

Guide to Government Action for Independent Writers in Canada

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Introduction

The Independent Writers' Guide to Government Action explains how international, national, provincial and municipal government affect the businesses of freelance writers living in Canada. It also outlines government relations by the non-profit associations that represent them, especially the Professional Writers Association of Canada (PWAC), in which I have been a member for 13 years.

To make this guide simple to use, I have divided it into two parts: a guide to advocacy and a guide to grants and programs. Together, these sections will hopefully help writers develop roles as active citizens, creative artists and successful business people.

The guide to advocacy lists a number of issues that should be well understood by writers. A detailed international context is meant to inspire Canadians to join colleagues advocating for writers' rights in other countries, while the history and possibilities for individual and collective action will encourage brainstorming and action. Since much of this applies to PWAC and its members, lists of possible partners introduce readers to the many other organizations working hard on various fronts.

This guide will hopefully inspire writers to advocate about issues they believe in by:

- getting to know local elected officials (i.e. Members of Parliament, Members of National Assembly, Council Members) through individual meetings and invitations to project launches and events in their hometowns;
- influencing public opinion about arts issues through news stories, features, blogs and websites;
- participating in group advocacy efforts, including letter campaigns and committee presentations by PWAC, the Canadian Council of the Arts, the Book and Periodical Council or any other of the many cultural organizations mentioned in this guide; and
- assisting PWAC's government action committee (GAC) with information about elected official opinions, government functions, committee activities and commissions that affect writers internationally, nationally, provincially or locally.

The guide to grants and programs lists active and former government-created opportunities for writers in Canada. With this resource, individuals can apply to currently active programs while groups can advocate for change knowing what has come before. We hope this will enable writers to take advantage of important services provided by various levels of government to Canadian writers, such as registered copyright, business numbers for operation and tax collection both in Canada and the United States, and publication numbers for international sales.

Annual updates are planned so this guide can remain useful.

If you have any comments or updates to the information contained in this guide, please email them to me at writer@traceyarial.com.

Advocacy Calendar

2009

- March 25: International Woman's Day
- May 3: UNESCO World Press Freedom Day (site by the World Association of Newspapers groups, www.worldpressfreedomday.org)
- May 18 to 22: Members of Parliament home in their ridings
- May 21: World Day for Cultural Diversity for Dialogue and Development
- May 31: Deadline for new Access to Information Act legislation
- June 9: Possible last day of Canadian House of Commons
- June 10 to 23: Canadian House of Commons sitting days, if extended
- September 8: UNESCO International Literacy Day
- September 21 to October 9: Canadian House of Commons in session
- October 12 to 16: Members of Parliament home in their ridings
- October 19 to November 6: Canadian House of Commons in session
- November 9 to 13: Members of Parliament home in their ridings
- November 16 to December 11: Canadian House of Commons in session
- December 10: United Nations International Human Rights Day

2010

- January 25 to June 23: Canadian House of Commons in session
- February 22 to 28: Freedom to Read Week across Canada
- May 17 to 21: Members of Parliament home in their ridings

Advocacy Guide

This advocacy guide outlines international, national and regional issues that concern independent professional writers in Canada and the organizations that serve them.

Issues appear in alphabetical order for ease of use. Each issue is presented using the following headings, where they apply:

- Issue Heading and Description
- Why This Issue Matters
- Details
- Writer Opportunities
- Association Opportunities
- Possible Partners

Access to Information

Access to information is a term that covers how governments make documents available to citizens.

Federally in Canada, the Charter of Rights and Freedoms protects access to information for the public and the press, but these rights are limited. Cabinet documents are defined as information that could be injurious to Canada's security or economy, federal-provincial relations and international affairs, which makes them off limits to access-to-information requests. Information about individuals can only be disclosed with their consent or if the request seems to be in the public interest.

Why This Issue Matters

The United Nations Educational, Scientific and Cultural Organization (UNESCO) deems universal access to information one of the six principles necessary for the development of a prosperous knowledge economy.

In some cases, requests for access to information have been denied. In other cases, too much material on the released documents is blacked out.

Details

Sometimes, a government department will provide information informally, but if not, an “access to information” request form must be filled out.

If you have to complete a request, consult the Canadian Access to Information Manual at www.idtrail.org. This manual, which is located under the “resources” heading, provides information about federal and provincial processes.

Federal Access to Information Requests

Federal access to information requests cost \$5 each to process and more if computer time, photocopying or other services are used. The first five hours are free.

Before completing a federal request, view old requests (between 1989 and 2008 when the government stopped updating the database) at www.onlinedemocracy.ca/CAIRS/CAIA-OD.htm.

Institutions have 30 days to respond to requests, unless the department informs you that the request may take longer.

Contact people and information requests can be found at www.infosource.gc.ca.

For more information about the federal situation or to file a complaint if you feel a department has been unfair, contact The Information Commissioner of Canada, Place de Ville, Tower B, 112 Kent St., 7th Floor, Ottawa, ON K1A 1H3, (613)995-2410, 800-267-0441, fax (613)947-7294, email general@infocom.gc.ca, website www.infocom.gc.ca.

In some cases, the commissioner's report may leave you with further questions. In this case, contact the commissioner or you may apply to the Federal Court of Canada for a review of the department's decision to deny access to requested information.

Writer Opportunities

Writers should consider filing information requests to any government agency for every story they write.

Association Opportunities

Associations can combine information obtained by members to create valuable databases of information about government actions.

Possible Partners

Book and Periodical Council, CAJ, CJFE, Democracy Watch, IFJ, PEN Canada, PWAC.

Contracts

Contracts are a vehicle by which persons voluntarily create obligations upon themselves. In Canada, while the regulation of trade and commerce is a federal responsibility, contracts themselves are a provincial responsibility. As such, contracts are regulated under common-law legislation in most regions and civil law in Quebec.

Why This Issue Matters

Contracts—both verbal and written—can over ride rights writers are due via the Copyright Act, labour legislation or union negotiating.

Other countries have passed legislation to prevent such actions (i.e. a best-seller clause for writers, such as in Germany and in the United Kingdom; or a requirement that copyright law can only be broken through a written contract, such as in Australia and the United States), but advocacy for similar treatment in Canada would have to take place on a province-by-province basis, since they are the governing bodies with authority over contract terms.

Writers are also left out of national discussion concerning human resource issues. Publishers easily hire writers at less than minimum wage, which all provinces have in place, because they negotiate contract terms based on word counts or a per story basis.

Many independent writers' contracts specify royalties based on net or gross profits, yet no system ensures that writers can verify actual profits of the media companies for which they work to make sure that royalties are paid fairly.

Details

In cases of insolvency, contract issues come into play in several ways. Bankruptcy laws put writers at the bottom of the list of suppliers who must be paid. Also, sometimes contract terms enable publishers to sell stock at a heavily discounted rate to avoid paying royalties to writers. In other cases, material assets (i.e. text and manuscripts) can be transferred to other companies without approval by the writers impacted and without the new company taking on the royalty debt owed to writers.

In Australia, Canada, England and New Zealand, laws have been enacted to change the rules of contract common law in certain areas. For example, contract common law recognizes all contracts whether they are written or verbal. But a Statute of Fraud has been adopted in many common-law countries to require a written document for some contracts (i.e. land contracts). Consumer protection laws are in place in many jurisdictions in Canada, but none extend such protection to creators.

Germany's law may be one to emulate. The country passed a law governing authors' contractual rights on January 25, 2002, which went into force less than six months later. The law forces authors and author associations to negotiate fixed terms with publishers and other users; when an agreement can't be reached, binding arbitration is assumed and courts are forced to use the government-set rates to settle individual cases. It also has a clause that enables bestselling authors to demand a top-up if their original payment was significantly lower than final profits.

Even with fair contracts, the royalty system has challenges. There have been cases of royalty cheques getting lost in the mail so that writers haven't received or cashed them, yet the media companies involved don't notice prior to tax season. As a result, discrepancies between the amount media companies reported paying to a writer and the amount the writer reported receiving made the revenue service charge writers extra tax and interest charges and caused headaches as they negotiate with both the revenue services and publishing companies to properly update paperwork.

Word count prices are considered "piece" work and come from two traditions, farming and manufacturing. It means being paid for the number of items processed, such as the number of boxes folded, the number of baskets picked, etc. In some cases, unions have made these fees equitable for the workers; in other cases, piece workers in other industries are as equally underpaid as writers.

Several surveys show that publishing payouts to writers have remained stagnant for the last 20 years, in part because of contracts based on word counts or project fees bearing no relation to the hours a writer might spend in completing a job. Nothing in contract law prevents this. The union movement has begun to try to change these terms, but media companies are responding with contract terms specifying that unions can not govern the relationship between the writer and the media company. The province of Quebec has laws preventing union-busting, but it isn't clear yet whether these might apply to such contracts.

Writer Opportunities

Writers with contacts in countries around the world could research how laws in those countries affect writers so collective advocacy could be more effective.

Even when officially paid by the word, many writers have learned to limit their efforts to match their desired hourly rate.

Association Opportunities

PWAC has identified the poor salaries of writers through surveys conducted in 1993, 1996 and 2006.

PWAC frequently points out the meaning of various contract terms and publicizes publishers with good and bad contracts. (The Walrus contract, for example, is PWAC-approved.)

Several organizations assign representatives to participate in international forums that discuss writers' situations around the world, including the European Writers' Summit (held every two years), UNESCO committees, etc.

Regional government action committees are needed to advocate for fair contract law in each province.

Possible Partners

L'AJIQ, CAA, CAJ, CFU, CMG, PWAC, TWUC

Copyright

Copyright or *droits d'auteur* refers to the legal protection of a particular expression of an idea or information. It covers the expression of text, pictures and performances, not the actual materials on which these works appear.

The most recent Canadian Copyright Act can be viewed online by searching for Bill C42 on the Ministry of Justice website at <http://laws.justice.gc.ca>.

This Copyright Act encompasses two distinct traditions: an English-speaking one and a French-speaking one. In French-speaking countries, rights not specifically spelled out in law are assumed to belong to creators and copyright laws usually include moral rights that ensure creators can determine how their work is used. English-speaking countries tend to focus on protecting economic benefits for copyright owners, regardless of who actually created the work, with rights not specifically mentioned in law left unprotected. Canada's Copyright Act does include moral rights, but they are vague in comparison to those in France. The Copyright Act has also traditionally been interpreted in two ways: judges and academics from Quebec typically define it as though creator protection is assumed, while those in other provinces tend to express market-driven positions in favour of corporations or users over creators.

Why This Issue Matters

Writers no longer have to travel to protect work published outside of their own countries. (Hemingway lived in Toronto for six months to hold Canadian copyright that would apply throughout all Berne-signatory countries.)

Canadian authors hold copyright to their works for up to 50 years after their death no matter where these works are published; writers in other countries have protection of up to 70 years after death.

Canadian legislators view copyright as a balance of rights between creators, publishers and users. As a result, Canadian law has set up "exceptions" to copyright for disabled and non-profit groups and for single use by individuals through libraries. Legislators are currently considering an exception for educational use. Other countries take pains to protect creators from exploitation by others. The United Kingdom, France, Greece, Germany and Spain all specify that creators must participate in all revenue streams generated by a work; the United Kingdom and Australia only allow access for disabled groups for materials unavailable by licence; France and Germany do not allow moral rights to be waived; and the United Kingdom requires waiving to be explicit, detailed and in writing.

No clause prevents provincially-regulated contracts from superseding rights guaranteed by federal law.

No clause specifies written limited licences that automatically terminate within an established period of time.

By selling exclusive copyright in a work, independent writers give up the right to publish that work anywhere, even on their own websites. PWAC recommends that freelancers licence specific uses of works rather than selling copyright outright. The organization has lobbied that federal law should specify that copyright can only be licensed, not sold, and must be licensed through written contracts

that specify all initial and subsidiary rights are for fair hourly payment at the minimum wage or more for limited terms. Companies that do not comply would face statutory damages and personal liability.

Employees automatically lose copyright in favour of the company for whom they work, although one clause in Canadian law protects a writer's reputation by giving an employee rights to remove his or her name as a creator of a given work. Stronger controls would exist if creators were instead given the right to prevent publication of their work altogether when it damages their reputation, although for this to happen, the law would also have to ensure that creators' names always had to be mentioned as part of a copyright designation even when a company holds all copyright. Collaborations would be possible, but all writers involved would have to be recognized as authors and all would have to be satisfied with the collaboration before it could be published.

Copyright law provides non-profit collective organizations with the right to collect royalties on behalf of multiple creators. In Canada, Access Copyright and *la Société québécoise du gestion collective des droits de reproduction (Copibec)* are the agencies responsible for providing this service for writers and publishers. Blanket licences offered to educational institutions by both organizations have come under fire in recent years after some institutions photocopied entire books for students rather than ordering works directly from writers and publishers. A wider use of the Internet and technology in schools has also brought both organizations into public discussion recently, because the educational licences these organizations offer to schools hasn't worked for some software and online publishers. In Quebec, *Copibec* and the Ministry of Education have set up a province-wide agreement that specifies how schools can licence software and websites, but educational ministries and institutions outside of the province have lobbied for an educational exception to copyright instead.

Details

The legal concept of copyright began on September 9, 1886, when 10 countries ratified the Berne Convention for the Protection of Literary and Artistic Works after a years-long struggle by French author Victor Hugo. The idea was to offer works copyright protection within a country regardless of where the work was created. This means a magazine article written in Ontario but published in New York has the same copyright protection as a work created in New York.

For our purposes, the most important clause in the treaty is Section 13.1, which reads "...the author of a work shall be the first owner of the copyright therein." This statement means a writer holds copyright in a work as soon as that work has been created and not after legally registering the work.

The Berne Treaty was revised in Paris in 1896, in Berlin in 1908, in Berne in 1914, in Rome in 1928, in Brussels in 1948, in Stockholm in 1967 and in Paris in 1971. Canada signed in 1928.

To try to bring the United States and 50 other countries that had not signed Berne into some sort of legal framework for copyright, the United Nations set up the World Intellectual Property Organization (WIPO) in 1967 to administer Berne and encourage other countries to protect intellectual property.

By the 1971 Paris Revision, the United States pressured Canada to sign on, although it did not do so until 1989, after making changes to its copyright law to encourage copyright registration instead of demanding it. American law still encourages copyright registration; the New York Times settlement paid much larger amounts to journalists who had registered their work than to those who had not.

In the 1990s the desire to protect works for mutual trade became paramount in international circles and creator protection was set aside. The establishment of the World Trade Organization in 1995, for example, forced copyright on countries that wished to benefit from trade in any sector. This occurred because 191 countries became signatories to the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) that was negotiated as part of the General Agreement on Tariffs and Trade (GATT) treaty in 1994. TRIPS does include one statement that could help creators fight for more rights. Article 13 reads:

Members shall confine limitations and exceptions to exclusive rights to certain special cases, which do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the rights holder.

This clause could enable creators to question a blanket education exception—if the legislature should pass one—within an international dispute-resolution process. It may even be possible to question the single-use exception passed in 1997, although time limits for this may have passed.

To reflect the new reality, WIPO established a Copyright Treaty in 1996 that is less onerous than Berne was. It does protect two new creative works however: computer software and, to some extent, databases. Canada signed WIPO in December 1997 and was due to ratify in 2005, though it hasn't yet done so.

Writer Opportunities

When running their businesses, members should follow all the guidelines outlined in PWAC's Copyright Kit (Appendix C).

Writers in Canada do not have to register work to own it, but they can do so, by paying a \$50 (on-line) or \$65 (mail) fee and submitting an application form to the Copyright and Industrial Design Branch (http://strategis.ic.gc.ca/sc_mrksv/cipo/welcome/welcom-e.html). A registration number and certificate are provided once the application is accepted. (Writers don't send entire works into the office and no one reviews whether works are original; that would be up to the courts, should some argument occur.) Searches of registered copyrights are also possible at the same site.

Copyright reform is now underway in Canada. Writers should write to and meet with their members of parliament to make sure that copyright is well understood by all legislative members. A list of those members currently on the Heritage and Industry standing committees are included in this document as appendices.

Some writers maintain personal web logs to make sure their views are well understood, while others contribute to established web logs.

PWAC members who are interested in copyright can join the government action committee and we would appreciate all writers reporting related news to the committee via PWAC's website, www.pwac.ca. They can also participate in national and international groups that meet to discuss copyright and report to GAC afterwards.

Association Opportunities

All writers' organizations in Canada have been working hard to make sure legislators know how creators feel about copyright.

PWAC, for instance, has participated in all public consultations held on copyright since at least 1995 and probably before that as well. Many of its submissions can be found on the federal government "copyright reform" website. (The 2001 submission has been reproduced as part of this guide in appendix D.) It also set up a full-day lobbying effort on Parliament Hill as part of its 20th anniversary annual general meeting in Ottawa in 2006.

Many organizations, including PWAC, also take on active roles as part of several advocacy groups about the issue, including the Creator's Rights Alliance, the Creator's Copyright Coalition and the Canadian Conference of the Arts.

Possible Partners

Access Copyright, AJIQ, CAJ, CAPIC, CCC, CRA, COPIBEC, PUC, PWAC, SOCAN, Songwriters Association of Canada, TWUC, University bookstores (who sold casebooks prior to 1997 single-use exception), UNEQ, university professors with pro-creator views, Writers Guild of Canada.

Corporatism

Corporatism is the placing of owner's or shareholder's value above other values, including the private or public good.

Writers might consider the effect of corporatism on their lives when they provide consulting services or copyrighted material through a license or sale to a private or public corporation.

Journalists face corporatism on behalf of their media clients when accepting free goods or services in order to complete a story.

Associations face the issue through partnerships or when they solicit or accept corporate sponsorships.

Even corporations are beginning to question the effect of corporatism on their own operations through a new movement in business circles known as "corporate social responsibility." Business leaders involved make a concerted effort to act in a way that considers the environmental and social ramifications of their actions, not just their bottom line.

Why This Issue Matters

Writers who prepare work for corporate clients need to understand the legal and ethical limits of their actions on behalf of such clients. If writers choose to manufacture, misinform or otherwise act against the best interests of the shareholders or owners, they can be persecuted under federal or provincial law, even if they do so to protect the public interest.

Media outlets often change their mind about whether corporate giveaways are acceptable or not, usually dependant on local media coverage about the practice.

Writers' associations need to consider the ethical ramifications of corporate and business sponsorships. Thus far, no government in Canada has tried to regulate media sponsorships, but one may do so in the future.

Details

The federal government offers a very comprehensive business and consumer information site, which includes a full guide to corporate social responsibility, at <http://strategis.ic.gc.ca>.

The late Mordecai Richler put corporatism firmly in the public eye in the late 1980s when he allowed a vodka company to sponsor one of his columns in which the text was arranged in the shape of a bottle with a clear logo in the centre. Richler justified his action as ethical because it was obvious to readers, unlike corporate sponsored press trips, jewellery and clothing loans, free events and other public relations freebees that create media goodwill without attribution.

The issue has since become only more obfuscated since then, with some media outlets taking a "don't ask, don't tell" policy with freelancers about free trips, in particular. Independents who want to protect themselves against changing media policies about corporatism (which has happened to journalists after they accepted a press trip or good) might want to consider having the media outlet accept the good first

(either literally or through a letter) and then pass it on to the journalist.

Writer Opportunities

Set clear policies to prevent conflicts of interest between corporate and public interest in your work. Temptations to cross the line can occur for individuals who are trying to run businesses, just as they frequently occur within journalism itself.

One of the most important ways to avoid conflicts of interest is to refrain from copywriting for corporations in industries you cover as journalists. Such corporate influence is not currently regulated in Canada, but could be in future.

Association Opportunities

Many organizations representing writers have established guidelines for corporate sponsorships that set limits on partnerships with the corporate sector. Such guidelines should be brought to the membership for frequent review.

Possible Partners

CFIB, EAC, PWAC, TWUC

Credit Agencies

Credit reporting and collection agencies are both used to ensure payment for services and vice versa. Reporting agencies fall under the Federal Credit Reporting Act and therefore only apply to consumer transactions, while credit collection agencies must follow terms within the federal Business Practices and Consumer Protection Act.

Why This Issue Matters

Reporting agencies could be used to verify that private individuals wanting to hire writers are solvent, while collection agencies could be used to collect bad debt.

Self-published writers could also face enquiries from a credit reporting agency if a customer complains about a sale.

Details

Credit reporting agencies, often known as credit bureaus, collect information about consumers' financial affairs and sell that information to their business members, which include all the banks, most insurance companies plus a variety of other companies. These business members pay an annual fee to be members and then pay to receive a credit report. Such independent consumer bureaus include Equifax Canada (individual consumer reports, 1-800-465-7166, www.equifax.ca) and TransUnion Canada (1-800-663-9980, www.tuc.ca).

Credit collection agencies specialize in collecting on past due accounts for a commission. There are some 125 such organizations in Canada.

Some organizations, such as Northern Credit Bureaus (NCB) Inc., (www.creditbureau.ca) do both credit reporting and credit collecting.

Writer Opportunities

Individual members might consider using a credit collection agency in the case of a client who doesn't pay for services.

Association Opportunities

Associations could request that the federal government include media business transactions in the Federal Credit Reporting Act so that small transactions with publishers could be regulated.

Associations might want to negotiate group membership in a collection agency.

They might also consider acting as a collection agency for members, particularly if several are trying to collect from the same source. In that case, they must be sure not to harass or threaten the non-paying publication, which is against the law under the Business Practices and Consumer Protection Act.

If a publication that receives funding from the Canadian Magazine Fund refuses to pay a writer, collection letters could be copied to the Heritage Ministry.

Culture

Due to the widespread, diverse meanings to the word culture, governments at all levels are concerned about setting cultural policy.

Why This Issue Matters

As writers, any cultural policy could affect what we do. Cultural policy is usually used as a way to offset economic or commercial demands, although often community groups get more attention than arts groups do in the discussion.

Details

Internationally, in the last 10 years most treaties that affect writers have some mention of the word culture within.

UNESCO includes all the programs about literature and writing under its cultural banner, which they define as “ways of living together.”

Federally, the Standing Committee on Heritage reviewed Canada’s cultural policy in 1997. The “A Sense of Place –A Sense of Being” report summarized a wide range of cultural activities, including the arts, film, video, media, festivals, libraries, architecture and advertising. Institutionally, the committee mentioned the CRTC and the Canadian Broadcasting Corporation in its tabulation, but did not focus on them because other committees were reviewing those specific institutions the same year. The report summarized the contribution of cultural heroes and heroines, from Celia Franca, Phyllis Lambert, Emily Carr and John Hirsch to Kaye Lamb, the founder of the National Library. In their final analysis, they summarized the federal government’s role in six cultural activities: creation, training, production, distribution, preservation and consumption. The final report included a chapter on each role, although production and distribution were combined into one.

The “Creators” chapter is particularly illuminating for writers. In it, the late Carol Shields mentioned the growth in publishing in Canada. She said that only five English-language novels were published in Canada in 1960, while her town of London, Ontario, published five novels in a single week in 1996. It also mentions that many creators are self-employed.

The European Union has created a much wider discussion about cultural policy, much of which is outlined at a website called www.culturalpolicies.net.

Writer Opportunities

If any government anywhere starts a consultation about cultural policy, assume that your issues will be part of the discussion.

Association Opportunities

Associations can ensure that its members are fully recognized as part of a thriving culture in many

communities.

Fiction, Non-fiction Literature and Poetry (i.e. Art) Versus Cookbooks, Journalism and Practical Manuals (i.e. Compilations)

Members who write fiction, journalism, non-fiction literature, poetry or practical manuals are treated differently by governing organizations, as are the organizations that represent them.

While creative works are considered to be intellectual property, ideas and facts are not. The idea is that creative works are art, while lists of facts are considered compilations. Journalism and computer software fit somewhere in between, so they do have more intellectual property protection than recipes or lists of goods have.

While there is an international movement to provide some copyright protection to compilations, such as recipes, the phone book, etc., it's clear that the more individual creativity put into a work, the more respect it gets by international, national, provincial and municipal governing bodies.

Why This Issue Matters

Over the past several years, treaties have begun to recognize the inherent work in compilations and databases (i.e. lists) and have begun to assign intellectual property value to such work.

As this has happened, private and public corporations have hired independent writers to compile these types of work for them while waiving moral rights and assigning copyright.

At the same time, government grants and programs for individual creators focus on fiction, non-fiction literature and poetry, while those directed at companies support practical manuals and compilations. Foundations still support independent journalism through fellowships, but these are often offered to corporate employees rather than independent producers and they are fewer in number. These trends have taken such works out of the public domain and out of the control of independents, making our society much more commercialized than just a few decades ago.

Writer Opportunities

Writers may want to consider how their work is likely to be judged, before producing it. Writers may want to diversify their inventories to contain a diversity of formats.

Association Opportunities

Associations could play an important role in possibly reversing this trend by lobbying on behalf on independent journalism and practical manual authors.

Possible Partners

UNEQ, FPJQ, PWAC

Foreign Affairs and International Trade Canada

The department of Foreign Affairs and International Trade Canada (DFAIT) used to consider promoting the Canadian cultural sector as an integral part of its foreign policy objectives.

Why This Issue Matters

In an attempt to improve professional opportunities for Canadian artists, DFAIT used to offer grants in all the following fields:

- performing arts (touring, special projects, Canadian festivals),
- music and sound recording (same as preceding),
- literature and publishing (travel for authors),
- media arts, film television and video (travel grants for International Market Development, Canadian festivals, grants for International Business Development) and
- visual arts (touring of contemporary Canadian art exhibitions, preparatory tours, incoming familiarisation visits, international career development travel, major international art events).

This program ended on March 31, 2009, however, and it wasn't clear as of this printing what program will replace it. However, writers with business in international markets may still be able to benefit from the market expertise of the department. For more information, consult either the trade commissioner website at www.tradecommissioner.gc.ca or the DFAIT website at www.international.gc.ca/international/index.aspx.

Writer Opportunities

Individual writers interested in foreign markets should make consult government web sites to access programs and officers that might assist them.

Association Opportunities

Associations must actively promote the international needs of their members to ensure that a suitable program to assist them can be set up.

Possible Partners

TWUC

Freedom of Expression

Federally, the Charter of Rights and Freedoms protects access to information for the press, but these rights are limited when a journalist has information that justice authorities can use to prevent or punish harm.

Why This Issue Matters

Education departments and libraries routinely ban books. Books and other written material are often seized by the state when crossing a border or even passing through the mail.

Students have been penalized for penning creative works interpreted by authorities as threats.

Police and government sources have been known to intimidate individuals to reveal their sources of information. Work, and even that of their partners, has been seized. Journalists have been arrested for refusing to name sources and for covering demonstrations.

Writer Opportunities

Individuals have had success at getting books released to schools, libraries and bookstores.

Others have set up campaigns later taken on by associations.

Association Opportunities

Associations often create campaigns when their members are threatened. They also publicly support members of the press who have been intimidated by police or government forces and speak out against censorship.

Many, including PWAC, participate in regular events, such as the Freedom of Expression Committee created by the Book and Periodical Council.

Possible Partners

Book and Periodical Council, CAJ, CJFE, Democracy Watch, IFJ, PEN Canada, PWAC

Government Work

Government work includes writing for any government organization, whether international, national, provincial or municipal.

For a writer, this usually means consulting or creating copyrighted material through a license or sale. For associations, this means creating published works with government support.

A writer must realize that the service provided supports the system of government in that location.

Why This Issue Matters

Care must be taken to research the specific goals of the government organization involved because the rules writers follow depend on the specific type of government agency involved, its corporate culture, its hiring or sponsoring goals and the specific contract terms for the work. Protections for the writer as an employee also depend on circumstances.

Details

When it comes to working for governments in Canada, working conditions for independent creators vary widely.

Most contracts specify that copyright belongs to the government agency and wages rarely match government employee salaries plus an additional 40% to cover pensions and benefits.

While many creators have negotiated scale agreements federally with various departments thanks to the Status of the Artist Act, writers have not done so yet. (See Status of the Artist Act heading).

Writer Opportunities

Writers who want to work for government departments can collaborate to improve terms and possibilities.

Association Opportunities

Several associations have jurisdiction federally through the Status of the Artist Act, but they will have to collaborate to improve terms.

Possible Partners

UNEQ, International writers groups, PWAC, TWUC

Heritage or Culture Ministries

The federal government supports arts organizations and individual artists through the Ministry of Heritage, which in turn runs the Canadian Council for the Arts and the Public Lending Rights Commission (see separate heading).

The ministry is also responsible for the copyright portion of intellectual property (see separate heading), the Status of the Artist Act (see separate heading), the Canadian Magazine Fund (see separate heading) and minority languages.

The Canada Council for the Arts (www.canadacouncil.ca) supports residencies, promotion tours, art books, translation, cooperative projects, Aboriginal projects, literary and art magazines, creative writing, literary and reading book publishing, literary readings and festivals, spoken word and storytelling, the flying squad program and travel and also offers operating funding and funding for projects that might increase public access to the arts.

Each province similarly has a culture or heritage ministry that supports similar programs in the regions across the country.

Why This Issue Matters

The Canada Council is the only way for writers to obtain federal funding for literary non-fiction projects aimed at developing writing skills. Journalism is not covered under any of these programs.

Details

The last time writers received specific attention in a federal budget occurred in May 2006, when the Department of Finance increased the Canada Council's two-year allocation. For more information, consult (www.fin.gc.ca).

The United Kingdom, France, Germany, Denmark, the Netherlands, Greece and Luxembourg all offer income averaging for artists while The United States, Great Britain and Australia provide core funding for cultural charities, including associations.

Writer Opportunities

Grants for fiction, non-fiction literature and poetry are available through the Canada Council. Details are outlined in the grants portion of this guide.

Association Opportunities

Associations can apply for grants under the Canadian Magazine Fund, which are outlined in the grants section of this guide.

Human Resources

Human resources, including hiring employees, subcontracting, training and mentoring, are closely regulated by government agencies, including federal, provincial and municipal departments.

Why This Issue Matters

Members who know the law can avoid hassles with regulatory agencies. Government agencies interested in supporting small business may have programs that can benefit individuals or associations.

Details

Serious consideration of human resource issues leads to imaginative policies by government. For example, the United States federal government is considering extending discrimination law to independent contractors after a MobyLives 2002 study found that less than 25% of all 2002 by-lines in the New Yorker were by women and some issues featured no women contributors at all.

Writer Opportunities

Members who want to hire subcontractors should confirm local and national hiring regulations.

Training issues should be considered as part of complete marketing plan.

Research is needed to determine whether the trends within media hiring policies in Canada match those of the United States; this may be something individuals can help create.

Association Opportunities

The Cultural Human Resources Council, a government agency, sponsored a mentoring program that PWAC took advantage of in the late 1990s. Organizations need to stay vigilant about such programs to make sure that they can use them for individual and association development. For information about such future programs, contact the Cultural Human Resources Council/*Le Conseil Des Ressources Humaines Du Secteur Culturel*, 201-17 York St., Ottawa, ON, K1N 9J6, (613)562-1535, fax (613)562-2982, www.culturalhrc.ca.

Possible Partners

CFIB, EAC, PWAC, TWUC

Industry Ministries and Departments

Industry ministries across Canada operate a number of services important to small business operators.

Federally, some of these include a site for running a business (www.canadabusiness.ca), the Canada Small Business Financing Program, Industry Statistics and the Office of Small and Medium Enterprises.

Why This Issue Matters

Independent writers are not only artists, with issues tied to heritage or cultural ministries, but also small businesses, with needs similar to any other small business in Canada. Yet their issues aren't often considered within consultations held by the industry ministry because they are considered so well represented in Heritage Committee consultations. Authors of non-literate material and corporate writers are often left out of both consultations.

Details

Industry Canada can be reached at the C.D. Howe Building, 235 Queen St., Ottawa, ON K1A 0H5, (613)954-5031 or 800-328-6189, TTY (for hearing-impaired) 866-694-8389, www.ic.gc.ca. There are also offices in every region.

Writer Opportunities

Anyone running a business can use the information at the federal and provincial industry websites.

Association Opportunities

Industry ministries often hold information sessions throughout the country. Associations with links to the ministries can ensure that members receive invitations.

Intellectual Property

Intellectual property laws include those regulating copyright, patents and trademarks, as well as trade secrets, industrial designs, plant breeders' rights and integrated circuit topography.

Copyrights last for the life of a creator plus 50 years while registered trademarks are valid for 15 years and can be renewed continually as long as the trademark remains in use.

Why This Issue Matters

Writers usually include both copyright and trademarks within their inventory of assets. Sometimes, they also hold patents.

The World Trade Organization's Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) specified that intellectual property must be protected as a necessary condition of trade. Yet many countries still refuse to sign the Byrne Convention, so less inclusive treaties had to be established for them. As a result, writers need to be aware of trade agreements that might change copyright or trademark protection.

Details

The Patent Cooperation Treaty (PCT) was created in Uruguay in 1986; Canada signed in 1996. Moral rights (the protection of a writer's reputation) are not guaranteed under this treaty.

Another treaty writers need to take advantage of is the Paris Convention on Industrial Property, which was passed in 1883. Canada signed in 1925 and amended it in 1967. This convention calls for legislation to protect individuals from exploitation by companies.

As a result of the Paris Convention, Germany passed legislation to govern authors' contractual rights in the country. The law passed on January 25, 2002, and went into force on July 1, 2002. In part, it forces authors and author associations to negotiate fixed terms with publishers and other users; when an agreement can't be reached, binding arbitration is attached and courts are forced to use the rates to settle individual cases. It also has a clause that enables bestselling authors to demand a top-up if their original payment was significantly lower than the final profits.

Writer Opportunities

Writers who understand their intellectual property assets focus on developing healthy inventories of work that maintain value over the long term.

Association Opportunities

Associations can help members protect, value and market their copyright, trademark and patent assets.

International Convention on the Protection of the Diversity of Cultural Contents and Artistic Expressions

The General Conference of UNESCO decided, in November 2003, to create a convention to protect cultural works. Two years later, the convention was approved in Paris. It came into force on March 18, 2007, three months after being ratified (accepted, approved or acceded) by 30 countries.

Canada was the first party to the convention after the country accepted it on November 28, 2005.

Why This Issue Matters

The diversity of cultural contents was the only domain not legally protected prior to the convention, something that threatens many countries as entertainment becomes globalized.

The only artistic type of writing on the Status of Artist Act is literature, which means that the movement towards unionizing journalists and other communication workers can fall outside of the current convention.

Details

The convention includes a fund for cultural diversity, and Brazil and other countries asked that contributions to the fund be increased for those who damage cultural diversity.

All Parties to the Convention meet in an assembly every two years. The next ordinary meeting should take place in December 2009.

In the meantime, an intergovernmental committee designed to create operational guidelines to implement the convention has been meeting regularly. The first session of this group took place in Ottawa from December 10 to 13, 2007 and additional “extraordinary” meetings were held at UNESCO Headquarters in June 2008 and March 2009. The committee will submit final operational guidelines to the Conference of Parties for approval in time for the next ordinary meeting.

The UNESCO web page about the convention can be found at: www.unesco.org/culture/en/ by clicking on the link to cultural diversity.

Writer Opportunities

The Diversity of Culture Treaty could allow writers’ work to be excepted from free trade conventions.

Association Opportunities

Associations can use the treaty—and the world day (May 21) created in its honour—to begin discussion about the social and economic well-being of writers.

Possible Partners

PEN, PWAC, TWUC

Legislative Assemblies and House of Commons

The legislative assemblies provincially and the House of Commons federally together form the third of three branches of government (the other two being the Senate and the Governor- or Lieutenant-Generals).

Why This Issue Matters

Federally, the opposition gets 21 days in each fiscal year to initiate debate on anything of its choosing. Also, each day the legislature sits, Members-of-Parliament who are not Cabinet Ministers get to make a public statement. These statements take place within a 15 minute time period set aside prior to the 45 minutes set aside daily for Question Period.

Details

The federal House of Commons (www2.parl.gc.ca/HouseChamberBusiness/ChamberHome.aspx) has several standing committees discuss issues important to writers, especially the Standing Committees on:

- Access to Information, Privacy and Ethics, (www.parl.gc.ca/ETHI-e)
- Canadian Heritage (www.parl.gc.ca/CHPC-e),
- Industry, Science and Technology (www.parl.gc.ca/INDU-e) and
- Finance Committee (www.parl.gc.ca/FINA-e).

Ad hoc committees can also be struck.

Individual writers and associations like PWAC have participated in the committee process by submitting briefs, appearing as witnesses and collaborating on joint briefs.

When PWAC had their anniversary annual general meeting in Ottawa in 2006, several members approached their Members of Parliament for statements congratulating the organization on the accomplishment.

Writer Opportunities

Any accomplishment by a writer should be mentioned to their Members of Parliament, in case the issues covered in the work fit with legislative work. Writers who periodically inform their Members of Parliament and Members of Provincial Parliament about themselves can sometimes get national recognition for their issues.

Most committees allow individuals to subscribe to notices and consultations about committee work on the Internet, but these subscriptions only last for a single legislative session and must be renewed annually.

Association Opportunities

Members of parliament, members of provincial parliament and municipal politicians should be

informed about anniversaries, important issues and research.

Libel and Malice

Publishing a defamatory comment about someone is known as libel. Malice means negative intent.

Why This Issue Matters

Writers of true stories about people can easily hurt others feelings. If it can be shown that publishing something hurt the reputation of a person, or made others hate, contempt, fear or ridicule them, they can sue for libel. If libel is proved, not only the writer, but also the editor and the publisher are all actionable.

Details

In Canada, defence from an accusation of libel means not only proving that the defamatory was true, but also showing either that the writer did not intend to hurt the reputation of someone by publishing it, or that publishing it was in the public interest.

It is not even necessary to name a particular person, but if readers understand who is meant, the statement can be deemed libellous.

The issues become even harder for media members to defend because, in Canada, journalists do not have the right to protect their sources in court.

Writer Opportunities

Writers concerned about libel should have their text verified by a lawyer.

Association Opportunities

Libel insurance is extremely expensive; group insurance could be a valuable benefit for members.

Literacy

Literacy is the ability of adults to read and understand text so they can function in society and achieve their goals.

Why This Issue Matters

According to the Movement for Canadian Literacy, more than 10 million Canadians can't read well enough to participate well in society, let alone read well enough to understand what a writer is trying to communicate.

Details

Many organizations, including PWAC, have participated in Freedom to Read weeks, particularly as part of the Book and Periodical Council.

For more information, refer to the Movement for Canadian Literacy at www.literacy.ca.

Writer Opportunities

Individual writers can promote literacy through events or local volunteering.

Association Opportunities

Associations can encourage members to participate in events designed to promote literacy in their communities.

Lobbying

Anytime you meet or write to a politician, you are lobbying. Even organizing a grassroots campaign, if you are paid to do so, is considered lobbying.

Preparing and presenting parliamentary committee briefings, making submissions to federal public office holders with respect to the enforcement, interpretation or application by that official of any existing federal statute or regulation and routine dealings with government inspectors and other regulatory authorities are not considered lobbying under the registration law.

Why This Issue Matters

Anyone who is paid to influence politicians in any way usually needs to register at the national, provincial and/or municipal levels.

Details

Nationally, the most recent Lobbyists Registration Act was passed on June 20, 2005, and will be reviewed in 2010.

Under this act, any consultant (public relations, marketing, lawyers, notaries, engineers or accountants) whose duties include meeting or writing to politicians must register within 10 days of entering into such a contract and advise within 30 days of finishing it. In addition, returns must be filed with the office every six months during the job.

If salaried employees spend more than 20% of their time writing to or meeting with politicians, they also have to be registered by the most senior person in the organization.

For further information, contact the Office of the Registrar of Lobbyists, 255 Albert St., 10th Floor, Ottawa, ON K1A 0R5, (613)957-2760, www.orl-bdl.gc.ca.

Writer Opportunities

Writers should consider lobbying whenever an issue is important to them.

Association Opportunities

Non-profit associations should consider lobbying as part of their annual plan, remembering that such efforts must be limited to less than 10% of their annual budget.

Senate

Senates form the third of three branches of government (the other two being the House of Commons legislative assemblies and the Governor-/Lieutenant-Generals).

Why This Issue Matters

Federally, the opposition gets 21 days in each fiscal year to initiate debate on anything of its choosing. Also, each day the senate sits, each Senator gets to make a public statement. These statements take place within a 15 minute time period set aside prior to the 45 minutes set aside daily for Question Period.

Details

The federal Senate (www.parl.gc.ca/common/chamber.asp?Language=E) has several standing committees discuss issues important to writers, especially the following:

- Social Affairs, Science and Technology,
- Transport and Communications,
- Banking, Trade and Commerce,
- Human Rights, and
- Internal Economy, Budgets and Administration.

Ad hoc committees can also be struck.

Individual writers and associations like PWAC have participated in the committee process by submitting briefs, appearing as witnesses and collaborating on joint briefs.

Writer Opportunities

Writers should consider contacting Senators with similar interests to ensure national recognition for their work.

Most committees allow individuals to subscribe to notices and consultations about committee work on the Internet, but these subscriptions only last for a single legislative session and must be renewed annually.

Association Opportunities

Senators should be informed about anniversaries, important issues and research.

Social Benefits

Social benefits include unemployment insurance, public pension plans, disability payments and welfare.

Why This Issue Matters

Writers who lose clients, have accidents or age have no or little access to public programs other than welfare.

Details

Self-employment in the cultural sector is extremely high; in some disciplines it reaches 67% across the board.

Most of the social benefits for creators extend from an international agreement known as the United Nations Universal Declaration of Human Rights (see separate heading), which was finalized in 1948. The pertinent clause for writers says, “Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.”

Quebec gives independent workers the opportunity to contribute to the provincial pension plan in return for benefits and is also considering extending parental leave to freelancers.

Special pensions for artists are the norm in Germany, Ireland and the Netherlands.

Writer Opportunities

Writers with access to benefits, such as those who live in Quebec, should consider taking advantage of them.

Association Opportunities

A variety of organizations are already teaming up to set up pensions for independent writers. Associations could also team up with researchers and government to brainstorm about human resource issues.

Possible Partners

EAC, PWAC, TWUC

Status of the Artist Act

Status of the Artist Acts in Canada came about as a result of Canada signing UNESCO's Belgrade Convention in 1980, which said that artists must be compensated for the use of their works, including the public lending of them.

Why This Issue Matters

Public officials agreed on the need to "integrate the arts in their fullest and broadest definition" into all facets of our lives.

Details

Quebec passed Bill E90 in 1987 and Bill 78 in 1988. It now offers an income tax exemption for anyone who claims up to \$60,000 in copyrighted works.

The Federal Government passed Bill 40 in 1992 and the act became fully effective in 1995. It was revised in 2007.

Saskatchewan passed Bill 73 in 2002 with amendments in Bill 40 in 2006.

Ontario passed The Status of Ontario's Artists Act 2007 as schedule 39 in the province's budget in April 2007.

Manitoba is considering legislation, as is Nova Scotia.

British Columbia has been discussing Status of the Artist Act legislation since 1992.

Newfoundland and Labrador introduced a Status of the Artist Working Committee in June 2007.

Writer Opportunities

Writers interested in collective bargaining, tax relief, public lending, collective bargaining, copyright or social benefits should be interested in their Status under the Belgrade Convention.

Association Opportunities

Associations, including PWAC, EAC and TWUC have all been very active in educating members about Status of the Artist Acts both provincially and federally, but so far, action has not extended past collective bargaining.

Possible Partners

EAC, PWAC, TWUC, cultural workers

Taxes

Tax issues for independent writers are complex due to four issues: intellectual property, self-employed income, low rates of pay and income fluctuations.

Why This Issue Matters

Canadian artists, including writers, are usually paid less than workers in other industries and yet they have none of the job security or social benefits available to others.

Tax returns done using income averaging, in which rates are based on income levels over a five-year period rather than each year, would greatly benefit writers without costing a great deal.

Tax exemptions for copyright income could also improve the living conditions of writers.

The Canada Revenue Agency frequently deems independent contractors to be employees, something that forces them to pay for the costs of pension plans and the like, without being able to claim benefits under the plans.

Details

The Income Tax Act (ITA) takes priority over all other pieces of legislation, even when international treaties should influence tax policy. Writers have no special status or value under the ITA.

Income tax averaging has been promoted by several organizations and committees over the years, including the Canadian Council for the Arts (annually for at least the last five years), the Fisher report (1984), the Bovey Report (1986), the Siren/Gélinas report (1986), Price Waterhouse Coopers (2000) and even the Standing Committee on Finance (1987, 1998). The scheme is seen as a possible way to collect self-employed workers' tax payments fairly. Writers, for example, sometimes take years to write a book. If that book then generates a large sum of money in one year, the rate of taxes the writer pays would be significantly higher than it would have been if that income could be amortized over a period of time. Artists in Australia, Germany, the Netherlands and the United Kingdom all have access to income averaging.

A maximum \$15,000 tax deduction for copyright income has been offered by the Quebec Government since 1995. The deduction is based however, on income. From 1995 to 2000, writers with copyright income up to \$20,000 could claim the full \$15,000 deduction. Then the deduction declined and became zero at a copyright income of \$30,000. As of 2001, the total copyright income limit was raised to \$30,000 and the decline became more gradual, so that writers could claim a deduction with copyright income up to \$60,000. In 2003 and later years, the artists income could include public lending right funds as well.

Quebec also introduced a limited system of income averaging for artists in 2004 by allowing them to purchase a qualifying annuity.

Internationally, grants from the Arts Council do not require tax payment in the United Kingdom, while

in Ireland all creative artistic income up to \$250,000 pounds is exempt from tax. (See Appendix F for a country-specific breakdown of artist benefits.)

Writer Opportunities

Mobile writers may consider living in jurisdictions with the best tax deductions.

Association Opportunities

Associations should be submitting briefs to tax authorities at the federal, provincial and municipal levels.

United Nations Universal Declaration of Human Rights

The General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights on December 10, 1948.

Why This Issue Matters

To writers, the most important clause is, "Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author."

This declaration means that the exploitation of writers by anyone, including companies and governments, should be illegal.

Details

All member countries were called on to publicize the text and include it as part of their education system.

The full text is available at www.un.org/Overview/rights.html.

After the text was passed, Canada's Privy Council established The Royal Commission on National Development in the Arts, Letters and Sciences. The Order passed on April 8, 1949, and the commission authors reported two years later. Part of the report, which was written by Vincent Massey and others, read:

The Canadian Arts Council, representing 18 societies comprising some 10,000 members engaged in such creative arts as architecture, painting, music, literature, sculpture and drama, submitted a brief to us at our Ottawa sessions in April 1950, which begins with the following statement:

"No novelist, poet, short story writer, historian, biographer, or other writer of non-technical books can make even a modestly comfortable living by selling his work in Canada. No composer of music can live at all on what Canada pays him for his compositions. Apart from radio drama, no playwright, and only a few actors and producers, can live by working in the theatre in Canada. Few painters and sculptors, outside the fields of commercial art and teaching, can live by sale of their work in Canada."

Many writers argue that little has changed for us since that time.

Association and Writer Opportunities

Active writers and their associations can re-invigorate the importance of article 30 with interest and promotion.

World Observatory on the Social Status of the Artist

The World Observatory on the Social Status of the Artist is a UNESCO-created database of information about cultural-worker and artist working conditions around the world.

Why This Issue Matters

By comparing artist working conditions around the world, the observatory is intended to track changes and encourage progress nationally, regionally and internationally. It began in April 2008.

Details

The Observatory is part of the UNESCO website and appears under the Diversity of Cultural Expressions website at <http://portal.unesco.org/culture/>.

Writer Opportunities

Writers who want to verify internationally recognized programmes should refer to the site occasionally.

Association Opportunities

Associations can participate in surveys and programs of the World Observatory as non-government organizations.

Possible Partners

Cultural organizations around the world.

Government Grants, Loans and Programs Calendar

No set deadline

- Alberta Writers Project Loan Fund
- Arts Service Organization Status
- ArtsSmarts (deadlines vary by partnership)
- BC Arts Council Travel Assistance
- Canada Council Travel Grants
- Canada Small Business Financing Program
- Cultural Industries Development Fund
- Incorporating
- ISBN and ISSN Applications
- Newfoundland and Labrador Arts Council Cultural Assistance Plan for Emergencies (CAPE)
- Newfoundland and Labrador Arts Council Professional Artists Travel Fund
- Newfoundland and Labrador Arts Council School Touring Program
- Newfoundland and Labrador Arts Council Visiting Artist Program (VAP)
- Nunavut's Department of Culture, Language, Elders and Youth Culture and Heritage Funding
- Publications Assistance Program (PAP)
- Quebec Arts Council (CALQ) Travel Grants
- Saskatchewan Arts Board's Travel Grants
- Self-operated or sole proprietorship registration

2009

April

- 1, Book Publishing Industry Development Program
- 1, British Columbia's Judy Dennis Emerging Artist Training Fund
- 1, Canada Council Creative Writing French Language Grants
- 1, Canadian Magazine Fund
- 1, Manitoba Arts Council Community Connections and Access Program
- 1, New Brunswick Arts Board Arts-by-Invitation Program
- 1, New Brunswick Arts Board Creation Grants
- 1, New Brunswick/Québec Creative Residency Award
- 1, New Brunswick Regional Arts Funding Program, Greater Saint John
- 30, Prince Edward Island Dissemination/Presentation Grants
- 30, Prince Edward Island Professional Creation/Production Grants
- 30, Prince Edward Island Professional Development Grants

May

- 1, Public Lending Right Registration of Individual Works

May 2009, continued

- 15, Manitoba Arts Council Writers A-B-C Grants
- 15, Manitoba Arts Council Special Opportunities Grant

June

- 1, Manitoba Arts Council Student Bursary Program
- 1, New Brunswick Arts Board Arts-by-Invitation Program
- 2, Ontario Arts Council Chalmers Arts Fellowships

September

- 1, Alberta Foundation for the Arts Literary Arts Project Grant
- 10, Quebec Arts Council (CALQ) Grants
- 15, BC Arts Council's Study and Project Assistance
- 15, British Columbia Arts Council's Project Assistance for Creative Writers
- 15, Canada Council of the Arts Co-operative Projects in Writing and Publishing
- 15, Manitoba Arts Council Writers A-B-C Grants
- 15, Manitoba Arts Council Special Opportunities Grant
- 15, Newfoundland and Labrador Arts Council Professional Projects Grant Program

October

- 1, Canada Council Creative Writing English Language Grants
- 1, Manitoba Arts Council Community Connections and Access Program
- 1, New Brunswick Arts Board Arts-by-Invitation Program
- 1, New Brunswick Arts Board Creation Grants
- 1, New Brunswick Arts Board Emerging Artist of the Year Award
- 1, New Brunswick Arts Board Excellence Awards
- 1, New Brunswick Arts Board Lieutenant Governor's Award
- 1, Ontario Arts Council Arts Education Grants
- 1 to February 15, Ontario Arts Council Arts Writers' Reserve Grants
- 1, Saskatchewan Arts Board's Independent Artists Grant Program
- 15, Quebec Arts Council (CALQ) Artistic Career Grant
- 30, Prince Edward Island Dissemination/Presentation Grants
- 30, Prince Edward Island Professional Creation/Production Grants
- 30, Prince Edward Island Professional Development Grants
- 31, Book Publishing Industry Development Program
- 31, Canadian Magazine Fund

December

- 1, New Brunswick Arts Board Arts-by-Invitation Program
- 1, Ontario Arts Council Chalmers Professional Development Grants
- 1, New Brunswick Regional Arts Funding Program, Greater Edmundston
- 15, Manitoba Deep Bay Artists' Residency at Riding Mountain National Park of Canada

2010

January

- 15, Manitoba Arts Council Major Arts Grants
- 15, Manitoba Arts Council Special Opportunities Grant
- 31, Northwest Territories Creative Development Grants
- 31, Northwest Territories Creation and Production Grants

February

- 1, New Brunswick Arts Board Artist-in-Residence Program
- 1, New Brunswick Arts Board Arts-by-Invitation Program
- 1, New Brunswick Arts Board Arts Scholarships/Professional Development Program
- 15, Alberta Foundation for the Arts Literary Arts Project Grant

March

- 1, Manitoba Arts Council Multi-Arts Grant
- 1, Ontario Arts Council Arts Education Grants
- 15, BC Arts Council Study and Project Assistance
- 15, Canada Council of the Arts Co-operative Projects in Writing and Publishing for annual project grants
- 15, Newfoundland and Labrador Arts Council Professional Projects Grant Program
- 15, Saskatchewan Arts Board's Independent Artists Grant Program

Guide to Government Grants, Loans and Programs

The guide to grants and programs lists current and past government services in Canada so that individuals can take advantage of services while groups can organize members.

It is organized into the following sections:

- Program or Grant Heading
- Description
- Deadline
- Why this Program or Grant Matters
- Details (i.e. who gives the money and how do writers get it)
- Writer Opportunities
- Organization Opportunities (where applicable)
- Possible Partners (where applicable)

All of the information contained in these listings was correct at time of writing. Government program requirements and timing frequently changes however, so to be sure, research any opportunity thoroughly before pursuing it.

Alberta Foundation for the Arts Literary Arts Project Grant

The Alberta Foundation for the Arts (AFA) Literary Arts Project Grant supports artistic development for a specific writing project to individual Alberta writers or an ensemble of writers working together.

Deadline

September 1, 2009, and February 15, 2010

Why This Program or Grant Matters

The AFA Literary Arts Project Grant provides financial support to individuals and groups of writers working on a specific writing project.

Details

Applicants must be professionally published writers with literary credits (self-published works, guidebooks, cookbooks, textbooks and manuals are not eligible) whose primary residence has been in Alberta for one full year before applying for a grant. Applicants may apply to both deadlines in the calendar year, but can receive only one grant during the AFA fiscal year of April 1 to March 31.

Eligible projects include the creation of a new literary manuscript or work in progress that has not been published, produced or aired; training and career development; travel or marketing expenses; research; and commissions. Not eligible are study programs, projects or workshops currently funded by the AFA. Projects must not start before the AFA receives an application.

Applicants to this program are eligible for a maximum grant that will not exceed \$15,000. This may include up to \$3,000 per month subsistence allowance. Applicants may apply for up to 100% of eligible expenses that are directly related to carrying out the proposed project. Eligible expenses directly related to carrying out a proposed project may include artist's fees, commission fees, transportation and accommodation, royalties, administration and contract fees, promotion and publicity and other expenses the AFA consider are reasonable and necessary.

For more information, contact the Alberta Foundation for the Arts, 10708 - 105 Ave., Edmonton, AB T5H 0A1; (780) 427-9968 or toll free by first dialing 310-0000; www.affta.ab.ca

Writer Opportunities

Writers could receive funding to finish a literary writing project.

Alberta Writers Project Loan Fund

The Writers Guild of Alberta (WGA) Writers Project Loan Fund assists WGA members who require a loan to complete a manuscript or acquire equipment for their writing.

Deadline

No Deadline

Why this program or grant matters

The WGA Writers Project Loan Fund is a self-help program funded by writers for writers. It provides financial support to writers to assist with manuscript completion or acquisition of equipment for writing since grants and advances for book projects are often insufficient to ensure their completion.

Details

Established by WGA members to assist fellow members, the Writers Project Loan Fund provides two categories of loans. The first, Loan A, is a no-interest loan between \$500 and \$999 that can be repaid in up to six months. The funds can help cover such costs as research trips or attending a WGA retreat. The application fee is \$15 for WGA members in good standing. There is no waiting period and no collateral or co-signer is required; however a promissory note must be signed before a loan is issued. The second, Loan B, is for a loan between \$1,000 and \$5,000, which may be used for such investments as computer purchases, living expenses while writing a book and other expenses related to a book project. The current rate of interest is 6% and writers have up to three years to repay the loan. These loans have an application fee of \$25, have stricter rules than Loan A and are adjudicated by the Loan Program Committee of the WGA.

For more information, contact the WGA Edmonton office at (780)422-8174 in Edmonton or 800-665-5354 from elsewhere in Alberta or by e-mail at mail@writersguild.ab.ca. For more information, refer to the WGA web site at www.writersguild.ab.ca.

Writer Opportunities

Writers who are members of the WGA can apply for a loan to acquire training, finish a project or purchase equipment.

Arts Service Organization Status

Arts Service Organizations (ASOs) are non-profit organizations that serve the needs of a community by enabling artists in that community to produce and distribute their work. They do so through advocacy training, professional development, networking, collective buying, collaborative sales or group marketing. They are very popular throughout North America.

ASOs are officially brought into the public sector through status programs at the federal, provincial or state, and municipal levels. ASO status confers official government recognition, tax breaks and grants to these organizations while ensuring oversight.

In Canada, several organizations hold status under the ministry of heritage as Registered National Arts Service Organizations (RNASO). RNASOs operate as federally registered charities through the Canada Revenue Agency (www.cra-arc.gc.ca).

There are also ASOs at the provincial level and some of the larger cities, such as Toronto, Calgary, Vancouver and Montreal, also have their own programs.

Why This Issue Matters

The national ASO program puts the non-profit associations that serve artists at the same level as other public service institutions.

National ASOs do not pay income under part one of the Canadian Income Tax Act and can provide donors with official tax deductions. ASO status also qualifies organizations for federal funding through any ministry or by the Canadian Council for the Arts.

Most provinces have similar programs.

Details

Federal eligibility criteria include:

- The promotion of the arts on a nationwide basis through activities such as sponsoring arts exhibitions or performances;
- conducting workshops and development programs relating to the arts; or
- organizing and sponsoring conferences, competitions and special arts events.

The organization must demonstrate that it represents, in one or both official languages of Canada, the community of artists in one or more recognized sectors of the arts.

PWAC's designation was registered on April 1, 1996. The registration number is 124191198RR0001 and the organization is listed as the Periodical Writers Association of Canada. Six returns are on file for PWAC, with the last return dated 2006. (The old name and file date are probably due to website updating issues. The last return date for most RNASOs checked in the spring of 2008 was still 2006.) PWAC's listing can be found at the Canada Revenue Agencies list of charities, http://www.cra-arc.gc.ca/tax/charities/online_listings/canreg_interim-e.html.

PWAC's federal status, together with a head office in Toronto and more than 45% of members living in Ontario, makes the organization eligible for ASO status in Ontario. This status grants PWAC the right to apply for annual provincial funding under the Ministry of Culture or other provincial funding organizations outlined in section two of this guide. It also made the organization eligible for an Ontario-government funded cultural organization endowment, which it still holds.

Writer Opportunities

Writers can donate money from any job that was garnered due to contacts or assistance obtained from an ASO in exchange for a tax receipt.

Many PWAC members donate 10% of their Access Copyright dividend payments because PWAC helped found the organization. Those who find mentors among PWAC members donate similar amounts.

Association Opportunities

National Arts Service Organizations (NASOs) like PWAC obtain donations in part by offering tax receipts. To retain this advantage, staff (usually the association auditor) must send audited statements to the Canada Revenue Agency's Charities Directorate annually to keep its non-profit status current and active.

If any federal government department decides that an organization no longer meets the requirements of the NASO designation, it will inform the organization by a letter to its head office. Staff and executive members will have 60 days from the date of the letter (not from date of receipt) to explain why the organization deserves to maintain its status.

Possible Partners

There are 17 federally registered NASOs in Canada. They are:

- Canadian Amateur and Educational Theatre Association/Association Canadienne du Theatre Amateur et Scolaire
- Canadian Artists Representation/Le Front des Artistes Canadiens
- Canadian Arts Presenting Association
- Canadian Bookbinders and Book Artists Guild
- Canadian Conference of the Arts/Conference Canadienne des Arts
- Canadian Dance Assembly/L'assemblee Canadienne de la Danse
- Canadian Non-Theatrical Film and Video Corporation
- Cultural Human Resources Council/Le Conseil Des Ressources Humaines du Secteur Culturel
- Dancer Transition Resource Centre/Centre de Ressources Pour Danseurs en Transition
- Documentary Organization of Canada/Documentaristes du Canada
- League of Canadian Poets
- Professional Opera Companies of Canada/Compagnies D'opera Professionnelles du Canada
- Songwriters Association of Canada
- The Canadian Authors Association

- The Canadian Network of Dance Presenters Candance - Candanse Le Reseau Canadien des Diffuseurs de Danse
- The Writers' Union of Canada

ArtsSmarts Canada

ArtsSmarts is a national non-profit network that encourages arts-inspired curriculum in Canadian schools.

Deadlines

Deadlines for future ArtsSmarts programs will depend on the province and which partners and programs are set up. The application process, application criteria, fees paid to artists and deadlines are unique to each province, and even each school.

Why This Program Matters

It creates links between artists and schools.

Details

The ArtsSmarts Network includes arts organizations, community foundations, school boards and in many provinces, a consortia of partners including Ministries of Education, Ministries of Culture and provincial arts councils.

It all began as a sponsorship program under the J.W. McConnell Family Foundation, which funded projects to link young people, artists or arts organizations, schools and the broader community between 1998 and 2008.

The ArtsSmarts Canada corporate office is located at #2 - 265 Laurier Avenue East, Ottawa, ON K1N 6P7, (613)567-2787, fax: (613)567-9539, e-mail info@artssmarts.ca, website www.artssmarts.ca.

There are also many partners in various provinces, including:

Alberta

EPCOR Centre for the Performing Arts, 205-8th Ave S.E., Calgary, AB T2G 0K9, (403)294-7455x1084, fax: (403) 294-7457, e-mail capesgm@epcorcentre.org; website www.capes.ca.html.

Saskatchewan

Saskatchewan Arts Board, 2135 Broad St., Regina, SK S4P 3V7, (306)787-4659, fax: (306)787-4199, <http://artsboard.sk.ca>.

Manitoba

Manitoba Arts Council, 525 - 93 Lombard Ave., Winnipeg, MB R3B 3B1, (204)945-2670, fax: (204)945-5925, <http://www.edu.gov.mb.ca/artssmarts/>

Or

Portage and District Arts Centre, 11-2nd Street NE, Portage la Prairie, MB R1N 1R8, (204)239-6029, fax: (204)239-1472, e-mail pdac@mts.net, website : <http://portageartscentre.ca>

Ontario

MASC, 250 Holland Ave., Ottawa, ON K1Y 0Y6, (613)725-9119, fax (613)728-3872, www.masconline.ca.

Quebec

Riverside School Board, 299 Sir Wilfrid Laurier Blvd., St.-Lambert, QC J4R 2V7, (450)672-4010, fax (450)465-8809, www.rsb.qc.ca/artssmarts/.

Or

Ici par les arts, 712 rue St. Georges, St. Jerome, QC J7Z 5C6, (450)569-4000, fax (450)569-4000, email info@iciparlesarts.com, website <http://www.iciparlesarts.com/>.

New Brunswick

Ministère de l'éducation du NB, Case postale 6000, Fredericton, NB E3B 5H1, (506)453-2326, fax (506) 457-7835.

Nova Scotia

Art Gallery of Nova Scotia, 1723 Hollis Street, P.O. Box 2262, Halifax, NS B3J 3C8, (902)424-6651, fax (902)424-7359, e-mail artssmarts@gov.ns.ca, website <http://artssmartsnovascotia.ca>.

Prince Edward Island

Arts Smarts PEI, Cécile Arsenault, Coordinator, P.O. Box 58, Wellington PE, C0B 2E0, (902)854-7265, fax (902)854-7255, e-mail ccarsenault@gov.pe.ca, website www.artssmartspei.ca.

Newfoundland and Labrador

Ken Murphy, Program Manager, Newfoundland and Labrador Arts Council, P.O. Box 98, 1 Springdale St. (The Newman Building), St. John's, NL A1C 5H5, (709)726-2212 or 866-726-2212, fax (709)726-0619, e-mail: kmurphy@nfld.net, website <http://www.nlac.nf.ca>.

Writer Opportunities

Writers can receive funding to bring educational writing experiences to students in their province.

Association Opportunities

An association could set up a partnership to ensure that writers can work with schools.

Possible Partners

Any school in Canada.

BC Arts Council Professional Development Assistance

British Columbia Arts Council's Professional Development Assistance assists professional artists with specific professional development opportunities that advance their practice or career.

Deadline

- Travel Assistance: Ongoing
- Study Assistance and Project Assistance: September 15, 2009, or March 15, 2010

Why This Program Matters

It provides funding to professional writers for professional development including study, project and travel assistance.

Details

Professional Development Assistance is available for study, projects or travel. Assistance is limited to two awards in any three years. Eligibility criteria include having lived in British Columbia for at least 12 months immediately prior to application; being a professional artist in one of several disciplines including creative writing; and having completed basic training in their discipline, and no longer being enrolled in full-time studies. Applicants must discuss their project proposal with a program coordinator prior to submitting an application.

Study assistance helps individuals with short-term, concentrated periods of study at an advanced level. Assistance is available to assist with 50% of eligible costs up to \$1,500. Eligible costs include tuition, accommodation, travel expenses and per diems and relevant supplies and use of equipment for a particular course of study.

Project assistance helps individuals who wish to pursue professional or career development that is not course or institution-based. Assistance is available to assist with 50% of eligible costs up to \$5,000.

Travel assistance helps individuals who wish to engage in activities that will develop their practice or career and that require travel. Awards are available in fixed amounts of \$500, \$1,000 or \$1,500, and will assist with no more than 50% of travel costs including transportation, accommodation, meals and relevant registration expenses.

For more information, contact the BC Arts Council, PO Box 9819, Stn Prov Govt, Victoria, BC V8W 9W3, (250)356-1718, fax (250)387-4099, www.bcartscouncil.ca.

Writer Opportunities

Writers living in British Columbia could receive funding towards study, project and travel costs for professional development.

BC Arts Council Project Assistance for Creative Writers

British Columbia Arts Council's Project Assistance for Creative Writers assists professional writers with the writing of specific creative projects. Awards are available for projects in the genres of drama, fiction, juvenile, non-fiction and poetry.

Deadline

September 15, 2009

Why This Program Matters

It provides funding to professional writers to work on creative projects in the genres of drama, fiction, juvenile, non-fiction and poetry.

Details

Project Assistance for Creative Writers offers assistance of up to \$5,000 during one fiscal year to professional creative writers and of up to \$10,000 during one fiscal year to senior professional creative writers. Criteria for applicants include being a Canadian citizen or Permanent Resident who has lived in British Columbia for one year or longer; being a professional creative writer with five or more years of experience; and having had at least one book (or equivalent) professionally published, or, in the case of playwrights, at least two short works or one full-length work professionally produced or published. Awards are available for expenses related to the creation of new works or the re-writing of existing unpublished or unproduced manuscripts including subsistence to writers who devote the majority of their time to writing, costs of materials of the project or funds to be paid to other creative artists required for the project. Projects previously assisted through this program are not eligible. All applicants must discuss their project proposal with a program coordinator prior to submitting an application.

For more information, contact the BC Arts Council, PO Box 9819, Stn Prov Govt, Victoria, BC V8W 9W3, (250)356-1718, fax (250)387-4099, www.bcartscouncil.ca.

Writer Opportunities

Writers living in British Columbia working on a creative writing project could receive grants of up to \$5,000 or \$10,000 depending on their experience.

BC's Judy Dennis Emerging Artist Training Fund

Grants from the Judy Dennis Emerging Artist Training Fund assist emerging North Shore artists in the development of specific skills in their chosen arts discipline.

Deadline

April 1, 2010

Why this program or grant matters

It provides funding to emerging writers to assist in the development of specific skills in their discipline.

Details

Managed and administered by the North Shore Community Foundation, grants from the Judy Dennis Emerging Artist Training Fund are intended to assist emerging North Shore artists in the development of specific skills in their chosen arts discipline. Applicants must be a resident of the City or District of North Vancouver, West Vancouver, Bowen Island or Lions Bay. They must have completed basic training in their chosen field, intend to pursue a career in the arts, provide two letters of reference from individuals in the arts field and intend to use the funding specifically for arts training such as attending courses, masters classes or working with a mentor.

For more information, contact the North Shore Community Foundation, 600 West Queens Rd., North Vancouver, BC, V7N 2L3; (604)988-7115, www.nscommunityfoundation.com.

Writer Opportunities

Writers just beginning their writing careers and living in the North Shore area of British Columbia could receive a grant up to \$2,000 to develop specific skills in the discipline of writing.

Canada Council Creative Writing Grants

The Canada Council Creative Writing Grants give writers the time and money needed to create new works of fiction or non-fiction without undue economic strain.

Deadline

- English-Language Grants: 1 October
- French-Language Grants: 1 April

Why this Program or Grant Matters

Artists can explore creative ideas without an economic imperative.

Details

Grants are available for subsistence (up to \$2,000), travel or project expenses. Applicants must be Canadian citizens or have Permanent Resident status, as defined by Citizenship and Immigration Canada. Grants are only offered to recognized professional writers who have had:

- at least one literary book published by a professional publishing house, or
- for fiction, a minimum of four texts of creative literary writing (i.e. short stories, excerpts from a novel) published on two separate occasions in literary magazines, recognized periodicals (including general interest magazines) or anthologies published by professional publishing houses, or
- for poetry, a minimum of 10 published poems is required, or
- for literary non-fiction, a minimum of 40 pages (10,000 words) of literary articles published in literary magazines, recognized periodicals or anthologies published by professional publishing houses.

For more information, contact the Canada Council for the Arts at 350 Albert St., P.O. Box 1047, Ottawa, ON K1P 5V8, (613)566-4390, www.canadacouncil.ca.

Writer Opportunities

Individual artists may receive up to two grants to professional artists from the Canada Council in any 48-month period. Artists may also submit one request for a travel grant per year. Emerging writers are eligible for grants of \$3,000 to \$12,000 while mid-career and established writers can receive from \$3,000 to \$25,000.

Association Opportunities

Associations can encourage members to apply for grants, either individually or through collaborative projects, which are eligible as long as they include no more than three writers.

Canada Council Travel Grants

Writers can apply for funds to travel internationally to accept an award, give a speech, participate in an event or otherwise promote their work or nationally to take part in a writers' residency.

Deadline

Anytime, but at least three months prior to travel dates.

Why this Program or Grant Matters

Canadian writers need support to promote their work beyond the country's borders.

Details

Fixed amounts of \$500, \$750, \$1,000, \$1,500, \$2,000 or \$2,500 are available to cover an applicant's travel costs, including transportation, meals and accommodation. The amounts of \$2,000 and \$2,500 are available only to applicants who are travelling to or from northern Canada or to international destinations other than the United States and Europe.

The grant covers airplane, train or bus tickets, taxis and shuttle-bus fares to and from airports or train or bus stations. Inter-city transportation is not eligible. The grant also covers subsistence costs (meal and accommodation) where necessary (a detailed budget is required).

Applicants must be Canadian citizens or have Permanent Resident status, as defined by Citizenship and Immigration Canada.

Grants are only offered to recognized professional writers who have had:

- at least one literary book published by a professional publishing house, or
- for fiction, a minimum of four texts of creative literary writing (e.g. short stories, excerpts from a novel) published on two separate occasions in literary magazines, recognized periodicals (including general interest magazines), or anthologies published by professional publishing houses, or
- for poetry, a minimum of 10 published poems is required, or
- for literary non-fiction, a minimum of 40 pages (10,000 words) of literary articles published in literary magazines, recognized periodicals or anthologies published by professional publishing houses.

For more information, contact the Canada Council for the Arts at 350 Albert St., P.O. Box 1047, Ottawa, ON K1P 5V8, (613)566-4390, www.canadacouncil.ca.

Writer Opportunities

Writers with opportunities to participate in literary functions outside of Canada should consider asking for support.

Association Opportunities

Associations that promote their members in countries beyond Canada can also encourage them to participate in these programs.

Canada Council of the Arts Co-operative Projects in Writing and Publishing

National arts service organizations with members that want to increase their ability to create work or introduce literature to a new public are encouraged to apply for an arts co-operative grant from the Canada Council.

Deadlines

- 15 March or 15 September for Annual Project Grants
- 15 September 2010 for Multi-year Project Grants

Why this Program or Grant Matters

Non-profit associations with three or more writers who want to work together can do so.

Details

This program provides assistance for co-operative marketing, promotional and research projects. Project grants usually range from \$2,000 to \$20,000.

Activities eligible for support include:

- co-operative promotional, dissemination or marketing projects that benefit a significant number of professional writers or publishers who are active in the development of Canadian literature
- research projects directly related to the creation, promotion and dissemination of Canadian literature, and
- special national conferences, professional development programs or mentorship programs for professional writers or publishers in areas directly related to the creation, production or dissemination of Canadian literature.

For more information, contact the Canada Council for the Arts at 350 Albert St., P.O. Box 1047, Ottawa, ON K1P 5V8, (613)566-4390, www.canadacouncil.ca.

Association Opportunities

Associations can create projects for members, or encourage members to participate in groups on their own.

Canada Small Business Financing Program

The Canada Small Business Financing Program provides government-backed loans of up to \$250,000 for small business operators

Deadline

Anytime. Loans are available directly from most financial institutions.

Why This Program Matters

Any small business operator who wants to improve their business acumen, borrow money for computer peripherals or a building, or otherwise develop and grow benefits from this program.

Writers involved in the voluntary, non-profit and co-operative sectors do not have access to this program.

Details

The Canada Small Business Financing Act came into being in 1998. Under the terms of the act, the government guarantees the loans made by lenders to businesses with a gross annual revenue of less than \$5 million per year.

The program only covers loans of up to a liability of \$1.5 billion overall.

The program does not cover charities, religions and farming.

For more information, contact Industry Canada at the C.D. Howe Building, 235 Queen St., Ottawa, ON K1A 0H5, (613) 954-5031, www.ic.gc.ca/eic/site/csbfp-pfpec.nsf/eng/home.

Writer Opportunities

Any writer running a business should consider the availability of these loans when deciding how to grow or expand their operations.

Incorporating

A corporation is a separate legal entity with a perpetual existence. It can enter into contracts and own property in its own name, separately and distinctly from its owners. Corporations can be federally or provincially chartered.

Deadline

Anytime

Why This Program Matters

Since a corporation has a separate legal existence, it has to pay tax on its income, and therefore must file its own income tax return. It must also hold an annual meeting and ensure that proper records, particularly financial reports, are maintained.

Many businesses incorporate in order to limit the legal liability of shareholders, since only business assets are available to creditors. Corporations also have the right to hold trademarks, patents and copyright.

Details

Corporations are established through articles of incorporation, which are legal documents filed with the appropriate provincial, territorial or federal authorities. Fees vary. Provincial incorporation costs from \$200 to \$400, while federal incorporation costs \$200 plus an extra provincial fee ranging from \$175 to \$400, except in Prince Edward Island, which does not charge an extra fee. Named corporations also must include the results of a name search to show that no other corporation in the territory already uses the same name.

Writer Opportunities

Writers with corporations do not threaten personal assets through business decisions.

Association Opportunities

Most associations are non-profit organizations, which is a specific type of corporation. Once incorporated, many become charitable organizations through Heritage Canada's Arts Service Organization Program.

International Standard Book Number (ISBN) and International Standard Serial Number (ISSN)

Any publisher can apply to a federal government for a 13-digit unique number that will identify their work worldwide. (Prior to 1997, standard numbers only held 10 numbers.)

Deadline

Anytime

Why This Issue Matters

The identifier enables booksellers, libraries, researchers and others to find the work.

Details

ISBN

Publishers of single works, including books, pamphlets, educational kits, CD-ROMs or digital and electronic publications must apply for an International Standard Book Number (ISBN).

ISBNs always have the letters “ISBN” prior to the number. The letters are followed by:

- a three-digit product code known as a “European article number,”
- a single digit specifying the country or language of the publication,
- a publisher prefix,
- a title code and
- a single check digit.

The recommended format is ISBN: 979-1-55457-001-0.

ISSN

Publishers of serial works, including periodicals, magazines, journals and weblogs, are covered by a separate identification system called International Standard Serial Number (ISSN). Individuals cannot get these for personal weblogs, only select organizations can.

Publishers who want these numbers can apply to ISSN Canada, Library and Archives Canada, 395 Wellington St., Ottawa, ON K1A 0N4, (819)994-6895 or 866-578-7777, <http://collectioncanada.ca> or to *Répertoire des numéros ISBN des éditeurs francophones canadiens, Bibliothèque et Archives nationales du Québec*, 2275 Holt St., Montréal, QC H2G 3H1, (514)873-1101, x3785, 800-363-9028, x3785.

Association and Writer Opportunities

Any Canadian publisher who wants either an ISBN or an ISSN can apply for one. They are free and are

available in 10 days.

Manitoba Arts Council Major Arts Grants

The Major Arts Grants support artists while they work on personal creative projects.

Deadline

January 15, 2010

Why this Program or Grant Matters

It provides potential income to artists, including writers, while they work on personal creative projects lasting six to 10 months.

Details

The Manitoba Arts Council Major Arts Grants are available for several artistic disciplines, including writers and playwrights. To be eligible, writers must have lived in Manitoba for the previous 12 months, be recognized by their peers as senior professional artists, have made a nationally or internationally recognized contribution to their discipline and be free to devote a major part of their time to their project. Senior literary writers and playwrights may apply for new work in a literary genre including play, novel, poetry, children's literature and creative non-fiction. A maximum of two Major Arts Grants may be held in five years. For those applying for a Major Arts Grant for the first time, the Manitoba Arts Council recommends a consultation with the program consultant for their discipline.

For guidelines, registration forms and/or more information, consult the Manitoba Arts Council website at www.artscouncil.mb.ca; call (204) 945-2237 (toll free: 1-866-994-2787); fax (204) 945-5925; email info@artscouncil.mb.ca or write to Manitoba Arts Council, 525-93 Lombard Avenue, Winnipeg, MB, R3B 3B1.

Writer Opportunities

Writers in Manitoba could receive up to \$25,000 to cover project costs and living and travel expenses while working on a personal creative project.

Manitoba Arts Council Writers A-B-C Grants

Writers A-B-C Grants support Manitoba writers at varying stages of their careers in the creation of new literary work.

Deadline

- May 15, 2009, for projects beginning after July 31, 2009
- September 15, 2009, for projects beginning after November 30, 2009

Why this Program or Grant Matters

Established writers, those in the early stages of their careers and emerging writers can all obtain some income support to work on a new project.

Details

The Manitoba Arts Council presents three levels of writers' grants. "A" grants are open to senior writers who have professionally published two books or one book plus approximately 150 pages of short pieces in recognized periodicals or anthologies; the maximum grant is \$10,000. "B" grants are open to established writers who have professionally published one book or approximately 150 pages of short pieces in recognized periodicals or anthologies; the maximum grant is \$5,000. "C" grants are open to emerging writers who show a high standard of written work and exceptional promise. Emerging writers must have a modest publication background; the maximum grant is \$2,000.

Eligible projects include short fiction and novels, poetry, children's literature and literary non-fiction such as memoir, biography, creative non-fiction and essays on the arts. To be eligible, writers must have lived in Manitoba for at least 12 months prior to applying for a grant. The Manitoba Arts Council recommends that those applying for the first time set up a consultation with the program consultant for their discipline.

For more information, consult the Manitoba Arts Council website www.artscouncil.mb.ca; call (204) 945-2237 (toll free: 1-866-994-2787); fax (204) 945-5925; email info@artscouncil.mb.ca or write to Manitoba Arts Council, 525-93 Lombard Avenue, Winnipeg, MB, R3B 3B1.

Writer Opportunities

Depending on their career status, Writers in Manitoba could receive maximum grants valued between \$2,000 and \$10,000 to assist with living and project expenses.

Manitoba Arts Council Community Connections and Access Program

The Community Connections and Access Program assists emerging and professional artists, including those in the literary arts, who face barriers to equal opportunities and professional development and presentation. It funds projects to address the needs of artists in disadvantaged or under-served communities.

Deadline

- October 1, 2009, for projects beginning after January 1, 2010
- April 1, 2010, for projects beginning after July 1, 2010

Why this Program or Grant Matters

It offers financial assistance to artists who face barriers as well as forms partnerships between artists and disadvantaged or under-served communities.

Writer Opportunities

Writers in Manitoba who face barriers to equal opportunities in artistic and professional development and presentation could receive grants of up to \$2,500 or \$5,000. Writers could also partner with disadvantaged or under-served communities to undertake a specific project.

Details

This program funds projects that address the needs of the emerging and professional artists in communities that are disadvantaged or under-served. Examples of barrier characteristics include geography (rural, inner city), cultural (Aboriginal, Francophone) and special populations (people with disabilities, youth).

Eligible projects include artist mentorships, professional development opportunities, development of new works and presentation or exhibition of new or existing works.

Artists, groups, collectives, ensembles and organizations are welcome to submit applications. Individual emerging artists are eligible for a maximum award of \$2,500; established or professional artists, \$5,000; and ensembles and organizations, \$10,000.

Writers must have lived in Manitoba for at least 12 months prior to applying.

For guidelines, registration forms and/or more information, consult the Manitoba Arts Council, 525-93 Lombard Avenue, Winnipeg, MB, R3B 3B1, (204) 945-2237, or 866-994-2787, email info@artscouncil.mb.ca, website www.artscouncil.mb.ca.

Manitoba Arts Council Special Opportunities Grant

The Special Opportunities Grant supports professional Manitoba artists and arts organizations to undertake unique initiatives or take advantage of extraordinary opportunities.

Deadline

- May 15 for projects beginning after June 30, 2009
- September 15 for projects beginning after October 31, 2009
- January 15 for projects beginning after February 28, 2010

Why This Grant Matters

It funds special projects and artistic endeavours not served by other Manitoba Arts Council programs.

Details

The Manitoba Arts Council Special Opportunities Grants are available to professional individual artists, small groups or collectives and to arts organizations intending to employ professional artists for the project. Projects include unique opportunities for outreach, hosting professional development events, artist-in-residence programs, anniversary or celebration activities and publications not supported by other Manitoba Arts Council programs. Individuals are eligible for grants up to \$5,000; organizations for grants up to \$10,000. Applicants are eligible for one award from the Special Opportunities Grant every two years. For those applying for a Special Opportunities Grant for the first time, the Manitoba Arts Council recommends a consultation with the program consultant for their discipline.

For guidelines, registration forms and/or more information, consult the Manitoba Arts Council, 525-93 Lombard Avenue, Winnipeg, MB R3B 3B1, (204)945-2237 or 866-994-2787, fax (204)945-5925, email info@artscouncil.mb.ca website www.artscouncil.mb.ca.

Writer Opportunities

Writers in Manitoba could receive a grant up to \$5,000 to undertake a unique project.

Association Opportunities

Associations in Manitoba could receive a grant up to \$10,000 to hire writers.

Manitoba Arts Council Student Bursary Program

The Student Bursary Program supports Manitoba arts students engaged in full-time, long-term study at a post-secondary institution in Canada or abroad and who intend to pursue an arts career.

Deadline

June 1, 2009

Why This Program Matters

It offers funding to students who could become successful, contributing, professional writers.

Details

The Manitoba Arts Council Student Bursary Program supports Manitoba students of the arts, including writing and arts journalism. Students studying in Canada in an undergraduate program are eligible for grants up to \$2,000 and in a graduate program are eligible for up to \$3,000. Students studying outside Canada in an undergraduate program are eligible for grants up to \$3,000 and in a graduate program are eligible for up to \$4,000. Students can receive assistance a maximum of four years through the Student Bursary Program. Students must be registered for a full program for six months or more.

For guidelines, registration forms and/or more information, consult the Manitoba Arts Council, 525-93 Lombard Avenue, Winnipeg, MB R3B 3B1, (204)945-2237 or 866-994-2787, fax (204)945-5925, email info@artscouncil.mb.ca website www.artscouncil.mb.ca.

Writer Opportunities

Writers in Manitoba pursuing full-time studies in writing or arts journalism could receive a minimum bursary of \$500 and maximum bursary up to \$4,000 towards post-secondary study of the arts.

Manitoba Arts Council Multi-Arts Grant – Pilot Program

The Multi-Arts Grant is a creation/production grant program designed to support artists in experimentation within and between disciplines and to encourage new directions in contemporary arts.

Deadline

March 1, 2010, for projects beginning after May 10, 2010 (if it's approved for another year).

Why This Grant Matters

It introduces a creation/production program at the Manitoba Arts Council that invites multidisciplinary and interdisciplinary projects, collaborations between artists from different disciplines and projects in new artistic disciplines and forms.

Details

The Manitoba Arts Council Multi-Arts Grants are available to professional individual artists, small groups and collectives. Eligible projects for this pilot program include new artistic practices and forms, interdisciplinary work that falls between/outside artistic disciplines, multidisciplinary work where no one discipline dominates, collaborations between artists in different disciplines, artistic forms for which specific programs do not currently exist at the Manitoba Arts Council. The maximum grant available is \$10,000 for collaborations, small groups and collectives and \$5,000 for individuals. Applicants are eligible for a maximum of two Multi-Arts Grants in a four-year period. The Manitoba Arts Council asks applicants contact a program consultant prior to applying to ensure the Multi-Arts Program is the best fit for their project.

For guidelines, registration forms and/or more information, consult the Manitoba Arts Council, 525-93 Lombard Avenue, Winnipeg, MB R3B 3B1, (204)945-2237 or 866-994-2787, fax (204)945-5925, email info@artscouncil.mb.ca website www.artscouncil.mb.ca.

Writer Opportunities

Writers in Manitoba could receive a grant up to \$5,000.

Manitoba Deep Bay Artists' Residency, Riding Mountain National Park of Canada

The Deep Bay Artists' Residency at Riding Mountain National Park of Canada offers writers the time, space and a facility to work on a creative project.

Deadline

December 15, 2009

Why this Program or Grant Matters

It connects writer needs with those of the community.

Writer Opportunities

Writers in Manitoba could stay at a newly renovated cabin provided by Parks Canada at Riding Mountain National Park of Canada between two and six weeks while working on a creative project. They could also receive \$200 a week as well as a flat fee of \$200 for travel expenses.

Details

The Deep Bay Artists' Residency at Riding Mountain National Park of Canada is available to artists, artistic directors and arts administrators. It provides artists, including writers, with a fully serviced and furnished cabin on a bay on the southeast shore of Clear Lake, a quiet retreat in the spring and fall. To be eligible, writers must have lived in Manitoba for the previous 12 months, be recognized by their peers as senior professional artists, have a body of professional work and be free to devote a major part of their time to their project. Artists may be emerging or established but must have at least three years of professional artistic activity. Artists may apply for work in progress or for new work. Those selected for residencies are required to give a public presentation to the community of Riding Mountain National Park. Artists are eligible to stay a maximum of six weeks within a four-year period, and may apply each year. For those applying for the first time, the Manitoba Arts Council recommends a consultation with the program consultant for their discipline.

For guidelines, registration forms and/or more information, consult the Manitoba Arts Council, 525-93 Lombard Avenue, Winnipeg, MB R3B 3B1, (204)945-2237 or 866-994-2787, fax (204)945-5925, email info@artscouncil.mb.ca website www.artscouncil.mb.ca.

New Brunswick Arts Board Artist-in-Residence Program

The Artist-in-Residence Program matches New Brunswick public or private institutions and organizations with professional artists for residency programs.

Deadline

February 1, 2010

Why This Program Matters

It increases opportunities for professional artists, including writers, to undertake specific creative projects, it increases opportunities for New Brunswick students and residents to develop their awareness of the arts through direct contact with artists and it increases opportunities for New Brunswick artists to participate in residencies at home or abroad.

Details

Artists in residence receive funding for periods of six months (maximum \$5,000) to one year (maximum \$10,000). To be eligible, artists must have resided in New Brunswick for at least one year immediately preceding the deadline date and present a residency project that meets the objectives of the program. A maximum of 10 pages of a manuscript and/or publication must accompany the application.

Note: The New Brunswick Arts Board Artist-in-Residence Program also provides artists with a residency project lasting four weeks or less. There is no specific deadline for short-term residencies though artists must apply four to six weeks prior to the event. Contact the New Brunswick Arts Board for more information.

The New Brunswick Arts Board reserves the right to revise programs at any time without notice.

For more information, consult the New Brunswick Arts Board, 61 Carleton St., Fredericton, NB E3B 3T2, (506)444-4444 or 866-460-ARTS (2787), fax (506) 444-5543, website www.artsnb.ca.

Writer Opportunities

Writers residing in New Brunswick who are interested in serving as writers-in-residence could receive funding for residencies lasting six to 12 months.

New Brunswick Arts Board Art Scholarships/Professional Development Program

The Arts Scholarships/Professional Development Program assists New Brunswick residents interested in pursuing careers as professional artists.

Deadline

February 1, 2010

Why This Program Matters

It helps individuals interested in pursuing careers as professional artists, it increases the number of arts professionals in New Brunswick and it encourages the development of New Brunswick talent in the arts, including the literary arts.

Details

This program awards \$1,000 to \$2,500 scholarships or professional development grants for full-time, part-time or short-term study. These grants are intended for students intending to pursue a career in creative work in the arts. To be eligible, artists must have resided in New Brunswick for at least one year immediately preceding the deadline date. A maximum of 10 pages of a manuscript and/or publication must accompany the application.

The New Brunswick Arts Board reserves the right to revise programs at any time without notice.

For more information, consult the New Brunswick Arts Board, 61 Carleton Street, Fredericton, NB, E3B 3T2, (506)444-4444 or 866-460-ARTS (2787), fax (506) 444-5543, website www.artsnb.ca.

Writer Opportunities

Writers residing in New Brunswick could receive funding to assist with creative writing studies.

New Brunswick Arts Board Arts-by-Invitation Program

The Arts-by-Invitation Program promotes New Brunswick by helping artists present their work at New Brunswick and established out-of-province, non-commercial, arts events.

Deadline

- August 1, October 1, December 1 and June 1, 2009
- February 1 and April 1, 2010

Why This Program Matters

It promotes, encourages and increases the participation and representation of New Brunswick in out-of-province arts festivals, competitions and exhibitions and it increases opportunities for New Brunswick artists and arts groups to promote and disseminate their work.

Details

This program offers New Brunswick artists up to \$500 for travel costs to participate in an event held within New Brunswick and up to \$2,000 for travel costs to participate in an out-of-province event. To be eligible, artists must have resided in New Brunswick for the past 12 months, meet the New Brunswick Arts Board's definition of a professional artist, achieve a high level of excellence in the arts and been invited to participate in or received confirmation of participation in an arts festival, competition or exhibition. A maximum of 10 pages of a manuscript and/or publication must accompany the application.

Note: The New Brunswick Arts Board reserves the right to revise programs at any time without notice.

For more information, consult the New Brunswick Arts Board, 61 Carleton Street, Fredericton, NB, E3B 3T2, (506)444-4444 or 866-460-ARTS (2787), fax (506) 444-5543, website www.artsnb.ca.

Writer Opportunities

Writers residing in New Brunswick could receive funding for in- and out-of-province travel.

New Brunswick Arts Board Creation Grant Program

Creation Grants provide assistance to professional New Brunswick artists to research, develop and execute original projects in the arts.

Deadline

October 1, 2009 and April 1, 2010

Why This Grant Matters

It promotes artistic creation in New Brunswick, offers financial support to artists to focus on their works and encourages the pursuit of excellence in the arts in New Brunswick.

Details

The New Brunswick Arts Board presents several Creation Grants twice a year to artists, including those in the literary arts. There are grants available for senior, mid-career and emerging artists. To be eligible, artists must meet the New Brunswick Arts Board's definition of a professional artist. They must also meet the criteria for the discipline in which they apply, have resided in New Brunswick for at least one year immediately preceding the deadline date and present a project that meets the criteria of the program. A maximum of 10 pages of a manuscript and/or publication must accompany the application.

The New Brunswick Arts Board reserves the right to revise programs at any time without notice.

For more information, consult the New Brunswick Arts Board, 61 Carleton Street, Fredericton, NB, E3B 3T2, (506)444-4444 or 866-460-ARTS (2787), fax (506) 444-5543, website www.artsnb.ca.

Writer Opportunities

Writers residing in New Brunswick who are interested in pursuing projects in the fields of novel, short story, poetry, children's literature, literary non-fiction and literary translation, could be eligible for one of three creation grants ranging from \$3,500 per year to \$15,000 in any two-year period.

New Brunswick Arts Board Emerging Artist of the Year

The Emerging Artist of the Year Award recognizes and rewards new artists who have made significant contributions to the arts, including the literary arts, in New Brunswick.

Deadline

October 1, 2009

Why this Award Matters

It offers potential income to writers and promotes public awareness, participation and support for the arts in New Brunswick.

Details

The New Brunswick Arts Board presents the Emerging Artist of the Year Award annually. Jurors make their recommendations based on the strength of the nominations they receive, regardless of the discipline. To be eligible, writers must have lived in New Brunswick for the previous 12 months. They must have earned significant recognition, or made a significant impact, during the previous year in the literary arts. To qualify, writers must submit a maximum of 10 pages of a manuscript and/or publication.

Note: The New Brunswick Arts Board reserves the right to revise programs at any time without notice.

For nomination forms and/or more information, consult the New Brunswick Arts Board, 61 Carleton Street, Fredericton, NB, E3B 3T2, (506)444-4444 or 866-460-ARTS (2787), fax (506) 444-5543, website www.artsnb.ca.

Writer Opportunities

Writers in New Brunswick could receive a \$3,000 award.

New Brunswick Arts Board Excellence Awards Program

Excellence Awards recognize the outstanding contribution of individuals in the arts, including the literary arts, in New Brunswick.

Deadline

October 1, 2009

Why This Program Matters

It offers potential income to writers and establishes standards of artistic excellence for New Brunswick residents.

Details

The New Brunswick Arts Board presents its Excellence Awards annually. Previous to 1997, the board offered these awards on a biennial basis to specified disciplines. Now the jurors make their recommendations based on the strength of the nominations they receive, regardless of the discipline. To be eligible, writers must have been born in New Brunswick or lived in New Brunswick at least five years. They must have contributed to the development of the literacy arts. To qualify, writers must submit a maximum of 10 pages of a manuscript and/or publication.

The Arts Development Trust Fund (lottery) provides the funding for the Excellence Awards Program.

For nomination forms and/or more information, consult the New Brunswick Arts Board, 61 Carleton Street, Fredericton, NB, E3B 3T2, (506)444-4444 or 866-460-ARTS (2787), fax (506) 444-5543, website www.artsnb.ca.

Note: The New Brunswick Arts Board says that this award is currently under review, but the new criteria will be available by August 1.

Writer Opportunities

Writers in New Brunswick could receive one of four \$5,000 awards. The New Brunswick Arts Board has two Excellence Awards for the literary arts – the Alden Nowlan Award for Excellence in English-language Literary Arts and the Pascal Poirier Award for Excellence in French-language Literary Arts.

New Brunswick Arts Board Lieutenant-Governor's Award for Lifetime Achievement in the Arts

The Lieutenant Governor's Award recognizes and rewards people who have distinguished themselves by the excellence of their achievements and their lifetime contribution to the arts, including the literary arts.

Deadline

October 1, 2009

Why This Award Matters

It establishes standards of artistic excellence for New Brunswick residents.

Details

The New Brunswick Arts Board presents the Lieutenant Governor's Award annually. Jurors make their recommendations based on the strength of the nominations they receive, regardless of the discipline. To be eligible, writers must have been born in New Brunswick or lived in New Brunswick at least five years and they must contribute, or have contributed, to the development of the literary arts. Writers cannot nominate themselves and no individual can receive the award more than once in the same category. A maximum of 10 pages of a manuscript and/or publication must accompany the nomination.

The New Brunswick Arts Board reserves the right to revise programs at any time without notice.

For more information, consult the New Brunswick Arts Board, 61 Carleton Street, Fredericton, NB, E3B 3T2, (506)444-4444 or 866-460-ARTS (2787), fax (506) 444-5543, website www.artsnb.ca.

Writer Opportunities

Open to all disciplines each year, including literary arts, the Lieutenant Governor's Award carries no monetary prize. However, there is a public presentation of the recipient's work during the year that follows reception of the award.

New Brunswick/Québec Creative Residency Award

The New Brunswick/Québec Creative Residency Award is a partnership artist residency program between the New Brunswick Arts Board and the Conseil des arts et des lettres du Québec (CALQ).

Deadline

- April 1, 2010

Why This Program Matters

It provides professional artists and writers with opportunities for creation and professional development residencies, it offers writers and artists new career development opportunities and it continues a productive collaboration with the arts councils in Québec and New Brunswick.

Details

The New Brunswick Arts Board provides grants of \$3,000 per month to cover the artist's or writer's personal insurance, travel, accommodation and living expenses and the costs of purchasing, transporting and insuring the materials required to carry out the project. Applicants must have lived in New Brunswick for at least the last 12 months and they must have been in professional practice for at least two years and have presented works of art in a recognized professional setting.

The New Brunswick Arts Board reserves the right to revise programs at any time without notice.

For more information, consult the New Brunswick Arts Board, 61 Carleton Street, Fredericton, NB, E3B 3T2, (506)444-4444 or 866-460-ARTS (2787), fax (506) 444-5543, website www.artsnb.ca.

Writer Opportunities

Writers from either New Brunswick or Québec can apply for up to \$10,000 to cover a one-to-three month residency for a creation-based or professional development project in the province that isn't their own.

New Brunswick Regional Arts Funding Program, Greater Edmundston

The New Brunswick Regional Arts Funding Program is a pilot program intended to increase the visibility of professional artists and artists' collectives in the greater Edmundston region.

Deadline

December 1, 2009

Why This Program Matters

It provides funding to artists and artists' collectives in the greater Edmundston region, it encourages partnerships and co-operative action in the community and it enables artists to contribute to their community, increase their visibility and develop their talents.

Details

The New Brunswick Regional Arts Funding Program is a partnership between the New Brunswick Arts Board; the Arts Development Branch of New Brunswick Wellness, Culture and Sport; Enterprise Madawaska and the City of Edmundston. The creative projects submitted for funding must involve partnerships and/or links with the community and must help connect artists with the public. Writers, literary translators and authors of literary fiction (novels, novellas, short stories and autobiographical fiction), poetry, children's literature or literary non-fiction (including essays, memoirs, anthologies or biographies written about the arts or literature) are eligible to apply, as are oral literature, including storytelling, performance poetry and other literary performances.

Self-published works, independently financed performances and works, scholarly publishing and academic research are not eligible. A writers' organization or recognized writer must sponsor a writer applying for funds to support a first title.

The New Brunswick Arts Board reserves the right to revise programs at any time without notice.

For more information, consult the New Brunswick Arts Board, 61 Carleton Street, Fredericton, NB, E3B 3T2, (506)444-4444 or 866-460-ARTS (2787), fax (506) 444-5543, website www.artsnb.ca.

Writer Opportunities

Writers from the greater Edmundston region of New Brunswick could receive a grant of \$5,000, \$10,000 or \$15,000.

Association Opportunities

Associations can sponsor writers from the greater Edmundston region of New Brunswick so they can participate in this program.

Possible Partners

Any group in the greater Edmundston region in the process of creating a work of art, such as workers in a factory or staff in a community health centre, or interested in enabling art to take shape in places it is not usually presented, such as a factory or church.

New Brunswick Regional Arts Funding Program, Greater Saint John

The New Brunswick Regional Arts Funding Program is a pilot program intended to increase the visibility of professional artists and artists' collectives in the greater Saint John region.

Deadline

April 1, 2009

Why This Program Matters

It provides funding to artists and artists' collectives in the greater Saint John region, it encourages partnerships and co-operative action in the community and it enables artists to contribute to their community, increase their visibility and develop their talents.

Details

The New Brunswick Regional Arts Funding Program is a partnership between the New Brunswick Arts Board; the Arts Development Branch of New Brunswick Wellness, Culture and Sport; Enterprise Saint John and the City of Saint John. The creative projects submitted for funding must involve partnerships and/or links with the community and must help connect artists with the public. Writers, literary translators and authors of literary fiction (novels, novellas, short stories and autobiographical fiction), poetry, children's literature or literary non-fiction (including essays, memoirs, anthologies or biographies written about the arts or literature) are eligible to apply, as are oral literature, including storytelling, performance poetry and other literary performances.

Self-published works, independently financed performances and works, scholarly publishing and academic research are not eligible. A writers' organization or recognized writer must sponsor a writer applying for funds to support a first title.

The New Brunswick Arts Board reserves the right to revise programs at any time without notice.

For more information, consult the New Brunswick Arts Board, 61 Carleton Street, Fredericton, NB, E3B 3T2, (506)444-4444 or 866-460-ARTS (2787), fax (506) 444-5543, website www.artsnb.ca.

Writer Opportunities

Writers from the greater Saint John region of New Brunswick could receive a grant of \$5,000, \$10,000 or \$15,000.

Association Opportunities

Associations can sponsor writers from the greater Saint John region of New Brunswick so they can participate in this program.

Possible Partners

Any group in the greater Saint John region in the process of creating a work of art, such as workers in a factory or staff in a community health centre, or interested in enabling art to take shape in places it is not usually presented, such as a factory or church.

Newfoundland and Labrador Arts Council Professional Projects Grant Program

The Professional Projects Grant Program offers financial assistance for the production costs and travel expenses to professional artists, including writers, to carry out work in their field.

Deadline

- Sept. 15, for projects starting on or after Nov. 15, 2009.
- March 15, for projects starting on or after May 15, 2010.

Why These Grants Matter

Writers can set aside income-producing efforts to focus on a specific piece of work that judges believe has literary merit.

Details

The Newfoundland and Labrador Arts Council Professional Projects Grant Program is open to artists in several artistic disciplines including writing. New artists with less than three years artistic practice post-education can request up to \$3,000. Established artists with more than three years can request up to \$7,500. Grant money supports the costs of a specific project including production, operating, travel and study costs not covered by a loan program. To be eligible, artists must have been residents of Newfoundland and Labrador a minimum of 12 months prior to applying, be 18 years of age or older or hold post-secondary standing. Application forms cannot be submitted electronically.

For application forms and/or more information contact the Newfoundland and Labrador Arts Council website at www.nlac.nf.ca, call (709) 726-2212 (toll free: 1-866-726-2212); fax (709) 726-0619; email nlacmail@nfld.net or write to the Newfoundland and Labrador Arts Council, P.O. Box 98, St. John's NL, A1C 5H5.

Writer Opportunities

Writers living in Newfoundland and Labrador could receive grants up to \$7,500.

Newfoundland and Labrador Arts Council Cultural Assistance Plan for Emergencies (CAPE)

The Cultural Assistance Plan for Emergencies (CAPE) assists artists who find themselves in need of emergency funding.

Deadline

No fixed deadline

Why This Program Matters

It helps artists, who frequently cannot get assistance due to self-employment status, with financial assistance during emergency situations that affect their work.

Details

CAPE is available to recognized cultural workers and practicing cultural workers who spend more than 50 percent of their time on culture related activity. Applicants must have resided in Newfoundland and Labrador a minimum of 12 months prior to applying. Accepted emergencies include severe illness either themselves or of immediate family, an accident resulting in inability to work or some other catastrophic incident.

For application forms and/or more information contact the Newfoundland and Labrador Arts Council website at www.nlac.nf.ca, call (709) 726-2212 (toll free: 1-866-726-2212); fax (709) 726-0619; email nlacmail@nfld.net or write to the Newfoundland and Labrador Arts Council, P.O. Box 98, St. John's NL, A1C 5H5.

Writer Opportunities

Writers living in Newfoundland and Labrador could receive financial assistance during an emergency.

Newfoundland and Labrador Arts Council Cultural Travel Fund

The Professional Artists Travel Fund covers travel expenses for artists to attend activities related to their discipline.

Deadline

No fixed deadline

Why This Program Matters

It helps artists with travel expenses.

Details

The Newfoundland and Labrador Arts Council Professional Artists Travel Fund supports travel expenses for a variety of activities including attendance at a major performance or exhibition of the artist's work; receiving an official national or international honour or award; unanticipated opportunities to work under an artist/teacher or to gain access to specialized equipment not available in Newfoundland and Labrador; participation as a resource person in a conference, gathering, symposium, seminar, or other event; or participation in international auditions or competitions. To be eligible, artists must have been residents of Newfoundland and Labrador a minimum of 12 months prior to applying, are recognized as practicing artists, make works available to the general public on a regular basis, earn a portion of their living from their work and demonstrate a long-term commitment to their discipline.

For application forms and/or more information contact the Newfoundland and Labrador Arts Council website at www.nlac.nf.ca, call (709) 726-2212 (toll free: 1-866-726-2212); fax (709) 726-0619; email nlacmail@nfld.net or write to the Newfoundland and Labrador Arts Council, P.O. Box 98, St. John's NL, A1C 5H5.

Writer Opportunities

Writers in Newfoundland and Labrador could receive up to \$1,500 to help cover such travel expenses as return air, bus, or train travel, and necessary local transportation costs.

Newfoundland and Labrador Arts Council School Touring Program

The Newfoundland and Labrador Arts Council offers the School Touring Program in partnership with the Department of Education. It provides professional artists and arts organizations with an opportunity to offer significant tours to schools throughout Newfoundland and Labrador while at the same time providing students with direct access to high quality artistic experiences.

Deadline

Deadline dates are set by the funder, the Newfoundland and Labrador Department of Education, after it confirms its budget for the next fiscal year.

Why This Program Matters

It creates links between artists and schools.

Details

The School Touring Program is open to all artistic disciplines, including writing. It offers \$100,000 at each grant session with a maximum grant per artist or organization being \$20,000.

A full grant requires at least 10 presentations (or seven if the tour includes one or more stops in Labrador or the south coast of the province). At least two thirds of the presentations must be in rural schools. Applicants must include workshops and/or enrichment activities with students as part of their visit to a school and presentations are for students only (not for the general public). Presentations must be designed for school audiences and be age appropriate.

Grants cover touring costs like travel, accommodation, per diems, artist and technician fees, tour administration, royalties and limited rehearsal. An artist or organization can receive only one School Training Program grant per school year.

For more information and application forms, check out the Newfoundland and Labrador Arts Council website at www.nlac.nf.ca or contact Ken Murphy, Program Manager, Newfoundland and Labrador Arts Council, P.O. Box 98 (1 Springdale St. The Newman Building), St. John's, NL A1C 5H5; Phone: 726-2212 (toll free 1 866 726-2212); Fax: 726-0619 or E-mail: kmurphy@nfld.net.

Writer Opportunities

Writers residing in Newfoundland and Labrador could receive funding to bring educational writing experiences to students.

Organization Opportunities

Writer groups based in Newfoundland and Labrador could set up collaborative projects to link artist

members with schools.

Possible Partners

Schools in the Newfoundland and Labrador K-12 system.

Newfoundland and Labrador Arts Council Visiting Artist Program

Supported by the Cultural Connections Strategy of the Newfoundland and Labrador Department of Education, the Newfoundland and Labrador Teacher's Association and the Newfoundland and Labrador Arts Council, the Visiting Artist Program (VAP) brings the province's art into schools through artists' talks, readings, performances, arts workshops with students and more.

Deadline

Schools must submit applications two weeks before artist is due in school.

Why This Program Matters

It creates links between artists and schools.

Details

The purpose of the visiting artist is to offer students contact with a practicing, professional artist. It is all about exploring art with an artist. The VAP offers a \$500 grant to cover the fees of an artist, or group of artists as well as a limited travel subsidy to schools that must bring an artist from outside their community (up to \$200 in Newfoundland and \$500 in Labrador to cover travel, per diem and accommodation costs for the artist only). Artists must be current residents of Newfoundland and Labrador. Any artist or group will only be supported for up to six VAP projects annually. The VAP program encourages schools to use artists from their local community whenever possible. Each grade configuration (K-3, 4-6, 7-9, 10-12) in a school can receive one VAP grant per school year and each visit must involve at least 10 students. Teachers or classes with current ArtsSmarts or Learning Through the Arts projects are not eligible for VAP funding.

For more information and application forms, check out the Newfoundland and Labrador Arts Council website at www.nlac.nf.ca or contact Ken Murphy, Program Manager, Newfoundland and Labrador Arts Council, P.O. Box 98 (1 Springdale St. The Newman Building), St. John's, NL A1C 5H5; Phone: 726-2212 (toll free 1 866 726-2212); Fax: 726-0619 or E-mail: kmurphy@nfld.net.

Writer Opportunities

Writers in Newfoundland and Labrador could receive funding to present readings, give talks or lead workshops with students in Grades K to 12 in Newfoundland and Labrador schools.

Possible Partners

Schools in the Newfoundland and Labrador K-12 system.

Northwest Territories Creative Development Fund

Creative Development Grants support personal creative growth of Northwest Territories artists in various disciplines, including writing and publishing.

Deadline

January 31, 2010

Why This Program Matters

Artists living in the Northwest Territories can get development support.

Details

The Northwest Territories Creative Development Fund is one of three programs offered by the Northwest Territories Arts Council. The council offers three levels of funding, namely requests up to \$5,000, requests between \$5,000 and \$10,000 and requests over \$10,000. In the discipline of writing and publishing, the council will support professional instruction or creative writing courses; workshop costs; any form of written work which develops the creative writing abilities of the applicant; proofreading, editing and manuscript review costs; self publishing to a maximum of \$5,000; office expenses and reading/presentation travel costs within the Northwest Territories. It will not support marketing or distribution costs, commercial publishing costs, genealogy or oral traditions projects, technical writing projects or ghost writing. To be eligible, writers must have been a resident of the Northwest Territories for at least two years prior to the deadline and be an emerging or established writer. Applications must be for a specific creative project, which must be completed by March 31 of the following year.

Guidelines and application forms are available at www.nwtartscouncil.ca. Sample budget sheets, proposal outlines and FAQ sheets are also available on request. For more information, contact the Community Programs Office: Phone: 867-920-6370 Fax: 867-873-0205; E-mail: boris_atamanenko@gov.nt.ca.

Writer Opportunities

Writers in the Northwest Territories could receive financial support for course fees and expenses in developing their careers.

Organization Opportunities

Writer organizations in the Northwest Territories can apply to have member training workshop costs covered.

Northwest Territories Creation and Production Fund

Creation and Production Grants support projects created by Northwest Territories artists in various disciplines, including writing and publishing.

Deadline

January 31, 2010

Why This Program Matters

It provides financial support to Northwest Territories artists for project expenses; organizations may apply for training workshop costs where Northwest Territories artists are directly involved.

Details

The Northwest Territories Creation and Production Fund includes three levels of funding for projects costing up to \$5,000, those costing between \$5,000 and \$10,000, and those costing over \$10,000.

In the discipline of writing and publishing, the council will support professional instruction or creative writing courses; workshop costs; any form of written work which develops the creative writing abilities of the applicant; proofreading, editing and manuscript review costs; self publishing to a maximum of \$5,000; office expenses and reading/presentation travel costs within the Northwest Territories. It will not support marketing or distribution costs, commercial publishing costs, genealogy or oral tradition projects, technical writing projects or ghost writing.

Applications must be for a specific creative project, which must be completed by March 31 of the following year. To be eligible, writers must have resided in the Northwest Territories for at least two years prior to the deadline and be an emerging or established writer. Guidelines and application forms are available at www.nwtartscouncil.ca. Sample budget sheets, proposal outlines and FAQ sheets are also available on request. For more information, contact the Community Programs Office at (867)920-6370, fax (867)873-0205 or e-mail boris_atamanenko@gov.nt.ca.

Writer Opportunities

Writers living in the Northwest Territories can receive artistic funding for projects.

Organization Opportunities

Writer organizations in the Northwest Territories can receive artistic funding for member projects.

Nunavut's Department of Culture, Language, Elders and Youth Culture and Heritage Funding

Nunavut's Department of Culture, Language, Elders and Youth Culture and Heritage Funding is available in a number of areas including the arts, culture and heritage, and culture and communications.

Deadline

Unspecified

Why This Program Matters

It offers financial assistance to community-based, non-profit organizations and individuals with projects that contribute to the preservation and/or promotion of various aspects of Nunavut including its culture and heritage.

Details

Nunavut's Department of Culture, Language, Elders, and Youth Culture and Heritage Funding is available in a number of areas including the arts, culture and heritage, and culture and communications. For those involved in the promotion, creation, presentation, appreciation or study of the arts in Nunavut, the maximum contribution for any single arts proposal is \$25,000. For those who want to undertake activities that foster the promotion and enhancement of culture and heritage in Nunavut, the maximum grant for any single culture and heritage proposal is \$15,000 and for any single culture and heritage initiative, the maximum grant is \$75,000. Communicators preserving, portraying or promoting the culture and heritage of Nunavut, the maximum grant for any single communications proposal is \$15,000 and for any single communications initiative proposal is \$50,000.

For assistance with grant applications contact the Department of Culture, Language, Elders and Youth, Box 1000, Stn. 800, Iqaluit, Nunavut, X0A 0H0, 866-934-2035, <http://www.gov.nu.ca/cley/english/cultfund.html>.

Writer Opportunities

Writers living in Nunavut engaged in a variety of arts and culture projects could receive funding.

Ontario Arts Council Arts Education Grants

The OAC Arts Education Grants cover travel expenses and other costs of artists' residencies, workshops and presentations in schools.

Deadline

October 1, 2009 and
March 1, 2010

Why This Grant Matters

It creates links between artists and schools.

Details

Projects that emphasize a wide range of activities and artists, those that serve remote or underserved communities, especially those in Northern Ontario and those that feature emerging art forms to those typically under-represented in schools.

For more information, contact the Ontario Arts Council, 151 Bloor St. W., Fifth Floor, Toronto, ON, M5S 1T6, or call Nasreen Khan at (416)961-1660 or 1-800-387-0058, ext 7428, email: nkhan@arts.on.ca, website www.arts.on.ca.

Writer Opportunities

Any Ontario-based Canadian professional artist can receive funding for a project geared to students of all ages from Junior Kindergarten to university.

Association Opportunities

Associations like PWAC could partner to set up a residency in its head office, in some of its chapters or perhaps a travelling writers' residence of some sort. A more likely project, however, could be the establishment of programs about copyright, media literacy and non-fiction literature that feature full-time working artists.

Possible Partners

Any educational institution recognized by the Ontario Ministry of Education and Training.

Ontario Arts Council Arts Grants

The OAC grants for writers provide a number of grants to writers who would like to complete literary projects.

Deadlines

- Between October 1, 2009 and February 15, 2010, depending on the publisher for writers' reserve
- June 15 and October 15, 2009 and February 15, 2010 for writers' works in progress
- December 1, 2009 for Chalmers Professional Development Grants beginning in May 2009 or later
- June 1, 2009 for Chalmers Arts Fellowships beginning in November 2009 or later; June 2010 for projects beginning in November 2010 or later
-

Why These Grants Matter

They provide economic sustenance for writers completing ambitious literary projects. In the case of the writers' reserve, they also create links between publishers and writers. The Chalmers Professional Development Grants fund mentorships, internships and other training while the Chalmers Fellowships create opportunities for writers with strong careers to explore new development.

Details

You are a professional writer by the OAC's definition if you have:

- at least one professionally published book for which you have a publishing contract and receive royalties or
- at least three separately published essays, short stories, poems or other work for which you have received payment.

The writers' reserve are research or living cost grants of up to \$2,000 open to professional writers interested in completing projects approved by an Ontario-based literary magazine or book publisher. Applications must be sent to the book and magazine publishers directly. Projects vary according to the magazine or book publisher involved. These organizations are called "recommenders" by the Arts Council. A list is available on the website. Recommenders must use 70% of their grants for writers they don't already have on their rosters. Writers can apply to several different recommenders, as long as they receive \$10,000 or less in total from the program and \$20,000 or less in total from the Arts Council.

The writers' works in progress grants offer up to \$12,000 for writers' living costs while completing a book-length project of poetry or prose. Writers can only apply or receive one such grant in any two year period.

The Chalmers Professional Development program funds up to \$10,000 worth of study, internship or mentorship, but does not include attendance at festivals, residencies, university or college study, private

lessons or coaching.

Established Ontario writers with more than three years experience and at least two published books can apply for Chalmers Arts Fellowships of up to \$50,000 to explore a new creative direction.

For more information, contact the Ontario Arts Council, 151 Bloor Street West, Fifth Floor, Toronto, Ontario, M5S 1T6, or call Nasreen Khan at (416)961-1660 or 1-800-387-0058, ext 7428, email: nkhan@arts.on.ca, website www.arts.on.ca.

Writer Opportunities

Any Ontario-based Canadian professional artist can receive funding for a literary project.

Prince Edward Island Creation/Production Program

Professional Creation/Production Grants support the creation of artistic projects by Prince Edward Island artists in a variety of disciplines, including writing and publishing.

Deadline

- April 30, 2009
- October 30, 2009

Why This Program Matters

Writers in Prince Edward Island can create artistic projects.

Details

Professional Creation/Production Grants are available biannually.

Senior professional artists are eligible for a maximum annual grant of \$5,000. Emerging professional artists are eligible for a maximum annual grant of \$3,000.

Applicants are eligible for one Creation/Production grant per year, and no more than \$10,000 over four years across the Prince Edward Island Council of Arts grant program.

Eligible costs include living expenses and direct project costs such as materials, supplies, pre-production research, documentation costs and equipment rental.

Applicants must be a resident of Prince Edward Island for a minimum of six months prior to the application deadline. Artists cannot apply for funding from both Prince Edward Island Council of the Arts and the Department of Community and Cultural Affairs.

Guidelines and application forms are available at <http://www.peiartscouncil.com/grants/>. All applicants are encouraged to contact the programs officer prior to submission to discuss eligibility and application requirements

For more information, contact Programs Officer, Laurie McBurney, at the PEICA office in Charlottetown weekdays 8:30-4:30, 115 Richmond St, lmcburney@peica.ca, (902)368-4410 or 1-888-PEI-ARTIST.

Writer Opportunities

Writers in Prince Edward Island could receive funding to create an original work.

Prince Edward Island Dissemination/Presentation Program

Professional Dissemination/Presentation Grants support opportunities for Prince Edward Island artists to present their works to the public, ideally in a critical and/or curatorial context in a variety of disciplines, including writing and publishing.

Deadline

- April 30, 2009
- October 30, 2009

Why This Program Matters

It offers financial support to Prince Edward Island artists to publicly present artistic works to increase access, understanding and appreciation of Prince Edward Island art.

Details

Senior professional artists are eligible for a maximum annual grant of \$1,200. Emerging professional artists are eligible for a maximum annual grant of \$1,000.

Eligible projects include tours, presentations, exhibits, performances, screenings, web presentations of original artworks, limited reproductions, publishing and translation.

Applicants must be a resident of Prince Edward Island for a minimum of six months prior to the application deadline.

Applicants are eligible for one Dissemination/Presentation grant per year, and no more than \$10,000 over four years across the Prince Edward Island Council of Arts grant program. Artists cannot apply for funding from both Prince Edward Island Council of the Arts and the Department of Community and Cultural Affairs.

Guidelines and application forms are available at <http://www.peiartscouncil.com/grants/>. All applicants are encouraged to contact the programs officer prior to submission to discuss eligibility and application requirements

For more information, contact Programs Officer, Laurie McBurney, at the PEICA office in Charlottetown weekdays 8:30-4:30, 115 Richmond St, lmcburney@peica.ca, (902)368-4410 or 1-888-PEI-ARTIST.

Writer Opportunities

Writers in Prince Edward Island could receive funding to present their work.

Prince Edward Island Professional Development Program

Professional Development Grants support the development of Prince Edward Island artists' careers in a variety of disciplines, including writing and publishing.

Deadline

- April 30, 2009
- October 30, 2009

Why This Program Matters

It provides financial support to Prince Edward Island artists for professional development and skill building activities that advance the artistic work and careers of eligible applicants.

Details

Senior professional artists are eligible for a maximum annual grant of \$1,200 while emerging professional artists are eligible for \$1,000. Amateur artists are eligible for a maximum annual grant of \$500 and arts managers are eligible for a maximum annual grant of \$750.

Applicants are eligible for only one Development Grant per year, and no more than \$10,000 over four years across the Prince Edward Island Council of Arts grant program. Artists cannot apply for funding from both the Prince Edward Island Council of the Arts and the Department of Community and Cultural Affairs.

Eligible costs include program costs, materials and supplies and travel expenses. Applicants must have resided in Prince Edward Island for a minimum of six months prior to the application deadline.

Guidelines and application forms are available at <http://www.peiartscouncil.com/grants/>. All applicants are encouraged to contact the programs officer prior to submission to discuss eligibility and application requirements.

For more information, contact Programs Officer, Laurie McBurney, at the PEICA office in Charlottetown weekdays 8:30-4:30, 115 Richmond St, lmcburney@peica.ca, (902)368-4410 or 1-888-PEI-ARTIST.

Writer Opportunities

Writers living in Prince Edward Island could receive funding to develop their careers.

Public Lending Right

Canada's statute about the Public Lending Right (PLR) came about as a result of Canada signing UNESCO's Belgrade Recommendation in 1980, which said that artists must be compensated for the use of their works, including the public lending of them.

As a result, the Public Lending Commission (www.plr-dpp.ca/PLR), a program that pays Canadian authors for the use of published books in libraries, was set up under the auspices of the Canada Council.

Deadline

May 1 annually

Why This Program Matters

The PLR Commission compares registered titles with the holdings of a sample of Canadian public libraries. Authors receive payments based on the percentage of the libraries that hold the work.

The program does not pay for the use of cookbooks, travel guides, practical manuals or other non-fiction works, even though libraries lend out many of these works.

Details

About 34 countries recognize a public lending right in their legislation, but only 22 have established systems so far. A website linking those systems is available at www.plrinternational.com.

The 19 national PLR systems fall into three broad categories: (a) copyright-based, (b) PLR as a separate remuneration right and (c) PLR as part of State support for culture. Canada's program falls into the second or third category. The UK has a similar program (www.plr.uk.com), although authors there do not have to retain copyright to be paid and practical manuals, etc. are not excluded from payment. Australia, Austria, Denmark, Estonia, Faroe Islands, Finland, Germany, Greenland, Iceland, Israel, Latvia, Lithuania, the Netherlands, New Zealand, Norway, Slovenia and Sweden all have similar programs. The only one with no restrictions on payment is Norway.

Within the European Union, the 1992 Directive on Lending and Rental Right established a copyright framework for the recognition of authors' lending rights by Member States, and by the 10 new states seeking membership of the EU in 2004.

Writer Opportunities

Authors who want to receive public lending right payments should register works with the commission.

Association Opportunities

Associations could publicize the program with members. The government also allows associations to

sponsor mailings.

Publishing Industry Support

The federal government offers four types of support to publishing entrepreneurs. It supports Canada's magazine sector with two programs: the Canadian Magazine Fund and the Publications Assistance Program (PAP), which lowers postal rates for magazines. It supports the book publishing industry with the Book Publishing Industry Development Program (BPIDP), which includes three facets: aid to publishers, collective initiatives and international marketing assistance. It also offers a Cultural Industries Development Fund for entrepreneurs working in book and magazine publishing, sound recording, film and video production and multimedia through the Business Development Bank of Canada. All four programs are run out of the Heritage Ministry (www.pch.gc.ca).

They also used to collaborate with the Royal Bank to offer loans to book publishers.

Despite multiple committee reports looking at media concentration, the only federally regulated media segments in Canada are broadcasting and satellites, through the CRTC.

Deadlines

- October 31, 2009 and April 1, 2010 for the Book Publishing Industry Development Program (BPIDP)
- October 31, 2009 and April 1, 2010 for the Canadian Magazine Fund
- Anytime for the Cultural Industries Development Fund, which is done through the Business Development Bank of Canada
- Anytime for the Publications Assistance Program (PAP)

Why These Programs Matter

Canadian publications represent the wide diversity of interests and regional strengths of Canadians, and are therefore a central reflection of Canadian culture.

Magazines are among the first venues that publish the stories of new Canadian writers and are critical to the development of Canadian literature—both fiction and non-fiction. Books provide opportunities for growth and development of a writer's career.

Details

Both the Canadian Magazine Fund (CMF) and the Publications Assistance Program (PAP) are critical in creating a vibrant environment in which magazines that support writers can flourish.

Both PAP and the CMF ensure that eligible magazines:

- Carry more than 80% Canadian content;
- Be produced in Canada, by Canadians and for Canadians;
- Rely on Canada for most of their sales—ensuring that the content of Canadian magazines is meaningful and relevant to Canadians;
- Maintain broad-based ownership and tremendous diversity to ensure a healthy variety of opinion, perspectives and issues; and

- Be available to all Canadians in all regions at affordable prices.

The current "treat writers well" criteria should be specified. Some things that could be done include:

- Magazines should pay writers promptly (within 30 days of acceptance, not publication) and offer fair contracts (licence-defined rights for a specified time period, no waiving of moral rights, no nonexclusive copyright clauses);
- Publishers should be required to provide documentation for editorial content expenses, just as they do with circulation;
- Funding should exist for only those publications that have a ratio of editorial/advertising content of at least 50/50. (Many magazines use a ration of 60% advertising content to 40% editorial and some magazines contain as much as 70% advertising content);
- Publishers should be obliged to track and increase their use of freelance contributions;
- Funding should be weighted in favour of magazines with a higher portion of their eligible editorial expenses devoted to the "purchase of rights" as separate and distinct from freelance costs and professional fees;
- Publishers should be required to show that the "purchase of rights" claim under eligible editorial expenses for a magazine include only the purchase of print rights; and
- Editorial content expenses should be broken down for the Web version of publications in the same way as they are for print versions to ensure that publishers report separate "purchase of rights" expenses for these projects.

Association Opportunities

The Collective Initiative section of the book program could be used by associations that publish books themselves or partner with publishers.

Possible Partners

Atlantic Magazines Association, Magazines Canada

Quebec Arts Council (Conseil des Arts et Lettres du Québec CALQ) Grants

The Artistic Research and Creation Grant provides up to \$25,000 in funding for any fiction or creative non-fiction that explores artistic and literary life, such as essays, anthologies and biographies, while career grants can go up to \$60,000.

The Development Grant provides up to \$9,000 for training sessions or mentoring.

Travel grants are available when a writer must go more than 400km away from home to promote work, accept an award or launch a book.

Deadline

- September 10, 2009
- travel grants available any time

Why this Program or Grant Matters

The CALQ grant not only provides writers with development resources, but also encourages the stories of artistic and literary life in Quebec to be told.

Details

The professional writer or storyteller must be a Canadian citizen or a landed immigrant as contemplated in section 2(1) of the *Immigration and Refugee Protection Act* and in both instances must normally reside in Québec and have resided there over the past 12 months.

The writer must have published at least one book or disseminated at least four different texts in a recognized professional context.

Evaluation criteria

- Quality of the literary work;
- Interest of the project in relation to the writer's or storyteller's approach and the development of the work;
- Interest of the project in relation to the literary genre;
- Contribution or influence of the writer in his community;
- Feasibility of the project and realism of the proposed budget.

Eligible expenses

- Living expenses up to a maximum of \$1,700 per month are granted to a writer, a storyteller or to each member of a group;
- research expenses;
- the leasing of specialized equipment;

- purchases of supplies required for the project;
- some travel expenses justified by the project;
- staying expenses (accommodation and meals) up to a maximum of \$125 per day in Canada and \$200 per day outside Canada, for a period of up to 15 days are granted to an individual writer or storyteller or to each member of a group. These expenses apply to each member of a group insofar as they do not exceed the grant's total amount;
- expertise expenses.

For information, refer to the CALQ website at www.calq.gouv.qc.ca or contact 500, place d'Armes 15e étage, Montréal (Québec), H2Y 2W2, (514)864-3350 or, toll-free 1 800 608-3350.

Writer Opportunities

Writers with two to 10 years of practice can apply for a grant of up to \$20,000; those with 10 years or more can apply for \$25,000; those with more than 20 years of experience can apply for career grants of up to \$60,000 over two years.

Possible Partners

Collaborative projects are acceptable.

Saskatchewan Arts Board Independent Artists Grant Program

The Saskatchewan Arts Board's Independent Artists Grant Program assists artists working on a creative project with living, project and travel expenses. The program is open to a variety of artistic disciplines including literary.

Deadlines

- October 1, 2009
- March 15, 2010

Why This Program Matters

The Saskatchewan Arts Board's Independent Artists Grant Program assists writers with expenses while they are working on creative projects. It supports the ongoing development of artistic practice in Saskatchewan and assists the board in fulfilling its mandate by supporting artists.

Details

Saskatchewan Arts Board's Independent Artists Grants are open to three levels of writers: mid-career, senior and emerging. There are four kinds of grants available. Creative grants of up to \$17,000 for established artists and \$6,000 for emerging artists assist artists working independently or collaboratively to create new work in any art form, or to develop and perform work. Creative grants may include professional development, research or travel components. Professional development grants of up to \$7,500 for established artists and \$4,000 for emerging artists assist artists to undertake study in a formal setting or through an informal arrangement such as an apprenticeship or mentorship. These grants are intended for professional artists who wish to take advantage of specialized professional development opportunities to advance their practice. Research grants of up to \$5,000 for established artists and \$2,000 for emerging artists assist artists to pursue research in the arts such as general research, independent research, and research on new techniques or new technologies. Travel grants of up to \$1,500 for established and emerging artists assist artists and individuals working in the arts to attend events or take part in activities that provide for discussion or presentation of their work, present a unique opportunity to enhance their careers or are of benefit to the arts in Saskatchewan. Eligible literary projects include children's and young adult literature, creative or literary non-fiction, fiction, literary criticism, playwriting and poetry.

For more information, contact the Saskatchewan Arts Board, 2135 Broad St., Regina, SK S4P 1Y6, (306)787-4056, 800-667-7526, www.artsboard.sk.ca.

Writer Opportunities

Writers living in Saskatchewan could receive living, project and travel expenses while working on a creative project.

Saskatchewan Arts Board Travel Grants

The Saskatchewan Arts Board's Travel Grants provide funding to Saskatchewan artists for out-of-province travel.

Deadline

No specific deadline

Why These Grants Matter

The travel grants assist Saskatchewan artists with out-of-province travel for opportunities to attend events or participate in activities that provide recognition, discussion or presentation of an artist's work; present a unique opportunity for career development; or benefit the arts and artistic practice in Saskatchewan.

Details

Saskatchewan Arts Board's Travel Grants are available in literary, media, multidisciplinary, performing, criticism or visual arts disciplines. Grants can assist with transportation and/or accommodation and meal costs of up to \$100 per day, to a maximum value of \$500 per individual artist. Applicants are eligible for only one travel grant in any 12-month period. Applicants must be practicing artists who have lived in Saskatchewan for at least 12 months, who work independently and who can demonstrate a history of publication. Students are not eligible. Applicants should discuss eligibility, program and application requirements with the appropriate program consultant as soon as they become aware of travel opportunities.

For more information, contact the Saskatchewan Arts Board at 2135 Broad Street, Regina, SK S4P 1Y6; Phone: (306) 787-4056 or 1-800-667-7526 (Saskatchewan); Fax: (306) 787-4199 or check out its website: www.artsboard.sk.ca.

Writer Opportunities

Writers living in Saskatchewan could receive up to \$500 towards out-of-province travel.

Self-Operated or Sole Proprietorship Registration

Most writers operate as self-operated or sole proprietorships. As such, they make all their own business decisions, earn all their own profits, and assume all their own risks and obligations, including all business liabilities and losses.

Deadline

No set deadline

Why This Program Matters

Business registration puts writers into a professional business mindset, something that can be helpful, particularly for artists.

Details

Writers who operate under a name other than their own are required to register their businesses with the appropriate provincial department. It takes from two to 10 days to register a business and costs:

- Alberta, \$26.06
- British Columbia, \$40
- Manitoba, \$45
- New Brunswick, \$112
- Nova Scotia, \$55
- Ontario, \$60
- Prince Edward Island, \$60
- Quebec, \$50.06
- Saskatchewan, \$55
- Yukon Territory, \$25

Writers who make more than \$30,000 a year must also register to collect GST and PST.

Those with employees must apply for a payroll tax number.

Those that plan on importing or exporting goods need appropriate tax numbers.

All income and expenses of the business are declared on a personal tax return.

Writer Opportunities

Writers with registered businesses are also informed about government programs directed to small businesses.

Association Opportunities

Associations can partner with various government departments to offer services to registered businesses in the writer industry.

Appendices

Appendix A: Non-profit Organizations Interested in Writer Issues

- Access Copyright, The Canadian Copyright Licensing Agency, 1 Yonge St., Suite 800, Toronto, ON M5E 1E5, (416)868-1620, 800-893-5777, fax (416)868-1621, www.accesscopyright.ca.
- Alliance of Canadian Cinema, Television and Radio Artists (ACTRA Performers' Rights Society), 625 Church St., Suite 300, Toronto, ON M4Y 2G1, (416)489-1311, 800-387-3516, fax (416)489-1040, www.actra.ca.
- *l'Association des journalistes indépendants du Québec* (AJIQ), 1124, rue Marie-Anne est, bureau 12, Montréal (Québec) H2J 2B7, (514)529-3105, www.ajiq.qc.ca.
- Atlantic Journalism Awards (AJAs), c/o 6175 Almon Street, Halifax NS B3K 5N2, (902)425-2727, www.ajas.ca.
- Atlantic Magazines Association (AMA), c/o Atlantic Magazines Association, Metro Guide Publishing, 1300 Hollis Street, Halifax, NS B3J 1T6, www.atlanticmagazines.ca
- Book and Periodical Council (BPC), 192 Spadina Ave., Suite 107, Toronto, ON M5T 2C2, (416)975-9366, fax (416)975-1839, www.bookandperiodicalcouncil.ca.
- Canadian Artists Representation - Le Front Des Artistes Canadiens (CARFAC), 2 Daly Ave., Suite #250, Ottawa, ON K1N 6E2, (613) 233-6161, www.carfac.ca.
- Canadian Arts Presenting Association (CAPACOA), 17 York, #200, Ottawa, ON K1N 9J6, (613)562-3515, www.capacoa.ca.
- Canadian Association of Journalists (CAJ), Algonquin College, 1385 Woodroffe Avenue, B224, Ottawa, (613)526-8061, www.caj.ca.
- Canadian Association of Photographers and Illustrators in Communications (CAPIC), 55 Mill St. Case Goods Bldg. 74, Suite. 302, Toronto, ON, M5A 3C4, (416)462-3677, 888-252-2742, www.capic.org.
- Canadian Authors Association (CAA), Canadian Authors Association, 320 South Shores Rd., PO Box 419, Campbellford, Ontario K0L 1L0, (705)653-0323, (866)216-6222, www.canauthors.org.
- Canadian Bookbinders and Book Artists Guild (CPGAG), Canadian Bookbinders and Book Artists Guild (CBBAG), Suite 112, 60 Atlantic Ave., Toronto, ON M6K 1X9, (416)581-1071, www.cbbag.ca.
- Canadian Conference of the Arts/Conference Canadienne Des Arts (CCA), 804 - 130 Albert St., Ottawa, ON K1P 5G4, (613)238-3561, fax (613)238-4849, info@ccarts.ca, www.ccarts.ca.
- Canadian Dance Assembly/L'assemblee Canadienne De La Danse (Dance Canada), Canadian Dance Assembly L'Assemblée canadienne de la danse. 55 Mill St., Suite 312, Case Goods Building, Toronto, ON, M5A 3C4, (416)515-8444, www.dancecanada.net.
- Canadian Federation of Independent Business (CFIB) 99 Metcalfe St., Suite 1202, Ottawa, ON K1P 6L7, (613)235-2373, www.cfib.ca.
- Canadian Freelance Union (CFU), c/o Communications, Energy and Paperworkers Union of Canada, 301 Laurier Ave. W., Ottawa Ontario K1P 6M6, 877-230-5201, www.cepmedia.ca/freelance, www.cfunion.ca.
- Canadian Journalists for Free Expression (CJFE), 555 Richmond St. West, Suite 1101, PO BOX 407 Toronto, ON M5V 3B1, (416)515-9622, www.cjfe.org.
- Canadian Media Guild (CMG), 310 Front St. W., Suite 810, Toronto, ON M5V 3B5, (416)591-5333, 800-465-4149, www.cmg.ca.

- Canadian Network Of Dance Presenters (Candance) - *Candanse Le Reseau Canadien Des Diffuseurs De Danse*, 55 Mill St., The Case Goods Building 74, Suite 304, Toronto, M5A 3C4, (416)204-1082, www.candance.ca.
- Creators' Copyright Coalition (CCC), C/O The Writers' Union of Canada, 90 Richmond St. E., Suite 200, Toronto ON M5C 1P1, (416)703-8982, www.creatorscopyright.ca.
- Creators' Rights Alliance (CRA), Section québécoise, 187, rue Sainte-Catherine Est, 3e étage, Montréal, Québec H2X 1K8, (514)596-3705; Canadian Caucus, c/o The Writers' Union of Canada, 200-90 Richmond St. E., Toronto, ON M5C 1P1; Indigenous Peoples' Caucus, 509-1500 Howe St., Vancouver, BC V6Z 2N1, (604)488-1250, www.cra-adc.ca.
- Dancer Transition Resource Centre (DTRC)/*Centre De Ressources Pour Danseurs en Transition* (CRTD), The Lynda Hamilton Centre, 250 The Esplanade, Suite 500, Toronto, ON M5A 1J2, (416)595-5655, 800-667-0851, www.dtrc.ca, www.crttd.ca.
- Democracy Watch, P.O. Box 821, Station B, 1 Nicholas St., Suite 1210, Ottawa, Canada K1P 5P9, (613)241-5179 www.dwatch.ca.
- Documentary Organization Of Canada (DOC)/*Documentaristes Du Canada*, 215 Spadina, Suite 126, Centre for Social Innovation, M5T 2C7, (416)599-3844, 877-467-4485, www.docorg.ca.
- Editors' Association of Canada (EAC), 505-27 Carlton St., Toronto, ON M5B 1L2, (416)975-1379, 866 CAN-EDIT, www.editors.ca.
- European Writers' Congress (EWC), www.european-writers-congress.org.
- *Fédération professionnelle des journalistes du Québec* (FPJQ), 1012, avenue Mont-Royal Est, Bur. 105, Montréal (Québec) H2J 1X6, (514)522-6142, www.fpqj.org.
- International Association of Business Communicators (IABC), One Hallidie Plaza, Suite 600, San Francisco, CA 94102 USA, (415)544-4700, 800-776-4222, www.iabc.com.
- International Federation of Journalists (IFJ), IPC-Residence Palace, Bloc C, Rue de la Loi 155, B-1040 Bruselas, BELGIUM, 32-2-235 22 00, www.ifj.org.
- International PEN, Brownlow House, 50 - 51 High Holborn, London WC1V 6ER, www.internationalpen.org.uk.
- League of Canadian Poets, 920 Yonge St., Ste. 608, Toronto, ON M4W 3C7, (416)504-1657, www.poets.ca.
- Magazine Association of Canada (Magazines Canada), 425 Adelaide St. W., Ste. 700, Toronto, ON, M5V 3C1, (416)504-0274, www.magazinescanada.ca.
- Opera.ca, 405-174 Spadina Ave., Toronto, ON, M5T 2C2, (416)591-7222, www.opera.ca.
- PEN Canada, Suite 301 24 Ryerson Avenue Toronto, ON M5T 2P3, www.pencanada.ca.
- Professional Writers Association of Canada (PWAC), PWAC National Office, 215 Spadina Ave., Suite #123, Toronto ON M5T 2C7, (416)504-1645, www.pwac.ca, www.writers.ca.
- Playwrights Guild, 54 Wolseley St., 2nd Floor, Toronto, ON, M5T 1A5, (416)703-0201, www.playwrightsguild.ca.
- Society of Composers, Authors and Music Publishers of Canada (SOCAN), 41 Valleybrook Dr., Toronto, ON M3B 2S6, (416)445-8700, 800-557-6226, www.socan.ca.
- *la Société québécoise de gestion collective des droits de reproduction* (COPIBEC), 1290, Saint-Denis Street, 7th Floor, Montreal, Quebec, H2X 3J7, (514)288-1664, 800-717-2022, www.copibec.qc.ca.
- Songwriters Association of Canada (SAC), 26 Soho St., Suite 340, Toronto, ON M5T 1Z7, (416)961-1588, 866-456-7664, www.songwriters.ca.
- Society of American Travel Writers (SATW), 7044 South 13 St. Oak Creek, WI 53154,

- (414)908-4949, www.satw.org.
- Society for Technical Communication (STC), 901 North Stuart St., Suite 904, Arlington, Virginia 22203, U.S.A., (703)522-4114, stc.org.
 - Theatre Canada (formerly the Canadian Amateur and Educational Theatre Association/Association Canadienne Du Theatre Amateur et Scolaire), (519)271-5302, www.theatrecanada.org.
 - The Writers Union of Canada (TWUC), 90 Richmond St. E., Suite 200, Toronto ON M5C 1P1, (416)703-8982 or Box 45052, Ocean Park RPO, Surrey, BC, V4A 9L1, (604)535-8288, www.writersunion.ca.
 - Travel Media Association of Canada (TMAC), 255-55 St. Clair Ave. W., Toronto, ON M4V 2Y7, (416)934-0599, travelmedia.ca.
 - *L'Union nationale des écrivains et écrivaines du Québec* (UNEQ), 3492, avenue Laval, Montréal (Québec), H2X 3C8, (514)849 -8540 or 888-849-8540, www.uneq.qc.ca.
 - United Nations Educational, Scientific and Cultural Organization (UNESCO), 7, place de Fontenoy, 75352 Paris 07 SP France; 1, rue Miollis, 75732 Paris Cedex 15, France, 33 (0)1 45 68 10 00, www.unesco.org.
 - Writers Guild of Canada (WGC), 366 Adelaide Street W., Suite 401, Toronto, ON, M5V 1R9, (416)979-7907 or 800-567-9974, www.writersguildofcanada.com.
 - World Intellectual Property Organization (WIPO), 34, chemin des Colombettes, PO Box 18, CH-1211 Geneva 20, Switzerland, 41-22 338 9111, www.wipo.org.

Appendix B: PWAC's Copyright Kit

Careful management of your copyright is one of the keys to making a living as a freelance writer. Helping you to understand your rights is what this copyright kit is all about. The kit contains four parts:

- Introduction
- Copyright basics: a few facts about licensing work to print and electronic publishers
- Protecting your rights: tips on protecting copyright
- Copyright tools: sample letters confirming an assignment and a standard freelance publication agreement

Introduction

Copyright is the exclusive right to produce, reproduce, perform or publish a work. In Canada, copyright exists automatically in an original work as soon as the work is created, without any registration required.

Under international agreement, copyright in literary works lasts for the author's lifetime, plus at least 50 years. Copyright is considered "intellectual property" and can be bought, sold, assigned, even included as a part of a will to be passed on to heirs.

Who owns copyright to work written by freelancers?

The freelancer owns the copyright to all his/her work unless the copyright to the work is "assigned" to someone else by written agreement. Canadian law holds that in the absence of a signed agreement to the contrary, the only right being licensed to someone purchasing a work from a freelancer is "first Canadian rights." This means simply that the purchaser is licensing the right to publish the work a single time in Canada in print form.

It is important to note that all electronic media use of a freelancer's work requires specific contractual agreements between the freelancer and the purchaser. Electronic uses of freelance work are not covered under the standard assignment of rights contained in the "first Canadian rights" convention that generally governs work acquired without a written agreement. Any written agreement should clearly delineate what rights are or are not being licensed to the client by the freelancer.

If you write it, you own it: why writers need copyright

Whether you write for traditional print publications or new electronic media, understanding copyright is vital to your business. Copyright ownership over your work is the only reason you are paid for the original and subsequent uses of your work. A good understanding of how copyright works will give you greater control over the work you own, help you to earn more money from it, or explain why you aren't earning enough.

The Canadian Copyright Act contains most of what you need to know about copyright. Some pertinent sections and what they mean to you follow.

The most important section, from a freelance writer's point of view, states that you own everything you write.

Section 13.(1) says, "...the author of a work shall be the first owner of the copyright therein." This means that, once you write something, you own it. Copyright comes into existence from the moment a work is expressed in writing. You don't have to register it, publish it or even intend it for publication. The 2006 Supreme Court of Canada decision in *Heather Robertson et al v. Thomson Corp. et al* makes strong confirmation of this ownership right and its relationship with fair payment when it states:

"The central issue on this appeal is whether newspaper publishers are entitled as a matter of law to republish in electronic databases freelance articles they have acquired for publication in their newspapers — without compensation to the authors and without their consent. In our view, they are not."

The entire SCC decision is at: <http://scc.lexum.umontreal.ca/en/2006/2006scc43/2006scc43.html>

A second important section of the Act is one that allows you to license your work to someone else for publication.

Section 13.(4) says, "The owner of the copyright in any work may assign the right, either wholly or partially, and either generally or subject to limitations relating to territory, medium or sector of the market or other limitations relating to the scope of the assignment, and either for the whole term of the copyright or for any other part thereof, and may grant any interest in the right by licence, but no assignment or grant is valid unless it is in writing signed by the owner of the right in respect of which the assignment or grant is made, or by the owner's duly authorized agent."

Copyright Basics

Copyright gives you a time-limited right to determine how others may use your writing. In Canada, copyright control over a work continues for the lifetime of the author (you), plus 50 years. This means that should you write what turns out to be a very marketable and valuable document, you will be able to control that work and derive economic benefit from it for your entire lifetime. Your children and/or estate will then continue to benefit from your brilliant work for another 50 years. At the end of those 50 years, your work joins what is known as "the public domain," a vast collection of human knowledge and creative work from which all of society (including researching freelance writers) draw immense benefit.

As a freelance writer, the best way to derive the greatest economic reward from copyright is to license one individual work to many non-competing publishers. While there is only one copyright in any given work, that copyright is a bundle of different rights and may be divided as you like. This section describes how to do that. When you license your work to any publisher, a contract or letter of agreement is used to spell out the details.

Some clients offer contracts that, when signed, mean that you automatically assign or transfer ALL copyright to them. The federal and provincial governments demand copyright ownership of material written for them under their direction or control, although it is possible to negotiate otherwise. Corporate clients often want all copyright. If you agree to relinquish all copyright for a written work,

you should expect to be paid more, because you will no longer be able to earn money from its resale.

If you're a staff writer, your employer usually owns your copyright, although this too is open to individual negotiation. If you work on staff at a magazine or newspaper that owns your copyright, you still retain the right to restrain your employer from publishing a specific piece otherwise than as part of a newspaper, magazine or similar periodical, unless you are subject to an employment agreement that says otherwise.

If you want to make the most of your copyright, resist selling, licensing or transferring all copyright to your work. Even when you wish to license numerous rights simultaneously, resist lumping them together in a blanket contract for a single fee. Negotiate each right independently to ensure that your clients pay for the uses of each one, and to maintain the understanding that each usage right belongs naturally to you, the original creator.

Print Rights

Print rights once covered all publications that existed. Even then, before the age of electronic rights, there were beneficial ways of carving up your copyright to increase your earnings. Many of these methods still apply. Copyright can be divided into two basic types by time (sequential rights) and territory (geographic rights).

Sequential rights include first and second rights. A "first right" means your client is licensing the right to publish a story first - something that's very important to some publishers. A "second right" covers any publication after the first time.

Geographic rights limit the publication of a work to a specific area and usually only apply to a "first right." Geographic rights can expand as far as "galactic rights" or be specific to an individual city. Usually, a geographic right limits publication to a continent or a country. You could sell the same story to three different publishers by licensing "first Canadian rights," "first US rights" and "first European rights."

It was once common to license "serial rights," but this language should now be avoided. A serial right traditionally covered the right to publish in a periodical or "serial" publication, but the word "serial" has come under legal scrutiny with the advent of electronic publishing. Some publishers argue that serial rights expand beyond print publication and include electronic database or World Wide Web rights. The Supreme Court of Canada has settled this question for the most part, but to avoid possible confusion, it is better to specify "print rights only," if you intend to limit the licence to print publication only.

In some instances, particularly when licensing second rights, it is better to use language that avoids questions of geography and first or second rights. In this case, you could simply license "one-time print rights." This licence grants the publisher the right to use your work once, only in print. This way, you can sell the same article to a number of newspapers simultaneously, just as a syndicated columnist does, or perhaps sell "second rights" without explaining where the work has previously appeared unless you are asked. Be aware that it is unethical to license rights to the same story to publications who compete for the same readers. PWAC recommends writers always represent their work and copyright in the most professional and ethical manner.

Electronic Rights

Many magazines and newspapers publish electronic versions of their publications via the Internet. Publishers also sell or sub-license their content to a variety of commercial databases.

Writers deserve to earn a fair return for their work, no matter how it is used. Publishers often complain that they're making no money from electronic publishing. Whether or not this assertion is true in a particular instance, it is not a legitimate reason to offer little or nothing to the writer. These same publishers pay for the computer, Web designers, Internet space, etc. Writers should not be expected to subsidize new business models for publication.

Avoid blanket all-rights clauses that effectively transfer your entire bundle of rights. You may wish to licence all uses if the compensation for doing so is very good, but it is best to be specific about these uses. If you are licensing Web rights, limit where your work may be used, preferably identifying the specific Web sites where your work may appear, otherwise you may find it used anywhere on the Internet. Identify the particular database or databases to be covered by the licence you are granting. Finally, put a time limit on the licence. Consider licensing the work for the shelf life of a periodical - three months for a quarterly, for example. A one-year licence is also common.

To reiterate, the two basic rules of electronic-rights licensing are: be specific and put a time limit on it.

Be vigilant in watching for violations of your copyright. Regular searches of the Internet will often turn up copyright violations, and these should be firmly and politely challenged, with an offer to negotiate usage rights, or a request for the unauthorized usage to cease.

Protect Your Rights

The best way that you can protect your copyright is to ensure that the terms of your licences are put into a written agreement and included on invoices that clients receive before your work is published.

Get It In Writing

Negotiating an agreement that is clearly understood by you and your client is key to protecting your rights.

ALWAYS send a letter to the client outlining all of the salient points of your agreement. This way, any discrepancies between your understanding and your client's understanding can be discussed and straightened out before work on a project begins.

Whenever possible, use PWAC's "Standard Freelance Publication Agreement." It ensures that the points you need to clarify are fully documented.

Large companies often issue purchase orders. These should be checked for terms and conditions concerning copyright and amended if necessary.

Always include your terms regarding copyright on your invoices and ensure that clients receive invoices before you receive payment for your work and prior to publication. Preferably, you should include an invoice with your work when delivering it to the client. If a publisher responds by paying

the invoice and publishing the article, then a dispute later arises, you'll be able to argue that the publication agreed to your terms or they wouldn't have published the article.

One example of the type of copyright terms that could appear on your invoice:

“copyright terms: one-time Canadian print rights in English only. If the article is not published within 12 months of delivery, all rights licensed revert to the writer without penalty or cost. All other rights reserved by author.”

Copyright Tools

As a writer, you should protect your copyright through a written contract or through a letter confirming your assignment that you prepare yourself. Either document should specify several important clauses outlined below.

Licence Details

Licences usually include a combination of regions, formats and lengths of times. The more specific and limited these are, the better chance you have of relicensing second rights or receiving additional payment.

Examples include:

- First Canadian print rights only
- or First North American print rights only
- or One- time print rights (this applies globally)
- or One-time CD-ROM rights (this applies globally).
- Right to publish on the Website [URL], from [date] to [date]
- Right to publish on the Website [URL] for [period of time]. Please inform me on what date you initiate this licence.
- Right to publish in the archive portion of the Website [URL] for one year. This licence may be renewed annually for a payment of [amount]. If I wish to terminate this licence, I will give notice at least one month before the licence is due to expire.
- Right to store on the database [name] for [period of time]. Please inform me on what date you will initiate this licence.
- Right to store on the database [name] for one year. This licence may be renewed annually for a payment of [amount]. If I wish to terminate this licence, I will give notice one month before the licence is due to expire.

Optional Clauses

Several optional clauses in contracts or letters of agreements specify how an article will be delivered and accepted and whether the author or publisher has other rights or responsibilities. Several samples follow.

Delivery and Acceptance

I will deliver the article to you in [hard copy, by email] in [insert computer program] format.

Please notify me within 10 days of my delivery of the article whether the article is acceptable or requires revision. If I do not hear from you in this time, I will consider that the article is accepted.

I will be pleased to provide up to [insert number] rewrites, as reasonably requested.

Please forward a copy of any editorial changes that you make to the article in time for me to review prior to publication.

If the article is unacceptable and you believe that rewriting cannot make it acceptable, you will pay me a kill fee of 50% of the total fee. If the article is not published for any other reason you will pay the entire fee. In either instance the rights will revert back to me if it is decided that you will not publish the article or haven't published it within 12 months of delivery.

Payment

Payment will be made within [number] days of [publication/acceptance]. After this date interest of [percentage]/month will be charged.

Copyright

My copyright notice should appear at the bottom of the article as follows: Copyright © Jane Q. Scribe, [Company], 20__.

If you do not publish the article within 12 months of delivery, all rights to the article will revert to me.

You may store the article on your database for legal reasons only, including documenting the assignment (in other words, the article is not available to the public).

I retain all other rights to the article, including photocopying and other reprography, database, CD-ROM and all other electronic rights.

If in the future you wish to use the article in any way other than is allowed by the licence agreed to in this letter, I will be pleased to negotiate terms with you at that time.

Legal

I will alert you if there is anything in the story that I think might present legal risks. In the event of a libel action, I will support the magazine morally and co-operate with the defence. You will be responsible for hiring a lawyer to review the story and for paying for my defence, if necessary. If advisable, you will provide a separate lawyer for me.

Expenses

You will reimburse me for expenses I have in completing this assignment. These expenses [may or will] include [travel, telephone, meals, accommodation].

General

The terms outlined in PWAC's Standard Freelance Publication Agreement shall apply.

Sample Letter Confirming Assignment

In the absence of any other document, send a version of this letter to your editor or publisher when you receive an assignment. While not as strong as a letter of agreement or contract signed by both you and the Editor or Publisher, it will be evidence of a written record of the agreement between you.

The letter is written in a format that allows for flexibility in different situations. The main body of the letter, as written, outlines a bare bones freelance writing assignment. (Of course if you can get the Editor or Publisher to add his or her signature following yours at the end of your letter, you will have a letter of agreement and will be in a better position.)

Dear [editor/publisher]

Thank you for this opportunity to write for [name of publication]. I am writing to you to confirm the details of this assignment.

I will write a [length] article on [description of article]. Deadline for the article is [date]. Payment will be [amount per word/flat fee/amount per hour] and will be made on [acceptance/publication]. This payment will be for a license of [licence details].

If you have any concerns about this description of the assignment, please contact me immediately as I will be starting work right away.

[Add optional clauses as appropriate]

Looking forward to working with you.

Sincerely,

[writer]

More information about copyright

Read the Canadian Copyright Act, which can be found at: <http://laws.justice.gc.ca/en/C-42>.

Contact PWAC's National Office at 215 Spadina Ave, Suite 123, Toronto, Ontario, M5T 2C7; phone(416) 504-1645; e-mail info@pwac.ca.

REMEMBER: You wrote it; therefore you own it.

Appendix C: Copyright Reform Brief, 2001

The Periodical [now Professional} Writers Association of Canada (PWAC) Response to the Government Copyright Reform Launched Jointly by the Copyright Policy Branch of the Department of Canadian Heritage and the Intellectual Policy Directorate of Industry Canada on June 22, 2001.

Prepared for September 15, 2001

Subject: Response to the Government Copyright Reform Launched Jointly by the Copyright Policy Branch of the Department of Canadian Heritage and the Intellectual Policy Directorate of Industry Canada on June 22, 2001

The Periodical [now Professional} Writers Association of Canada (PWAC) represents more than 525 independent professional writers who earn their living by contributing to magazines, newspapers and other periodicals, in print and on-line. Our members are self-employed entrepreneurs, each of whom operates his/her own small business. PWAC members are talented professional writers with a proven record in publishing (to be eligible for PWAC professional membership, a writer must have a substantial body of published work). Our members make an important contribution to Canada's periodical industry. They add diversity to the voices in Canadian newspapers and play a central role in telling Canadian stories to Canadians and to the world. Our ability to assert our copyright is essential to enable us to earn our living. Since all PWAC members frequently refer to copyright material and the public domain to create their stories, however, our concern for protecting copyright is balanced by an equal concern for protecting access for researchers.

PART I summary of PWAC's response to the Government's three consultation papers on copyright reform

PWAC offers 15 specific recommendations that we feel will bring the Copyright Act up to date and clarify the 'market rules' surrounding the use of digital rights. These recommendations are bulleted and highlighted in bold throughout the document.

A framework for copyright reform

PWAC agrees that Canada's copyright law must promote both the creation and the dissemination of works, and that the law must be updated to ensure that Canadians' works are protected and internationally available. We recognize the urgent need for new international standards of copyright protection in a world in which copyright legislation has not kept pace with the challenges that are arising from rapid technical developments, particularly in the field of digital communication.

PWAC supports the ratification of the two WIPO treaties concluded in 1996 and signed by Canada in 1997, and we recognize that the copyright reform process has been scheduled to make that possible.

We also look forward to responding to similar consultation papers on other issues of concern to us, including:

- Access issues

- Database protection
- Government as owner and user of copyright works
- Rights management in an on-line environment
- Technology-enhanced learning
- Term of protection
- Traditional knowledge and folklore
- Transitional period for unpublished works (section 7).

Consultation paper on the application of the Copyright Act's compulsory retransmission license to the internet

In a digital age, we do not feel that Canada's Copyright Act is specific enough to prevent misunderstandings when it comes to an author's work being transmitted via satellite, the Internet and other transmission vehicles, especially in cases where authors are members of a creative team putting together multimedia presentations and other compilations.

If the compulsory license of the retransmission scheme in the Copyright Act is extended to the Internet, authors must share in the revenues from tariffs attributable to works by them.

Consultation paper on digital copyright issues

Of the three Consultation Papers the government released on June 22, 2001, this paper raises issues that are of the most concern to PWAC. A detailed response to the Paper will follow this summary of our main concerns regarding Digital Copyright Issues. PWAC agrees that the revolutionary changes in digital technology over the past decade represent important opportunities for Canadians to share their stories with each other and with people throughout the world. The members of PWAC, as writers of works in the short form, are ideally suited to working in the digital environment as it exists today. In fact, our association is at the forefront of using these new technologies to provide new services for our members.

We have found, however, that the rapid change of technology has created imbalances in the industry, which limit the ability of independent creators to profit from their copyright materials.

- The first is an imbalance between copyright owners and educational institutions, archives and libraries.
- The second is an imbalance between independent copyright owners and large corporations that purchase copyright licenses.
- The third is that some of our members who have sought international markets have been uncertain about their rights and have been unsure how to seek redress when they felt that their copyright was infringed.

Imbalance between copyright owners and copyright users

We agree that some of the exceptions the Canadian Copyright Act currently provides to educational institutions, archives, and libraries are necessary. However, we do not believe that these rights should be subsidized by writers, especially when a collective society, CanCopy, exists to handle licensing and remuneration. Also, most of these exceptions do not specify or limit the use of digital technologies, and therefore create a misunderstanding about what might be acceptable given the ease of transmitting

entire texts to large numbers of people.

As researchers, we support some fair dealing and exceptions, but would like exceptions limited to those situations that arise when the material is otherwise unavailable under license from a collective society. Authors should be granted a specific ‘making available’ right, to make it clear that they have the exclusive right to make works available to the public, including the right to make work available on an on-demand basis to individual users.

We support a ‘making available’ right in the Copyright Act that is specific enough so that all creators can charge appropriate fees for their work.

Imbalance between independent copyright owners and large corporations that purchase copyright licenses

We believe that because the Copyright Act is not specific regarding digital rights, this has led Canada’s largest publishing firms to use creators to subsidize their on-line efforts. The ease of transporting content digitally from one format into another has led traditional publishers to believe that they are not required to license new digital uses at fair value, despite the willingness of these publishers to compensate the web designers, Internet service providers and database companies that make such transitions possible. This problem is particularly difficult for freelance writers who must negotiate new agreements to cover the digital use of copyright material with traditional publishers. Publishers are demanding sweeping licenses for digital use of material with little or no remuneration and will withdraw contracts for print assignments if digital licenses are not provided. Freelance writers thus find themselves forced to give away the opportunity to profit from digital licenses in order to maintain their traditional revenues from print licenses. Staff creators also suffer from this imbalance. Unlike freelance writers, however, staff writers benefit from unions that ensure that writers receive benefits, salaries and bonuses in proportion to the value of the new digital uses made of their work.

We recommend several changes to the Copyright Act that would help protect all creators:

- Digital transmissions must be identified in the Act as specific new uses.
- The Act must be sufficiently clear to enable writers to obtain fair remuneration for each new digital use. Possible examples of usage include web pages, web books and database inclusion.
- The Act must be sufficiently clear to force fair remuneration for any digital transmission that follows any reformatting of content.
- We support clauses in the Copyright Act creating new obligations concerning technological measures and rights management information, which will help prevent copyright infringement.
- We support specific clauses that would prohibit the manufacture and sale of infringement devices.
- We support clauses in the Copyright Act to specify the use of rights management information, including a clause that creates sanctions for anyone knowingly providing false rights management information.

Freelance writers are now taking some of Canada’s largest publishing companies to court to seek redress for copyright infringement that began with the digital age. These large companies have responded to the lawsuits by offering contract terms that supersede the spirit of the Copyright Act. Most contracts are presented to writers on a “take it or leave it” basis. Publishers have also been known to withhold compensation for finished work until writers sign such contracts. Some publishers are

misinforming Canadians about what the current law allows. At the same time, it is difficult and expensive for independent creators to seek redress on a national level. We believe that the current proposals to allow class actions in federal court, if accepted, will help. Still we'd like the courts to offer simpler rules for creators to enforce the Copyright Act.

To redress this issue, we recommend two specific actions the government can take:

- Special simplified Federal Court rules should be established to enable creators to easily enforce the Copyright Act throughout Canada.
- An independent body should be established to provide a forum for complaints from creators and identify copyright law violations.

Protecting Canadian Copyright in international markets

Many of our members are negotiating new contracts for their work in other countries. In the present situation, writers do not know how to proceed when their copyright is infringed in these cases.

PWAC recommends two changes to Canada's Copyright Act to give Canadians equal benefit on the international scene:

The Act should increase statutory damages to a minimum of \$1,000 per infringement and a maximum of \$45,000 to more closely match copyright law in the United States.

Canadian creators should have the right to sue those who infringe copyright in Canadian courts, regardless of where the contract was made.

PART II Detailed response to consultant paper on digital copyright issues

PWAC heartily endorses many of the objectives outlined in the Introduction of the Consultation Paper on Digital Copyright Issues, shown in italics below. Our responses to specific issues raised in this section follow.

ICTs, and especially the Internet, are thus presenting an important opportunity for more and more Canadians to make their presence felt both in Canada and world wide, whether in terms of culture, identity or commerce.

As creators, more specifically, as suppliers of written content for digital media, freelance writers recognize that ICTs represent a great opportunity to disseminate our works, and thus make Canadians' presence felt in Canada and around the world. We believe our recommendations regarding changes to the Canadian Copyright Act will facilitate the job of freelance writers in making Canadians' presence felt globally.

... one of the government's key priorities, as part of this agenda, is to help Canada become a world leader in supplying on-line content as well as exciting new software and applications.

PWAC endorses this goal. A strong Canadian presence in supplying on-line content can only be beneficial to us since, as writers, we are the principal suppliers of on-line content.

[The] Internet is an ideal place to tell the world about our country, our people and culture, our abilities and achievements, our history and hopes.

PWAC agrees that the Internet represents a great opportunity for Canadians to tell their stories. The Internet represents increased opportunities for Canadian freelance writers, because they are the ones who tell these stories. Internet content rests on four foundations: graphic creators, musicians, choreographers and writers. Without these four groups of creators, no Canadian stories can be told; yet unfair business practices are driving writers out of the periodical industry.

The Internet is rapidly emerging as an important medium for the sale and dissemination of many different kinds of goods and services, including copyrighted works. Freelance writers make their living selling publication rights for copyright works, so the increased opportunities the Internet provides represent increased opportunities for us. In fact, our association is at the forefront of using these new technologies to provide new services for our members. We have developed important tools, such as PWAC-L, a list serve that enables members to communicate between themselves, and Writers.ca, an on-line directory to our member writers. We are currently considering developing an on-line directory to magazines and newspapers. The Internet has enabled many of our members to create on-line listings of their services and to solicit business with international publications in the United States, Europe, Australia and elsewhere.

However, it is urgent that the Copyright Act be updated to include digital protection for creators and that 'market place rules be clarified' in order for us to take advantage of the emerging possibilities of the Internet.

The protection of content balanced with the needs of users, is vital to the growth of electronic commerce...

We agree. There is, however, an imbalance between independent copyright owners and large corporations that buy copyright licenses. As independent copyright owners, we are alarmed by present market practices concerning digital use of copyright materials by large corporations, which have hindered our ability to earn our living during the last fifteen 15 years. We heartily endorse the conclusions of The Canadian Electronic Commerce Strategy

that Canadian governments, in consultation with the private sector, must move quickly to clarify 'marketplace rules'. Lack of clarity in both the Copyright Act and in 'marketplace rules' concerning copyright is greatly hindering the ability of many independent periodical writers to earn their living. The following is a brief explanation of how the environment created by ICTs has hampered freelance writers' businesses.

Freelance writers make an important contribution not only to Canadian culture, but also to Canada's media industry, and by extension, to the Canadian economy. A PWAC study done in 1996 indicated that approximately 18,000 Canadians work in the publishing sector on a freelance or contract basis, providing work valued at \$288 million. Freelance writers provide an estimated 15% of the content of Canada's daily newspapers. Almost all of Canada's national, regional, local and trade magazines are dependent on freelance contributions. To be more specific, prestigious national publications like Saturday Night Magazine, Report on Business Magazine, Reader's Digest, Canadian Living, Chatelaine, L'actualité, Châtelaine (French edition), Coup de Pouce, Homemakers, Madame au Foyer, Canadian Geographic, La Revue Commerce, Les Affaires, enRoute, Gardening Life, Starweek

Magazine, Western Report and Westworld COULD NOT PUBLISH without the contribution of freelance writers, researchers, proofreaders and editors. Freelance writers offer magazines specialized knowledge and original story ideas that writing staff alone cannot supply.

Freelance contributions are essential to ensure that Canada's vast geographic and cultural landscape is fairly represented in national magazines and newspapers, almost all of which are located in Toronto and Montreal. Without freelance writers, Canada's national media could never hope to discover compelling stories of Canadians living in every corner of the country.

Freelance writing is not as viable as it once was. While the major publications have increased profits with improved digital technologies, writers' incomes have dropped. According to a study by the National Writers' Union in the United States, fees for freelance writers have decreased by more than 50% in real terms since the 1960s.

Many Canadian writers concur, noting that rates for freelance contributions have not increased in the past twenty years.

“My income has gone down by about \$6,000 in the last five years.”

-Freelance writer from New Brunswick.

The Copyright Act should include provisions that clarify freelancers' rights to control and profit from their work. The Copyright Act already clearly distinguishes periodicals as distinct forms of publications, particularly in Article 13(3), which states:

Where the author of a work was in the employment of some other person under a contract of service or apprenticeship and the work was made in the course of employment by that person, the person by whom the author was employed shall, in absence of any agreement to the contrary, be the first owner of the copyright, but where the work is an article or other contribution to a newspaper, magazine or similar periodical, there shall, in the absence of any agreement to the contrary, be deemed to be reserved to the author a right to restrain the publication of the work, otherwise than as a part of a newspaper, magazine or similar periodical.

This article protects employed periodical writers, who are able to prevent their work from being used outside of the newspaper, magazine or periodical for which they work. Freelance writers are paid less for their works than are staff writers; they are not paid any benefits; and they cover tax, insurance and technology costs independently like any small business, yet they have nothing to protect them from unfair practices by large corporations. Freelance writers earn their living selling rights. Until the arrival of ICTs, freelance contributors worked on the assumption that they were selling First Publication Rights to their stories, and retained copyright for their material contracts. Writers would, for instance, license a feature article in five or even ten different non-competing markets, sometimes in slightly different forms, thus doubling or tripling the fee they were paid for the original contribution. It was commonly understood between writers--and still is--that this is the ONLY way to make a sufficient living as a freelance periodical writer, particularly as the actual fees paid for freelance work have not increased in the last TWENTY YEARS. (This is surely the only industry in Canada where this is the case.)

The arrival of ICTs has had the effect of completely changing the rules for freelance writers. The main catalyst was not the Internet, per se, but the ability of large corporations to use digital means to easily transfer written material across large distances, often between distinct publications in the same chain. Corporations began offering writers small supplements when newspapers in non-competing markets reprinted their articles, instead of doubling or tripling the original payment, as was once the case. Freelancers were forced to find alternatives to the publications run by large corporations.

“Most of my publication credits have been with magazines and Web sites. I’ve pretty much avoided the newspaper market due to the rights issue. Most of the work I do is for independent publishers of smaller trade and specialty mags. I’ve done very little work for the major publishing houses due to their unacceptable terms.”

-Freelance writer from Manitoba

In other cases, freelancers have left the market altogether.

“I have quit freelancing, after doing it full-time for about 15 years, because I felt the copyright environment was so oppressive that there was no future in it.”

-Freelance writer from Quebec.

When the issue first arose, there were fair proposals from publishers.

“Before web rights became a hot button issue--I think it was 1997 or so--they offered a new contract with a word rate increase for web rights.”

-Freelancer from Quebec

We have noticed that opportunities for freelancers to profit from digital uses of their work are diminishing over the years, as publishers seek to stretch the limits of the Copyright Act past what we believe is legal. Some publishers now maintain that digital uses of texts do not constitute new uses of text. This misunderstanding has led some Canadian publishers to widely violate the Copyright Act by placing freelance texts in databases, selling texts individually and using them on their web sites without freelance writers’ knowledge or consent and without compensating freelance writers for the use of their work. The Copyright Act needs to clarify that each specific digital use is a specific new use.

“All types of media now insist that writers sign Draconian contracts turning over all rights, world rights, for all technologies now in use or yet to be invented. The writer must sign these contracts or look elsewhere for work.”

-Freelancer from Quebec

PWAC recognizes that the protection of content must be balanced with the needs of users. Most independent writers are both creators and users of copyright material and are interested in both protection of and access to copyright material. Yet as members of the “copyright sector” we count ourselves among those who have:

... suggested that their willingness to embrace the Internet as a channel for disseminating their works or making them available ultimately depends on their ability to prevent or

discourage unauthorized copying and distribution activities which are easily carried out in the digitally networked environment.

Mostly, we agree with other rights holders that in order for Canada to be an important player in the emerging digital economy, current efforts need to be further bolstered by certain amendments to the Copyright Act to ensure that, on a practical level, the Act continues to be meaningful, clear and fair.

Digital transmissions must be identified in the Act as specific new uses.

We feel especially strongly about the following statement:

Some rights holders consider that their ability to assert their copyright in relation to a work or other protected subject matter is considerably diminished in the Internet environment once the material is made available in that environment.

Freelance writers have had considerable difficulty asserting their copyright in the digital environment. As we explained above, we are concerned by the 'Internet environment' (ISPs) but more directly by the 'Digital Environment,' which has allowed publishers to circumvent the normal avenues by which writers have traditionally been able to assert their copyright.

Finally, with regard to the following question raised in the Introduction:

Do the challenges to copyright truly represent challenges to core copyright principles or are they primarily challenges to existing business and distribution models?

PWAC members agree that the 'challenges to copyright' faced by freelance writers are mainly a result of 'existing business and distribution models'. More specifically, PWAC believes that in the present conditions, publishers are violating the terms and the spirit of the Copyright Act.

Context

Re 2.1 early domestic initiatives

PWAC endorses the copyright consultation process that the Canadian government is carrying out. In PWAC's view, however, there are issues with the current Copyright Act. Some provisions need fine-tuning for a digital age.

For example, there is now no reason why schools or even individuals should not be able to locate a copyright holder in most instances. Copyright holders are easy to find on the Internet or by other traditional means such as through publishers, collective societies or professional associations. Even in the rare cases where Copyright Holders cannot be found, payments can be made to a collective society, who will hold them in trust while continuing efforts to find the copyright holders.

Also, we believe that the Canadian Copyright Act currently gives too many exceptions to educational institutions, libraries and archives, particularly when digital technologies make these exceptions more open to abuse than they have been in the past. It is very easy to copy material off the Web for educational use and transmit it digitally, bypassing the requirement to gain permission for the use of such works. In PWAC's view, exceptions in the Copyright Act are strongly biased to the needs of

educational institutions, to the detriment of creators. In an educational system where owners of software licenses, various types of consultants and the manufacturers of photocopy machines are paid for their services, there is no reason freelance writers should not be equally compensated. Freelance writers make their living licensing rights. Only writers are expected to donate their services to educational and other public institutions free of charge.

As researchers, we support some fair dealing and exceptions, but would like exceptions limited to those situations that arise when the material is otherwise unavailable under license from a collective society.

Finally, PWAC endorses the inclusion of ‘statutory damages’ for copyright infringement. However, we feel these penalties are too low.

“I’d like to see larger penalties for illegal use of copyrighted material.”

-Freelance writer from Alberta

The Act should increase statutory damages to a minimum of \$1,000 per infringement and a maximum of \$45,000 to more closely match copyright law in the United States.

Re 2.2 and 2.3 WIPO Treaties - revisited in the domestic context

We have two recommendations related to this issue:

- PWAC supports the ratification of the two WIPO treaties concluded in 1996 and signed by Canada in 1997, and we recognize that the copyright reform process has been scheduled to make that possible.
- Canadian creators should have the right to sue those who infringe copyright in Canadian courts, regardless of where the contract was made.

Core principles

Re 3.1, which states: The framework rules must promote Canadian values.

PWAC agrees that a framework must facilitate the use of the digital environment for Canadians to communicate with each other and with the world.

Re 3.2, which states: The framework should be clear and allow easy, transparent access and use.

PWAC agrees with the objective to dispel confusion for all Canadians about the boundaries of legitimate uses of works on-line.

The ‘boundaries of legitimate use’ have been a subject of great concern to freelance writers in the last 15 years. Freelance writers have suffered considerable damages because of illegitimate uses of their works on-line. Because of the availability of text in digital format, and the low cost and ease of reproducing such text, publishers and private companies have been able to locate and publish written material in a manner not imagined when Canada’s Copyright Act was drafted. The result has been that publishers and private companies frequently bypass writers altogether in the publishing process, neither

obtaining the required permission to use material, nor compensating writers for publishing their work. In PWAC's view, such practices by publishers are illegal. Still, we recommend that the Copyright Act clarify the situation by specifying that digital transmissions of text be licensed as specific new uses rather than allowing them to fall simply under the reproduction and authorized communication rights.

Digital transmissions must be identified in the Act as specific new uses.

Canadian freelance writers have filed several class action lawsuits to protect our copyright from infringement by publishers in several provinces, but we would have liked the process to be national in scope, and easier. Also, PWAC supports recent proposals to allow class actions in Federal Court.

“A ‘small claims court’ is needed for deciding infringement cases federally, where a content provider could make a claim without an elaborate legal presentation.”

-Freelance writer from British Columbia

Special simplified Federal Court rules should be established to enable creators to easily enforce the Copyright Act throughout Canada.

Re 3.3, which states: The proposal should promote a vibrant and competitive electronic commerce in Canada.

PWAC recognizes the need for the government to pursue a policy to foster the conditions that will put Canadian players on a competitive footing with their counterparts abroad. PWAC also has great reservations about this clause.

In the last 15 years, the exigencies of ‘competitiveness’ either on a global or local scale, have frequently been invoked to justify violating the very rights the Copyright Act grants freelance writers. Publishers have consistently refused to compensate writers when they include freelance works in their electronic databases. When publishers began creating these databases in the 1990s, they offered freelance writers a very nominal sum, or no compensation at all, for including freelance texts. The reason invoked was that the databases were not yet profitable. Freelance writers considered these arguments absurd.

Why would a publisher spend money to create an electronic database if that publisher didn't expect it to be a source of income? Indeed, Thomson Corporation is reporting increasing profits as it moves out of traditional publishing and into the digital arena. In the second quarter of this year Thomson reported profits of US\$117 million, up from US\$104 million in 2000. Despite this, freelancers continue to be told that no one is making money from electronic publishing, and are in most cases are not being compensated for the use of their work. In concrete terms, freelance writers have been forced to mortgage the creation of these electronic databases by having their works used without permission or compensation. And now the publishers profiting from our investment simply refuse to reimburse us for using our work to that end.

“The onus is all upon the writer to protect him or herself. No penalties are applied to media organizations who attempt to chase us out of our rightful livelihood.”

-Freelancer from Ontario

The government could help this situation by setting up an industry watchdog to protect copyright for all Canadian creators.

An independent body should be established to provide a forum for complaints from creators and identify copyright law violations.

In the present situation, writers are extremely wary when they are told that larger economic imperatives must come to bear on the question of reforming the Copyright Act. The reason is simple. Over the last two decades, ‘larger economic imperatives’ or ‘competitiveness’ have been common excuses invoked by publishers to deprive writers of their copyright and justify those publishers’ refusal to compensate writers for publishing their work. Fewer and fewer PWAC members are earning their living writing articles for Canadian magazines and newspapers.

Morale among periodical writers is extremely low. Freelance writers feel betrayed by publishers. This situation is threatening the telling of Canadian stories not only in digital media, but also in traditional media, which is a primary source of material for digital media. The reluctance of publishers to pay fair rates for digital uses, while at the same time tying digital uses to the commissioning of traditional content, is driving many writers out of the publishing industry. More and more writers are looking for other sources of income in areas such as corporate communications.

We think this situation can be improved with the following recommendations:

Digital transmissions must be identified in the Act as specific new uses so that they do not fall simply under the current reproduction and communication rights.

The Act must be sufficiently clear to enable writers to obtain fair remuneration for each new digital use. Possible examples of usage include web pages, web books and database inclusion.

Accepting these recommendations would greatly enhance writers’ ability to gain compensation for the use of their work.

Re 3.4, which states: “The framework needs to be cast in a global context.”

PWAC agrees.

PWAC supports the ratification of the two WIPO treaties concluded in 1996 and signed by Canada in 1997, and we recognize that the copyright reform process has been scheduled to make that possible.

Re 3.5, which states: “The framework should be technologically neutral, to the extent possible”.

PWAC agrees that the framework should be neutral, but when new technological advances emerge, we think the Act should be revisited. At the present time, several publishers in Canada require writers to sign away ‘carte blanche’ all rights to any future form their text may take. In PWAC’s view, the Copyright Act should have provisions that make this type of practice illegal.

Proposals

Re Proposal 4.1 'making available' right

We support the widest possible 'making available' right, and would like it equally specified for all creators, including writers. We endorse the Australian position that posting previously created work on the Internet is a new use, not reprography. We want Canadian law to include the same core principle.

Although Canada's Copyright Act may currently be broad enough to support an author's 'making available' right, we believe that new digital technologies work in ways that leave too much room for interpretation. We want to ensure that writers receive fair remuneration whenever their text is reformatted for use in a new market. We do not want to be forced to take these cases to court to protect such a basic right.

Authors should be granted a specific 'making available' right, to make it clear that they have the exclusive right to make works available to the public, including the right to make work available on an on-demand basis to individual users.

We support a 'making available' right in the Copyright Act that is specific enough so that all creators can charge appropriate fees for their work.

We believe that the widest specification of this right could help redress the current imbalance between copyright creators and users.

Re Proposal 4.2 legal protection of technological measures

We believe that the Copyright Act can specifically include clauses that will enable creators to prevent copyright infringement and those that will prohibit the manufacture and sale of infringement devices without adversely affecting exceptions.

We support clauses in the Copyright Act creating new obligations concerning technological measures and rights management information, which will help prevent copyright infringement.

We support specific clauses that would prohibit the manufacture and sale of infringement devices.

Re Proposal 4.3 legal protection of rights management information

We agree with the provisions of WIPO regarding this issue. We are very excited that the use of these technologies, along with a specific clause preventing their misuse, could help prevent copyright infringements by large corporations which seek to use independent contractors' works without appropriate licenses.

We support clauses in the Copyright Act to specify the use of rights management information, including a clause that creates sanctions for anyone knowingly providing false rights management information.

Re Proposal 4.4 liability of network intermediaries, such as Internet Service Providers

(ISPs), in relation to copyright

Our main concern with this issue is to ensure that ISPs do not assume they can use copyright and transmit copyright materials across their networks, without the express permission of the copyright holder. We agree with the principle of a 'notice and take-down system', but do not believe ISPs should be free of liability under the Act. The main problem, from our point of view, occurs with Network Intermediaries owned by large corporate entities that retransmit material without the knowledge of the copyright holder. We think that the Copyright Act should clarify that digital transmissions are new uses under the Act whenever the material enclosed within those transmissions has been specifically reformatted for new markets.

We recommend that the Act be sufficiently clear to force fair remuneration for any digital transmission that follows any reformatting of content.

Conclusion

PWAC appreciates the opportunity to make recommendations as part of this crucial review of the Copyright Act. We are independent freelance creators whose livelihoods rely both on the ability to assert our copyright and the ability to access other copyrighted work and the public domain. We feel that our recommendations will clarify the spirit and the letter of the Copyright Act while bringing copyright reform into the digital age.

Respectfully submitted, on behalf of the Periodical [now Professional} Writers Association of Canada
Sub-committee of the Industry Relations Committee:

Tracey Arial, Kevin Yarr, Heather Pengelley, Julie Barlow

Appendix D: Standing Committee on Canadian Heritage Contacts

Catherine Cuerrier, Clerk; House of Commons, Room 640, 180 Wellington Street, Ottawa, Ontario K1A 0A6; Telephone: (613) 947-6729, Fax: (613) 947-9670, Email: CHPC@parl.gc.ca.

Membership of the Committee (as of April 2008)

Chair: Gary Schellenberger

Vice-chairs: Maria Mourani, Andy Scott

Members: Jim Abbott, Michael D. Chong, Denis Coderre, Dean Del Mastro, Ed Fast, Hedy Fry, Luc Malo, Francis Scarpaleggia, Bill Siksay

Associate members: Harold Albrecht, Mike Allen, Dean Allison, Rob Anders, David Anderson, Charlie Angus, Alex Atamanenko, Vivian Barbot, Colleen Beaumier, Leon Benoit, James Bezan, Steven Blaney, Sylvie Boucher, Garry Breitkreuz, Patrick Brown, Rod Bruinooge, Blaine Calkins, Ron Cannan, Colin Carrie, Rick Casson, David Christopherson, Rob Clarke, Joe Comuzzi, Jean Crowder, Nathan Cullen, John Cummins, Patricia Davidson, Libby Davies, Barry Devolin, Norman Doyle, Rick Dykstra, Ken Epp, Meili Faille, Brian Fitzpatrick, Steven John Fletcher, Cheryl Gallant, Yvon Godin, Peter Goldring, Gary Goodyear, Jacques Gourde, Nina Grewal, Art Hanger, Richard Harris, Luc Harvey, Laurie Hawn, Russ Hiebert, Betty Hinton, Rahim Jaffer, Brian Jean, Randy Kamp, Gerald Keddy, Tina Keeper, Wajid Khan, Ed Komarnicki, Daryl Kramp, Mike Lake, Guy Lauzon, Denis Lebel, Pierre Lemieux, Tom Lukiwski, James Lunney, Dave MacKenzie, Fabian Manning, Inky Mark, Wayne Marston, Colin Mayes, Ted Menzies, Rob Merrifield, Larry Miller, Bob Mills, James Moore, Rob Moore, Richard Nadeau, Peggy Nash, Rick Norlock, Deepak Obhrai, Brian Pallister, Glen Douglas Pearson, Daniel Petit, Pierre Poilievre, Joe Preston, James Rajotte, Scott Reid, Lee Richardson, Pablo Rodriguez, Bev Shipley, Carol Skelton, Joy Smith, Kevin Sorenson, Bruce Stanton, Peter Stoffer, Brian Storseth, David Sweet, Myron Thompson, David Tilson, Bradley R. Trost, Mervin Tweed, Dave Van Kesteren, Maurice Vellacott, Mike Wallace, Mark Warawa, Chris Warkentin, Jeff Watson, John Williams, Lynne Yelich

Appendix E: Standing Committee on Industry, Science and Technology Contacts

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Membership of the Committee

Chair: James Rajotte

Vice-chairs: Paule Brunelle, Dan McTeague

Members: André Arthur, Scott Brison, Colin Carrie, Mark Eyking, Peggy Nash, Raymond Simard, Bruce Stanton, Dave Van Kesteren, Robert Vincent

Associate members: Jim Abbott, Harold Albrecht, Mike Allen, Dean Allison, Rona Ambrose, Rob Anders, David Anderson, Gérard Asselin, Dave Batters, Catherine Bell, Don H. Bell, Leon Benoit, Dennis Bevington, James Bezan, Steven Blaney, Ken Boshcoff, Sylvie Boucher, Garry Breitkreuz, Gord Brown, Patrick Brown, Rod Bruinooge, Gerry Byrne, Blaine Calkins, Ron Cannan, Serge Cardin, Robert Carrier, Rick Casson, Raymond Chan, Michael D. Chong, David Christopherson, Rob Clarke, Joe Comartin, Joe Comuzzi, Jean Crowder, John Cummins, Patricia Davidson, Libby Davies, Claude DeBellefeuille, Dean Del Mastro, Barry Devolin, Norman Doyle, Rick Dykstra, Ken Epp, Meili Faille, Ed Fast, Brian Fitzpatrick, Steven John Fletcher, Hedy Fry, Cheryl Gallant, Yvon Godin, Peter Goldring, Gary Goodyear, Jacques Gourde, Nina Grewal, Art Hanger, Richard Harris, Luc Harvey, Laurie Hawn, Russ Hiebert, Betty Hinton, Rahim Jaffer, Brian Jean, Randy Kamp, Gerald Keddy, Wajid Khan, Ed Komarnicki, Daryl Kramp, Jean-Yves Laforest, Mario Laframboise, Mike Lake, Guy Lauzon, Jack Layton, Denis Lebel, Dominic LeBlanc, Pierre Lemieux, Tom Lukiwski, James Lunney, Dave MacKenzie, Fabian Manning, Inky Mark, Tony Martin, Brian Masse, Colin Mayes, John McCallum, Joe McGuire, Ted Menzies, Rob Merrifield, Larry Miller, Bob Mills, James Moore, Rob Moore, Brian Murphy, Rick Norlock, Deepak Obhrai, Massimo Pacetti, Brian Pallister, Daniel Petit, Pierre Poilievre, Joe Preston, Geoff Regan, Scott Reid, Lee Richardson, Anthony Rota, Jean-Yves Roy, Gary Schellenberger, Bev Shipley, Bill Siksay, Carol Skelton, Joy Smith, Kevin Sorenson, Brian Storseth, David Sweet, Myron Thompson, David Tilson, Bradley R. Trost, Mervin Tweed, Maurice Vellacott, Mike Wallace, Mark Warawa, Chris Warkentin, Jeff Watson, John Williams and Lynne Yelich.

Appendix F: Federal Status of the Artist Act Report, 1995

Introduction and methodology

The Status of the Artist Act, brought into force in May 1995, recognizes the importance of artists in Canadian society and establishes a framework to govern professional relations between artists and producers in federal jurisdiction. The Department of Canadian Heritage engaged Prairie Research Associates (PRA) to evaluate the provisions and operations of the Status of the Artist Act as a first step in a review of the legislation.

PRA conducted a survey of artists and a survey of producers as part of this evaluation. This report summarizes the findings from the surveys.

Methodology

Survey of artists

We conducted a mail-out survey of self-employed professional artists who are members of certified and non-certified artists' associations. The Department of Canadian Heritage compiled an initial list of 36 associations and sent each one a letter explaining the survey and inviting their members to participate. The letter also requested the assistance of artists' associations in making their membership lists available to PRA for the purposes of the survey.

PRA followed up on the introductory letter with telephone calls to each association. As a result of these calls, 31 of the associations agreed to participate in the survey. Of these, 11 were willing to provide us with their membership lists, while the remaining 20 agreed to distribute the survey to a sample of their members on our behalf.

Based on the size of each association's membership, their certification status, and a total sample size of 1,000, we determined the number of surveys to be allocated to each association using the following formula:

- Non-certified associations received 15 surveys each.
- Certified associations with fewer than 1,000 members received 25 surveys each.
- Certified associations with between 1,000 and 10,000 members received 50 surveys each.
- Certified associations with more than 10,000 members received just over 90 surveys each.

For the 11 associations that provided us with their membership lists, we selected a random sample of their members and mailed each one a package containing the survey, an introductory letter, and a self-addressed, stamped return envelope. For the remaining 20 associations (those that wished to distribute the surveys themselves), we prepared an appropriate number of survey packages and sent these to the relevant associations along with instructions for their distribution to a random sample of their members.

In addition, we invited all associations to inform their members that if they did not receive a copy of the survey in the mail but still wished to participate, they could access the PRA web site to request a copy.

All survey recipients received the survey in both English and French; a copy of the English version is in Annex A. Individuals who accessed the PRA web site could request the survey in the language of their choice.

It should be noted that although one non-certified association was sent 15 surveys for distribution to its members, these were returned to PRA due to an incorrect mailing address. PRA telephoned this association and left a message requesting that the association contact us should it wish to be included in the survey. However, we received no response to this call.

Some 985 surveys (rather than 1,000) were initially distributed to artists, either directly by PRA or by an artists' association. In addition, we received six requests for a survey through our web site. Overall, a total of 991 surveys were therefore distributed to artists, of which we received 296 in return, resulting in a response rate of 29.9%. We suspect that some individuals may have felt that they were not knowledgeable enough about the legislation to respond to the survey.

Table 1 shows the associations that participated in the survey, the size of their membership, the number of surveys allocated to each, the number of surveys received from each, and the response rate for each.

Table 1: Survey of artists: sample distribution and response rates

Certified Associations

Association	Total members	Surveys allocated	Surveys returned	Response rate
Association of Canadian Television and Radio Artists	18000	93	17	18.3%
American Federation of Musicians of the United States and Canada	16000	92	22	23.9%
Union des artistes ¹	6000	51	16	4%
Canadian Actors' Equity Association	5000	50	19	38.0%
Guilde des musiciens du Québec	3500	50	0	0%
Canadian Artists' Representation	4000	50	17	34.0%
Writers' Guild of Canada	1600	50	20	40.0%
Regroupement des artistes en arts visuels du Québec	1600	50	24	48.0%
The Writers' Union of Canada	1400	50	31	62.0%
Union des écrivaines et écrivains québécois	1200	50	19	38.0%
Société des auteurs de radio, télévision et	850	25	6	24.0%

cinéma

Conseil des métiers d'art du Québec	700	25	1	4.0%
Canadian Association of Photographers and Illustrators in Communications	500	25	5	20.0%
Periodical [now Professional} Writers' Association of Canada	500	25	8	32.0%
Association des réalisateurs et réalisatrices du Québec	400	25	10	40.0%
Playwrights' Union of Canada	400	25	8	32.0%
Associated Designers of Canada ²	165	30	9	30.0%
Association des professionnels des arts de la scène du Québec	160	25	12	48.0%
Association québécoise des auteurs dramatiques	150	25	14	56.0%
Société professionnelle des auteurs et des compositeurs québécois	147	25	8	32.0%
Non-certified associations				
Fight Directors Canada	1000	15	4	26.7%
Association des professionnelles de la vidéo du Québec	900	15	0	0%
Writers' Guild of Alberta	720	15	5	33.3%
Association of Canadian Film Craftspeople (BC)	600	15	1	6.7%
League of Canadian Poets	300	15	6	40.0%
Centre des auteurs dramatiques	200	15	7	46.7%
Writers' Federation of New Brunswick	174	15	4	26.7%
Association des journalistes indépendants du Québec	150	15	0	0%
Literary Translators' Association of Canada	100	15	1	6.7%

Canadian Alliance of Dance Artists (ON)	50	15	2	13.3%
Total	66466	991	296	29.9%

¹One survey was requested through the web site. However, it was not returned.

² Five surveys were requested through the web site; two were returned.

Survey of producers

PRA conducted a survey of federal producers subject to the legislation using the instrument in Annex B. The Department of Canadian Heritage identified 27 federal producers to participate in the survey. PRA mailed surveys to these 27 federal producers and asked respondents to return their completed surveys to PRA in a stamped, self-addressed return envelope or by toll-free fax. We asked survey recipients who felt that another individual from their organization was more qualified to respond, to return the blank survey, along with that individual's name, to PRA. We then invited the identified individual to participate in the survey.

Twelve of 27 surveys were returned to PRA. Three of the returned surveys were blank, and one indicated that the questionnaire did not apply.(46) These four surveys were excluded from the analysis. Thus, the total sample size was eight; of these, seven were in English and one was in French.

The response rate for the survey was 29.6%, which was somewhat lower than expected. We were told that some of the producers identified by the Department of Canadian Heritage chose not to return their surveys because they were members of a producers' association that had already participated in the research through the interview process.(47) The association representative whom we interviewed informally canvassed the views of the association's membership prior to completing the interview and spoke on behalf of the entire organization. Fifteen of the producers in our sample were members of this producer association. Table 2 below lists the 27 recipients of the producer survey. Due to the small sample size, caution must be used when interpreting results from the producer survey.

Federal producers that received the producer survey

- Legal Services, Human Resources Development Canada
- Public Works and Government Services Canada
- Material and Contracts, Department of Canadian Heritage
- Contracting Services Division, Indian and Northern Affairs Canada
- Legal Services and ATIP, Communication Canada
- National Capital Commission
- National Gallery of Canada
- Ontario Association of Art Galleries
- Professional Art Dealers' Association of Canada Inc.
- Alberta Recording Industries Associations
- Canadian Independent Record Production Association
- Music Industry Association of Nova Scotia
- Canadian Learning Television
- CHUM Television

- CJOH TV
- Country Music Television
- CTV Television Network
- Group TVA Inc.
- HistoryTelevision/Showcase Television
- Life Network/HGTV Canada
- MusiquePlus
- Odyssey Television Network Inc.
- The Comedy Network/Outdoor Life/Talk TV
- The Discovery Channel
- TQS
- Société Radio-Canada
- Specialty and Premium Television Association
- Findings from the survey of artists

Findings from the survey of artists have been organized according to the issues and questions in the evaluation framework. Note that in reporting the survey results, we have calculated all percentage responses out of the total number of survey respondents.

Profile of respondents

Table 3 shows the occupations of responding self-employed professional artists. For the purposes of this survey, a self-employed professional artist is one who pursues his or her work independently (i.e., is not employed by an organization or a producer) or who performs artistic work as part of a contract for services.

Some 40% of respondents are self-employed writers.

About 1 in 7 respondents are:

- actors (15%)
- painters/sculptors/other visual artists (14%)
- producers/directors/choreographers (13%).

Fewer than 3% of respondents are self-employed literary artists, theatre artists, performers, photographers, artisan/crafts persons, or dancers.

Table 3 Respondents' occupation

Occupation	% (n=296)
Writer	42%
Actor	15%
Painter/sculptor/other visual artist	14%
Producer/director/choreographer	13%

Musician/singer	10%
Design	6%
Conductor/composer/arranger	4%
Other	15%

Note: Respondents could choose more than one answer. Totals may sum to more than 100%.

Table 4 shows the certified artists' associations of which respondents indicated being a member; note that respondents could indicate being a member of more than one association.

Table 4: Certified artists' associations membership

Artists' association	%(n=296)
Association of Canadian Television and Radio Artists	17%
The Writers' Union of Canada	13%
Canadian Actors' Equity Association	12%
Union des artistes	11%
Writers' Guild of Canada	10%
Union des écrivaines et écrivains québécois	9%
Regroupement des artistes en arts visuels du Québec	8%
American Federation of Musicians of the United States and Canada	8%
Société des auteurs de radio, télévision et cinéma	8%
Association québécoise des auteurs dramatiques	6%
Canadian Artists' Representation	6%
Association des professionnels des arts de la scène du Québec	4%
Société professionnels des auteurs	4%
Association des réalisateurs et réalisatrices du Québec	4%
Playwrights Union of Canada	3%
Guilde des musiciens du Québec	3%

Periodical [now Professional} Writers' Association of Canada	3%
Associated Designers of Canada	3%
Canadian Association of Photographers and Illustrators	2%
Editors' Association of Canada	1%
Conseil des métiers d'art du Québec	1%
Don't know/No response	6%

Note: Respondents could choose more than one answer. Totals may sum to more than 100%.

Some respondents are members of non-certified artists' associations in addition to being members of certified associations, or are members of non-certified associations only. Among the more frequently mentioned non-certified associations were the Society of Composers, Authors, and Music Publishers of Canada; the League of Canadian Poets; Centre des auteurs dramatique; Children's Authors Illustrators, Performers; Poets, Essayists, and Novelists; and the Writers' Guild of Alberta.

We asked respondents to indicate the three main issues that concern them as self-employed professional artists.

- Many (31%) are concerned about their level of compensation, income, and wages.
- About 1 respondent in 6 (17%) is concerned about taxation and access to other benefits such as disability, workers' compensation, and employment insurance, and 15% are concerned about work security.
- Just over 10% of respondents are concerned about public and government perception of arts and artists, and about arts funding and grants. Other concerns include financial and contract rights, and distribution and promotion of the arts in general. See Table 5.

Table 5: Issues that are of concern to self-employed professional artists

Issue	% (n=296)
Compensation/income/wages	31%
Taxation (income averaging, tax exemptions, tax status)	17%
Access to benefits (e.g., employment insurance, disability, workers' compensation)	17%
Work security (securing regular work)	15%
Arts funding and grants	11%
Public and government perception of the arts and artists	11%
Financial and contract rights	4%

Distribution and promotion of the arts	4%
Other	24%
Don't know/No response	22%

Note: Respondents could choose more than one answer. Totals may sum to more than 100%.

Before asking respondents to respond to specific questions about the Status of the Artist Act, we asked them to indicate how familiar they were with the legislation. Although 45% of respondents had heard of the Act before receiving the survey, just as many had not. Of those who had heard of the Act before, most (81%) were at least somewhat knowledgeable about its purpose, while slightly fewer (74%) were at least somewhat knowledgeable about its provisions. See Table 6.

Table 6: Knowledge of the Act

	%
Heard of the Act before this survey (n=296)	
Yes	45%
No	44%
Unsure/Don't know/No response	11%
Knowledge of the purpose of the Act (n=133)	
Very knowledgeable	13%
Somewhat knowledgeable	68%
Not at all knowledgeable	19%
Knowledge of the provisions of the Act (n=108)	
Very knowledgeable	9%
Somewhat knowledgeable	65%
Not at all knowledgeable	26%

Relevance of the legislation

This section reports on respondents' level of agreement (48) with several statements about the ongoing relevance of the Status of the Artist Act. The first questions we asked respondents concerned the economic circumstances of artists.

- A slight majority of respondents (52%) disagree that the working conditions and economic

circumstances of self-employed artists are better now than they were in 1995. Just over 10% agree with this statement, and 19% are neutral. Almost one-fifth of respondents do not know or did not respond.

- Virtually all respondents (92%) disagree that most self-employed artists in Canada today can earn a living through their art, including 54% who strongly disagree. Only 1% of respondents agree with this statement.
- Not surprisingly, the vast majority of respondents (93%) agree that most self-employed artists in Canada today can earn a living only if they supplement their art with non-artistic work. This includes 39% who strongly agree. Only 2% of respondents disagree with this statement. See Table 7.

Table 7: Economic circumstances of artists

Statement	Strongly agree/Agree	Neutral	Strongly disagree/Disagree	Don't know/No response
Overall in Canada, the working conditions and economic circumstances of self-employed artists are better now than in 1995.	11%	19%	52%	18%
Most self-employed artists in Canada today can earn a living through their art.	1%	3%	92%	3%
Most self-employed artists in Canada today can earn a living only if they supplement their art with non-artistic work.	93%	3%	2%	2%

We also asked respondents several questions related to the need for measures to improve the working conditions and economic circumstances of artists.

- Most respondents (93%) agree that measures to improve the economic circumstances of self-employed artists are necessary in Canada, including 66% who strongly agree.
- A majority (74%) also agree that measures to improve labour relations between artists' associations and producers are necessary in Canada; 41% strongly agree with this statement.
- While the vast majority of respondents agree that measures are needed to improve the economic circumstances of self-employed artists, few (10%) agree that the existing Status of the Artist Act is sufficient to achieve this. Furthermore, about 30% of respondents disagree with this statement. However, almost half (44%) of respondents do not know or did not respond.
- Almost three-quarters of respondents agree that other measures, in addition to the Status of the Artist Act, are necessary in order to improve the economic circumstances of self-employed artists. Some 46% of those who agree with this statement strongly agree.
- One-third of respondents agree that other measures, instead of the Status of the Artist Act, would be more effective at improving the economic circumstances of self-employed artists. About 24% of respondents are neutral, and 39% do not know or did not respond.

See Table 8 below for the details.

Table 8: Ongoing relevance of the Status of the Artist Act

Statement	Strongly agree/Agree	Neutral	Strongly disagree/Disagree	Don't know/No response
Measures to improve the economic circumstances of self-employed artists are necessary in Canada.	93%	4%	6%	2%
Measures to improve labour relations between artists' associations and producers are necessary in Canada.	74%	17%	2%	7%
The existing Status of the Artist Act is sufficient to improve the economic conditions of self-employed artists in Canada.	10%	17%	29%	44%
Other measures, in addition to the Status of the Artist Act, are necessary in order to improve the economic circumstances of self-employed artists.	73%	6%	1%	20%
Other measures, rather than the Status of the Artist Act, would be more effective at improving the economic circumstances of self-employed artists.	33%	24%	4%	39%

We also asked respondents to tell us how important they feel various measures that currently exist to improve the economic situation of self-employed artists are, in terms of their contribution to their own economic circumstances.

- More than 90% of respondents believe that deductions for business expenses under the Income Tax Act and copyright are important.
- Almost as many (87%) believe that creation, production, and touring grants from arts councils and government departments are important.
- About 80% of respondents believe that the public lending right and exhibition rights are important (79% and 76% respectively).
- Of the various measures that currently exist to improve the economic circumstances of artists, the legal right to collective bargaining, one of the rights granted through the Status of the Artist Act, is seen as the least important. About 70% of respondents believe that the legal right to collective bargaining is important, while about 15% of respondents believe that this right is of little or no importance. See Table 9.

Table 9: Other measures to improve economic circumstances of artists

Measure -- Very important/Important	%(n=296)
Deductions for business expenses under the Income Tax Act	95%
Protection of the economic rights of creators (copyright)	92%
Creation, production, and touring grants from arts councils and government departments	87%
Program of payments to Canadian authors for their eligible books catalogued in Canadian libraries (Public Lending Right)	79%
Compensation for public display of art works (exhibition rights)	76%
Legal right to collective bargaining	69%

We also asked respondents to rate the importance of various measures that have been proposed as means of improving the economic situation of self-employed artists. Respondents were to base this rating on their perception of the potential contribution of these measures to improving their own economic circumstances.

- Almost 90% of respondents believe income averaging for taxation purposes to be important, while about 80% believe that tax exemptions on copyright income are important.
- Almost as many regard protection from producer bankruptcy (78%) and access to employment insurance and other social programs (77%) to be important.

See Table 10.

Table 10: Proposed measures to improve economic circumstances of artists

Measure -- Very important/Important	%(n=296)
Income averaging for taxation purposes	88%
Tax exemption on copyright income	81%
Protection from producer bankruptcy	78%
Access to employment insurance and other social programs	77%

2.3 Impact of the legislation

A large proportion of survey respondents were unable to respond to questions related to the impact of the Status of the Artist Act, or indicated having no opinion. This may be because they were unaware of the legislation or because their knowledge of the Act is limited. For example, when we asked respondents whether the legislation adequately permitted recognition of professional artists, artists' associations, and artistic sectors, more than 60% did not know or did not respond to each of these questions. Similar proportions did not know or did not respond when we asked respondents whether the

legislation adequately permits artists' associations to enter into negotiations with producers and to negotiate scale agreements with producers. See Table 11 for detailed information.

Table 11: Does the legislation adequately permit...

	Yes	No	Don't know/No response
Recognition of professional artists	20%	18%	62%
Recognition of professional artists' associations	33%	8%	60%
Recognition of artistic sectors	20%	11%	69%
Artists' associations to enter into negotiations with producers	21%	11%	68%
Artists' associations to negotiate scale agreements with producers	20%	13%	68%

We next asked respondents to rate their level of agreement with a series of statements about the impact of the Status of the Artist Act.

- Almost half of respondents (47%) agree that the Status of the Artist Act has made no difference to their own economic circumstances. Of these, some 18% strongly agree. About 14% disagree, and 13% are neutral. Just over one-quarter (26%) do not know or did not respond.
- About 1 in 6 respondents agrees that the Status of the Artist Act has improved the economic circumstances of professional artists in Canada (17% of all survey respondents), and has, in general, improved labour relations between artists' associations and federal producers (15%). For both of these statements, about half of respondents do not know or did not respond.
- Just over 10% of all survey respondents agree that the Status of the Artist Act has improved labour relations between the association(s) of which he or she is a member and federal producers. However, more than half of respondents do not know or did not respond. See Table 12.

Table 12: Level of agreement

Statement	Strongly agree/Agree	Neutral	Strongly disagree/Disagree	Don't know/No response
The Status of the Artist Act has made no difference to my own economic circumstances.	47%	13%	14%	26%
The Status of the Artist Act has improved the economic circumstances of professional artists in Canada.	17%	22%	15%	46%
In general, the Status of the Artist Act has improved labour relations between	15%	22%	6%	57%

artists' associations and federal producers.

The Status of the Artist Act has improved labour relations between the association(s) that I am a member of and federal producers. 12% 25% 7% 56%

Respondents were asked to indicate what they thought were the main strengths and shortcomings of the Status of the Artist Act. About 70% of respondents do not have an opinion, do not know, did not respond, or said they do not know enough about the Act to respond. Nonetheless, respondents identified the following strengths of the legislation:

- It allows recognition of artists (12%).
- It allows recognition of artists' associations (7%).
- It provides for collective bargaining (5%).
- Shortcomings of the legislation identified by respondents include:
- Its economic impact is small or nonexistent (8%).
- It has not been properly publicized (7%).
- It does not reform tax laws (3%).
- It only covers federal producers (3%).

See Table 13.

Table 13: Strengths and shortcomings of the Status of the Artist Act

	% (n=296)
Strengths	
Recognition of artists	12%
Recognition of artists' associations	7%
Collective bargaining	5%
Other strengths	10%
Criticisms	
No opinion/Don't know/No response/Don't know enough about it	70%
Shortcomings	
No economic effect	8%
Lacks publicity	7%
Doesn't reform tax laws	3%

Only covers federal producers	3%
More enforcement necessary	2%
Definitional problems	2%
Other shortcomings	11%
No opinion/Don't know/No response/Don't know enough about it	70%

Note: Respondents could choose more than one answer. Totals may sum to more than 100%.

Respondents were asked what changes, if any, they would make to the Act. A large proportion of respondents (81%) do not have an opinion, do not know, did not respond, or do not know enough about the Act to respond. However, among those who gave suggestions for changes, the most frequently mentioned possibilities were tax reform, extending the legislation to cover more workers, and access to income assistance programs. Note that except for extended coverage, these suggestions are outside the scope of the legislation as it is currently formulated. See Table 14.

Table 14: Suggested changes to the Status of the Artist Act

Suggested change	% (n=296)
Tax reforms	5%
Extended coverage	3%
Access to income assistance programs	3%
More/broader copyright protection	2%
More or different grants	2%
More publicity for the Act	2%
Other changes	6%
No changes	1%
No opinion/Don't know/No response/Don't know enough about the Act	81%

Note: Respondents could choose more than one answer. Totals may sum to more than 100%.

We also asked respondents if they had any other suggestions for how to improve the economic conditions of self-employed artists in Canada. Almost half of respondents do not have an opinion, do not know, or did not respond. However, some of the suggestions to improve these conditions include increased arts funding and grants (15%); tax breaks, tax reform, or redefinitions (13%); income

assistance (9%); and more promotion of the arts, of creativity, and of the importance of artists (7%). See Table 15.

Table 15: Suggestions to improve the economic conditions of self-employed artists

Suggestion	% (n=296)
Increased arts funding or grants	15%
Tax breaks, reforms, redefinitions	13%
Income assistance	9%
Promotion of arts, creativity, importance of artists	7%
Copyright improvements	5%
Restrict foreign competition	4%
Raise awareness of law	3%
Other suggestions	18%
No opinion/Don't know/No response	45%

Note: Respondents could choose more than one answer. Totals may sum to more than 100%.

Summary

- Respondents to the survey are self-employed artists representing a variety of artistic sectors. Respondents indicated that self-employed professional artists are concerned about a range of issues including, for example, their level of compensation, income and wages, taxation, and work security.
- Fewer than half of respondents had heard of the Status of the Artist Act before receiving this survey. Of those who had heard of the Act, most were at least somewhat knowledgeable about its purpose and provisions.
- The majority of respondents disagree that the working conditions and economic circumstances of self-employed artists have improved since 1995, and almost all respondents believe that most self-employed artists cannot earn a living through their art and that non-artistic work is needed to supplement their income. Furthermore, many respondents agree that measures to improve the economic circumstances of self-employed artists and to improve labour relations between artists' associations and producers are necessary in Canada. However, few feel that the current Status of the Artist Act is sufficient to do this, and some believe that other measures, in addition to or instead of the Status of the Artist Act, are necessary to improve artists' economic circumstances.
- Most respondents believe that measures that currently exist to improve the economic situation of self-employed artists are important. Among those that are most important to respondents are

provisions for deduction of business expenses under the Income Tax Act and copyright. Fewer respondents find that rights granted under the Status of the Artist Act are important. In fact, respondents to the survey rated the legal right to collective bargaining as the least important of ten existing and potential measures. Of the four potential measures that respondents were asked to rate (income averaging, tax exemptions on copyright income, protection from producer bankruptcy, and access to employment insurance and other social programs), all four are seen as more important than the legal right to collective bargaining.

- Many respondents were unable to answer questions about the impact of the Status of the Artist Act. This may be because they were unaware of the legislation or their knowledge about the Act is limited. However, between one-fifth and one-third of respondents agree that the legislation is meeting its objectives. That is, it adequately permits recognition of professional artists, professional artists' associations, and artistic sectors, and adequately permits artists' associations to enter into negotiations with producers and to negotiate scale agreements with producers.
- Almost half of respondents agree that the Status of the Artist Act has made no difference to their own economic circumstances. Fewer than one-fifth of respondents agree that the Act has improved the economic circumstances of professional artists and labour relations between artists' associations and federal producers. Nonetheless, respondents believe that the main strengths of the legislation are that it recognizes artists and artists' associations and that it allows for collective bargaining. Among its main perceived shortcomings are its limited economic impact, a lack of publicity, the fact that it does not reform tax laws, and its restriction to federal producers.
- Very few respondents suggested changes to the Act, but about half gave suggestions for other ways to improve the economic conditions of self-employed artists in Canada. Increased arts funding and grants and tax reform were the most frequently mentioned possibilities.

Findings from the producer survey

Findings from the producer survey have been organized according to the issues and questions in the research framework.

Profile of respondents

- Three respondents are part of a federal department or ministry, and two represent a federal government agency or Crown corporation. One respondent is a federally regulated broadcaster. The remaining two respondents are not representatives of one of these categories. It is possible that these respondents represent producer associations.
- Half of respondents work in the area of publishing. Three are involved in visual arts. Other areas of artistic production include broadcasting; performing arts such as dance, opera, theatre, and music; and film/video production. One respondent indicated being involved in "contracting" but did not elaborate, and one did not respond.
- Producers appear to employ artists who are members of certified artists' associations. However, the number of artists' associations employed by a producer varies greatly, from only one artists' association to 13 artists' associations. Five producers employ four artists' associations or fewer. One federal department/ministry employs 13 artists' associations. Two producers representing a federal department/ministry did not respond to this question.

Awareness of the Act

Most producers appear to be aware of the Status of the Artist Act. Six respondents had heard of the Status of the Artist Act before receiving the survey, while the two remaining respondents had not. It should be noted that these are the two respondents who did not fit into one of the producer groups listed in the survey.

Producers who are aware of the Act seem to be knowledgeable of its purpose and provisions. In fact, each of the producers who had heard of the Act said that they are at least somewhat aware of its purpose and provisions. Two respondents said that they are very knowledgeable about the purpose of the Act.

Relevance of the legislation

We asked respondents to rate(49) their level of agreement with several statements about the relevance of the Status of the Artist Act. Their opinions are reported in this section.

Working conditions and economic circumstances

- Three respondents agree that the working conditions and economic circumstances of self-employed artists are better now than they were in 1995. Two respondents disagree, and three do not know.
- Five respondents agree that measures to improve the economic circumstances of self-employed artists are necessary in Canada. One respondent disagrees with this statement, another is neutral, and one does not know. Of those who agree with this statement, two respondents also agree that the working conditions and economic circumstances of self-employed artists are better now than they were in 1995. Two disagree, and one does not know.
- Two respondents with an opinion agree that measures to improve labour relations between artists' associations and producers are necessary. Another two respondents disagree with this statement. Three respondents are neutral, and one did not respond. Of those who agree with this statement, one respondent also agrees that the working conditions and economic circumstances of self-employed artists are better now than they were in 1995. The other disagrees.

Ability of the Act to achieve its objectives

Three respondents strongly disagree that the existing Status of the Artist Act is sufficient to achieve its objectives. Two respondents agree with this statement, and two are neutral. One respondent does not know.

Three respondents agree that other measures, in addition to the Status of the Artist Act, are necessary in order to achieve its objectives. Of the remaining respondents, two are neutral, two disagree, and one does not know.

A variety of reasons for agreeing that other measures are necessary were given. The responses include:

- Act affects associations but not necessarily artists themselves.
- Labour relations provisions may apply to one form of artistic production but not another.

Half of respondents agree that other measures, rather than the Status of the Artist Act, would be more

effective at achieving its objectives. Three respondents are neutral, and one disagrees.

Those who agree give the following reasons:

- Have not been successful so far in implementing SAA so there is evidently a problem.
- Further support to individual artists could be made through stimulation of the market through tax incentives, improved funding to federal producers, enhanced support to arts councils and grassroots arts organizations.

Two of the respondents who strongly disagree that the existing Status of the Artist Act is sufficient to achieve its objectives agree that other measures, in addition to the Status of the Artist Act, are necessary in order to achieve its objectives. All the respondents who strongly disagree that the existing Act is sufficient agree that other measures than the Status of the Artist Act would be more effective at achieving its objectives.

Implementation of the legislation

In this section, we report on respondents' perspectives regarding the implementation of the Status of the Artist Act.

Respondent involvement with the Act

The level of respondent involvement with the Status of the Artist Act varies. Nonetheless, the majority of respondents (5 of 8) have been served with notices to bargain. Of these, three respondents have been served one notice to bargain, and two have been served three notices to bargain. For four respondents, these notices to bargain resulted in one case of entering into negotiations. One respondent entered into negotiations in three cases. In one instance, these negotiations resulted in the conclusion of a scale agreement.

Implementation

Three respondents agree that the Status of the Artist Act adequately permits professional artists' associations to be recognized for collective bargaining purposes. Half of respondents have a neutral opinion, and one did not respond.

Half of respondents disagree that the existing Status of the Artist Act adequately takes into account the concerns of producers. One respondent agrees with this statement because "there is a need to properly define the producer and engaging of artists." Of the remaining respondents, three respondents are neutral, and one agrees. The reason for agreeing with this statement is that "freedom of association and expression are recognized under the Act."

Half of respondents agree that there are numerous impediments to successful negotiation of scale agreements with artists' associations. Reasons for agreeing with this statement include:

- The negotiation of collective agreements is inappropriate for contracting departments.
- The law is not clear and is inconsistent with common contracting practices.
- Producers are not represented or adequately consulted.
- Associations are certified to negotiate for activities that fall outside the scope of the Status of

the Artist Act, e.g., for copyright, which is a "good," not a service.

Two respondents disagree with this statement, one is neutral, and one has no opinion/does not know.

Half of respondents strongly agree that the Status of the Artist Act has been inconsistently interpreted.

Reasons for strongly agreeing with this statement include:

- No one seems to have a good handle on what is required, and the Tribunal is not willing to assist.
- Different associations interpret the Act the way it suits them and usually to the benefit of the union or association rather than artists.
- Producers have not been consulted, and the Act, while granting artists' unions the right to set fees, does not seem to have encouraged government funders at any level to have improved program support to institutions.
- The Tribunal has exceeded the scope of its legislated authority. In our current negotiation with an artists' association, the artists' association is requesting to negotiate beyond the scope of their certification.

Three respondents have a neutral opinion, and one has no opinion/does not know.

Half of respondents strongly agree that some provisions of the Status of the Artist Act require clarification. Reasons for strongly agreeing with this statement include:

- Federal producers should be significant users rather than every department and agency [i.e., they should employ large numbers of self-employed artists in order to fall under the scope of the legislation].
- The role and authority of the Tribunal must be re-evaluated to ensure that their decisions, particularly in regard to certifications, balance the interests of stakeholders and reflect the intent of the legislation.

Two respondents have a neutral opinion, one disagrees, and one has no opinion/does not know.

Each respondent who strongly agrees that the Act has been inconsistently interpreted also strongly agrees that it requires clarification.

Impact of the legislation

In this section, we report on respondents' perspectives on the impact of the Status of the Artist Act legislation.

- Half of respondents have no opinion/do not know whether the Status of the Artist Act has improved the economic circumstances of professional artists in Canada. There is no consensus among those who could rate their opinion; two are neutral, one agrees, and one disagrees.
- Half of respondents disagree that the Status of the Artist Act has improved labour relations between their organization and artists' associations. Three of these respondents strongly disagree. One respondent agrees, two are neutral, and one has no opinion/does not know.
- Half of respondents disagree that, in general, the Status of the Artist Act has improved labour relations between artists' associations and federal producers. Of the remaining respondents, two are neutral, and two have no opinion/do not know.
- Three of the respondents who disagree that the Act has improved labour relations between their

organization and artists' associations also disagree that the Act has improved labour relations between artists' associations and federal producers.

Strengths and weaknesses

Respondents identified the following strengths of the legislation:

- Unions are more able to impose themselves because of the added powers the legislation grants them. However, this may be counterproductive because federal producers want to work with them but for benefit of artists, not associations.
- The Act provides a good framework for negotiations and is clear on most of the obligations of federal producers.

Two respondents indicated that they did not have experience with the Act. However, one reported that his/her organization recognized the Act's potential to enhance the conditions of employment for artists who are delivering a service to a federal producer.

The main shortcomings identified by respondents include:

- The Act doesn't seem applicable to visual artists because of the nature of the visual artist/dealer relationship.
- With respect to visual arts institutions, only one or two copyright collectives have been privileged to set fees.
- Does not work for contracting/competitive solicitations where bidders include individuals and firms.
- Causes federal departments tremendous complexity for business volumes that are insignificant.
- Not consistent with provincial laws affecting this industry.
- The Act is not clear on outlining the way federal producers work vis-à-vis the arts community.
- Some organizations are finding themselves brought into collective bargaining under the Act for activities beyond commissioned or distributed works.

Summary

Given the small sample size, it is difficult to make generalizations based on results from the producer survey. Further, some producers were unable to rate their opinions about the Status of the Artist Act. This may be because two of the producers were not aware of the legislation before this survey was distributed or because most producers who were aware of the Act were only somewhat knowledgeable about its purpose and provisions. Additionally, in many instances where producers were able to rate their opinions, a general consensus was not reached.

While producers may have limited experience with the Status of the Artist Act, they agree that measures to improve the economic circumstances of self-employed artists in Canada are necessary. However, it also appears that the current legislation may not be adequate. Several producers agree that other measures, in addition to or rather than the Status of the Artist Act, are necessary in order to achieve its objectives. This may be because producers do not feel that the current legislation takes into account their concerns or because the Act has been inconsistently interpreted and therefore requires clarification.

A unanimous agreement regarding the impact of the Act was not reached. Some producers feel that the

Act improves the economic circumstances of professional artists in Canada; improves labour relations between their organization and artists' associations; and improves labour relations between artists' associations and federal producers. Others do not agree with these statements or do not have an opinion/do not know.

Producers said that the Act is a good framework for negotiations and noted that it has the potential to enhance the conditions of employment for artists who are delivering a service to a federal producer. However, they also indicated that the Act is not applicable to all areas of artistic production and that, in some instances, its implications for producers are not clear.

Annex A -- Survey of Artists

Review of the Provisions and Operations of the Status of the Artist Act

The Department of Canadian Heritage has contracted with PRA Inc., an independent research firm, to conduct a review of the provisions and operations of the Status of the Artist Act. The Act is federal legislation that recognizes the importance of artists in Canadian society and establishes a framework to govern professional relations between associations of self-employed professional artists and producers in federal jurisdiction.

This survey, which gathers information from members of artists' associations, is part of our review of the federal legislation. Your name was randomly selected from the membership list of the association of which you are a member. Your views are important to the review, so please take a few moments to complete this questionnaire. All of your responses will remain confidential to PRA and will be reported only in aggregate. The administrative number below is solely to enable us to manage the survey process and to understand our sample.

- If you have any questions about the survey, please telephone Natalie Baydack of PRA toll-free at 1-888-877-6744.
- Please return the survey in the envelope provided or by toll-free fax at 1-800-717-5456
- Your early attention to this survey is appreciated.
- Please return the survey by April 19, 2002

Part A: Background information

This first section of the questionnaire gathers background information to help us understand the context for your responses.

1. Please check the single category that best describes your occupation as a self-employed professional artist.

Self-employed professional artist A self-employed professional artist is one who pursues his or her work independently (i.e., is not employed by an organization or a producer), or who performs artistic work as part of a contract for services. Self-employed artists are not covered under the Employment Insurance Act, but are covered by, and must pay all the contributions required under, the Canada Pension Plan based on their net self-employed earnings. The questions below pertain to your activities as a self-employed artist, and not to any work you might be performing as an employee.

- 0 Writer
1
- 0 Actor
2
- 0 Producer/director/choreographer
3
- 0 Painter/sculptor/other visual artist
4
- 0 Conductor/composer/arranger
5
- 0 Artisan/craftsperson
6
- 0 Musician/singer
7
- 0 Dancer
8
- 6 Other (specify): _____
6

2a. Please check the name of the certified artists' association(s) of which you are currently a member. If you are a member of more than one association, please check all that apply.

If you are not a member of any of the associations on the list, please go to question 2b.

Certified Artists' Associations

A certified artists' association is one that has been granted the sole right, under the Status of the Artist Act, to represent an artistic sector for purposes of collective bargaining with producers in federal jurisdiction.

- 0 Société des auteurs de radio, télévision et cinéma (SARTEC)
1
- 0 Union des Artistes (UdA)
2
- 0 Union des écrivaines et écrivains québécois (UNEQ)
3
- 0 Playwrights Union of Canada (PUC)
4

0 Canadian Actors' Equity Association (CAEA)
5

0 American Federation of Musicians of the United States and Canada (AFofM)
6

0 Association québécoise des auteurs dramatiques (AQAD)
7

0 La Guilde des musiciens québécois/Québec Musicians' Guild
8

0 Canadian Association of Photographers and Illustrators in Communications (CAPIC)
9

1 Le Regroupement des artistes en arts visuels du Québec (RAAV)
0

1 Société professionnelle des auteurs et des compositeurs du Québec (SPACQ)
1

1 Conseil des métiers d'art du Québec (CMA)
2

1 Periodical [now Professional} Writers Association of Canada (PWAC)
3

1 L'Association des réalisateurs et réalisatrices du Québec (ARRQ)
4

1 Writers Guild of Canada
5

1 The Writers' Union of Canada (TWUC)
6

1 ACTRA Performers Guild
7

1 Canadian Artists' Representation/le Front des artistes canadiens (CARFAC)
8

1 Editors' Association of Canada/Association canadienne des réviseurs (EAC/ACR)
9

2 Associated Designers of Canada/Association des designers canadiens (ADC)
0

2 Association des professionnels des arts de la scène du Québec (APASQ-CSN)
1

2b. If you are a member of an artists' association that is not listed in question 2a, please indicate it below. If you are a member of than more than one other association, please indicate all of them.

3. Please describe the main issues that concern you as a self-employed professional artist.

4. We are interested in knowing how well the federal Status of the Artist Act has been promoted. Before receiving this survey, had you heard of the Status of the Artist Act?

- 1 Yes (Go to Question 5)
- 0 No (Go to Part B)
- 8 Unsure/don't know (Go to Part B)

5. How would you rate your knowledge of the purpose of the Status of the Artist Act?

- 3 Very knowledgeable
- 2 Somewhat knowledgeable
- 1 Not at all knowledgeable (just heard of it) (Go to Part B)

6. How would you rate your knowledge of the provisions of the Status of the Artist Act?

- 3 Very knowledgeable

2 Somewhat knowledgeable

1 Not at all knowledgeable

Part B: Relevance of legislation

Background: The federal Status of the Artist Act came into force in 1995. The Act was intended to improve working conditions and economic circumstances of artists vis-à-vis other workers. Part I of the Act recognizes the importance of artists in Canadian society and establishes the Canadian Council on the Status of the Artist, which is responsible for supporting and promoting the professional status of artists in Canada. Part II establishes a framework to govern collective bargaining between associations of self-employed professional artists and producers within federal jurisdiction. A labour board, the Canadian Artists and Producers Professional Relations Tribunal, oversees Part II of the Act. The overall objectives of the legislation are to improve the socio-economic status of self-employed professional artists, and to improve labour relations between artists' associations and producers.

This section asks for your opinion about the ongoing relevance of the federal legislation.

7. Please read each statement below and check the response that best represents your opinion.

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Don't know
a. Overall in Canada, the working conditions and economic circumstances of self-employed artists are better now than in 1995.	5	4	3	2	1	8
b. Most self-employed artists in Canada today can earn a living through their art.	5	4	3	2	1	8
c. Most self-employed artists in Canada today can earn a living only if they supplement their art with non-artistic work.	5	4	3	2	1	8
d. Measures to improve the economic circumstances of self-employed artists are necessary in Canada.	5	4	3	2	1	8
e. Measures to improve labour relations between artists' associations and producers are necessary in Canada.	5	4	3	2	1	8
f. The existing Status of the Artist Act is sufficient to improve the economic	5	4	3	2	1	8

conditions of self-employed artists in Canada.

g. Other measures, in addition to the Status of the Artist Act, are necessary in order to improve the economic circumstances of self-employed artists.	5	4	3	2	1	8
--	---	---	---	---	---	---

h. Other measures, rather than the Status of the Artist Act, would be more effective at improving the economic circumstances of self-employed artists.	5	4	3	2	1	8
--	---	---	---	---	---	---

8. If you answered Strongly Agree or Agree to Question g above, please elaborate.

9. If you answered Strongly Agree or Agree to Question h above, please elaborate.

10. Various measures to improve the economic situation of self-employed artists currently exist. Some examples are listed below. Please indicate how important you think each of these measures are, in terms of their contribution to improving your own economic circumstances.

Very important						Not at all important
a. Legal right to collective bargaining (i.e., the Status of the Artist Act)	5	4	3	2	1	
b. Deductions for business expenses under the Income Tax Act	5	4	3	2	1	

- c. Compensation for public display of art works (Exhibition Right) 5 4 3 2 1
- d. Protection of the economic rights of creators (Copyright) 5 4 3 2 1
- e. Program of payments to Canadian authors for their eligible books catalogued in Canadian libraries (Public Lending Right) 5 4 3 2 1
- f. Creation, production, and touring grants from arts councils and government departments 5 4 3 2 1
- g. Other (specify): _____ 5 4 3 2 1

11. In addition to the measures that already exist, various measures have been proposed as means of improving the economic situation of self-employed artists. Some examples are listed below. Please indicate how important you think each of these measures would be, in terms of their contribution to improving your own economic circumstances.

	Very important				Not at all important
a. Income averaging for taxation purposes (i.e., the right to carry extra income forward to the next tax year to reduce taxes)	5	4	3	2	1
b. Tax exemption on copyright income	5	4	3	2	1
c. Protection from producer bankruptcy	5	4	3	2	1
d. Access to Employment Insurance and other social programs	5	4	3	2	1
e. Other (specify): _____	5	4	3	2	1

Part C: Impact of the legislation

This last section of the questionnaire asks for your perspective on the impact of the Status of the Artist Act.

12. Please read each question below and check the most appropriate response. If you answer yes or no, please explain your answer in the space provided.

In your opinion, does the legislation adequately permit...	Yes	No	Don't know	Why or why not?
a. recognition of professional artists?	1	0	8	_____ _____

b. recognition of professional artists' associations?

1 0 8

c. recognition of artistic sectors?

1 0 8

d. artists' associations to enter into negotiations with producers?

1 0 8

e. artists' associations to negotiate scale agreements with producers?

1 0 8

* A scale agreement 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.

13. Please read each statement below and check the response that best represents your opinion.

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Don't know/ No opinion
a. The Status of the Artist Act has improved the economic circumstances of professional artists in Canada.	5	4	3	2	1	8
b. The Status of the Artist Act has made no difference to my own economic circumstances.	5	4	3	2	1	8
c. In general, the Status of the Artist Act has improved labour relations between artists' associations and federal producers.	5	4	3	2	1	8

d. The Status of the Artist Act has improved labour relations between the association(s) that I am a member of and federal producers. 5 4 3 2 1 8

14. What do you think are the main strengths of the Status of the Artist Act? Please describe with reference to your own experience or the experience of the association(s) of which you are a member.

88 No opinion/don't know

15. What do you think are the main shortcomings of the Status of the Artist Act? Please describe with reference to your own experience or the experience of the association(s) of which you are a member.

88 No opinion/don't know

16. What changes, if any, would you make to the Status of the Artist Act?

00 No changes 88 No opinion/don't know

17. Do you have any other suggestions for how to improve the economic conditions of self-employed artists in Canada?

88 No opinion/don't know

Thank you for taking the time to complete this survey.

Please return it in the enclosed self-addressed, postage-paid envelope to:

- Prairie Research Associates Inc. (PRA)
- 500 - 363 Broadway
- Winnipeg, Manitoba R3C 3N9
- Or you can fax it back to us toll-free at:
- 1-800-717-5456
- www.pch.gc.ca/progs/em-cr/eval/2002/2002_25/10_e.cfm

Annex B

SURVEY OF PRODUCERS

Survey of Federal Producers

Review of the Provisions and Operations of the Status of the Artist Act

The Department of Canadian Heritage has contracted with PRA Inc., an independent research firm, to conduct a review of the provisions and operations of the Status of the Artist Act. The Act is federal legislation that recognizes the importance of artists in Canadian society and establishes a framework to govern professional relations between associations of self-employed professional artists and producers in federal jurisdiction.

This survey, which gathers information from producers in federal jurisdiction, is part of our review of the federal legislation. Your organization was identified by the Department of Canadian Heritage to participate in the survey. Your views are important to the review, so please take a few moments to complete this questionnaire. All of your responses will remain confidential to PRA and will be reported only in aggregate. The administrative number below is solely to enable us to manage the survey process and to understand our sample.

If you would prefer that another individual from your organization respond to the survey, please write that person's name and telephone number in the space provided and return the questionnaire to PRA in the enclosed self-addressed, postage-paid envelope. PRA will then invite the individual you identify to participate in the survey.

If you have any questions about the survey, please telephone Natalie Baydack of PRA toll-free at 1-888-877-6744.

Name of alternate respondent: _____

Phone number of alternate respondent: (_____) _____ - _____

- Please return the survey in the envelope provided
- or by toll-free fax at
- 1-800-717-5456
- Your early attention to this survey is appreciated
- Please return the survey by
- March 22, 2002

Part A: Background information

This first section of the questionnaire gathers background information to help us understand the context for your responses.

INSTRUCTIONS: Please read each question carefully and check () or write in the appropriate response. Return your completed questionnaire by toll-free fax (1-800-717-5456) or in the envelope provided.

1. Three categories of producers fall under the jurisdiction of the federal Status of the Artist Act. Please check the category that describes your organization.

- | | |
|---|---|
| Federal department/ministry | 1 |
| Federal government agency/Crown corporation | 2 |
| Federally-regulated broadcaster | 3 |

In what area of artistic production does your organization work? Please check all that apply.

- | | |
|----|--|
| 0 | Film/video production |
| 1 | |
| 02 | Performing arts (dance, opera, theatre, music) |
| 0 | Broadcasting |
| 3 | |
| 04 | Visual arts |
| 0 | Publishing |
| 5 | |

06 Music recording

6 Other (specify): _____
6

3. Does your organization employ artists who are members of any of the following certified artists' associations? A certified artists' association is one that has been granted the sole right, under the Status of the Artist Act, to represent an artistic sector for purposes of collective bargaining with producers in federal jurisdiction. Please check all that apply.

- 0 Société des auteurs de radio, télévision et cinéma (SARTEC)
1
- 02 Union des Artistes (UdA)
- 03 Union des écrivaines et écrivains québécois (UNEQ)
- 04 Playwrights Union of Canada (PUC)
- 05 Canadian Actors' Equity Association (CAEA)
- 06 American Federation of Musicians of the United States and Canada (AFofM)
- 07 Association québécoise des auteurs dramatiques (AQAD)
- 08 La Guilde des musiciens québécois/Québec Musicians' Guild
- 09 Canadian Association of Photographers and Illustrators in Communications (CAPIC)
- 10 Le Regroupement des artistes en arts visuels du Québec (RAAV)
- 11 Société professionnelle des auteurs et des compositeurs du Québec (SPACQ)
- 12 Conseil des métiers d'art du Québec (CMA)
- 13 Periodical [now Professional} Writers Association of Canada (PWAC)
- 14 L'Association des réalisateurs et réalisatrices du Québec (ARRQ)
- 15 Writers Guild of Canada
- 16 The Writers' Union of Canada (TWUC)
- 17 ACTRA Performers Guild
- 18 Canadian Artists' Representation/le Front des artistes canadiens (CARFAC)

- 19 Editors' Association of Canada (Association canadienne des réviseurs (EAC/ACR))
- 20 Associated Designers of Canada/Association des designers canadiens (ADC)
- 21 Association des professionnels des arts de la scène du Québec (APASQ-CSN)

4. We are interested in knowing how well the federal Status of the Artist Act has been promoted. Before receiving this survey, had you heard of the Status of the Artist Act?

- 0 Yes (Go to Question 5)
- 1 No (Go to Part B)
- 8 Unsure/don't know (Go to Part B)

5. How would you rate your knowledge of the purpose of the Status of the Artist Act?

- 1 Very knowledgeable
- 2 Somewhat knowledgeable
- 3 Not at all knowledgeable (just heard of it) (Go to Part B)

6. How would you rate your knowledge of the provisions of the Status of the Artist Act?

- 1 Very knowledgeable
- 2 Somewhat knowledgeable
- 3 Not at all knowledgeable

Part B: Relevance of legislation

Background: The federal Status of the Artist Act came into force in 1995. The Act was intended to improve working conditions and economic circumstances of artists. Part I of the Act recognizes the importance of artists in Canadian society and establishes the Canadian Council on the Status of the Artist, which is responsible for supporting and promoting the professional status of artists in Canada. Part II establishes a framework to govern collective bargaining between associations of self-employed professional artists and producers within federal jurisdiction. A labour board, the Canadian Artists and Producers Professional Relations Tribunal, oversees Part II of the Act. The overall objectives of the legislation are to improve the socio-economic status of self-employed professional artists, and to improve labour relations between artists' associations and producers.

This section asks for your opinion about the ongoing relevance of the federal legislation.

7. Please read each statement below and check the response that best represents your opinion.

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Don't know
a. Overall in Canada, the working conditions and economic circumstances of self-employed artists are better now than in 1995.	5	4	3	2	1	8
b. Measures to improve the economic circumstances of self-employed artists are necessary in Canada.	5	4	3	2	1	8
c. Measures to improve labour relations between artists' associations and producers are necessary in Canada.	5	4	3	2	1	8
d. The existing Status of the Artist Act is sufficient to achieve its objectives.	5	4	3	2	1	8
e. Other measures, in addition to the Status of the Artist Act, are necessary in order to achieve its objectives.	5	4	3	2	1	8
f. Other measures, rather than the Status of the Artist Act, would be more effective at achieving its objectives.	5	4	3	2	1	8

8. If you answered Strongly Agree or Agree to Question e above, please elaborate.

9. If you answered Strongly Agree or Agree to Question f above, please elaborate.

Part C: Implementation of the legislation

This section of the questionnaire asks for your perspective on the way the Status of the Artist Act has been implemented.

10. Since the Status of the Artist Act was implemented in 1995, has your organization been served with any notices to bargain by a certified artists' association?

a 1 Yes (If yes) How many notices to bargain has your organization been served?

.

0 No (Go to
Question
11)

b Did any of these notices to bargain result in entering into negotiations?

.

1 Yes (If yes) In how many cases did a notice to bargain result in entering into negotiations?

0 No (Go to
Question
11)

c Did any of these negotiations result in conclusion of a scale agreement?

.

1 Yes (If yes) In how many instances did negotiations result in conclusion of a scale agreement?

0 No (Go to
Question
11)

11. Please read each statement below and check the response that best represents your opinion.

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Don't know/ No opinion
a. The Status of the Artist Act adequately permits professional artists' associations to be recognized for collective bargaining purposes.	5	4	3	2	1	8
b. The existing Status of the Artist Act adequately takes into account the concerns of producers.	5	4	3	2	1	8
c. There are numerous impediments to successful negotiation of scale agreements with artists' associations.	5	4	3	2	1	8
d. The Status of the Artist Act has been inconsistently interpreted.	5	4	3	2	1	8
e. Some provisions of the Status of the Artist Act require clarification.	5	4	3	2	1	8

12. If you answered Strongly Agree or Agree to Question b above, please explain your answer.

13. If you answered Strongly Agree or Agree to Question c above, please explain your answer.

14. If you answered Strongly Agree or Agree to Question d above, please explain your answer.

15. If you answered Strongly Agree or Agree to Question e above, please explain your answer.

Part D: Impact of the legislation

This last section of the questionnaire asks for your perspective on the impact of the Status of the Artist Act.

16. Please read each statement below and check the response that best represents your opinion.

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Don't know/ No opinion
a. The Status of the Artist Act has improved the economic circumstances of professional artists in Canada.	5	4	3	2	1	8
b. The Status of the Artist Act has improved labour relations between my organization and artists' associations.	5	4	3	2	1	8
c. In general, the Status of the Artist Act has improved labour relations between artists' associations and federal producers.	5	4	3	2	1	8

17. What do you think are the main strengths of the Status of the Artist Act? Please describe with reference to the experience of your organization.

88 No opinion/don't know

18. What do you think are the main shortcomings of the Status of the Artist Act? Please describe with reference to the experience of this organization.

88 No opinion/don't know

19. What changes, if any, would you make to the Status of the Artist Act?

00 No changes 88 No opinion/don't know

20. Do you have any other suggestions for how to improve the economic conditions of self-employed artists in Canada?

88 No opinion/don't know

21. Do you have any other suggestions for how to improve labour relations between producers and artists' associations?

88 No opinion/don't know

Thank you for taking the time to complete this survey.

Please return it in the enclosed self-addressed, postage-paid envelope to: Prairie Research Associates Inc. (PRA), 500 - 363 Broadway, Winnipeg, Manitoba R3C 3N9, 1-800-717-5456

Notes

- This respondent's organization was not represented by the categories of federal producers listed in the questionnaire.
- As a part of the evaluation of the Status of the Artist Act, PRA conducted in-depth interviews with 65 key informants.
- This is based on a scale of 1 to 5 where 1 is strongly disagree and 5 is strongly agree.
- This is based on a scale of 1 to 5 where 1 is strongly disagree and 5 is strongly agree.
- Date modified: 2003/04/07

Appendix G: Special Income Tax Measures for Freelance Artists

The Council of Europe/ERICarts Compendium of Cultural Policies and Trends in Europe, 9th edition 2008 has published the following chart to compare various countries around the world. For more information, consult their website at www.culturalpolicies.net.

Country	Special allowances		Income averaging		Remarks
	Indep. creators	Performing artists	Indep. creators	Performing artists	
Austria	+*	5-7.5%**	Over 3 years	Over 3 years	*Exemption of awards/scholarships and of work carried out in other countries. **Flat rate deduction for arts/media workers.
Belgium	*	*	--	--	*No special measures for artists, except partial or full exemption of public awards and subsidies.
Bulgaria	50%*	50 %*	Over 1 - 4 years**	--	*Deduction of 50% on income resulting from works of art. **For income resulting from their works of art.
Canada	--*	--	--	--	*No special rates or measures on the national level, only exemptions for a share of copyright-derived income for artists in Quebec (provincial tax).
Croatia	+*	+*	--	--	*25% of authors' fees are not taxed, and another 40% are recognised as business expenses.
Denmark	Tax reduction*	No special taxation agreement	Max 10 years	No special taxation agreement	*Figures for 2006 show a max transfer of 539.000 DKK to later taxation years.
Estonia	+*	--	Several years**	--	*New legislation 2005. **On income relating to the works created.

Country	Special allowances		Income averaging		Remarks
	Indep. creators	Performing artists	Indep. creators	Performing artists	
Finland	-*	-	Over 2 or more years	Over 2 or more years	*New legislation in discussion.
France	10 and 20%	10% or diverse rates	Over 3 years*	Over 3 years*	*Option can be withdrawn.
Georgia	--	--	--	--	No special exemptions or measures for artists.
Germany	30%*	Special rates**	Several years***	Several years***	*Flat rate for independent artists. **Freelances with short contracts; ***For previous + following years, in which the work is carried out.
Greece	++	++	Over 1 year + 3 more years**	--	*Exemption of public and other recognized grants, scholarships, awards. **For visual artists only.
Hungary	+*/**	+**	--	--	*Max. 400 € reduction of income from intellectual property rights. **Option for simplified tax rules.
Ireland	Total tax exemption*	-	Total tax exemption*	-	*Exemption only for creative artists (not performing artists) on income from work recognized for its artistic or cultural value.
Italy	25%*	--	--	--	*Reduction of taxable income from intellectual property rights + deduction of some professional expenses.
Latvia	15-40%*	--	--	--	*Depends on the type of

					profession.
Lithuania	--	--	--	--	No exemptions.
Country	Special allowances		Income averaging		Remarks
	Indep. creators	Performing artists	Indep. creators	Performing artists	
Luxembourg	25%	25 %	Over 4 years*	Over 4 years*	*Reduced tax on "revenues extra-ordinaires" + exemption of awards.
FYR Macedonia	Tax reduction*	30%	-	-	* The rates vary depending on type of activity and range between 25% to 60%; for example, sculptures 60%; painting 50%; classical music, ballet, theatre and film performances 30%; for pop and folk music 25%, etc.
Malta	+*	---	--	--	*Relative allowance for materials and supplies.
Moldova	--	--	--	--	No special exemptions or measures for artists.
The Netherlands	--	--	Over 3 years*	Over 3 years*	*1989.
Norway	--	--	Over 3 years*	--	*For visual artists only.
Poland	50%*	50%*	--	--	*Exemption for income from the creation of works of art/literature. Plans for abolishment failed in 2006.
Portugal	50%*	50%*	--	--	*On income from intellectual property rights.
Russia	20-40%*	20-30%*	--	--	*Differs according to type of

					activity (e.g.40% for sculptors or 20% for both creation and performance of literary works). Grants, prizes and scholarships (included in the official list) are tax exempt.
Country	Special allowances		Income averaging		Remarks
	Indep. creators	Performing artists	Indep. creators	Performing artists	
Serbia	40%-60%*	40%-60%*	Maximum 5 years	Maximum 5 years	*60%: sculpture, tapestry, art ceramics, mosaic and stained glass; 50%: art photography, fresco painting and similar arts, clothes design and textile design; painting, graphic design, industrial design, visual communications, landscaping, restorations, translations; music performance, movie-making; 40%: programmes and performances of folk music, database production, media production and all other activities.
Slovakia	--*	--*	Max 3 years	Max 3 years	* Deduction of 40% (flat expenses) on income resulting from selling of intellectual property rights (incl. copyrights and rights related to copyright).
Slovenia	25%*	--	--	--	*For registered artists on income below 42.000 € (+ personal 15% allowance on income under 25.000 €).
Spain	+*	+*	+	+	*Certain allowances + tax

					exemption on "important literary prizes".
Sweden	--	--	+*	--	*System of "upphovsmannakonto".
Switzerland	--	--	--	--	No special exemptions or measures for artists (but 26 different tax regimes on the regional level!).
Country	Special allowances		Income averaging		Remarks
	Indep. creators	Performing artists	Indep. creators	Performing artists	
Ukraine	--*	--*	--	--	*Flat rate deduction established by each locality. General rate of 15% could apply (like all other entrepreneurs).
United Kingdom	+*	+*	2 years**	2 years**	*Exemption of Arts Council grants. **Previous + following year (profits of one of the tax years must be less than 75% of those in the other year).

Writers in Canada form an important part of Canada’s creative labour force. As such, the value of their work is determined by federal laws relating to copyright, intellectual property, human rights and tax legislation. In exchange for such control, the federal government offers a number of services meant to encourage creative output by its citizens. These actions are further informed and changed by international intellectual property norms, trade treaties, and other standards beyond any one country’s control.

At the same time, as small business operators in a province or community, we are also affected by local, municipal and provincial regulations.

For all of these reasons, the Periodical Writers Association of Canada has an active government action committee that informs members about the limits and benefits of government programs at all levels. Tracey Arial has attempted to document some of what that committee has learned over the years for writers across the country in this new “Guide to Government Action for Independent Writers in Canada.”

