

Report on the Status of the Artist in New Brunswick

Submitted to

The Premier's Task Force on the Status of the Artist

Martine D'Amours and Marie-Hélène Deshaies

Faculty of Social Sciences

Laval University

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Preamble

This research report is the result of a combination of two initiatives: the work of university researchers specializing in arts employment issues, which was undertaken under contract for the Quebec Department of Culture and Communications (MCC), and the work of artists' groups and representatives from various New Brunswick government departments on the Premier's Task Force on the Status of the Artist.

The contract we carried out for the MCC in 2011-2012 responded to the need, identified by Quebec artists' associations, to study possible avenues for social protection in the literary, visual arts and fine craft sectors. Our research on the protection models developed in seven (7) countries focused on these groups, but also on performing artists, on a comparative basis with salaried employees and other self-employed workers. It resulted in two research reports, one consisting of country fact sheets and the other setting out the general framework for analyzing social protection issues for artists.

These reports were part of the documentation used for the Forum on the Professional Status of the Artist, jointly organized in 2013 by the AAAPNB and ArtsLink NB with the participation of the New Brunswick Assembly of First Nations Chiefs. The forum report contains numerous recommendations for action to improve the socio-economic status of artists, which are contained in the research and analysis report on the paths to be explored by the Steering Committee when considering the recommendations of the June 2013 forum, better known as the Bonnin Report.

The following year, in its Cultural Policy entitled *A Creative Future: A Renewed Cultural Policy for New Brunswick*, the government committed to establishing a Task Force consisting of artists, arts professionals, and experts in related fields to examine, report, and make recommendations on the economic and legal situation of professional artists in New Brunswick.

The Task Force's initial request to us in 2019 was to accompany the Task Force in its analysis of the status of the artist and in the formulation of proposals to be addressed to the Premier of New Brunswick, with the goal of achieving two objectives: increasing the median income of artists and providing them with protections against economic, social and professional risks. To these ends, we conducted a review of scientific knowledge and an update of relevant statistics and studies in order to support a coherent argument, but an important part of the process consisted of meetings, either with the Task Force or with a small sub-group, to discuss these data and possible avenues of public policy aimed at achieving the two aforementioned objectives.

This report therefore draws on the research commissioned by the Task Force, as well as previous work done by the Task Force, and the interaction between these two sources of knowledge and expertise.

More specifically, sections 1 and 2 are based on our work of reviewing the scientific literature and grey literature on the specificities of artistic work and on the socio-economic precariousness of artists. Section 3, which deals with the definition of the professional artist and the content of a New Brunswick Status of the Artist Act, is drawn from the previous work of the Task Force. The same is true for most of Section 4.2.1, which deals with legislative and tax measures to increase artistic earnings, as well as Section 4.2.2, which deals with measures to develop complementary quality employment. Section 4.1, on the recognition of invisible work, and Section 4.3, on protection against various social and occupational risks, the annexes to which the latter part refers, as well as the general structuring of the report, are, on the other hand, attributable to us. It goes without saying that the content of the report would not have been the same without the sustained collaboration of the members of the Task Force, both in providing us with information and in discussing our data and proposals.

This report was first submitted to the Premier's Task Force on the Status of the Artist in February 2020, one month before the covid-19 pandemic, and therefore reflects the state of our research and thinking at that point in time. There is no doubt that the pandemic publicly revealed, if need be, the precarious socio-economic situation of artists across the country, and contributed to enriching the thinking of the Task Force , which continued its work throughout 2020 to produce its report and proposals addressed to the Premier.

For the final recommendations presented by the Task Force on defining a professional artist, refer to the Report of the Premier's Task Force on the Status of the Artist (2021).
<https://www2.gnb.ca/content/gnb/en/departments/thc/culture/content/status-of-the-artist.html>.

We sincerely hope that this collaboration and the resulting work will help improve the socioeconomic status of New Brunswick's artists.

Martine D'Amours and Marie-Hélène Deshaies, sociologists, professor-researchers
Laval University

Introduction

Arts and culture play a key role in the wellness and social cohesion of communities, and they also impact the economy and job creation. Increasingly, studies on the value of the arts show that arts programs have a positive impact on civic engagement, community development, education, health, and self-esteem. The arts play such a vital role in terms of physical and mental wellness, education and personal development, economic vitality, and social cohesion that we can truly state: the arts improve life.¹

As the 2014 Cultural Policy rightly points out, “Culture contributes to intellectual and spiritual enrichment, social development and wellness and creates a sense of belonging and community. Culture enhances our quality of life and provides opportunities to explore our creative potential. Our stories are told in many ways: through oral histories, books, and periodicals; through archives, museums, and heritage places; and through live theatre, dance, and digital media, to name a few. Works by our visual artists are exhibited in galleries and museums, in public spaces, and used as educational resources. Their works of art are also in private collections and exhibited in galleries around the world. New Brunswick musicians, authors and directors are celebrated with awards, on festival stages and in concert halls throughout Canada, and on the international stage.” (Government of New Brunswick, 2014: 6).

Culture also generates significant economic benefits. In its *Culture Satellite Account*, Statistics Canada presents these impacts from two perspectives product and industry.² According to the Director of the Observatoire de la culture et des communications du Québec (OCCQ)³, in 2017, the direct economic impact of cultural industries on New Brunswick's GDP was estimated at \$575 million, or 1.7% of total GDP. That same year, 8,100 jobs were directly related to cultural industries, accounting for 2.3% of all jobs in the province (Hill Strategies, 2019, according to Statistics Canada, 2019). It is important to note that this data is limited “because they exclude elements often considered such as indirect effects (new expenditures generated by cultural organizations' expenditures) and induced impacts (expenditures generated by the wages of cultural workers and suppliers' personnel)” (Hill, 2019c).

Professional artists are the key players in this ecosystem: without these men and women, there can be no cultural industry. However, recent studies paint a very worrying picture of their socio-economic conditions. In fact, the median annual income of New Brunswick artists (\$24,200) is 38% less than the median earnings of the overall provincial labour force (\$38,800). Their median employment income (\$15,000) is 56% less than the median earnings of New Brunswick workers (\$33,700) (Hill, 2019b).

1 https://www.creativecity.ca/database/files/library/better_together.pdf;
<http://www.cpaif-opsac.org/en/themes/default.htm#holistic>;
<http://www.ahrc.ac.uk/research/fundedthemesandprogrammes/culturalvalueproject/>;
<http://communityfoundations.ca/artsandbelonging/>

2 “The use of the product perspective is best suited to describe the value of cultural products throughout the economy in all industries where there is a production activity for cultural products. The use of the industry perspective is best suited to describe the vitality of the cultural industries, as it represents the value of all their productive activity, both cultural and non-cultural products.” (OCCQ, Culture Satellite Account. Provincial and Territorial Culture Indicators, 2010-2017, April 25, 2019).

3 There is still a slight difference between the data generated from these two perspectives, with industry data being more favourable (11% higher than product data in 2017, according to Hill Strategies, 2019, <https://hillstrategies.com/2019/06/19/introductory-notes-regarding-provincial-and-territorial-culture-indicators-2017/>). From the product perspective, the data are as follows. “The direct economic impact of cultural products in New Brunswick in 2017 was \$550 million, or \$718 per person, or 1.7% of provincial GDP. Employment was estimated at 7,600 in 2017, or 2.1% of all jobs in the province. The value added of cultural products in New Brunswick, as a proportion of total provincial GDP (1.7%), is lower than the Canadian average (2.7%). The impact on employment is also lower than the Canadian average (2.1% in New Brunswick vs. national average of 3.5%).” From <https://hillstrategies.com/2019/06/19/estimates-of-the-direct-economic-impact-of-culture-in-the-atlantic-provinces-in-2017/>, June 19, 2019.

The Premier's Task Force on the Status of the Artist believes that improving their status is essential to maximize the province's social, economic, and cultural potential. Following several years of work (see Appendix 1), the Task Force intends to propose that the status of the artist be recognized in law and that the Government of New Brunswick adopt measures to achieve two key objectives: increasing the median income of artists and providing them with protection against economic, social and professional risks.

These potential proposals are in line with the spirit of the UNESCO Declaration (1980), which recognized artists' rights as workers and recommended that Member States apply a number of provisions to ensure respect for these rights, in recognition of the specific nature of their activity. In particular, it called on Member States to:

“Endeavour to take the necessary steps to see that artists enjoy the same rights as are conferred on a comparable group of the active population by national and international legislation in respect of employment and living and working conditions, and see that self-employed artists enjoy, within reasonable limits, protection as regards income and social security [...]”

“...to endeavour within their respective cultural environments to provide the same social protection for employed and self-employed artists as that usually granted respectively to other employed and self-employed groups. [...] The social security system which Member States may find it well to adopt, improve or supplement should take into consideration the special features of artistic activity, characterized by the intermittent nature of employment and the sharp variations in the incomes of many artists without, however, this entailing a limitation of the artist's freedom to create, publish and disseminate his work.” (UNESCO, 1980: 165-166)

This report, which is based on scientific literature and various relevant reports produced in Canada, provides context and arguments for potential recommendations based on existing regimes elsewhere, but adapted to the reality of New Brunswick. It is divided into four parts:

Part 1: Understanding Creative Work

Part 2: Artists Living on the Edge of Economic Insecurity

Part 3: A Legal Framework

Part 4: Proposals for increasing the Median Income and Access to Social Benefits for Artists

Part 1: Understanding Creative Work

To better understand the social and economic precariousness of artists and be in a position to recommend ways to improve their situation, it is important to understand the specific characteristics of their work. Four aspects stand out:

- Creative work is intermittent
- A significant part of creative work (visible, paid) is off the books, unrecognized and invisible
- Creative work poses serious economic risks for individuals
- The artistic career is described as an accumulation or series of projects, in and outside artistic sectors, for multiple employers, and under different statuses

We will explore each of these in the following sections.

1.1 Intermittence and Discontinuity

Creative work⁴ is characterized by intermittence: “[...] in language, *intermittently* is an adjective describing something that periodically stops and starts again, acting as a synonym of *discontinuous*.” (Longhi, 2008: 114).

Intermittence is part of the dominant organizational form in the arts sector: project organization. As Menger (2002) explains, high frictional unemployment⁵ is inherent in project-based organization:

“[...] the flexibility required by a system of project-based organization creates high frictional unemployment: at any given moment, the number of artists, executives, technicians and workers available must be significantly higher than the number of jobs allocated and distributed between projects under way, to ensure that the play of rapid staff re-allocation between projects with widely differing formats can progress unhindered. This structural component of flexibility forces people to alternate between work, unemployment benefits,⁶ unemployment without benefits, job searches, networking, and part-time employment in or outside the arts sector.” (Menger, 2002: 63)

1.2 Invisible Work:⁷ Vital but Unrecognized

Invisible work or labour is defined as activity that workers, whether employed or self-employed, perform in response to requirements (either implicit or explicit) from employers or clients, and which is vital not just to generate income, gain employment, obtain a contract, sell a work, or advance their careers, but even simply to create. Such activity is often neglected, ignored, and/or devalued by employers, clients, consumers, workers, and ultimately by the legal system itself

4 The term “creative work” here refers to paid work in one or more artistic disciplines, whether done as a traditional employee or self-employed.

5 Frictional unemployment is temporary unemployment between two work contracts.

6 In France, some periods of unemployment are covered by the Régime des intermittents du spectacle (entertainment industry contract worker plan) (see D’Amours and Deshaies, 2012: 21-25).

7 Originally introduced by Daniels (1987) to refer to women’s unpaid work at home and in the voluntary sector, the notion of “invisible work” was later applied to several other realities: emotion work, organizational work, training work, work to maintain and develop institutions, etc. As Hatton (2017) summarizes, these studies suggest that forms of invisible work share one or more of the following characteristics: physically out of sight, ignored or overlooked, socially marginalized, economically and/or culturally devalued, or legally unprotected and unregulated.

(adapted from the definition⁸ proposed by Marion Craine, Winifred R. Poster, and Miriam A. Cherry (2016, eds) in *Invisible Labor: Hidden Work in the Contemporary World*).

Two key elements of this definition apply to creative work. Invisible labour is vital to obtain contracts and pursue a career. It is unrecognized and thus unpaid and not factored into the social safety net.

“Creating an artistic product or service for pay requires a significant and recurring amount of “invisible work” (i.e. work involved in preparation (draft, sketch or rehearsal) and refinement; creative research and development; formulating ideas and designing new projects; creating and maintaining networks; and promoting, disseminating, and searching for new projects or audiences” (D’Amours and Deshaies, 2012: 5). Many artists must spend time performing invisible work to obtain visible paid work, as the Collectif Les Maternitentes notes⁹: “[...] it is our undeclared, invisible activity that generates wealth (research and creative development), which itself generates paid work.” (2011: 12)

Dawn Steeves, a visual artist who lives and works in Fredericton, New Brunswick, creates works in series (oil on wood and canvas, charcoal, and ink on paper, etc.). She recently did a series of paintings of structures in the landscape and is now doing a series of figures and portraits.

To create art, she performs a range of tasks that qualify as invisible work:

Preparing her studio, models, and materials (stretching the canvas; preparing, sealing, and treating wood panels; etc.)

Framing, transporting, and installing finished works

Taking courses to hone her skills

Applying for funding and preparing proposals for exhibits

Creating artworks (largely unpaid) for public exhibits

Documenting her works (i.e. photographing and publishing them)

Maintaining a social media presence, promoting, and marketing her work

Managing direct sales to customers

She spends at least 70% of her total working time on these types of tasks. When filling an order or shortly before an exhibit, she spends more time creating and less time on invisible work. However, in the weeks and months before applying to exhibit, she devotes a great deal more time to promoting her candidacy than to artistic creation.

As French researcher Isabelle Daugareilh explains, “Cultural workers, whatever their legal status (employed or self-employed), have in common this invisible work, which is time devoted to creation (both upstream and downstream) [...]” (Daugareilh, 2008: 96)

“To describe invisible work, we must start with visible work that leads to an employment or service contract and a resulting salary or compensation. Visible labour by entertainment workers is measured and paid for the time a worker is physically present without considering the actual time required for work performed for an audience (on stage, CD, radio, film, etc.). Invisible work has multiple elements that engage various types of energy in an individual (preparation that can range

⁸ These authors proposed the following broad definition: “We define invisible labour as activities that occur within the context of paid employment that workers perform in response to requirements (either implicit or explicit) from employers and that are crucial for workers to generate income, to obtain or retain their jobs and to further their careers, yet are often overlooked, ignored and/or devalued by employers, consumers, workers, and ultimately the legal system itself.” (Craine et al: 2016: 6).

⁹ France’s Collectif Les Maternitentes “brings together women in discontinuous employment who are fighting for their rights to maternity and sick leave.” (<http://www.maternitentes.com/tag/articles%20parus%20dans%20la%20presse/> (in French)

from training to rehearsal, networking to create or maintain employment relationships, etc.). Entertainment and creative professionals must constantly regenerate, recuperate and re-create themselves. Invisible work consists of intangible occupations or pseudo-occupations that are impossible to measure or name because they involve artists immersing themselves in the depths and intimacy of an artwork, of a tradition, or even of the self. Lastly, once a work is complete, time is still needed to promote and showcase it. These activities, an inherent part of creative work, require the artist to be available and are possible only if the person has a guaranteed income.” (Ibid: 95).

So why is it not recognized as such? Mainly because it is attributed to an artist’s “natural” abilities and skills,¹⁰ and thus excluded from legal definitions of employment and the related protective mechanisms.¹¹

Greg Everett is a playwright and an actor, and he also organizes community theatre and storytelling events. As a playwright, Everett estimates that roughly 60 percent of the work he does is invisible. He’s a big proponent of realism, so a large chunk of his time goes into historical and practical research that then informs the play that he is creating and gives it more accuracy. He also must edit the pieces once they are done.

As a performer, the amount of invisible work he does is even higher, around 80 percent of his performance work. To get an acting job, he must go on auditions, and spend time preparing for them. Then, once he gets the role, he must learn lines at home, do character development, and attend rehearsals for the performances. The amount of invisible work required varies highly depending on the length and complexity of the role, but the pay for these roles often doesn’t reflect that.

In addition, the biggest source of invisible labour for Everett is his non-creative work, including promotions and administrative work. He creates a lot of his own events, so that requires the coordinating of schedules, reaching out to others, and promoting himself both on social media and through the traditional media. He also spends a lot of time writing applications to various things: festival applications, grant applications, and concert applications all add up and end up taking up a large amount of his work week as well.

When he’s working for other people, such as theatre companies or festivals, he feels that he’s compensated relatively well given the amount of invisible work he does, but when he’s creating something himself, that compensation is much less equitable, and considerably less substantial. Ideally, he believes that were there some sort of system to track invisible work, it would be easier to see exactly how many of his efforts go unpaid.

Though several art publications have addressed the issue of invisible work, to our knowledge there have been few attempts to figure out what percentage of creative work is invisible. With one notable exception: “In 2010, Quebec dancers and choreographers spent 54% on average of their working life on unpaid professional dance-related activity (training, career management, volunteer involvement in productions, etc.). Women spent more time than men on such activities (58% vs. 44% of working time on average)” (OCCQ, 2010: 12). Although this activity is poorly documented, there are several indications of its importance: in an online survey conducted in 2019, out of the 190 New Brunswick artists who responded indicated that time spent on unpaid creative work (i.e. creation, research, networking and promotion) 51% spent 10-20 hours per week, and 24% spend more than 20 hours (Jupia Consultants Inc., 2019: 49-50).

10 “A prime example of this is the naturalization of skill phenomenon, in which (some) workers’ skills and ability are constructed not as a product of their hard work, talent and expertise but as their natural way of being.” (Hatton, 2017: 340)

11 “Work rendered invisible through socio-legal mechanisms is devalued because it is excluded from legal definitions of “employment” and is therefore not monitored and regulated by the state as such.” (Hatton, 2017: 341)

Dancer/choreographer **Sarah Johnson Power** is artistic director for Connection Dance Works, a non-profit contemporary dance company based in Saint John, New Brunswick.

Invisible work takes many forms for Sarah: preparing dance classes and performances and organizing tours (which includes concept development, networking, fundraising and communications).

When I spoke with Sarah she was working on two grant applications (one to develop a new project, the other to organize a tour in 2020 with three other artists). Grant applications require much more than writing time. First a concept must be developed, the project and its key ideas conceptualized, other artists consulted if it is a group project, discussions with possible presenters (theatres, etc.), preparation of budgets, logistics planned, etc.).

There is also the promotion (creating videos, photos, and slide shows to promote and market them on social media, etc.) and communicating with people in the community (through discussions, meetings, etc.) to produce and distribute the works.

Physical training is also a big challenge for a professional dancer. Sarah goes on tour in two months and spends two to three hours a day, Monday to Friday, on personal training (yoga classes, sessions in the gym, etc.), all paid for out of pocket.

As a dance instructor she is paid for teaching classes but not for preparing them (devising lessons, selecting music, developing exercises, planning the performances students will give when classes are over, etc.).

Sarah thinks she spends about 60 hours a week on artistic activity (including dance instruction), some 70% of which is unpaid. To supplement her income, she teaches yoga 15 to 20 hours a week. In quieter periods like summer when she does not teach, she uses the time to develop new projects and prepare grant applications.

Is this problem specific to artists or does it affect other types of workers? It affects other workers too (as the literature shows¹²) and it is likely that many temporary workers, whether self-employed or in other precarious positions, devote a significant amount of invisible work (including training and job searches, with all that entails in terms of self-promotion) in the hope of obtaining paid work (see Lewchuck et al., 2011). However, they are not necessarily required (as artists are) to spend time submitting projects or devoting several hours a day to honing their work skills. As with intermittency, invisible labour by other workers depends more on employers' strategies (to create temporary employment without commitment) than on the nature and structure of the workers' activity.

¹² See the aforementioned authors as well as <https://studioxx.org/en/activities/appel-projets-programmation-2018-2019-le-travail-invisible/>.

Sébastien Michaud is a multi-instrumentalist musician, composer, and arranger-director. He is part of three musical groups that tour New Brunswick, Canada, and Europe. He also directs the jazz ensemble at the Université de Moncton.

Sébastien views several tasks as invisible work. He spends two to three hours a day practicing and four to six hours a week rehearsing with his bands. It sometimes takes two to four hours to get to a show and then more time to load equipment in and out. Each show also requires about two hours for a sound check.

He must also write musical scores; become proficient with new technology and equipment; develop, update, and maintain an online and social media presence; manage and maintain relations with partners and clients; and lastly, stay in good physical shape. Though CD sale revenues have fallen sharply over the years, Sébastien must still spend the same amount of time on them.

Sébastien's "normal" work week is about 50 hours but may be longer if there is more than one show to perform if travel is involved or if more rehearsals are needed. He estimates that some 50% of his work time is unpaid.

Time spent on invisible work varies according to different factors. Travel time in summer may be considerable. Lack of musical training forces many musicians to memorize pieces instead of writing them as scores. Performing the same show multiple times reduces invisible work since musicians are paid only for performances. That means that greater creative output results in more invisible work (e.g., when a musician chooses to write new arrangements rather than use existing ones, etc.).

How is this a problem? Invisible work is unpaid and thus not factored into the social safety net. This leads to "a permanent discontinuity of contracts and incomes" (Capiou, 2000: 25), which conflicts with traditional rules of employment insurance. Accordingly, "when performing invisible work, artists are not 'unemployed' even though they have no income, whereas access to employment insurance requires that they actively seek paid work, artistic or not" (D'Amours and Deshaies, 2012: 5). This raises the question: How can we ensure social legislation covers invisible time? (Labadie and Rouet, 2007: 15). We'll come back to this in Part 4.

Hélène Harbec is a writer. She lives in Moncton, NB. She has been writing full-time since 2001. Over the past 35 years, she has published about ten works, mainly collections of poetry but also novels and a story. She is currently working on a poetry collection for which she received a grant from the Canada Council in July 2019. Over the years, she has received eight creative grants (New Brunswick Arts Board and Canada Council for the Arts) for one or more of the proposed projects, all of which have resulted in published works. Grants are first and foremost an acknowledgement of the excellence of the projects submitted, but they are also a significant financial contribution since the income from copyright is very low. She has also received more than one literary award- more recognition of her work, but also significant financial support. Public presentations at book fairs, poetry festivals or other events also provide a complementary, but very modest income.

According to this author, almost all creative writing is invisible in itself. It only becomes visible when the work is published or at conferences or literary, academic, or public events.

Creative writing is a continuous process. When a project is created (manuscript), she spends about 5 to 6 hours a day on the writing itself. Once the project is completed, she remains in a creative mode (the desire to write), as evidenced by the notes taken at all times of the day, in a notebook that she always keeps close to her. It is important to account for all the time given to the gestation and reflection of the project, which is definitely invisible work.

The time spent preparing public services is also a big part of an author's workload. It several hours of work to prepare a one-hour conference with students from the Université de Moncton or a Book

Fair or Poetry Festival. Presentations at literary events are prepared weeks in advance. The amounts paid to authors for these public services do not cover the required preparation time.

In addition to the time spent writing and preparing public performances, she must also devote time to grant applications and sending her manuscript to publishing houses. When manuscripts are accepted, she must collaborate on the editing (proofreading, correction, etc.) to ensure the quality of the work. In her case, she spends little time promoting her work, but other authors spend more time on promotion.

Phyllis Grant is a Mi'gmaq artist from the Pabineau First Nation. She is a mother, artist, rapper, filmmaker, dreamer, and lover of all creation. Phyllis has collaborated with many organizations and groups - from the Province of New Brunswick to Coca-Cola Canada, the National Film Board of Canada, and Honor the Earth. This interdisciplinary artist's works include animated films, poetry, and music, as well as paintings and illustrations. She has exhibited in Canada, the United States and Italy.

Phyllis is passionate about community building and transformative leadership learning through arts and technology. Her art focuses on sharing traditions and exploring identity in the creative process, often telling the Mi'gmaq legends she grew up with. She loves to inspire and facilitate the creativity of others, and shares her journey with unique expressions of family, community, stories, medicine, passion, and love.

For her, invisible work is practiced every day as part of an artist's life. "Everything is interconnected and part of my life. Directing, illustrating, but also writing project proposals, talking to people, social media: life is art." Community work is part of the artistic process of this woman who says she is influenced by everything around her. Invisible work also includes a lot of work with emotions, to come up solutions. This includes yoga and meditation. "I need time to see the big picture."

Phyllis' days are divided between welcoming people into her community (during the day) and, in the evening, working on projects such as Ni'gweg (<https://www.nigweg.com/>), an animated film with the NFB, painting and writing. Phyllis Grant also volunteers at a non-profit community radio station, where she produces a weekly program. She accepts unpaid jobs, which she sees as wonderful opportunities for community development or bringing artists together. She works on several projects at a time and constantly comes up with new proposals to find places to present her artwork.

Invisible work takes up about half her total working time. This can vary depending on family care and community events, but also on her health. This work is essential in the creative process: "I need time to dream, I need to see what's going to happen next. The opportunities. I like to learn from the work I do. I like to meet other artists. I can't always just do go-go-go, where the stress of life leads the way. In New Brunswick, we need more spaces to be inspired and more opportunities to connect."

1.3 Uncertainty and Economic Risk¹³

The artist's world is one of economic risk. Experience and past successes are no assurance of future success, which can be unpredictable and random. Sagot-Duvauroux describes an "economy of risky projects that turns the author into a kind of co-producer whose pay depends on the commercial success of his creative work" (Labadie and Rouet, 2008: 39). This risk is increased by a supply of talent that exceeds demand in a highly competitive, innovation-driven economy where each project and producer compete with a host of other projects and producers—an effect multiplied in market segments limited to a small number of highly concentrated "buyers." Both the artist's work and pay are intermittent, unpredictable, and vulnerable to economic change.

We have outlined these economic risks in four categories (D'Amours and Deshaies, 2012) that partly overlap with the notions of intermittency and invisible work.

Business risk: Unless they work on commission, writers, visual artists, and craftspeople assume the entire business risk because they invest resources and work time without knowing if their product will sell or at what price. For authors, directors, choreographers, etc., concept development and project design are mandatory but often unpaid, since (based on informal estimates given to us by several artists) just 1 in 10 projects goes into production. Capiou (2000) described "creative risk" as the mechanism that forces artists to create new works, interpretations and performances at an ever-faster pace to address the gradual shortening of the cultural product life cycle and reduce the uncertainty of success, which leads back to invisible work. Artists are therefore particularly at risk: "This creativity on which they totally depend, they generally exercise it in non-working periods, that is to say, periods of unpaid work. It is therefore wrong to view these non-working periods as idle, unemployed or inactive." (Capiou, 2000: 17)

Artists also assume a performance's economic risk because their pay depends at least partly on a work's success rather than on the time needed to produce it.

The underemployment risk: This risk is defined as the possibility of a lack of contracts or customers, and therefore of income (D'Amours, 2006; D'Amours et Deshaies, 2012). Unlike the typical industrial worker, the artist's commitment is limited to the duration of a performance and he can only rely on himself to generate a sufficient volume of work to live. The risk of underemployment is largely due to the intermittent nature of artistic performance. It affects both salaried artists, who experience periods without contracts, and self-employed artists (the majority in fact), who must design a project or create a work before receiving an income.

The Knowledge obsolescence risk: This risk is defined as the possibility of seeing one's employability decrease if one's knowledge is not updated, fueling the risk of underemployment (D'Amours, 2006; D'Amours and Deshaies, 2012). The need to update knowledge, increased by the omnipresence of technology, is certainly common to the majority of contemporary workers. But it's even more important for temporary employees and self-employed workers since employability and therefore future commitments depend on them updating. Thus, many artists have to master digital technologies, while dancers, musicians and actors must devote a certain number of hours every day to practice, as a condition for obtaining work.

The Income fluctuation risk: Artists know all too well what it is like to alternate between periods when work pays well and when it does not ("feast or famine").

¹³ Much of this section is reproduced from Martine D'Amours and Marie-Hélène Deshaies, *La protection sociale des artistes et autres groupes de travailleurs indépendants : analyse de modèles internationaux. Cadre d'analyse et synthèse des résultats* [online] (Québec: Université Laval, October 2012), 58 p., https://www.mcc.gouv.qc.ca/fileadmin/documents/publications/Protection_sociale_artistes_Cadre_analyse_synthese.pdf (in French).

1.4 Double Life: Diversifying at the Heart of the Activity

Artists shield themselves from the artistic labour market's inherent uncertainty by diversifying their activity—leading what some have called a “double life.” Menger (2007) detailed various types of diversification (based on the situation for actors, though it applies to other arts professions): diversification between what researchers call “vocational”¹⁴ work, to refer to artistic activity, and other paid activities.

- “Internal diversification works through mobility between employment sectors and through the combining or overlapping of professional roles
- Related or peripheral diversification is achieved by combining or overlapping with art activities outside the artist's ‘natural calling,’ or with para-artistic activities
- External diversification involves the combining of vocational activity with non-artistic activities unrelated to the art profession in question, casual jobs, or stable employment outside the art world.” (Menger, 1997: 137-138)

Diversification takes two forms (Menger [1997: 132]): that of success (mobility by choice, where an artist can acquire skills and build a reputation while limiting instability and risk), and that of the “galley ship”, or pain and toil (mobile by necessity, series of unrelated jobs with little or no artistic benefit, etc.). Diversifying into non-artistic activity just to eat and pay bills may limit engagement in artistic pursuits, in some cases forcing artists to work in fields far outside their calling, which may harm their reputation (see D'Amours, 2009b).

Even if diversification reflects an artist's success, successive or cumulative short-term contracts for a wide range of activities and employers (from small firms to multi-nationals), with overlapping or changing social and tax status (employee, self-employed worker, contractor, etc.), pose unique challenges for social security since the associated benefits are often linked to a certain employer or activity, and there are rarely links between the various social welfare systems (D'Amours and Deshaies, 2012).

We should point out that statistical surveys (the 2016 Census on which the Hill Strategies study was based, etc.) fail to reflect this reality because their samples do not include those who have not spent most of their work time on artistic activities. In the 2016 Census, Statistics Canada ranked occupations based on the job at which respondents spent the most hours in the week from Sunday, May 1 to Saturday, May 7, 2016.¹⁵ Those who had not worked in that week were ranked based on the job where they had spent the most time since January 1, 2015. Those who had not worked at all in this period were excluded from the experienced labour force (and thus from the data in the report).

Some studies have sought to outline and shed light on this “double life” by exploring the hybridization of legal status, work activities and income sources.

The 2004 report *Pour mieux vivre de l'art, Portrait socioéconomique des artistes (Making a Better Living from Art: Social and Economic Profile of Artists)*¹⁶ has data on more than 14,000 Quebec artists, highlighting their diverse and often overlapping statuses and income sources:

14 The sociologist Eliot Freidson first used the term “vocational work” to refer to productive activities whose primary focus is engagement and identification rather than the income they generate (Freidson, 1986: 441). This is the case, for example, for creative work, but also for scientific research and the caring professions.

15 As Hill Strategies (2019: 45) points out: “This is an ‘in-between’ period for many artistic activities. Many performing arts companies have seasons that range from fall to spring. These seasons may end before the week of May 1, forcing some artists to find other employment during late spring and summer. Other organizations may have summer seasons that do not start in early May.” Also, many artists may have worked a greater number of hours in non-arts activities and not have been counted as artists.

16 Produced by the Ministère de la Culture et des Communications du Québec, based on Quebec tax returns for 1998-2001. <https://www.mcc.gouv.qc.ca/publications/portrait-socioeconomique.pdf> (in French).

- In 2001, the proportion of artists with employment income (employees) was 60.5% of the study population
- Paradoxically, 62% of artists reported self-employment income (vs. 8.7% of all Quebec taxpayers)
- The figures show that 33.4% of artists reported both employment and self-employment earnings
- Moreover, 28.7% of artists reported only self-employment income (i.e. no employment earnings), while 27% reported only employment earnings (i.e. no self-employment income)
- Nearly 11% of artists received EI benefits, a figure higher than Quebec's unemployment rate (8.7% for the reference year)

However, the data did not distinguish between income from creative work and income from other sources.

A 2014 online survey of 348 self-identified artists¹⁷, conducted by the Saskatchewan Partnership for Arts Research (based on various Statistics Canada criteria), looked at both paid and unpaid work in and outside the arts community. In addition to time spent on creative work, respondents were asked how many hours they spent teaching or mentoring (whether paid or unpaid). Survey respondents spent an average of 24.5 hours a week at their creative practice, 8 hours a week teaching or mentoring in a creative discipline (whether paid or unpaid) and 16 hours a week working outside their creative practice.

In 2010-2011, the Institut de la statistique du Québec's Observatoire de la culture et des communications du Québec (OCCQ) produced monographs for three classes of artists: writers, dancers/choreographers, and visual artists. The surveys showed that each of these groups has artist profiles that present artistic and non-creative work in different ways. We have provided relevant findings here for each of the three groups, but one cross-cutting result seems especially illuminating: artists who spend the most time doing creative work are the ones with the lowest personal income. This has proven to be true for writers and visual artists, though not for dancers and choreographers.

Writers:¹⁸

To analyze the results, we divided writers into three groups based on the proportion of work time they spend writing:

Group 1 represents authors who spend less than a third of their work time writing. They comprise 46% of the total, or 700 people. Group 2 devotes one-third to two-thirds of its work time to creative writing (27% or 400 people). Lastly, Group 3 spends more than two thirds of its work time writing. This group represents 410 writers, or 27% of the total.

Of the 410 writers who spend more than two-thirds of their work time writing, 51% (210 people) are in the lowest personal income bracket. The median personal income of writers who spend more than two-thirds of their working time writing is \$27,800, while it is nearly \$50,000 for those who spend less than a third of their work time writing.

Dancers and choreographers:¹⁹

¹⁷ A study based on a database of 3,135 artists (self-identified); 348 of 1,342 artists with an active email address responded.

¹⁸ Data obtained from Marie-Hélène Provençal, "Les écrivains québécois: un aperçu statistique", *Optique culture* [online] (Québec: Institut de la statistique du Québec, Observatoire de la culture et des communications du Québec), May 2011, no. 3, 8 p., <http://www.stat.gouv.qc.ca/observatoire> (in French).

¹⁹ Data obtained from Marie-Hélène Provençal, "Les danseurs et chorégraphes québécois: un aperçu statistique", *Optique culture* [online] (Québec: Institut de la statistique du Québec, Observatoire de la culture et des communications du Québec), July 2012, no. 20, 12 p., <http://www.stat.gouv.qc.ca/observatoire> (in French).

For the proportion of work time devoted to dance, dancers and choreographers comprise three nearly equal groups, each accounting for one-third of the workforce. Group 1 (210 people) devotes less than a third of its work time to dance. Group 2 (220 people) devotes one- to two-thirds of its work time to dance. Lastly, Group 3 (210 people) uses more than two-thirds of its work time for dance. Income does not vary widely based on the proportion of creative work unless artists devote more than two-thirds of their time to dance, in which case they are likelier to have incomes of \$30,000 or more.

In 2010, Quebec dancers and choreographers spent 54% on average of their working life on unpaid professional dance-related activity (training, career management, volunteer involvement in productions, etc.).

One-third of dancers and choreographers (31% or 200 people) earn nearly all their personal income from dance activities, vs. 33% of dancers and choreographers (about 210 people) who earn most of theirs from other activity.

Visual artists²⁰:

In 2010, 31% of artists worked at least 45 hours a week (including work outside of the visual arts).

On average, respondents spent 61% of their work time on creative activity in visual arts. For the purposes of this survey, this includes time designing and producing artworks, as well as other activities directly related to the artist's career (preparing exhibits, completing grant applications, networking, management, etc.) but excludes time spent teaching visual arts or working as a researcher. One-third of artists (31%) earn income from teaching, an activity that does not involve creation but is related to visual arts.

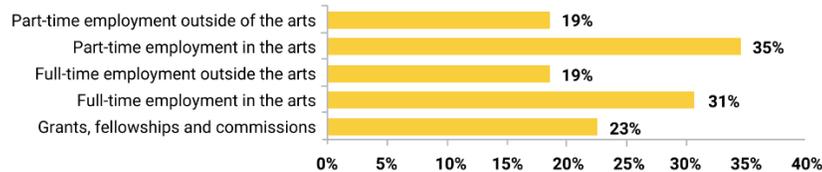
We divided artists into three groups based on the proportion of work time they spend on visual arts creation. Group 1 (22%) spends less than a third of its work time on visual arts creation, Group 2 (34%) spends one- to two-thirds of its working time on it, and Group 3 (44%) spends more than two-thirds of its working time on it.

It seems that the more time artists spend creating visual arts, the higher the income they earn. However, the inverse seems true for total personal income (i.e. the more time artists spend creating visual arts, the smaller their total personal income).

A report on New Brunswick (ArtsLink NB, 2013) also notes the wide range of income sources for artists in the province (p. 30).

²⁰ Data obtained from Christine Routhier, "Les artistes en arts visuels québécois: un aperçu statistique," *Optique culture* [online] (Québec: Institut de la statistique du Québec, Observatoire de la culture et des communications du Québec), May 2013, no. 23, 12 p., <http://www.stat.gouv.qc.ca/observatoire> (in French).

Figure 5 SOURCES OF INCOME IN 2011



Part 2: Artists Living on the Edge of Economic Insecurity

According to Rodgers (1989), job insecurity can be defined by four criteria: insecurity of the employment relationship, lack of control over work, lack of regulatory protection and low income. In this section, we show that artists are precarious in terms of three of these four criteria.²¹

2.1 Employment instability

Artists do not have a stable job. They have several types of employment, artistic and non-artistic. Intermittence²² is not specific to creative work, it is found in several other employment sectors such as journalism, research, or teaching (Pilmis, 2019).

A distinction must be made between intermittent work and on-call work. Intermittent work refers to economic activity, which is inherently discontinuous, e.g. creative work, seasonal work in agriculture or fisheries. On-call work is discontinuous not because of labour activity but because of the nature of the employment relationship, i.e. a continuous employment relationship without continuous work (Vendramin and Valenduc, 2016: 23), to meet employers' desire to use labour on a just-in-time basis, by adjusting the volume of employment to demand. On-call work in restaurants or supermarkets is an example of this. In both cases, there is unrecognized and unpaid job-search work but, according to the philosophy of the *Matémittentes*, there can be no paid creative work without invisible work.

Why is the issue of intermittency important? Because it helps to explain low and unstable incomes, and conditions, limits access to social protection and undermines the professional status of the artist. In fact, the level of compensation provided by most social protection plans (such as employment insurance and public pension plans) depends on two variables: the length employment (in weeks or years) and the level of income. An intermittent presence in employment, especially if

²¹ Plusieurs dimensions de cette précarité des artistes, dans un ensemble de pays du monde, sont documentées dans une étude de l'UNESCO, parue en 2020 : <https://unesdoc.unesco.org/ark:/48223/pf0000371790>

²² In France, intermittency gives rise to a specific employment contract: "The intermittent employment contract allows the employee to alternate periods worked and periods not worked. It may be entered into, under certain conditions, in sectors where there are significant activity fluctuations." <https://www.service-public.fr/particuliers/vosdroits/F2247> (in French).

"According to the definition of the French Labour Code: – a fixed-term intermittent employment contract is authorised 'because of the nature of the activity carried out and the temporary nature' of the jobs; – an intermittent worker is a presumed employee who has the power to contract successively, and sometimes simultaneously, with a multiplicity of employers: the employment relationship ceases, as soon as the performance or series of repeated services for a show, a broadcast or a film run is complete; - the relationship of subordination of the employee employment contract is deemed valid in all cases." (Menger, 2007: 134).

associated with a low-income level, will result in little or no access to employment insurance and will generate a low retirement pension.

2.2 Low income

First, the limitations of survey methodologies and the fragmented nature of data on artists' careers, practices and earnings must be recognized. As Hill and MacLean (2018) point out, with respect to research on artists' careers, practice and earnings, there is no specific method that can objectively be called a “best practice” in comparison to others. Aside from census data, “there has been no systematic approach in Canada to try to understand the situation of all artists in the country, although several Canadian studies have focused only on specific types of artists” (Hill and Maclean, 2018: 15). Thus, most of the studies carried out are not based on a definition of “artist” employment but rather provide data on specific categories of artists.

Furthermore, the vast majority of data sources only consider visible (paid) work and most only consider artists who devote most of their working time to their artistic activity. However, as evidenced by the monographs produced by the OCCQ (Observatoire de la culture et des communications du Québec) in 2010-2011, respectively among writers, dancers and choreographers and visual artists, there are several profiles of artists who share their time between various activities in different proportions. Including only artists who devote half or more of their time to artistic activity leads to the loss of statistics for both the writers who teach and the emerging artists who devote a large part of their time to a complementary job.

With these limitations in mind we present the following results:

The 2016 census conducted by Statistics Canada²³ collected income data for the most recent full calendar year, 2015. Total income includes wages and salaries, net self-employment income, investment income, retirement pensions, other sources of income (a category that includes arts project grants) and government transfer payments. Employment income data includes amounts received from all jobs and self-employment in 2015, not just the position for which the respondent worked the most hours during the reference week. In some cases, individuals were able to work in a job in 2015 (the income database) other than the one for which they worked the most hours during the census reference week (May 1 to 7, 2016, the basis for occupational classification). In these cases, the income is based on the other occupation.

The report by Hill Strategies (2019a) is based on a special 2016 Census request that ranks individuals in the occupation in which they worked the most hours during the census reference week (May 1 to 7, 2016), whether they were employed or self-employed. Artists who spent more hours in an occupation other than their creative work during the reference week are classified in the other occupation. The census does not collect information about secondary occupations. Artists who teach in post-secondary, secondary, or elementary schools are included in the category of teachers and professors and not in their artistic profession. Professors and teachers in some contexts (such as conservatories, academies, and private art schools) are counted as “artists”.

According to this report (Hill, 2019a), the 158,000 artists in Canada in 2016 represent just under 1% of the overall labour force (0.87%). The median individual income²⁴ of Canadian artists in 2015 (\$24,300) is 44% less than the median individual income of the overall labour force (\$43,500). Artists' employment income (from all jobs and self-employment) is \$17,300, or 56% less than employment income (\$39,000).

²³ It should be noted that the data from this census are not comparable to those obtained by the 2011 National Household Survey due to methodological changes made to the 2016 census.

²⁴ Total income includes salaries and wages, net income from self-employment, investment income, retirement pensions, other sources of income (a category that includes arts project grants), and government transfer payments. (Hill Strategies, 2019a: 45).

Data broken down by province (Hill, 2019b) allows us to compare New Brunswick and Canadian artists, as well as the overall New Brunswick and Canadian labour forces. There are 1,830 artists in New Brunswick, representing 1.2% of artists in Canada. Artists comprise 0.49% of the province's labour force, which is lower than the Canadian average of 0.87%.

As shown in Table 1, the individual median earnings²⁵ of New Brunswick artists (\$24,200) are slightly lower than the individual income of artists in Canada (\$24,300) but 38% lower than the median income of the overall provincial labour force (\$38,800). Their median employment income (\$15,000) is lower than artists' median earnings in Canada (\$17,300) but 56% lower than New Brunswick workers' median income (\$33,700).

Table 1: Comparison of individual earnings and employment earnings, for artists and the labour force, New Brunswick, and Canada

	New Brunswick	Canada
Artist median individual income	\$24,200	\$24,300
Labour force median individual income	\$38,800	\$43,500
Artists median employment income	\$15,000	\$17,300
Labour force median employment income	\$33,700	\$39,000

The study reveals a huge gap in median individual income and employment income (including self-employment) among the nine arts occupations examined (see Tables 2 and 3). These tables also show that, for many groups of New Brunswick artists, the earnings gap with artists in the same occupation in Canada relates more to employment income than total individual income. That is, other sources of income (grants, subsidies, transfer payments) play a larger role:

Table 2: Median individual earnings in nine arts occupations, New Brunswick, and Canada

Median Individual Income	New Brunswick	Canada
Dance	\$ 17 200	\$15 800
Other performers	\$17 100	\$16 900
Singers and Musicians	\$19 400	\$17 900
Actors	\$20 900	\$18 500
Visual Artists	\$22 200	\$20 000

²⁵ Median income is a better indicator than average income, which is artificially driven upward by a small number of individuals with very high incomes.

Crafts Persons	\$19 300	\$20 500
Conductors, composers, and arrangers	\$25 500	\$29 700
Authors and writers	\$44 500	\$40 000
Producers, directors, choreographers, and related personnel	\$48 800	\$49 300
Total	\$24 200	\$24 300

Table 3: Employment earnings in nine arts occupations, New Brunswick, and Canada

Employment earnings	New Brunswick	Canada
Dance	\$10 300	\$11 500
Other performers	Unreliable	\$13 200
Singers and Musicians	\$13 100	\$12 300
Actors	\$4 700	\$11 900
Visual Artists	\$12 700	\$12 100
Crafts Persons	\$10 000	\$14 100
Conductors, composers, and arrangers	\$10 900	\$18 000
Authors and writers	\$22 700	\$31 800
Producers, directors, choreographers, and related personnel	\$46 100	\$46 000
Total	\$15 000	\$17 300

An exception to this is some studies conducted in various Canadian provinces (sometimes covering several and other times a single arts occupation) that focus on a larger pool of artists, not just those who devote half or more of their working time to artistic activities.

One of these is a study conducted in 2014 by the Saskatchewan Partnership for Arts Research²⁶ that takes into account artists' various sources of work (creative activity, other types of work, paid or unpaid). One of the parameters evaluated was the artists' workweek based on their level of education and income (from art practice and other sources). The study found that artists' average income from creative work is about \$15,000 per year and that this amount is significantly lower for many respondents. However, artists work an average of 48 hours per week (in the arts and other

²⁶ <http://www2.uregina.ca/spar/images/docs/Understanding.AES.project.intro.pdf>

fields), which is well above the provincial average. Paradoxically, artists' level of education far exceeds the provincial average.

From the studies identified (which are not comparable because the methodologies used differ), three observations can be drawn:

- 1) artists generally generate a lower total income than other workers;
- 2) for some groups, creative work generates more expenses than it generates income;
- 3) artists' incomes are highly polarized, with a minority making a good living.

1) A lower total income than other workers:

Recent reports by Hill Strategies speak for themselves, but other studies have also produced the same results. Monographs by the Observatoire de la culture et des communications du Québec (OCCQ) (2010a, 2010b, 2010c) reveal that dancers and choreographers have an average personal income lower than the average income of the Quebec population earning an income and aged 16 or over (\$27,600 versus \$34,000). In the case of visual artists, average personal income in 2010 is comparable (\$33,000 vs. \$35,400 for the Quebec population earning an income aged 16 and over), but the OCCQ points out that "this comparison must be qualified by taking into account the specific characteristics of the visual artists' population, particularly age and education, which are relatively high, as well as professional expenses, which are higher than those of other workers" (OCCQ, 2010aH: 9). For writers, the median personal income in 2008 was \$39,400.²⁷ It should be noted, however, that these incomes are very unevenly distributed, with a large proportion of artists at the bottom of the pyramid.

The *Waging Culture* study, conducted in 2009 and focused on approximately 560 Canadian visual artists (based on a sample determined by respondents), revealed similar results:

“According to our data, the average artist made \$25,318 from all sources, while the typical artist made \$20,000. In other words, Canadian visual artists make significantly less than the national average (\$36,301) and the national median (\$26,850). It is fairly clear that artists do not generate net income from their studio practice, despite dedicating over 50% of their time to their practice. While the average artist made \$1,432 from their practice in 2007, the typical (median) artist lost \$556. Indeed, only 43.6% of artists made any net profit from their practice.” (Maranda, 2009: 37)

A report on New Brunswick artists (ArtsLink NB, 2013) also documented a significant difference between the median earnings of various artist groups and the median earnings of Canadians. Two-thirds of survey respondents²⁸ report annual income of less than \$40,000 per year, while 10% report income of \$70,000 or more (pp. 7 and 31). The study concludes that median earnings were 16% lower for all full-time, full-year arts occupations in 2006, but this difference varies widely across occupations (pp. 7 and 27).

2) More artistic expenses than income:

The study conducted by the OCCQ reveals that after subtracting expenses related to the practice of their art, the average income that dancers and choreographers earned from dancing reaches \$9,300; half (54% or about 350 people) have a net income below \$5,000, and 30% (about 200 people) have not made any gain. On average, they spent 26% of their working time on dance activities.

In 2010, 20% of Quebec visual artists received no creative income (that is income from the practice of creating and producing visual art, including grants and cash prizes, fees and copyright income), one-third (36%) received less than \$5,000, 28% received income from creation of \$5,000 to

²⁷ Their median personal income (\$39,400) was higher than that of the Quebec labour force 25 years of age and over, but lower than that of workers who, like them, hold a university degree. In addition, most of this income came from non-artistic activities, since the median income from creative writing was \$2,450.

²⁸ 370 New Brunswick artists responded to a survey, of which 53% were members of the ArtsLink NB Association.

\$19,999 and 16% received income of \$20,000 or more. The average income from creative visual arts, before deducting expenses related to production, is \$10,600, but the median amount is only \$3,300. After subtracting expenses related to their art, the average income artists earned from creative work in visual arts falls to \$2,100 and the median income to -\$162.

Hill Strategies' survey on the socio-economic status of professional visual artists living in Canada²⁹ in 2012 (391 respondents) found that about half (47%) of Canada's visual artists lost money on their artistic practice. The average individual income of visual artists is \$29,300, with the largest portion coming from arts-related employment (\$19,200 on average) and non-arts-related employment (\$5,700 on average). After adjusting for inflation, the overall average income in 2012 was 6% higher than that in 2007 (\$27,600).

3) A high degree of income polarization:

According to the OCCQ survey, in 2009, 38% (or 250 people) of Quebec dancers and choreographers earned less than \$5,000 from their creative work in dance, while one-third (32% or 210 people) earned between \$5,000 and \$19,999 and 29% (or 190 people) earned \$20,000 or more. About 50 dancers and choreographers (8%) earned more than \$40,000 from dance. The average income from dance is \$13,900.

According to others, a study conducted in 2014 by the Saskatchewan Partnership for Arts Research also revealed a polarization of artists' earnings: 42.5% of respondents earn less than \$5,000 from their artistic activity, while less than 10% report earnings over \$40,000. When considering income from all sources, the average is \$28,438 (compared to \$40,798 in the province). Again, there is a polarization phenomenon: 60% of respondents earn less than \$40,000, while less than 155 earn \$80,000 or more.

This same phenomenon is also apparent in a study conducted by ArtsLink NB with 370 respondents (53% of whom are self-employed, 11% who work for arts organizations and 25% who are employed as teachers) as shown in the following table:

Table 13 SURVEY RESPONDENTS BY TOTAL INCOME LEVEL (2011)		
	# of Respondents	% of Total
Under \$20,000	114	33.5%
\$20,000 - \$39,999	117	34.4%
\$40,000 - \$54,999	42	12.4%
\$55,000 - \$69,999	33	9.7%
\$70,000 - \$89,999	16	4.7%
\$90,000 and up	18	5.3%
Totals	340	

²⁹ [Waging Culture - Hill Strategies Research Inc](#)

The low income of artists, despite a high level of education for the majority of them, can be explained by several causes:

The low share of public spending on the arts, which affects the number and quality of contracts offered to artists

The latest data available to us on public spending on culture (per capita) covers the year 2009-2010. The following table, based on Hill (2012), shows that New Brunswick is below the Canadian average for total spending. It is mainly municipal spending that lowers this average, which can be explained by the lack of local governance in a significant proportion of New Brunswick). A significant reinvestment in arts and culture spending by all three levels of government to ensure that the level of arts and culture spending in New Brunswick reaches at least the Canadian average was at the forefront of the Campbell Report's recommendations (ArtsLink NB, 2013: 13-14).

Table 4: Government spending on the arts, Canadian provinces, and territories, 2009-2010

Province/ Territory (\$ per capita)	Federal Government (\$ per capita)	Provincial Government (\$ per capita)	Municipalities (\$ per capita)	Total/per capita Total (in \$ per capita)
British Columbia	53	54	100	206
Alberta	71	102	99	272
Saskatchewan	62	149	103	315
Manitoba	89	117	53	260
Ontario	109	63	97	269
Québec	188	125	76	389
New Brunswick	119	107	37	263
Nova Scotia	136	102	58	296
Prince Edward Island	191	129	32	351
Newfoundland and Labrador	121	156	31	308
Yukon	552	628	13	1194
NWT	888	228	66	1182
Nunavut	498	279	10	787
On average	123	90	87	301

An imbalance in the distribution of income generated by the arts, to the detriment of artists

The precariousness of artists is also explained by a very unequal distribution of revenues generated by the arts, attributable to an “unbalanced contractual relationship”, resulting in particular from the economic dependence of many artists on principals and intermediaries. Although they are the primary resource of the cultural industries, the clear majority of artists are unable to make a living from their art.

“Finally, the precariousness experienced by a majority of artists is not only due to these characteristics but also to their dependence on multiple intermediaries (artist agents, presenters) who are usually the strongest party to the contract. Many speakers cited in the *Actes des deuxièmes journées d'économie de la culture* (Labadie and Rouet, 2008) make the same observation to the effect that the vast majority of artists have no choice but to accept the contracts for the exploitation of their works that are offered to them³⁰ (a situation referred to as a “contract of adhesion,” a characteristic of the employment contract). They also report degraded contractual practices that have a downward effect on revenues, such as the demand for an exclusive, and often unlimited, transfer of all intellectual property rights or circumvention of the obligation to pay proportional to operating revenues (tendency to flat-rate).” (Labadie and Rouet, 2008, pp. 76-80, reported in D'Amours and Deshaies, 2012: 5).

The fact that a significant part of the artist's work is invisible, and therefore unpaid

As mentioned above, invisible work is not included in compensation. This reality is reflected differently in different groups of artists; some are paid when they perform on stage (performing arts), others are paid as a percentage of a work's success (publishing model) while others are paid by the sale of a single object (art market). However, more often than not, remuneration is linked to a specific product or service, unrelated to the number of hours required in producing it.

2.3 Inadequate labour laws and social protection plans

The purpose of labour laws is to protect workers against working and employment conditions that are harmful to their health and living conditions. Unfortunately, their jurisdiction is generally limited to salaried workers, whereas the majority of Canadian and New Brunswick artists are self-employed. As for social protection plans, they consist of “all public plans whose function is to protect the economic situation of individuals or families in the event of eventualities likely to cause loss, absence, insufficient income or an increase in financial charges (poverty, unemployment, illness, retirement, family)” (Poulin Simon, 1981, cited in Morel, 1999: 2).

- We have defined social risks elsewhere as:
- The "illness" risk, defined as the possibility of a loss of income due to the physical or mental inability to provide the usual workload due to a partial or total illness or disability;
- The "occupational accident and disease" risk, defined as the possibility of a loss of income due to the physical or mental inability to provide the usual workload due to an accident at work or an occupational disease;
- Parenthood risk, defined as the possibility of loss of income due to pregnancy and the care of children or other dependent relatives;

³⁰ “It can therefore be noted that there is a lack of freedom and therefore a situation of economic and financial dependence of the authors on the operators. Financial dependence because the author needs to live and depends totally on the chain of contracts exploitation, and economic dependence because the extent to which a work is exploited depends mainly on the efforts of those to whom the author has assigned all or part of the exploitation rights.” (E. Landon, lawyer at the Paris Bar, quoted in Labadie and Rouet, 2008: 172).

- The “advanced age” risk, defined as the decrease in the capacity to work or income from work, as we get older (D'Amours et Deshaies, 2012, taken up and adapted from D'Amours, 2006).

Although they are exposed to the same social risks as other workers (they may fall ill, have children or care for elderly relatives; they also age, and in some occupations the end of career occurs remarkably early), and although they are found, as we have seen above, to be overexposed to the risk of periods without work, artists are less well covered by social protection plans. These laws and measures were created with reference to permanent full-time paid employment, a reality that is almost non-existent in artistic circles.

Let us assess this lack of protection, which only a small number of studies have addressed.

According to *Pour mieux vivre de l'art*, among the 14,010 artists surveyed in the study:

- 26.7% did not contribute to a pension plan in 2001;
- one in two artists (51.1%) contributed to a registered retirement savings plan for a total of almost \$30 million in 2001, representing an average of \$4,112 per artist;
- 57% of artists contributed nearly \$7 million to the Québec Pension Plan (QPP);
- 13 artists' associations (out of 16 recognized associations) offer pension plans in which producers participate.

Tables 5, 6 and 7 summarize the main results of three monographs already mentioned in this text, conducted respectively with writers, dancers, choreographers, and visual artists (OCCQ 2011, 2012, 2013). They reveal, in particular, that a majority of artists have no coverage in the event of work accident, illness or disability. When they do, this coverage is generally not related to their artistic activity; rather, it is attributable to salaried employment or to coverage by their spouse's complementary health insurance. With respect to retirement income, with differences between occupations,³¹ we note that income from public plans (Old Age Security Pension and QPP.³²) remains the most cited sources (adding the first and second sources together) and that a significant number of artists expect to work beyond age 65).

Table 5: Status of protection in the event of employment injuries among three groups of Quebec artists

As a % of total	Writers	Dancers and Choreographers	Visual Artists
Are not protected in the context of their creative activity	81.2	30.1	90.5
Protected as an employee	0.8		6.6

³¹ Notably, dancers and choreographers are, on average, younger than writers and visual artists.

³² The Quebec Pension Plan (QPP) is the Quebec equivalent of the Canada Pension Plan (CPP).

Protected as self-employed workers	1.0	60.8 (as employees, self-employed and/or during supervised training periods)	1.1 and 0.5 as both seasonal and intermittent
Do not know if they are protected	17.0	9.1	1.3

Sources: OCCQ 2010, 2012, 2013

Table 6: Proportion of artists covered in the event of illness or disability, three groups of Quebec artists

As a % of total		Writers	Dancers and choreographers	Visual artists
Supplementary health plan	Covered	59.4 (mainly through salaried employment or by the spouse)	43.9 (mainly through salaried employment or by the spouse)	48.3 (mainly through salaried employment or by the spouse)
	Not covered	39.1	52.9	51.8
	Don't know	1.5	3.2	---
Short-term disability wage insurance	Covered	32.5 (mainly through employment)	29,0 (mainly through employment)	22.7 (mainly through employment)
	Not covered	63.8	61,0	77.3
	Don't know	4.6	10,0	---
Long-term disability wage insurance	Covered	31.1 (mainly through employment)	21.5 (mainly through employment)	19.4 (mainly through employment)
	Not covered	64.1	66.6	80.6
	Don't know	5.3	11.9	---

Sources: OCCQ 2010, 2012, 2013

Table 7: Main sources of retirement income for two groups of Quebec artists

Total number of mentions as 1st or 2nd source (as a % of total)	Writers	Dancers and Choreographers
Income from public plans	73.0	57.9
Income from a corporate plan	34.6	10.5
Investment income	39.0	54.2
Working income	33.9	50.3
Other income	8.7	1.1
Don't know	4.6	16.0

Sources: OCCQ 2010, 2012

This lack of protection can be explained by several causes:

1. Legal and social protection is less or non-existent for self-employed workers than for employees.

All available data sources highlight the high percentage of self-employed artists. According to Hill Strategies (2019a), 52% of Canadian artists are self-employed, compared to only 12% of the Canadian labour force. The rate of self-employment is particularly high among visual artists (66%), musicians and singers (60%) and artisans and craftspeople (58%).

In New Brunswick, 49% of artists are self-employed, slightly lower than the proportion of self-employed artists in Canada (52%) but significantly higher than the 8% share of the New Brunswick labour force (Hill, 2019b).

In Canada, self-employed workers have less access to social protection than employees. For example, unless there is an exception, they are excluded from access to the employment insurance plan for periods between contracts, and unless they pay the employer's contribution for employees, they are not eligible for the workers' compensation plan.

It is assumed that workers are entrepreneurs who are able to provide their own social protection, such as supplementary health insurance, disability insurance or RRSPs. In reality, they rather appear to be precarious workers who do not have access to social protection except, in some cases, through paid employment or through their spouses (D'Amours, 2009 A and B).

Finally, when they receive coverage from a public source (e.g., CPP), they must **pay both the employee and employer's contribution** which unduly reduces their income.

2. Social protection for employed artists is less than that enjoyed by other employees because of intermittency

Whether or not they are artists, intermittent employees acquire rights to social protection only when they are under employment contract. Since the conditions and levels of compensation depend on the length of time in employment, a lower presence in employment results in a lower level of compensation.

Thus, even if an artist works as an employee and can therefore contribute to employment insurance, he or she is less likely than a regular employee to collect the number of hours of work necessary to qualify for benefits. If the person qualifies, the benefit will be equivalent to 55% of the average income from visible work. Another example is the poverty of retired artists (Hill, 2011), which reflects both periods of intermittency (when they do not accumulate contributions) and low career income.

3. Invisible work is not taken into account for social protection purposes

In almost all cases, unpaid work time does not provide access to social protection. An exception is in Quebec, where special compensation measures are provided for certain groups of artists. Thus, a professional dancer who is injured during supervised training periods may receive compensation from the Commission des normes, de la santé et de la sécurité du travail (CNESST). For this measure, the Department of Culture and Communications is considered the employer and pays the cost of the contribution to CNESST.

Moreover, the logic of social protection plans not only fails to take into account invisible work but can indeed exacerbate it. To qualify for Employment Insurance, you must:

- a) have accrued a given number of insurable hours (invisible work does not qualify).
- b) be available for employment and active job search. However, as McAndrew (2002) explains, artists are not “unemployed” even when they are “without income”. They seek contracts, submit projects, improve their skills... Requiring them to seek (and eventually accept) employment outside the arts as a condition for receiving benefits has the effect of reducing the time available for artistic activity.

Part 3: A Legal Framework

According to Capiou (2000: 10-11), there are two ways of defining artistic activity. The first is to consider it as similar to other professional activities and to regard artists as “a socio-professional group similar to that of other workers”. The development of specific rules for them with regard to social protection does not therefore seem justified. The second way is to consider artistic activity as “activities that are clearly distinct from all other activities” and therefore, artists must be considered a separate socio-professional group, requiring the establishment of rules adapted to the creative and production process, to enable them to access the same rights as other workers.

For Capiou, the arts professions are similar to the liberal professions and university research professions in terms of motivation and intellectual commitment, but without the same tools to deal with complex and unstable demand. Artists have no control over the demographic evolution of the profession or competition and have no support activity to ensure economic security. They are subject to particular risks specific to creative work: creativity risk, risk related to intermittency and fluctuation of income; risk related to the prototypical nature of artistic products and risk related to the whims of success. Their activities are carried out in the context of specific economic dependencies on multiple intermediaries, the media, and public cultural policies:

“Faced with the structural problem of artistic under-activity that artists must deal with if they wish to pursue their profession, the public authorities can react by developing a *policy that would promote the various forms of artistic activity* (salaried and non-salaried activities; artistic research and development).

But, let there be no mistake, this type of intervention has its limits and does not solve the legal, social, and fiscal problems associated with the exercise of artistic activity in its various forms.

The main difference with the measures proposed for other workers and other economic sectors is that *the measures to be put in place are generally part of cultural policy rather than part of an employment policy or the economic policy specific to the cultural sector*. These measures are therefore based not on considerations relating to the labour market or the economy of the sector, but exclusively on cultural or artistic considerations. This means, *for example*, that the increase in the unemployment rate among musicians will not necessarily lead to an increase in subsidies granted by public authorities to orchestras. [...]

In addition, *general employment measures to promote employment* are introduced for employed or self-employed workers in the industrial and commercial sectors whose working conditions are very different from those of artists. They are therefore penalized because, since they are not adapted to their specific working conditions (intermittency, difficulty in recognizing their real employer or indifference of the latter), *these generalist measures only hardly benefit artists and the cultural sector.*" (Capiau, 2000: 31-32)

That is why it's important to adopt a strategy that includes both a legislative framework (Part 3) and specific measures (Part 4) to meet the two objectives set out by the Task Force.

3.1 Defining a Professional Artist

The Task Force identified that it intends to recommend a definition based on the Canada Council for the Arts' definition of "professional",³³ which states that a professional artist is one who:

- has specialized training in the artistic field (not necessarily in academic institutions);
- is recognized as a professional by his or her peers (artists working in the same artistic tradition);
- is committed to devoting more time to artistic activity, if possible, financially; and
- has a history of public presentation or publication.

These same criteria are found, although less precisely, in UNESCO's Recommendation concerning the Status of the Artist (1980).³⁴

The Canadian and Quebec Status of the Artist Acts also provide definitions of the artist they apply to. The *Act respecting the professional status and conditions of engagement of performing, recording and film artists* (R.S.Q., chapter S-32.1)³⁵ defines an artist as a person who practices an art on his own account and offers his services, for remuneration, in a field of artistic endeavour including the theatre, opera, music, dance and variety entertainment, multimedia, the making of films, the recording of discs and other modes of sound recording, dubbing and the recording of commercial advertisements.

33 <https://canadacouncil.ca/glossary>. It should be noted that the Council also provides a definition of the artist at the beginning of his or her career.

34 "Artist" is taken to mean any person who creates or gives creative expression to, or re-creates works of art, who considers his artistic creation to be an essential part of his life, who contributes in this way to the development of art and culture and who is or asks to be recognized as an artist, whether or not he is bound by any relations of employment or association. UNESCO, *Recommendation Concerning the Status of the Artist* [online], October 27, 1980, http://portal.unesco.org/en/ev.php-URL_ID=13138&URL_DO=DO_TOPIC&URL_SECTION=201.html.

35 <http://legisquebec.gouv.qc.ca/en/ShowDoc/cs/S-32.1>.

As for the *Act respecting the professional status of artists in the visual arts, arts and crafts and literature and their contracts with promoters* (R.S.Q., chapter S-32.01)³⁶, specifies that an artist is presumed to be a professional if he is a professional member of a recognized association or a member of a recognized group.

The federal *Status of the Artist Act*³⁷ defines an artist as a professional independent contractor who³⁸, “(i) is paid for the display or presentation of that independent contractor’s work before an audience, and is recognized to be an artist by other artists, (ii) is in the process of becoming an artist according to the practice of the artistic community, or (iii) is a member of an artists’ association.” (par. 18b).

It must be noted that the eligibility requirements for the measures proposed in this report may differ or add to the above definition. In other words, it is possible that some measures will not apply to all professional artists.

3.2 A New Brunswick Status of the Artist Act

As mentioned in an earlier document from the Premier's Task Force on the Status of the Artist (August 2017), the recognition in law of the role that artists play in society is a key element in improving the social and economic status of professional artists in New Brunswick. Legally recognizing the value of professional artists is not merely symbolic: it is an official recognition that artists' contribution to society is real, authentic, and important. It is a necessary starting point for improving the socio-economic conditions of artists as a professional class.

Fortunately, New Brunswick is not the first jurisdiction to consider such recognition. The Government of Canada responded to UNESCO's recommendation by creating a Task Force on the status of the artist, which tabled its report in August 1986. The task force made 37 recommendations that urged all levels of government to act on a wide range of artists' concerns. The federal government subsequently passed the *Status of the Artist Act*.³⁹ It was enacted in June 1992 and recognizes the economic, social, and cultural contribution of artists to Canadian society.

Following in the footsteps of Quebec, which adopted two laws in 1987 and 1988 concerning performers and creative artists respectively, several Canadian provinces have enacted their own legislation. Today, five of them have passed laws recognizing the role of artists in society and affirming the right of professional artists to receive fair remuneration for their work. However, except in the case of Quebec, these are declaratory laws that have not resulted in a concrete improvement in the socio-economic status of artists. The Government of New Brunswick would take an important step forward in the recognition of professional artists by adopting such legislation specifying its commitment to improving the socio-economic status of artists and concrete measures to achieve this objective, and by specifying its commitment to improving the socio-economic status of artists, as well as the important role of artists' associations in defining the professional artist and in the design and implementation of measures that affect them.

The Task Force may seek to recommend that New Brunswick’s Legislative Assembly enact a law on the Status of the Artist in New Brunswick, which will include a definition of a professional artist, a comprehensive framework for the recognition of professional artists in New Brunswick,

36 <http://legisquebec.gouv.qc.ca/en/ShowDoc/cs/S-32.01>.

37 <https://laws-lois.justice.gc.ca/eng/acts/s-19.6/>

38 In three categories (par. 6b):

(i) who are authors of artistic, literary, dramatic or musical works within the meaning of the *Copyright Act*, or directors of audiovisual works;

(ii) who represent, sing, recite, declaim, play, direct or perform in any manner whatsoever a literary, musical or dramatic work or a mime, variety, circus or puppet act; and

(iii) who, being members of professional categories established by regulation, are involved in creation in the following fields: performing arts, music, dance and variety, film, radio and television, sound, video and dubbing, advertising, crafts and visual arts.

39 <https://laws-lois.justice.gc.ca/eng/acts/s-19.6/page-1.html>

the general terms and conditions under which artists may negotiate separately, and the government's commitments to the promotion and recruitment of artists.

The Act would ideally be paralleled by the establishment of a permanent body that would be tasked with the responsibility of monitoring and reporting annually on progress on the status of the artist in New Brunswick.

Part 4: Proposals for increasing median income and improving access to social protection for artists

Faced with this rather bleak situation, it is likely that the Task Force will present recommendations in the hopes that the Government of New Brunswick will adopt measures aimed at achieving two key objectives: increasing the median income of artists and providing them with protection against economic, social and professional risks. The case of Quebec illustrates the important role played by public policy in improving the socio-economic status of artists. In that province, which has adopted measures to this effect for over 30 years, the median earnings of Quebec artists (\$26,800) are higher than those of artists in Canada (\$24,300),⁴⁰ and Quebec has the smallest gap between the median earnings of artists and those in the labour force (35%) (Hill, 2019b).

The recommendations⁴¹ for achieving these two objectives should be based on three complementary requirements:

- The need to better understand the nature and extent of invisible work, in order to integrate it into a comprehensive understanding of creative work.
- The need to enhance visible work and its compensation, both in terms of artistic activity itself, and complementary activity.
- The need to improve social protection, by developing portable plans (i.e. attached to the individual worker rather than to a particular job) and consider the reality of invisible work.

4.1 Document and recognize the invisible work of artists

In previous sections of this report, we argued for the existence of extensive invisible, unrecognized, and unpaid work, without which there can be no artistic creation and dissemination, in New Brunswick or elsewhere. If the artist is to be granted a real "status" beyond the employment contract or service contract, it is essential to consider "invisible work" as an integral part of creative work.

This is the proposal of French author, Isabelle Daugareilh, based on a "legalization of invisible work":

"One of the challenges of regulation is not only to "insure" against precariousness or underemployment in the cultural sector, but also to establish the terms of a legalization of invisible work that sets creative work apart and that would introduce security in this sector to counterbalance an already highly developed flexibility in employment." (Daugareilh, 2008: 94)

The proposed mechanism would be that of a "time credit to "capitalize" enough working time, or the equivalent in social contributions, to give the artist the right to devote time to activities defined above as invisible work. This could be a creation time credit." (p. 96). Visible work (regulated by

⁴⁰ It is the highest median income in Canada outside of Yukon and NWT.

⁴¹ As part of its work, the Premier's Task Force on the Status of the Artist examined the possibility of a guaranteed minimum income as a possible solution to the precariousness of artists. It has not retained this solution for the time being, given the fact that the current experiments concern small communities and provide a low income, sometimes replacing all social programs, without real redistribution (see Fourier, 2019). However, the group would be willing to reconsider this position if guaranteed minimum income proposals were aimed at reducing inequalities, to the benefit of precarious workers, including artists.

one or more employment contracts or one or more service contracts) would generate this credit attached to the worker's person⁴², which would give access to compensation for a fixed period, subject to social contributions. It implies “co-financing by the multiple beneficiaries of cultural production” (p. 97).

This proposal is in line with another, more general orientation, since it is not limited to the arts and culture sector, formulated by Supiot (1999). In this book produced by a team of European researchers, recognition of non-market forms of work is proposed (such as training, child-rearing, volunteering) in a broader concept of work referred to as a “professional status of people”. All the activities covered by this definition would give access to “social drawing rights” allowing workers to devote themselves to non-market activities⁴³. The acquisition of these rights would be based on a previously established claim: in other words, it would be necessary to have worked to accumulate rights.

According to the authors, the social utility of the activities thus financed justifies the use of a multiplicity of sources of financing, i.e. the State, companies and sometimes also the worker himself or herself.

The two proposals therefore have in common that working (although the definition of work is broader in the Supiot Report) would give access to free time (for creation in the Daugareilh proposal, for non-market but socially useful forms of work in the Supiot proposal), whose remuneration would be based on co-financing (mainly by companies and public authorities).

Regardless of the scenario that would be applied to New Brunswick artists, a prerequisite for the formal recognition of invisible work is undoubtedly fundamental to better understanding the nature of this work. The few testimonials quoted in Part 1 highlight several components, both before and after the artistic performance or production of the work: maintenance of employability; ideation, research and conceptualization of the work; submission of proposals to various funding sources; networking and promotion, contract searches, etc. Only once the (qualitative) nature of artists' invisible work is better understood, distinguishing it from the invisible work of other precarious workers (contractual or self-employed), will it be possible to grasp the (quantitative) share it represents in creative work in the broad sense.

Such documentation also requires considering the various artistic professions, as invisible work can take different forms depending on the sector and profession.

To this effect, the Task Force may recommend that the Government of New Brunswick work to recognize the reality of invisible work as an integral element of the artist' profession, and request that research be done on the nature and amount of invisible work done by professional artists in New Brunswick. Such research should consider the differences between the artistic professions.

4.2 Enhance visible creative work and Compensation

The idea here is not to suggest jobs that would allow the artist to work 40 hours a week (otherwise there is no time left for creation) but to ensure that visible creative work is better paid, and that the complementary employment that many artists use to supplement their income is as close as possible to creative work. Several measures are possible: increase income from copyright and resale rights; establish minimum pay scales, and make progress in the discussions leading to the introduction of collective bargaining arrangements; and introduce tax measures appropriate to the status of artists, particularly in the area of income averaging. One possible source of funding for the various

42 That which distinguishes it from the financing of cultural projects, as specified by Daugareilh, 2008: 97.

43 The notion of "social drawing rights" means that the fact that an individual performs paid work would allow him or her to build up a claim, giving him or her access to remuneration and social protections during periods devoted to non-market activities, such as returning to school or supporting vulnerable relatives.

measures in this report would be to tax the digital giants, which capture the largest share of advertising and subscription revenues, without being subject to the same taxation and regulatory obligations as other Canadian companies.⁴⁴

4.2.1 Increase and share artistic revenues more equitably

The share of public revenues allocated to the arts and culture remains well below requirements. Some sectors, particularly the media sector, are currently seeking new sources of income to ensure their survival. Many stakeholders suggest that one way to increase public revenues, particularly those from arts and culture, is to levy fair taxation on the digital giants, the famous GAFAM (Google, Amazon, Facebook, Apple, Microsoft, Netflix, Spotify, etc.). European countries, such as France, have legislated in this direction. The Prime Minister of Canada made a commitment to that effect during the last election campaign.

This course of action seems all the more relevant to us because, as UNESCO attests in a recent report (UNESCO, 2020), the digital shift has created significant “value gaps”⁴⁵ in favour of the platforms, gaps that have resulted in a drop in income for the majority of artists and creators. Broadcasting and Telecommunications Legislative Review Panel chaired by Janet Yale recently recommended to the federal government that all businesses, including online distribution platforms, contribute equitably to royalties and other cultural consideration.

The Task Force may recommend that the Government of New Brunswick add its voice to those of artists’ collectives and producers as well as that of other stakeholders, to call on the federal government to apply the same tax standards to the giant IT firms as it does to other firms in that sector; as well as recommend that the Provincial Government urge the Federal Government work to ensure appropriate sales taxes are applied to digital corporations whose products are consumed in Canada.

Increase the income of rights holders: copyright, resale rights, tax credits for the purchase of works

In 2012, the federal government amended the *Copyright Act* to add rules on the fair use of a work by all Canadian schools, from kindergarten to high school, and by all post-secondary institutions outside Quebec. These rules mean that educational institutions are not required to pay copyright royalties on the reproduction of copyrighted works. In other words, the education sector claims to be able to reproduce a work free of charge under the fair dealing provision. Therefore, since 2012, any financial benefit to the education sector has, in principle, been obtained at the expense of publishers and artists, including authors and professionals in other artistic disciplines.

The Task Force may wish to advocate for revisions to the *Copyright Act* to ensure that the education sector provides reasonable royalties to authors and editors for the reproduction of intellectual content⁴⁶.

“Droit de suite” or “artists’ resale right” is the legal term used to describe how visual artists can benefit from the commercial success of their work by receiving a percentage of the sale price of the work each time it is resold, either through an auction house or a commercial gallery. Sometimes referred to as “resale rights”, the EU and UK are two jurisdictions where “artists’ resale right” is applied.

44 See the Manifesto for Culture: <https://www.manifestepourlaculture.info/>

45 “In 2016, the global music industry began referring to the “value gap.” The amount of money consumers and advertisers spend on streaming and downloading music has increased phenomenally while the amount received by the artists who write, compose, sing and produce this music has decreased.” UNESCO (2020). *Culture & working conditions for artists: implementing the 1980 Recommendation concerning the Status of the Artist*. Policy and Research, p. 35 <https://unesdoc.unesco.org/ark:/48223/pf0000371790>

46 (<https://www.ourcommons.ca/DocumentViewer/en/42-1/CHPC/report-19>)

In the field of visual arts, it is common for a work of art to increase in value over time. If a work of art is resold on the secondary market, Canadian artists do not currently benefit from subsequent sales of that work, although the increased value is usually based on the artist's experience and reputation.

Introducing the resale right on creative works would allow Canadian visual artists to benefit from the profits derived from their works and align Canada with its trading partners. Copyright Visual Arts (CARCC), an artist-run non-profit organization (www.carcc.ca), recommends that artists whose works are resold receive a royalty of 5% of the selling price.

The adoption of the resale right on creative works does not entail any permanent cost to the government. Royalties would be collected and paid by CARCC.

Such a measure would require an amendment to the Canadian *Copyright Act*.

The Task Force may want to urge their government to express support for revisions to the *Copyright Act* in an effort to ensure that artists receive 5% of the sale price of their work upon resale.

Minimum rates and collective bargaining

In their dealings with buyers of the product of their work, artists are most often reduced to individual negotiation in which they have little power, except for those whose reputation is already well established. The problem is not only that the arts sector lacks funds, but also that these funds are very unevenly distributed. However, collective bargaining, which is the means adopted by other groups of workers to increase their bargaining power, is an a priori closed path for self-employed workers.

Voluntary negotiation practices⁴⁷ have long existed between artists' associations and contractors, leading to bona fide agreements. However, since the 1980s, in Quebec and at the federal level, legislation has been passed to make collective bargaining more effective.

In Quebec, two laws deal with collective bargaining in the cultural sector. The *Act respecting the professional status and conditions of engagement of performing, recording and film artists* (R.S.Q., chapter S-32.1, which dates from 1987) protects performing artists. The *Act respecting the professional status of artists in the visual arts, arts and crafts and literature and their contracts with promoters* (R.S.Q., chapter S-32.01, dated 1988) protects creative artists. The first establishes the obligation to negotiate as soon as an association recognized under the Act notifies a producer or producer association; the negotiation must lead to the signing of a collective agreement, and pressure tactics (concerted action) can be used to accelerate the conclusion of an agreement. The second only provides for the possibility (and not the obligation) of negotiating a collective agreement, which has resulted in the absence of signed agreements in these sectors. It makes it mandatory for an artist and presenter to sign a contract in respect of a work but does not prescribe the type of clauses to be included, nor does it prescribe minimum rates.

In 1992, the federal government passed the *Status of the Artist Act*, a federal law that provides established artists' associations (mainly in the performing arts, music and recordings, and film and television) with a stronger legal basis for collective bargaining. However, the *Act* has not produced any significant changes in collective bargaining in the cultural sector⁴⁸. This is particularly due to the fact that its jurisdiction is limited to areas under federal jurisdiction (national museums, the Canadian Broadcasting Corporation, the National Film Board), and excludes private producers.

As outlined in the 2017 draft documentation provided by the Task Force “the Task Force believes that the most realistic, affordable and flexible way to support professional artists in New

⁴⁷ The Task Force understands that there are currently approximately 24 such national voluntary agreements and that professional artists from New Brunswick have reportedly signed them.

⁴⁸ Garry Neil, *Report on Collective Bargaining Rights for Saskatchewan Artists*, 2005.

Brunswick, in the short and medium term, is to formally recognize the role of New Brunswick's artists' associations in setting industry standards or fee schedules, where they do not exist. These industry standards or fee schedules could be used as a benchmark for professional artists negotiating a contract. In addition, the provincial government would commit to industry standards or fee schedules when hiring professional artists and would require all employers receiving public funds from the provincial government to do the same”.

This does not mean that discussions on the collective bargaining rights of artists in New Brunswick should be halted. If a permanent structure on the status of the artist is established, it could be mandated to address this issue.

Further, to protect artists the Task Force may recommend that the new provincial legislation on the Status of the Artist make written contracts between artists and customers/clients of work mandatory when they retain artists’ services and that the contractual arrangements be clearly stipulated, particularly:

- a) The official names of the customers/clients and the professional artist;
- b) The length of the contract;
- c) The work, the product, or the activity that is the subject of the contract;
- d) The financial details;
- e) Prior notice and, where applicable, compensation required in the event either the customers/clients or the artist ends the contract before it has been completely fulfilled;
- f) Dispute resolution mechanisms;
- g) Any copyright, transfer of rights, or licensing process agreed to by the professional artist;
- h) The possibility or not of transferring to a third party any license granted to the customers/clients under the terms of the contract; and,
- i) Any limitations pertaining to the use, the production of the work, or the execution of the activity.

Further to written contracts, artists are more ensured to receive fair compensation when minimum fee schedules are in place and in effect. To this end, the Task Force may recommend that the Government of New Brunswick:

- a) formally recognize the role of provincial artists' associations in establishing industry standards or fee schedules.⁴⁹ in each sector where they do not exist
- b) respect and apply industry standards, fee schedules and best practices in each sector when engaging the services of a professional artist; and
- c) require all companies and organizations receiving public funds from the provincial government to comply with and apply industry standards and fee schedules in each sector when engaging the services of a professional artist.

Appropriate tax measures

Under the bilateral tax collection agreements between the federal government and the provinces (except Quebec), New Brunswick's provincial tax is collected and administered by the Canada Revenue Agency. Deductions from taxable income or exemptions are under federal jurisdiction, while provincial tax credits are under provincial jurisdiction. Provinces also set their own tax rates and tax brackets. Any tax measure that New Brunswick wishes to adopt cannot change the common

⁴⁹ These scales can be established in different ways. We have mentioned elsewhere (D'Amours et Deshaies, 2012: 46) the example of German legislation adopted in 2002 which enshrines the inalienable right of authors and performers to equitable remuneration, based on a broad form of social dialogue: "To determine the fairness of remuneration, remuneration scales must be established by associations of authors and performers with associations of users of works or performances or with individual users" (Dietz, in Labadie and Rouet, 2008: 163).

tax base defined in subsection 2.1(1) of the Canada-New Brunswick Tax Collection Agreement between the Government of Canada and the Government of New Brunswick.

Despite this complex and restrictive framework, the following measures to better adapt the tax system to the specific nature of the artist's work should be considered.

The *Income Tax Act* (Canada) allows an artist to exclude from income an amount received as a scholarship, fellowship, or reward for the production of a literary, dramatic, musical, or creative work. This exemption is known as the “art production grant exemption”. The art production grant exemption is the total reasonable expenses incurred in the year to satisfy the conditions of each art production grant, up to the total amount of each grant that is included in evaluating the artist's income. However, the amount of reasonable expenses is limited and cannot include expenses such as the artist's personal and living expenses.

An amendment to the *Income Tax Act* (Canada) allowing artists to include personal and living expenses (up to a maximum amount, perhaps) in the exemption for art production grants would help to increase the average income of artists.

Another way to support artists and compensate them for their unpaid and underpaid work would be to provide them with copyright tax relief. Since 1995, Quebec has granted a deduction from copyright income; this measure seems to be very successful and has allowed art to flourish and progress in Quebec. Today, in Quebec, an artist may be eligible for a deduction from copyright income if he or she meets the following conditions: (a) they are a recognized artist within the meaning of the Act; (b) they are the first owner of the copyright; and (c) their copyright income is less than \$60,000 for the year.⁵⁰

Due to the very nature of their work, artists' incomes can fluctuate considerably from year to year, with more lean years alternating with years of plenty. An author, for example, may spend years doing research and writing a work that will generate income only when the book is published, or a film is released. The income generated can, of course, compensate for all difficult years, but it is fully taxed in the year it is received. Several studies show that the taxation of such variable incomes is unfair because, in the end, artists pay more taxes than if their income were stable.

In 2004, Quebec took the initiative to correct this situation by adopting the only permanent income averaging program in Canada. This measure allows professional artists to invest a portion of their income in the purchase of an annuity so that they can spread the taxation of this income over a maximum period of seven years. In 2003, the Minister's Advisory Committee on the Status of the Artist in Saskatchewan recommended that the provincial government propose a similar measure to the federal government and other provinces. A bill to this effect, supported by several cultural institutions across the country, died on the order paper before going to second reading. Finally, the Forum on the Professional Status of the Artist, held in New Brunswick⁵¹ in 2013, recommended the creation of an income averaging measure.

The work of the Premier's Task Force on the Status of the Artist in New Brunswick provides an opportunity for the Premier to put income averaging back on the agenda in meetings with his federal and provincial counterparts.

The Task Force may recommend that the Province work with the federal government to amend the *Income Tax Act* so as to broaden expense exemptions; protect copyright income from taxation; and allow income averaging.

⁵⁰ http://www.revenuquebec.ca/fr/citoyen/situation/artiste/droit_auteur.aspx (in French).

⁵¹ Association acadienne des artistes professionnels. *le.s du Nouveau-Brunswick, Towards a Concrete Recognition of Professional Artists and Their Right to Make a Living from Their Art*, p. 34.

4.2.2 Good complementary jobs

Another way to increase the median income of artists is to offer them quality complementary jobs, i.e. jobs that are adequately paid and, if possible, an extension of their artistic activity. In focus groups conducted by Mc Andrew with British artists in 2002, the possibility of creating part-time jobs one or two days a week that leave enough time and energy for creative work, while allowing them to survive financially was discussed (Mc Andrew, 2002: 63 and 69, cited in D'Amours and Deshaies, 2012).

The school system is a favourable environment for carrying out complementary activities that are adequately remunerated. In a previous working document (May 2017), the Task Force recognized that art is increasingly present in New Brunswick schools through programs such as ArtsSmarts and the Artist-in-Residence Program. While these programs allow schools each year to use the arts to achieve learning objectives, they also provide a tremendous opportunity to create jobs for professional artists. As the Task Force has noted, the arts can play an equally important role in early childhood in the context of childcare. Professional artists in New Brunswick can support the educational framework for early learning and childcare by stimulating imagination and creativity. This would be another opportunity to increase their employment opportunities.

In addition to exploring these opportunities, the Government of New Brunswick could commit to giving priority to professional NB artists when hiring. It could also maintain the current public art program for construction or renovation projects and create artist-in-residence programs.

An artist-in-residence program involves inviting an artist to engage in dialogue with a particular community and to undertake an element of his or her practice in that context. In a government context, the artist-in-residence program can take many forms. For example, the program could address a public policy issue from an unconventional perspective or commemorate a particular event. Artist-in-residence programs can also be deployed in the health field, to bring together wellness and creativity.

The following two examples from an earlier report of the Task Force (August 2017) are a good example of how governments have recently used artist-in-residence programs as a lever to increase artists employment opportunities.

In 2015, to mark the centennial of the Saskatchewan Legislative Building, the Government of Saskatchewan invited eight artists to explore the history and importance of the building by combining their artistic practice with community engagement and artistic heritage. The artistic inspiration for the artists in residence was the vision, construction and reality underlying the legislative building, a building that represents the character, ambition, and spirit of the Saskatchewan people. For two weeks, the artists carried out collective artistic creation activities promoting participation and cultural exchanges. The program included a heritage component: each artist had several months to create a work of art to be displayed in a designated area of the legislative building⁵².

Another example: The City of Boston launched the Boston ArtistInResidence (AIR)⁵³ program. Boston's first Artist-in-Residence program highlights the city's commitment to finding new ways to incorporate innovative ideas and creative thinking into the work of municipal government to increase cultural capital and integrate it into key services. It is expected that artists will expand their civic and social participation with municipal service liaison officers. Artists and municipal liaison officers participate in workshops and master classes where they build partnerships, exchange ideas, and jointly develop project proposals. Artists are paid \$1,000 for capacity building and support for the joint design of proposals with a municipal department. Three proposals are selected, and artists

52 <http://www.opcc.gov.sk.ca/ArtistinResidence>

53 <http://www.cityofboston.gov/news/Default.aspx?id=20392>

are paid \$20,000 for a six-month residency during which they develop creative approaches that can be incorporated into the municipality's work. The Boston AIR project is funded in part by the National Endowment for the Arts.⁵⁴

Within the Government of New Brunswick, the Department of Education and Early Childhood Development has already instituted an artist-in-residence program to encourage students to express themselves and think creatively and critically through arts education.⁵⁵ The Task Force may recommend that New Brunswick extend the scope of artist-in-residence programs to other departments. Also, under consideration are priority hiring policies, improvements to the public art policy and an increase in funding for artistic residency programs.

For the final recommendations from the Task Force in these areas, refer to the Report of the Premier's Task Force on the Status of the Artist (2021) ([Report of the Premier's Task Force on the Status of the Artist \(gnb.ca\)](#)).

4.3 Improving the social protection of artists

Studies (see in particular D'Amours 2009 a) and b) have shown that, even if they earn a good income from their work, a self-employed worker can fall into poverty during illness or retirement due to a lack of adequate social protection. Other countries, particularly in Europe, have sought to adapt social protection to the realities of creative work, but many difficulties persist: “restrictive conditions of access to benefits; the very low level of these benefits; the cost of contributions, too high for many artists; the fragmentation of protection between a multiplicity of plans and the non-recognition of invisible work and, more broadly, the status of creative work in unemployment benefit” (D'Amours and Deshaies, 2012: 43).

One of the main obstacles faced by atypical Canadian workers, particularly artists, is the fact that social protections are often attached to regular employment, rather than “following” the worker in his or her multiple jobs and arrangements. Another serious issue with the current system is that self-employed workers have to pay both the employee and employer contributions to access the same level of protection as is the case to receive Canada Pension Plan (CPP) benefits, whereas a salaried workers only contribute the employee's amount. We have also emphasized the problem of not taking invisible work into account when calculating contribution amounts.

If we pursue the objective of improving the social protection of artists, four principles are important to consider:

- the eligibility threshold must be fairly low, otherwise artists will have to contribute on all their earnings without qualifying for benefits;
- the artist should not be required to pay both the employee and employer's contribution or have higher premiums to access benefits; the cost of contributions is currently considered too high, partly because the self-employed artist pays both the worker's and the employer's contributions;
- invisible work must be considered in the calculation of contributions and benefits; and,
- rights must be transferable and cumulative (portable rights), i.e. pension or illness funds must collect contributions from all types of work (employee, self-employed, artistic and non-artistic).

⁵⁴ <https://www.arts.gov/>

⁵⁵ https://www2.gnb.ca/content/gnb/en/services/services_renderer.201088.Arts_%20Professional_Artists_%20Artist%20in%20Residency_School_Program_Grant.html. See also <http://geniearts.nbed.nb.ca/index2.html> (in French).

This is not the place to discuss eligibility thresholds, a very technical issue. Suffice it to say that the vast majority of professional artists should be eligible for the social protection plans that we will discuss in the following pages.

For the application of the second principle, we propose the example of the German social insurance plan applicable to author artists (for illness, parenthood, and retirement). This plan is financed 50% by artists (who contribute at the same rate as that imposed on employees of the general plan), 30% by purchasers of artistic services and 20% by the State. In this way, the self-employed artist pays the same contribution as the employee (see D'Amours and Deshaies, 2012).

The implementation of the third principle is more innovative (to our knowledge, it has not yet been implemented) and therefore more delicate. After conducting studies documenting invisible work, it would be necessary to identify the components of invisible work that are specific to the various artistic professions, and to assess the share that these components occupy in the artists' overall work. Then, for every \$1,000 of visible and contributory work remuneration, an additional percentage would be charged for the invisible work. The share resulting from this additional percentage would be paid by public funds, in the name of the social utility of the creative work.

The fourth principle aims to address the problem derived from multi-activity, according to which artists contribute to several protection schemes (linked to their artistic activity or their complementary paid work), and between which there are no bridges. On the contrary, artists' benefit and pension funds must include all contributions, regardless of the artist's legal status, source of income or employer.

The Task Force may recommend that the Government of New Brunswick study a “**portable benefits**” model for New Brunswick could impact self-employed artists, by applying this model to all types of social benefits a worker is likely to access pension plans, employment insurance, group insurance, etc.

In its efforts to adapt current social protection programs to the condition of artists, the Government of New Brunswick would maximize the impact of the changes by relying on the three following principles:

1. The threshold of eligibility has to be quite low, otherwise artists will pay fees on their entire income without ever qualifying for benefits;
2. Self-employed artists must not have to contribute both an employer and employee contribution;
3. Invisible work must be factored into the calculation of both fees and benefits;

The Task Force may look at recommending that these guidelines be integrated into the Canada Pension Plan. In fact, the CPP is mandatory for all workers earning a minimum annual income of at least \$3,500, which makes it affordable (guideline 1) and transferable. The pilot project could explore how to implement principles 2 and 3; with the fees corresponding to the employer's share being divided between the federal government and the employers or providers of work. Additional fees covering invisible work would be covered by the federal government.

Following studies gauging the nature and scope of invisible work required to earn a certain income in various arts professions, the Task Force may recommend that the Government of New Brunswick develop, in collaboration with the federal government, a pilot project aimed at taking invisible work into account and as a first step, applying it to social protection for retirement.

The Task Force intends to make recommendations with the goal of strengthening some social protection measures, (see Appendix 2 for a more detailed description of the different programs):

- a) retirement benefits

- b) employment insurance
- c) health or parental Insurance
- d) workplace protection

4.3.1 Protection in anticipation of retirement

In theory, there are at least four ways that New Brunswick artists can save for retirement. First, like all Canadians, they have access to the Old Age Security Pension and, if their income does not exceed \$18,408 annually, they can apply for the Guaranteed Income Supplement. The combination of these two sources results in an annual retirement income of \$18,177.12 for a single person (September 2019).

Second, like all Canadians (except Quebecers), self-employed artists participate in the *Canada Pension Plan* (CPP). As independent contractors, artists must contribute both employer and employee contributions to the public plan.

Third, artists can choose to have a personal registered retirement savings plan (RRSP). Again, self-employed artists cannot rely on an employer to contribute to their personal RRSPs.

Fourth, some self-employed artists may contribute to a group RRSP through a national union. A New Brunswick entertainer who is governed by an ACTRA collective agreement⁵⁶, for example, can ask the producer to contribute to his or her RRSP. The producer's contribution may vary depending on the terms of the collective agreement.

For various reasons, none of the scenarios described above are working well in New Brunswick. Given the low income of artists on average, some do not contribute at all in some years and most never contribute the maximum amount. As a result, most artists receive minimum benefits during their retirement years. The crucial problem for artists, however, is simply to find the income necessary to survive in the present, not to contribute to the CPP or a personal RRSP. In addition, since few artists are affiliated with a national union or regularly perform unionized work, group RRSPs are not very useful.

The governments of Canada and New Brunswick recently announced a gradual increase in the Canada Pension Plan⁵⁷. By 2025, the income replacement rate will increase from one-quarter to one-third of pensionable earnings. This means that a person who has earned \$50,000 per year over their working life would receive an annual pension benefit of about \$16,000 instead of the \$12,000 they currently receive. While young New Brunswick artists currently entering the labour force will experience the greatest increase in benefits, older artists are at risk of poverty in their old age.

Improving the Canada Pension Plan is frequently considered as a simple and safe way to improve the socio-economic situation of precarious workers. From a social justice perspective, the government should focus on improving this public, accessible, and portable system, rather than providing tax deductions for private plans (such as RRSPs), to which precarious workers do not have the means to contribute. In the case of older artists, this enhancement could include the recognition of invisible work and the principle that the artist should not pay a contribution higher than that of an employee with an equivalent level of income, which means that the portion of the contribution attributable to the employer and attributable to invisible work should be paid by the State and/or the employers/contractors.

The Task Force may recommend that the Government of New Brunswick, in collaboration with the federal government, initiate discussions to enhance the Canada Pension Plan adapting it to the reality of the most vulnerable citizens, including artists, who make limited contributions during their working life and who receive few benefits in retirement.

56 Alliance of Canadian Cinema, Television and Radio Artists

57 https://www2.gnb.ca/content/gnb/en/departments/finance/news/news_release.2016.11.1142.html

Furthermore, the career path of many artists is much less linear than other groups of workers. Some artists, such as dancers, have brief careers due to the physical demands of their craft. Others might have to leave their creative practice due to financial difficulties or for some other reason. The Dancer Transition Resource Centre (DTRC), a non-profit organization based in Toronto (with satellite offices in Montreal and Vancouver), is dedicated to supporting dancers in the various phases of transition related to their artistic, professional and personal development, regardless of their career stage. Professional dancers who join the DTRC receive a variety of consultation services and training and retraining grants to support their transitions. There is a program in New Brunswick to support career transitions, but it is not well known and not well adapted to the needs of artists.⁵⁸

In addition, since 2008, **intermittent cultural workers** in the Montréal metropolitan area have been the subject of a pilot project allowing them to assess their skills and receive guidance and job search assistance. The Government of Quebec is currently examining the possibility of extending this type of programme to other groups of cultural workers.

Using these examples, the Task Force may recommend that the Government of New Brunswick build on existing career transition programs in Quebec to carry out a feasibility study of a similar program for artists in New Brunswick.

4.3.2 Protection in the event of unemployment

The Task Force is looking at ways that Employment Insurance criteria can be adapted to the reality of professional artists (particularly to consider invisible work). This is the case in New Zealand, where it is considered that “an artist receiving unemployment benefits who develops an artistic project that will enable him/her to be paid, or who deepens his/her artistic practice, is considered as seeking work” (ERICarts, 2006, cited in D'Amours-Deshaies, 2012: 44).

Closer to home, Canadian programs for fishers on the one hand, and seasonal workers on the other, could serve as inspiration for a specific program for professional artists.

For example, since 1957 there has been a special program for self-employed workers engaged in fishing activities who are actively seeking employment. Eligibility for fishing benefits is based **on income**, not insurable hours of employment, as are regular benefits. Depending on the regional unemployment rate, you must have earned a minimum income of between \$2,500 and \$4,200 during the reference period to be eligible for fishing benefits. The reference period is the 31-week period immediately preceding the start of the benefit period. It begins no earlier than March 1 for fishing benefits for the summer fishing season and September 1 for the winter fishing season. The replacement rate is 55% of insurable earnings during the average weekly reference period (but the number of weeks to calculate these insurable earnings varies with the regional unemployment rate). The maximum annual amount of insurable earnings was \$53,100 in 2019. The maximum benefit period is 26 weeks. Self-employed fishers are eligible for the Family Supplement for Employment Insurance. It is the recognized employers of self-employed fishers who are responsible for deducting each fisherman's employment insurance premiums and remitting to the Canada Revenue Agency the amount of these premiums, including the employer's share. The maximum contribution was \$860.22 in 2019.

Since August 2018, a pilot project to provide seasonal workers with additional weeks of benefits has been in place. The objective is to cover the weeks not covered between regular benefits and paid employment. This program is offered in 13 Employment Insurance economic regions, including Madawaska-Charlotte and Restigouche-Albert in New Brunswick. Workers in seasonal industries who apply for employment insurance between August 5, 2018, and May 30, 2020,

⁵⁸ https://dtrc.ca/french_services/content/vue_densemble1

inclusive in one of these 13 regions may be eligible for five weeks of benefits if they meet the following criteria:

1. they have made at least three claims in the last five years for regular or fishing benefits;
2. at least two of these claims began at about the same time of the year.

Like fishers and seasonal workers, many self-employed professional artists have a work regime that is cyclical and intermittent in nature. They have non-revenue periods between productions and tourist seasons, for example, which can be devoted to training, learning, education, research, or the development of new projects before the beginning of a new cycle of creation, production, and distribution. Moreover, artistic production is largely independent of the number of hours required to produce it. Therefore, income rather than hours of work is a much more relevant and realistic criterion for determining the benefit.

The Government of New Brunswick could establish, in conjunction with the federal government, a pilot project to develop a special unemployment benefit program for professional artists. This project should take the four principles previously stated into consideration.

4.3.3 Protection in the event of illness and parenthood

Since 2009, self-employed Canadians can access Employment Insurance (EI) special benefits by entering into an agreement, or registering, with the Canada Employment Insurance Commission (CEIC). This program only covers benefits relating maternity, parental, sickness, compassionate care, and family caregiver benefits. In 2016, for every \$100 of income, self-employed Canadians who were enrolled in the program had to contribute \$1.88, up to the maximum amount defined, of \$955.

Several aspects of the EI Special Benefits program are problematic for professional artists: paying premiums for a full 12 months before being able to access the benefits, the requirement to remain registered as long as the artist is earning an income; having a net minimum of \$6,820 earned through independent work; and more generally, the high premiums. The employment insurance pilot project must take these difficulties into account.

First, as soon as artists apply for benefits, they must remain in the program as long as they earn an income. Even if older artists no longer create new works, they must pay the Employment Insurance premium for special benefits indefinitely if they continue to receive income for works created several years earlier, such as royalties, resale rights, public lending rights, exhibition rights and other copyright payments.

Second, because of the minimum net self-employment income requirement (\$6,820), the program is of limited value to many artists, either because their income is less than this amount or because their income may fluctuate and be above or below the threshold indicated from year to year.

Third, artists' incomes are so low on average that most cannot afford to pay the membership fee. It seems that this is also the case for other self-employed workers. In the Atlantic region in 2015, total participation in the program was only 200 workers in all disciplines.

The pilot project on unemployment benefits should take these problems into account. Once it has given rise to a permanent program to address unemployment risk, it could be extended to supplementary benefits. Moreover, artists with primary responsibility for their children are often affected by the high cost of childcare services, with even greater impacts for single parents.

The Day Care Assistance Program is a provincial income-based financial assistance program that helps parents or guardians access an approved daycare centre. Parents or guardians who do not have access to childcare, either because they work evenings, nights, or weekends, which is often the case for artists, can obtain private childcare through the Alternative Child Care Program. Professional artists who are parents may be eligible for the maximum daily rate if they earn a net

income of \$22,000 per year or less. They may receive a partial grant if their net income does not exceed \$55,000 per year.

The Government of New Brunswick also offers the Prenatal Benefit Program, which provides financial support to help offset the increased cost of food associated with pregnancy. The objective is to encourage the adoption of a healthy lifestyle, including a nutritious diet.

The Task Force has recognized that these programs can provide some social protection for artists, but barriers that prevent artists and other non-standard groups of workers from fully accessing them (intermittent work, flexible work schedules, low incomes, etc.) must be removed. This is all the more important as access to childcare is associated with increased participation of mothers with young children in the labour market.

4.3.4 Protection in the event of an accident at work or occupational disease

Artists are, in the course of their work, subject to risks of injury and accidents, which remain poorly documented and rarely compensated. It would be appropriate to document these risks and the means of preventing them.

Like most benefit plans in New Brunswick, WorkSafe NB's Workplace Injury Compensation Program is based on an employer-employee relationship. The Task Force was informed that artists who perform such work on a contractual basis are protected by the *Workers' Compensation Act*. However, in most cases, it is the artist's responsibility to ask the employer or person who has retained his or her services to purchase the insurance. The Task Force found that the majority of artists who perform contract work do not know that they can be covered by insurance. Therefore, they do not ask the employer or the person who hired them to register for the program.

In most situations, self-employed artists are ineligible for the WorkSafe NB program unless they. WorkSafe NB has recently revised its policy on eligibility for voluntary insurance to make the program more accessible to self-employed workers in all sectors. Today, some independent artists who were denied access to the program can be protected.

In light of this, the Task Force may be recommending that WorkSafeNB collaborate with arts organizations to document the risk of workplace injuries for a variety of professions in the arts, and discuss ways of preventing them, and collaborate with the arts sector to improve arts and cultural workers knowledge of current information allowing access to compensation in the case of workplace injuries.

Conclusion

In addition to contributing to the economy and job creation, arts and culture are recognized as beneficial to quality of life and community development. Yet, the artists who constitute the core of cultural activity are often reduced to poverty and precariousness.

Our mandate was to document, from the scientific literature, various government reports or research groups, as well as relevant websites, how to meet the two objectives set by the Premier's Task Force on the Status of the Artist in New Brunswick: increasing the median income of artists and their access to social support.

To better understand the socio-economic precariousness of artists and to inform potential recommendations to improve their status, **Part 1** was devoted to studying the distinct nature of creative work. Four criteria have been identified: creative work is intermittent; creative work (visible, paid) implies a significant, unaccounted for and unrecognized part of invisible work; creative work generates significant economic risks for individuals; the artistic career is presented as an accumulation/series of projects, within and outside the artistic sectors, for several employers and under different status. Their remuneration is very often linked to a specific product or service, without any link to the number of hours needed to produce it.

In **Part 2**, we demonstrated the precarious position of Canadian artists with respect to three of these four criteria for job insecurity according to Rodgers (1989): insecurity of the employment relationship, lack of control over work, lack of regulatory protection and low income. Several causes were mentioned, including the fact that invisible work is neither remunerated nor taken into account for social protection purposes; the fact that artists do not have much bargaining power over their remuneration; the fact that self-employed workers (the status shared by the majority of artists) are less covered than employees by social protection plans and that when they are, they may have to **pay both the employee and employer's contribution or have higher premiums to access benefits**.

Part 3 proposes a definition of the professional artist and recognition in a Status of the Artist Act of this definition, and the Government of New Brunswick's commitment to culture and the improvement of the socio-economic conditions of artists.

Part 4 proposes approaches to achieving two key objectives. They are based on three complementary directions:

- The need to better understand the nature and extent of invisible work, to be able to incorporate it into a comprehensive understanding of creative work
- The need to improve visible work and its remuneration, whether it is artistic activity itself or complementary activity;
- The need to improve social protection, by developing portable plans that consider the reality of invisible work.

For the final recommendations shared with government, refer to the Report of the Premier's Task Force on the Status of the Artist (2021).

Appendix 1: The Task Force's Journey

The Task Force⁵⁹ was not established overnight. It is the product of considerable discussion and effort over several years. Following are the key steps that led to the establishment of the Task Force:

- 1990 – Creation of the Association acadienne des artistes professionnel.le.s du Nouveau-Brunswick (AAAPNB).
- 2007 – Meeting of the États généraux des arts et de la culture dans la société acadienne du Nouveau-Brunswick (General Assembly on the arts and culture in Acadian Society in New Brunswick) by the AAAPNB
- 2009 – Publication of the *Stratégie globale pour l'intégration des arts et de la culture dans la société acadienne au Nouveau-Brunswick* by the AAAPNB. The strategy was translated into English by ArtsLink NB, under the title *Global Strategy for the Integration of Arts and Culture into Acadian Society in New Brunswick*. The following measures were proposed in the section of the report on the development of professional artists:
 - Establish a New Brunswick Premier's Task Force on the Status of the Artist
 - Ensure that the Premier's Task Force on the Status of the Artist addresses the social and professional situation of emerging, ethno-cultural or established artists in New Brunswick.
- 2013 – Publication of *Sustaining New Brunswick's Arts and Cultural Workforce* by ArtsLink NB.
- 2013 – In the Speech from the Throne, the Government of New Brunswick committed to forming the Premier's Task Force on the Status of the Artist in New Brunswick: “By establishing a Premier’s Task Force on the Status of the Artist, your government will work towards recognizing and supporting the profession of artists in our province. This task force will provide recommendations that will improve the socio-economic status of professional artists”.
- 2013 – Forum on the Professional Status of the Artist, jointly organized by the AAAPNB and ArtsLink NB with the participation of the Assembly of First Nations Chiefs of New Brunswick. The forum's report contains many recommendations for legislative and other government measures.
- 2014 – Adoption of *Creative Futures – A Renewed Cultural Policy for New Brunswick* which makes a commitment to establish a task force composed of artists, arts professionals and specialists in related fields to examine, report and make recommendations on the economic and legal situation of professional artists in New Brunswick.
- 2015 – Publication of the *Research and Analytical Report on the Possibilities to be Explored by the Steering Committee upon Examination of the Recommendations of the July 2013 Forum*, also known as the Bonnin Report, after its author and researcher, Françoise Bonnin.

⁵⁹ From the Premier’s Task Force on the Status of the Artist, *Report to the Premier of New Brunswick* (Fredericton: Department of Tourism, Heritage and Culture, 2017).

Appendix 2: State of Protection of New Brunswick Artists from Economic and Social Risks

In New Brunswick, artists are no different from other salaried and self-employed workers in terms of the protection provided by public programs.

1. Underemployment risk coverage

The **Employment Insurance program** covers employees who are involuntarily unemployed and have worked a certain number of hours of insurable employment, defined as employment in Canada, for one or more employers under a contract of service or apprenticeship. As a result, self-employed workers do not have access to regular EI benefits (except for fishers) unless they have obtained insurable employment and have worked the required number of hours.

However, when an individual reports self-employment as their main means of subsistence, they are considered to be working full weeks of work, not unemployed, and therefore ineligible for regular Employment Insurance benefits.

Since 1996, eligibility for employees has been based on the number of hours worked during the reference period. This number of hours varies according to the regional unemployment rate (between 420 and 700 hours). The replacement rate is 55% of average weekly earnings (but the number of weeks to calculate average weekly earnings varies according to the regional unemployment rate). Effective January 1, 2019, the maximum insurable earnings are \$53,100 and the maximum weekly benefit is \$562 per week. The duration of unemployment benefits varies according to the unemployment rate in the region of interest and the number of hours of insurable employment accumulated (between 14 and 45 weeks).

Individuals with a net family income of \$25,921 or less per year, who have children and who receive the Canada Child Benefit may be eligible for the Family Supplement for Employment Insurance. The amount of this supplement varies according to net family income, the number of children and their age, and can increase the benefit rate to 80% of average insurable earnings.

As of August 2018, people who work while receiving Employment Insurance benefits can keep 50 cents of their benefits for each dollar earned up to 90% of their previous weekly earnings. Above this limit, Employment Insurance benefits are deducted on a dollar-for-dollar basis.

The premium rate for Canadian workers⁶⁰ was \$1.62 on every \$100 up to the maximum insurable earnings of \$53,100 in 2019. Employers pay 1.4 times their employees' premiums up to the insurable earnings limit.

Non-standard employees contribute to employment insurance but are unlikely to qualify for benefits. In general, this system is much less protective than before because only 37% of the unemployed were eligible for it in 2002, compared to 83% in 1989 (Gislain, 2010: 126). More recent data to be sourced.

There is a special program for self-employed workers who are engaged in fishing activities and who are actively seeking employment. Eligibility for fishing benefits is based on earnings, not insurable hours of employment, as are regular benefits. Depending on the regional unemployment rate, you must have earned a minimum income of between \$2,500 and \$4,200 during the reference period to be eligible for fishing benefits. The reference period is the 31-week period immediately preceding the start of the benefit period. It begins no earlier than March 1 for fishing services for the summer fishing season and September 1 for the winter fishing season. The replacement rate is 55% of insurable earnings during the average weekly reference period (but the number of weeks to calculate these insurable earnings varies with the regional unemployment rate). The maximum

⁶⁰ With the exception of Quebec, whose contribution rate is lower because of the existence of the *Régime québécois d'assurance parentale* (Quebec Parental Insurance Plan).

annual amount of insurable earnings was \$53,100 in 2019. The maximum benefit period is 26 weeks. Self-employed fishers are eligible for the Family Supplement for Employment Insurance. It is the recognized employers of self-employed fishers who are responsible for deducting each fisherman's employment insurance premiums and remitting to the Canada Revenue Agency the amount of these premiums, including the employer's share. The maximum contribution was \$860.22 in 2019 for workers outside Quebec.

Finally, since August 2018, a pilot project to provide seasonal workers with additional weeks of benefits has been in place. The objective is to cover the weeks not covered between regular benefits and paid employment. This program is offered in 13 Employment Insurance economic regions, including Madawaska-Charlotte and Restigouche-Albert in New Brunswick. Workers in seasonal industries who apply for employment insurance between August 5, 2018 and May 30, 2020 inclusive in one of these 13 regions may be eligible for five weeks of benefits if they meet the following criteria: 1) have made at least three claims in the last five years for regular or fishing benefits; 2) at least two of these claims began at about the same time of the year.

Social assistance, the provisions of which are contained in the *Family Income Security Act*, is intended to provide last-resort financial assistance to people who have no other income to meet their basic needs. To be eligible, a person must demonstrate that their financial resources are equal to or less than the thresholds set and that they have exhausted all other possible remedies. There are four distinct programs: the Transitional Assistance Program for people who are employable, as well as for people who need support and intervention to become employable, the Single Employable Transitional Assistance Program, the Youth Program for 16 to 18 years old and the Extended Benefits Program for people who are certified blind or disabled, and for some others who are given a special designation. As of April 1, 2014, the basic benefit for an adult was \$576 for the Transitional Assistance Program, \$537 for the Single Employable Transitional Assistance Program, \$358 for the Youth Program and \$663 for the Extended Benefits Program. Claimants benefit from wage exemptions on any income from part-time, full-time or self-employment depending on their family situation and the number of children, for example, a single person receives a monthly exemption of \$150 and 30% of the excess additional earnings received.

Table A.1 Coverage of underemployment risk for employees and self-employed workers, New Brunswick/Canada

Underemployment risk	Employees	Self-employed workers
Employment Insurance benefits	<ul style="list-style-type: none"> - Conditions: minimum number of hours, availability, and fitness for work - Benefit rate: 55% of average weekly earnings - Duration of compensation: 14 to 45 weeks - Financing: contributions from employees (1.62%) and employers (1.4 times the employee contribution) - Pilot project for seasonal workers 	<ul style="list-style-type: none"> - Special program for self-employed fishermen - Eligibility: Earned between \$2,500 and \$4,200 during the reference period based on the regional unemployment rate - Benefit rate: 55% of insurable earnings - Duration of compensation: 26 weeks maximum
Social assistance benefits (<i>Family Income Security Act</i>)	<ul style="list-style-type: none"> - Resource condition - Benefit rate: \$358 to \$663 for a single person depending on age and family situation - Financing: income tax 	

2. Health risk coverage

The occurrence of illness or disability raises two types of problems: income replacement and medical treatment and care not covered by the universal plan, but which may be covered by group insurance plans negotiated by professional associations.

Employees have access to **special EI sickness benefits**, funded, like regular benefits, by employer and employee contributions if they are unable to work because they are sick, injured, or quarantined. To be eligible, normal weekly earnings must have decreased by more than 40% and at least 600 hours of insurable employment must have been accumulated during the qualifying period.

Since the passage of Bill C-56 (*Fairness for the Self-Employed Act*, S.C. 2009, c. 33) in 2009, self-employed workers have also been entitled to these special benefits. To qualify, workers must contribute 1.62% of the earnings received as a self-employed person during the reference period, up to a maximum of \$860.22 per year and must have earned a minimum of \$7,121 in 2018. Registered self-employed persons may terminate their registration at any time (but the termination will only end at the end of the current calendar year), provided they have not received benefits; if they have received benefits, they will have to continue to make contributions as long as they receive

self-employment income. Sickness benefits may only be claimed 12 months after the date of confirmation of registration. Self-employed fishers may also be eligible for sickness benefits.

The duration of sickness benefits is 15 weeks for eligible employees and self-employed persons. The compensation rate is the same: 55% of average weekly earnings up to a maximum of \$562 per week. For employees, average weekly earnings are calculated on the basis of a variable number of weeks based on the regional unemployment rate, while for self-employed workers, these earnings are the total income from self-employment less the loss, in the calendar year preceding the calendar year of the application, divided by 52. Maximum insurable earnings are \$53,100 in 2019.

Individuals with a net family income of \$25,921 or less per year, who have children and who receive the Canada Child Benefit can receive a family supplement for Employment Insurance. The amount of this supplement varies according to net family income, the number of children and their age and can increase the benefit rate to 80% of average insurable earnings.

Salaried and self-employed workers under the age of 65 who have made sufficient contributions to the Canada Pension Plan and are unable to work regularly because of a severe and prolonged disability,⁶¹ may receive a disability pension. To be eligible, they must have contributed for four of the last six years, or three of the last six years if the person has contributed for at least 25 years. For 2018, the monthly payment can reach a maximum of \$1,335.83 per month. This is composed of a fixed amount of \$496.3, which is identical for all beneficiaries, and an amount that varies according to the contributions made to the CPP over the course of a person's working life, to a maximum of \$1,362.30.

Funding is provided by employee and employer contributions at a rate of 10.2% for 2019⁶², divided equally between the employee and the employer, up to an annual maximum contribution of \$2,748.90 each on eligible work income. Self-employed workers contribute 10.2% for 2019 up to an annual maximum contribution of \$5,497.80 on eligible working income.

The **CPP Post-Retirement Disability Benefit** is a new benefit that will be available as of January 1, 2019. It is intended for CPP pensioners who are deemed disabled, but who are not eligible for a disability pension because they have received the CPP retirement pension for more than 15 months. Applicants who have contributed enough may be eligible for this benefit in addition to their retirement pension. The eligibility criteria are the same as for the disability pension. The amount of this benefit is the component of the fixed rate of the disability pension of \$496.35 per month in 2019.

Some artists' associations offer insurance programs to their members (D'Amours and Deshaies, 2012; Neil, 2010). This is the case, for example, for the Writers' Union of Canada, which offers a group insurance program funded by its members' contributions.

61 A severe and prolonged disability is defined as a mental or physical disability that prevents the person from engaging in any type of substantially gainful employment on a regular basis and that is of indefinite duration or is likely to result in death.

62 This rate includes the basic CPP of 9.9% and the 0.3% for the gradual increase in the CPP that came into effect on January 1, 2019.

Table A.2 Sickness risk coverage for employees and self-employed workers, New Brunswick/Canada (public programs only)

Sickness risk	Employees	Self-employed workers	Special conditions for artists
EI Sickness Benefits	<ul style="list-style-type: none"> - Conditions: 40% reduction in weekly earnings; minimum number of hours worked (600 hours) - Benefit rate: 55% of average weekly earnings - Duration of compensation: 15 weeks maximum - Financing: contributions from employees (1.62%) and employers (1.4 times the employee contribution) 	<ul style="list-style-type: none"> - Conditions: enrolled in the Employment Insurance program for at least one year; minimum earnings (\$7,121 in 2018) - Benefit rate: 55% of average weekly earnings - Duration of compensation: 15 weeks maximum - Financing: employee contributions (1.62%) up to a maximum of \$860.22 	
CPP Disability Benefits	<ul style="list-style-type: none"> - Insurance plan, financed by contributions from employees, employers, and self-employed workers - Conditions: age (under 65) and minimum contribution; have a severe and prolonged disability - Fixed rate (\$496.35) plus a variable amount based on earned work income (maximum of \$1,362.30) 		
CPP Post-retirement Disability Benefit	<ul style="list-style-type: none"> - Insurance plan, financed by contributions from employees, employers, and self-employed workers - Conditions: age (over 65) and minimum contribution; have a severe and prolonged disability; have been receiving a regular CPP pension for more than 15 months - Fixed rate (\$496.35) 		

3. Work-related accident risk coverage

The **workers' compensation and occupational diseases plan** administered by WorkSafe NB is designed to provide compensation for occupational injuries (accidents at work and occupational diseases) and their consequences.

Registration is mandatory for employers with three or more workers, full-time or part-time, with the exception of the fishing industry, which must register when it has 25 or more workers. When an employer has fewer than three workers, they can apply for voluntary protection for workers who have at least two employment contracts, i.e. who do not work exclusively for a single client. This insurance plan is funded by employers: the contribution rate varies according to the sector of activity, the size of the company and the company's history of occupational injuries.

In the event of an accident at work or occupational disease, workers subject to the *Workers' Compensation Act* are entitled to income replacement benefits (equivalent to 85% of net income), permanent physical compensation, physical, social and vocational rehabilitation and reintegration into their jobs or, if that is not possible, into equivalent employment or, at the very least, into suitable employment. These rights lapse when the worker returns to his job or to an equivalent job or refuses, without good reason to do so, and in any case at the end of the period for exercising the right to return to work.

Like most labour laws, the workers' compensation system covers employees in traditional employment relationships, which is not the norm in artistic labour markets. In some of these cases, employers may voluntarily cover the workers they hire, as mentioned above.

Like other self-employed workers, self-employed artists can apply for personal protection if they have at least two employment contracts. The coverage requested must not be less than \$12,000 or exceed the maximum annual salary of \$64,800 for 2019. To determine the loss of earnings, WorkSafe NB uses the lesser of the amount of personal protection purchased or the actual earnings.

Table A.3 Occupational injury and disease coverage for employees and self-employed workers, New Brunswick/Canada

Risk of occupational accidents and diseases	Employees	Self-employed workers
WorkSafe NB Benefits and Services	<ul style="list-style-type: none"> - Mandatory registration for companies with 3 or more workers (excluding the fishing industry) and voluntary for companies with less than three workers - Income replacement benefits and physical, social, and vocational rehabilitation 	<ul style="list-style-type: none"> - Option to request personal protection

	- Employer contributions	
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4. Parenthood risk coverage

Employment Insurance provides four types of benefits to employees and self-employed workers to cover the risks related to parenthood: **maternity benefits, parental benefits, and benefits for caregivers.**

Maternity benefits are available to women who are absent from work because they are pregnant or have recently given birth. They cannot be shared. They have a maximum duration of 15 weeks and are eligible for a benefit of 55% of eligible income, up to a maximum of \$562 per week. Parental benefits are available to parents of a newborn or newly adopted child and can be shared between both parents. There are two categories. Standard parental benefits have a maximum duration of 40 weeks (but the same parent cannot receive more than 35 weeks) at a benefit rate of 55% of eligible income up to a maximum weekly benefit of \$562. Extended parental benefits have a maximum duration of 69 weeks (but the same parent cannot receive more than 61 weeks) at a benefit rate of 33% of eligible income up to a maximum of \$337 per week.

Individuals with a net family income of \$25,921 or less per year, who have children and who receive the Canada Child Benefit may be eligible for the Family Income Supplement for Employment Insurance. The amount of this supplement varies according to net family income, the number of children and their age and can increase the benefit rate to 80% of average insurable earnings.

Caregiver benefits allow recipients to receive financial assistance of up to 55% of their earnings, to a maximum of \$562 per week, to provide care or support to a seriously ill or injured person or someone in need of end-of-life care. The sick person does not have to be from the same family but must consider the caregiver as a family member. There are three types of services. Child Caregiver Benefits are for caregivers of a seriously ill or injured person under 18 years of age and have a maximum duration of 35 weeks. Adult Caregiver Benefits are for individuals who are caring for a seriously ill or injured person 18 years of age or older and have a maximum duration of 15 weeks. Compassionate care benefits are for a maximum of 26 weeks and are intended for the caregiver of a person of any age who requires end-of-life care. Weeks of benefits can be shared by eligible relatives at the same time or one after the other.

To be eligible for maternity, parental or caregiver benefits, employees must demonstrate that their normal weekly earnings have decreased by more than 40% for at least one week, and have accumulated 600 hours of insurable employment in the 52 weeks preceding the start of the claim, or since the beginning of the last claim, whichever is shorter. Self-employed workers must be registered under the same conditions as those for sickness benefits. They must have reduced the time spent in their business by more than 40% for at least one week and have earned a minimum amount as a self-employed person in the calendar year preceding the year of the claim, or \$7,121 in 2018. Maternity, parental or caregiver benefits may only be claimed 12 months after the date of confirmation of registration. In 2019, the contribution rate was \$1.62 for each \$100 of the previous

year's income. The maximum contributions were \$860.22. Self-employed fishers may also be eligible for maternity, parental or caregiver benefits.

Table A.4 Parenthood risk coverage for employees and self-employed workers, New Brunswick/Canada

Parenthood risk	Employees	Self-employed workers
Employment Insurance		
Eligibility requirements for benefits	<ul style="list-style-type: none"> - Have stopped working or experienced a decrease in work income of at least 40%. - Have accumulated 600 hours of insurable employment in the last 52 weeks or since the beginning of the last claim 	<ul style="list-style-type: none"> - Have stopped working or experienced a decrease in work income of at least 40%. - Be registered for 12 months or more for special benefits for self-employed workers - Have earned a minimum amount as a self-employed worker, of \$7,121 in 2018
Income taken into account (eligibility and compensation rate)	<ul style="list-style-type: none"> - Wages earned during the reference period 	<ul style="list-style-type: none"> - Employment income earned during the reference period
Contribution rates	<ul style="list-style-type: none"> - Employees: 1.62%. - Employers: 1.4 times the employees' contribution 	<ul style="list-style-type: none"> - Self-employed workers: 1.62% of income earned in the previous year up to a maximum of \$860.22
Maternity benefits	<ul style="list-style-type: none"> - For the mother only - 15 weeks at 55%. - Maximum weekly amount of \$562 	
Parental benefits	<ul style="list-style-type: none"> - Shareable between mother and father - Standard Parental: 40 weeks at 55%. - Long-term parenting: 69 weeks at 33%. - Maximum weekly amount of \$562 	
Children Caregiver Benefits	<ul style="list-style-type: none"> - 35 weeks at 55%. - Maximum weekly amount of \$562 	

Adult Caregiver Benefits	- 15 weeks at 55%. - Maximum weekly amount of \$562
Compassionate Care Benefits	- 26 weeks at 55%. - Maximum weekly amount of \$562

5. Old age risk coverage

The Canadian retirement system is based on three pillars: 1) a universal basic public plan (Old Age Security pension), supplemented by two assistance plans; 2) a contributory public insurance plan (Canada Pension Plan and Quebec Pension Plan); and 3) private retirement plans.

The federal **Old Age Security** (OAS) pension program is available to all Canadians aged 65, provided they are Canadian citizens or residents and have lived in Canada for at least 10 years since their 18th birthday (20 years for people living outside Canada). Full pension is granted to those who have lived in Canada for at least 40 years since their 18th birthday. The maximum monthly amount is \$607.46. While this plan is in principle universal, pensioners whose net personal income is equal to or greater than \$75,910 or more (including Old Age Security) must repay a portion of the benefits, up to their full amount when that income reaches \$125,937. This program is funded by income tax.

In addition, there are three assistance measures, also financed by income tax, for the poorest pensioners:

- the Guaranteed Income Supplement (GIS) is allocated to OAS-eligible individuals whose income does not exceed \$18,408 annually⁶³ (excluding the OAS pension and the first \$3,500 of employment income). The amount paid depends on the pensioner's family situation and the income received by the spouse or common-law partner. The maximum monthly amount for a single person is \$907.30 and \$546.17 for the spouse or common-law partner of a person receiving the full OAS pension;
- the Allowance is available to low-income people aged 60 to 64 (no more than \$34,080 excluding the first \$3,500 of employment income) whose spouse or common-law partner is receiving the full Old Age Security pension and the Guaranteed Income Supplement (or is entitled to receive them). The maximum monthly amount is \$1,153.63
- The Allowance for the Survivor is available to low-income people between the ages of 60 and 64 (no more than \$24,816 excluding the first \$3,500 of employment income) whose spouse or common-law partner has died. The maximum monthly amount is \$1,375.17.

The second pillar consists of the Canada Pension Plan, and its Quebec counterpart, the Quebec Pension Plan (CPP/QPP), both funded by mandatory contributions on all working income (with a minimum annual threshold of \$3,500). To qualify, you must have contributed for at least one year to the plan and have reached age 65 (without necessarily having stopped working) or; be between 60 and 65 years of age, have stopped working or have reduced your salary by at least 20% for retirement (if your employee's income is less than \$12,525 for 12 months, you are deemed no longer to be working).

⁶³ This is the maximum amount for single, widowed or divorced persons. Different thresholds are provided for those with a spouse or common-law partner.

The amount of the retirement pension is calculated based on the working income registered in the contributor's name since 1966 and the age at which the contributor began receiving a pension⁶⁴. If the pension is received from age 65, the amount is neither reduced nor increased. If collected before age 65, the amount is reduced by 0.6% for each month between that time and the retiree's 65th birthday (7.2% per year). If received after age 65, the amount of the pension increases by 0.7% per month, from age 65 to age 70 (8.4% per year). The reduced or increased retirement pension based on age at retirement will remain so for the duration of the payment. The maximum allowable earnings are \$57,400 in 2019 and the maximum monthly pension in 2019 is \$1,154.58. The average pension in 2019 for new beneficiaries was \$679.16

Funding is provided by employee and employer contributions at a rate of 10.2% for 2019⁶⁵, divided equally between the employee and the employer, up to an annual maximum contribution of \$2,748.90 each on eligible work income. Self-employed workers contribute 10.2% for 2019 up to an annual maximum contribution of \$5,497.80 on eligible working income.

In Canada, unlike in Europe, the Canada Pension Plan has so far provided a replacement rate equivalent to one-quarter of average earnings. Starting in 2019, the increase in contribution rates should gradually increase the pension paid to represent, by 2025, one-third of the work income received after 2019. Thereafter, CPP earnings will increase by up to 50% for those who have contributed to the plan for 40 years. In addition, some private sources include registered pension plans that employees, most often union members of large private or public companies, negotiate with their employers, and Registered Retirement Savings Plans (RRSPs), which allow savings to be accumulated and taxed only when they are withdrawn, usually after retirement. It is obviously the high-income workers who contribute massively to RRSPs.

64 The CPP includes four types of clauses to compensate for periods when earnings were relatively low or non-existent. Excluding periods of low or zero earnings from the calculation of average earnings increases the amount of CPP benefit. The "general drop-out" provision counters a decrease in income by automatically excluding a certain number of months during which earnings were low or nil when calculating the basic amount of CPP benefit. This clause affects 17% of the basic contribution period and thus allows up to 8 years of the lowest earnings to be excluded from the calculation. All CPP contributors can benefit from this measure. The "age 65 and over" exclusion clause increases the benefits for workers who continue to work and contribute to the CPP after reaching age 65, but who do not yet receive the CPP retirement pension. This clause automatically applies to the calculation of benefits and allows periods of low earnings before age 65 to be replaced by earnings after age 65. The "disability exclusion and disability drop-in" provision excludes from the basic CPP benefit amount periods during which individuals are declared disabled. This clause is automatically applied for the calculation of a benefit. Finally, the "child-rearing" clauses increase the value of the CPP benefit for people who stopped working or had lower incomes because they were raising young children under the age of 7. Months of low earnings may be excluded from the contribution period and pension credits may be provided or added for months of the CPP contribution period during which earnings were low. The application of these latter clauses must be requested.

65 This rate includes the basic CPP of 9.9% and the 0.3% for the gradual increase in the CPP that began to take effect on January 1, 2019.

Table A.5 Old age risk coverage for employees and self-employed workers, New Brunswick/Canada

Old age risk	Employees	Self-employed workers
Old Age Security (OAS) Pension	<ul style="list-style-type: none"> - Universal benefit but decreases above a certain threshold and stops completely at an annual income of \$125,937 - Age (65 years) and residence requirement - Maximum monthly amount of \$607.46 (may be paid in whole or in part) - Financed by income tax 	
Guaranteed Income Supplement (GIS)	<ul style="list-style-type: none"> - Assistance measure financed by income tax - Conditions: receive OAS and have no income above a certain threshold - Maximum amount of \$907.30 	
Allowance	<ul style="list-style-type: none"> - Assistance to the spouse/common-law partner of a retiree receiving the GIS - Conditions: age (60 to 64) and resources - Maximum monthly amount of \$1,153.63 	
Allowance for the survivor	<ul style="list-style-type: none"> - Assistance provided to persons whose spouse or common-law partner has died - Conditions: age (60 to 64) and resources - Maximum monthly amount of \$1,375.17 	
Canada Pension Plan (CPP)	<ul style="list-style-type: none"> - Insurance scheme financed by contributions from employees, employers and self-employed workers - Amount of benefits based on earned work income and years of contribution - Conditions: age, contributions to the scheme for a minimum period of one year, work stoppage or reduction in work activity (for 60 to 65 years old) 	

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