



## Recommendations of the Canadian Dance Assembly for Phase 2 of the consultations concerning modernization of the Employment Insurance Program

*As representatives of the dance sector across the country, we are sending you recommendations concerning the modernization of the Employment Insurance program, particularly as concerns dance artists, that clearly represent the needs and priorities of our members.*

*Thank you very much for your attention. Please do not hesitate to contact us for further information.*

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### **Background**

Dance artists live with financial insecurity and receive little support from existing programs. A large proportion of workers do not meet the criteria for eligibility, as these programs are still based on the concept of full-time salaried employment.

According to Statistics Canada's 2016 census data, the lowest paid artists are dancers with an average annual dance-related income of \$16,005.

Dancers are generally seasonal workers, since cultural activities generally extend from September to June, with a pause during the holiday season. Dancers are self-employed workers who live contract to contract, and resourcefully apply their diverse skills in different roles within the sector

(performer, choreographer, coach, consultant) for and with a multitude of other artists.

Many work in other sectors such as food services, accommodation or education. Thus, these artists sometimes hold part-time jobs, and yet must remain available for future contracts. The evolution of their career depends on this availability. It is sometimes difficult for them to take on long-term supplementary jobs.

Dancers are high level athletes. The physical and mental demands of their profession are very great. And yet, they are responsible for training themselves and treating their injuries, at their own expense. Dancers have very little in the way of support or programs to help maintain their health. It goes without saying that they have to spend a significant amount of money on osteopaths, physiotherapists, psychologists and training to maintain their level of excellence.

Dancers are generally not unionized like other performing artists, such as musicians or actors. As a result, they have little protection and benefit little from the insurance or pension plans offered by the major unions (Alliance of Canadian Cinema, Television and Radio Artists (ACTRA), Union des artistes (UDA), Canadian Actors Equity Association (CAEA) and the Writers Guild of Canada (WGC)). Some professional associations offer the option of joining an insurance plan. However, dance artists have such low incomes that they struggle to join and to pay premiums.

Artists who practice non-Western forms of dance earn even less than the others. Their financial insecurity is that much greater. The 2016 Census found that Indigenous, Black and other racialized artists earn significantly less than their non-Indigenous/non-racialized counterparts. Indigenous and Black or racialized artists earn on average 68 cents and 72 cents, respectively, for every dollar earned by non-Indigenous, non-Black/non-racialized artists. Large ballet companies may often offer long-term or salaried contracts to dancers, but this is the exception rather than the norm. This contributes to inequity among Canadians. The EI program should be able to help reduce these inequities and serve all artists regardless of the art form they practice and regardless of their cultural background.

Dancers themselves sometimes pay for the services of other artists, since dance projects involve collaborators: other dancers, technicians, musicians, consultants, set designers, lighting designers, and so on. Dancers sometimes have difficulty explaining to public servants the distinction between grant income received for an entire project and income received for their own work. This forms an additional barrier to the timely receipt of

benefits, stemming from a lack of understanding of the realities pertaining to the work of dance artists.

The pandemic has had a very significant impact on dance artists. The performing arts sector continues to lag behind all other sectors in terms of recovery. Everywhere, the arts and entertainment sector has been even more severely impacted than the accommodation and food service sectors. GDP in the performing arts sector has dropped 62% since last year (*The Globe and Mail*, March 11, 2020). Moreover, it is artists who have paid the heaviest toll for this loss: hours worked in the arts, entertainment, and recreation sectors fell by 36.6% overall in 2020, and by more than 60% among performing arts workers. We believe it is important that the program be revised as soon as possible such that it upholds the government's promises of equity and social justice.

## General considerations with respect to the current program

The objective of the EI program is to provide “temporary income support to unemployed workers while they look for employment or to upgrade their skills” (Government of Canada, 2022). **The program fails to fulfil this objective with respect to the population of professional dance artists, most of whom are self-employed.** This reality is shared by artists working in all the disciplines. According to data from the 2016 Canadian Census, 56% of artists are self-employed, compared to 12% in the overall labour force.<sup>1</sup> The industrial relations specialist Martine d'Amours draws a distinction between autonomous and independent work: whereas independent work occurs outside the legal framework of work dependence, autonomous work is self-directed, with the worker setting their own rates, determining the scope of their work, etc.<sup>2</sup> Many independent workers are not autonomous. They work for employers who establish the conditions of their work, as is the case for dance artists who work under contract for choreographers, dance companies, artists, producers, etc.

It is past time to reform the employment insurance program such that it meets its primary objective while responding adequately to the new structural realities of the labour and employment markets, where there has been a marked increase in what are termed non-standard forms of work and in job categories and legal statuses. Between 1976 and 2021, the

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<sup>1</sup>

<https://hillstrategies.com/resource/profil-statistique-des-artistes-au-canada-en-2016/?lang=fr>

<sup>2</sup> <https://podcasts.apple.com/us/podcast/arpenter-la-culture/id1541671828>

percentage of persons who are self-employed, own-account workers increased by 3.8% in Canada.<sup>3</sup>

Among the reasons the EI program does not adequately support dance artists is the fact that dance artists have very little access to the program and are forced to pay for their coverage out of their own very low income. When they do gain access, the benefit amounts are small and the duration of coverage is too short. The way the program is designed and operates does not respond to the realities of project-based and intermittent work, which characterizes the work of the vast majority of dance artists in Canada. When artists are not under contract, that does not mean they are "out of work." They train, hone their skills, seek out contracts, work outside the arts to support themselves, etc.

**The Employment Insurance Special Benefits program for self-employed workers does not work for dance artists because of their financial insecurity and the lack of correspondence between the eligibility requirements and the realities of their profession.** In Canada, the median earnings of dance artists were \$15,800 in 2016, which is 64% lower than the average for the labour force<sup>4</sup>. The cost of premiums remains high for many, as does the minimum net income requirement (\$7,555 in 2020), especially for those who are just beginning their careers or are in transition.

The occupation of professional dance artist also involves a very high degree of invisible, unpaid and uninsurable work. This forms a very significant barrier impeding artists from accessing a social safety net. According to Martine d'Amours, an academic specialist in social protections for independent workers, and for artists in particular, access for professional artists to protection against periods between contracts is an issue that urgently needs to be addressed. Eligibility criteria should be as nonrestrictive as possible, artists should not be required to pay double premiums, invisible work should be considered in the calculation of premiums, and these should be cumulative and transferable from one job and contract to another.<sup>5</sup> In Belgium, the "cachet rule" is used to determine access to employment insurance benefits.<sup>6</sup> This rule allows artists to distribute their gross income earned over a given period of time based on a

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<sup>3</sup> <https://www150.statcan.gc.ca/n1/pub/14-28-0001/2020001/article/00014-fra.htm>

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<sup>5</sup> <https://podcasts.apple.com/us/podcast/arpenter-la-culture/id1541671828>

<sup>6</sup>

<https://amplo.be/fr/blog/tout-savoir-sur-le-statut-dartiste#:~:text=Qu'est%2Dce%20que%20la,une%20forme%20de%20s%C3%A9curit%C3%A9%20sociale>

daily wage that serves as a benchmark, and thus to extend the number of days used to determine eligibility and to calculate benefits.

Another obstacle standing in the way of artists benefiting from the program is the obligation to join for life. The duration of the professional life of dance artists varies greatly. It depends on several factors such as physical fitness and absence of injury, the ability to find contracts, work-life balance, the impact of successive international tours on life balance, etc.

## **Equity**

Thus, generally speaking, the employment insurance program in its current configuration does not achieve the balance typically sought by public policy in terms of efficiency and equity. In fact, the maximum coverage period is short compared to other employment insurance programs found in Europe (Denmark and Belgium, for example). By minimizing this period, the program strongly encourages, if not forces, individuals to find any job at all as quickly as possible instead of allowing them to re-enter the labour market by accepting a job or contract commensurate with their qualifications and aligned with the needs of the labour market, or by embarking on a desired and motivating career transition. This dimension of the program forms an impediment to labour market and employment transitions that are successful and fulfilling at both the personal and societal levels.

The way the program is currently configured does not promote equity in the labour market. This is due partly to the eligibility criteria, which have the effect of excluding a significant portion of the working population, and partly to the coverage that is offered when individuals are unemployed or without a contract. In Canada, EI recipients can receive up to 55% of their salary regardless of their income levels, which reproduces income inequalities in the workforce. In comparison, in Denmark in 2013 the income replacement rate was proportional to income levels and degressive, decreasing from 90% for low-income workers to about 50% to 60% for middle and high-income workers.<sup>7</sup>

This program configuration is specifically intended to promote greater equity in the labour market by ensuring that less well-paid workers are not forced to accept any job, a situation that often forces them to go from one precarious job to another. These trends are both gendered and racialized.

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<http://www.eurofound.europa.eu/observatories/eurwork/comparative-information/national-contributions/denmark/denmark-social-partners-involvement-in-unemployment-benefit>

## Specific questions

### Can EI benefits create a disincentive to work?

One does not become an artist for economic reasons, although it is likely that many artists overestimate their chances of success at the start of their career. The occupation of professional artist is often characterized as a calling, in the sense that its main attraction does not arise from pecuniary motivation, but rather from a deep attachment to the work itself, as well as from a profound personal investment in the work. However, just because dance artists are passionate about their work does not mean they should suffer severe socio-economic penalties and be unable to access a social safety net. For over 40 years now, UNESCO has been calling for safeguards that ensure professional artists can enjoy the same rights as salaried employees.<sup>8</sup> As a UNESCO member state, Canada has long had a responsibility to ensure that artists, including dance artists, have access to temporary income support between employment contracts.

In Canada, the maximum amount of Employment Insurance benefits (\$638 per week) is so low that in many metropolitan areas (Montréal, Vancouver, and Toronto) where dance artists are concentrated, it is not possible to live above the low-income cut-off. Because dance artists' artistic earnings are extremely low, it is simply not worthwhile for them to enrol in the Employment Insurance Special Benefits for Self-Employed People program because the amount of the benefit cannot exceed 55% of their earnings. The housing crisis, the environmental crisis and soaring inflation are all phenomena that have rendered the employment insurance program still more obsolete.

The compensation offered by any program designed to protect individuals from the vagaries of life, such as the involuntary loss of a job or contract, reflects a commitment to protecting the fundamental rights of individuals, including their right to live in dignity. The employment insurance program fails to allow a significant number of dancers, as well as many other categories of salaried and self-employed workers, to live in dignity during a period when they are unemployed. It is obvious that workers would rather work than receive meager benefits. The inadequacy of the current benefit amounts with respect to the increase in the cost of living is also likely to encourage individuals to accept jobs that are not commensurate with their qualifications but that offer higher payment than the benefits.

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<sup>8</sup> <https://fr.unesco.org/creativity/governance/1980-recommendation>

## Is the duration of EI benefits sufficient?

Currently, the vast majority of dance artists simply do not have access to EI benefits for the reasons outlined above. Thus, it remains a priority to revise the eligibility and coverage criteria to include independent workers, including dance artists. This can be accomplished through different avenues. The first is to integrate self-employed workers so that they can receive regular EI benefits. The second is to create a separate branch of the program specifically designed for performing artists (including dance artists), whose work is characterized by intermittence.

Access for dance artists to an income replacement program such as the one that exists in France would allow them to more securely pursue their professional trajectories and more easily remain engaged in their careers. France's "régime des intermittents du spectacle," a program for performers whose work is characterized by intermittence, is financed by employer contributions and the contributions of artists, who are considered as employees and therefore enjoy the same social and economic rights as employees in other sectors.

In general, the maximum coverage period for EI benefits in Canada is not sufficient to allow individuals to maximize their chances of making what they consider to be a successful transition between jobs or contracts. In Europe, programs such as Denmark's offer two years of coverage, while Belgium's has no time limit. A successful EI program would be combined with institutional arrangements and active labour market policies that allow individuals to (re)qualify as needed and find employment commensurate with their skills.

## Key questions

**How can we support the long-term financial sustainability of the EI program? What approaches could be explored to balancing the costs and benefits of a more responsive program while limiting the need for premium increases following economic shocks?**

An overhaul of the tax system is needed to fund a more inclusive and resilient EI program. Its design must reflect key societal priorities, including equity and inclusion, and climate change. The new EI program could be financed by increasing taxes on the very wealthy, including on inheritances, as well as on companies in high carbon emission sectors.

## **What supports or incentives could be offered to employers and workers to help sustain the EI funding model?**

In the case of dance artists, the government could play a greater role in funding the program. Given the socio-historical tradition of funding arts and culture in Canada, it could, for example, assume the employer's contribution for artists' contracts with producers and presenters. It could mandate the deduction of EI premiums from the grants and awards it provides to artists and arts organizations.

Thank you for the opportunity to offer suggestions on how professional dancers across Canada can be better supported through changes to the Employment Insurance program. We would welcome the opportunity to expand on our recommendations.

The Canadian Dance Assembly (CDA) serves as the voice of the professional dance sector in Canada. It advocates for a healthy, sustainable environment in which professional dance practice in Canada can grow and thrive. CDA cultivates a strong national voice for Canadian professional dance and supports the development of resources for this field of artistic expression. Through conferences, workshops and forums, we bring the dance community together from coast to coast to build a strong and vibrant community. [www.cda-acd.ca](http://www.cda-acd.ca)

### **Research and writing**

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