

ACTRA

**ACTRA Report
to the FIA North America (FIANA) &
English Speaking Group (ESG)**

September 30, 2019
Vancouver, Canada

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1. OVERVIEW

After celebrating ACTRA's 75-year anniversary as a national federation throughout 2018, it is fitting that our union is marking 2019 as a year of new beginnings.

In April, veteran labour lawyer Marie Kelly succeeded Stephen Waddell as National Executive Director and Chief Negotiator upon Waddell's retirement after serving the union for 39 years. Marie remains eager to use her legal and negotiation skills to continue to set the standards for collective bargaining in the arts and be a leading voice for Canadian culture as we fight for the rights of professional performers.

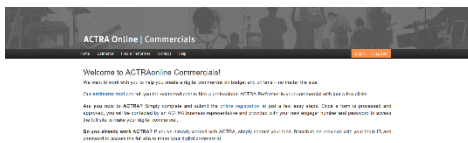
This past winter, ACTRA launched its first-ever issue of ACTRA Magazine (www.actramagazine.ca) in digital format only and will be providing our members with added value by producing three e-issues this year.

To help tackle the increase of non-union work in Canada's commercial sector, ACTRA launched the new ACTRAonline Commercials website (www.actraonlinecommercials.ca) in mid-May. The new website features an estimator tool that commercial producers can use to estimate the cost of hiring ACTRA performers for commercials and integrates the ACTRAonline Opportunity Pilot Project (AOPP) into the system by allowing commercial producers to submit online ads to ACTRA and access ACTRA talent for these commercials.

Finally, in June, ACTRA launched our new national harassment, violence and emergency hotline (HAVEN Helpline) to provide our members with a bilingual incident reporting line and counselling services.

2. ORGANIZING / INDUSTRY RELATIONS

2.1 ACTRAonline Commercials



Tackling the growth of non-union commercial production in North America continues to be a high priority for ACTRA. The creation of a Commercials website (<https://actraonlinecommercials.ca>) is part of the broader ACTRAonline plan to both ease Engager use of ACTRA agreements and to engage new signatories with the ultimate goal of

increasing work opportunities for our members. Our IT team has done a great job in building this new tool.

The creation and launch of this website included four integral components:

- As part of the renegotiation of the National Commercial Agreement in 2017, we integrated the 'Intent to Produce' process (only those under the *ACTRAonline Opportunity Pilot Project (AOPP)*) into the commercials website to make it easier and faster for advertiser and agency producers to hire ACTRA performers for their digital commercials.
- The Cost Estimator generates the estimated cost to hire professional ACTRA Performers for TV and Radio (National, Local & Regional and Short Life) and Digital Media (Local & Regional, Video and Audio) Commercials. The Estimator also features the administrative capability to modify rates and manage submitted email addresses per branch without the need of a Developer.
- The 'Become a Signatory' process has been integrated into the new Commercials website to create a seamless process to encourage new Engagers to "register" to work with ACTRA.
- Seamless integration between ACTRAonlineCommercials.ca and ACTRAonline.ca, our database of professional ACTRA performers, whereby agencies and advertisers can upload their casting breakdown and

it will automatically be shared with eligible ACTRA members (via ACTRAonline.ca) who can then directly reach out to be considered for a role in their digital commercial.

ACTRA created and distributed promotional materials, which are being used to support the AOPP in the strategic outreach to both current and potential signatory agencies and advertisers of ACTRA.

2.2 SAG-AFTRA’s Commercial Agreement

In preparation for bargaining of ACTRA’s National Commercial Agreement (NCA) in early 2020, ACTRA will be reviewing the impact of SAG-AFTRA’s [new Commercial Agreement](#), which was ratified in May and includes a new, simplified Alternate Compensation Structure (“ACS”) – an all-in model of residual payment.

For some time, ACTRA has been working towards contracts that are simple, elegant and modern. In the last round of ACTRA’s NCA bargaining, all-in packages were proposed at the bargaining table but were not accepted by the Engagers.

ACTRA is in the process of digesting the bargaining approach undertaken by SAG-AFTRA in its Commercials negotiations to inform ACTRA on how best to proceed on the issue in ACTRA’s upcoming NCA bargaining.

2.3 Videogames

ACTRA has created a new Video Game Code (VGC) to assist in organizing the burgeoning videogame industry. The VGC was designed to attract videogame developers/producers with favourable rates that will appeal to budget levels ranging from micro to large. An abbreviated four-page version of the VGC has also been created for use as an organizing tool to attract small, low-budget producers.

3. RESEARCH AND BARGAINING

3.1. National Commercial Agreement (NCA)

ACTRA continues to administer its 2017-2020 National Commercial Agreement (NCA) and NCA Local & Regional Addendums after their successful ratifications in 2017. ACTRA is looking forward to NCA bargaining in spring 2020, which will precede the expiration of our current Agreement on June 30, 2020.

3.2. Broadcaster Agreements

Canadian Broadcasting Corporation (CBC)



An understanding was reached with the CBC in April 2019 to extend the term of the Radio and Television Agreements for a one-year period to June 30, 2020.

3.3. Videogame Agreements

Ubisoft



ACTRA will enter into bargaining with Ubisoft in Montreal in late November to renegotiate our collective agreement. The current Ubisoft Agreement will expire at the end of 2019.

Video Game Code

See 2.3 above.

4. PUBLIC POLICY & COMMUNICATIONS

4.1. Defending Canada’s Cultural Industries and the Labour Movement

2019 Federal Election

ACTRA initiatives



Canadians will go to the polls on October 21 to elect a new federal government. Under ACTRA’s campaign theme, “Keep Canada on our Screens,” ACTRA will focus on what commitments each of the four main federal parties will make to Canada’s cultural industries.

There are three general areas on which ACTRA will focus its campaign priorities:

1. Funding:

- Require all players in the Canadian market to contribute to the creation of Canadian content;
- Invest in the CBC/Radio-Canada, the Canada Media Fund, Telefilm, and the National Film Board; and
- Enhance diversity initiatives and adopt gender parity measures as a condition of production financing from the federal government.

2. Broadcasting Act:

- Amend the Broadcasting Act so it applies to all programming content provided to Canadians;
- Equip the CRTC with the tools needed to regulate all services (Canadian and foreign) providing programming content to Canadians; and
- Increase Canadian content discoverability options.

3. Copyright:

- Deliver a made-in-Canada copyright solution giving performers the tools they need to get the remuneration they are owed;
- Extend the current economic and moral rights enjoyed by audio artists to audiovisual artists; and
- Ratify the Beijing Treaty.

ACTRA will be launching its “Keep Canada on our Screens” campaign in early September to encourage members to engage in the federal election process. We will be providing our members with the tools they need to advocate for their work and their industry.

ACTRA will also work with all the political parties to promote the interests of Canada's film, television and digital media industry, and will prepare a variety of materials to engage with the federal parties.

Industry initiatives



In June, ACTRA's National Council agreed to participate in and promote the Directors Guild of Canada's (DGC) federal election campaign, "Just Ask" along with a number of other industry partners.

It's a non-partisan campaign with the goal of getting as many members as possible out to campaign events during the election and asking candidates key questions about their support for our industry.

4.2 Copyright

Copyright Act Review

In early 2018, the Canadian federal government formally referred the long-awaited Parliamentary review of the Copyright Act to the Standing Committee on Industry, Science and Technology (INDU). The review was completed in 2019 after testimony from 209 witnesses and the receipt of 192 briefs and 6,000+ emails.

ACTRA both appeared before the Committee and submitted a written proposal in which ACTRA outlined the need for the Act to be amended to reflect the new economic reality in which artists operate, specifically, that the copyrights, both moral and economic, currently enjoyed by sound recording performers and authors be extended to audiovisual performers.

As part of its review, INDU asked the House of Commons Standing Committee on Canadian Heritage to conduct a concurrent study on remuneration models for artists and creative industries. ACTRA also appeared before and submitted a brief to the Standing Committee on Canadian Heritage to ask for a made-in-Canada copyright solution that will give performers the tools they and their unions need to go after the remuneration they are owed.

In May 2019, the House of Commons Standing Committee on Canadian Heritage released its final report, *Shifting Paradigms*. Key recommendations included asking the federal government to: require foreign-based streaming services, such as those run by U.S. corporations Netflix, Amazon and Apple, to contribute to the creation of Canadian content; develop mechanisms by which streaming services will develop and promote Canadian content; and extend moral and economic rights to audiovisual performers.

In June 2019, INDU released its final report. Overall, ACTRA was concerned with the Committee's recommendations, specifically: failing to recognize the moral and economic rights of audiovisual performers in the Copyright Act in a similar fashion to sound recording artists; maintaining the current definition of "sound recording," which currently "excludes any soundtrack of a cinematographic work where it accompanies the cinematographic work;" and introducing legislation to repeal section 92 of the Copyright Act to remove the statutory requirement to conduct a five-year review of this Act.

With the House of Commons now having risen for the summer, there won't be any legislation coming forward. It remains to be seen what the next government will decide to do with these two reports.

Beijing Treaty



ACTRA actively participates in the International Federation of Actors' (FIA) "World IP Day" campaign each year on April 26 to promote a call to governments to protect audiovisual performers' copyright by ratifying the Beijing Treaty.

In 2019, the International Federation of Actors (FIA) created a new app through which performers could upload a photo of themselves to create a downloadable customizable selfie (like the one to the right featuring FIA President and ACTRA Past President Ferne Downey) to share across their social platforms. ACTRA sent an e-blast to members with a link to the app and an ask for members to engage with Hon. Pablo Rodriguez, Minister of Canadian Heritage, and Hon. Navdeep Bains, Minister of Innovation, Science and Economic Development, by sharing a message on social media in support of extending copyright protections to audiovisual performers in Canada's Copyright Act. Social media post examples were also included for members.



4.3 Regulatory Affairs

Federal government

United States-Mexico-Canada Agreement (formerly NAFTA)

On October 1, 2018, the federal government announced a new NAFTA replacement deal – now called the United States-Mexico-Canada Agreement (dubbed "CUSMA" in Canada and "USMCA" in the U.S.).

ACTRA issued a news release applauding the new deal on the basis that it is a "win for Canadian performers" because the federal government stood by its commitment to protect Canadian culture and cultural industries by incorporating and strengthening the cultural exemption in the new agreement.

Canada, Mexico and the United States formally signed the new United States-Mexico-Canada Agreement on November 30, 2018, while representatives from each country were in Buenos Aires, Argentina, for the G20 Summit.

On May 29, 2019, Canadian Prime Minister Justin Trudeau tabled Bill C-100 in the House of Commons to implement CUSMA. On June 20, it passed second reading and was referred to the Standing Committee on International Trade. The House of Commons has now risen for the summer, but the government is prepared to recall Parliament to ratify the new trade agreement.

On June 20, 2019, the Senate of Mexico ratified the agreement. Mexico's ratification procedure will be completed when the President announces ratification in the Federal Register.

As of July 2019, sources say the White House plans to send its replacement for the North American Free Trade Agreement to Congress after September 1, setting up a vote by the end of the year.

The existing NAFTA will remain in place until the new agreement is fully ratified by all three countries.

Broadcasting and Telecommunications Legislative Review (BTLR) Panel

Last summer, the Canadian federal government announced it would be striking an external seven-member panel to conduct a review of both the Broadcasting and Telecommunications Acts. The government asked the panel to find ways to “ensure that Canadian and non-Canadian online players play a role in supporting the creation, production and distribution of Canadian content.”

In fall 2018, the Broadcasting and Telecommunications Legislative Review Panel released details about the process and issued a call for comments that would focus on four themes:

- Reducing barriers to access by all Canadians to advanced telecommunications networks;
- Supporting creation, production and discoverability of Canadian content;
- Improving the rights of the digital consumer;
- Renewing the institutional framework for the communications sector.

After submitting its report to the Panel in January 2019, ACTRA [issued a news release](#) announcing the urgent need to adapt Canada’s legislative framework to the digital age and urged the government to make any changes that would expedite the implementation of these much-needed improvements to our legislative framework.

In its submission, ACTRA reviewed issues related both to the legislative framework as well policies and programs dealing specifically with the theme of supporting creation, production and discoverability of Canadian content.

Key recommendations include:

- Valuing and supporting artists to nurture their creativity.
- Amending the Broadcasting Act so it applies to all programming content provided to Canadians, regardless of the services and technologies used to produce the content or to make it available.
- Providing the Canadian Radio-television and Telecommunications Commission (CRTC) with the tools needed to regulate all Canadian and foreign services providing programming content to Canadians.
- Requiring all players in the Canadian market – traditional broadcasters, OTT and music streaming services, Internet Service Providers and Wireless Service Providers – to contribute to the creation of Canadian content.
- Increasing Canadian content discoverability options by requiring: all services offering on-demand programming content to Canadian consumers to maintain a Canadian content minimum in their program selections; Internet search engines to tweak their algorithms to ensure Canadians are offered some Canadian choices when they search for cultural/artistic content.



In June 2019, the Panel issued its interim “What We Heard” report. The major takeaway from this report was a confirmation that there is a shared concern for the urgent need of regulatory changes to protect the creation, production and discoverability of Canadian content.

The Panel’s final report and recommendations are due after the next federal election, which may mean Canada will have a new government with different policy objectives when the final report is filed in January 2020.

Budget 2019

In advance of the 2019 Budget announcement, ACTRA [submitted a letter](#) to the federal Minister of Finance, outlining how Budget 2019 was an important opportunity to continue the investment in our screen-based

industry, specifically Canadian content production.

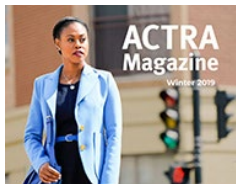


The federal government unveiled its 2019 Budget on March 19 – its fourth and final budget before October’s federal election. ACTRA [distributed a news release](#) stating our disappointment this year’s Budget “failed to invest further in Canadian recorded media creators.”

“Despite citing our cultural industries as a key contributor to our economy, there was no new investment in our screen industries,” said ACTRA National President David Sparrow.

Ottawa’s reluctance to tax foreign vendors of digital streaming and video content cost the federal government \$169 million in GST revenue in 2017, according to the [Auditor General’s 2019 Spring Reports](#) (Taxation of e-commerce) released on May 7, 2019.

4.4 Member Outreach



ACTRA works hard to keep its Members engaged and aware of their union’s activities. Email newsletters are sent out regularly to ACTRA’s 25,000+ Members and, starting this year, there will be three digital issues of *ACTRA Magazine* (actramagazine.ca) published. The [winter 2019 issue](#) was published in January, the [spring 2019 issue](#) in May and the fall 2019 issue will be published in September in advance of the federal election.



ACTRA National also continues to host an annual event for its Los Angeles-based Members. For the seventh year in a row, “ACTRA Day in L.A.” was held at the Beverly Hilton Hotel (on Saturday, March 16, 2019) and featured conference panels with casting directors, agents, managers, performers, accountants and lawyers who all provided advice and informed discussions for ACTRA Members. ACTRA Montreal member Jay Baruchel was the recipient of the 2019 ACTRA National Award of Excellence, which was announced via members e-blast and [news release](#) in January 2019.



5. EQUALITY

National Harassment Helpline

Jointly with the Directors Guild of Canada (DGC), ACTRA launched Harassment and Violence Emergency Network (HAVEN) Helpline on June 1. This national hotline, through Morneau Shepell (MS), provides counselling for ACTRA members who are experiencing situations of workplace harassment or violence and wish to make a report through ACTRA. The creation of HAVEN Helpline is the next step after ACTRA became signatory to the Canadian Creative Industries Code of Conduct in March 2018. The creation of reporting mechanisms and support services are two of the steps outlined in the Code to which both ACTRA and the DGC committed to address harassment within the film and television industry.

ACTRA and the DGC issued a [joint news release](#) on May 31, 2019, to announce the launch of the Helpline as well as sent e-blasts to our respective memberships.

Harassment prevention (IPA)

Under Appendix 41 of ACTRA's Independent Production Agreement, the parties agreed to establish a committee that shall meet twice a year and consist of an equal number of representatives of ACTRA and the Associations to discuss additional protections that should be implemented when Performers are engaged in scenes involving nudity, semi-nudity, simulated sexual activity and/or love scenes as well as the manner in which any such protections may be implemented.

The first meeting took place February 22 and included a general discussion on a need for clarity on the meaning of terms in the section (for example, the term "nude" is inconsistently defined throughout the section and the definition may have changed depending on the context). Discussion also addressed articles A2401 (Auditions), A2402 (Contracts and Riders) and A2403 (Rehearsal and Performance). Other issues addressed in the meeting included production challenges, the use of Intimacy Coordinators and illegal use of a performer's image in pornography.

During the 2018 IPA negotiations, the parties also agreed, upon ratification of the IPA, they would issue a joint bulletin on consent-based interactions to their respective memberships to confirm their commitment to addressing these issues. It was at this February 22 meeting when the parties confirmed this joint bulletin would be issued to their respective memberships on March 8.

The Committee confirmed next steps will include the creation of a best practices document or guideline, opportunities for education, training and communications, and better enforcement of existing protections under the IPA.

5.1. Women's Committee



The ACTRA National Women's Committee has wound down its participation in the festival circuit to promote its short film *Reel Women Seen*, which takes a comedic look at how women are under-represented in all areas of screen-based media, most notably as protagonists; behind the scenes in creative, writing and directorial roles; and in key technical roles. While telling these stories, the film also shows solutions for change. The short advocacy film was launched to the public on March 4, 2019, via [news release](#) and member e-blast, in celebration of International Women's Day (8 March), and is hosted on [ACTRA's YouTube channel](#).

Since its premiere in April 2017, the short film has now been screened at 40+ festivals and events across Canada and around the world and has won a total of five festival awards: [Best Foreign Short Film Award](#) (2019 Artemis Women in Action Film Festival); [Jury Choice Award](#) (2018 Diversity in Cannes Short Film Showcase); [Best Director Award](#) (2018 Canadian Diversity Film Festival); [Festival Director Award](#) (2018 Toronto Independent Film Festival); and [Best Short Film Award](#) (2018 Imagine This Women's International Film Festival). For more information about the production, please visit actra.ca/reelwomenseen.

5.2. Diversity Committee

In 2019, the ACTRA National Diversity Committee is focusing its efforts on a Casting Standards Project initiative, which will include the creation of a guideline to be shared with casting directors and casting breakdown services that provides respectful language people use to self-identify. The Diversity Committee wants to draw on the work being done by other ACTRA branches to address this issue.

5.3. Industry Response to Harassment



ACTRA created and continues to maintain the website – readthecode.ca – specifically for updates on the work undertaken by the various working groups (as available) created to address issues of harassment in our industry. The French version of the website (lirelecode.ca) went live in February.

Spearheaded and vetted by the Canadian Music Publishing Association (CMPA), ACTRA added 40+ new music industry organizations as signatories to the Code of Conduct ahead of the JUNO Awards on March 17.

6. ACTRA PERFORMERS' RIGHTS SOCIETY (PRS) AND ACTRA RECORDING ARTISTS' COLLECTING SOCIETY (RACS)

As a division of ACTRA, ACTRA PRS operates as a performer collective management organization (CMO) with mandates to represent the rights and interests of artists who perform in audiovisual productions and on sound recordings.

ACTRA PRS/RACS collects and distributes: residuals, royalties and any other form of compensation or remuneration to which performers appearing in audiovisual productions produced under ACTRA's jurisdiction are entitled; and neighbouring rights and private copying royalties owed to performers for the broadcast and public performance of sound recordings within Canada and around the world.

For the 2018/2019 fiscal year, the ACTRA PRS team collected over \$13 million and distributed over \$12 million to audiovisual performers appearing in film, television and digital productions. Since 2009, the ACTRA PRS claims team has distributed over \$110 million to audiovisual performers.

The division of ACTRA PRS known as ACTRA RACS (Recording Artists' Collecting Society) is responsible for the distribution of royalties to which artists are entitled under the Canadian Copyright Act for the broadcast, public performance and private copying of sound recordings. Bilateral agreements with international partners allow ACTRA RACS to collect royalties for artists from foreign territories and distribute money to foreign CMOs for the use of their artists' work within Canada.

For the same fiscal year noted above, ACTRA RACS distributed over \$12 million to artists performing on sound recordings. Over the past 10 years, ACTRA RACS has distributed over \$90 million to artists.

On the international front, ACTRA RACS has executed 41 agreements with CMOs around the world to facilitate the exchange of payments for performers on sound recordings. On the audiovisual side, ACTRA PRS concluded an agreement with Italian society NUOVOIAME in May 2019, for a total of five unilateral agreements for audiovisual performers.

7. INFORMATION TECHNOLOGY & DIGITAL SOLUTIONS

7.1. Overview

For several years now, ACTRA has been working to digitize, centralize and improve our IT systems and services to better serve National, our Branches, Members and Engagers. These efforts have resulted in a very ambitious IT strategy that has come with a costly budget.

In January 2019, the decision was made to revisit ACTRA's IT strategy and consider alternatives, such as outsourcing, to better help us achieve our IT goals in an efficient and effective manner.