

National Commercial Agreement Negotiations 2008 Questions and Answers

What is the state of negotiations?

- After 17 months of negotiating, during which we did work out many issues, negotiations became deadlocked. Both sides decided to jointly ask for government conciliators to step in and help get a final agreement. Unfortunately, despite their help no deal has been reached, although we will be meeting again on September 25.

Will we be going on strike?

- A strike mandate does not automatically mean ACTRA goes on strike. A strike mandate is a strong signal of support from the members for ACTRA's bargaining positions and gives the NCA team more power at the negotiating table.
- Going on strike is an absolute last resort. A strike will only be called after all reasonable efforts to reach an equitable agreement have been exhausted, and following approval by ACTRA's highest governing body, your ACTRA National Council.

Why haven't I heard anything about the National Commercial negotiations until now?

- From January 2008 to July 2008, your bargaining committee and the industry representatives were involved in an Interest-Based Bargaining process that required both sides to agree to a media black-out. Therefore, we could not report to the media or, communicate with the members on details of our discussions.
- Interest-Based Bargaining is a process which involves extensive discussion of the interests of both sides, in an attempt to move beyond traditional positional bargaining.
- On August 8, all members were mailed a letter updating them on the status of negotiations.

When will I get to see a detailed report on the issues that are being discussed in these negotiations?

- When we succeed in reaching an agreement, we'll be sending you a detailed report on the proposed agreement. Of course, your bargaining committee – comprised of your fellow performers who also work under the Commercial Agreement – will be seeking a deal that they know you, as the voting members of this union, will support.
- Until we reach such an agreement, we must ensure that our bargaining committee has the support it needs to ensure we succeed in bargaining acceptable terms for our members. That's why your YES vote on this strike mandate referendum is so important: it gives the bargaining committee the power they need to prevail in this negotiation, and to reach an agreement that is in your best interests.

What are the big issues at these negotiations?

- The main issues have been: non-union production, new media, the Silent-On-Camera (SOC) performance category and the amount of increase to minimum fees.
- As far as non-union production is concerned, we have worked out contract language that goes a long way in helping to prevent Canadian advertising agencies from finding ways to hop in and out of the agreement in order to shoot non-union.
- Concerning new media, we are updating our NCA terms to reflect the current state of internet-based advertising and the proliferation of websites. We expect these changes will lead to more work in this jurisdiction at fair rates for members.
- The issue of changes to the SOC performance category is a difficult one. The advertisers want to eliminate this category without providing any offsetting compensation. ACTRA has made it clear that we will not agree to eliminate the SOC categories. We are prepared to consider redefining categories clearly and appropriately to reflect today's production environment – provided that there is a substantial offsetting increase in fees for members.
- On the issue of increases in minimum fees, ACTRA is looking for a significant increase in each year of a three-year agreement, plus a substantial offset increase for any changes made to performance categories, such as SOC.

Who is on ACTRA's NCA negotiating team?

ACTRA's National Commercial Agreement Bargaining Committee

Richard Hardacre, ACTRA National President and NCA Committee Chair
Stephen Waddell, ACTRA National Executive Director and Chief Negotiator
Heather Allin (Toronto), Joanna Bennett (Toronto), Marium Carvell (Toronto),
Paul Constable (Toronto), Bruce Dinsmore (Montreal), Ian Finlay (Montreal),
Rob Morton (BC), Doug Murray (Toronto), Karl Pruner (Toronto), David Sparrow
(Toronto), Howard Storey, (BC)

Is the current NCA still in effect?

- Yes. The current Commercial Agreement stays in effect until a new agreement is reached, unless there is a strike or a lockout.

Who is eligible to vote in the referendum?

- Eligibility rules and regulations are set out in ACTRA By-Law 17.
- ACTRA Full Member eligibility to vote is determined in the following manner:
 - a) when the Insurance and Retirement Plans show that at the end of the second preceding month prior to the vote, a member in good standing has worked in the field covered by the Agreement within the previous three (3) year period, or
 - b) when a member in good standing has voluntarily registered on forms available in any Branch/Local Union office, the member's desire to vote on the Agreement, Code or Schedule indicated on the form.
- ACTRA Apprentice Members who have provided proof satisfactory to ACTRA, that they have completed three professional engagements in a residual category

under the applicable ACTRA Agreement during the term of the expiring or expired Agreement will have a right to cast a ballot in the Strike Vote for the successor Agreement.

- ACTRA Apprentice Members working in Background Performer Roles will have a right to cast a ballot in the Strike Vote, provided that he or she submits proof satisfactory to ACTRA, that they have worked in Background roles for at least 8 work days per year for each year of the term of the applicable ACTRA Agreement that is expiring or has expired, while they were an Apprentice Member.
- An ACTRA Additional Background Performer must provide proof, satisfactory to the ACTRA Branch/Local, that he or she has worked in Background roles for at least 15 work days per year for each year of the term of the applicable ACTRA Agreement that is about to expire or has expired. Work days which were utilized by an ACTRA Additional Background Performer for the purpose of gaining status as an ACTRA Additional Background Performer, shall not be counted as work days for the purposes of determining eligibility to vote.
- If a person has been an ACTRA Additional Background Performer for a period that is less than the term of the expiring or expired Agreement, the above noted requirement shall be adjusted to take into account the number of months a person has been an ACTRA Additional Background Performer.

I didn't receive a referendum package in the mail. How do I get one?

An eligible member, who claims non-receipt of a ballot, may secure a new ballot from a Branch/Local Union office, together with an envelope for mailing the ballot to the Scrutineer. The Declaration of Non-Receipt form must be completed when securing a new ballot.

Who will be counting the ballots?

The scrutineer is The Clarke Henning Group, an independent professional accounting and auditing firm, governed by strict rules set out by the Canadian Institute of Chartered Accountants.. Clarke Henning assures that your ballot is treated with the utmost confidentiality.

The scrutineer will make sure that members who have voted are in good standing and will keep a record of the number of ballots returned on or before the final date specified in the notice.

Where do I send my ballot?

Eligible voters will receive their ballot along with procedures for voting, a plain envelope marked "ballot", a postage-paid self-addressed envelope with the address of the scrutineer. The ballot must be received at the office of the scrutineer no later than 5:00 pm October 14, 2008.

Do NOT send your ballot to ACTRA.

How will I know if we reach a deal or an impasse?

- Check ACTRA's website at www.actra.ca for breaking news and *NCA* negotiations updates. If there are major developments to report, ACTRA will send a letter or a broadcast email to members who have worked under the *NCA* within the past three years.
- ACTRA will also continue to issue releases to the media at key junctures in negotiations

Who is negotiating?

- The National Commercial Agreement is the collective agreement between ACTRA and the advertising industry, represented by the ACA (Association of Canadian Advertisers) and the ICA (Institute of Communication Agencies).
- The *NCA* sets out rates and working conditions for professional performers working in television, radio and digital media commercials in Canada.

History of *NCA* bargaining in 2007-2008

- The *NCA* was extended for one year in 2007 with an expiry of June 30, 2008.
- The parties failed to reach a new agreement through Interest-Based-Bargaining (IBB), and continued negotiations through traditional bargaining with help from the Ontario Ministry of Labour.
- The last day of bargaining, July 28, 2008, led to a joint application for conciliation.
- Both sides met on Sept. 3 and 4, with Reg Pearson, Director of Labour Management Services for the Ontario Ministry of Labour as Conciliator. Unfortunately, we were unable to reach an agreement, and will meet again on September 25.
- In the meantime, the industry will continue to operate under the terms and conditions of the current *NCA* 2007-2008.

updated September 19, 2008