

ON THE MOVE Toronto - February 12, 2010 - 4:15 – 5:15 p.m.

CONTRACTING AND PROFESSIONAL STANDARDS

Presenters: Canadian Actors' Equity Association (CAEA)
Canadian Alliance of Dance Artists, Ontario Chapter (CADA-ON)

1. *What is a professional? (Adapted from the Canadian Artists' Code) A professional.....*

- receives or has received, compensation from his/her work including, but not limited to, sales fees, commissions, salaries, royalties, grants and awards, any of which may reasonably be included as professional or business income;
- has a record of income or loss relevant to the exploitation of his/her work and appropriate to the span of his/her artistic career;
- has received professional training either in an educational institution or from a practitioner or teacher recognized within his/her profession;
- has received public or peer recognition in the form of honours, awards, professional prizes or by publicly disseminated critical appraisal;
- has presented his/her work to the public by means of exhibitions, publications, performances, readings, screenings or similar representative appropriate to the nature of his/her work;
- is represented by a dealer, publisher, agent, or similar representative appropriate to the nature of his/her work;
- devotes a reasonable proportion of his/her professional time as an artist to promoting or marketing his/her work, including, but not limited to, presenting himself/herself for auditions, seeking sponsorship, agents or engagements, or similar activities appropriate to the nature of his/her work;
- has membership in a professional association appropriate to his/her artistic activity whose membership or categories of membership, is or are, limited under standards established by the association; or which is a trade union or its equivalent appropriate to his/her artistic activity.

In general, over the course of his/her career, a professional dancer is likely to experience a majority of these points, if not all of them.

2. *What are professional standards? They are guidelines...*

- that go beyond Employment Standards to recognize the unique demands of working as a dance artist.
- for working professionally in dance that are developed by artists to suit their needs and that evolve over time to reflect the changing needs of professional dance artists.
- that support and encourage a safe and healthy work environment, and that can be used to determine when a work environment is unacceptable or unsafe in addition to remedying the situation.
- that can be used to develop contracts and/or collectively bargained agreements.

3. *What are some examples?*

- Equity's Canadian Dance Policy
- CADA-ONs Professional Standards for Dance, Version 2
- Terms and Conditions outlined in collective agreements such as the Canadian Ballet Agreement
- Ontario Ministry of Labour's Safety Guidelines for the Live Performance Industry in Ontario
- Ontario Employment Standards (does not apply to self-employed contractors)

4. *Why are professional standards important?*

Developed and backed by the professional dance community, professional standards are important because they provide you with a tool you can use to assess whether your rights are respected, and then take action if they are not. The quality and even duration of your work life may depend upon it!

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CONTRACT BASICS

A professional contract is an official document that represents an agreement between two parties: i.e., Joe/Joan Blank (the Artist) agrees to provide a service for No-Name Dance Company (the Engager) and No-Name Dance Company agrees to monetarily compensate (pay) Joe/Joan Blank with an appropriate fee for his/her service. Any professional contract should at the very least specify the following:

Service - A professional contract should specifically describe what service is to be provided (as dancer, singer, ballet master, etc.) and any additional services that may be asked of you.

Term - A professional contract should specifically state the term of service, giving a start date and an end date.

Fee - A professional contract should specifically outline what fee is to be paid for the specified service (how much \$?) and how it is to be paid (weekly, bi-weekly, etc...).*see below for alternative non-monetary compensation arrangements

Additional compensation - A professional contract will often specify other expenses to be paid by the Engager such as transportation (other than touring), a per diem to be paid while on tour, and any compensation for additional services (overtime).**See Riders below.

Security - A professional contract should demonstrate that the Engager is at all times willing/able to secure the Artist's engagement in the event of any unforeseen circumstances that may jeopardize the engagement. This is achieved in the case of Equity contracts by having the Engager post a certain amount of money with Equity as security.

Rules - Most professional contracts make references to a set of rules that will be adhered to by both the Artist and the Engager for the duration of the contract. Often this set of rules is in the form of a Basic Agreement. By signing a professional contract, both the Engager and the Artist are bound to abide by all the rules found in the Basic Agreement. The rules found in a Basic Agreement govern things like rehearsal/performance/touring conditions and guarantee that Artists are treated as professionals. The rules also ensure that the Artists work in an environment that is healthy, safe, and harassment free.

****Riders** . Many professional contracts make use of riders to add things to the agreement between Artist and Engager that are not covered by the contract itself. It generally takes the form of a separate document that is attached to the original contract document . hence the term rider The things covered in a rider can include complimentary tickets, special needs, and/or any additional requirements that an Artist may have.

Where can you get a contract?

- Professional Associations (CADA-ON, CADA-BC, CAEA, etc.);
- Engagers/Employers;
- You may need to draw one up yourself if you are the person doing the hiring, or if an Engager doesn't supply one for your consideration. (See the CADA-ON, and CAEA representatives about some examples of contracts and tips on what to remember when drafting one.)