



Mr. Claude Doucet
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, Ontario K1A 0N2

Submitted electronically: CRTC Intervention Comment Form

5 March 2019

Dear Mr. Doucet,

Broadcasting Notice of Consultation – CRTC 2018-488
Call for comments on a Production Report to be completed annually by large English- and French-language ownership groups

1. This is the submission of ACTRA regarding the call for comments concerning the Production Reports that are to be completed by the large broadcasting ownership groups. ACTRA (Alliance of Canadian Cinema, Television and Radio Artists) brings to this process the perspective of over 25,000 professional performers working in the English-language recorded media sector in Canada. For 75 years, ACTRA has represented performers living and working in every corner of the country who are pivotal to bringing Canadian stories to life in film, television, videogames, sound recording, radio and digital media.
2. ACTRA supports the proposal of the Commission to replace the PNI Report and the Annual Return forms with a more comprehensive report, which will require licensees to provide more detailed information about their spending on original, first-run programming and other content. We support the proposal that the comprehensive report should include information about programming produced by official language minority communities and Indigenous producers.
3. ACTRA highlights and welcomes the proposal that the comprehensive report should include information that quantifies the efforts of broadcasters to commission programming in which women occupy key creative roles, including the roles of producer, director, writer, showrunner, cinematographer and editor, as the Commission has outlined in the Public Notice. It is appropriate and timely this information be provided in the report.
4. However, ACTRA is astonished the Commission has not included performer categories (e.g., First and Second Lead Performers) in this list of “key creative

Alliance of Canadian Cinema, Television and Radio Artists

ACTRA National Office
625 Church Street · Suite 300 · Toronto ON M4Y 2G1
Toll free 1-800-387-3516 · Tel (416) 489-1311
Fax (416) 489-8076 · E-mail national@actra.ca · www.actra.ca

Affiliated with the Canadian Labour Congress (CLC)
and the International Federation of Actors (FIA)
Branch Offices: Vancouver · Calgary · Regina · Winnipeg
Toronto · Ottawa · Montreal · Halifax · St. John's

roles¹ for which broadcasters must provide gender information. Given the heightened awareness and industry efforts to become more diverse and inclusive, the Commission's omission is seriously insensitive to the most pressing issues in our industry today.

5. ACTRA is also astonished the Commission has not taken advantage of this opportunity to require broadcasters to provide information about their use of Indigenous, physically and culturally diverse professionals in all of the key roles, including performers. In 2019, this information is essential and will help the industry change.
6. As recently as January 2019, in its House of Commons report "Gender Parity in Canadian Artistic and Cultural Organizations," the Standing Committee on Canadian Heritage recommended the Department of Canadian Heritage collect data and conduct a study on gender parity and adopt measures to increase diversity.²
7. ACTRA submits, for performer categories, there is a range of relevant information that should be provided on an ongoing basis to ensure broadcasters fulfill the requirements of the *Broadcasting Act*. These data should cover/include:
 - the use of women in performer categories;
 - the use of Indigenous as well as physically and culturally diverse performers;
 - the nationality of the performers;
 - principal actor, actor and other performer categories; and
 - aggregate data on fees paid, since there is a correlation between the fees paid and relative significance of the roles.
8. The requirements of the *Broadcasting Act* are **explicit** that the broadcasting system should:

"3.1.d(iii) through its **programming** and the **employment** opportunities arising out of its operations, **serve** the needs and interests, and reflect the circumstances and aspirations, of Canadian men, **women** and children, including **equal rights**, the

¹ Under the CRTC Canadian Program Certification Application Process, key creative positions for live action and continuous action animated productions are defined as:

- Director (2 pts.)
- Screenwriter (2 pts.)
- First and Second Lead Performers (performer or voice) (1 pt. each)
- Production Designer (1 pt.)
- Director of Photography (1 pt.)
- Music Composer (1 pt.)
- Picture Editor (1 pt.)

<https://crtc.gc.ca/canrec/eng/guide1.htm#s9t>;

² [Gender Parity in Canadian Artistic and Cultural Organizations](#), Report of the Standing Committee on Canadian Heritage, January 2019;

linguistic duality and **multicultural and multiracial** nature of Canadian society and the special place of **aboriginal peoples** within that society....”

9. There is absolutely no justification whatsoever to exclude from the information reporting requirement any of the categories relevant to the recognition of a program as Canadian. These are the director, writer, **first and second lead performers**, production designer, director of photography, music composer and editor. As noted above, we support the inclusion of the showrunner, as defined by our colleagues in the Writers’ Guild of Canada.
10. ACTRA’s public policy work has always focused on the need for Canadians to be able to see our stories, our lives and our perspectives on our screens. Canadian stories are those which are told by Canadians. Essential to the storytelling are Canadian performers, who must have the opportunity to be cast in the programs made available by Canadian broadcasters to Canadian viewers, as a matter of course. For ACTRA members, this is our livelihood and our passion.
11. ACTRA has fought hard in support of this objective. In 1977, ACTRA mounted its first-ever industrial action when the CBC sought to cast a significant number of non-Canadians in *Goldrush Follies*. This followed an effort earlier that year to cast a non-Canadian actor as Nellie McClung, the famous Canadian suffragette, politician, social activist and writer. Since then, all of ACTRA’s collective agreements have sought to regulate the use of non-Canadian performers and to include requirements to give Canadian artists preferential treatment in the casting process.
12. Thus, ACTRA believes it is essential to require broadcasters to report on the number of Canadians and non-Canadians they use in all of the categories relevant to the recognition of a program as Canadian, including all performer categories.
13. In the early 1980s, ACTRA created its first Women’s Committee. Since then, we have been at the forefront of efforts to ensure women have equal opportunities in our industry. We were heavily involved in the policy development process that led to the inclusion of 3.1.d.(iii) into the *Broadcasting Act* in 1991. Thus, we support the proposal of the Commission to require broadcasters to report on the number of women working in the key creative categories. But it is essential this information also be provided for performer categories and include aggregated data on the fees paid. We need a comprehensive database of such information on an ongoing basis so we can all monitor our progress towards gender equality and pay transparency.
14. Also in the early 1980s, ACTRA created an Equal Opportunities Committee. As required by the *Act*, the rich diversity of our communities should be seen on our screens and in the work opportunities created by our industry for Indigenous, as well as physically and culturally diverse performers. Thus, we believe the Commission should require broadcasters to report on the number of Indigenous, physically and culturally diverse individuals working in all of the key creative categories. As above, this should include all performer categories and aggregated

data on fees paid. Such information is needed on an ongoing basis so we can all monitor our progress towards equality and pay transparency for Indigenous, physically and culturally diverse communities.

15. Some might argue detailed information about gender and other diversity issues in performer categories is not relevant, as it is somehow determined by the script or readily available to anyone who watches the screen. We profoundly disagree.
16. ACTRA notes California recently finalized new requirements for applicants seeking support from the state's film tax credit program. Beginning in 2020, California:

“Requires applicants to provide a copy of their initiatives and programs to increase the representation of minorities and women in job classifications that are excluded from qualified wages (directors, producers, writers, actors).

Requires applicants to provide statistics on the gender, racial, and ethnic status of individuals whose wages are not qualified (directors, producers, writers, actors).”³

17. In this connection, ACTRA would also like to showcase important results from the most recent (2016) census findings released on January 28, 2019, by ACTRA's Ontario branches. According to the ACTRA Ontario census:
 - Female actors made on average 22 per cent less than their male counterparts when working on Cancon television productions. When working on U.S. productions, female actors made on average 11 per cent less than male actors.
 - Performers identifying as ethnically diverse made 43 per cent less than those not identifying as ethnically diverse when working on Cancon television productions. When working on U.S. productions, the gap was only five per cent.
 - Overall, physically diverse performers earned 56 per cent less than other performers.

18. In both the ACTRA Ontario Census results and when we examine Full ACTRA members across Canada, approximately 80 per cent work under an ACTRA contract in a year, making performers some of the most precariously employed workers in the industry. Nationally, we note that in 2018, there were approximately 36 per cent more male Full members working than female Full members and that, on average, male Full members made 28 per cent more in earnings than female Full members.

19. ACTRA notes, while we are extremely proud of this recently released census research, the information collected and analyzed was provided on a voluntary basis by ACTRA members who were invited to participate. While 27 per cent chose to complete the survey and virtually all consented to ACTRA cross-referencing their earnings' data with ACTRA records, this obviously cannot capture the full story. The Canadian industry is clearly far behind and we need to do more. ACTRA would be happy to work with the Commission, producers and broadcasters to develop a

³ [Film & TV Tax Credit Program 3.0](#), California Film Commission, June 27, 2018;

framework for the collection of aggregate earnings data that would not compromise any individual's confidential contractual arrangement.

20. A recent entertainment sector study found female-led films made more in box office revenues than male-led films. Female-led films were defined as those with a woman listed as lead actor. The same study found films that passed the Bechdel test made more in box office revenues than films that did not. To pass the Bechdel test, a film must have at least two female characters who have a conversation about something other than a man. There is clearly evidence for an appetite in the market for content that showcases women.⁴
21. Taken together, these items may point to a market failure. If female-led content is more successful in the market, then opportunities for work and wages for female performers should be driven up by market forces. Yet the opposite effect is observed on wages and opportunities for female workers in this industry and in this country.
22. ACTRA will be releasing its award-winning short film, "Reel Women Seen" via [ACTRA National's YouTube channel](#) in early March 2019 for use as an advocacy tool. The short film brings awareness to the gender inequalities that exist in Canada's film and television and calls for a more gender-balanced approach.
23. ACTRA submits monitoring performer gender and diversity data is not only the right thing to do, it can also help measure the degree to which Canadian production may suffer from a market failure to provide the kind of diverse content that successfully meets the demand of viewers.
24. For all of the above reasons, ACTRA urges the Commission require broadcasters to provide, in their production reports, relevant information for all performer categories including the use of women, Indigenous, as well as physically and culturally diverse performers, in their programming content.

Thank you,



Stephen Waddell
National Executive Director
ACTRA

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⁴ [Female-led films outperform at box office for 2014-2017](#), Shift7.