



ACTRA / CFTPA UPDATE

January 26th, 2007

This article from yesterday describes the situation well. We will have to wait until early to mid-next week to hear Justice Sarah Pepall's findings.

- Rick Perotto, Business Representative

ACTRA: Spin off new-media talks

By Etan Vlessing

Jan 25, 2007

TORONTO -- Canada's performers union on Wednesday called on North American producers to hammer out a new deal for striking actors by moving the thorny issue of compensation for new-media use into separate talks.

"We agreed on a lot of issues through this process. Let's get the digital issues to a joint committee, and we can do a deal and get back to work this afternoon," ACTRA chief negotiator Stephen Waddell said.

His comments followed ACTRA's Wednesday release of an open letter to the Canadian Film and Television Production Assn. in which it urged a quick settlement on wage issues and tentatively agreed-to terms for low-budget production, reality and lifestyle series and documentaries.

The overture from ACTRA urged the producers to "sign a real collective agreement binding on both parties. And let's send these complex, undefined, uncertain digital media issues to a joint committee and, if necessary, to mediation."

Ongoing negotiations between ACTRA, the CFTPA, American producers and Quebec producers with the Association de producteurs de films et de television du Quebec are deadlocked over how to compensate actors for the use of their performances on digital media.

CFTPA representatives were not available for comment Wednesday.

But negotiators on the producers' side are driving hard for a deal on digital media as part of a new Independent Production Agreement for actors, as the CFTPA insists its members need those rights before they can sell content to Canadian broadcasters and others internationally.

ACTRA has countered that the overall issue of digital media compensation should be made a separate negotiation, leaving ACTRA to negotiate new media rights with individual producers on a project-by-project basis, as it has done for six years.

Privately, CFTPA representatives insist that producers have been burned in the past during new media-related negotiations with ACTRA, and want to prevent alleged gouging in the future.

"They (ACTRA) are taking advantage of producers knowing or not knowing (digital media) issues, or waiting until the last minute when deals are finalized and producers must pay up or not produce," a source close to the talks said.

The producers also cautioned that ACTRA can expect less of a wage increase for its members if a new IPA deal does not resolve the contentious issue of digital media compensation for performers.

"We won't pay for an incomplete package," one CFTPA executive said.

During just over two months of negotiations leading up to ACTRA's strike call on Jan. 8, both actors and producers debated various payment formulas for new media product.

But little agreement was reached thanks to fears that what the industry doesn't know about new digital media platforms could come back to hurt either party during the life of a new IPA agreement.

ACTRA's open letter came as the actors union told a Toronto court not to agree to a CFTPA request for a restraining order against its on-going strike (HR 1/24).

Toronto lawyer James Cavalluzzo told the Ontario Superior Court of Justice that the CFTPA had failed to prove it has suffered "irreparable harm" from the ACTRA strike, and did not therefore deserve injunctive relief.

"The 'irreparable harms' described by the CFTPA -- including instability and potential loss of production -- are the normal consequences of the exercise of the legal right to strike," ACTRA told Justice Sarah Pepall in court documents.

In a lawsuit heard Tuesday and Wednesday, the CFTPA asked Justice Pepall to stop ACTRA from using controversial continuation letters that spare producer signatories picketing or other on-set disruption in return for a 7% wage increase on struck film and TV sets.

The letters have essentially produced a strike without work stoppages.

Oral arguments in the CFTPA lawsuit against ACTRA wrapped Wednesday. A written decision from Justice Pepall is due within seven days.