



## Copyright Consultation Process, 2009

The recently formed *Canadian Freelance Union* ([www.CFUnion.ca](http://www.CFUnion.ca)) is a national group of independent (freelance) media workers. Our members write the articles you read, produce the documentaries you hear and see, and author the books you have on your shelf. We create the photographs and illustrations found in newspapers and magazines, and we produce the research reports, newsletters, brochures websites, and annual reports for business, government and the non-profit sector.

As independent creators we face two challenges. On the one hand our very existence depends on our ability to get paid for the works we produce. This is not some philosophical position. This is about feeding our families, keeping a house over our heads, and contributing the economic, social and cultural life of our country. Any general expansion of Fair Dealing will impact us negatively.

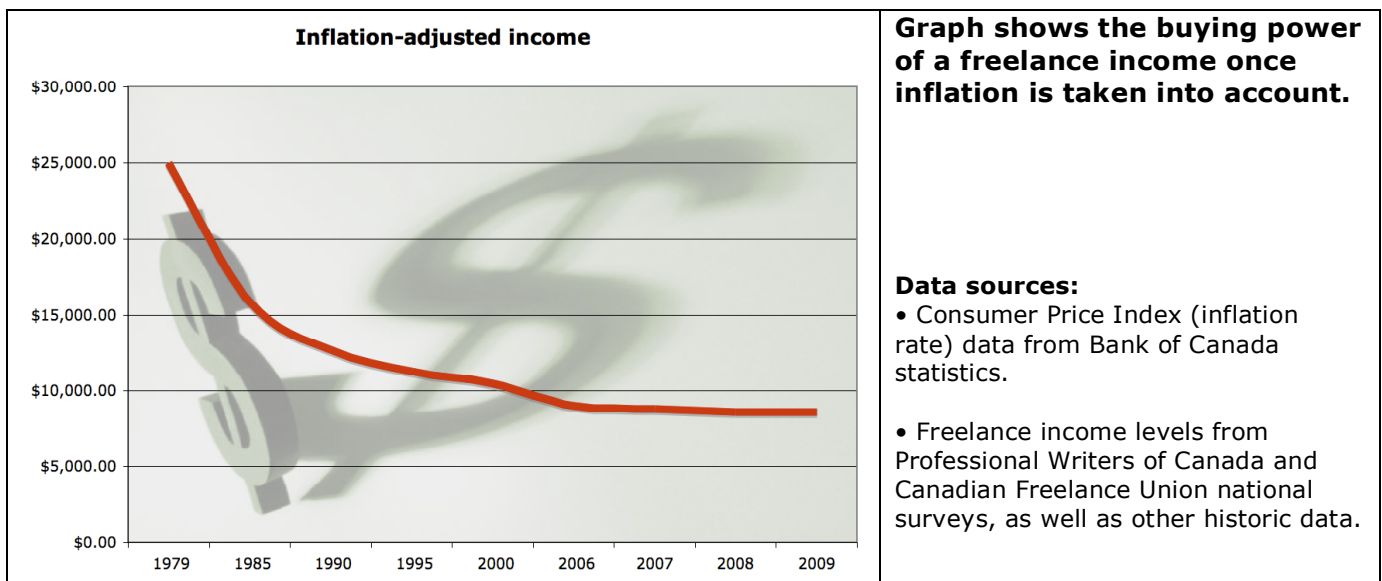
On the other hand, as independent creators we face an increasingly difficult business climate. Our former partners, the distributors of content (publishers, broadcasters, producers), are extracting more and more rights from us, and paying less and less.

Today, the typical freelance writer makes the same dollar amount as he or she did in 1979. Let that sink in for a minute. It is a stunning fact. When factored for inflation, independent media workers in this country have seen their real income **plummet by 65%** in thirty years.

This trend has nothing to do with the financial ups or downs of the business cycle, and is not driven by the profitability of various media sectors. It is simply a fact of increasingly larger corporate distributors who are driving rates down through their dominance in the market place.

Adding to this financial injury is the fact that these same distributors now *demand* that creators relinquish virtually all financial rights to our works. The choice is to work for these terms, or starve. Saying "no" is not an option. To take a recent example, the current *Transcontinental* freelance contract demands the right of first publication, plus "the ongoing non-exclusive right to do in respect of the Work any other act that is subject to copyright protection under the Canadian Copyright Act." There is no negotiation. It is take it, or leave it.

As independent creators we are stripped of any benefit the Copyright Act might grant us. We are systematically being cut out of the financial loop in this new digital age.



### **Suggestions for Copyright Reform:**

- #1. Amend the Act to strengthen the position of original creators. Make certain economic rights non-assignable (such as the current Moral Right), or attach a permanent economic right to the original creator.
- #2. Remove the ability to waive Moral Rights.
- #3. Implement the WIPO treaties.
- #4. Treat photographers the same as other creators, making them the first owners of the works they produce.
- #5. Limit any general expansion of Fair Dealing to uses for the purposes of parody and satire *only*.
- #6. Add specific *and very limited* exemptions to deal with issues such as time and format shifting, e-learning, and digital content delivery.
- #7. Strengthen the role of collectives to address issues of access.

The *Canadian Freelance Union* is a member of the *Communications, Energy & Paperworkers Union of Canada* (CEP Local 2040). We have come together to address many of the issues identified here. We would be happy to discuss the above proposals, plus many other ideas. All of these ideas are aimed at bringing balance back to our currently dysfunctional freelance market, and directly supporting those who actually create.

Sincerely,



Michael O'Reilly, President  
Canadian Freelance Union  
CEP Local 2040

CFUPresident@CFUnion.ca