

Canadian actors on strike—but still working

Lee Parsons
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Some 21,000 members of ACTRA (Alliance of Canadian Cinema, Television and Radio Artists), which represents radio, television and film actors and performers, officially began strike action on January 8, but the action's scope has been limited due to the maneuvers of the union leadership.

Ontario and British Columbia divide the bulk of English-language film and television production done in Canada between them, however, the latter is not affected by the strike because ACTRA members there are governed by a separate contract. In fact, only four provinces are currently involved—Quebec, Ontario, Manitoba and Saskatchewan—although Alberta, Nova Scotia, Newfoundland and Labrador could join the action in the coming weeks.

Even within the areas affected, ACTRA has allowed its members to continue working by allowing employers to sign 'continuation agreements' on most productions currently under way that provide for 5 percent wage increases and 2 percent increases in benefits over the previous contract. In addition, all commercials being shot in Canada are covered by a separate contract that doesn't expire until June of this year. Consequently, the strike has been at best a patchwork effort and, notwithstanding the doomsday forecasts of some producers, its immediate impact on film and television production in Canada appears minimal.

Nonetheless, the federal minister of labour, Jean-Pierre Blackburn, issued a statement declaring, "In my view, the continued production of Canadian films and television programs is too important to Canada and to the Canadian economy to be jeopardized by your current dispute."

ACTRA had been in a strike position from the beginning of January, having received a near unanimous mandate by its members last year, but the threatened action was postponed for over a week with

union leaders seeking some means to avoid a confrontation. Prior to the strike being called, producers organized in the Canadian Film and Television Production Association (CFPTA), which represents 400 companies, had threatened to take ACTRA to court over their strike tactics and on January 29 the two sides did in fact face each other before an Ontario Superior Court judge regarding that and other matters.

The judge ruled that the strike was in fact legal, but made no decision on the disputed letters of continuation, referring that matter to arbitration. CFPTA had sought an injunction to disallow the agreements being granted by ACTRA to producers that have effectively nullified the effect of a strike. In a revealing explanation in the court's rejection of CFPTA allegations that the strike was illegal, the judge essentially denied that a strike was in fact taking place, stating that, "there has been no withdrawal of services by ACTRA. All existing productions are continuing."

This outcome underscores the contradictions of this action in which the union has sought to keep productions running through various measures, while the employers are attempting to force them into a countrywide strike. ACTRA defends its strategy by saying that they are trying to divide producers from their organization and through short-term agreements obtain the terms they are seeking in a future contract. And the producers do indeed appear to be divided as to how to deal with ACTRA: the leaders of CFPTA are taking a hard-line stand while many of their members strike production deals that undermine their position.

Whatever the eventual outcome, and it may very well be decided by arbitration, this dispute involves the critical issue of how performers are compensated for 'new media'—material which is distributed electronically through the Internet or other downloads to devices such as cell phones and MP3 players. In view of this growing source of revenue, the current

dispute is being closely watched throughout the North American entertainment industry, and its outcome will be taken as a pattern for contract negotiations in the US between producers and the Screen Actors Guild, the Writers Guild of America and the Directors Guild of America in the coming year.

ACTRA leaders have said that producers are refusing to negotiate fairly on compensation for new media, but have indicated that they are prepared to table the whole issue if necessary. In an open lettered to producers posted on their web site, ACTRA says, “let’s send these complex, undefined, uncertain digital media issues to a joint committee and, if necessary, to mediation.” Well-known Canadian actor Eric Peterson was quoted as saying “We don’t work in TV for free, we don’t work on film for free and we’re certainly not going to work on the Internet for free.”

For their part, producers are saying that they are offering to pay actors “three times”: the daily fee when new media is produced, a royalty fee of 3.6 percent to 6.6 percent of revenue when it is used or distributed, and again if it is converted to another platform.

In addition to terms for new media, issues such as insurance and retirement benefits are also reportedly still in dispute, although the differences here seem comparatively small. The most recent wage proposals from the two sides were reportedly very close, with producers offering a 3 percent yearly raise in a three-year contract, while ACTRA has asked for that, plus a further 1 percent retirement benefits increase. These demands appear modest considering the union’s previous claim that performers in Canada are paid 32 percent less than their counterparts in the US.

Canadian producers allege that at least three major productions have cancelled shooting in Canada and an American producers’ association has said that the strike “could potentially have a devastating and long-term impact on production.” ACTRA, on the other hand, boasts about how little production has been disrupted by their strike, claiming that they have signed letters of continuation with productions slated to begin as late as a month from now.

Although some rallies have been staged, particularly in Toronto which is home to over half of the performers involved, there have been remarkably few picket lines evident since the beginning of the strike. And although a number of both Canadian and American unions have

declared themselves in support of the strike, this amounts to little more than lip service.

Within the national framework where organizations such as ACTRA operate and lobby governments for advantage over their counterparts, particularly in the US, they have no prospect of challenging the giant corporations which dominate the industry. Sony Corporation, which had plans to shoot at least two major productions in Canada, has indicated that it will relocate that work south of the border or elsewhere because of the strike.

The North American film industry is particularly susceptible to the mobility of modern capital due to the relative ease with which film or television production can shift locations and so stable employment for both artists and technicians in this sector is increasingly precarious. This became graphically evident in recent years when production in Toronto faced a sharp decline both as a result of the SARS outbreak in 2003 and the recent rise in the value of the Canadian dollar relative to the US—setbacks from which it has still not recovered.

The ACTRA leadership is not determining its tactics in line with the objective needs of actors and performers, for a united struggle against the entertainment conglomerates, but in accordance with shortsighted ideas of what is possible and clever “under the given circumstances.” It is safe to predict that its approach will fail, as it always does, and that Canadian performers will be the losers.



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