

Working Through the Arts

**Building Equitable Relationships with Visual Artists:
A Best Practices Toolkit For Local Governments**



CARFAC
BRITISH COLUMBIA

A four-part toolkit series for visual artists
and those who work with them

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Introduction

This toolkit is part of a four-part **Working Through the Arts** series designed by CARFAC BC for visual artists and those who work with them to support education and will facilitate ethical interactions and equitable dealings between visual and media artists and those that engage the work or services of artists. Within this document, you'll find guidance and recommendations of best practices for stakeholders such as local government departments which engage with visual artists around exhibitions, public art, community projects and other programming in areas where regulation and agreements around work with artists may not exist or may be lacking. This may include municipal cultural services divisions, park boards and community centres, and libraries. The toolkit focuses on strengthening professional relationships with visual and media artists to increase capacity within our sector in British Columbia.

As a set, these toolkits are intended as living documents which will help to inform future development of a more formalized Best Practices / Industry Standards guidelines for visual arts, media arts, and the craft sector in British Columbia. As the British Columbia regional chapter, CARFAC BC represents the interests of visual and media artists across all regions of the province: we are artists working for artists.

Part of CARFAC's role in advocating on behalf of artists nationally means bringing to the forefront current issues facing artists, including power imbalances in relationships between presenters and creators, inequitable compensation, and a

This toolkit is part of a four-part **Working Through the Arts** series designed by CARFAC BC for visual artists and those who work with them. This document provides guidance and recommendations of best practices for stakeholders working in local government whose work involves engaging with visual artists, in order to strengthen our professional relationships and, in turn, increase capacity within our sector in British Columbia. Other toolkits in the series are designed for Galleries, Festivals and Other Arts Organizations, Emerging Artists and New Graduates, and Professional Artists.

About CARFAC BC

As the collective voice for professional artists in British Columbia, CARFAC BC represents the interests of visual and media artists across all regions of the province: we are artists working for artists. We are committed to the advancement of the visual arts, artists, and artistic practice in our province. CARFAC is founded on the principles of fair compensation and respect for artists, promoting and advocating for a socio-economic climate conducive to the production of visual arts. We believe that artists, like professionals in other fields, should be paid for their work and share equitably in profits from their work. We value and respect all artists, their rights, their art forms and their cultural diversity. We have a strong commitment to public understanding, awareness and appreciation of artists.

CARFAC BC gratefully acknowledges the financial support of this project by the BC Arts Council.



lack of awareness of standards of fair dealings. This toolkit can help you to work towards equitable relationships with the artists you work with, providing recommendations on fair dealings including fee guidance, reducing barriers to access and participation by artists, diversifying opportunities, and adapting to the changing cultural climate.

Representation: The Arts and Culture Landscape in Canada

Demographic data collectively demonstrates that visual artists in Canada face many of the same challenges of maintaining equitable relationships between the artists and the organizations and institutions and those hiring them. For instance:

- **Visual artists receive the least compensation for their work compared to other creative fields.¹**
- **There is an imbalance in representation from diverse groups in galleries and collections.²**
- **Indigenous artists and racialized artists have lower median incomes than non-Indigenous and non-racialized artists.**
 - Racialized visual artists make 86 cents median income for every \$1 that non-racialized artists make.³
 - Indigenous artists make 67 cents median income for every \$1 that non-indigenous artists make.⁴
- **A pay-gap exists between women and men.**
 - Women artists make 82 cents of total income for every \$1 for men artists.⁵
 - Canada Council-funded galleries employing women receive, on average, 20% less than those employing men.⁶

A Hill Strategies February 2021 study on Canadians' Arts Participation, Health and Well-being found that a strong connection exists between cultural participation and health, and that there is solid evidence of a connection between cultural participation and mental health. If cultural activities are related to health and well-being, then equitable access to culture can be related to equitable health outcomes.⁷

1

[https://hillstrategies.com/resource/statistical-profile-of-artists-in-canada-in-2016/#::~:~:text=A%20typical%20visual%20artist%20in.of%20all%20workers%20\(%2439%2C000\)](https://hillstrategies.com/resource/statistical-profile-of-artists-in-canada-in-2016/#::~:~:text=A%20typical%20visual%20artist%20in.of%20all%20workers%20(%2439%2C000))

² <https://canadianart.ca/features/canadas-galleries-fall-short-the-not-so-great-white-north/>

³ <https://hillstrategies.com/resource/demographic-diversity-of-artists-in-canada-in-2016/#downloads>

⁴ <https://hillstrategies.com/resource/demographic-diversity-of-artists-in-canada-in-2016/#downloads>

⁵ https://hillstrategies.com/wp-content/uploads/2020/01/sia51_artists_diversity2016.pdf

⁶ <https://canadianart.ca/features/art-leadership-diversity/>

⁷ https://hillstrategies.com/wp-content/uploads/2021/02/sia53_arts_wellbeing.pdf

The role and responsibility of the visual arts sector to ensure equitable relationships between artists and those hiring them is paramount in consideration of the dynamics listed above. This toolkit will provide local governments with some recommendations on ways to improve dealings with visual artists within their community.

Equitable Compensation

If you're engaging the services of a visual or media artist, it's important to understand the baseline of payable fees for their work and to plan to pay accordingly. Recognize the power dynamic that exists in negotiations between a government and an artist, and ensure that all efforts are made to establish fair and equitable dealings.

The [CARFAC-RAAV Minimum Recommended Fee Schedule](#) is widely recognized as the national standard for remuneration of visual and media artists in Canada, and can be understood as a minimum wage for artists by setting the minimum recommended rates for the use of artwork and certain services that visual artists provide. These payments include royalties for the exhibition and reproduction of an artist's work, as well as various professional services fees.

Canadian Copyright laws provide artists with the right to be paid for exhibitions and reproductions, and most public funders require that museums and public galleries pay royalties and fees according to our guidelines. The payment of the Exhibition Right for the public exhibition of artistic production became part of federal copyright law in 1988. The Exhibition Fee only applies when the artwork shown is not being actively presented for sale or hire.

When exhibitions or events include an artist's talk, a hands-on workshop, or a catalogue, refer to the Fee Schedule for guidance with rates for Professional Fees and for Reproductions.

CARFAC and RAAV update these yearly through negotiation and usage, while reflecting increases in the cost of living. All fees are considered minimum payments for the use of the copyrights and/or the professional services of visual and media artists. <https://carfac-raav.ca/>

What Does the Fee Schedule Apply To?

- If an artwork is exhibited in a public gallery where the work is not for sale, the artist should be paid a royalty.
- If an artwork is reproduced in a publication or on a website, etc. the artist should receive a royalty.
- If an artist is asked to give a presentation, speak on a panel, write an artist statement, install their work, etc, they should be paid a fee for those services.

Online and Hybrid Content

COVID-19 has changed the ways in which the arts have traditionally been accessible to audiences, forcing us to make plans for online and hybrid programming. CARFAC, RAAV, and Copyright Visual Arts developed [Recommended Practices for paying artists during the COVID-19 crisis](#), which were designed to help the visual and media arts community establish standard procedures for paying artists for cancelled opportunities and new online engagements. As we move beyond pandemic closures, these updates to the Fee Schedule can help to guide local governments in planning strategies for public engagement with the arts going forward.

The Fee Schedule now includes payment guidelines for digital exhibitions, screenings, artist talks, and presentations:

- A virtual exhibition or digital screening that exists only online, in a non-commercial context
- A virtual visit/tour by a curator or gallery staff of a temporary exhibition
- A virtual visit/tour by a curator or gallery staff of highlights from the permanent collection
- A virtual artist talk
- Digital reproductions

Fees apply if the host organizes, records, and promotes the presentation, and additional royalties may be payable if the presentation includes fully immersive, 3D, or virtual reality components. Remember that use of imagery for promotions includes use on social media; this means that images shared on your social media channels should be copyrighted and the artist is being compensated.

More at <https://carfac-raav.ca/recommended-practices-for-paying-artists-during-the-covid-19-crisis/>.

Other Fee Considerations

Copyright Visual Arts negotiate copyright licenses on behalf of their affiliated members, and their rates sometimes differ slightly from CARFAC Fees. Their guidelines can be of use to artists as well as those who wish to inform themselves of the principles surrounding copyright use and copyright administration. Learn more at <https://www.cova-daav.ca/en/about#how-it-works>.

CARFAC recommends that local governments pay artists their fees by the opening date of a project or exhibition, and finalize negotiation of all terms, including acquisitions, promotions, or donations well in advance of the opening date. Written contracts are highly recommended.

Government Services and Artists

CARFAC BC encourages municipal boards and agencies to strive to improve the conditions of artists in their communities in the following areas in which they are frequently disadvantaged and negatively impacted:

Housing

High housing prices, rental rates and studio rents make it difficult for artists to live and work in many of B.C.'s cities and towns. Local governments will want to include ways to assist artists with housing and studios when developing comprehensive arts policies.

Different cities have followed various models with varying degrees of success. Vancouver's Granville Island was originally meant to transform an industrial area into a mix of retail shops and studios where artists and artisans could produce and sell their work. Rising rent costs and federal red tape have made it difficult for some of the smaller creators to remain.

[Bilbao's ZAWP](#) has executed this kind of industry-to-arts transition on a larger, more ambitious scale with more success, perhaps in part due to the presence of the Guggenheim Museum in the city and the collaboration of several levels of government. It has studios, spaces for exhibitions, performance, dance, and production, accommodations for artists-in-residence, plus retail outlets, and a jazz bar.

[grunt gallery](#) in Vancouver is an example of a building project that integrated an established artist-run centre with residential units and other commercial spaces.

A needs survey may be the first step for a local government to assess whether or not to pursue an arts housing or studio policy.

Zoning

Outdated bylaws have sometimes made it impossible for artists to legally live in or beside their studios. In recent decades, planners have made allowances for live-work spaces in many new developments.

Taxation

Municipalities have the power to reduce or exempt their portion of property taxes for arts organizations and other non-profits that they want to support, e.g. a Progressive Tax Exemption policy.

Bridging the Gap and Returning Agency

Art has the power to stimulate difficult conversations. View art and artists as a catalyst to advance and support other work that strengthens the community, helping to promote cross-sectoral partnerships and stimulate growth and community cohesion.

If your staffing levels supporting arts and culture are limited, or you don't have a dedicated department that supports the arts and culture sector, what are some considerations to make, steps you can take and resources you can utilize to help support artists in your community?

Here are some examples of ways you can support local arts advocates/activists to take the lead:

- Helping to encourage local arts organizations to be leaders and advocates on behalf of the community;
- Encouraging cross-sectoral initiatives that include arts organizations in your community;
- Providing accessible alternatives to standard application and submission forms (e.g. audio or video submissions, interpretation services)

If you do have the capacity to support artists, how can you empower the arts community to use local government resources as a tool? How can you help community members harness the power of art to stimulate difficult conversations, especially in the current climate? What are some ways you can promote cross-sectoral partnerships while raising the profile of the artists in your community?

- Creating opportunities for organizations in your community to hire and work with artists through grants or subsidies;
- Converting public buildings and underutilized spaces for artists' exhibition or studio space, and creating opportunities for artist residencies;
- Supporting artist run galleries and live-work spaces;
- Addressing the "community gallery" (unpaid) versus "professional gallery" to provide equitable treatment of all artists by moving from free to paid exhibitions in municipal spaces such as libraries, community centres and park board spaces;
- Incorporating educational experiences for artists who exhibit in your community spaces (e.g. Provide guidance and support for artists who may be exhibiting for the first time and are unfamiliar with how to install work, etc.);
- When issuing a call for artists, offer a workshop or info session (online or in person) to help guide applicants through the process;
- Adapting programs due to COVID-19 and the current cultural climate;
 - Provide opportunities for info sessions to connect the arts community and civic staff in relation to opportunities and current issues that programs have the potential to

address. Zoom has reduced the barrier to access in some respects, enabling more artists to connect and engage.

- Offering virtual galleries and virtual sales (e.g. creating videos and covering the production costs, providing artists with the files to promote themselves going forward; improving social media engagement to garner a broader reach).
- Providing resources and training opportunities for artists. If you don't have the capacity to do so alone, reach out to CARFAC BC to explore potential partnership opportunities, or refer artists directly to the organization for support.

If you work with artists in your community, one of the most important ways you can provide support is to direct them to existing tools and educational resources. Redirect artists to CARFAC BC for further support, or reach out to us directly for advice.

Many materials, guiding documents, and other benefits are available to CARFAC members free of charge, and some for a fee to non-members, including:

- Advocacy and advisory consultations
- Professional development workshops
- Provincial Gallery Survey results
- Certificates of Canadian Origin at a reduced rate (to avoid paying GST on art returning from shows outside of Canada)
- Contract templates (details below)
- Advisory Notes (details below)

Contracts

A written contract is highly recommended when engaging the work of artists, to protect the interests of both parties. There are nuances to artist contracts to be considered, however; a contract drafted by a lawyer unfamiliar with copyright or Best Practices for artists may unintentionally ask for blanket rights that will make it impossible for professional artists to sign.

Contract templates designed by lawyers to protect artists' rights are available through CARFAC National: <https://www.carfac.ca/>. The document Artists' Contracts: Agreements for Visual and Media Artists by CARFAC Ontario is a comprehensive and easy-to-understand guide to written contracts. Written in plain language, it provides information on the essentials of contracts, tips on how to draft and negotiate contracts, and advice on what to do if disputes should arise: <https://www.carfaontario.ca/Artists-Contracts>.

Advisory Notes

CARFAC provides (free to members) Advisory Notes dealing with professional practices, safety and legal rights of visual artists. A broad range of topics are available, from working with public galleries and dealers, murals, fundraisers, copyright, insurance, health and safety, negotiating tools, marketing tips, taxes, and much more. <http://www.carfacbc.org/advisory-notes>

Copyright and Legal Support

People and cultures have always exchanged and borrowed ideas from each other to create new forms of artwork and creative expression. Whether intentionally or not, most works reflect varied sources of inspiration. Artists frequently face concerns and have questions around protecting their work, fair dealing and usage, and copyright infringement; CARFAC commonly hears from artists whose work has been used without permission, has been copied or misrepresented by someone as their own, and who has not been compensated. Frequently we hear of instances of Indigenous cultural appropriation and a lack of understanding of cultural protocols.

Copyright consists of a bundle of rights including:

- the Exhibition Right
- the Reproduction Right
- the Reprography Right
- Moral Rights

Copyright enables the creator of any original artwork to gain financial remuneration from the sale, public exhibition, and reproduction of their artwork. Learn more details about local governments' responsibilities in relation to copyright at <http://www.carfacbc.org/> and

General information about artists' rights, including the Exhibition Right, Reproduction Right, and Moral Right, can be found at <https://www.carfac.ca/tools/know-your-copyrights/>.

CARFAC Ontario provides a "frequently asked questions" document on Demystifying Copyright, which can also be found on their website: <https://www.carfaontario.ca/online-resources>.

Through its licensing services, Copyright Visual Arts (formerly CARCC) can help an artist to protect copyright and to benefit from it. Collective administration of copyright means that there is strength in numbers. Some of the copyrights administered by Copyright Visual Arts are Exhibition, Reproduction, Reprography, and Telecommunication. More at <https://www.cova-daav.ca/en/>

Where can you direct artists to seek legal help in B.C.? The Artists' Legal Outreach (ALO) works to support low income artists and arts organizations by offering resources, workshops, and a summary

legal advice clinic where low income artists across the province can meet confidentially with an experienced lawyer for the price of a donation. Copyright toolkits are available online as well as a resource library containing information sheets, articles, sample legal documents, and sample contracts. More at <https://artistslegaloutreach.com>.

Other Resources

See the *Working Through the Arts* toolkit ***Building Equitable Relationships with Visual Artists: A Best Practices Toolkit For Public Galleries & Arts Organizations*** for recommendations on:

- Diversifying support and opportunities for artists
- Creative space/placemaking and inclusivity
- Reducing barriers to submissions/artist calls and artist participation
- Building Relationships with Indigenous Artists and Communities

CARFAC BC offers an ebook entitled [Artists Talk: A Practical Guide to Emerging as an Artist in Canada](#), a guidebook on a wide range of topics on the business of art, from preparing exhibition proposals and presenting and promoting work, to financing one's practice to negotiating artist fees. You may find this to be a useful resource to recommend to artists you work with.

CARFAC BC provides a bi-weekly newsletter to members which contains a number of resources:

- Arts sector news
- Public art calls
- Artist residencies and mentorships
- Calls for submissions
- Awards, grants, and funding opportunities
- Job opportunities
- Workshops, forums, and other professional development opportunities
- Member news

If you have opportunities to share with the visual arts community, contact CARFAC BC at bc@carfac.ca to request your news be shared in the newsletter.

Final Considerations

Don't ask artists to work for free. Pay your photographers, visual artists, media artists, community arts practitioners, performers, instructors, and facilitators fairly. Put standards and policies in place for your department, and encourage artists to learn about standards and guidelines to help them be

informed and support their business. These steps will strengthen your creative community, support the arts and cultural sector, and set an example for other local governments and stakeholders.

To help artists that you work with to be informed about their rights and about resources that can help support their business and arts practice, direct them to the toolkits in the ***Working Through the Arts*** series for ***Professional Artists*** and for ***Emerging Artists and New Graduates in British Columbia***.

Visit the CARFAC BC website for additional resources and guidance at carfacbc.org.

Acknowledgements

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Join Us!

Consider joining CARFAC BC as a member to access a range of benefits and to help us to continue to advocate for visual artists in British Columbia. In addition to professional artist memberships, student, senior, associate, institution, and corporate memberships are also available. United, we are stronger, and we can ensure our collective voice advocating for visual artists is heard on a regional and national level.



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While CARFAC BC's office is situated on the unceded and ancestral territories of the Coast Salish Peoples, including the x^wməθkwəyəm (Musqueam), Skwxwú7mesh (Squamish), and Səlílwətał (Tsleil-Waututh) Nations, we acknowledge that our work in support of artists takes place on the lands of many Nations throughout British Columbia. We acknowledge the strong and diverse Indigenous communities across the province and offer our respect and gratitude for their ancestral and current stewardship of these lands and waterways.

Learn more about CARFAC BC at www.carfacbc.org.

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