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## Messaging and background for NCA actions

### Your Key Messages:

1. The ability of Ontario performers to make a living has been under attack for two years by an advertising trade association that has walked out after 60 years of fair collective bargaining in an attempt to break the performers' union.
2. The Government of Ontario's continued use of taxpayer funds to hire advertising agencies that have mounted this unprovoked attack implicates the Government in this dispute and sends a message to Ontario's unionized workers that they don't matter.
3. The Government of Ontario should:
  - a. immediately stop using locking out advertising agencies and
  - b. take all necessary steps to update Ontario Labour Law in general and the Ontario Employment Standards Act in particular to make it clear that performers and so many other precarious workers in the Ontario economy have the same protections, rights and recourse as other Ontario workers and
  - c. actively encourage the return of the parties to the bargaining table to resolve their dispute.

### Your Questions for your MPP:

1. Since it has been proven time and time again that unionization is associated with positive outcomes across multiple indicators of economic, personal and democratic well-being, and since the actions of the Institute of Canadian Agencies (ICA) represent a repudiation of the collective agreement regime in which they have engaged for more than 60 years, will you support a ban on the use of taxpayer funds to hire such agencies on government projects for the duration of the dispute?

*For over 60 years, the National Commercial Agreement (NCA) guaranteed fair working conditions, benefits and competitive pay for on- and off-camera performers in commercial productions in Canada. On April 26, 2022, the ICA, and 15 of the major advertising agencies it represents, walked away from NCA negotiations, declared the agreement had expired and locked out ACTRA performers, leaving many of us out of work and in financial turmoil.*

*The ongoing use of taxpayer funds to hire agencies represented by the ICA during this dispute signals a lack of respect for unionized workers across the province by failing to recognize a 60-year-old collective agreement and the creative contribution made by ACTRA performers to Ontario's commercial production industry.*

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- 2. Since the 60-year history of the National Commercial Agreement (NCA) and ACTRA's other collective agreements overwhelmingly demonstrates that collective bargaining works for independent contractors, under the next Working for Workers Act, will you support the necessary amendments and/or interpretations of Ontario Labour Law and the Employment Standards Act to make it clear that performers and other precarious workers have the same rights as any other Ontario worker and can rely on the same protections and have recourse to the same dispute resolution process?**

*Collective agreements guarantee fair working conditions, benefits and competitive pay for Ontario workers. The protection and recognition of these agreements results in the creation of good Ontario jobs. It is our skilled and talented workforce that have helped to establish Ontario as a world-class base, drawing industries and corporations from around world to call our province home. It's time Ontario's legislation is amended to represent all workers in the province.*

*ACTRA filed an Unfair Labour Practice (ULP) Complaint with the Ontario Labour Relations Board (OLRB) in May 2022 as a result of the bad faith bargaining of the ICA and its advertising agencies. Over the course of numerous hearings, ACTRA continues to assert and present evidence proving that under the collective agreement ACTRA members are acting as employees within the meaning of Ontario's Employment Standards Act. Additional hearing dates are scheduled through fall 2024.*

*Prior to the lockout, 60 per cent of the work under the NCA was done through the engagement of ACTRA Toronto performers. Since the start of the lockout, the engagement of ACTRA Toronto performers under the NCA has dropped to 46.6 per cent. Please take the time to listen to a personal story from an ACTRA Toronto performer about how the lockout has impacted their personal and professional life, which will clearly demonstrate the disparity that exists between precarious workers, like ACTRA performers, and other Ontario workers.*

- 3. Since commercial production is an important part of the economic ecosystem that sustains Ontario's pool of talented performers, will you advise the Government of Ontario to actively encourage the return of the parties to the bargaining table to resolve their dispute in good faith?**

*ACTRA performers are the original gig worker. We work job-to-job and live paycheck-to-paycheck. It remains an aspiration for most of us to earn enough income to actually be considered part of the middle class. Performance income from commercial work has been an important of that.*

*While ACTRA has continued to negotiate in good faith to renew the NCA, the ICA has shamefully refused to bargain fairly and has continued to lockout ACTRA performers, who are some of the most vulnerable workers in Canada.*

*Encouragement from the Government of Ontario for a swift resolution of this dispute will allow ACTRA performers to continue to contribute to Ontario's creative economy.*



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## Background

- For over 60 years, the National Commercial Agreement (NCA) has guaranteed fair working conditions, benefits and competitive pay for on- and off-camera performers in commercial productions in Canada.
- On April 26, 2022, the Institute of Canadian Agencies (the ICA), and 15 of the major advertising agencies it represents, walked away from NCA negotiations, declared the agreement had expired and locked out our members.
- Overnight, Canadian performers who make commercials, and who are already precarious workers, were left out of work and in financial turmoil.
- This lockout is about corporate greed. It's about 15 of the biggest advertising agencies in North America trying to nickel and dime a group of performers whose jobs actually only account for about 2 per cent of the total advertising production cost.
- While ACTRA has continued to negotiate in good faith to renew the NCA, the ICA has shamefully refused to bargain fairly and has continued to lockout ACTRA performers, who are some of the most vulnerable workers in Canada.
- Over the summer of 2023, ACTRA engaged in mediation with the ICA with the hopes of resolving the issues and ending the lockout. Unfortunately, our mediator ended this round of mediated negotiations, concluding that "the parties are simply too far apart on issues that are fundamental to each, and that the conditions are not ripe for compromise at this time."
- Since then, the ICA has continued to mislead agencies, brands and consumers by blaming the union for the unlawful lockout.
- After two years of bargaining and 17 months into the lockout, ACTRA's NCA negotiating team was successful in forcing the ICA to provide an on-the-record proposal. Shockingly, the ICA pretended to offer "an immediate 8 per cent pay rise and an increase in digital fees" while at the same time creating deep discounts, which would slash performer rates by up to 60 per cent. This would leave performers, who are already precarious workers, earning less than they did in 2019.
- ACTRA filed an Unfair Labour Practice (ULP) Complaint with the Ontario Labour Relations Board (OLRB) in May 2022 as a result of the bad faith bargaining of the ICA and its advertising agencies. Over the course of numerous hearings, ACTRA continues to assert and present evidence proving that under the collective agreement ACTRA members are acting as employees within the meaning of Ontario's Employment Standards Act. Additional hearing dates are scheduled through fall 2024.
- ACTRA is still hopeful the lockout will come to an end soon. We remain committed to working with the ICA and other partners to create a modernized and simplified agreement and are prepared to re-enter negotiations at any time.