

A free information pamphlet

on Status of the Artist in PEI

What's the
Status of the Artist
in Prince Edward Island?

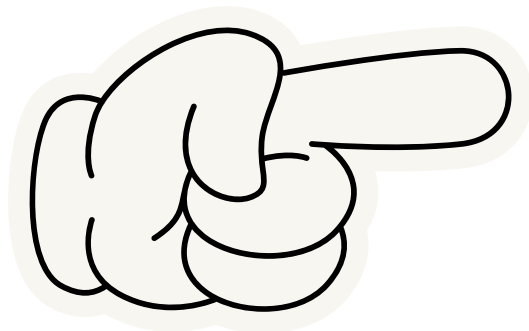
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What is Status of the Artist?

Status of the Artist describes a category of laws and policies directed at improving the social and economic condition of professional artists.

It has two main parts:

- The important role that artists play in every human society should be acknowledged.
- Government legislation and programs should encourage creative expression and ensure equitable treatment for artists by responding to the atypical manner in which they work.



Status of the Artist as a concept was outlined by UNESCO in 1980. It set out recommendations designed to provide governments with a framework of **concrete actions to support professional artists**, particularly in relation to their income and social security, by addressing a cluster of related issues:

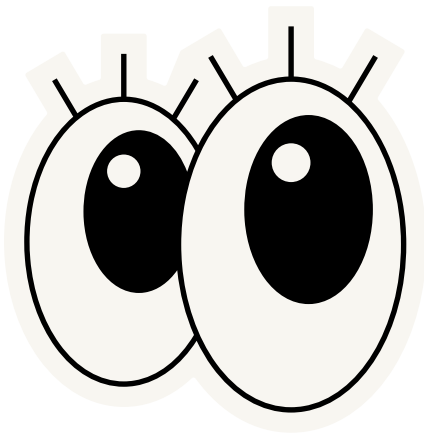
- **Employment, working and living conditions of artists.**
- **Recognition of the rights of their professional and union organizations.**
- **Social status, including measures to ensure equivalent status to other workers in areas such as health and insurance.**
- **Protection of freedom of expression and protection of intellectual property rights.**
- **The education and training of artists.**
- **The importance of arts education [for the public].**
- **Measures related to income, support during periods of unemployment, and retirement issues.**

In Canada, the Federal *Status of the Artist Act* (SAA) was passed in 1992. Part 1 of the SAA acknowledges the importance of artists culturally, socially, economically and politically. It is meant to develop and enhance Canada's artistic and cultural life, and to propose measures based on research and studies to **improve the working conditions of artists**. Part 2 provides actions to establish a legal framework for relations between organizations representing professional self-employed artists and producers, and helps **protect their rights as workers**.

Importantly, SAA recognizes artists and confers their right to collectively bargain at the federal level.

However, it has been noted over the years that the SAA has **not improved the economic status of artists because of its limited scope**, as it applies uniquely and solely to federal producers. Federal legislation affects only areas of federal labour jurisdiction such as banking, transportation, communications and international trade, and all federal institutions engaging artists and creators.

While there are many important initiatives that need to be instituted on a federal level, Status of the Artist legislation at a provincial level is necessary to improve the socio-economic position of individual artists in **real terms**.



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

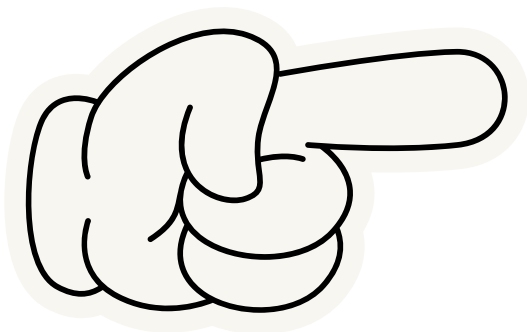
In Prince Edward Island, the profession of artist is not recognized by law and many government measures are not accessible to artists due to the nature of their work.

To understand the issues that have an impact on the social and economic circumstances of professional artists, it is important to understand the atypical way that artists do their work.

How is Artistic Work Different?

The work of artists has certain defining characteristics of which each artist will combine a few or many depending on the nature of their art. While some of the individual characteristics are shared by other professions, when taken as a whole they create a pattern of work **very different from most others in the labour force.**

For example...



- **Most people become an artist because of their love of their art form.** They must first of all love to dance, paint, write, sing, or act and so on, and they often do so for many years before becoming a professional.
- **Professional artists regularly engage in what is known as “invisible work”** for which they are not paid. Invisible work includes all the time spent on activities that inevitably precede the presentation of a final artistic product, including preparation and training, research and creation, networking, dissemination, and promotion of the artwork.
- **A high proportion of artists are self-employed. They are highly-educated but their earnings are low compared to other Canadians and their income can fluctuate dramatically from year to year.** In some cases, creative work actually costs artists more than they earn from it. In 2016, PEI artists’ median income was \$21,100, lower than that of all Canadian artists (\$24,300) and of all PEI workers (\$37,800).
- **Employed artists usually work on a contract or casual basis and must combine several such jobs to earn an adequate employment income.** These opportunities vary dramatically from year to year; they sometimes work for a number of engagers simultaneously or for none at all. They may sell nothing for long periods and then suddenly a great deal.

- **Many artists must also supplement their income with revenue generated from part-time work outside their area of professional expertise.** For some, this may come to represent the bulk of their income.
- **Artists often have to train and rehearse even when they are working.**
- **Experience and skills are no guarantees of marketplace success.**
- Because of the creative nature of the work, artists often have an **ongoing economic interest in their completed work, either through copyright law or contracts**, and they can receive income from it long after the work is finished.
- **Most artists do not have access to the social benefits generally enjoyed by other Canadian workers**, such as paid vacations and holidays, income maintenance when there is no work or they are sick or injured; workers' compensation, maternity/paternity and adoption leave; medical, dental and life insurance; employment insurance, and retirement/pension plans.

What Artists Need to Work

As workers, artists have little protection in Prince Edward Island and there is little recognition of the financial realities of artists' lives. Many artists try to make a living through short-term, temporary employment that provides no security or benefits, and often no at-source contribution to EI or CPP. What these 'gigs' do provide (in addition to some supplementary income) is the scheduling flexibility to continue to create: to work in their profession as artists.

Status of the Artist Legislation in Prince Edward Island would recognize the key contributions of all types of creators to our economy, and the fact that artists work—and are trying to earn a living from their creative labour—in a way that is unique to artists. It could create measures to improve the socio-economic status of professional artists and thereby enable us to enjoy a better quality of life in Prince Edward Island.

Recommendations include...

- **A permanent committee responsible for monitoring and reporting on the socio-economic conditions of Island artists**
- **A consistent definition of “professional artist”**
- **Improved qualitative and quantitative data about artists’ work in PEI**
- **The recognition of artists’ unpaid invisible work**
- **Provincial support for improvements to the federal *Copyright Act*, including the Artist's Resale Right**
- **Provincial minimum fee scales for hiring artists**
- **Modified tax measures for the benefit of artists, including:**
 - **Broadened definitions of reasonable expenses for tax deductions allowable for artistic work**
 - **Exemption from taxation on a portion of the income earned from copyright and arts grants**
 - **Income averaging for professional artists to take into account the annual fluctuations of their income**

- **Adaptions to existing social protections for the benefit of artists, including:**
 - **Social benefit programs that are transferable and cumulative, connected to an individual, so as to collect contributions from all types of work**
 - **Lower thresholds for eligibility, with invisible work factored into the calculation of both fees and benefits**
 - **Eased contribution requirements for self-employed artists**
 - **Collaboration with the federal government to enhance the Canada Pension Plan by adapting it to the reality of the most vulnerable citizens, including artists**
- **A “portable benefits” model for workers including self-employed artists**
- **Mandatory contracts when hiring artists**
- **A guaranteed annual income program for workers including artists**
- **Increased funding for arts programs in schools**
- **Strengthened public art policy**
- **Priority hiring to PEI artists**

This fall, the province released its Renewed Action Plan for Arts, Culture and Creative Industries (2023-2025), in which building wealth for the cultural sector is a key priority.

Artists are the heart of the cultural sector, yet this plan takes a distinctly organization-centred approach and offers few actions for recognizing and improving the working conditions of individual artists.

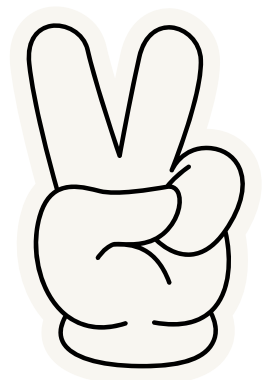
This “take a starving artist to lunch” approach will never create the labour conditions required to work and thrive as an artist in PEI.

Art is work. Artists are workers.

If artists are to earn a living in Prince Edward Island, we need concrete actions that will improve the daily working lives of Island artists and assist us in making a living as professionals.

Island artists deserve the recognition, respect, and protection provided by Status of the Artist legislation.

Here's hoping we see it soon!



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