

# CBC/ACTRA AGREEMENTS 2015-2017

## Terms of Settlement

Dated March 23, 2016

### TERM OF AGREEMENTS

A two year term: July 1, 2015 to June 30, 2017

### GENERAL RATE INCREASES

1.5% increase in each year of the two year term retroactive to July 1, 2015.

### SINGERS

Rewrite the clauses pertaining to Singers in both the Radio and Television Agreements, such that the terms and conditions reflect the terms and conditions, including the 5 (five) Module format, covered under the Canadian Federation of Musicians Agreement.

The key benefits of the new terms and conditions for Singers are as follows:

- a) Musical content can be made available on all platforms across the organization, facilitating and encouraging more frequent contracting & exposure for singers. Especially those involved in multilingual, cross platform projects.
- b) Aligned Rights and payment structure encourage greater distribution potential.
- c) Simpler terms and conditions which are easily understood for programme areas, make it less complicated for programme areas to contract singers.
- d) In many cases the singers will be engaged for a single platform, using the multi-platform rate. They will receive a higher upfront payment.

### MODULE 1: GENERAL PRODUCTION AND TERMS (Variety, Pre-Recorded and Live to Tape)

#### BASIC SESSION

A basic session requires a minimum three (3) hour call for Singers. The fee for such call is comprised of both a broadcast fee and a work time fee based on three (3) hours. Unlimited Content can be recorded within a three (3) hour call. Content recorded can be used in whole or in part across all CBC platforms and CBC branded platforms for a one (1) year period. Any one (1) year period begins on the date of first use on any CBC or CBC branded platform. Additional work time beyond the minimum three (3) hour call may be contracted as one (1) call of five (5) hours or longer, which may be divided into two (2) segments neither of which segments may be less than two (2) hours in length. The break between segments shall not exceed two (2) hours. Rest Period: It is agreed, that on all sessions there shall be a rest period of not less than ten (10) minutes per hour, and five (5) minutes per ½ hour. Such rest period shall not be taken in the first ½ hour of the scheduled session, and no session shall continue for more than 1 ½ hours without a rest period. Rest period time during a live recording may be taken prior to or after the recording.

### THEME MUSIC – 3 hour sessions

Theme music may be utilized for programme openings/closing and intros/extros to and for commercials, series and station IDs. Upon payment of the fees as per A1, up to four (4) minutes of content may be recorded and used for a period of one (1) year. For each year thereafter, fees are payable as per A4 rate.

**SHORT INTERVIEWS:** Interviews with Singers of fifteen (15) minutes or less for a Magazine Programme of which the musical portion shall not exceed six (6) minutes shall be paid at the C1 one (1) hour Remote rate, per Singer. This fee shall include one (1) hour of work time. Any work beyond one (1) hour shall be paid at the A7 work time rate, per hour. Additional years paid at the A5 rate.

**LONG INTERVIEWS:** Interviews with Singers of thirty (30) minutes or less for a Magazine Programme of which the musical portion shall not exceed twelve (12) minutes shall be paid for at the C2 Remote rate, per Singer. This fee shall include two (2) hours of work time. Any work beyond two (2) hours shall be paid at the A7 work time rate, per hour. Additional years paid at the A7 rate.

Rate	Application	Grid 1	Grid 2	Grid 3	Grid 4
A1	Base Fee (Broadcast Fee & Work Time)	\$557	\$450	\$380	\$336
A2	Broadcast Fee	\$277	\$223	\$189	\$167
A3	3 Hours Work Time	\$280	\$226	\$191	\$169
A4	50% Broadcast Fee	\$138	\$112	\$94	\$84
A5	25% Broadcast Fee	\$69	\$56	\$47	\$42
A6	2 Hours Work Time	\$221	\$172	\$150	\$133
A7	1 Hour Work Time	\$110	\$86	\$75	\$66
A8	Excerpts/4 minutes	\$442	\$344	\$300	\$266

### Module 2: DRAMA, DOCUMENTARY, EPISODIC AND CHILDREN'S PROGRAMMES

Content produced under this Module 2 is assigned exclusively to the CBC. Payment of the fees allows for use on all CBC platforms and for world-wide commercial distribution of the production for a period of 3 years including theatrical/public showings, broadcast uses, retail sales/rentals of DVD's, soundtrack recordings and similar technologies that is known at present or may exist in the future. However, the recorded content shall be used exclusively to accompany (be synchronized to) the programme or series for which the content was originally scored, with the following exceptions:

- a) clips of any programme, film or series (containing music tracks), which may be used for any trailers (including theatrical or television advertising) for the same programme, film or series; and,
- b) to produce a Soundtrack Recording - upon payment of additional fees per Article G109 to Singers who rendered services in recording the original music tracks. For each year hereafter, fees are payable at the A4 rate.

## Basic Session

A Basic Session with a minimum call of three (3) hours is applicable to any of the following:

- a) A recording session during which a maximum of thirty (30) minutes of content may be recorded with an additional five (5) minutes of content permitted per thirty (30) minutes of work time immediately following the Basic Session (in units of thirty (30) minutes);
- b) Theme content openings/closings and intros/extros.

The Fee for Basic Session Shall Be:

- a) Rate B1 per Singer;

Engagements of a Basic Session and another session [completed within a twelve (12) hour period] may be scheduled at the convenience of the CBC, with no less than one (1) hour between sessions.

Singers who perform between the hours of midnight and 8:00 a.m. shall be paid at the rate of fifty percent (50%) above the Basic Session Fee.

## Theme Session: Three hours

- a) Up to three (3) minutes of music may be recorded and utilized for each episode in a specific series for programme openings/closings and intros/extros to commercials.
- b) Theme music or branding for a series can be used on the specific series for a period of three (3) years from first use and is payable at the B3 rate per Singer (4 minutes of content, 3 years use). For each year thereafter, fees are payable as per A4 rate.

## Special Session Short Films

- a) A ninety (90) minute special session may be scheduled for short subjects which do not exceed fifteen (15) minutes in length. A maximum of eight (8) minutes of music may be recorded. If more than eight (8) minutes of music is recorded, or if the film exceeds fifteen (15) minutes in length, then the basic session fee of this module and conditions apply.
- b) Special session provisions may not be utilized to produce theme music.
- c) For special sessions, the minimum fee per Singer shall be the B9 rate, plus applicable pension. Theme music or branding for short films can be used for a period of three (3) years from first use and is payable at the B3 rate per Singer (4 minutes of content, 3 years use). For each year thereafter, fees are payable as per A4 rate.

## Use of Excerpts (Clip Use)

For any use of any portion of a production produced in Module 2 of up to four (4) minutes, CBC shall pay the following aggregate one-time-only sum for each programme to the Singer or Singers determined by the ACTRA to be entitled to compensation as follows as per B14 rate (4 minutes or length of a song) for clips

Rate	Application	Grid 1	Grid 2	Grid 3	Grid 4
B1	3 - hour session	\$499	\$403	\$340	\$301
B2	Theme session (up to 4 minutes for 3 years)	\$835	\$674	\$569	\$504
B3	Overtime/hour	\$76	\$61	\$52	\$46
B4	Sweetening session	\$186	\$490	\$226	\$191
B5	Special Session	\$186	\$490	\$226	\$191
B6	Excerpt/4 minutes	\$246	\$773	\$344	\$300

### MODULE 3: REMOTES

Under this Module Singers are primarily engaged and paid for the performance by an Engager other than the CBC. Applicable rates pursuant to the CBC Agreement will be paid directly to the Singers to cover the broadcast, in addition to the fees paid by the Prime Engager.

For Remote Fees refer to Module 5, C Rates unless otherwise specified.

When the CBC requests a sound check, the Singers shall be paid the A7 rate for one additional hour.

Rate	Application	Grid 1	Grid 2	Grid 3	Grid 4
C1	Up to 60 minutes or less	\$277	\$223	\$189	\$167
C2	61 – 120 minutes	\$387	\$309	\$264	\$233
C3	121 – 150 minutes	\$498	\$395	\$339	\$300
C4	Opera, or more than 151 minutes	\$608	\$481	\$414	\$366

### MODULE 4: PROGRAMME EXCERPTS, PACKAGES AND DISTRIBUTION

#### PROGRAMME SEGMENT EXCERPTS

Programme Segments (Excerpts) – New Use

- a) Internal Distribution: The CBC has the right to extract a portion of a programme for insertion into another programme. Singers taking part in each such segment/excerpt shall be paid in accordance with Rate A8 for insertion into one programme for a period of 3 years. For each year thereafter, fees are payable at the A4 rate. Such extracts shall be no more than four (4) minutes in length, or the length of a song.
- b) External Distribution: Where excerpts are being used by a third party, the Office of the National Executive Director of ACTRA shall be notified and proof provided that a Letter of Adherence has been executed.

#### The Packages

The following packages may be added up front as a prepaid use, or at any time thereafter without penalty.

Package 1	Additional years for broadcast on CBC branded platforms ONLY.
Fee	
A4 Rate	Each additional year: includes one (1) year on Radio & TV, and two (2) years on Internet.

After the third (3<sup>rd</sup>) year on the internet, if the CBC wishes to purchase additional years for internet, the Package 1 payment is applicable.

In consideration of the following listed fees, the CBC may distribute and license Programmes as follows:

- a) Ten percent (10%) of Distributor's Gross Revenue (to be split among Singers).

- b) In the event that the CBC wishes to make a programme available without receipt of a fee, or fair market value, the fee under the A7 rate shall be paid to each ACTRA. This additional fee shall cover a seven (7) year period.
- c) In the event CBC releases Content to a recording company, that company must be signatory to ACTRA.

Package 2	Distribution
Fee	Singer's Revenue Share 10% of the DGR
A7 Rate	No Fee or Fair Market Value seven (7) years

## MODULE 5: FEES

### PROPOSED RATES

#### **CBC Rates – Variety, Pre-Recorded and Live to Tape (Radio & TV)**

Rate	Application	Grid 1	Grid 2	Grid 3	Grid 4
A1	Base Fee (Broadcast Fee & Work Time)	\$557	\$450	\$380	\$336
A2	Broadcast Fee	\$277	\$223	\$189	\$167
A3	3 Hours Work Time	\$280	\$226	\$191	\$169
A4	50% Broadcast Fee	\$138	\$112	\$94	\$84
A5	25% Broadcast Fee	\$69	\$56	\$47	\$42
A6	2 Hours Work Time	\$221	\$172	\$150	\$133
A7	1 Hour Work Time	\$110	\$86	\$75	\$66
A8	Excerpts/4 minutes	\$442	\$344	\$300	\$266

#### **CBC Engagement Rates – Drama, Documentary, Episodic and Children's Programmes (Radio & TV)**

Rate	Application	Grid 1	Grid 2	Grid 3	Grid 4
B1	3 - hour session	\$499	\$403	\$340	\$301
B2	Theme session (up to 4 minutes for 3 years)	\$835	\$674	\$569	\$504
B3	Overtime/hour	\$76	\$61	\$52	\$46
B4	Sweetening session	\$186	\$490	\$226	\$191
B5	Special Session	\$186	\$490	\$226	\$191
B6	Excerpt/4 minutes	\$246	\$773	\$344	\$300

### CBC Remotes Rates (TV & Radio)

Rate	Application	Grid 1	Grid 2	Grid 3	Grid 4
C1	Up to 60 minutes or less	\$277	\$223	\$189	\$167
C2	61 – 120 minutes	\$387	\$309	\$264	\$233
C3	121 – 150 minutes	\$498	\$395	\$339	\$300
C4	Opera, or more than 151 minutes	\$608	\$481	\$414	\$366

Grid 1	Principal Performer
	1-2 Singers
Grid 2	3-4 Singers
Grid 3	5-8 Singers
Grid 4	9+ Singers

Calculations:

#### CBC Engagement Rates (TV & Radio)

- Base fees are calculated using the average hourly rate of both the Radio and TV Agreement.
- 1 Years use calculated at 150% of base fee + 15% of base fee covering the Internet fee. The resulting hourly rate was multiplied by 3 to produce the 3hr minimum call.
- Work Time & Broadcast fee are based on the CFM ratio :
  - Work Time = 50 % of Base fee
  - Broadcast = 50% of Base fee

#### CBC Engagement Rates – Drama, Documentary, Episodic and Children’s Programmes (Radio & TV)

- Calculations were based on Module 1 rates in the absence of Drama/ Documentary rates in ACTRA

#### CBC Remotes Rates (TV & Radio)

- Rates were calculated using the Module 1 broadcasting rates

## RATES COMPARISONS

### CURRENT ACTRA RATE

Grid 1 Rates only for comparison purposes

Platform	Minimum length	Rate
Radio CBC Engaged	2hr call/1 year	\$ 431
TV CBC Engaged	4hr call/1 year	\$ 415
TV Children	4hr call/3 years	\$ 373
Radio Remotes	30min Broadcast/1 year	\$ 331

### NEW ACTRA RATES

Platform (Radio & TV)	Minimum length	Rate
CBC Engaged - Variety, Pre-Recorded and Live to Tape	3hr call/1 year all platforms	\$ 557
CBC Engaged - Drama, Documentary, Episodic and Children's Programmes	3hr call/1 year all platforms	\$ 499
Remotes	up to 60min or less Performance/1 year all platforms	\$ 277