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Wednesday 4 December 2013

**Journal
des débats
(Hansard)**

Mercredi 4 décembre 2013

**Standing Committee on
General Government**

Protecting Child
Performers Act, 2013

**Comité permanent des
affaires gouvernementales**

Loi de 2013 sur la protection
des enfants artistes

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Wednesday 4 December 2013

Mercredi 4 décembre 2013

The committee met at 1620 in committee room 2.

COMMITTEE BUSINESS

The Chair (Mr. Grant Crack): I'd like to call the meeting to order. I just have one order of business before we get going. Good afternoon, everyone, members of the committee. Just some housekeeping here before we begin.

On Wednesday, November 27, Ms. Damerla moved a motion regarding the committee's schedule with respect to Bills 105 and 71. That motion was on the floor when the committee adjourned and was scheduled to be the committee's first order of business on Monday, December 2. The following day, Thursday, November 28, by order of the House, Bill 105 was discharged from this committee and a meeting was scheduled for Bill 71, and it was determined here today.

As a result, the motion that was before us is no longer before us; it was removed from our agenda on December 2. I'm sure you're all aware of this, members; we had to put it on the record because I did not mention it on Monday. As such, I thank you very much.

**PROTECTING CHILD
PERFORMERS ACT, 2013
LOI DE 2013 SUR LA PROTECTION
DES ENFANTS ARTISTES**

Consideration of the following bill:

Bill 71, An Act to protect child performers in the live entertainment industry and the recorded entertainment industry / Projet de loi 71, Loi visant à protéger les enfants artistes dans l'industrie du spectacle vivant et l'industrie du spectacle enregistré.

The Chair (Mr. Grant Crack): Having said that, we do have limited time as a result of what has transpired in the House. I have consulted with the three different caucuses. We have agreed, I believe, in principle to reduce the questioning time down from five minutes to three minutes. Is that agreed? Agreed. Thank you very much.

ACTRA TORONTO

The Chair (Mr. Grant Crack): It is my pleasure to welcome the Alliance of Canadian Cinema, Television

and Radio Artists. I believe that Ms. Milling will begin. If you would like to introduce yourself for the record. Welcome. You have five minutes.

Ms. Sue Milling: Thank you. Imagine children trying to learn in an unventilated paint locker, or trapped in hot costumes and heavy makeup for nine hours or more. Imagine a four-year-old who is given a gun without warning and forced to shoot the actor playing her mother so that production can get a spontaneous reaction. Imagine an 18-year-old finding that his parents have spent all of his earnings and left him with a bill for three years' unpaid taxes. These are some of the reasons why we need Bill 71, an act to protect child performers. You'll find more in our written submission.

I'm Sue Milling, the executive director of ACTRA Toronto. With me are Kiara Glasco, one of the stars of the TV series *Copper*; her mother, Kimberly; our child advocates Tabby Johnson and Theresa Tova; and our friends who welcome and support Bill 71.

We've been negotiating provisions to protect child performers for many years. We may disagree with our producer partners about how self-employed contractors may be protected under the law, but we agree that there is a need to protect child performers.

We ask the committee and all stakeholders to measure all revisions and amendments against the paramount purpose of Bill 71, as outlined in section 2: "to promote the best interests, protection and well-being of child performers." Bill 71 gives legal force to the protections found in industry collective bargaining regimes and Ontario's child performer guidelines, and extends them to all Ontario child performers in five key areas: tutoring, income protection, workday and rest periods, parental involvement and responsibility, and health and safety.

Our submission has the details, but who better to talk about this legislation and what it means than Kiara and Kimberly?

Kiara?

Ms. Kiara Glasco: The adult content in *Copper* was very high, and I was protected by my mother, my tutor and, really, all of the people who were there to help me through everything that was going on. Belonging to a union is so important, because children are protected with proper hours on set. We receive tutoring that is beneficial to keep our education at a high standard.

For example, if I decide to leave my acting career, I will be well educated and I'll make sure that I'm not—I know what to do. That's the great thing about tutoring:

They keep you on top. I'll be well educated by this important agreement that ACTRA has.

Ms. Kimberly Glasco: I've watched my daughter on set, and it was very important to see how the tutoring and the psychological aspect of it helped throughout this difficult and complicated series. It was a very exciting event.

But I can also say on my side that right now we have an agreement on income protection where there's only a 25% portion that is given to ACTRA. I would love to see stronger guidelines in this for children who don't even have the chance to belong in a union, because, unfortunately, children are now litigating against their parents. It's a very common story, and it's unfortunate, but I really believe that they need to be protected by these guidelines as well.

Ms. Tabby Johnson: I'm Tabby Johnson, ACTRA Toronto child's advocate.

Ms. Theresa Tova: And I'm Theresa Tova, ACTRA National children's advocate, here to help my Tabby.

Tabby and I spend a lot of time talking to parents of both union and non-union child performers.

Ms. Tabby Johnson: We answer and hear the same questions over and over again from parents who want to know, "How do we keep our kids safe on set? How do I know if I'm doing the right thing?"

Ms. Theresa Tova: And it's sad to say that sometimes, we encounter parents who are blinded by stardust or dreams of fame and offers of money, and they fail to be able to advocate on behalf of their children.

Ms. Tabby Johnson: Everybody is a star sometimes—and so it's hard to say "no" when production comes up to you and makes you an offer you really are afraid to refuse. But that's not because the people in our business are mean, it's not because they don't care; it's because looking after kids is not their core business. They have other things to do. We need you to help them look after the kids on the show so we can all make fabulous work and bring billions of dollars into Ontario.

Ms. Theresa Tova: Our message is really clear: Children in this business were routinely being exploited before we came onto the case. They were continually being put in harm's way until ACTRA in 1995 and 1996 succeeded in the first comprehensive negotiation with a meaningful expanded minors' section, protecting minors in our collective agreements. Child performers on non-union sets—and the whole world is doing movies—are at risk still. Ontario law provides none of the special protections that these kids need.

Ms. Tabby Johnson: Ontario child performers—like my girl over there; now, she's a union girl—we need to do better. They deserve better. They need the protection that this bill, that we have all worked on, can bring to all kids who want to be a superstar.

Ms. Theresa Tova: That's our introduction and we welcome any questions. Thank you.

The Chair (Mr. Grant Crack): Thank you very much. I think it would be respectful to have the first line of questioning go with the sponsor of the bill: Mr. Miller and the NDP.

Mr. Paul Miller: My first question is to Sue Milling. Legislative protection of child performers has been a goal of ACTRA for several years. Would you please tell me when you became involved in your goals for the legislation, and can you give me an example where a child performer needed medical or psychological care on set?

Ms. Sue Milling: Okay. I'll start with this one and then pass it over to Theresa.

We've been negotiating provisions to protect child performers for some time and have been looking to try to see those kinds of protections and the ones that we worked on jointly with our industry partners in the Ministry of Labour in developing—the guidelines for child performers—enacted into law. This really is the logical next step for us, to see those provisions, which we've worked on together in the industry in guidelines and in our agreements, taken to a point where they can be extended to all child performers.

Ms. Theresa Tova: The initial guidelines borrowed heavily from the ACTRA negotiations, from the ACTRA rule books. What we saw were children being set on fire for a fire effect—yes, "Oh, it's just a stunt. It's safe," but we watched footage where children were being absolutely traumatized.

We saw four-year-olds—the example we gave, a very, very famous actor coming out and putting this gun in her hand and a crew member had to pull the generator to say, "Why are you abusing this child?" It was just horrendous—or setting a fire in a tree house for a child that's up, up, way above the ground, and the mother is sitting, having a cappuccino.

The Boys of St. Vincent: a very famous, famous case where we exposed the abuse of children—but we shouldn't abuse children in the name of making movies, so we brought psychologists onto the set. They protected the children; they guarded them; they prepared them for this subject matter.

Mr. Paul Miller: Okay. A question to Tova—no, sorry, wrong one; to Tabby: What kinds of things do you hear from parents whose kids are working non-union, and why have you chosen to be a child advocate for ACTRA?

Ms. Tabby Johnson: I'm a child advocate because I'm 60 and I have been working in this industry since I was 10 years old. I have a grade 10 education because there was nothing put in place when I was working as a child performer.

I went back to university at 53—hello. I don't want that to be happening to my baby. I don't want that to be happening to any other children, that they end up being 50 years old with not even a full grade 10. That is why I became a child advocate for all children: Because it's important to me, as a mama, to look after your baby.

I know, sir, that you are wonderful with children—I read your bio; I'm sorry—so I'm just saying that I think we're all here for the same thing.

Mr. Paul Miller: Okay.

1630

The Chair (Mr. Grant Crack): There was only seven seconds left anyway. Thank you very much.

We'll go to the government right now.

Mr. Vic Dhillon: Thank you, Chair. I've been in this place for 10 years, and I've attended many committee meetings. I've got to say, this one was the most entertaining.

Ms. Theresa Tova: It's not over yet.

Mr. Vic Dhillon: Can you briefly tell us approximately how many child performers typically work in your industry?

Ms. Tabby Johnson: Oh, it's 8,000 and something—

Ms. Theresa Tova: No, no, no. We have 2,200 nationwide, and we've got around—we can get the exact numbers for you, but I believe it's over 1,500 in Ontario.

Mr. Vic Dhillon: In Ontario. Okay. And how many—

Ms. Theresa Tova: Members.

Mr. Vic Dhillon: Okay. And how many of these child performers would be excluded from your association?

Ms. Tabby Johnson: You see, we don't know who's working non-union.

Ms. Theresa Tova: Those are our numbers.

Ms. Tabby Johnson: Those are our numbers, as ACTRA. But, as you have read, there is Mandy's; there are many sites. Go to Kijiji or Craigslist. We can't go to all of those non-union places. That's why we need you to put this in place.

Mr. Vic Dhillon: Fine. If this bill was enacted, what impact would it have on ACTRA's agreements?

Ms. Sue Milling: We've negotiated fine collective agreements with our partners in film, television and in the commercial jurisdiction. I think that those agreements are recognized in terms of being able to adopt the best practices in the environment that we have. Really, this legislation is about extending provisions to the non-union environment.

Mr. Vic Dhillon: Okay. Thank you very much.

The Chair (Mr. Grant Crack): Any other questions? Ms. Damerla?

Ms. Dipika Damerla: Thank you so much for coming. I just wanted to ask—since you're saying that you can't track the kids who are going through Kijiji or whatever, so it's hard for you to get a handle, I guess my question is—I support the intent of the bill, but the issue then comes down to, if you can't track, how do we police the regulations? Any thoughts on that? It's one thing to put the regulation in place.

Ms. Theresa Tova: Tabby and I have been going out and doing a lot of education of parents, telling them their obligations to be with their children on sets. We do that with non-union parents as well.

Ms. Tabby Johnson: We go to libraries. We go to school basements.

Ms. Theresa Tova: Simple things like educating parents and going on talk shows and doing the pushes in the parent magazines, saying that it's your right to be within earshot of your child at all times, so that we avoid situations on a set where a seven-year-old is kung-fu-kicked across a trailer because he said the wrong thing to the star. We need to educate the non-union world as to their legal obligations as parents.

Ms. Tabby Johnson: With this bill, this gives all parents the opportunity to know what can happen, because you don't know that you don't know until you know that you don't know.

Ms. Sue Milling: I think the other thing is that the promotion that we will do of this legislation, and that the government will do of this legislation—it is sending a very strong signal to children and their parents that they are protected, that they have rights and that there will be a voice for them on sets.

The kinds of stories that we started out with in this presentation aren't ones that we make up. As Kimberly and I were chatting about before we started, they're ones that parents continue to hear about, whether they are on some of our sets or off sets. To be able to say that we're taking a proactive approach and we're extending these protections, that we know have benefited children like Kiara, to others in the industry, in an industry that is providing significant economic growth in this province, I think, is a really positive step for this government to take.

The Chair (Mr. Grant Crack): Okay, thank you very much. We'll move to Mr. Yurek from the Progressive Conservatives.

Mr. Jeff Yurek: Thank you, Chair. Thanks very much for coming out today. I'd like to see some passion in your answers, though. I'm not seeing the passion coming out.

Laughter.

Ms. Theresa Tova: You're tough.

Ms. Tabby Johnson: Good tie, though.

Mr. Jeff Yurek: Hey, thanks.

My question is, just looking over the hours of work and the break periods for the younger kids, especially the two-and-under: Is that enough time for the break period, that 20 minutes? I remember my daughter, when she was between birth and four, she needed her breaks. Now she doesn't take any breaks, and I'd maybe like to legislate her to have breaks, but—

Ms. Tabby Johnson: Kids who are in the business have a different temperament, I've discovered, but—

Ms. Theresa Tova: Let him finish the question. What's the question?

Mr. Jeff Yurek: Is that adequate? What's spelled out in the legislation—is that adequate break time?

Ms. Theresa Tova: Well, for the very, very younger kids, the reality in the business is they use twins and triplets in order to get their time in front of the camera. Then, on top of that, it's 20 minutes away from the set. On a lot of sets, when you're on locations and this and that, it will take you half an hour just to get back to your trailer. So you do get a rest period away; you get time off. It just means that production has to plan their day.

Mr. Jeff Yurek: So you set minimums, basically, and if it's going to be longer than that—

Ms. Theresa Tova: It's what the industry is doing now, and it works very well for them.

Mr. Jeff Yurek: In regards to, for our 12-year-olds, working possibly a 10-hour day, that's perfectly—

Ms. Theresa Tova: But it's only every two days; the third day they have to go back to a normal work hour so they can have a regular childhood outside of the industry.

Mr. Jeff Yurek: Okay. And Ms. Glasco, thanks very much for coming today. You said if your acting career fails, you're well educated, but I also would like to say you're well prepared to become a politician. If you come to Queen's Park any day you'll see a magnitude of performances going on. So thank you very much.

Ms. Cindy Forster: Good and bad, right?

Mr. Jeff Yurek: Yes, good and bad. Of course, mine are always excellent, if you ever tune in. I have the passion—no.

Thank you very much for coming in. I appreciate you speaking out for your generation, and I appreciate the rest of you supporting them. Thank you.

The Chair (Mr. Grant Crack): Thank you very much. We really appreciated it. And thanks for entertaining us.

Ms. Tabby Johnson: No charge.

PROFESSIONAL ASSOCIATION OF CANADIAN THEATRES

The Chair (Mr. Grant Crack): Okay, so next up would be the Professional Association of Canadian Theatres, PACT, and I believe we have Ms. Lucy White with us, executive director. Welcome, Ms. White. You have five minutes.

Ms. Lucy White: Good afternoon. Thank you very much for the opportunity to speak to Bill 71, a very important and timely bill. I'm the executive director of the Professional Association of Canadian Theatres, and I wish to say, on behalf of all of our members and together with my colleagues at the Canadian Actors' Equity Association, how strongly we support the objectives of this bill.

PACT represents more than 140 professional theatre companies in the country; 40 of them are here in Ontario. That includes theatres like the Stratford and Shaw festivals in southwestern Ontario; Magnus Theatre and Sudbury Theatre Centre in the north; the Great Canadian Theatre Company, the St. Lawrence Shakespeare Festival and the Thousand Islands Playhouse in the eastern part of the province. Our members are predominantly not-for-profit charitable organizations, and they produce high-quality theatre experiences for Ontarians. PACT is mandated to ensure the best possible working conditions for artists and arts workers and for supporting classic and contemporary theatre work across the province.

Children are integral to the world of theatre. Whether attending theatre school during school breaks, experiencing the excitement of theatre in the audience or expressing their creativity as artists on stage—in parts as different as Anne Shirley in *Anne of Green Gables*, Noah Gellman in *Caroline, or Change*, or Billy in *Billy Elliot*—child performers are treated as the professional artists they are. Their best interests and safety are of paramount concern to us.

Children require and deserve special consideration, as they are among the most vulnerable members of society. The Canadian Theatre Agreement, jointly negotiated between the Canadian Actors' Equity Association and PACT since 1977, includes comprehensive provisions to ensure that specific and appropriate care and attention are given to child performers. Our agreement stipulates that child performers shall be treated with respect at all times, and provided with additional consideration in the areas of supervision, training, hours of work, interaction with others, and permission of, and communication with, parents, guardians, schools and the children themselves.

Our recommendations today are made jointly with our colleagues from the Canadian Actors' Equity Association, and are technical ones designed to amend the provisions concerning tutoring, chaperones, child supervisors and the section on mental or emotional stress, in order to provide clarity and consistency with the existing Canadian Theatre Agreement. They do not impact the objectives of the bill.

Very briefly, we would like to recommend that under the definition of "child performer," the age be 15. That would be consistent with occupational health and safety standards elsewhere in the country.

1640

We would like to see the tutoring provisions be separated between live performing arts and the screen-based industries. They are different working environments. We'd like that to be reflected only in three places.

Section 7(2): We would like the parental responsibilities to be paramount, and therefore we would like to reduce the employer's role to reflect the provisions that they shall "make allowances in the schedule," which is already practised in the industry, for the child to receive tutoring. We think it's important and crucial for the parents and the schools to be consulted and to be the ones guiding the assignments, provision of equipment and so on, rather than the employer by way of a tutor.

We'd also like to see 7(2)(b) clarified to include the word "complete" to make it clear we're talking about entire school days and not part school days.

For 7(4), paragraph 4, we thought that if we omitted the section about tutoring to occur in the first two hours of the workday, that would allow for the usual work habits, the insertion of fittings and those kinds of things that will arise in live theatre. This is already commonly done, and it seems to be working fairly well.

The Chair (Mr. Grant Crack): Thirty seconds.

Ms. Lucy White: I'm going to skip over to make the point that in the Canadian Theatre Agreement it is already stipulated that child supervisors must be 16, but must be trained child supervisors, which is distinct from chaperones, who are untrained. We'd like to see that amended in the bill.

Finally, the section on mental and emotional stress is extremely important, but it is unclear. We're looking for some clarification around the application and scope of the appropriate medical and psychological care, because we're keen to ensure the well-being of child performers,

but we need more guidance for parents and employers, and we'd like to see some regulation around that.

The Chair (Mr. Grant Crack): Thank you very much. We'll move to the government side. Mr. Dhillon.

Mr. Vic Dhillon: Thank you, Chair. In a given year, how many child performers typically work in the industry?

Ms. Lucy White: My association can't track that information, but my colleague from Canadian Actors' Equity may have that information.

Mr. Vic Dhillon: And how many of these child performers would not be ACTRA or Equity members?

Ms. Lucy White: Again, I can't track that information, as the producers.

Mr. Vic Dhillon: Okay. If this bill was passed, what effect would it have on your organization?

Ms. Lucy White: While we believe that our current collective agreement does an extraordinarily good job of protecting child performers and we believe that we would be very consistent with the objects of the bill, if we were to make these technical amendments, we think that it would improve the bill and continue to protect children.

The Chair (Mr. Grant Crack): Ms. Damerla.

Ms. Dipika Damerla: I was just wondering, what difference does it make whether the child is defined as under 18 or under 15, from your perspective?

Ms. Lucy White: I was looking at the occupational health and safety sections as a reference point, to see what difference it would make. I think the difference is around cognitive abilities, around training, around a growing independence for children. So what we find is, even in the provisions around things like child supervisors, that the needs of the older teenagers, the 16-, 17- and 18-year-olds, are very different. We feel that it would be consistent with the existing law to lower the age range slightly. That was our thinking.

Ms. Dipika Damerla: How much time do I have?

Mr. Grant Crack: One minute.

Ms. Dipika Damerla: My other issue: I think what you're hinting at is that you already do make provision for tutoring, but the issue is, who is going to pay for it? Is that what you're hinting at? I'm just trying to understand, because I'm looking at your amendment, and it's not clear to me.

Ms. Lucy White: The way that we were suggesting the amendment would happen would be, first of all, to be clear about when tutoring is required, and then allow, in the rare instances in live theatre—which is very different from film production and TV production, in terms of the hours—allow the conversation to be happening between the parents, the schools and the theatres.

For very long-running shows, like something like *The Sound of Music*, you would have different provisions being made between the producers and the parents around the provision of tutoring. For short-running shows that are running three or four weeks, and the children are only out of school for two or three days, perhaps over the Christmas break, it doesn't make sense to require the producers to hire and pay for tutors. This is outside their

area of expertise, and we feel that that's a parental responsibility.

In jurisdictions like Stratford, the relationship between the local schools and the festival is very collegial and well understood, and everybody works well together because they're doing it together.

The Chair (Mr. Grant Crack): Thank you very much. Mr. Yurek, from the opposition.

Mr. Jeff Yurek: I just have a couple of questions on your amendments. I'm just reading them for the first time, so you'll excuse me if they come out silly.

You're asking to decrease the defined age of a child performer to 15 and under, from 18. Would that, therefore, take away the whole educational aspect for a 16- and 17-year-old? That kind of takes them out of this whole bill, then, does it not?

Ms. Lucy White: Yes.

Mr. Jeff Yurek: All right. It's not a tough question. I just wanted to clarify, because my concern is—I might be pessimistic, but I think a lot of potential actors may not make it. To take them out of ensuring that there's education provided for kids in their teenage years—I want them to be productive members of society when they're done and ready, so that they can move on with their career or maybe move into the producers or move their way up through the other channels, and they have the education there. So my concern with that amendment would be that they lose that opportunity.

Ms. Lucy White: As it would be mine. The intention was to make the age consistent with other aspects of working in Ontario.

What it did not intend—and I will be rethinking this. It did not intend to eliminate the tutoring provisions for children older. What it intended to do was be consistent. After all, children 16 and up don't have to attend school. However, the working traditions in theatre would be absolutely to accommodate those children.

So it's not meant to eliminate it, but I would have to look at that provision again.

Mr. Jeff Yurek: My personal feeling is that kids shouldn't be allowed to quit school until they're 18, but that's myself.

Ms. Lucy White: I agree, but that's not what the law says. We're trying to be consistent.

Mr. Jeff Yurek: We'll talk to them and change it.

My question on the chaperones: You want to change it from two and a half years and older. Why did you pick six years of age as the cap?

Ms. Lucy White: We feel that children should be with their parents—and up to age six, absolutely. The parents need to be in the theatre.

However, from six and up, we feel that, cognitively, children are able to be supervised by trained child supervisors, and so there would be a kind of redundancy of people available, people on set.

Our collective agreement says that the parents must be available to the child, but when you're thinking about the very limited, often very restrictive, area backstage in a theatre—very different from a film set—the numbers of

people that this bill could allow to be backstage would potentially cause another health and safety problem, the kind of thing we're trying to prevent.

By restricting it to those children who most need to have their parents with them, we think we're coming to a nice compromise between the objectives of the bill, which we support, and the realities of working in live theatre.

The Chair (Mr. Grant Crack): Okay, thank you very much, Mr. Yurek.

Interjection.

The Chair (Mr. Grant Crack): Yes, sorry. Ms. Forster?

Ms. Cindy Forster: Thanks very much for being here and for your presentation. It seems to me, though, in listening to your presentation—we only have three minutes between the two of us—that some of the things we're trying to actually achieve in this bill—some of your proposals are somewhat retrogressive.

We currently have tutoring; we have a tutoring clause in the bill. It seems to me that you're suggesting that now the burden and the cost of that tutoring should actually be placed back on the taxpayer at the school system, and the parents should be providing that tutoring.

1650

Ms. Lucy White: No. I'm sorry if I was unclear. What we're saying is that, in the rare occasions when children would actually be away from school, within the context of the bill's scope, the theatre producer, the parents and the school would need to come to some agreement about whether tutoring would be provided or not. It's not about putting the burden on the taxpayer. That's not what the amendments suggest.

Ms. Cindy Forster: So who currently provides tutoring?

Ms. Lucy White: For long-running shows, often it will be the producer. For short periods of time, it might be that the child goes to the school for extra help at different hours. There are all kinds of ways to address this. It might be that, in the schedule of a rehearsal schedule, that child might be away for three days and never again, so you're going to need a different set of accommodations than you would for a long-running show. I'm saying, leave the responsibility with the producer, the parent and the school to sort out what's best for the child in those circumstances.

Ms. Cindy Forster: You also made the comment that children 16 and up don't have to attend school by law, but you're certainly not suggesting that we should be promoting or facilitating the notion of children not needing a tutor because they have the right to not attend school in any event.

Ms. Lucy White: No, I'm not suggesting that at all. What I'm saying is that, to be consistent with the existing laws, lowering the age definition in the bill to 15 would be consistent with other aspects of occupational health and safety, as I understand them.

Interjection.

Ms. Cindy Forster: No, that doesn't mean that's good.

The last question was with respect to reducing the age on child supervisors. What was the intention of actually doing that? It seems to me that 21 would be a good age for supervisors to be when they're perhaps supervising children who are almost the same age as them.

Ms. Lucy White: Right. Okay, so our experience is that to have any consistency with child supervisors, which will allow for the training that they are obligated to have, by the time someone reaches age 21 they are no longer available to be child supervisors in the theatre. What we hear from our members is that they look for the most qualified individuals who are available at the time when child supervision is required—so, rehearsal day or a performance day—but that it's very difficult to find anyone over 21, so we would eliminate the 16 to 21 year-olds who are already working, qualified and trained to be child supervisors.

The Chair (Mr. Grant Crack): Okay. Thank you very much, Ms. White. Thank you for your time and for coming. Very informative.

Ms. Lucy White: Thank you.

CANADIAN MEDIA PRODUCTION ASSOCIATION

The Chair (Mr. Grant Crack): Next on the list is the Canadian Media Production Association. I believe there will be three members coming forward: Mr. Mastin, Mr. Ross and Mr. Bawcutt.

Welcome, gentlemen. Please state your names for the record. You have five minutes. Thanks for coming.

Mr. Reynolds Mastin: Thank you very much, Mr. Chairman, and our thanks to the standing committee for inviting us to provide you with our comments on Bill 71. With me is Warren Ross, who is the CMPA's national director for industrial relations, and I'm going to give a more formal introduction to Mr. Bawcutt in my opening remarks.

Warren and I, of course, represent the Canadian Media Production Association. We are Canada's trade association for independent film, television and digital producers. In 2011-12, the production sector in Ontario generated \$2.5-billion worth of economic activity and over 50,000 high-quality full-time jobs, the best performance in the industry's history, an industry that is currently one of the strongest in the province.

We're very pleased to have with us Michael Bawcutt, who is production manager on Degrassi, one of the most successful children's television shows in Canadian—maybe even global—history, and which has proven itself an industry leader in the protection of child performers. Michael?

Mr. Michael Bawcutt: Thank you. There are many factors that account for the Ontario production sector's success and its ability to provide tens of thousands of jobs to Ontarians, but one that has been absolutely critical is the reputation it has built for having a solid, stable and predictable labour relations environment.

This brings us to Bill 71. The protection of child performers is an issue of central importance to ACTRA,

the CMPA and CMPA members producers. It's why for decades the agreement that producers negotiated with ACTRA called the independent production agreement, or IPA, has included an entire section exclusively dedicated to providing enhanced protection to minors. Perhaps not surprisingly, therefore, many of the provisions in Bill 71 are a mirror of, or are inspired by, equivalent provisions in the IPA.

Further, in each round of IPA bargaining, producers and ACTRA have worked collectively to continue to improve the protections afforded to child performers, including in the most recent round of bargaining. We believe our joint focus on the protection of child performers serves as a true labour relations success story.

Mr. Warren Ross: We therefore respectfully submit that, given the strong bargaining history we share with ACTRA and our mutual commitment to date, the IPA works, including, and most especially, when it comes to protecting child performers. We're therefore asking the committee to consider certain key amendments to the bill.

The first is to provide that the bill does not apply to those productions that are signatory to the IPA. Adopting this amendment would recognize that there is a mature bargaining relationship between producers and performers. Having Bill 71 apply to productions already governed by the IPA would set a precedent that would encourage performers and producers to ignore the deal that was negotiated at the bargaining table and instead attempt to achieve their goals through political lobbying, a process that runs contrary to the very fundamental tenets of labour relations.

Now, we absolutely recognize the fundamental importance of protecting child performers, and we therefore submit this bill must apply where protections for child performers do not exist, namely productions not signatory to the IPA.

Next, while the bill and IPA touch on many of the same issues, the language used in the bill differs substantially from the IPA in many key respects, thereby essentially creating two different standards within our industry. We therefore propose that the bill be amended so that its provisions match the substantive elements of those enumerated in the IPA, creating a uniform standard that would apply to all productions in the province. Having this uniform standard would also further stability and predictability in the industry and would avoid the almost certain challenges with application where two entirely different standards are being applied at once.

Mr. Reynolds Mastin: Finally, we would propose amendments to certain defined terms to reflect the fact that child performers, like any other performer, are typically engaged by producers as independent contractors. To ensure the bill actually applies to those it seeks to protect, these changes would be essential.

To summarize, our requests are threefold: first, to have Bill 71 only apply to productions not governed by the IPA; second, to have the provisions in Bill 71 substantively match those contained in the IPA, thereby

creating a uniform standard across the industry; and third, to change certain definitions to more properly reflect the legal relationship between producers and performers.

We are committed to working with you, ACTRA and other stakeholders to amend the bill in a manner that furthers the goal of protecting child performers, while at the same time preserving the stability and predictability that have been so critical to the production industry's success.

We thank you for your time and welcome your questions.

The Chair (Mr. Grant Crack): Well, thank you very much. I appreciate that. We'll move to the opposition. Mr. Yurek?

Mr. Jeff Yurek: Thanks, gentlemen, for coming in. You got me on this one. I don't know much about the IPA. I know you talked about it a little bit, but can we talk about it a little further, compared to Bill 71? What's the—

Mr. Warren Ross: The differences? Well, there's a number of differences. Some are minor—just different words used that effectively say the same thing. Others are entirely different standards. The main problem with this is the confusion that would result. If we assume that the bill is going to apply on an IPA-signatory production, you might say, "Okay, for the really obvious things it's clear which standard applies." But this bill, unlike a number of other bills such as the Employment Standards Act, is very, very specific; the ESA is very broad. The IPA is also very specific.

So if you take for example—we've spoken about it a couple of times today—the provisions respecting mental health, the bill talks about providing adequate medical care. The IPA talks about providing adequate psychological care or something of that nature. If I'm a producer, and I'm looking at that and trying to figure out which standard is the higher threshold I have to meet, it's not going to be clear to me. I'm not going to understand how I can be in compliance with that standard. When we're dealing with these issues which are about child performers, we don't really have room to guess. We need to get it right the first time, so it needs to be crystal clear.

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Mr. Jeff Yurek: Randy has one here.

The Chair (Mr. Grant Crack): Mr. Pettapiece.

Mr. Randy Pettapiece: All right, thank you. Is there a short form of the IPA that we could look at, that we could get?

Mr. Reynolds Mastin: Absolutely. We can provide you with the child performer section from the IPA for your review.

Mr. Randy Pettapiece: Okay, all right. I think that would certainly help out. It's mentioned so many times in here, an IPA agreement, and I just found the definition of it in there somewhere. I think that would certainly help the committee out, to be able to explain what you're talking about—

Interjection.

Mr. Randy Pettapiece: No, not that thick.

You said that there are different words that pertain to the same thing and that it might cause confusion and that type of thing. If we could have examples of that, that would certainly help us when we're looking at—that would be most helpful.

Thank you, Chair.

The Chair (Mr. Grant Crack): Thank you very much. Mr. Miller.

Mr. Paul Miller: Gentlemen, how are you today? I talked to you earlier today.

Obviously, you favour a system which can operate with providing protection for children in the industry. Obviously, you've stated that, and you would be 100% behind that.

Explain to me why you would have two different standards. You think that yours is good, and that's fine. You've negotiated that with ACTRA over the years, and you think it's fine and it covers everything. And yet you want my bill to go forward, to protect people who are non-unionized, because you like the content and you think it would be good.

Now you're saying that you want ACTRA—you have created two standards. I'm saying this bill will create one standard for the industry throughout, unionized or non-unionized. This has nothing to do with your collective agreement. This is over and above it. This is to protect children. This has no negative impact on your present agreement and does not jeopardize it.

You're making it look like it may have a negative impression on your further negotiations with ACTRA and Equity or whoever you deal with. I don't think that's the case, because this is about protecting kids. Could you answer that?

Mr. Reynolds Mastin: Certainly. I have to say that what was striking about ACTRA's presentation earlier, and particularly Kiara's and her mom's when she was talking about the high standard of education they received, the high quality of tutoring, the psychological care—they have all of that because of the IPA between ourselves and ACTRA. All the parties to the agreement, who work with it and live it every day, are familiar with its provisions. When issues arise, because they're familiar with its provisions, they can deal with them in an expedited way. In fact, one of the features of the IPA is there is an expedited grievance process when anything arises with respect to the child performer section.

My take-home from their presentation was that the IPA works because all the players understand it—because they drafted it collectively—and the key thing—

Mr. Paul Miller: Well, with all due respect—I know you're trying to keep it going.

Mr. Reynolds Mastin: —is to have that apply to non-union productions.

Mr. Paul Miller: With all due respect, the IPA, in your opinion, is fine. Why would ACTRA and Equity and all the other people in Ontario come to me and work with me to improve it, if they felt that yours was efficient, fine; you can deal with it in-house; you don't have to expand it, only to people who are non-union? That

doesn't make sense to me. If it's good for non-union, it's good for union, and the bill is good for everybody. You want it to be the same across the board? That's how you do it.

What you're doing is creating two sets of rules: unionized collective bargaining on one side, non-union on the other. That's not what this is all about. This is to make an umbrella situation for everybody in the province. What you're doing is making it worse by saying that, in your opinion, your set of rules is fine. But obviously, the actors don't think it is, and they want to expand on it.

I have a real problem with what you're saying. I don't think that you're forecasting exactly what's going on here, because why are we here? Why did they come to me? Why are they pursuing this—and I've been working on it for six years—if everything's hunky-dory? I don't think it is.

The Chair (Mr. Grant Crack): There are three seconds left, but I will afford you some time to respond.

Mr. Reynolds Mastin: Well, maybe I misunderstood what ACTRA was saying a few minutes ago, but they were also describing what we've achieved under the IPA as an industry success story.

The other thing that was actually quite striking, in response to your questions, Mr. Yurek, is that they gave, I think, very persuasive answers, and the reason why was because they could rely on the IPA, which is something we've negotiated, and we've figured out what works for child performers.

We're not proposing two standards. We're proposing the IPA standard that would be uniform across the industry.

Mr. Paul Miller: Your present standards.

Mr. Reynolds Mastin: The standards in the IPA.

Mr. Paul Miller: There's no room for improvement, is what you're saying?

Mr. Reynolds Mastin: We'll be sitting right down with ACTRA in two years, and we're open to having those discussions, as we always do.

Mr. Paul Miller: Two years from now. So there's no room for improvement—

The Chair (Mr. Grant Crack): Thank you very much. Thank you, Mr. Miller.

I believe that's—you've already asked questions, have you not?

Mr. Vic Dhillon: No.

The Chair (Mr. Grant Crack): Oh, I'm sorry. Okay, very good. Go ahead. Government—

Mr. Vic Dhillon: Thank you, Chair. Thank you very much for coming today. If Bill 71 were to apply to all children currently working under the IPA, what impact would that have?

Mr. Warren Ross: Sorry, could you—

Mr. Vic Dhillon: If Bill 71 were to apply to all children working under the IPA, what impact would that have?

Mr. Warren Ross: I suppose that would depend on which amendments—if our amendments would be approved or not. If we're saying, as currently drafted,

then I would say that a sort of confusion would arise as a result of these two different standards simply because the bill is so detailed and the IPA, obviously, is so detailed.

Any difference in those standards would lead to confusion as to which one to apply, which one would be the higher standard and which one we'd need to get right. Our position would be that, if there is any confusion, we should be relying on the experts in the field who have actually negotiated the IPA and who understand exactly what is necessary, especially since ACTRA is one of those parties, and simply apply that standard as the one that would govern the industry.

Mr. Vic Dhillon: How do you think the IPA differs from Bill 71, and would it be bad to also have Bill 71 apply?

Mr. Warren Ross: We've touched on the provision of medical information. I think it's important to note that Bill 71 isn't necessarily better or worse than the IPA; it's different. There are a number of provisions in the bill that—in our view, at least—could actually lead to harming child performers.

There are a couple of examples. For example, we talked earlier about the importance of education, tutoring and this sort of thing. In the IPA, we have a provision that requires parents to ensure that they provide to the producer the child's assignments and schoolbooks from the teacher. That provision is not required under the bill, so in terms of consistency, especially if we're talking Degrassi, for example: The kids on that show will often appear a couple times a week—one or two days—and then they're back in school. You're jumping back and forth. If there's no requirement for the parent to be providing those assignments under the bill, then I can only imagine how confused that child is going to be when it comes to the consistency of the education they're receiving and the problems that could result from that.

The Chair (Mr. Grant Crack): Okay, well, thank you very much. I appreciate you coming before the committee.

Mr. Warren Ross: Thank you.

CANADIAN ACTORS' EQUITY ASSOCIATION

The Chair (Mr. Grant Crack): Next we will call upon the Canadian Actors' Equity Association. I believe we have Ms. Ryshpan. Welcome.

Ms. Arden Ryshpan: Thank you very much.

The Chair (Mr. Grant Crack): If you could just state your name for Hansard, it would be much appreciated. You have five minutes.

Ms. Arden Ryshpan: My name is Arden Ryshpan, and I'm the executive director of Canadian Actors' Equity. Thank you very much for inviting me to speak this afternoon. Equity represents nearly 6,000 professional artists, including performers, actors, singers, dancers, directors, choreographers, fight directors and stage managers engaged in theatre, opera and dance in English Canada.

I stepped on my first film set at the age of six. By the time I was 14, I was an ACTRA member with a continuing role in a soap opera. I had an entirely different kind of stage parent: Both of mine worked in the business. My father was a stage director and acted in both stage and film, and my mother was an executive with ACTRA.

Pretty well everyone I worked with, whether on a film set, in a commercial, when modelling or doing voice work knew one or both of my parents. I was as safe on a set as a child could be, often surrounded by people I had known for years and who had been guests in my home. I was lucky, because back then—and this was quite a while ago now—there was little to nothing in any of the collective agreements, either for film or live performance, specific to the needs of children.

Over the years, the collective agreements have gradually been improved, with significant changes in live performance coming in the last round of bargaining with our colleagues at PACT. Kids who work with a union contract in either the live or the recorded sector are pretty well taken care of. We would always like to see further improvements, and we will continue to press for more changes in each round of negotiations in the future. But this bill is really designed to protect child performers who have neither a professional association nor parents in the business to look after them, to protect the kids who are doing this because they love it.

From my own time working on the sets as a technician, and then later at ACTRA, I can give you a number of horror stories about children being abused; about parents being bribed with cash to ignore the union rules and let their children work well into the night; about the child whose parent has a drinking problem and was abandoning the child at night, taking the per diem money, using it at the bar and not feeding the child; or about a film made by an extremely well-known Canadian director, where my own brother and sister, who, at the time, were about eight and 11, were deliberately not told that the Santa Claus on whose knees they were sitting was about to get shot to pieces, in order to ensure a spontaneous reaction from them.

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I can also tell you about the major stage production in Toronto where, the week before opening, the kids, some as young as six and seven, worked a 54-hour week, and no parent told us what was happening until it was over.

These stories take place in a unionized environment, where there are protections in place and people on call to enforce those rules. This is what happens in a regulated workplace. What happens in a non-regulated one?

This bill basically mirrors the terms and conditions of our agreement with PACT, and we believe that those terms and conditions are reasonable working conditions for children in our business. We're not seeking to achieve through legislation what we have been unable to achieve through collective bargaining. We are looking to ensure that kids working in a non-union environment, whether it be for film or television or commercials or on stage, get a modicum of protection in Ontario.

It's important to understand that even though the kids who participate in a production love it, it is work. It is the same work done by an adult. An adult is able to pull themselves together, to go in on a day when they don't feel like it and make it work, and that takes great discipline. Imagine the discipline required from a seven-year-old to come to rehearsal and do the same thing over and over and over again, and then be ready, willing and able to go on stage several nights a week in front of a huge crowd. For any of you who have children, think of the time it takes to get your seven-year-old out of bed.

The Chair (Mr. Grant Crack): Okay. Thank you very much. Mr. Miller.

Mr. Paul Miller: Arden, with your experience in stage productions, what is the age when a child performer could comfortably be considered adult enough to not need this additional protection?

Ms. Arden Ryshpan: I think that's very difficult. I don't think that there is—certainly, small children need this additional protection. I think our collective agreement provides a certain amount of protection already. But children are children, and they come in all sorts of capacities and abilities to function. They have greater comfort being in a workplace than other children. I don't know that it's comfortable to cut the age off at—

Mr. Paul Miller: Okay. What was your experience with schooling when you were a child performer, and what would you have made better? Does this bill help?

Ms. Arden Ryshpan: There were no provisions when I was a child. I left school. I was a very good student; I was able to make up the time myself. But there were absolutely no provisions made for any additional tutoring at all for any of the time that I missed.

Mr. Paul Miller: Do you feel that this bill covers a lot of areas that are weak and certainly need enhancement and improvements?

Ms. Arden Ryshpan: I do indeed. That's why we're here. That's why we work so closely with our colleagues at ACTRA. That's why we've worked closely with our colleagues at PACT. We're very concerned about ensuring that this bill goes through.

Mr. Paul Miller: So you obviously have read the bill. Do you feel that there's anything in that bill that should be deleted?

Ms. Arden Ryshpan: I don't believe there's anything that should necessarily be deleted. There are a few things in there which are not entirely consistent with our agreement. I'm comfortable with the terms in our agreement, certainly, and in the amendments that we have made. As I said, the amendments merely suggest bringing certain areas in the live performance sections into alignment with what's in our agreement.

Mr. Paul Miller: All groups that have made presentations here, you feel, could work to enhance the bill, to make it reasonably acceptable to everyone, for the betterment of children. Would that be a fair statement?

Ms. Arden Ryshpan: I would certainly hope that everybody who has come here this afternoon is prepared to make that commitment, yes.

Mr. Paul Miller: Thank you, Arden.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Miller. We'll move to the government: Mr. Dhillon.

Mr. Vic Dhillon: Thank you very much for coming today. Can you tell us, from your experience, some more about how children's mental or emotional stress is addressed in the workplace?

Ms. Arden Ryshpan: I happened to be working at ACTRA at the time when *The Boys of St. Vincent* was being produced. Obviously, that's a situation where children—it's a story about children who were abused sexually. It's extremely important that children, when dealing with that kind of material, are appropriately prepared.

Things are a little different on stage than they are on film. Things are not as realistically portrayed in some respects, but there are times when there might be scenes of violence or sexual activity where I believe that it's important that the child be appropriately prepared, and "appropriately" is a little bit difficult to define. Are we talking about a seven-year-old or are we talking about a 12- or 13-year-old? And what kind of a scene are we talking about? I think that has to be a conversation held between the parent, the child and the production, based on the material that's being performed.

Mr. Vic Dhillon: Can you tell us a little bit about the current arrangement for breaks and snacks?

Ms. Arden Ryshpan: Our agreement allows for regular breaks during the day. There are now, in our agreement, provisions where the producer needs to provide appropriate snacks for children. In that case, that may, in fact, mean providing a peanut-free environment in some cases, and ensuring that there are healthy things there for children and not just sugary snacks that'll make them bounce off the walls.

Mr. Vic Dhillon: Is it a common practice to provide snacks?

Ms. Arden Ryshpan: It really depends on the production. Normally, because people are there for the day and they're let go for lunch, often people bring their own snacks. It's a little different in film and television, where there's always catering and what they call "craft service" provided. It's a little different in theatre; it's not as big an issue in live performance.

Mr. Vic Dhillon: My colleague has a quick question.

Ms. Dipika Damerla: No, I'm fine.

Mr. Vic Dhillon: Okay, thank you very much.

Ms. Arden Ryshpan: You're welcome.

The Chair (Mr. Grant Crack): Okay, thank you. Mr. Yurek from the opposition.

Mr. Jeff Yurek: Thank you, Chair. Thanks for coming in today. For the record, my nine-year-old daughter bounces out of bed at 6, and it has improved since she was seven. It was 5 in the morning every day. She's good that way.

My question is on PACT's recommendations; I'd like to get your opinion on them. Reducing the age of a child performer to be defined as "15 and under"—just your thoughts on it. I didn't get a chance to ask the other groups.

Ms. Arden Ryshpan: Our agreement defines a child performer as 15 and under. Given the work hours in theatre, which tend to be often shorter than they are in film, once you're over the age of 16 or 17, the work day, the breaks, they're all quite reasonable, in our business. As I said, live performance is quite, quite different from film in that respect.

Mr. Jeff Yurek: Okay. So would you be for that amendment?

Ms. Arden Ryshpan: Certainly with respect to, as I said, live performance, that would be consistent with what is currently in our collective agreement.

Mr. Jeff Yurek: But it won't be any different. It's grouped together, is it not, Paul?

Mr. Paul Miller: What's that?

Mr. Jeff Yurek: It would be grouped together. You're not differentiating between live and—

Mr. Paul Miller: No, we're perfectly prepared to make amendments, different categories and—

Mr. Jeff Yurek: Okay, so that is possible.

Ms. Arden Ryshpan: Some of our amendments, in fact, are looking to separate live and film in some other ways in order to reflect the differences in the workplace.

Mr. Jeff Yurek: So, in live theatre, how would that affect their education proposal, if they're now no longer covered under that part of the bill?

Ms. Arden Ryshpan: The other thing that my colleague at PACT didn't express was that it is easier to organize a rehearsal schedule to accommodate a school-age child. The normal day for rehearsal is 10 to 6. It's not unreasonable for people to try and schedule rehearsals with children from, say, 3 or 3:30 to 6, which means in some cases, they might miss no school whatsoever.

Once they're in performance, if they are in their city of residence, they wouldn't be missing school necessarily at all, because they could spend the day in school and finish at 3 or 3:30 and then go to the theatre.

Again, that's much different from film and television where they have to get a certain amount of work done in a single location in a single day, and they're likely to need children for day after day after day after day for the entire day. The only time when that would happen would be in something like *Billy Elliot*, where the child is the star, and I know that the children who have performed in *Billy Elliot* have had to come out of school for extended periods of time and have tutors provided for them. But it's much rarer in live performance.

Mr. Jeff Yurek: Would the actor in *Billy Elliot* be over 15?

Ms. Arden Ryshpan: No, those boys were all either 11 or 12 years old.

The Chair (Mr. Grant Crack): Okay, thank you very much. I thank you for coming this afternoon and sharing your thoughts.

MS. SHIRLEY DOUGLAS

The Chair (Mr. Grant Crack): Now it gives me great pleasure to welcome Shirley Douglas to the floor. Good afternoon and welcome to the committee.

Ms. Shirley Douglas: Thank you very much.

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The Chair (Mr. Grant Crack): It's great to welcome someone who has the same birthday as I do, April 2.

Ms. Shirley Douglas: Oh, don't you love it? Why do we all love our birthdays?

The Chair (Mr. Grant Crack): It's a wonderful day.

Welcome. You have five minutes, and we look forward to hearing from you.

Ms. Shirley Douglas: I wanted to talk to you about what a film set is like. At any given time, there may be 100 or 110 people at that location. We have directors. We have the director of photography, the most important person there. We have the first, second and third ADs. We have hair and makeup artists, wig masters, costume designers, costume cutters, sewers, hats, shoes—all of our people, and the list is longer than that. All of our people, when they come to the set, know exactly what to do. They are professional people within their realm. At times, it's terribly busy.

I go to my dressing room for five minutes, put on my first costume which is hanging there, with the dresser helping me. I get there by 6. I'm always picked up at 5, I get there at 6—and straight into makeup. This is from somebody who has worked and worked and worked for years.

Into this very busy place that people have had no training about—have never seen a set—three children come; one 12, one eight, and one seven. We've never had them on a set before, usually. Something actors try to do is to become more acquainted with children, to know where they're going and what it's going to be like. But it is a very, very frightening experience for a child, and I've seen children just not know where to go while they're waiting. Unless somebody is in charge of children, they don't know what to do. So I think it's so important that the parents or the guardian be given help before they ever get to that set, and I think we have to do that at ACTRA: bring people in so that they learn what a set is about.

Everybody loves children—or one constantly hears how we all love children. But when you are making your living out of children, this gets to be a very difficult position.

I remember on *Wind at My Back*, which was the first time I ever filmed with children—and the first time I ever worked on stage with children was *Anne of Green Gables*. *Anne of Green Gables* was Theatre Calgary. I've never seen such a dangerous set. I was on stage, and I saw a giant piece of set coming, with 22 desks made out of wood and molten iron flying across the stage. None of us knew where to go. I know how to get out of the road, but I had the 22 children. So I can stop and say to the director, "This isn't working up here. You've got to come up here. I'm coming off the stage. I'm not working anymore. I'm taking them with me, and when we get this organized and there are no blue lights backstage so they can't see"—you have to take your job as a senior actor seriously. You have to help. You can help, but in the end you can't change some of the situations you're in.

I found the same thing on *Wind at My Back*, but to a greater extreme. Children who were supposed to be let go at 9 o'clock were still working at 11—and a mother being paid \$500 to allow it.

I'm tired of hearing everyone blame the parents all the time. I think anytime you take a parent who knows nothing about our business whatsoever, who has a child who wants to work in it—they drive them to the audition, they drive them to the set, and they have no idea what to do. They're not going to come up against a producer who says, "That child has to stay here till midnight tonight or he's not going to work anymore." The truth of it is, it wouldn't even work that way, because he's going to be in the series for three years.

In 1995, when I started *Wind at My Back*, what sent me down to ACTRA to say, "Our children are really being brutalized in almost every level of their lives"—do you want to ask me questions?

The Chair (Mr. Grant Crack): Well, yes.

Ms. Shirley Douglas: Or should I keep going? Do you want a speech?

The Chair (Mr. Grant Crack): I'm sure we'd all love to have more than five minutes of being here and listening, but we do have to follow the proper process. So I will pass it over now to my colleagues in government.

Mr. John Fraser: I've got three minutes, so if you need a little bit more time, you can take some of it. Just leave me a minute.

Ms. Shirley Douglas: No, no. You ask.

Mr. John Fraser: Thank you very much, Ms. Douglas. Thanks for your presentation.

I think understanding how a child would feel in that kind of circumstance—you can think of yourself being a 10- or 12-year-old amongst adults. There are not many children who have a level of confidence to be able to know what to do, and it's a pretty scary situation. It is surprising; if you looked at any other industry, these kinds of things would probably be looked at a little bit quicker than this has.

What are your thoughts on the bill?

Ms. Shirley Douglas: I'm very in favour of the bill. I think that if there are discussions to be had, they could be had, but certainly nobody can touch the school time for film and television. We worked very hard to get that, and I'll tell you, that was a struggle. It has been a tremendous battle getting children to school.

We have a little schoolhouse and there's a teacher there, and they have a half-hour session at a time. You can't run around saying, "We'll teach them while they're sitting there having tea." The children have got to be in a schoolhouse. They have to have their bottoms in the chairs. We're not talking about giving them multiplication tables in the back of a car while we're driving them somewhere. School has to be where you come, you sit down and you stay for half an hour. I think it's very hard. I'm very amazed at how well they do in these half-hour segments.

The first year I was there, we had a wonderful teacher. She looked after those children. She came onto the set to

see if they were all right and if they were behaving. This awful word, "behaving"—you're in a place where you don't know what to do.

I found a little fellow walking on the dolly tracks. When you bring a camera down, if it's going to follow you or come backwards—it's called the dolly. The kid was walking on it, and I called him over. I said, "It isn't just that you'll get in trouble; if I try that, I'm going to be in trouble. But I know where to go, so come with me and we'll stay here against this wall."

You have to do your part to look after them—because it's not the way we work. I know a lot of tragedies from the film business, and a lot of it starts at this level, of not knowing who you are, where you are or what's expected of you. Are you supposed to show off when the crew all yell at you? What are you supposed to do?

You need the protection of a building like the school, and you need very fine schoolteachers—not an ordinary teacher. It has to be somebody who can really teach in these half-hour segments and keep them up. Sarah Polley, for example, did very well because she had a great teacher. Her mother, who was an agent, saw that she had that teacher.

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Children are left too much—everyone loving them and having them work extraordinary hours in very dangerous situations—so we have to do something.

The Chair (Mr. Grant Crack): Mr. Yurek, from the opposition.

Mr. Jeff Yurek: Thanks for coming out, Ms. Douglas. I just want to ask you about the IPA. I'm feigning ignorance of the whole industry—I'm the first one to admit it. I'm a pharmacist; you can ask me drug questions all you want. What are your thoughts that Bill 71 should apply to productions not governed by IPA?

Ms. Shirley Douglas: Oh, absolutely. Those poor, wee things who are out on non-union sets are being—it's imperative that we get those children under the agreement.

Mr. Jeff Yurek: So Bill 71 should cover the works.

Ms. Shirley Douglas: Yes.

Mr. Jeff Yurek: Okay.

Ms. Shirley Douglas: And 18 and under. I'm not about to change the age.

Mr. Jeff Yurek: That was my next question. What do you think about changing the age from 18 to 15?

Ms. Shirley Douglas: No. In film, absolutely not—and here's one of my reasons that some people may not have thought of. Children are filming in Winnipeg and they get a per diem, maybe \$50 a day, whatever they get, so that they can buy their meals—16, 17, 18, alone in Winnipeg with a bit of cash. Do you think they're going to sit in that hotel room and not go outside? You only get shocked when all of a sudden a child is arrested for marijuana in the middle of Winnipeg: "Oh Lord, what happened?" Well, someone should have been looking after that child. I will not let go of 18 for anything in this world.

In the theatre, that often works better, but it works better for people who have parents who understand

everything. Lots of parents don't understand anything about the theatre.

I like 18.

Mr. Jeff Yurek: How about capping the age at six, for a chaperone?

Ms. Shirley Douglas: Six?

Mr. Jeff Yurek: Yes, that's one of the amendments—I guess it would be live productions—capping it to six, having a chaperone backstage.

Ms. Shirley Douglas: Oh, backstage. Once the chaperone is happy with the situation of how the play is going—

Mr. Jeff Yurek: They disappear?

Ms. Shirley Douglas: They cannot disappear, but they certainly don't need them backstage.

Mr. Jeff Yurek: Did you want—

Mr. Randy Pettapiece: We don't have much time, do we?

The Chair (Mr. Grant Crack): Twenty seconds.

Mr. Randy Pettapiece: All right. If you turn to page 27 of this magazine—

Ms. Shirley Douglas: What's that?

Mr. Randy Pettapiece: That's the one you gave us from ACTRA.

Ms. Shirley Douglas: Oh, yes.

Mr. Randy Pettapiece: You will see my picture in it, and I'm available for autographs at the end of the session.

Laughter.

Ms. Shirley Douglas: I'm lining up first, if you help me with this. If you help me with the bill, I'm with you.

The Chair (Mr. Grant Crack): He is certainly in that picture.

Mr. Miller, from the NDP.

Mr. Paul Miller: Thanks, Ms. Douglas, for coming in. It's really great to see you again.

Why do children need tutoring on a set, and do you think it should be left up to the parents or a local school to monitor the situation? Or do you believe tutors should be on a set with the child when they're needed?

Ms. Shirley Douglas: Well, they are. In film, they're on the set.

Mr. Paul Miller: But in other situations, they're not; like live stage or—

Ms. Shirley Douglas: I know that in New York City, they all go to school above the theatre, but that's a different situation. In some ways, it's different. It's such a large city, and getting there—they come in the morning and go to school upstairs, and then they come down to do the show. You're doing eight shows a week, remember, in a theatre: two afternoons—you've got Monday to Friday, a Wednesday matinee and a Saturday matinee. That is a very hard schedule for me, let alone somebody 10 years old.

Mr. Paul Miller: Is there a difference between the treatment of children on live performance sets compared to recorded performance sets?

Ms. Shirley Douglas: Yes, there is.

Mr. Paul Miller: Could you expand on that?

Ms. Shirley Douglas: Well, I believe that on a stage set, we're all actors—and we're only getting one or two of them brought in. So, there, the adults really do try to help the child as much as they can.

Mr. Paul Miller: How long have you been fighting for legislated child performance protection—legislated, not by regs.

Ms. Shirley Douglas: Well, I've always wanted it because—

Mr. Paul Miller: Guidelines and regs aren't as strong—would you feel that? Legislation is much stronger?

Ms. Shirley Douglas: When somebody says to you, "What you've got there is a kind of contract, but it's not law. We don't have to listen to you. We don't have to do what your little contracted actress says," this really becomes disturbing. That's when my realization of how much everyone loved children started to dim.

I'm merely asking all of you to do the best you can to help us help the children in our industry, because we need it. I can't bear to see a child who doesn't go to school anymore because no one tried. Often, our children are saved because they find what they like to do. Most children who want to be in the theatre or film for a long time really want to do it, so I feel it's up to us to help them achieve that.

Mr. Paul Miller: So would it be fair to say, with all your professional history and your many years of experience in this industry, that you like Bill 71?

Ms. Shirley Douglas: Yes, absolutely.

Mr. Paul Miller: Thank you.

Ms. Shirley Douglas: Thank you very much, all of you.

The Chair (Mr. Grant Crack): Thank you very much for coming. We really appreciate it.

MS. CLARA PASIEKA

The Chair (Mr. Grant Crack): It's my pleasure to welcome Clara Pasioka, part of ACTRA, as well, I believe.

Ms. Clara Pasioka: I'm an ACTRA and an Equity member.

The Chair (Mr. Grant Crack): Welcome.

Ms. Clara Pasioka: Good afternoon, members of the committee and guests. My name is Clara Pasioka. I am an actor. That means I'm a storyteller. Today, I would like to tell you some of my stories and the stories of some of my friends who have worked as minors on sets and stages in our province—true stories, some stories that I don't always say out loud, but I tell you them in the hopes that you can use them for good, and push this bill forward.

I think that people are good, in general. I've worked, professionally, with a lot of people who were mostly really nice. But grown-ups on set, even if they're really nice, can also be really busy and can also be kind of scary to talk to and to ask things of.

I started working as a performer as a teenager. During one of my first big projects, I banged my head when

someone who hadn't seen me was opening a trailer door. I wasn't knocked out or anything, but it hurt a lot. I probably should have told someone, asked for ice and had the medic check to make sure I was fine, but I didn't. I didn't want to make a scene or be a baby or slow things down. Thankfully, I was fine, but what if I hadn't been? If I had been too intimidated to speak up as a teen, imagine how much more intimidating it could be to talk to grown-ups if you're only 11. This is why having a chaperone is important. In that example, no one was doing something bad, but it wasn't someone's job to take care of me. It needs to be.

Between the ages of 16 and 17, I was working on a play. I played an only child in a family, so the other cast members were a lot older than me. They were around the same age as my parents. Because I was a keener academically, I used to have my notes and textbooks with me at the edge of the rehearsal room so that I could do my homework and prepare for exams. But what if I hadn't been such a keener student? I can tell you, a lot of my friends who were actors weren't so nerdy.

You learn so much in rehearsal rooms and on sets, but failing grade 9 or grade 10 math and having to take it over again really sucks, and it's all too easy that it can happen even if you only miss just a few weeks here or there, especially if you're in one of those schools that is semestered, which means that all of your classes are condensed into only three months. This has happened to more than one of my friends who were acting while they were in school and who weren't necessarily provided a tutor and all the time allocation. I think this is harmful. The tutoring requirements highlighted in this bill would help young people avoid the situation some of my friends found themselves in.

Also, FYI, trying to learn math formulas next to someone doing a scene with yelling is kind of distracting.

When I was 17, I was offered the lead in a feature film involving a violent rape scene which was not included in the initial audition material or breakdown. My agent had requested the full script prior to shooting, and it was only then that the scene was revealed to us, along with a couple of other scenes of a controversial nature. I was sort of nervous to do the scenes, but I was so excited and I told myself, "It's just acting." My mom looked at the script, along with my agent, and together they decided that the rape scene was too frightening and too potentially harmful to my own emotional and sexual development for us to go forward with changes being made.

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In the end, I lost the job. I was kind of mad at my mom and my agent for a while, actually. I thought I was big enough to decide for myself, but I am so grateful now that I didn't do it, because I wasn't ready to think about the possible repercussions. It was only as I became older that I realized how much I valued my mom looking at the script and making a decision I wasn't ready to make. And even though I don't really like to admit when my mom's right, 17 wasn't 18, and she totally was. I wasn't grown up, not sexually or emotionally or otherwise.

I only work on union sets and stages now, which means that I am lucky enough to be protected by the collective agreement language negotiated by my unions, ACTRA and Equity. I'm not a minor anymore, but because I do play a lot of characters who are in their teens, some of my co-stars are often 13 to 18 in reality. We become friends, and I often forget they're younger than me in real life, because when we're acting, we're playing the same age.

It's actually only every once in a while that something happens that makes me remember. I'm reminded that they might have needs that are different than me, and as much as my younger friends might not always like to admit it, I see how grateful they are when their mom is there to advocate for them when they're feeling really sick on set and don't want to make a fuss, or to encourage production to release them from set as early as possible so they aren't doing a billion hours of overtime. It also makes me happy when they go to the tutoring room to do math, even if I miss hanging out with them, because I don't want them to fail math, either.

When I first learned that there weren't really laws to protect child performers working on stage and screen in our province, I thought it was kind of ridiculous and also kind of scary. Maybe it's because we don't really think about children working, because we don't generally do that in Canada. But here's an exception, a situation where they absolutely do, every day.

So I hope that my stories can help you remember that minors of all ages are working, that they are citizens of this province, that they pay taxes on their income and that they need and deserve the protections offered by this bill, protections that you can ensure by doing all that you can to assist in its passage into law.

It's really not that complicated, and it's not partisan. It doesn't ask you to favour one set of kids over the other. Kids aren't Conservatives, Liberals or NDP. They're just kids, with the same needs that all kids have: to rest, and play, and education and protection from harm. Bill 71 will ensure that those needs are met. This will not affect the stability of the industry in any way, beyond avoiding safety issues that could arise and creating happier, healthier adults.

I know that my unions are looking to extend the great benefits they have negotiated with the industry partners to all child performers, including non-union. This bill doesn't protect minors from everything, and it certainly doesn't make being a young actor a piece of cake. But from my experience on set and in rehearsal as a minor, and then as a young adult working in a lot of projects where a lot of my co-stars are still minors, and even more recently as a producer myself, where I've actually hired a minor, I truly believe that minimum thresholds and guidelines that this bill includes would be an invaluable asset to protecting children in our province.

Thank you, and I welcome your questions.

The Chair (Mr. Grant Crack): Thank you very much, Ms. Pasioka. I believe we're going to be starting with the opposition. Mr. Yurek.

Mr. Jeff Yurek: Thank you, Chair. Thank you for coming in, Ms. Pasieka. Did I pronounce that right? Is that—it's not Polish.

Ms. Pasieka: It is Polish-Ukrainian. My parents are actually Irish, and it kept getting passed down through the males, so I don't really know that much about the history of that.

Mr. Jeff Yurek: Interesting. A question just came to mind, and Doug mentioned it earlier, but I just haven't had a chance to ask this. Is there a law like Bill 71 in other provinces in this country?

Ms. Clara Pasieka: There is a law in at least two other provinces that I know of; I want to say BC and Quebec. So there are two other laws that include things related to that.

Mr. Jeff Yurek: I guess I'll ask you the questions about changing the child performer age down to 15. What are your thoughts?

Ms. Clara Pasieka: I would not be in favour of that. For me, I entered professionally when—yes, I wasn't 10 when I started working professionally, but as I've indicated in some of my stories, and I'd be happy to share others, there are certain things that arise that even though you think you're super-cool and you're just all ready and you like hanging out with the grown-ups, there are certain things that arise, like the story that I indicated—that you're not really ready to deal with certain things on your own.

Just as an example, let's say that I had done that film or a film like it, that had completely controversial material in it, and I needed support from my mother. I was 17 at the time that I would have done it, and if I needed support from my mother—if it's lowered to 15, then I wouldn't have had that.

I think there's a reason that we say children need to be protected and have decisions made for them until they're 18. I think that you're putting children in really high-stakes, sometimes frightening situations. Sometimes, like with me, as a child, even though you think you know best, you don't. I was really mad at my mom for making that decision, and I'm really, really happy that she did at this point.

Mr. Jeff Yurek: I find it interesting: There are TV shows and movies that I wouldn't let my daughter watch; however, there are kids her age being filmed in them. I always wondered how they mitigate that stress to the actors.

Ms. Clara Pasieka: There are definitely a lot of things that can be done on set. I only work on union sets and union plays now, and there are definitely certain things that are included, so that when you're filming certain things, you can protect the children. Let's say you were doing a nude scene, where a naked man approaches a little girl. They wouldn't actually shoot it where the man is approaching the kid, so the kid isn't actually seeing that experience. There are certain things that they can do to protect them. I think those types of guidelines that we have, and having them furthered into law, are really, really important.

Mr. Jeff Yurek: Thanks.

The Chair (Mr. Grant Crack): Mr. Miller.

Mr. Paul Miller: Hi, Clara. How are you doing?

Ms. Clara Pasieka: Good.

Mr. Paul Miller: It was a very good presentation.

Ms. Clara Pasieka: Thank you.

Mr. Paul Miller: Did you ever feel that you had to comply with a direction given to you, even though you felt that it was over what you should be required to do as a child performer; for example, "Leave your lunch there and let's redo this scene now," or something along those lines?

Ms. Clara Pasieka: One thing that I did experience was working overtime on a non-union set. I was on a set for a music video. Everyone on the set was probably 13 to 19. It was during the day. It went overtime and ended at 3 a.m. It was supposed to end at 11 p.m. It was at a random warehouse in Etobicoke, and then it was like, "Cool. We're wrapped. You guys can go home." I was able to call my mom and say, "Hi, Mom. Pick me up." But if someone's mom didn't have a car or something like that, they would have just said, "Oh, well. Get home."

Mr. Paul Miller: As a child performer, other than the incident you mentioned, when did you feel most vulnerable on a set?

Ms. Clara Pasieka: On that same non-union set, it was really, really cold. It was only the second time I was on set, and I didn't want to say anything, even though I was freezing. I was just wearing little leggings, and it was March, and they had fire and wind, so they had all the doors open, and it was really cold. I didn't feel like I should say anything, so I just stood there, shivering and locking my knees so they literally wouldn't shake during the take. I felt scared to say something, and I just felt like I was supposed to be so grateful that I was even there since people are fighting for jobs all the time. So I just felt like I couldn't say anything, even though I was really physically uncomfortable.

Mr. Paul Miller: Would you say, as, before, a child actor, and now as an actress—and young actors, male or female—do you believe that Bill 71 covers areas that weren't covered before, it's in-depth, and it is going to be beneficial to the children in our province who are in film and stage?

Ms. Clara Pasieka: I'm absolutely in favour of the bill. I haven't looked extensively—I don't know the agreements that I've agreed to backwards and forwards, but I think that there's something to it being law. Law is better than guidelines of collective agreements. We have laws because it is the strongest thing that we can do to protect children. I don't know any reason why someone would not want children to be protected by the strongest things possible.

Mr. Paul Miller: I'm glad you said that, because being in unions for over 30 years, I've dealt with many collective agreements over the years, and collective agreements are not set in stone. That's why there are union stewards and grievance procedures. Collective agreements certainly can be questionable at the best of

times, so I would not want to put my whole favour to—just because one group of people signed a collective agreement representing management, that it's going to protect child actors all over our province.

Thank you very much, Clara, for that presentation.

The Chair (Mr. Grant Crack): We'll turn it over to the government. Mr. Dhillon.

Mr. Vic Dhillon: Thank you, Clara, for appearing before the committee. You're still young, and you probably have a lot of experience that is still fresh in your mind.

Do you have friends who are working in the industry but who are not part of a professional association such as ACTRA?

Ms. Clara Pasieka: I do have some, yes.

Mr. Vic Dhillon: Could you share some of the concerns that they have about working in the industry?

Ms. Clara Pasieka: Yes. Definitely, overtime is a really big thing, and not necessarily knowing the full content of something. I don't know how familiar you guys are, but let's say you go out for an audition—it can be like, “Here's a little breakdown about the character,” and then you might get two scenes. You might not get the full script until much, much later, so sometimes certain things, like the issue that I talked about, can pop up out of nowhere. I've had some friends who are over 18, and all of a sudden someone calls them and says, “Oh, we're just going to add this nude scene. Are you cool with that?”—or, for someone who's younger, “We're just going to add this certain aspect. Are you fine with that?” That's why I really like that in MPP Paul Miller's bill, he said that they would get to see the script ahead of time.

Definitely, overtime is a really, really big issue. Certainly, tutoring for people who are younger is just left off to the side and forgotten about on non-union sets all the time. They'll say, “Oh, it's only for four days,” but if you're in grade 9 math and you miss four days, you've actually missed probably a good third of a whole unit in math, if you're in a semestered school.

Mr. Vic Dhillon: Do you want to add anything else? I think we have a few seconds left.

Ms. Clara Pasieka: No, I think that's it.

The Chair (Mr. Grant Crack): You've got about 45 seconds, if you'd like to use it.

Ms. Clara Pasieka: I really like this bill. Support this bill.

Thanks for all your attention and questions and support and for thinking really critically about this.

I will repeat that I would definitely be in favour of tutoring and everything like that continuing in stage beyond the age of 15.

Mr. Vic Dhillon: I just have a quick question about when the production people threw in an inappropriate scene and you decided not to do it. Did they pay you for the work?

Ms. Clara Pasieka: I was not paid for that production at all. I had to rearrange many things in my life, and I was completely not paid for it. It was under a non-union agreement. They just said, “It sucks to be you,” and I had to retract from that.

Mr. Vic Dhillon: So the work that you did was for nothing?

Ms. Clara Pasieka: Any preparation work that I did in advance of that was completely retracted and was something I just had to deal with.

Mr. Vic Dhillon: Thank you very much.

Ms. Clara Pasieka: Thank you.

The Chair (Mr. Grant Crack): Thank you very much, Ms. Pasieka, and I'd like to thank the other five presenters, as well, for coming before the committee today. There's a lot of insight for us to consider as we move this bill forward—and perhaps the odd amendment here and there.

Thank you very much, again, members of the committee, the Clerks' office, Hansard, everyone. This meeting is adjourned.

The committee adjourned at 1752.

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Ms. Heather Webb, research officer,
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