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Honorable John C. Murray
Special Advisor
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Sent via email: cwr.specialadvisors@ontario.ca

Dear Sirs,

We are making this submission on behalf of the nearly 3,000 film, television and digital media Technicians represented by NABET 700-M UNIFOR in the Province of Ontario. Our Members work in 14 behind the scenes departments including: hair, makeup, wardrobe, continuity, special effects, grip, lighting, sound, construction, paint, transport, sets, props and labour.

While the following submission is that of NABET 700-M UNIFOR, we have also consulted with the Alliance of Cinema Television and Radio Artists (ACTRA), the Canadian Actors' Equity Association (CAEA), the Canadian Federation of Musicians (CFM), the Directors Guild of Canada – Ontario (DGC-Ontario) and the International Alliance of Theatre Stage Employees (IATSE). Including NABET 700-M UNIFOR, these stakeholders collectively represent over 50,000 workers in the film, television and digital media industry in the Province of Ontario.

We have also taken into consideration submissions made by UNIFOR, nationally representing over 300,000 workers.

NABET 700-M UNIFOR and it's Members regularly service half a billion dollars in production volume in the Province of Ontario each year. Our Members enjoy working on dynamic and world-renowned television series such as *Orphan Black*, *Kim's Convenience*, *Schitt's Creek*, *Saving Hope*, *Murdoch Mysteries*, *Sensitive Skin*, *Dark Matter*, *Letterkenny*, *Degrassi*, *The Next Step* and *Ransom* and critically acclaimed feature films such as *Room*, *Born to Be Blue*, *Milton's Secret*, *The Witch*, *Regression* and *The F-Word*.

We are not surprised in the findings of the Interim Report which suggests that the highest concentration of vulnerable or non-standard employment in the Province is found in the arts, entertainment and recreation sector, 57.7%.

It is in the vein of the above that NABET 700-M UNIFOR is pleased to make this submission in regards to the Ontario Ministry of Labour's *Changing Workplaces Review*:

Labour Relations Act (LRA)

In regards to the Interim Report and possible amendments to the LRA, NABET 700-M UNIFOR adopts and endorses the submissions put forward by UNIFOR. As such, we are focusing in this submission on the Interim Report in regards to ESA.

Employment Standards Act (ESA)

5.2 Scope and Coverage of the ESA

5.2.1 Definition of Employee:

NABET 700-M UNIFOR supports Option 6 put forward in the Interim Report. NABET 700-M UNIFOR Members work as freelancers in the industry, both dependent and independent contractors. Amending the definition of Employee to include Dependent Contractors would ensure that the ESA provisions were applicable to these Technicians.

5.2.2 Who is the Employer and Scope of Liability:

NABET 700-M UNIFOR supports Option 2 put forward in the Interim Report. Specifically, that employers are responsible for ensuring contractors compliance with ESA.

5.2.3 Exemptions, Special Rules and General Process:

NABET 700-M UNIFOR supports the continued existence of Special Rule and Exemptions that currently exist under the ESA for the "Film and Television Industry". Due to the nature in which film, television and digital media productions have historically operated these exemptions are integral to the continued success of our sector in Ontario and fall squarely in the criteria outlined in Core Condition "A". These exemptions are the by-product of all stakeholders in the Ontario film, television and digital media industry advocating collectively for the creation of such to not only ensure, at that time, the maintenance of the industry but also to assist with the growth of this sector into the \$1.6 billion dollar industry in the Province of Ontario that it has become since these exemptions were enacted.

5.3 Standards

5.3.4 Personal Emergency Leave:

NABET 700-M UNIFOR supports Option #2 put forward in the Interim Report.

As many film, television and digital media productions in the Province of Ontario do not regularly employ 50 or more people. As freelancers who work in a very fast paced, “feast or famine” industry, any sort of leave, paid or unpaid, is not an option, as job security becomes the biggest concern. Quite simply, employees that opt for any sort of PEL can see their employment opportunity evaporate. Removing the 50 employee threshold will make the PEL available to more NABET 700-M UNIFOR Technicians working on productions in Ontario.

5.3.5 Paid Sick Days:

NABET 700-M UNIFOR supports Option #2 put forward in the Interim Report.

For all the same reasons outlined under PEL above, NABET 700-M UNIFOR would support the introduction of paid sick leave. As reportedly widely in the press recently, the majority of Canadians live paycheque to paycheque. Many NABET 700-M UNIFOR Members are no different in this regard. Again, in a fast paced, “feast or famine”, freelance industry missing a day or two of work, and therefore pay, is not an option. Rather, employees struggle through their work days ill to try and make it to the end of the production to ensure maximum compensation is received for their work. As all productions last less than one (1) year, a set number of sick days per year of employment would not work of our sector – rather a minimum number of days based on length of service would be more appropriate. Quite simply a more productive workforce is a healthy workforce and ensuring NABET 700-M UNIFOR Technicians would qualify for paid sick days would go a long way to ensure even greater efficiencies on film, television and digital media productions.

5.3.6 Other Leaves of Absence:

NABET 700-M UNIFOR supports Option #3a) put forward in the Interim

Report. As other pieces of legislation, such as OHSA, grow to include issues such as domestic and sexual violence so too should ESA. A minimum number of days, perhaps 5 days, of paid leave followed by unpaid leave would provide time to try and deal with the ramifications of being the victim of these acts. Providing such leave could also encourage people to come forward to confront these issues if they are not also burdened with the prospect of lost wages or questionable job security.

We thank you for the opportunity to make these submissions and welcome the chance to discuss any questions you may have.

Yours very truly,

A handwritten signature in blue ink, appearing to be 'JA' with a stylized flourish.

Jonathan Ahee,
President
NABET 700-M UNIFOR

A handwritten signature in black ink, appearing to be 'JM' with a long, sweeping horizontal line extending to the right.

Jayson Mosek,
Business Agent
NABET 700-M UNIFOR