, as well as the directive of the Board of Internal Economy on Tuesday, October 19, 2021, to remain healthy and safe, all those attending the meeting in person are to maintain two-metre physical distancing and must wear a non-medical mask when circulating in the room. It is highly recommended that the mask be worn at all times, including when seated. You must use the hand sanitizer in the room.

As the chair, I will be enforcing these measures for the duration of the meeting, and I thank members in advance for their co-operation.

For those participating virtually, I would like to outline a few rules to follow.

You may speak in the official language of your choice. You have the language choices, at the bottom of your screen, of floor, English or French. If interpretation is lost, please inform me immediately and we will ensure that interpretation is properly restored before resuming the proceedings.

Before speaking, please wait until I recognize you by name. When speaking, please speak slowly and clearly. When you are not

speaking, your mike should be on mute. I remind you that all comments by members should be addressed through the chair.

We have a number of witnesses with us this morning. We will start off with a five-minute opening statement by each of our witnesses.

We will begin with Darcy Michael, who is here as an individual.

Go ahead.

**Mr. Darcy Michael (Actor and Creator, As an Individual):** Oh, I get to go first. Thanks so much.

Hi, everyone. Thank you to the MPs and the committee for taking the time to hear me today.

My name is Darcy Michael. For 16 years, I've been a proud Canadian comedian and actor. Prior to the pandemic, I had many traditional successes as an artist in Canada, with 10 televised galas at Just for Laughs. I also starred on CTV's sitcom *Spun Out* opposite Dave Foley, and I have my own one-hour stand-up special streaming on Crave, *Darcy Michael Goes to Church*—highly recommended viewing.

After *Spun Out* wrapped, I had a development deal with Bell Media for my own sitcom. I spent four years writing the show, only to be told they didn't think there was an appetite for it.

In Canada, when one network says no, there are only two other gatekeepers left to talk to. After all three networks declined to make the show, I was told to try getting it made in the United States first and then come back. Something we love to do with artists in this country is to send them elsewhere to find success first so we can lay claim to them later.

Then, COVID hit. Filming and stand-up industries rightfully shut down. Some of you might not be aware of this, but for some reason that no one has ever been able to explain to me, comedy is not a recognized art form in Canada. As comedy is not recognized as an art form, unlike musicians, actors, dancers and writers, comedians are not eligible for grants in Canada, which meant that the pandemic left no options to help me or my family.

So I pivoted. I decided to take the concept of my sitcom to digital platforms like TikTok and Instagram, partially to entertain myself during those early dark days of the pandemic, but also because I wanted to prove the concept of the show—not in hopes of networks changing their minds, but because I'm bitter and I wanted to prove them wrong. I did.

Fast-forward to today. Eighteen months after first joining TikTok, across all social media platforms, I have three million followers. Our TikTok channel alone averages 40 million to 60 million views a month. For the first time in my career, I'm reaching Canadian households that I could have only dreamed about before. Not only that, I own 100% of my content. I'm 100% in creative control, and I keep 100% of my profits.

With platforms like YouTube, TikTok and Instagram, artists can be in control of their creations, their content and their businesses. Of course, networks and record labels are crying foul, because they can no longer take advantage of the starving artist. Being a content creator online has single-handedly been the best decision I've ever made.

Listen, I can sit here and wax poetic about my creative successes all day long. I'm a big fan of myself. I'm very good. But let's talk business.

Before pivoting to being a digital creator, I was making ends meet as an artist, but just barely. I was lucky that my husband had a good corporate job and our daughter was able to get student loans for university. However, today, because of our success online, my husband now works with me full time and our daughter's student loans are completely paid off.

Not only has our success benefited us financially, but by my working directly with Canadian brands across our social media platforms, in just the last 12 months, we've helped put over \$500,000 in sales back into the Canadian economy. That's from one channel on TikTok.

I'm speaking to you as a proud queer digital creator with content that celebrates conversations around mental health, body positivity and human rights. These are all the things I tried to do with traditional networks, but three gatekeepers didn't think there was an appetite for it. There are three million people who disagreed with them.

I have a career today in spite of the industry. I'm here in front of you as an artist, as a Canadian, and as a marginalized voice asking all of you not to omit us from this conversation any longer. See the positive changes we digital creators have been able to make globally but, more importantly, the changes we've been able to make in our Canadian communities from coast to coast to coast.

Thank you for your time.

• (1545)

**The Vice-Chair (Mr. John Nater):** Thank you, Mr. Michael. I appreciate your keeping it well under time.

Next up, we have Oorbee Roy.

Go ahead.

**Ms. Oorbee Roy (As an Individual):** Hi, everybody. My name is Oorbee Roy. I'm a digital content creator and adult skateboarder.

I started skateboarding at the age of 43 so I could spend more time with my kids. My husband was already skateboarding. Once my kids started skateboarding, I knew I didn't want to be the mom standing on the sidelines videotaping my whole family living their best lives, so I took a couple of lessons. I got on a skateboard and

fell immediately, but I got back up and I loved it. I became addicted.

Then in February 2021, I started a TikTok account. I don't know if you guys remember how dark that particular COVID lockdown was, but I wanted to spread some joy and positivity, so I launched this account to share my journey and [*Technical difficulty—Editor*].

In under four months, I gained over 100,000 followers on TikTok. That was recently verified, so I have a blue check mark. I'm a celebrity now. I have been featured on CBC, BlogTO, NBC's *Today* show and in many publications across the world. Earlier this month, I was on *Live TV* in New Zealand. That was super cool.

People DM me from all over the world and tell me how I inspired them to go back to school, to start a career as a musician or just to want to get on a skateboard again or for the first time.

Now I'm making a career. I'm planning skate trips for adults. I'm partnering with Canadian brands. I'm running other people's accounts. I'm going to movie premieres. I'm putting together an online course for adults.

So many doors have opened for me in the past year in a way that I never thought possible. It's now possible for me to earn a living as a digital creator, but honestly, it hasn't been that easy for me this whole time. Twenty years ago, I was living in New York City, and after 9/11, like everybody else down there, I had a life-changing epiphany. I quit my job on Wall Street—sorry, Mom—and I pursued a career in the arts. I bombed badly. There was no space for me in traditional media. I did not tick the right boxes. I don't know how you can say no to this face, but they did. I continued to stop and start my career over the last two decades, sometimes successfully, sometimes less so.

Fast-forward to the pandemic. I was working for my husband's company. He was very busy in the food business. He had to keep the shelves stocked, so I had to give up my job to take care of the kids and make sure they were being fed, but I didn't want to be the mom standing on the sidelines watching my whole family live their lives.

You know what? I feel as though skateboarding has given me a new lease on life. It has taught me that every time I fall, every mistake I make, every moment when things don't go my way, it's just part of my journey. If I put in the work and keep trying, eventually I will land the trick.

Translating that into my real life, I realize that it is absolutely 100% possible for a 47-year-old woman to pivot her career and earn a living as an adult skateboarder. I dare anyone to tell me different. I just have to believe in myself.

Sure, pivoting hasn't been easy. I'm definitely trying to figure out the digital creator space. I have made some missteps. Not every door is open for me. I sent my media kit to over 30 agencies in Canada, and they all shut their door on me because, again, I don't check the right boxes. But, listen: I'm a creative person. That's the very core of who I am, and I don't need anyone's help.

Being a digital creator has allowed me to stay authentic, own my own story, and find an audience without having to tick somebody else's boxes. I can finally make a living as an artist. The global digital creator gig economy is booming, and you don't have to stand on the sidelines if you put in the work and believe in yourself, because it's never too late to live your best life.

Thank you.

**The Vice-Chair (Mr. John Nater):** Thank you, Ms. Roy. Thank you for joining us. I guess I might have a future as an adult skateboarder someday as well.

We will go to our next set of witnesses, the Alliance of Canadian Cinema, Television and Radio Artists, ACTRA. We have Keith Gordey and Lisa Blanchette. I'm not sure who is taking the lead on speaking, but I will open the floor.

Go ahead, Mr. Gordey.

• (1550)

**Mr. Keith Martin Gordey (National Vice-President, Alliance of Canadian Cinema, Television and Radio Artists):** Thank you, Chair.

Thank you to the chair, vice-chairs, committee members and staff.

I'm Keith Martin Gordey. I'm an actor and national vice-president of ACTRA. Lisa Blanchette is our director of public affairs and communications. Thank you for inviting the Alliance of Canadian Cinema, Television and Radio Artists to appear before you once again.

On behalf of ACTRA's 28,000 members who perform in English-language recorded media productions across Canada, we are pleased to share our perspective on how the Status of the Artist Act could be embraced to improve the working conditions of professional artists.

The starting point of this discussion is to understand the unique way artists work. Artists are well educated; most have specialized training in their art form and all spend years refining their craft. We are the original gig worker: self-employed, competing for work and working contract to contract.

ACTRA's agreements ensure that individual engagements are well paid. While some members have long-term contracts, the majority work intermittently. It is not uncommon to be without a paying gig for long stretches. Overall, the median annual income of Canadian actors, musicians and other performers is roughly 50% lower than for other workers.

Like other artists' organizations, ACTRA benefits from the collective bargaining rights established by the act, but the act's real potential to improve the lives of Canadian artists is found in building on its core principles, which acknowledge, one, the important role

professional artists play in our society and economy; two, the unique way in which artists work; and three, the need to improve the professional and socio-economic interests of artists.

We urge the committee to consider the following three measures that would significantly benefit professional artists and strengthen our capacity to contribute to Canada.

The first and most significant measure would be to introduce a tax incentive. If the first \$15,000 of annual income earned from professional artistic activity were free from federal income taxes, this would combine with the "basic personal amount" to create a powerful incentive for creativity.

The definitions necessary for such a provision are in the Income Tax Act and existing regulations. The provision would be straightforward to implement and administer. The act already contains special rules for other groups because they earn income and work in atypical ways. The income tax system should also respond to the work reality of professional artists.

Our proposed tax incentive would apply equally to all professional artists, regardless of discipline or career stage, and provide the greatest relative benefit to those with the lowest incomes, including those from Black, indigenous and other racialized communities, as well as young and emerging artists.

Restoring tax fairness for Canadian artists through income averaging would be an excellent second measure. A key feature of artists' work pattern is that their income fluctuates from year to year, in some cases substantially. Our tax system assumes a traditional employment model where earnings are stable. Performers may spend years developing their skills, attending master classes, auditioning, acting in small parts and working with their agent to market themselves before they land the principal role in a feature film. They will be well paid for that role, but it's compensation for all the time and energy they spent in the previous years and, when the film is released, it may be several more years before they land their next big role.

A 2011 ACTRA study found that when a taxpayer earned the same amount each year for four years, they would pay roughly 3% to 16% less in income tax than would an artist whose total income was the same but fluctuated year to year over the same four-year period. ACTRA urges the committee to recommend the return of Canada's four-year income averaging system to ensure fairness for Canadian artists.

As a third measure, we recommend addressing the gaps the pandemic starkly revealed in our employment insurance program. Government emergency income support measures highlighted how gig workers, including professional artists, fall outside Canada's social safety net. In fact, the current EI program is discriminatory. If a self-employed artist works at another job between gigs, they and their employer will pay into the program on the insurable hours, but if they are laid off from employment, they are ineligible to collect regular EI benefits.

EI has special rules for others. In particular, self-employed fishers, hairdressers and drivers qualify for regular benefits based on earnings rather than insurable hours. Surely, the same earning model could be adapted for artists. An EI program for a modern economy would allow self-employed workers to contribute to and collect EI despite the absence of a traditional employer-employee relationship. Artists are willing to pay into an insurance system provided they can receive benefits when they need them.

• (1555)

To conclude, the Status of the Artist Act remains important to Canada's creators. It establishes a framework for improving the social and economic status of professional artists.

We hope you will embrace this opportunity, and we look forward to your questions.

**The Vice-Chair (Mr. John Nater):** Thank you, Mr. Gordey.

[*Translation*]

We will now move to Christian Lemay, from the Alliance québécoise des techniciens de l'image et du son.

Mr. Lemay, you have the floor.

**Mr. Christian Lemay (President, Alliance québécoise des techniciens de l'image et du son):** Thank you, Mr. Chair.

Good afternoon, members.

My name is Christian Lemay, and I am president of the Alliance québécoise des techniciens de l'image et du son, or AQTIS, Local 514 of the International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, Its Territories and Canada.

AQTIS 514 IATSE represents 8,000 workers in the audiovisual industry in Quebec. We are incorporated under the Act respecting the Fédération des travailleurs et travailleuses du Québec (FTQ), its affiliates and their syndicates, to which we are also affiliated. We are the second largest IATSE local in Canada and the third largest in North America. In addition, I'd like to point out that, under Canada's Status of the Artist Act, we have a collective agreement with the National Film Board, which we are currently renegotiating.

Helping workers improve their socio-economic conditions is central to our mission and values. The passing of federal legislation to establish good labour relations principles is critical to the AQTIS fulfilling its mission.

You are probably aware that artists and those working in allied crafts live under very precarious conditions. It's important to note

that most of them frequently face challenges due, in part, to their status as artists.

I would be remiss not to highlight some issues. I will begin by painting a picture of the current challenges.

First, audiovisual production is underfunded. It is high time the federal government did more on this front. Our industry relies heavily on tax credits. For too many years, the federal government hasn't made any changes to these credits. Of course, the Quebec government tries to compensate for this gap, but an increase in funding would have a major impact on our members' socio-economic conditions.

The second challenge is our workers' tax status. Employers will often call our members' status into question, and they end up being considered self-employed. It's often imposed on them by their employer. This sometimes prevents them from qualifying for employment insurance benefits when they are in between jobs.

The third challenge is the issue of labour laws. Artists and audiovisual workers are not always treated like other Canadians. Because some of the policies fall under provincial jurisdiction, workers in the industry tend to have fewer rights than other workers. For example, they may not be entitled to protective reassignment for pregnant workers, parental leave, occupational health and safety programs, or protection from sexual and psychological harassment. We've raised all these issues as part of the current review of Quebec's artist status legislation, as they are important to our union members.

Finally, there is the issue of the Canada Industrial Relations Board. We have not had to go before the CIRB, but I feel it's important that you look into its effectiveness under the Status of the Artist Act. It's important for groups like ours to make sure that tribunals like these are efficient to encourage the CIRB to render its decisions as quickly as possible.

This concludes my opening remarks. I hope I have drawn your attention to some of these issues.

I'd like to thank you for inviting me to appear before you, and I wish you every success in your work. We look forward to seeing what comes of it.

In closing, I'd like to make one final point. I want to thank MPs for the financial support provided to performing arts workers over the past few years.

• (1600)

**The Vice-Chair (Mr. John Nater):** Thank you, Mr. Lemay.

[English]

Next up we have the Canadian Artists' Representation, and that's represented by April Britski and Karl Beveridge.

The floor is yours.

**Ms. April Britski (Executive Director, Canadian Artists' Representation):** Thank you, Mr. Chair and committee members, for this opportunity to speak with you today.

I'm April Britski, and I'm the national director of CARFAC, which is a membership association for professional visual artists. We have a long history of advocating for artists' labour rights, and since we began in 1968, we've had guidelines for fees that artists should be paid for the exhibitions of their work. In 1999, we were certified by the Canadian Artists and Producers Professional Relations Tribunal to be the collective bargaining representative for visual and media artists in Canada—excluding Quebec—as recognized by the federal Status of the Artist legislation.

Status matters, because there are about 21,000 visual artists in Canada, most of whom are self-employed, and their income is much lower than that of the overall Canadian labour force. Half of visual artists earn just \$20,000 a year, according to the 2016 census. It's also important to note that the majority of this income comes from the day jobs that most artists must hold in order to support themselves.

We certainly also agree with the recommendations that have been put forward by ACTRA and IATSE in this regard, and many more.

Copyright is a major piece of legislation that helps artists earn income from their creative work. For visual artists, that's through exhibition and reproduction rights. We're very pleased that the federal government is committed to introducing an artist's resale right to the Copyright Act as well, and we look forward to seeing that happen very soon.

The Status of the Artist Act complements and reinforces the Copyright Act. It's all part of a cultural policy tool kit. While copyright establishes the right to be paid, collective bargaining through the status act establishes the amount to be paid. Without the act, galleries and museums are not compelled to engage in collective bargaining. This unique law indirectly helps us establish standards for other types of institutions, both in Canada and abroad.

So far, there's only one collective agreement enforced for visual artists in Canada, and that's with the National Gallery. We had to go all the way to the Supreme Court to make that happen, and it's been in place since 2015. We hope to negotiate with other institutions when the pandemic is over.

Now I'll introduce Karl Beveridge.

Mr. Beveridge is an artist and a recent recipient of the Governor General award for visual and media arts, as well as the co-chair of our collective bargaining committee.

**Mr. Karl Beveridge (Visual Artist, Canadian Artists' Representation):** Thank you. I hope everyone can hear me.

I will continue with the thoughts that April has expressed.

Artists are much better paid because of the agreements negotiated under the act. Prior to the agreement, we estimated that the total amount paid by the National Gallery in fees to artists was around \$40,000 annually. Today, including during the pandemic, the gallery pays an average of approximately \$190,000 annually. Before the pandemic, it was a total of \$305 and \$776 in fees paid to artists. That means that the National Gallery now pays artists almost five times more for exhibition of their work than before the agreement. It's seven times more for an artist representing Canada at the Venice Biennale, which is the premier international art event.

The gallery did not always pay fees for reproductions of an artist's work before the agreement. Now they pay for all reproductions. They also now pay for the display of works from its permanent collection. Before, they asked artists to waive fee payments for all exhibition and non-commercial reproduction uses of their work in the permanent collection. The gallery also now pays for uses of the artists' work online and on social media platforms, which is unprecedented in the visual arts sector.

Another major achievement is the establishment of fees for the preparation work that an artist undertakes prior to an exhibition, such as correspondence, artist statements, IMS files, installation design and so on. For a major exhibition, this can be up to 400 hours of work.

In summary, the collective agreement under the status act has enabled an average of \$190,000 to be paid to artists annually, compared to the average of \$40,000 prior to our agreement. This is a significant increase in income for many artists. On average, 180 artists receive fees from the National Gallery annually.

Remember that each year it would be a different group of artists, so over the six years the agreement has been in place, over 1,000 artists have received some sort of fee payment from the National Gallery.

• (1605)

**The Vice-Chair (Mr. John Nater):** Mr. Beveridge, we're at time. Please wrap it up in a couple of sentences, if you could.

**Mr. Karl Beveridge:** No problem. I'm right there.

I would like to thank the committee for inviting us to speak. I also thank the federal government for enacting the Status of the Artist Act. It has been of immense benefit to working artists.

Thank you.

**The Vice-Chair (Mr. John Nater):** Thank you, Mr. Beveridge and Ms. Britski.

We will now hear from our final group, Regroupement des artistes en arts visuels du Québec.

[*Translation*]

Ms. Beaulieu, you have the floor.

**Ms. Maryse Beaulieu (Executive Director, Regroupement des artistes en arts visuels du Québec):** Good afternoon.

We would like to thank the House of Commons Standing Committee on Canadian Heritage for the opportunity to appear before you and speak on the Status of the Artist Act and its impact on improving basic working conditions for artists.

First, let me introduce the Regroupement des artistes en arts visuels du Québec (RAAV), which I represent today as executive director.

The RAAV was founded in 1993. Bringing together more than 1,600 members, the RAAV's primary mission is working to improve the living conditions and professional practice of artists pursuing a career in the visual arts in Quebec.

The RAAV has been accredited by the Canadian Artists and Producers Professional Relations Tribunal. As you know, the Canada Industrial Relations Board is now carrying on the mission vested in the tribunal.

The Status of the Artist Act, which came into force in 1992, addresses the working relationship between professional artists and Canadian federal government agencies and organizations.

In section 2, it provides for the following:

The Government of Canada hereby recognizes

(a) the importance of the contribution of artists to the cultural, social, economic and political enrichment of Canada;

(b) the importance to Canadian society of conferring on artists a status that reflects their primary role in developing and enhancing Canada's artistic and cultural life, and in sustaining Canada's quality of life;

(c) the role of the artist, in particular to express the diverse nature of the Canadian way of life and the individual and collective aspirations of Canadians;

(d) that artistic creativity is the engine for the growth and prosperity of dynamic cultural industries in Canada; and

(e) the importance to artists that they be compensated for the use of their works, including the public lending of them.

Furthermore, in section 3(b), the act clearly lays out the foundations of the policy:

Canada's policy on the professional status of the artist, as implemented by the Minister of Canadian Heritage, is based on the following rights:

(b) the right of associations representing artists to be recognized in law and to promote the professional and socio-economic interests of their members;

Section 7 states that the purpose of the act is to “establish a framework to govern professional relations between artists and producers...”

Under the act, we, along with Canadian Artists Representation (CARFAC), entered into a scale agreement with the National Gallery of Canada. A scale agreement, as defined in section 5 of the act, is an “agreement in writing between a producer and an artists' association respecting minimum terms and conditions for the provision of artists' services and other related matters”.

It is of utmost importance to reiterate that establishing a collective bargaining regime, as permitted under the Status of the Artist Act, is absolutely cardinal to improving the conditions under which artists operate.

The importance of the Copyright Act cannot be overlooked. If I may, I'd like to point out that introducing resale right is one of the commitments that have been made to visual artists.

We could not end this presentation without saying how fundamental a collective bargaining regime, as provided for in the Status of the Artist Act, is for visual artists. It can't be the only definitive solution for improving the living conditions of these artists, but the act is one milestone that helps us reflect on the situation of artists so that they can aspire to living conditions commensurate with what they represent for Canadian society.

Needless to say, the purpose of establishing a collective bargaining regime is to restore balance between the parties when it comes to negotiating with producers. The goals of the Status of the Artist Act, which emphasize how important artists are in our society, are a commitment to those we have celebrated during this pandemic.

By affirming at the outset the values of fairness that must govern artist–producer relationships, the letter and spirit of the Status of the Artist Act establish the framework within which artists must operate.

Thank you very much for the opportunity to speak on Canada's Status of the Artist Act.

● (1610)

**The Vice-Chair (Mr. John Nater):** Thank you very much, Ms. Beaulieu.

[*English*]

We will turn to our first round of questions. The first round is six minutes per questioner. That time includes both the questions and the responses.

The first round is the Conservative round, and that goes to Rachael Thomas.

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

I want to begin by directing a question to you, Oorbee. At this point in time, having heard from everyone at the table, I've actually lost track of the number of requests that have been made for government support, government funding and government regulation. What I find interesting, though, is that your story and Darcy's story are very different. You're actually telling a story of self-made success. You're telling a story about hard work, innovation, creativity, pivoting and working through difficult circumstances. You're telling a story about overcoming the obstacles put in front of you, in particular the gatekeepers that would try to keep you out of traditional spaces for artists.



I'm hoping you can help answer this question, Oorbee. Bill C-11 is on the table. This will potentially have a big impact on you and your ability to use the virtual platforms that you currently use, namely TikTok, in the same capacity that you do now. Under Bill C-11, you will potentially—

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

**The Vice-Chair (Mr. John Nater):** Yes, Mr. Bittle.

**Mr. Chris Bittle:** This is a study on a completely different piece of legislation. I don't understand the relevance of Bill C-11 to the Status of the Artist Act.

**The Vice-Chair (Mr. John Nater):** Thank you, Mr. Bittle.

I think we do provide a fair bit of leeway. Obviously, if the witness doesn't feel comfortable answering the question, that's completely up to them. They're not forced to. If we can see the relevance between status of the artist and the question at hand, I think we would certainly allow that.

I will turn it back to Mrs. Thomas to finish up her question.

**Mrs. Rachael Thomas:** Thank you.

Every artist has the right to be compensated, according to the act. Within the act, entrepreneurs who “contribute to the creation of any production in the performing arts, music, dance and variety entertainment, film, radio and television, video, sound-recording, dubbing or the recording of commercials, arts and crafts, or visual arts, and fall within a professional category prescribed by regulation” fall under this category.

For those individuals with us today who are virtual creatives, I pose this question. Bill C-11 will have an impact on your ability to make an income. Bill C-11 will force you to pay 30% of your revenue off the top to go into the arts fund, which you will pay into but not have the opportunity to apply for funding from.

The second thing is that the government will regulate through the CRTC what is considered Canadian content and what is—

**Mr. Chris Bittle:** I have a point of order, Mr. Chair.

**The Vice-Chair (Mr. John Nater):** Yes, Mr. Bittle.

**Mr. Chris Bittle:** I appreciate that we give a wide berth for questions in this committee, but this is legislation that's still before the House of Commons and that may or may not get to us. I don't know that this is an appropriate line of questioning, because it still hasn't related back to the topic at hand and the topic that we're studying.

I'm concerned about getting into discussions on legislation that is still before the House and not before the committee.

• (1615)

**The Vice-Chair (Mr. John Nater):** Thank you, Mr. Bittle.

Mr. Uppal, is that on the same point?

**Hon. Tim Uppal (Edmonton Mill Woods, CPC):** Yes. It's on the same point of order, Mr. Chair.

We had other witnesses talk about potential tax changes that may or may not be in the upcoming budget. We're still going to discuss those. They will affect their ability to make a living.

I think this is an important opportunity to discuss these issues.

**The Vice-Chair (Mr. John Nater):** Thank you, Mr. Uppal and Mr. Bittle.

I will allow Mrs. Thomas to continue with the question. She was actually quoting from the act, I believe, in posing her question. We will allow it and offer a reminder that the subject at hand is the Status of the Artist Act, which is a very broad piece of legislation.

I will turn the floor back over to Mrs. Thomas.

**Mrs. Rachael Thomas:** In addition to the tax that would be applied to you, Canadian content will be defined. The CRTC will determine whether or not your content gets defined as such and therefore either promoted or demoted within the virtual spaces that you currently use. Of course, this is very concerning.

I'm wondering, Oorbee, if you would be willing to comment on this or offer your reflections with regard to Bill C-11.

**Ms. Oorbee Roy:** Sure. Thank you, MP Thomas, for your question. I'm comfortable answering the question, but I'll answer by telling a story, because I'm a storyteller.

Picture me back at the beginning of the pandemic. Locally, there was a big drive to make masks for the community. I took some fabric from my last business and donated a bunch of fabric. I donated so much fabric that my name was put on a plaque on a wall in the hospital.

An artist decided to do a small documentary about the story of mask-making, and she took my fabric—because that fabric is gorgeous and it looks great on camera—and showed the lifespan of it: dropping the fabric off, opening the fabric, cutting the fabric, making the fabric into masks, packing the fabric, donating the masks and then giving them to people. You know what? I was cut out of that documentary completely. Somebody else told the story and cut me out. When I asked her why, she said, “Oh my God, it's unconscious bias.” That, in my mind, is kind of racist.

That was one of the backstories, the darker side, of why I started my TikTok channel, because she said, “I took you out of the hero role.” I didn't look at myself as a hero before that, but if I get to tell my own story.... I don't trust that people are going to tell my story properly. It's my story, and if I get to be the hero, I'm going to own that.

Now, over 200,000 people liked my story and are inspired by my story, and I feel that being regulated is going to restrict me. I don't want restrictions put on me. It hasn't worked for me, in my favour, and I don't think it will. For a lot of people who don't fit into these boxes, it's not going to work for us.

I'm very concerned about Bill C-11. I'm very concerned about how this is going to affect all of us artists, especially in the digital space.

I hope that answers your question.

**The Vice-Chair (Mr. John Nater):** Mrs. Thomas, you have about 45 seconds left.

**Mrs. Rachael Thomas:** Okay, Chair. With all due respect, I do hope the interruptions were accounted for, because I did start and stop my clock, and I have just over a minute.

**The Vice-Chair (Mr. John Nater):** Yes, we did stop the clock.

**Mrs. Rachael Thomas:** Darcy, I have the same question for you, please.

**Mr. Darcy Michael:** Okay. I'll try to keep this brief.

Bill C-11 will directly affect my ability to earn an income.

That aside, I'm also an ACTRA member, so I do want to say that I'm on both sides: the traditional and the digital media. The sheer logistics of the CRTC trying to approve Canadian content for every video uploaded to social media is impossible. Across the country, there are thousands of videos uploaded every day. There is simply no way to approve this. You are creating a logistical nightmare, with all due respect to the members, without properly understanding the industry that we're in.

I just think that we need to make an amendment to that one portion of the bill. I don't want to be included. I don't want to be paying 30% to something that I don't benefit from as a digital creator. I think it's a second tax. I think that by the end of the day I'll be paying 80% tax on my income. That isn't fair.

**The Vice-Chair (Mr. John Nater):** Thank you, Mr. Michael.

We will move on to the Liberal round with Mr. Louis.

Mr. Louis, you have six minutes.

• (1620)

**Mr. Tim Louis (Kitchener—Conestoga, Lib.):** Thank you, Mr. Chair.

I want to thank all the witnesses. It's very informative already and we're only just getting started, so I really appreciate this.

If I could begin, my questions are for CARFAC and Ms. Britski or Mr. Beveridge. I want to talk about the artist's resale right. You mentioned that as protecting Canadian artists, which would help those artists, creators and copyright holders. Making changes to the Copyright Act is in our mandate letter and is something that I'm a strong proponent of. Adopting the artist's right to resale requires little to no ongoing costs for our government.

Many people profit when artwork is resold, but not the artists. As some of our panellists—and I as a musician—will know, musicians and writers are paid for the growing popularity of their work over

time through sales and copies, but this does not apply to visual art. The artist's resale right would allow visual artists to receive a small percentage when their work is resold.

Many countries are doing this already. Often, the full value of artwork is not seen on that first sale, so this would benefit visual artists, as you mentioned—in particular, Canada's indigenous artists—and this could be an addition to our Copyright Act.

I would start with you, Ms. Britski. Are there countries that already have artists' resale rights?

**Ms. April Britski:** Yes, there's a growing list. There are over 90 countries around the world. A couple of them added it recently. Korea is one of them, and New Zealand implemented it through a recent trade deal with the U.K.

It's not new. It's not something that we created as an idea. It's been around for a while, for over 100 years now. I've often wondered what it would have been like to be there when the exhibition right came into the act in 1988. I wasn't involved with CARFAC then, but we were the first, and that has gone on to lead to, as Karl mentioned, really important changes in terms of what artists earn through their work with the gallery.

Yes, at this rate, hopefully we won't be the 100th country to implement the resale right; it's something that we're really looking forward to seeing happen in the very near future.

**Mr. Tim Louis:** Are there organizations in Canada—perhaps yours—that are already equipped to collect and distribute compensation with systems in place?

**Ms. April Britski:** Yes. There are copyright collectives. We have found in other countries that it is the easiest thing to administer and implement when there is collective management.

We recommend Copyright Visual Arts, but there are others as well.

**Mr. Tim Louis:** What would that reporting process look like?

**Ms. April Britski:** Every country does it differently. In the U.K., they distribute payments every month. In most countries, they usually collect sales information on a quarterly or an annual basis. It depends on how rigorous you want to be.

**Mr. Tim Louis:** That's fair enough.

I have one last question on artists' resale rights. We're talking about threshold of sales, so this wouldn't apply at the different areas. I think in your studies you recommended \$1,000. How did you come up with that number? Whom would and wouldn't that affect?

**Ms. April Britski:** It's \$1,000 in Australia. It's 1,000 euros in Europe. We had a look at various case studies of Canadian artists and what it would mean if it were higher or lower, and it seemed that it was a good point to make it worth the administration of sending it out and the amount of the royalty to the artist. Keeping the burden of the distribution of it made sense.

**Mr. Tim Louis:** Thank you. I appreciate that.

I only have a limited amount of time, so maybe I could turn to ACTRA and Mr. Martin Gordey.

Your opening statement was very similar to my little preamble here. We're talking about the median income of artists being about half of that of other Canadians. I think it bears repeating. At the same time, pandemic or not, you talked about income volatility, and how different sectors in the arts are going to recover at different paces. We know that the arts will be the last, but within that sector, recovery is going to happen differently. Many of us in this meeting know that in the arts, we're the first to lose our jobs during an economic downturn and the last to get them back during recovery. You also mentioned that about 65% of artists are self-employed.

What lessons we can learn from some of the pandemic financial supports moving forward? What are some of the short-term solutions we can use from the lessons of the past few years? What are some of the long-term solutions?

● (1625)

**Mr. Keith Martin Gordey:** I know for a fact, from the many members I've spoken to, that when the pandemic hit on March 13 and the business just stopped, not only did their work as performing artists vanish, but their side gigs vanished. A lot of them work in restaurants, for example. It revealed a huge gap in the social network in Canada for these workers.

It's important to find a way to have EI available to gig workers. It's absolutely critical. The supports that the government provided through CERB and other things made the difference for people facing homelessness if those supports had not been there.

That's a really important thing to take a look at. There is a way to do it, and we're willing to pay. We'll definitely pay into it if we can receive the benefit when we're in a tight corner. We want to work. We'd love to work. This is what we're built to do.

**The Vice-Chair (Mr. John Nater):** Thank you, Mr. Gordey and Mr. Louis. Thank you for your time.

That's it for that round.

[*Translation*]

We now go to the Bloc Québécois.

Mr. Champoux, you have the floor for six minutes.

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

I'd like to thank our guests today, who are attending our meeting virtually. They are here to talk about a subject that has often been brought up by representatives of associations and artists as well as cultural workers we have heard from in various studies the committee has conducted.

There are a number of provincial counterparts to the Status of the Artist Act. Saskatchewan, Ontario and Quebec have theirs, for example. Other provinces are thinking about it, like New Brunswick. In fact, I had the opportunity to speak with representatives of the Association acadienne des artistes professionnels du Nouveau-Brunswick. This group attaches great importance to a bill like this. I feel that the federal legislation could have a few more teeth and is worthy of a review, as they will soon do with the Quebec legislation.

I'd like to ask my first question to Mr. Lemay from AQTIS.

Mr. Lemay, in February, you submitted a brief on the proposed reforms to Quebec's artist status legislation.

Is that correct?

**Mr. Christian Lemay:** That's right.

**Mr. Martin Champoux:** Among other things, you say that some producers who have signed collective agreements are, in spite of everything, using subcontractors and that there are repercussions.

Could you tell us what the repercussions of that might be?

**Mr. Christian Lemay:** That's a very good question, Mr. Champoux.

You should know that it has a significant impact on our members' socio-economic conditions. Our union organization is responsible for members' contributions to the group insurance plan and the registered retirement savings plan. Like all other Canadians, these technicians, who are employees in the audiovisual industry, would like to retire sooner or later under the best possible conditions.

Of course, when some producers use subcontractors, it leads to a shortfall in contributions to the group insurance plan and the registered retirement savings plan. This significantly erodes our members' socio-economic conditions.

That's not counting the abuses that can occur with respect to the Labour Code as it relates to occupational health and safety or any related or contractual condition between employer and employee. In a sense, these individuals are unprotected.

**Mr. Martin Champoux:** Can you recommend any solutions? For example, should producers be required to abide by agreements or negotiate and sign agreements? Should this become a standard?

**Mr. Christian Lemay:** As far as we're concerned, it's a difficult situation, because our collective agreements are with independent producers, who are members of employer associations like the Association québécoise de la production médiatique (AQPM) or the Association des producteurs publicitaires (APP) in the advertising field.

When these producers use subcontractors, we have difficulty reaching them. In a way, it forces us as an organization to go after all these subcontractors hiring freelancers, who are artists recognized under Quebec's artist status legislation. We see it as a mad rush to subcontract.

**Mr. Martin Champoux:** What role should the federal government play?

What could the federal government do to improve the situation for artists and self-employed workers, not only in Quebec's cultural sector, but also across Canada?

**Mr. Christian Lemay:** You need to fortify the status of our artists and industry workers. You have to give it some substance. We suggested to the Quebec government that all employers be required to have collective contracts available to artists and technicians in connection with funding. For example, if a funding method at Telefilm Canada or even the Canada Media Fund were to be updated, a collective contract for all artists would be required.

• (1630)

**Mr. Martin Champoux:** You talked about the efficiency of the courts.

Could you give us an example of a situation, a judgment or a court decision that literally fell through the cracks?

**Mr. Christian Lemay:** To be frank, Mr. Champoux, I don't have a specific example at the federal level, but we brought this recommendation to the attention of committee members. We want to be sure that, for cases like these, the time frames are as short as possible.

Of course, having to wait for results of arbitration, grievance processing or a judgment has a negative impact on labour organizations and their members. So, much like we did to the Quebec government for Quebec's artist status legislation, we made the recommendation to ensure that the court that deals with these matters is efficient and renders decisions as quickly as possible.

**Mr. Martin Champoux:** Thank you very much, Mr. Lemay.

**Mr. Christian Lemay:** Thank you.

**The Vice-Chair (Mr. John Nater):** Thank you very much.

Mr. Julian, you now have the floor for six minutes.

**Mr. Peter Julian (New Westminster—Burnaby, NDP):** Thank you very much, Mr. Chair.

[English]

Welcome to all of our witnesses. We thank you very much for your very important testimony, and we hope that you and your families continue to stay safe and healthy during what we hope will be the final weeks of this pandemic.

I have questions for all of you, but I'll start with Mr. Gordey and Madame Blanchette from ACTRA.

You've put forward very useful and specific recommendations around a tax incentive: the first \$15,000 of an artist's income, income averaging, and gaps being filled in the EI program. Thank you very much for these recommendations. Can you tell us what you foresee in terms of the future of Canadian artists if all of these elements are put into place, and what you foresee if none of them are put into place?

**Mr. Keith Martin Gordey:** I would think that, if it's put into place, you'll have a flourishing of the creative arts. You will have people fulfilling the best of their abilities and contributing to our society.

In Ireland, income earned by creative artists is tax-exempt up to, I think, 50,000 euros. So there is that freedom. You earn the money. That's, perhaps, not a high bar, but you earn the money and you're allowed to live a fuller life and devote your energies to your creative abilities. It's a great thing for society.

If it's not implemented, then all of the creative artists who are between gigs are working in the restaurants. The trajectory of your career is lessened. You don't hit the same heights. You're not allowed the time and energy to be as creative as you are. I think that's a detriment to our society.

We learned from the pandemic. What really exploded when the pandemic hit and everybody was at home... They turned to the arts—to Netflix and all those other providers. Their subscriptions went up. It's an integral part of being a human being: to have that kind of expression and to partake in it as an audience.

• (1635)

**Mr. Peter Julian:** Thank you so much. You're right to say that, if none of them are implemented, we will continue to miss out on all the creativity that is generated from our artists. It will make it very difficult for them to focus on their art full time.

I'd like to go to Ms. Britski and Mr. Beveridge.

You talked about the Status of the Artist Act in very positive terms. How can we make things better for artists? It is a compelling argument about the increase in funding, for example, from the National Gallery. Are there changes that you propose, or improvements, that could put artists at a higher level in terms of their contribution to the Canadian economy and to the Canadian quality of life?

**Mr. Karl Beveridge:** I hate to say this, but what we need is not only the federal status of the artist legislation, but also the provincial status of the artist legislation. If you really want to change the economic status of artists, we need.... Most institutions are under provincial jurisdiction. We've only bargained with the National Gallery and a couple of others, like the War Museum, the Museum of Civilization, etc. It's very limited in that sense. If we're talking about the overall income of artists, we really need to work on it provincially.

I want to add one thing, since we're talking about the act itself. One of the stumbling blocks we had when we were negotiating with the National Gallery was the grievance procedure. How do we deal with complaints? The reality is that, as an organization, CAR-FAC does not have the resources to go through the usual labour relations grievance process. It might be worth thinking about how we can create a grievance process, particularly for organizations like ours, that would not be as costly as it is in the general labour relations sector.

April, do you have anything to add?

**Ms. April Britski:** For a while, we also talked about collective bargaining training. Most of us have never been through that and don't have the support of the big unions, either.

In terms of grievances.... This is a small one, but it also goes back to a previous question that was asked about how long it takes for the tribunal to hear something. We did have a complaint that we had to take to CAPPRT, which is no longer around. It was a two-year process, for various reasons. I also hope that it can be streamlined. I think the main reason was that they didn't have the expertise at the time, when it was needed.

**Mr. Peter Julian:** Thank you.

[Translation]

Mr. Lemay and Ms. Beaulieu, some people are talking about introducing a basic income for artists, as other countries have.

What is the position of your respective organizations on that concept?

**Mr. Christian Lemay:** The 8,000 technicians who are part of our association have a very different reality from artists who are paid by performance, but please know that we have thought about this. We do, however, have contract employees who benefit from the volume of audiovisual production in Quebec, which is very heavily subsidized by the province, the federal government and tax credits.

I must admit that our members' socio-economic conditions are meeting their expectations right now. We're looking at having a basic averaged salary for all artists and technicians, but at this point we don't have an opinion on it.

[English]

**The Vice-Chair (Mr. John Nater):** We're going to have to end it there. We were a little over time for that answer.

Moving on to the next round, this is the five-minute and two-and-a-half-minute round.

We will start with Mr. Waugh, for the Conservatives, for a five-minute period.

**Mr. Kevin Waugh (Saskatoon—Grasswood, CPC):** Thank you, Chair.

Welcome, guests.

We're seeing a major digital technology happening across the world. We have ACTRA and all the other groups here. My fear is that, as witnessed today by Darcy and Oorbee, your organizations are falling behind.

I was once an ACTRA member. I don't know what your fee structure is today, Mr. Gordey, and I don't know how many artists have withdrawn investments from ACTRA in the last two years, but I think around the table here we can see a major shift happening, not only in this country but around the world, in how people watch entertainment. I actually worry about the three or four groups in front of me here today, because I think you're living in the dark ages.

I just want to touch on some of that. Maybe ACTRA can start by talking about your fee structure. How many investments were pulled from your RRSPs in the last two years? I still have some with you, but I'm wondering how many artists have withdrawn them over the last two years, since March 2020.

• (1640)

**Mr. Keith Martin Gordey:** To be honest, I don't know how many have withdrawn. I do know that the amount of money that the Actra Fraternal Benefit Society manages on behalf of the performers who have contributed over the years is somewhere around \$800 million, and it keeps growing. This is a safety net that also provides for the dental and eyeglasses expenses of performers, and that sort of thing.

We are constantly negotiating our agreements and modernizing them. We've negotiated the BCMPA in B.C., the IPA recently, and we are in the midst of negotiating the commercial agreement right now. We have many agreements. We work with the engagers to have something that works for everybody as part of collective bargaining, and it's a great thing that the Status of the Artist Act allows us to do that.

**Mr. Kevin Waugh:** Yes, so you're sitting on a sizable \$800 million. That's a sizable amount in your investment portfolio.

**Mr. Keith Martin Gordey:** Yes. The Actra Fraternal Benefit Society is an arm's-length organization started a number of years ago by four actors who said, "We need a little extra something to take care of us, because there isn't anything there."

**Mr. Kevin Waugh:** You see where I'm going. You have Mr. Michael, who couldn't get the deal done with Bell TV, and now he's on his own. He has three million subscribers on TikTok—

**Mr. Keith Martin Gordey:** That's wonderful.

**Mr. Kevin Waugh:** —so he has already left ACTRA and the other groups. He's on his own. I don't know if he participates in an RRSP, but with three million subscribers....

Mr. Michael, I'm going to turn to you. With 100% control of profits, how do you deal with that? All of a sudden you have three million, which you would never get on Bell, by the way, and now you have it on TikTok. Being a former Bell employee, I can tell you that you would never get three million viewers in a day, and you're getting that on TikTok.

Can you explain the financial aspect of this, because that's where this is going in the new century?

**Mr. Darcy Michael:** Absolutely. I'm a proud member of ACTRA, just to be clear. I have my RRSPs with them. I take that TikTok money and I put it into my ACTRA RRSPs.

However, I will say that ACTRA gets in the way sometimes. I recently had to turn down a \$7,000 gig, which ACTRA denied me from being able to do, because it was deemed reality television. I defined it as promotion, they defined it as reality TV, and I lost that gig. There are times when I want to scream about ACTRA.

However, what I will say about being in control of my creative content is that the irony is that if Bell Media came to me to make the TV show, I would turn them down because they can't afford me anymore. I make more money doing it myself and I don't have to listen to 10 executives asking me to explain a joke to them. Nothing is more exciting than being in a room at Bell or CBC and trying to walk someone through a joke that they just don't get.

It's important that.... I agree with a lot of what this act is, but I believe that it needs to be renamed "the status of some artists", because you aren't including everybody, and I really want to drive that home. The fact that comedy is not recognized as an art form in this country is absurd. Look at whom we export. Look at the Mike Myers, the Dave Foleys, the Jim Carreys. Look at the success of Canadian comedy around the world. They had to leave because there was nothing for them at home to help them become the artist.

I had to leave my—

• (1645)

**The Vice-Chair (Mr. John Nater):** I have to interrupt you there, Mr. Michael, and move on to the next round, but you might get a chance to finish that thought.

We will move on to Mr. Coteau.

You have five minutes, sir.

**Mr. Michael Coteau (Don Valley East, Lib.):** Mr. Michael, you can continue your final thought if you'd like. Go ahead.

**Mr. Darcy Michael:** I wanted to say that, yes, you're including a lot of artists, but you're not including all of them. If you're going to pass a status act like this, you have to do your research and understand that digital creation is a part of the future. It's already happening now, but network television is what newspapers were 15 years ago; it's a dying thing.

People are choosing how to get their entertainment in a new way. Part of that is that the laws and legislation have to change with it, including things like ACTRA. We need to be including members we haven't considered before.

**Mr. Michael Coteau:** Thank you so much.

I was looking over some of the demographics from a 2016 survey. When you start to look at the numbers, the profile of artists is a very educated group of people. There's a lot of self-employment. It says that 52% are self-employed, compared to 12% of Canadian workers overall. However, when you start to look at the income levels, they're so low. Dancers make \$15,000. Singers and actors make \$17,000 to \$18,000. It's almost 60% lower than the Canadian average. There are some big challenges out there for the sector.

When we go forward as a federal government, doing this study and looking at all the different possibilities.... I want to ask April and Karl if they have an answer to this question around provincial and federal jurisdiction. Karl, you spoke a bit about the difference in jurisdictions. You thought that there was more provincial jurisdiction when it comes to looking for solutions.

Can either of you explain what you see as the role of the federal government when it comes to looking for ways to find solutions, versus the provincial governments?

**Mr. Karl Beveridge:** Very quickly, most of the exhibiting institutions are under provincial jurisdiction. That would be institutions like the Art Gallery of Ontario, the Vancouver Art Gallery, the Montreal Museum of Fine Arts, etc. It also includes all the artist-run centres and all the university galleries. Most of the public galleries are under provincial jurisdiction. As I said earlier, the main one that we have federally is the National Gallery.

In that sense, the bulk of where we would be able to negotiate income is on the provincial level.

April, do you have anything to add?

**Ms. April Britski:** Some provinces do have provincial status of the artist legislation, but none include collective bargaining, or perhaps only one does. They're able to do other things, but they don't have the teeth that this one has. It would be really great to have something very comparable at the provincial level.

**Mr. Michael Coteau:** Was there something else you wanted to say?

**Mr. Karl Beveridge:** There are a number of avenues where artists can gain income. Collective bargaining is a major one.

I just wanted to add that in there.

**Mr. Michael Coteau:** Right, 100%.

I notice that when it comes to EI, there was some talk around different benefits that artists can.... A lot of them are self-employed and they would not qualify for some of these benefits out there.

I'm sure you know many people in the sector. Can you talk about how the lack of those types of supports has impacted people prior to the pandemic and then currently? How does not having those types of supports impact artists you have known personally?

**Mr. Karl Beveridge:** Go ahead, April.

**Ms. April Britski:** A friend, who is an actress, said that you never know what kind of year you're going to have. You may have a really great year, like Mr. Michael or Ms. Roy are having, but you don't know what's going to happen a year or two or 10 from now.

The lack of a social safety net that is designed for self-employed artists and gig workers can really put people in very precarious positions. Certainly when CERB came in, the bar for eligibility for it was quite low. You had to earn \$5,000. Many people still weren't able to meet that. The confusion as to whether it was net or gross further left quite a few people out for some time.

You really never know when you're going to have a good year versus a bad year and what kind of impact that can have on you on an ongoing basis. I can say that programs—

• (1650)

**The Vice-Chair (Mr. John Nater):** I'm sorry. I do have to cut you off. Our time is up for that round.

**Mr. Michael Coteau:** Thank you so much. I appreciate your time.

**The Vice-Chair (Mr. John Nater):** Perhaps you can come back to that thought in another question.

[Translation]

Mr. Champoux, you have the floor.

**Mr. Martin Champoux:** Thank you, Mr. Chair.

On the subject that Ms. Britski was just talking about, I'd like to turn to Ms. Blanchette from ACTRA, from whom we haven't yet heard.

Ms. Blanchette, you have some interesting proposals, including not taxing the first \$15,000 and, of course, the issue of employment insurance. We absolutely must do something to make it easier for artists to qualify for the safety net that is employment insurance. They need it badly.

You also talked about income averaging. If I'm not mistaken, you're proposing income averaging over a four-year period. In Quebec, things work a little differently. In fact, the tax system allows artists to purchase an annuity. In a good year, they can purchase an annuity for a less profitable year, which in many cases is the following one. This might include artists who want to prepare a new show, album recording or production, for example.

How are these two proposals compatible, in your opinion?

Why would the four-year income averaging formula be preferable to the one in place in Quebec?

[English]

**Ms. Lisa Blanchette (Director, Public Affairs and Communications, Alliance of Canadian Cinema, Television and Radio Artists):** Keith, I'll start and then I'll hand it over to you.

We were advocating for the four-year income averaging because that was available in the past. That was available to artists up until 1989. Familiarity was first and foremost on our minds. We've done it in the past. It's still available.

I'll turn it over to Keith now to talk more about income averaging.

**Mr. Keith Martin Gordey:** It would make a huge difference. If you get that gig in a film and suddenly you make \$80,000—which is a good day for an actor—you're in a different tax bracket and

you're paying a lot of taxes. In the previous three years, the average you were making was around \$18,000 or \$19,000 per annum. If you average that out over four years, you're on par with the rest of the people in Canada who have regular jobs.

I think that's a pretty straightforward proposal. I think it's easy to implement. We had it before. We had it up until 1989. I think that's an easy fix there. It would certainly be less discriminatory.

[Translation]

**Mr. Martin Champoux:** Thank you very much.

[English]

**The Vice-Chair (Mr. John Nater):** Mr. Julian, you have two and a half minutes.

[Translation]

**Mr. Peter Julian:** Thank you very much, Mr. Chair.

Ms. Beaulieu, do you have any thoughts on the notion of guaranteed income and employment insurance?

**Ms. Maryse Beaulieu:** There is definitely a consensus around the need for a social safety net and the gaps that exist for all artists. The employment insurance system could address these concerns. It is well known that visual artists are often self-employed and therefore fall into a category that departs from the traditional notion of employer and employee.

In this regard, it is very interesting to note that the federal Status of the Artist Act defines and considers artists to be independent, which allows for collective agreements to be reached. This is what we would like to see in the provincial legislation currently under review.

As I mentioned in my presentation, we are here today to talk about the Status of the Artist Act, which is an aspect of a whole set of possibilities to help visual artists. There is, of course, the tax aspect, employment insurance, provincial legislation and the Copyright Act, which is a key component. CARFAC and our organization identified the need to give visual artists residual rights, which would significantly improve their situation.

• (1655)

**Mr. Peter Julian:** Thank you very much.

[English]

**The Vice-Chair (Mr. John Nater):** Very quickly, Mr. Julian.

**Mr. Peter Julian:** To Mr. Michael and Ms. Roy, thank you for your very compelling testimony.

What have you heard today that you also think would be helpful, even for folks who have become social media artists and have done that independently of the kinds of supports that are normally put in-to place?

We talked about employment insurance, income averaging, and tax incentives. Would any of those measures be helpful?

**Mr. Darcy Michael:** Absolutely. Speaking first-hand, when I booked my sitcom through CTV originally, the year prior to that I'd made \$18,000, just like Mr. Gordey said, and then the next year I made \$120,000, and 50% of it went to taxes. Even if it was giving me a leg up, it was quickly taken away. I believe that averaging the income is essential.

I don't know if universal basic income has been talked about, but I'll just throw that out there while I have everyone's attention.

**The Vice-Chair (Mr. John Nater):** Thank you, Mr. Michael, and thank you, Mr. Julian.

We will now go to Mr. Uppal, for five minutes.

**Hon. Tim Uppal:** Thank you.

I'll start with Darcy. I found your unique perspective very interesting. You said you are part of the traditional industry, as well as a digital content creator. It's so great to hear about the success that you've had.

How did you harness the platform? What do you think is different about your ability to do so that maybe other people who have tried...? Do you see a lot of other people trying?

**Mr. Darcy Michael:** Absolutely. I see it all the time. I see it with creators from coast to coast who weren't even in the industry of performing. Oorbee is an example. There's a creator on the east coast, Alicia Mccarvell, who has close to five million followers and is now under the comedian platform on TikTok.

Again, I work directly with brands. We basically do the same thing a network would do. I create my content, and every now and then you're going to see a commercial on my channel that helps me finance the further creation of that content. The difference is that brands want to work with me, because I can give them specific information about my users. I know the male/female average. I know their ages and locations. These are things networks can't provide when they're selling commercials to just broadcast TV.

More and more, brands are leaving television. They're leaving radio, and they're going to creators like myself to get their specific product to specific people. Instead of working, I've also done commercials for television over the years, and again, it's 30 people in a room trying to make a decision, whereas now, I work directly with the brand. I pitch them my idea. I write it, direct it, and produce it. I post it, and I get the money. I have a lot more control than I've ever had before, and it's really exciting.

I don't think I'm the exception to the rule, to be clear here. I have found success. I've been in the industry for 15 years. As I said earlier, I am very good at what I do, so yes, I think that helps. I think that there is a way for other artists in this country to transition to this platform and find the same kind of success.

**Hon. Tim Uppal:** Thank you.

Ms. Roy, I have the same kind of question for you, about how you are able to harness the platform and how that's led to your success.

**Ms. Oorbee Roy:** Thank you for your question.

I think maybe the world needed a little joy and positivity when I started my TikTok account, so I think some of it was timing. In Darcy's case, he's able to make a lot of money with brand partnerships, and I haven't found that same level of success yet. I think there are other channels. I look at making money on my own terms, and I can start creating courses. A lot of people started doing online yoga or something else, so I've started to put together an online course.

Course creation is expected to be a \$325-billion industry in the next few years. There are lots of channels and spaces opening up. I think it's just a question of jockeying for a position and getting in there, but there are so many opportunities to make money. The first one may not work out for me, but I guess it's the skateboarding mentality—I just fall, get back up and try something else.

• (1700)

**Hon. Tim Uppal:** I just want to jump back to Darcy for a minute.

You have these platforms that you've been able to become quite successful on. Is there anything that the federal government should or should not be doing regarding these platforms?

**Mr. Darcy Michael:** Absolutely. I don't think we need to be approving what is Canadian content, bottom line. I am a Canadian creating content in Canada, end of discussion.

**Hon. Tim Uppal:** Of the three million followers you have, how many are Canadian? What kind of international exposure are you getting? It's good to see Canadians getting international exposure as well.

**Mr. Darcy Michael:** Absolutely. Right now, approximately 19% are Canadian on the “following” side. On the “view” side.... I will just explain the difference. People can choose to follow you or just wait for you to come up on your feed. We get about 40 million to 60 million views a month on the other side. Of those, about 10% to 15% are from Canadian users, so we're reaching a large number.

Again, we're reaching the number that Bell and CBC wish they could get on television. I'm saying that very humbly. As a Canadian, this is very difficult to brag about. I just want to be here and apologize for everything, but I do think it's important that we really understand that there's great reach here. The second we have to prove that there's Canadian content is the second the industry dries up.

**The Vice-Chair (Mr. John Nater):** Thank you, Mr. Uppal. That's your time.

We have Mr. Bittle for five minutes.

**Mr. Chris Bittle:** Thank you so much, Mr. Chair. It's good to see you in the chair. It's a great meeting so far.



I'd like to continue on with Mr. Michael. I guess I'd like to understand the business model a bit better. TikTok is different from YouTube. Am I correct? TikTok doesn't pay you a nickel for the millions of views and ads that are driven to their platform. Is that correct?

**Mr. Darcy Michael:** Yes, you're correct on that. In Canada, there isn't a creator fund on TikTok. The only country that has creator funding, from my understanding currently—and I don't know if there are plans to change that—is the States.

From speaking to creators in America, I know it's not the greatest scale of payment that they get from those views, but the difference is that YouTube plays videos. I have a YouTube channel, and when you're watching my content, the ads pop up midstream, so you have to watch the video to continue with it, whereas TikTok just advertises in general. However, they don't take any of the income that I make working with brands directly, so when a brand approaches my management and pitches an idea for me and my husband to promote their products, 100% of that income is mine.

Does that clarify your question?

**Mr. Chris Bittle:** Yes, thank you so much.

I'll go back to what you said earlier in terms of Bill C-11. You were concerned with the CRTC being able to oversee every video uploaded. Is that what your concern was? Please correct me if I have that wrong.

**Mr. Darcy Michael:** I think the legislation is a little broad in its writing, from my understanding. I believe there is a little too much grey area for the control from the CRTC on something like this. At the end of the day, if the CRTC has any say over what is pushed in the algorithm versus what is user-generated, I believe it will stifle creativity and free speech.

User-generated content exists because it works. It's popular because it works. Much like all the politicians here are a result of user-generated votes, with user-generated content the cream rises to the top because of that.

**Mr. Chris Bittle:** If I tell you that Bill C-11 does not regulate the uploading of videos and does not allow the CRTC to engage in that practice, does that alleviate your concerns?

**Mr. Darcy Michael:** No, it doesn't.

**Mr. Chris Bittle:** I guess I'll be specific, then. Could you point out to me the section that you are concerned with? Since it's pretty clear to me, what's the section that exists for you that doesn't have that level of clarity and requires more clarity, in your opinion?

• (1705)

**Mr. Darcy Michael:** I don't believe the CRTC should be involved in social media. I believe the networks are trying their best to have control over an industry that is taking viewership away from them—

**Mr. Chris Bittle:** Excuse me. I just pointed out that the legislation doesn't allow for the regulation of the uploading of your videos. How does that not alleviate your concerns?

**Mr. Darcy Michael:** Because I genuinely don't believe that is the—

**Mr. Chris Bittle:** But you can't point me to the part in the legislation that is the issue.

**Mrs. Rachael Thomas:** Mr. Chair, I have a point of order.

**Mr. Darcy Michael:** Yes, I'm feeling a little on edge here.

**The Vice-Chair (Mr. John Nater):** We have a point of order. We'll just pause for a second.

Go ahead, Mrs. Thomas.

**Mrs. Rachael Thomas:** My apologies, Mr. Michael.

Mr. Bittle is harassing the witness at this point in time. The witness has answered this question four times over. If Mr. Bittle has a problem with the answer he's receiving, then perhaps he should take the opportunity to follow up offline. Right now this conduct is totally inappropriate. He is berating Mr. Michael. It is wrong.

**The Vice-Chair (Mr. John Nater):** Thank you, Mrs. Thomas.

Mr. Bittle, you do have the floor. We will all endeavour to be nice people.

Carry on, Mr. Bittle.

**Mr. Chris Bittle:** I'm just asking the question. I guess I'll give the floor back to you in terms of the specific sections that you're concerned with, if you can help me out. I want us to be there to help digital creators, and if you can point me to the section that is your concern, that would be illuminating.

**Mr. Darcy Michael:** Absolutely. I'll get back to you on that.

**Ms. Oorbee Roy:** Can I say something? I don't have the specific section, but maybe I can just explain a little bit more.

The algorithm on TikTok pushes content out to users. If you're a user and you watch 10 videos, those are chosen by TikTok according to a certain algorithm. What happens is that, if you start to regulate this and push CanCon, 40% of that content has to be registered Canadian content. Now Darcy and I have to fight for those other six slots. We are not CRTC-eligible. I am not incorporated, so I'm not able to be a part of that, so Darcy and I are going to be pushed aside for big media, people who are registered for CanCon.

I don't have the bill in front of me, but from my understanding, and when we spoke to the minister earlier, that is something that has kind of been slipped in. That would be how it would be effective, the algorithm—

**The Vice-Chair (Mr. John Nater):** Thank you.

We will move on to the next round. This will be a very quick, lightning round because we do have to end early for committee business.

We'll go Mrs. Thomas, Mr. Housefather, Mr. Champoux and Mr. Julian very quickly.

Mrs. Thomas, you have the first round.

**Mrs. Rachael Thomas:** Thank you, Chair.

Mr. Michael, I'll come back to you because our time got cut short. I'm fascinated by your story. I'm inspired by your story because what I hear on this in this committee meeting is the juxtaposition between a victim mentality and the mentality of a victor. You chose to overcome obstacles. You chose to overcome the challenges of the pandemic. You chose to not allow the three gatekeepers, as you called them, to hold you back. Rather, you took an opportunity that was in front of you and you seized the day.

Now here's my question for you: Do you need the government to help you by putting in place Bill C-11?

**Mr. Darcy Michael:** Currently, no. Check back with me in six months, but as it stands right now, no. I think there are parts of the digital creation that shouldn't be legislated at this time until it's understood properly.

**Mrs. Rachael Thomas:** Okay, thank you.

Ms. Roy, I would ask you the same question. You obviously have shown that you did the same. You've been incredibly victorious in the midst of a very difficult time. You've raised the number of your viewers. During the last 18 months, I believe, you've shaped this following for yourself.

Tell me, do you need government support? Do you need government help? Do you want to see legislation put in place that is somehow going to do that?

**Ms. Oorbee Roy:** I'm going to piggyback on what Darcy said and say that I just [*Technical difficulty—Editor*] digital space. I do believe that people are trying to help artists, but I don't think there's enough understanding of what digital content creators are doing. I think that would probably help.

It's just "understand first", and maybe then there's something we can do. Right now, I say no. I'm doing just fine, and I think most digital creators are doing fine. As it stands now, it's a very hearty "no". Please don't include me.

• (1710)

**Mrs. Rachael Thomas:** Ms. Roy, do you feel that the government has listened to digital-first creators in its drafting of Bill C-11?

**Ms. Oorbee Roy:** I did have a chance to speak to the Minister of Canadian Heritage and it was a great opportunity. I'm not sure if they really understood. There's a lot of nuance here, and I think that maybe we just need to have more opportunity—maybe a seat at the table—so that people understand what we're doing a little more.

It's such a new technology—I get it—but so far, no. I don't feel that I have been heard, just from the line of questioning that Darcy was dealing with.

**Mrs. Rachael Thomas:** Mr. Michael, you can follow up on that question as well if you wish.

**Mr. Darcy Michael:** Yes. I definitely think we need to have a better understanding of how complicated this industry is and how vastly different it is from traditional media. I just don't believe that it should be included as it is right now.

**Mrs. Rachael Thomas:** Okay, awesome. Thank you so much.

**The Vice-Chair (Mr. John Nater):** Thank you, Mrs. Thomas.

Next is Mr. Housefather, please, for five minutes.

**Mr. Anthony Housefather (Mount Royal, Lib.):** Thank you very much, Mr. Chair. I concur that you're doing an excellent job at this meeting and that we should all be nice.

[*Translation*]

I would like to ask the AQTIS representative a few questions.

We're talking about a federal statute, but we also have a group of artists, the vast majority of whom fall under provincial legislation, and Quebec has the most progressive legislation in Canada.

Mr. Lemay, are cultural workers such as AQTIS technicians, for example, recognized under Quebec's Status of the Artist Act? Are they currently excluded from the Act Respecting Labour Standards, the Act Respecting Occupational Health and Safety, and the Pay Equity Act in terms of preventive withdrawal and parental insurance?

I was given to understand that this is the case. Could you elaborate on that?

**Mr. Christian Lemay:** That is an excellent question, Mr. Housefather.

The Act Respecting Occupational Health and Safety applies to all workplaces, of course. Generally speaking, not all social legislation applies, and we pointed that out in our submission to the government of Quebec.

As an example, let's take anything to do with preventive withdrawal for pregnant women. When a woman is between work benefits, since there is no employment relationship with an employer, this maternity-related measure does not apply. Our union was forced to take the issue to Quebec's Tribunal administratif du travail. We argued that parental leave and preventive withdrawal should apply whether or not there exists an employment relationship with an employer. Because of certain variables, processing may vary from case to case, which differs from what happens with every other Quebecker.

**Mr. Anthony Housefather:** If all the different labour laws applied to artists, I imagine it would reduce the precariousness experienced by most cultural workers.

What you are recommending is that the federal government ensure that all artists are covered by labour laws.

Is that correct?

**Mr. Christian Lemay:** Absolutely, I completely agree with you. Double standards should not exist in Canadian society. I believe that as a society we need to treat these artists and those in related occupations better.

On the issue of pay equity between men and women, you should know that in our business, we are a long way from achieving equality, and our union organization is still debating this issue with management.

**Mr. Anthony Housefather:** I understand.

• (1715)

[English]

Mr. Chair, do I have any time left?

**The Vice-Chair (Mr. John Nater):** Absolutely. You have a minute and a half.

[Translation]

**Mr. Anthony Housefather:** All right.

Mr. Lemay, is it true that the Status of the Artist Act treats content on digital film platforms differently compared to television?

Do digital content producers have the authority to negotiate poorer working conditions for their technicians because digital platforms are still considered emerging media with unreliable profitability?

**Mr. Christian Lemay:** Provincial legislation makes no mention of it. The definition of "producer" is quite clear: "a person or company that retains the services of artists for the purpose of producing or publicly performing an artistic work..."

When the proposal regarding the emergence of new digital platforms was presented to us, considerable efforts were made by Quebec's associations to support this new business model.

I have to admit that associations and unions were somewhat left to their own devices as these new platforms were emerging. As part of Quebec's planned legislative reform, several associations have mentioned that new digital platforms are no longer as new as they once were. This type of production will certainly be addressed in our submissions.

[English]

**The Vice-Chair (Mr. John Nater):** Thank you, Mr. Housefather.

The next round is for Monsieur Champoux.

[Translation]

Mr. Champoux, you have the floor for two and half minutes.

**Mr. Martin Champoux:** Thank you, Mr. Chair.

Earlier, we discussed income averaging with ACTRA representatives. I thought it was a very interesting discussion, but we had very little time to delve into it. ACTRA maintains that averaging artists' income over four years would be a solution.

I'd like to discuss this with Ms. Beaulieu, who also represents a significant number of freelancers on the Quebec side.

Ms. Beaulieu, if one of the following two formulas were preferable, which would it be? On the one hand, ACTRA advocates spreading artists' income over four years. On the other hand, Quebec's legislation currently includes a tax measure for artists in that province. For an artist who has had a very good year, this means purchasing an annuity that allows them to average out their income over several months. I think it's over the next 10 months.

Quebec's legislation will be reviewed soon. Isn't that a suggestion that could be made to both levels of government? What do you think?

**Ms. Maryse Beaulieu:** Mr. Champoux, I would say that I prepared mainly to talk about the Status of the Artist Act, which is a federal statute. Since we are subject to that legislation rather than to S-32.1, let's just say that we are still in the process of asking for access to collective bargaining, and this has been the case for many, many years.

You already have a new mechanism that is much more sophisticated than what we are asking for, which is the opportunity to have collective agreements with broadcasters.

**Mr. Martin Champoux:** Thank you.

As we have very little time, perhaps I'll venture a question to the representatives of the Canadian Artists' Representation.

Ms. Britski or Mr. Beveridge, do you have an opinion on this? From your point of view, does one option seem more appealing than the other?

[English]

**Mr. Karl Beveridge:** April, go ahead.

**Ms. April Britski:** Income averaging or something has been proposed in Quebec, which I'm not....

**Mr. Karl Beveridge:** It's basically that you're able to set aside a high income to another year, when you might have a low income, versus the four-year income averaging.

I don't know enough about it to really say which one works better. You'd have to talk to a tax expert, I think, to find out which of the two schemes might be of most benefit to an artist. I wouldn't know off the top of my head.

[Translation]

**Mr. Martin Champoux:** Thank you very much, Ms. Britski and Mr. Beveridge.

[English]

**The Vice-Chair (Mr. John Nater):** Thank you, Mr. Champoux.

The final round for two and a half minutes goes to Mr. Julian. Thank you.

**Mr. Peter Julian:** Thanks very much, Mr. Chair.

I'd like to thank all our witnesses. I'd like to come back to Ms. Roy.

I did ask a question earlier about some of the elements around tax incentives, income adjusting, gaps in the EI program, even a guaranteed livable basic income. Do you think social media artists would find these things useful in that sector as well?

**Ms. Oorbee Roy:** If I'm being honest, I'm not sure how I really feel about a universal basic income. I'm inclined to say it's not necessary, but having the income averaging over the course of several years would be beneficial. I'm saying that as somebody who has been a freelancer in some respect since I left Wall Street, and I do think that including digital creators.... There's still a lot to learn, and maybe learning a little bit more about what our needs are would be helpful and important, but that was the one thing that stood out to me.

• (1720)

**Mr. Peter Julian:** Thanks very much.

I'd like to go back to ACTRA now, to Mr. Gordey and Madame Blanchette.

You have a number of artists who are social media artists but also members of ACTRA. Mr. Michael is one who was just mentioned. I want to get a sense of how many members of ACTRA are active on the social media front—in other words, earn their income from social media platforms. With regard to the recommendations you made today, are they conceived with social media artists in mind? We've heard some testimony that they would be useful in both areas.

**Mr. Keith Martin Gordey:** Lisa, do you know how many there are?

**Ms. Lisa Blanchette:** It's really hard for us to give you a number, Mr. Julian, because we don't have an agreement for social media. We don't have something that I could point to and say that we represent this number of workers.

**Mr. Peter Julian:** Mr. Michael is not an anomaly. There are other social media artists who are part of ACTRA.

**Mr. Keith Martin Gordey:** To answer your question, I think it's an evolving situation, and rapidly evolving.

The equivalent of ACTRA in the United States is SAG-AFTRA. They've just promulgated an influencer agreement in an effort to protect and cover people who make their living in that regard.

Darcy, I guess you're an influencer. It's something that ACTRA is looking at. It's brand new stuff in many ways. I think there's room in ACTRA for influencers—

**The Vice-Chair (Mr. John Nater):** We have to leave it there, Mr. Gordey.

Mr. Julian, thank you for that round.

I want to thank all of our witnesses today for a wonderful discussion. Thank you for your time and for bringing your expertise to this study.

I will now release you from your duties and you can carry on with the rest of your day. Thank you for your time.

Committee members, if you can stay on the line, we will do a very quick bit of committee business. We're not going to suspend. We're going to carry on.

Thank you to our witnesses.

**Mr. Keith Martin Gordey:** Thank you so much.

**Mr. Karl Beveridge:** Thank you.

**The Vice-Chair (Mr. John Nater):** Committee members, we have a couple of items of committee business that we need to get through. I think we can do this very quickly in the last seven minutes that we have here.

First, our subcommittee met on March 7. You've all received the report.

If there are no questions or comments, I would entertain a motion to approve the subcommittee report.

**Ms. Lisa Hepfner (Hamilton Mountain, Lib.):** I so move.

**The Vice-Chair (Mr. John Nater):** Are there any comments or questions, or shall I call the vote?

(Motion agreed to)

**The Vice-Chair (Mr. John Nater):** The motion carries.

The second item is that witness lists have been provided for upcoming studies. You will have received that, both those from the Department of Canadian Heritage and those from the Library of Parliament. I suppose, Madam Clerk, that's for information purposes.

I will turn the floor over to you, Madam Clerk.

**The Clerk of the Committee (Ms. Aimée Belmore):** I will need some direction as to whether or not we're inviting the people who were suggested by the Department of Canadian Heritage. If everyone is in agreement, then I'll invite them, and if not, then it will just be the Department of Canadian Heritage.

**The Vice-Chair (Mr. John Nater):** What is the will of the committee?

**Mr. Michael Coteau:** What were the options?

**The Clerk:** The Department of Canadian Heritage made the request that two organizations would accompany them. I believe it's the Canada Council for the Arts and the CIRB, but the email was distributed. The question is whether those groups would accompany the Department of Canadian Heritage in their testimony on March 30 for one hour, or whether the committee wants to hear from the Department of Canadian Heritage by themselves.

• (1725)

**The Vice-Chair (Mr. John Nater):** I think there's a consensus that we'll invite the additional witnesses.

I guess the last one is that there were tax experts who were proposed by the Library of Parliament. Is that the same scenario?

**The Clerk:** The motion that was adopted by the committee referenced tax experts. There were no names of tax experts provided to me, or none designated as such. The chair requested that the Library of Parliament prepare a list of tax experts for the committee's perusal, to decide if there is anybody on that list they wish to invite.

It's at the discretion of the committee whether we continue with the list of witnesses who have been proposed or whether we include some of the ones from the list who were proposed by the Library of Parliament analysts. I would encourage you, if you do have any questions about the witnesses, to speak to the analyst who prepared it.

Thank you.

**The Vice-Chair (Mr. John Nater):** Are there any comments from the analyst?

**Ms. Gabrielle de Billy Brown (Committee Researcher):** I believe the document is clear enough. One thing I would like to point out, and it's in the document as well, is that CARFAC and Regroupement des artistes en arts visuels held a meeting last week on taxes for artists, but it was more about how to do your taxes. They had specific guests from CRA and Revenu Québec. We can invite the same people. It's not clear whether or not they would be able to speak to the Status of the Artist Act precisely, but they might have other experts they can suggest at CRA and Revenu Québec.

It's for you to decide whether or not you want to invite them.

**The Vice-Chair (Mr. John Nater):** Thank you.

Are there any comments from the committee?

**Mr. Michael Coteau:** I have a quick question.

From your perspective, what would be the benefit of listening to them?

**Ms. Gabrielle de Billy Brown:** In this case, this was prepared at the request of the chair because the motion mentions tax experts.

**Mr. Michael Coteau:** Right.

[Translation]

**Ms. Gabrielle de Billy Brown:** I think that Mr. Champoux will be able to speak to his motion.

**Mr. Martin Champoux:** I do indeed find the proposal interesting. However, we would have to make sure that these people are experts and that they are used to working with artists.

I know that there are specialists in the field, and the library's analysts could recommend some to us. Experts could also be recommended to us by artists' associations, which are very well versed in this area. This could help us with certain files and provide interesting insights, as well as enriching the report a little more for the benefit of our analysts.

[English]

**The Vice-Chair (Mr. John Nater):** Our esteemed clerk would like some direction as to whom we should invite.

Go ahead, Monsieur Champoux, and then Mr. Bittle.

[Translation]

**Mr. Martin Champoux:** The question was indeed whether the witnesses proposed by the library are subject-matter experts, particularly in the area of self-employed cultural workers.

I'm quite comfortable with the proposals if we make sure that the witnesses are very competent, very well versed in this subject. They could answer direct and specific questions.

[English]

**Mr. Chris Bittle:** I guess the horse has been let out of the barn in terms of being specifically focused on the Status of the Artist Act, as we've gone well beyond that with all of our witnesses, as was pointed out by Mr. Uppal. But we're really getting beyond things if

we're inviting tax experts back to discuss a study on a piece of legislation that doesn't deal with the tax code.

I don't know; if the committee wants them, we won't put up a fight. It's about whether it's beneficial to the study, I guess.

[Translation]

**The Vice-Chair (Mr. John Nater):** Mr. Champoux, you have the floor.

**Mr. Martin Champoux:** The study on the Status of the Artist Act is indeed somewhat broader than the act itself. Perhaps it wasn't clear in the request. Some of what we are studying touches on artists' situations and their tax status, since their reality is different from that of other self-employed workers in more traditional sectors.

At the outset, the requested study could have gone beyond simply reviewing the Status of the Artist Act. I admit that, in this sense, it is a bit beyond the scope.

As we saw earlier, by the way, the concerns of groups we heard from often focused on eligibility for employment insurance and the issue of more lucrative and profitable years that pay better than others.

So these experts can bring some interesting insights. Even though their participation goes a little bit outside the original parameters, I think it's still relevant.

• (1730)

[English]

**The Vice-Chair (Mr. John Nater):** Mr. Louis, go ahead.

**Mr. Tim Louis:** It is only now that I understand the list that was sent out. Today's testimony has helped me understand what this list represents. Do we have to make a decision now? I want to give people as much time as possible to get witnesses, but do we have to make this decision now? The study itself seems to be moving a little bit away from the motion. Now that I understand where we're going, it would be a little easier for me to research these associations.

When are you suggesting that we make these decisions?

**The Vice-Chair (Mr. John Nater):** I will confirm with the clerk.

Go ahead, please.

**The Clerk:** Mr. Louis, of course it's the will of the committee, but the way I'm seeing the next two meetings unfold, they would be on March 30 and April 4.

The decision does not have to be made today. It could be made at a later date. The less time we give witnesses, the less ideal it is to get them before the committee, but there is still a significant amount of time between March 30 and April 4. If the committee could come to a decision by the next meeting or shortly thereafter, depending on whether you would like to see the individuals on the 4th or on the 30th, that would be very helpful to me. Just make that known whenever it's convenient to you.

I would need some direction as to whether or not you would like everyone on the list, or a couple of organizations on the list, in addition to other witnesses already on the witness list. However you would like that done, I'm happy to oblige as soon as I know what your will is.

**The Vice-Chair (Mr. John Nater):** Mr. Uppal, go ahead.

**Hon. Tim Uppal:** In discussion with tax experts.... We have a couple of proposals that came from the witnesses on the type of tax proposals that can be put forward. I'm assuming tax experts could give advice on what might be best for artists. I think there may be some value there.

I would be very interested to know if we have witnesses who can then say how much it's going to cost the government. I understand that tax proposals might be best for the artists, but then, ultimately, how much would that cost? That won't be the tax experts; that will be someone else with different expertise. I think we need to see both sides of that.

**The Vice-Chair (Mr. John Nater):** To provide our clerk with some direction, what is the will of the committee?

Mr. Waugh, go ahead.

**Mr. Kevin Waugh:** Let's delay. We'll come back Wednesday, give her directions from there, and then we'll move on.

**The Vice-Chair (Mr. John Nater):** Is that the will of the committee?

**Some hon. members:** Agreed.

**The Vice-Chair (Mr. John Nater):** We will come back on Wednesday with that.

If there's nothing further for the good of the committee, we are adjourned.

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