



ACTRA

organizing

MONTREAL

The Pillsbury Dough Boy Goes ACTRA

In January 2002, **Pillsbury** attempted to film a non-union commercial in Montreal. The commercial, featuring performers as young as 6 years old, will be aired across the United States. Quebec has **Status of the Artist legislation** which recognizes ACTRA and obliges producers to negotiate with us.

National Organizer **Gary Saxe** contacted the advertising agency in New York and the local production company in Montreal to inform them of their legal obligation. After several days of promised negotiations and no results, Gary faxed a press release to the ad agency, Pillsbury and their parent company General Mills. The release was titled 'Pillsbury Underpays Performers in Canada.' Gary informed them that the press release would be distributed to the media unless they use our collective agreement. Shortly thereafter, Gary received a telephone call from a vice-president of General Mills, who assured us that the commercial would be shot union. From that point, negotiations went much more smoothly. The commercial was filmed under ACTRA contracts in January.

ACTRA Continues to Fight to Protect Children's Rights

ACTRA recently scored a victory in protecting the rights of children working in our jurisdiction. The producer, **Ciné Qua Non Films**, backed by the Quebec producers' association, the **APFTQ**, wanted to use children in an unacceptable and inappropriate manner. One scene involved an 8-year-old girl performing in the nude in the presence of two boys. Another scene involved an 11-year-old boy performing with a nude 23-year-old woman in a scene that involves physical contact with sexual content.

This difficult arbitration dragged out over five days of testimony. IPA Steward **Molly Ann Rothschild** and National Organizer **Gary Saxe** coordinated ACTRA's case. The producer claimed that ACTRA should have no role in the matter. They even demanded

that we pay their costs for the arbitration.

The arbitrator ruled that ACTRA has both the right and the obligation to be involved in such cases. While the arbitrator decided that the IPA does not specifically ban nudity for minors, he ruled on exactly how the scenes will and will not be filmed. His decision stated that the two boys will not be present when the young girl is filmed. Further, the producer is not permitted to film her pubic area, and her parents can insist that she wear something during the filming. In the second scene, the arbitrator ruled that the boy will not be present when the adult is nude and will not have any objectionable physical contact with her.

The arbitrator also rejected the demand of the producer that ACTRA pay for their costs. He ruled that ACTRA was fully within its rights to pursue the case because the producer did, in fact, violate the IPA.

The scenes were filmed on February 22 and 24, 2002. Regardless of the arbitrator's decision, the director filmed the scene with the two boys present while the girl was partially nude. As a result, ACTRA will be pursuing the producer for damages for the children as well as punitive damages for



ignoring an arbitration decision.

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WESTERN CANADA

Beware of CLAC!

Who's CLAC you ask? It is an organization known as the **Christian Labour Association of Canada**. It is important to note that the labour movement and the **Canadian Labour Congress (CLC)** do not

recognize this union as it is considered to be employer-dominated. In Calgary, ACTRA is concerned about the relationship between Chinook Animation and CLAC in respect to the security of our jurisdiction.

Established in 1999 by a producer signatory to an ACTRA contract in B.C., **Chinook Animation** certified with CLAC and signed an agreement offering fees and conditions inferior to ACTRA standards. This certification is significant as it marks the first time that CLAC has moved into ACTRA's jurisdiction. It is imperative that we eliminate CLAC from our industry before they do more harm or damage to the fees, working conditions, benefits and residual rights that ACTRA has fought hard to establish for performers.

The organizing department has adopted an initial strategy of isolating Chinook Animation and CLAC by focusing on drying up their talent pool. A supplemental strategy is being examined and developed. **ACTRA** and **Equity** members are not to work for Chinook Animation or any other engager who does not adhere to the Independent Production Agreement (IPA) or the B.C. Master Production Agreement. This includes engagers who have signed agreements with CLAC. Equity members working in ACTRA's jurisdiction are governed by the **ACTRA/Equity Reciprocal Agreement**, which means that they must only work on ACTRA-approved productions. ACTRA will report all violations by Equity members to their national office.

ACTRA has worked with the **Trade Union Coalition of Alberta** to develop an information website on CLAC: www.clacwatch.com.



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We have the technology! If you'd like to receive *InterACTRA* in your e-mailbox instead of your snail-mailbox, let us know. Email us at interactra@actra.ca with your membership number. We'll send you a pdf file of *InterACTRA* and you'll help ACTRA save on postage and printing.

NATIONAL

Warning: Non-union Commercials

This year ACTRA organizers will be focusing even more effort toward making sure that commercial work is done union. Currently, too much work is going **non-union**. The following list is just a small sample of non-union commercial breakdowns we received between the end of October and the start of December 2001: **Little Caesars, TSN-Promo, Bell ExpressVu, Hot Pockets, National Geographic Channel, Crayola Crayons, Snickers, Safeway, Heineken Beer, Verizon Wireless, Target Stores, Ontario Ministry of Education, CCM, Pizza Pizza, Lindt Chocolates, Ocean Spray, Fidelity Mutual, Kodiak Boots, Lord of the Rings and Spiderman 'Toy Biz', Mattel, and Hasbro.**

What's alarming is that these well-known companies and the agencies they hire, don't feel the need to use 'the best talent available' – ACTRA members. Instead, it appears that agencies feel that they can find talented non-ACTRA performers to do the work at lower rates of compensation.

ACTRA organizers will communicate with agencies, producers and advertisers to try and convince them to use our members, but we will also need to look at new ways of

reducing the number of performers who are out there doing non-union work.

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DIGITAL MEDIA

New Media is dead!

Yes, that's right **New Media** is dead – the term that is.

The use of 'New Media' to describe **digital media** was always problematic. Projects developed with digital media technologies continue to be categorized as 'new' even though these 'new' productions are now commonplace in the industry and have been for years. Although this may not seem to be significant, it is and here is why: using the term 'new media' connotes the idea that these productions are somehow separate, and perhaps make up only a small part of the entertainment industry and this is simply not the reality. 'New Media,' or better said 'Digital Media,' is not only part of the entire industry it is quickly becoming the industry.

From the perspective of feature films, it is often pointed out that digital features do not look as good as features produced on film. Whether a production is captured on

film or video is not necessarily relevant. Even if a project is produced on film, you can bet that it will be digitized once it is completed. For example, one would be hard pressed to find a major theatrically released Hollywood film over the past year that has not been digitized and released on **DVD** (Digital Video Disk). DVDs include a wealth of additional footage, however payment models for performers involved in this work have not been established.

And on the television front, the press is quick to point out that the digital stations have gotten off to a rocky start – sure, what would one expect? However shaky the start, let's not forget that television broadcasts in the United States (and Canada will likely follow) must be digital by the proposed date of 2006. After that time all programming on the tube will be digital.

The **NATPE** (National Association of Television Program Executives) Convention in the United States is one of the world's most important television markets, and this year's market revealed some interesting developments. A significant number of the Canadian titles sold (hundreds of episodes) were short-length programs (90-second to 11-minute). This is consistent with our predictions last year that short-length programming will continue to find markets (and revenues) in the internet and 500-channel universe.

all entertainment will be in digital format within 3-5 years

As **Bill Gates** stated at **Digital Hollywood** this year, he believes that all entertainment will be in digital format within the next three to five years. The reason that all entertainment will be digital or digitized, is that in order for entertainment companies to remain competitive and increase revenues, the entertainment that they produce will have to be used cross-platform (on a number of audio-video devices). Cross-platform uses will drive new revenues and cross-platform use can only be obtained in digital format.

New Media is dead, but Digital Media is alive and very well.



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THE 2002 CANADIAN COMEDY AWARDS



The 2002 Canadian Comedy Awards thank all who nominated, voted and bought tickets to the party! Stay tuned to the website for winners info, and bulletins on next year's show.

www.canadiancomedyawards.com

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