

THE ART OF MANAGING YOUR CAREER WORKBOOK

A Course for the Canadian Artist
and the Self-Employed Cultural Worker

2019

This workbook was created by Heather Bishop for Creative Manitoba.

The Art of Managing Your Career Workbook
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The Art of Managing Your Career

Course Outline

The Art of Managing Your Career is designed to address the need for business training for self-employed artists in all disciplines. **An artist with a vision to make money from their arts practice is running a small business.**

This AMYC on line course will give working artists the confidence and knowledge to successfully manage their careers and businesses in the cultural sector. The material has been designed at a college/university level and is applicable to artists from all disciplines.

Based on adult education principles, the modules are highly participative and provide opportunities to practice and use skills and competencies essential to career self-management.

The course begins by exploring the limiting beliefs and behaviours that may make it difficult for artists to recognize their transferable skills. Self-knowledge and self-examination lead to a better understanding of those skills and are the foundation for creating a vision of how to create a congruent career plan - and indeed to create a congruent life plan.

It then builds components of a business plan - key tools for self-promotion such as profiles, bios, artist's statements, resumes and identity statements. It takes you through the social media labyrinth into networking and marketing. Finally the modules address financial management, contracts, copyright, and legal issues.

The overall learning objective is reframe one's belief system: from uncertainty about effectively managing your career and business in the arts - to the confidence that you have the knowledge, skills and tools to be successful.

You will develop a host of new skills for managing your career as an artist. By the end of this course, you will have learned how to develop an extensive **business plan**, a **marketing plan**, a **template for managing your finances**, and discovered a new treasure trove of self-knowledge.

An on-line forum has been set up for the class and **you will be expected to contribute** as you research, create and grow your business. With diverse disciplines at the table, the more you network with each other, the richer will be your learning experience.

Isolation can often be a huge problem for artists. This on line course offers an opportunity for that to change. **Our diversity as artists is one of our greatest strengths.**

Introduction

The business world draws heavily from the cultural community for that creative spark to enhance the growth of their business. When artists embrace their own trajectory as a small business they already have a leg up. As artists we have the gift of being creative entrepreneurs from the get go.

Often there is a false belief among cultural workers that one cannot be both creative beings and business savvy. The truth is that a lack of business acumen can often lead to brilliant creativity burning out from lack of sustainability. On the other hand, a well organized and informed approach to the business of supporting that brilliance, inevitably frees up more time to do the work you love.

And most importantly, success seems to always find those people who are prepared for it, see it in their future, and proceed as if it were already true. Quincy Jones put it succinctly: **Good luck usually follows the collision of opportunity and preparation.**

This course will teach you firstly how to prepare and then how to invite that opportunity into your life. Enjoy! You are about to meet the neatest person you have ever met. You.

Show and Tell

An essential portion of this course is developing a professional presentation of your work. This can take many forms. Whenever possible, a live presentation is the most impactful. That is, whether you are a musician singing and/or playing live, or a textile worker spinning wool while you give your presentation - whenever you can illustrate what you do in real time, I would encourage you to do that. Visual images are equally impactful and using professional looking images in a powerpoint or keynote format - or even jpegs - is a wonderful tool. If you absolutely freeze talking in front of people, set up a presentation that will run on it's own saying all you want to say - and then develop the skill set of being able to present yourself.

Your first presentation should be no more than 15 minutes - maximum - and learn to stick to an allotted time frame. A good opportunity could be lost if the receiver of the presentation expects you to stay within a framework and you cannot - it may affect their decision to buy your services.

When you are happy with that presentation, then develop a second one that is 7 minutes long. The more succinct you have to be in describing your arts practice, the better you will get at marketing on every level.

Show & Tell

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O.K., enough talk! It's time to have fun and enjoy each other's creativity. To put yourself in the right frame of mind for this session, imagine once again being a preschooler who is unselfconsciously keen to show others something of importance to you. It is NOT intended to be overwhelming, overly stressful, an audition, or a retrospective of your life's work. More showing than telling, if possible.

It is your opportunity to show what it is you do as an artist/cultural worker to your fellow participants, and let them in on your passion and process for creating, what matters to you, and why you are compelled to do what you do. **They are not there to critique your arts practice**, but to learn more about you - the creator. People may have questions, comments or ideas about your work, but these are in the spirit of generating ideas on your behalf.

It is also a chance for you to see and hear and learn about this fundamental aspect of the lives of each of your fellow participants. It is an opportunity to learn, be surprised, inspired, and have your assumptions challenged. Remember that you have two roles to play: presenter, and interested, attentive audience. Each of these roles is **equally important**.

As Presenter:

Here's your chance to show your work. For the visual artist, it may mean showing a portfolio of your work or some actual pieces; for the arts administrator, it may mean explaining your work process and highlighting this with examples from your work experience; for the dancer, it may mean demonstrating an excerpt from a performance piece or showing a video clip. The method is not important, but the attitude is! This is NOT a showcase of your very best work. Do NOT stay up all weekend fine-tuning your work or creating new pieces. You are not auditioning. Your goal is to let the others better understand your form of expression, where your passion comes from, which skills you have developed and where your interests lie.

As Audience:

Be attentive. Be interested. Be non-judgmental. Do not critique the work. Try not to be distracted by thinking about your own presentation. Look for key elements in the person's work or creative process that could be clues to their strengths, skills, important values, etc. You are getting a better idea about who they are as an artist and a person, but also getting clues that can help them with marketing, writing résumés, planning, etc. You may think of contacts for them, ideas about places or organizations which would be interested in their work, or where they would like to work, and so on. Jot down notes. Give them feedback. Ask questions if there is time, save them for later if not.

Logistics

Each person has a maximum of **15 minutes** to make their presentation, including setup and takedown. This allows enough time for a transition between each person. Don't sacrifice substance by using time on elaborate presentation methods. Leave space for people to absorb and react to what you are sharing with them. This is your time, but the needs of your audience are important to consider, too.

To help focus your show & tell, please use the following guidelines (not necessarily in this order!):

- **Make a brief statement regarding your personal history, training, etc.**
- **Make an explanation of your work as an artist (verbal or nonverbal is fine).**
- **Talk about your passion and what inspires you.**
- **Focus the majority of your show on your current activities and interests.**
- **Show or demonstrate some aspect of your work process, including marketing tools you've used (brochure, flyer, portfolio, etc.) if that is appropriate.**
- **Make a statement regarding where you see yourself now and where you see yourself heading in the future.**

When preparing materials to show, choose key examples to illustrate your work - don't try to show us everything. Write a list of priorities you want to mention. Leave them wanting MORE!

Show & Tell is an opportunity to learn about each other's creativity and the work experiences attached to it. It is a chance to gain insight into artistic processes with which you are not familiar and, most importantly, into the lives of the people with whom you are sharing the SEARCH experience.

You also get to witness amazing creativity and risk-taking, without having to critique the work. What you are looking for are opportunities to help people identify their strengths, and get effective feedback on their potential.

Session One: Who Am I?

We begin with the essence of your business - YOU. As you begin meandering down this road take note of a few things. Firstly, when you hear a judging voice in your head, ask yourself - whose voice is that? And as you discover more and more things about yourself, always approach what you see with interest. Rather than levelling a judgement, find your self discoveries interesting. **Judgement stops our inner journey in its tracks. Interest inspires us to go deeper.**

Am I An Artist?

In general the world does not whole heartedly embrace artists as an essential part of our society. This obviously skews our vision of ourselves. A general outline of accepted government funding agencies' definitions are - that a professional artist:

- has received professional accredited training
- and/or has exhibited or performed in a professional setting
- and/or are recognized as a professional by their peer

Artscape defines a professional artist as an individual who receives, or has received, professional recognition as defined by **any one of the following criteria:**

1. Has presented his/her work to the public by means of exhibitions, publications, performance, readings, screenings, or by any other means appropriate to the nature of his/her work;
2. Is represented by a dealer, publisher, agent or similar representative appropriate to the nature of his/her work;
3. Devotes a reasonable proportion of his/her professional time as an artist to promoting or marketing his/her work, including but not limited to: presenting him/herself for auditions; seeking sponsorship, agent or engagements; or similar activities appropriate to the nature of his/her work;
4. Receives or has received compensation for his/her work, including but not limited to: sales; fees; commissions; royalties; residuals; grants and awards, any of which may reasonably be included as professional or business income;
5. Has record of income or loss relevant to the exploitation of his/her work and appropriate to the span of his/her artistic career;
6. Has received professional training, either in an educational institution or from a practitioner or teacher recognized within their profession;
7. Has received public or peer recognition in the form of honours, awards, professional prizes, or by publicly disseminated critical approval;
8. Has membership in a professional association appropriate to his/her artistic activity whose membership or categories of membership are limited under standards established by the association; or which is a trade union or is its equivalent appropriate to his/her artistic ability.

That leaves lots of room to find a place for yourself. The real hurdle is your own self evaluation. As artists I personally suggest that 5% of the process as an artist is the true brilliant magic that happens - the visit of the muse - however you experience that divine moment of connection with your creative truth.

The other 95% is skill and hard work and therein lies the land where you can continually evaluate yourself and become a forever student in support of that which you love to do.

From this perspective you can begin to conduct an honest appraisal of your ability to succeed. This includes getting a diverse list of feedback - making sure to seek that out from professional peers and your market or audience. When your market speaks with their wallets that is solid information. It gives you an idea of your revenue streams. **Diverse revenue streams are key to financial success over the long run.**

Values

Our values are in fact how we prioritize. How we spend our energy.

Buddha said **“Happiness does not depend on what you have or who you are: it solely relies on what you think.”**

Unearthing what you think enables you to direct your sails. When examining your values keep in mind that **what we want and what we do are often different**. You need to know where are you really spending your time and thus, what are your values now, in order to change them. The way to begin this process is to ask the essential question: **How can it be that I don't already have this?** The answer to this question will open up a world of possibilities.

Only our top three values get our attention. And where you place your values on your list is very important. The top value should contain all the values beneath it and the next value all the values beneath it and so on. Ask yourself, if I had this and not that would it be okay? This question will guide you in determining your top value.

For example, if two of your top values are to live a healthy life and have a successful career you could ask yourself. Would it be okay if I had a successful career but not my health? And would it be okay if I had my health but not a successful career. It becomes clear quite quickly the order of your values.

So in the context of your life as an artist.....**what's important to you?** Take a meditative moment and really ask yourself this question. Write down the first three things that pop into your head - without judging or editing. Then put them in order. This is where you're at now. Is it congruent with the life you are currently living? When you find a conflict, that is a red flag for something you want to work on - ie. **why am I not doing X?**

The following exercise may help you with this. In the context of your life as an artist:

.....
What are the five most important things in my life? (ie. Family, critical acclaim, health, wealth)
Why?

What are the five qualities I like most about those I admire? (i.e., strength, compassion, honesty...)

If I had no limitations of time or money, what would I do with my life? Personally? Professionally? (i.e., travel the world, live on an island)

How would I like to be remembered? (i.e., as a famous artist, as a kind person, as a person with integrity) What do I want people to say about me at my funeral?

If I had only six months to live, how would I spend my time? (i.e., stop working; complete a final, definitive work; spend more time with friends and family...)

What is your overall value for your life. _____

Now look closely at your answers. Do you see a pattern? Or do you notice that your answer for number four, for example, is vastly different from your answer for number three? If some of the answers are similar and you notice a pattern, you have a pretty good idea of who you are and where you want to go. If you don't, go back to these questions and consider the reasons for the discrepancies.

The answers you have given to the above questions will give you some insight into your values - the set of beliefs that act as a foundation and a rationale for all of your goals and actions. If you hope that people remember you as an **imaginative** person, then **creativity** is obviously something you value and something you should strive toward realizing and maintaining throughout your personal and professional life.

.....

Now you are ready to write your **Values Statement**. As a cultural worker, a Values Statement is an important part of your marketing plan. In it you will explain the values that inform your work. As artists, profit is not often high on our list. Artists have a different currency and that is what we need to express.

Since marketing has changed from a climate that used to attempt to manipulate the audience - to one that now endeavours to connect with that audience - explaining who you are and what your values are provides a very strong point of connection for your market.

Your Values Statement should explain the artistic and social values that motivate your work. It should explain your intentions and beliefs. It should answer the question:

Why did you choose art?

Your Values Statement will inform your goals and actions from here on forward. It is a driving energy force that will keep you on the path you have envisioned for yourself. Your Value Statement is a great addition to your website.

The following is my Value Statement:

My core value is integrity and forms the foundation for my drive to create through a spiritual and political lens. I strive to share the absolute magic I experience as an artist. I am dedicated to a socially just - spiritually fulfilling - and environmentally sustainable world.

Talents & Skills

The next big step is to acquire **knowledge about your talents and skills**. Firstly you want to do an inventory of what they are. And then make a commitment to yourself to become a forever learner. Continuing skills development - or getting truly excellent at what you do - is what will set you apart from others when you are marketing your art.

Everyone has talents and skills. They can be defined as:

Talents: the natural abilities you were born with.

Skills: abilities that are developed to meet specific needs: sometimes, natural talents that are enhanced, other times, learned abilities that are required to perform specific tasks.

Many of us have trouble recognizing our talents because they seem so natural to us. Our culture also strongly emphasizes the principle that you must earn a living by the sweat of your brow, making it difficult to believe the fact that your destiny can actually involve doing something that comes easily to you, and that you love.

Skills are what you DO, expressed as verbs (like playing, speaking, writing, directing, and so on). They are what you do on the job, whether a paid day gig or during your dedication to your arts practice. Your most important skills are talents or aptitudes that you have developed through use. It feels good to use these skills; it may even feel bad NOT to use them. Knowing and using your skills lies at the heart of career development.....When you do work that fits your skills, you feel less stress. These skills

seem easy to use, because you don't have to force yourself, or exert great amounts of discipline or willpower. When you work with your natural strengths, you usually enjoy the process and feel you're doing it well. It's like flying with the wind, instead of against it.

Besides helping you identify less-stressful ways to make a living, there are other advantages to knowing your skills. One of them is that **focusing on your skills enhances self-esteem**. Whether you call them skills, motivated abilities, strengths, talents, or gifts, they are positive things about you. When you use them, you feel good about yourself. When you see that they are part of who you are and that you have used them since youth, your confidence grows. You'll develop inner security about your ability to support yourself and to make a meaningful contribution through your skills.

When you are aware of your skills (able to name them, own them, and discuss how you have used them) you can be more articulate throughout your business plan. Skills are what you put on a résumé and what you talk about during a presentation... You can support your statements with concrete, relevant, detailed stories of accomplishments from your past.

Example: a musician might have had the ability to sing from early childhood, and based on their interest in opera, took voice training lessons as part their studies before joining Vancouver Opera.

Talent: to sing **Skill:** to sing opera (an enhanced talent)

Now if this person had also learned digital music editing while studying, they could add:

Skill: to digitally edit music (a learned skill).

Knowledge of your abilities allows you to assess any situation where there is a potential revenue stream and decide the following:

- Can you do the work?
- What additional information or training do you require?
- What are your strengths, what are your weaknesses?
- Does the work match-up with your mission statement/work vision?

Knowing your talents and skills improves your ability to direct yourself towards work that you love, enhances your self-esteem, makes you more articulate, and lowers the level of stress you experience. It's all about self-awareness.

Storytelling Your Skills

Tell a partner or colleague or friend a story about something you've done you were proud of. Your partner listens and then identifies your skills and talents. Check out how you are seen by others and what new discoveries are there for you.

The purpose of the following exercises is to enable you to decide whether or not you “have what it takes” to achieve your career goals. These exercises will provide insight into your own style and help you recognize where you need improvement and how to achieve it. They will generate as many questions as they answer. You should see this as an opportunity for introspection rather than a pass-or-fail test. Ultimately, only you can decide if you “have what it takes,” because you are the only one who knows what success means to you.

Accomplishments

List your accomplishments, both in your career and in your personal life. What have you done that has made you especially proud? Cultural workers can often create their own opportunities. Rank your accomplishments from the most to the least important to your professional life. Which accomplishments have contributed most to your career goals? What do you feel you need to accomplish before you can become successful? The answers to these questions will help you to begin to see yourself more objectively. Also consider how others perceive your accomplishments.

Do I Have What It Takes? Worksheet

Accomplishments

List your accomplishment (i.e., had poetry published, won a community award, finished a university degree, found a sponsor for a project). What have you done that has made you especially proud?

Rank these accomplishments from the most to the least important to you.

Accomplishments	Importance

Characteristics

Determine how well the following traits of successful entrepreneurs fit you. (5 = high; 1 = low).

Characteristics	Rate yourself
Perseverance	5 4 3 2 1
Initiative	5 4 3 2 1
Drive	5 4 3 2 1
Willingness to ask for help	5 4 3 2 1
Willingness to accept the help offered	5 4 3 2 1
Ability to tolerate uncertainty	5 4 3 2 1
Ability to work within self-imposed standards and time frames	5 4 3 2 1
Flexibility	5 4 3 2 1
Self-confidence	5 4 3 2 1
Commitment	5 4 3 2 1
Access to financial resources	5 4 3 2 1
Courage	5 4 3 2 1
Emotional resilience (the ability to survive repeated rejection)	5 4 3 2 1

What was your score? A high score doesn't automatically assure you riches and fame, nor does a low score necessarily condemn you to certain failure. Anyone can make a disastrous business decision or stumble upon an unexpected opportunity. However, comparing yourself generally with strong entrepreneurs gives you "another piece of the puzzle."

You can refer to this worksheet for many different purposes over and above this self-assessment. The list can hold powerful words for you. They can form the basis of strong cover letters, project proposals, funding applications, business plans, or statements of personal affirmation.

Essential Skills: What Are They?

The 9 Essential Skills Are:

- Technical Reading
- Document use
- Writing
- Numeracy
- Oral Communication
- Thinking skills
- Working with others
- Computer use
- Continuous learning

Essential Skills: Why Are They Important?

People use Essential Skills in different ways in different workplaces. However, all of the Essential Skills are used in some way in every workplace. Here are a few examples of the way Essential Skills might be used in your work as an entrepreneur.

- Reading and interpreting legal documents such as contracts, agreements, and tax forms
- Filling out and keeping track of the paperwork required for running a business
- Getting financial information from charts, tables, and graphs, as well as interpreting financial statements.
- Communicating and selling ideas to others
- Initiating contact with others, networking, and making small talk
- Questioning and interacting with customers
- Resolving conflicts
- Negotiating contracts with suppliers and customers
- Preparing a Marketing Plan
- Writing email messages, letters, and short reports
- Developing and monitoring budgets
- Analyzing the pros and cons of a plan
- Creating a monitoring schedules, and making adjustments if necessary
- Evaluating the quality of advertising and making good judgments about design, layout, colour, logos, etc.
- Using problem-solving strategies to constructively resolve problems, issues, and concerns
- Using a decision-making process to make sound business decisions
- Researching, gathering information, and monitoring trends
- Making efficient use of time
- Organizing and prioritizing work tasks
- Dealing with interruptions and resolving tasks that go off-track
- Responding to situations that arise unexpectedly
- Remembering the names, faces, and voices of customer and their history as part of providing good customer service
- Taking a leadership role and communicating priorities
- Organizing and directing the work of others
- Taking advantage of learning opportunities
- Using computer technologies and software programs

Talents & Skills Exercises

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EXERCISE 1: REFLECTING ON YOUR SKILLS

People say, "oh, you are so good at...". Write down what comes to your mind (and tonight, call at least 5 people you trust and ask them to complete the sentence. Write down what they say).

Make a list naming each talent you have, as they come to mind. If you have enhanced your ability to use that talent, note how you've done so. Use extra paper if necessary.

Talents I have:

I have enhanced these by:

<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
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Now write down a list naming each skill you have developed. Note where and when you acquired that skill. Use extra paper if needed. This exercise is to get you started. More will come later.

Skills I have:

Where and when I acquired them:

<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
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EXERCISE 2: APPRECIATING YOUR TALENTS

Are you using your natural talents in your work life as an artist? Many people take their talents for granted, and focus themselves on amassing a huge inventory of learned skills, wondering why they are still not happy in their work. Studies show that people are happiest working when they are using their talents, and the more aware you are of your talents, the easier it is to incorporate them into your work life.

Check off each talent you feel you possess. To each list, add any additional talent not mentioned.

Creative Talents: Good at...

<input type="checkbox"/> expressing myself verbally <input type="checkbox"/> expressing myself non-verbally <input type="checkbox"/> expressing myself with words <input type="checkbox"/> acting <input type="checkbox"/> drawing <input type="checkbox"/> singing <input type="checkbox"/> perceiving colour <input type="checkbox"/> perceiving special relationships <input type="checkbox"/> remembering words	<input type="checkbox"/> remembering shape <input type="checkbox"/> remembering sound <input type="checkbox"/> discriminating tone <input type="checkbox"/> writing <input type="checkbox"/> recalling objects <input type="checkbox"/> discriminating pitch <input type="checkbox"/> recalling rhythms <input type="checkbox"/> discerning <input type="checkbox"/> composition <input type="checkbox"/> remembering design	<input type="checkbox"/> sensing texture <input type="checkbox"/> building things <input type="checkbox"/> imagining and visualizing <input type="checkbox"/> dancing <input type="checkbox"/> learning languages <input type="checkbox"/> discerning proportion <input type="checkbox"/> sensing style <input type="checkbox"/> seeing light and shadow <input type="checkbox"/> perceiving opportunities
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Interpersonal Talents: Good at...

<input type="checkbox"/> working with others <input type="checkbox"/> attending to other's needs <input type="checkbox"/> entertaining people <input type="checkbox"/> helping others <input type="checkbox"/> making people laugh <input type="checkbox"/> performing for an audience <input type="checkbox"/> staying calm under pressure <input type="checkbox"/> showing vulnerability <input type="checkbox"/> inspiring people	<input type="checkbox"/> working alone <input type="checkbox"/> being generous <input type="checkbox"/> expressing ideas <input type="checkbox"/> leading people <input type="checkbox"/> managing people <input type="checkbox"/> persuading people <input type="checkbox"/> showing support <input type="checkbox"/> teaching people <input type="checkbox"/> clarifying	<input type="checkbox"/> empathizing with people <input type="checkbox"/> being a team leader <input type="checkbox"/> handling emotional crises <input type="checkbox"/> listening attentively <input type="checkbox"/> mediating and resolving conflict <input type="checkbox"/> relating to diverse people <input type="checkbox"/> showing warmth <input type="checkbox"/> motivating people <input type="checkbox"/> being discerning
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Organizational Talents: Good at...

<input type="checkbox"/> performing many talents at once <input type="checkbox"/> analyzing needs <input type="checkbox"/> attending to details <input type="checkbox"/> reducing things into smaller units <input type="checkbox"/> completing or concluding <input type="checkbox"/> seeing steps to achieving goals	<input type="checkbox"/> creating order out of disorder <input type="checkbox"/> finding & correcting mistakes <input type="checkbox"/> gathering information & data <input type="checkbox"/> sorting and categorizing things <input type="checkbox"/> initiating or beginning	<input type="checkbox"/> organizing people <input type="checkbox"/> prioritizing <input type="checkbox"/> keeping records <input type="checkbox"/> planning projects <input type="checkbox"/> negotiating
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Physical Talents: Have...

<input type="checkbox"/> speed <input type="checkbox"/> hand-eye co-ordination <input type="checkbox"/> strength <input type="checkbox"/> ability to maintain health	<input type="checkbox"/> stamina <input type="checkbox"/> flexibility <input type="checkbox"/> manual dexterity	<input type="checkbox"/> balance <input type="checkbox"/> power of concentration <input type="checkbox"/> good physical co-ordination
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Mental/Intellectual Talents: Good at...

<input type="checkbox"/> analyzing facts and ideas <input type="checkbox"/> analyzing and solving problems <input type="checkbox"/> perceiving/defining cause & effect relationships <input type="checkbox"/> generating & developing ideas <input type="checkbox"/> working with abstract materials & concepts	<input type="checkbox"/> inventing things <input type="checkbox"/> making decisions <input type="checkbox"/> contemplating <input type="checkbox"/> using statistics	<input type="checkbox"/> forecasting trends <input type="checkbox"/> thinking logically <input type="checkbox"/> retaining information <input type="checkbox"/> concentrating - focusing
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IDENTIFYING YOUR TALENTS

Now write out a list of all the talents you have chosen. Carefully consider your choices, show them to others (your partner, a close friend, respected peer). Ask for feedback - are you overlooking some? Have you overrated yourself in certain areas? Once you are clear, then list your top ten talents.

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

EXERCISE 3: **RECOGNIZING YOUR SKILLS**

Over the years, you have acquired many skills, which have enhanced your existing talents or were learned because you needed them to do something. As you go through life, the complexity of the skills you choose to acquire often increases: remember learning how to ride a bike, compared with learning how to drive a vehicle?

This exercise will assist you to identify which of your current skills are the ones you most prefer to use in relationship to your work. One thing many of the skills analysis tests use in common is a coding of skills into three different groupings; ideas - people - things. Work through the lists below, placing a check mark by all the skills you have confidence using. Don't worry if there is some overlap with the choices you made during the talent assessment; there usually is. Add to your lists any skills not mentioned here.

IDEAS

Writing
Visualizing
Testing
Classifying
Studying
Proofreading
Composing
Budgeting
Comparing
Posting
Entering
Transcribing
Copying
Computing
Collating
Gathering
Compiling
Adapting
Evaluating
Examining
Analyzing

PEOPLE

Mentoring
Advising
Counseling
Guiding
Negotiating
Debating
Arguing
Exchanging ideas
Selling
Instructing
Teaching
Training
Demonstrating
Supervising
Organizing
Managing
Delegating
Motivating
Entertaining
Performing
Persuading

THINGS

Crafting
Arranging
Assembling
Installing
Repairing
Operating a computer
Massaging
Cutting
Cleaning
Typing
Lifting
Handling
Placing
Throwing
Inserting
Tending
Manipulating
Controlling/operating
Precision working
Adjusting
Setting up

Reporting	Influencing	Building
Executing	Speaking	Making
Coordinating	Directing	Overseeing
Developing concepts	Attending	Maintaining
Synthesizing	Helping	Producing
Creating	Taking instructions	Shaping
Defining	Making recommendations	Reconfiguring
Developing solutions	Collaborating	Designing
Discovering	Acting	Utilizing
Experimenting	Singing	Documenting
Explaining	Telling stories	Improvising
Researching	Communicating	Planning
Drawing/illustrating	Interviewing	Editing
Painting	Promoting	Budgeting
Photographing	Representing	Negotiating/Contracting
Playing	Networking	Reporting
Composing	Presenting	

Now write out a list of all the skills you have chosen on a separate piece of paper. Beside each skill, specify exactly what/where/when/why or how it is used. Here are some examples:

- **Precision crafting wooden objects of my own design (from Things list).**
- **Photographing portraits of my own composition using natural light.**
- **Designing web pages that meet my clients' specific needs and concerns.**

IDENTIFYING YOUR SKILLS

Carefully consider your choices, show them to others (partner, friend, peer). Ask for feedback - are you missing some things? Have you underrated/overrated yourself in certain areas? Once you are clear, then list your top ten favourite skills.

1. _____

2. _____

3. _____

4. _____

5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

Does this list match the skills you identified during the visualization? Have your choices favoured a particular category? Is there a pattern to your choices? Do these patterns form skill sets (groupings linked by common themes)? Do your skills cross over from one category to another?

When you next begin working on a new résumé, on a career profile, on a marketing statement and more, the effort made to get through these exercises will make those documents much easier to accomplish.

ASSESSING YOUR 'SOFT SKILLS'

The terms 'soft skills' and 'hard skills' are used to differentiate between those skills which seem concrete and straightforward and easy to measure from those less easy to define and pin down. Hard skills are the technical abilities required to do a particular job or perform a specialized task. Hard skills are generally acquired through training and education programs at schools, colleges and universities. A diploma, degree or certificate confirms that the relevant mastery has been achieved.

Soft skills are somewhat more difficult to define, referring as they do to a very diverse range of abilities. These are the transferable skills that keep you functioning and effective in any situation. They are often referred to as 'people skills' or can be those required to exhibit 'emotional intelligence'.

Here is a simple framework for self-evaluating on these skills. You can also ask a friend or colleague who knows your work to offer feedback. The list is compiled from several sources:

Skill	When have you used this most effectively?	How would you rate yourself on this skill?
Effective participation		
Leadership		
Interpersonal relations		
Negotiation		
Teamwork		
Self-awareness		

Change-readiness		
Flexibility		
Self-esteem		
Goal-setting & motivation		
Career development		
Creative thinking		
Problem-solving		
Listening		
Verbal communications		
Learning to learn		

Four categories of soft skills:

1. **Essential Skills** – reading, writing, basic computer applications, and the ability to think, analyze and solve problems. Other essential skills include the ability to adapt to a wide range of situations, to communicate effectively and the ability to work in teams.
2. **Management Skills** – the ability to manage people, capital and budgets as well as the ability to undertake organizational activities such as planning, marketing and evaluation.
3. **Leadership Skills** – the ability to motivate and assist others to achieve their full potential, to take risks and to formulate a vision.
4. **Contextual Skills** – the ability to operate successfully in different settings, such as different countries, different regions or a culturally diverse workplace.

Although technical or hard skills are necessary, by themselves they are not sufficient for commercial success. A liberal arts education has been given new, improved status as employers realize the soft skills.

Chart of Competencies

You should find everything you do somewhere on the Competency Chart, but you will not necessarily do everything identified on the Chart.

Envision and develop your career strategy

- Set personal and professional values and priorities
- Analyze your strengths and weaknesses

- Consult with peers, mentors, elders, career professionals, etc.
- Assess current and projected external environments
- Establish short and long-term goals
- Identify ways and means to achieve goals
- Evaluate and modify career strategy

Create a business plan and market your art/creation/work/products

- Create a business and marketing plan
- Establish a communication strategy
- Export/tour your art/creation/work/product(s)
- Import art/creation/work/product(s)
- Establish and maintain relationships with representatives in matters related to
- Marketing, (e.g. agents, impresarios, dealers, etc.)

Manage a project

- Identify goals and objectives
- Determine project's feasibility, goals and strategy
- Create an action plan
- Conduct the project
- Control and evaluate the project

Manage resources

- Link up to relevant professional associations
- Identify and access government programs
- Access business support professionals
- Network with artists and other persons
- Access physical resources through renting, buying, borrowing, exchanging, etc.
- Establish and maintain mailing lists and databases
- Manage information

Manage financial affairs

- Develop a long-term financial strategy
- Develop and manage a budget
- Access financial resources
- Identify and access donations-in-kind and services
- Administer remuneration

Manage legal matters

- Manage relationships with legal advocates
- Establish and enforce contracts and agreements
- Provide for loss and damage
- Protect copyright (e.g. intellectual property, trademarks, performance rights, neighbouring rights, moral rights, etc.)
- Defend against legal action
- Fulfill statutory obligations (e.g. benefits, sales taxes, income tax, etc.)

Communicate effectively

- Demonstrate listening skills

- Communicate orally
- Write effectively
- Negotiate agreements
- Resolve conflicts
- Match communications skills to technology

Demonstrate personal competencies

- Keep the “sacred fire”
- Make appropriate decisions
- Demonstrate time management skills
- Manage one’s development
- Demonstrate teamwork skills
- Innovate and act creatively
- Maintain self-care and well-being

Skill Statements

What have you learned about yourself? Which skills are most important to the work you want to do? Which attributes are demonstrated? Do you have these, or can you develop them?

Now that you have considered everything that makes you who you are, you can consider what you have learned about yourself in relation to what we already know about the kind of people who succeed in self-directed careers. Nobody can possess only positive traits or excel in all things, but some characteristics are common to successful entrepreneurs, regardless of their area of activity. How many of these traits describe you?

For understanding where and how to market yourself, one of the most important tasks you need to learn is to identify your most marketable attributes: your skills and skill sets. The next, most challenging skill to learn is to write about these for use in any or all of the following marketing materials:

- Cover letters
- Proposals
- Business plans
- Resumes
- Portfolios
- Brochure
- Websites
- Blogs
- Social media

Once you have deconstructed your past experiences and tasks into small components, you are free to pick and choose and reconfigure these components into skill statements that are the most relevant for the intended audience. This ‘intended audience’ can be a potential employer, partner, work team, or even yourself (if you need convincing). There is nothing better to remind you of both your past achievements and future possibilities than a good skill statement.

The skill statement can be written in any number of ways, and when complete it should sound natural, not stilted. Before you get there, though, you need practice just getting the components

written, so be as stilted as you must to make sure each skill statement has the following elements:

- 1. Name the skill.**
- 2. Define it with an appropriate adjective.**
- 3. Place it in a context where you used it most effectively.**
- 4. Include results.**

Here's an example from a Project Management Skill Set:

EXCEPTIONAL⁽¹⁾ DELEGATION SKILLS ⁽²⁾ Responsible for ensuring that project goals were achieved, I worked with a group of street-involved youth⁽³⁾, successfully assessing their strengths and using clear communication and expectations, so that the group produced a safety pamphlet in their own words - on time and under budget - which is now used throughout Canada ⁽⁴⁾.

This last bit is important because potential employers may see these skill statements as overstated or lacking proof unless there is a solid outcome. Many times the outcome seems difficult to measure, but have someone else work with you, asking questions, and helping craft an understandable measure, until you come up with something that works.

Look at other people's skill statements to help you get the language. Tune into your own response to their statements. Do they seem authentic – or false? Do they make you want to know more about the person, to ask further questions, or not?

These are clues to the effectiveness of the statement.

Another important point is that the time and effort spent on determining what the reader needs to hear about is not wasted time. Anyone looking at applications can tell you how these types of applications stand out. And at the same time, the constant review of the subject matter (that would be YOU) only serves to help you practice and reinforce your skill self-awareness and thus become more comfortable with describing, naming and owning these valuable commodities.

Critique vs. Criticism

© Alliance for Arts and Culture, 2006/07 [adapted]

Critique is a professional technique of assessment and feedback that many artists are familiar with, which can also have useful application outside the arts, if used carefully and appropriately. Like most effective and powerful tools, critique can also be a weapon, when wielded by an untrained person or by someone using criticism under the guise of critique.

How would you apply the methods of critique in your work with others? Here are some guidelines:

- Critique is a deliberate review of a project or event. It is not a casual inquiry.
- Critique is focused on learning, not on evaluating or chewing out people.
- Critique examines whole projects or events, not just problems.

- Successes and failures are both examined, not just failures.
 - Critique is focused on the future. It is not focused on the past.
 - Critique is focused on opportunities. It is not focused on problems.
 - Everyone involved discusses the event. One person does not tell others what to do.
 - Everyone gains an understanding of what happened. Responsibility is taken, not placed, and is not shifted to an outside force.
 - People accept responsibility for their actions. They are not told what they've done wrong.
 - People face the consequences of their actions. They are not punished for "bad behaviour".
 - Clear decisions, not vague suggestions, are made on who will do what in the future.
 - Records are kept for future reference about action steps. They are not kept as file records only.
-

Session Two: What Do I Want?

Now you have the building blocks to begin assembling the pieces of your business plan. From Session One you have determined your values. These will underpin your direction from here forward. You have also determined your innate talents and your acquired skills. These are the currency you will use in your marketing and promotion. They are also the road map for your own personal trajectory of lifelong learning.

Your Goals

A goal is a dream with a deadline. a vague plan will give you a vague outcome. Begin with your dreams and add a deadline.

Many people in the arts community begin their lives with a dream – a vision of their future. If they can learn to add a deadline to their aspirations and develop a realistic plan to get there, there is little that can stop them.

Writing down your goals is very important – it solidifies your commitment and acts as a written promise or an IOU that you give yourself. How can the universe provide what you want if you aren't clear about what that is and you haven't been inviting it into your life? Goals that are written down are your guide toward any kind of success you seek.

A study conducted at Yale University found that only 3% of the students had written goals. Twenty years later, those 3% were worth more financially than the other 97% combined.

Success comes in many forms other than financial, of course. You may wish to invite abundance into your life for example.

There are a few universal, easy-to-understand reasons why goals are not reached:

Goals are **too large** (not broken down into manageable units).

Goals are **undefined** (what is it you really want?).

Goals are **unfocused**.

Goals are **not "integrated"** (if your most important professional goal is to become a travel writer/photographer with an outrageous Air Miles® credit, but your top personal priority is to tuck your children into their own beds every night, chances are that one of these goals will fail).

You **procrastinate**.

The goal is **poorly written**: "I want to be a famous actor." This goal has little chance of being realized because it is neither specific (what constitutes "famous?") nor measurable (when and how will you know you have reached the goal?).

Here are two samples of well-defined goals:

"Within 10 years, acting will represent my main occupation and source of revenue."

"Within three months of the completion of my third acting apprenticeship, I will apply for membership in the Canadian Actor's Equity Association."

What is your ultimate career goal? Write it down! Did I mention write it down?

My ultimate career goal is:

To fulfill your dream, what do you hope to have accomplished in the next 3 months? In the next 12 months? In 5 years? In 10 years? In 20 years?

Here's an example of my ultimate career goal: **To sustain myself in abundance with my creative endeavours by launching and growing my career as a keynote speaker and visual artist while nurturing my music industry career into semi-retirement.**

Now write a list of the accomplishments you hope to realize within these timeframes. **Write them into workable goals by making them SMART.**

SMART Goals are:

- **Specific and simple**
- **Measurable and meaningful**
- **Achievable – act as if it's now**
- **Realistic and responsible**
- **Trackable – time lines**

And.....

- **Always expressed in the positive**

Keys to an Achievable Outcome

- Ask yourself – How is it possible that I don't have it now?
- State your goals in the positive – What do you want? Not what you don't want.
- Specify the present situation – Where are you now?
- Specify the outcome – **treat it as if it is now in place.** What will you feel, see, hear?
- Specify your evidence procedure – How will you know when you have it? Pick the last step. Describe what that will look like.
- Is it congruently desirable? Is there part of you holding back?
- What resources are needed – what do you have now and what do you need to get your outcome.
- Is it ecological? What will happen if you get it? If you don't?

SWOT Analysis

This piece of your business plan is important for YOU to understand so that you can honestly present yourself to funders, customers and financial institutions, and develop a clear picture of the skills you need to develop.

Your career as a self-employed artist is your "business". Undertaking a business analysis is performed for the same reasons as your self-assessment - to determine both the positive and the negative aspects of your business in order to build on the strong points and minimize the weak. This part of business planning is often referred to as a SWOT Analysis: a determination of your Strengths, Weaknesses, Opportunities, and Threats. If you prefer more positive vocabulary, substitute "liabilities" for "weaknesses" and "challenges" for "threats" in your actual document.

Strengths and weaknesses

It is a good idea to offer a strong mix of skills and personality attributes in the strengths column (for example: excellent team-building and facilitation skills, commitment, bilingualism, determination, and cultural and ethno-cultural sensitivity).

Look back to the exercises that you completed to remind yourself of relevant strengths.

Under "weaknesses," focus primarily on skills that would help you but which you haven't YET acquired (insufficient French language skills, lack of selling or "closing" skills). Weaknesses do not constitute inherent character flaws. Rather, they are something you can either learn or work on in order to improve your chances for success.

This approach will communicate to everyone, yourself included, that you know what you don't yet know. That is called conscious incompetence and is very a important step in skills acquisition.

The four stages of learning are:

- **unconscious incompetence** - that is you don't yet realize what you don't know how to do - who knew you needed to write a SWOT analysis for example
- **conscious incompetence** - oh! I need to learn how to write a SWOT analysis
- **conscious competence** - you are learning to drive a car but need to constantly be thinking about how to do it
- **unconscious competence** - you get in the car and drive without really thinking about what you are doing

In supporting your career, it is as important to potential funders, for example, that you clearly understand your weakness and not try to present yourself as knowing it all. They are more likely to take you seriously when you can objectively present yourself.

Opportunities and challenges: Analyzing the market

In the world of modern commerce, the objective of market analysis is to understand your **sector**, your **customer**, your **competition**, and the way your specific **business** relates to them. While a term such as "customer" applies awkwardly in many cases to the cultural sector, it reminds us that we produce our work with the idea that somebody will, by one means or another, agree to impart a value to it. Usually that valuation is expressed through the exchange of money.

SWOT Analysis Process

Step 1. Identify the Strengths, Weaknesses, Opportunities and Threats (SWOT) of your particular business or event. Questions to help determine your SWOT:

Strengths

- What **advantages** do you have (eg. people, resources, experience, information, location, reputation, etc.)?
- What do you do better than anyone else?
- What unique or lowest-cost resources do you have access to?
- What are people outside of the business likely to see as your strengths?
- What factors mean that you are successful?

Be aware that a strength you share with many other organizations is not really a strength, but rather a necessity.

Weaknesses

- What **disadvantages** does your business have (eg. people, resources, experience, information, location, reputation, etc.)?
- What could you improve?
- What should you avoid?
- What are people outside of the business likely to see as weaknesses?
- What factors mean that you are unsuccessful?

Opportunities

- Where are the good opportunities facing your business?
- What are the important changes in the external environment you are aware of?
For example:
 - Changes in government policy affecting to your field
 - Economic changes
 - Changes in social patterns, population profiles, lifestyle changes, etc.
 - Changes in technology on both a broad and narrow scale
 - Local events

In addition to brainstorming ideas, look at your strengths, and consider whether they open up any opportunities. Also look at your weaknesses, and consider whether your business could create opportunities by eliminating them.

Threats

- What obstacles does your business face?
- Is the changing external environment threatening your business?
- What is your competition doing that you should be worried about?
- Do you have fundraising or cash-flow problems?
- Do you have any difficulties attracting and keeping the people you need?
- Could any of your weaknesses seriously threaten your business?

Tips for a successful SWOT analysis:

- Be realistic about your strengths and weaknesses
- Your SWOT analysis should distinguish between where you are today, and where you could be in the future.
- Your SWOT analysis should always be as specific as possible. Avoid grey areas.
- Always apply your SWOT analysis in relation to your competition
- Keep your SWOT analysis short and simple. This is for you!

Step 2. Hone the list of SWOTs down to strategic priorities

Take the laundry list of ideas within each category, and facilitate a discussion to reduce the list to the top five to ten ideas (per category).

- Review each category separately and discuss each of these ideas and the potential implications to the organization.
- Ruthlessly prune long lists of factors, and prioritize factors so that you spend your time thinking about the most significant factors.
- You may decide to establish criteria for what stays on the list (eg. likelihood, degree of impact, degree of importance). Just because something is urgent does

not mean it is important enough to stay on the list; but keep it if it is both urgent and important.

- Issues that are too narrow do not warrant planning and issues that are too broad will bog you down.
 - Focus on issues that you can do something about.
-

Alternate Environmental Scan Model: STEEP – Exercise

© Jack Cunningham, 2009

It is helpful to divide environmental analysis into five key areas, STEEP:

- Social
- Technological
- Economic
- Environmental
- Political

It is important to limit environmental analysis to what is relevant to your career and artistic discipline, and to what is manageable. It is easy to get bogged down with this type of analysis by virtue of its scope and sheer volume.

Examples of trends that may be relevant to cultural careers:

1. Social - increased internet usage, cultural omnivorousness, buying local, reduced use of TV and radio.
2. Technological - convergent mobile devices driving original content, digital distribution of audio-video content.
3. Environmental - impacts of climate change and global warming
4. Economic - increased funding to the OAC or OMDC, federal cutbacks to funding programs, tax benefits to private donors, the theory of the creative class.
5. Political - Introduction of the Status of Ontario's Artists Act, creative class theory as it impacts on urban planning.

Activity

1. Using the STEEP analysis model on the next page, identify trends in the external environmental that are relevant to your market/industry. What existing research sources can you reference to collect such information?
2. What do you believe will be the expected impact of these trends on your market?
3. How could such changes impact on your career? Are there opportunities you could seize to move into new areas? Or are there challenges that need to be minimized?
4. What do these trends mean for your competitors? Will they be better or worse off? What could these changes mean for the creation of new competitors?

Societal	Technological	Environmental	Economic	Political

Session Three – How Do I Present Myself?

Now you have the first few building blocks of your business plan - Your values - your talents and skills - your goals - and your SWOT analysis.

For your own information you have done a STEEP analysis of your discipline.

Now you will begin writing your promotional pieces. These pieces are essential as marketing tools and you will be called upon to have them at the ready at a moment's notice. They will be the building blocks for your website and promotional material.

I would suggest you check out these various statements written by the artists who inspire you and draw from their example when writing your own.

We start with your Vision/Mission Statement.

1. Vision & Mission Statements

Your Vision Statement is as vast as the blue sky – if you could have everything you wanted it would be.....?

Your Mission Statement is how are you going to get there.

A great vision and mission statement motivates you into action when you see it, because it is such a powerful statement of purpose, as defined by YOU.

Remember that the development of a personal vision/mission statement is a process that cannot be rushed. Many drafts and ideas will be generated and tested over time, as the mission becomes clearer and the statement evolves closer to capturing its elements.

The characteristics of a good vision/mission statement are that it is:

- short,
- memorable,
- clear,
- most importantly, it galvanizes you into action - is irresistible when you see it.

Usually, when you see a vision/mission statement (personal or otherwise) that meets these criteria, it has taken many revisions and rewrites to distill it to the essence that you see. It is in the process of developing and distilling the concepts of your personal vision/mission statement that you gain the understanding you need to design the life you want.

Examples from Manitoba Music:

- **Vision Statement:** Manitoba Music is known worldwide as the hub of Manitoba's vibrant music community
- **Mission Statement:** To develop and sustain the Manitoba music community and industry to their fullest potential
- **Values:** Integrity – Transparency – Accountability – Inclusivity – Foresight

My vision and mission statements are:

- **Vision Statement:** To create beauty and healing through music, keynote speaking, and visual art that touches and opens the hearts of enquiring minds around the world while living in abundance.
- **Mission Statement:** Work with a manager to create the majority of my work in the high-end keynote speakers' market worldwide.

2. Profile Statement

A **profile statement** is a brief description of who you are and what you do. An effective profile is brief, between 2 to 4 sentences, and is usually written in the **third person**. It is easier to write about ourselves when we step outside of our own heads and pretend we are someone else describing us and what we do.....it also sounds better when it appears that someone else is blowing your horn.

Think of your profile statement as the trailer for your arts practice. In the same way a movie trailer entices us to go and see the movie, your profile statement should entice us to want to delve deeper into your art.

It usually includes examples of your talents and skills, your life experiences, and your motivations.

- A **Career Profile** provides a succinct introduction to the complete picture of your work life. It should reflect the essence of what you've done as a cultural worker in the arts.
- A **Company Profile** outlines the services and products your company provides, and the mandate of the company. For many artists, the company is simply themselves.

My profile statement:

For 4 decades, Heather Bishop travelled the world, delighting audiences both young and old with her amazing voice, her time tested song writing skills, and her great sense of humour – all beautifully captured on her 14 award winning CDs. Any spare time finds Heather plying one of the many trades skills she possesses – building a house or wiring a barn or being an innovator in green building techniques. Most recently she has launched an exciting new career as a Hypnotherapist, Time Line™ Therapist and

keynote speaker, while simultaneously returning to her easel and her first love, painting. All this and more won the respect of her country when Heather was awarded the Order of Canada, the highest honour this country bestows on one of her citizens.

3. Biography

A **biography** is a brief telling of your life story. For the artist, the biography may provide a glimpse into your personal and professional life. Unlike the profile, it contains personal information that you **choose** to reveal to a potential client or the public. Biographies are usually 3 to 4 paragraphs in length, and usually written in **first person**, present tense (although they can be written in the third person). Biographies are used as marketing tools to promote an artist. They are included in media press kits, promotional packages, project proposals, and in many individual situations where you have chosen to provide a more detailed perspective of yourself and your work.

My short music industry bio:

Heather Bishop

“Heather Bishop unzips her heart and invites us to fall in”

For 4 decades Heather Bishop has traveled the world, delighting audiences young and old with her rich voice, her time tested songwriting skills, and her quirky sense of humour – leaving a legacy of 15 award winning CDs.

Before launching her career in music, Heather began as a visual artist, studying Fine Arts at the University of Regina. After graduating in 1969, she began a life-long affair with oil paint and, although music kept her from her easel for decades, she has recently returned to her wonderland of colours. She has released her first book, a hard cover edition of her artwork - my face is a map of my time here - the same title as her latest CD.

Any spare time finds Heather plying one of the many trades skills she possesses: building a house or wiring a barn or being an innovator in green building techniques.

Heather Bishop has dedicated herself to activism and, for her life's work has received The Order of Canada, The Order of Manitoba, and an Honourary Doctorate of Laws. Most recently she has launched an exciting new career as a Hypnotherapist, Time Line™ Therapist and keynote speaker. Her vision is of a socially just, environmentally sound, and spiritually fulfilling world for all.

Heather Bishop Box 41
heather@heatherbishop.com

Woodmore, MB.

R0A 2M0

Canada

www.heatherbishop.com

My visual art biography:

Heather Bishop

Heather Bishop began painting after completing her Fine Arts Degree in the late 60's. When her music career took off in the mid-70's, a rigorous international touring schedule forced her to trade her brushes for her guitar. She did, however, promise herself that she would return to the easel when touring lost its appeal. Now, some 40 years, 15 CDs, and numerous music industry awards later, she fulfilled that promise and returned to her first love.

Heather's work captures the old and the young in oil on canvas. "I feel that our faces are the maps of our time here – the old in our wisdom and the young in our innocence. In both cases, we are closer to where we came from and our return there, and that connection shines through."

Heather's work has been chosen by Manitoba Government agencies as provincial gifts. She has been awarded both the Order of Manitoba and the Order of Canada.

As well as her originals, Heather's images are available as limited edition giclee prints on canvas.

Education

Bachelor of Arts: University of Regina – 1969

Post-graduate: Bachelor of Fine Arts – U of R – 1970

Pre-graduate work: 1966-69 - studied painting, drawing, sculpture, printmaking, pottery with Ric Gomez, Art MacKay, Ted Godwin, Jack Sures, Russell Yuristy, and Doug Morton

Post-graduate work: 1969-70 - worked with Jack Sures and Joe Fafard

Majored in painting and pottery, studio assistant under Jack Sures

Awards (Selected)

- Honourary Doctorate of Laws - 2011
- The Order of Canada– 2005
- The Order of Manitoba – 2001
- Western Canadian Music Awards Industry Builder 2006
- Above and Beyond Award for the Arts 2006
- The Queen's Gold & Silver Jubilee Medals – 2002 and 2012
- The Spirit of Smith Street Award - 2000
- The YM/YWCA Woman of Distinction Award – 1997
- Two JUNO nominations – 1987 and 1998

Exhibitions – (Selected)

Portage & District Arts Council – Portage la Prairie, MB. October 2009

Souris District Arts Council – Souris, MB. January 2010
City of Thompson – Thompson, MB. February 2010
Steinbach Arts Council – Steinbach, MB. March 2010
Art Expo – Winnipeg, MB. November 2010
SNACC One Woman Show – Winnipeg, MB. Summer 2011

Email: heather@heatherbishop.com

Website: www.heatherbishop.com

4. Artist Statement

An **artist statement** usually describes the work the viewer/audience is about to see:

- It is most commonly written in the context of specific projects (exhibitions, for example) and would be hung with your show.
- It can also be a marketing tool used in a variety of circumstances, including: applying for a grant, writing a proposal, or seeking an exhibition in a gallery.
- It can also be used to help the public understand the ideas behind your work and the way in which you work.

Artist statements are usually 3 to 4 paragraphs in length. The language should take the reader into consideration. The information should flow logically and connect your ideas as an artist with your work process. Your artist's statement should appear on your website and hang on the wall of your studio.

Performing artists - such as musicians or actors - usually don't need an artist statement but a dancer may well develop one for an upcoming show they have choreographed.

My artist's statement:

Heather Bishop - Artist's Statement

My creation process as a visual artist is so much more private and intimate than my experience as a performing artist. Each has its own intrinsic beauty. Decades of touring the world as a recording artist/singer-songwriter, forever in the public eye, have given me such a great appreciation of that difference.

The pull of a blank canvas, perfectly stretched and prepared, is almost more than I can bear. It holds a potential that inextricably draws me in. I come to it with an idea of what might lie within and I begin to sketch that idea, and paint it, at first tentatively, not wanting to spoil the perfection of what is not yet there. Then there is a moment when the painting stirs and that spark that is life in all that surrounds us, enters the piece and begins to direct me toward who it will become. My paintbrush flies and I am no longer in charge but simply the instrument through which the gift may flow. Just as singing requires that I get out of the way of the force that flows through me and let the music speak for itself, so indeed does the painting have its own voice.

Why do I paint portraits? When studying in art school I saw hundreds upon hundreds of portraits of the wealthy painted by the Masters. These portraits told me only of their wealth by birthright, not their wealth in lives well lived. And so I became drawn to paint those who, in my mind, are the real aristocracy – those who are rich in life and most often, poor in material things. For our faces are maps of our time here. And most often the faces with the most wisdom burning through their eyes are those with many miles and years traveled. The faces that speak to me and teach me are usually those of us who are almost finished with our time here and closer to going home or those who have just come here, the sublime serenity of the place from which we all come shining through their radiant innocence.

I feel privileged to be rich in time to be creative, and blessed with a box full of tubes of exquisite colour to play with. I live in absolute gratitude.

5. Verbal business card/elevator speech

Verbal business card is a very short presentation of your arts practice and career (sometimes called the “elevator speech” because it has to be short enough to be said in an elevator). You have a few sentences to get the attention of that chance meeting that might be your opening. It includes the following elements:

- Name
- Past – What you have done
- Present – What you are doing
- Future – What you are planning to do

6. Identity Statement

- Usually one sentence that captures the essence of your business
- Present tense
- Who am I
- What do I do
- How do I do it
- For whom do I do it

Your identity statement and verbal business card or elevator speech are very similar. This exercise is designed to have you become very succinct in describing your arts practice. The same way your written materials have to grab the reader in the first sentence in order to entice them to continue, your verbal business card should peak a person’s interest in the very first sentence so that they want to know more about you. This prepares you for that unexpected moment of opportunity when you have one chance to put your best foot forward.....

My example:

Heather Bishop (20 word bio or identity statement)

(third person) Forty five years and 15 CDs later, Heather Bishop has traveled the world receiving accolades from JUNO nominations to The Order of Canada.

(first person) It's been 45 years traipsing around the world - singing my little songs and playing my little guitar - and all the JUNO nominations and Western Canadian Music Awards aside - even the Order of Canada aside - I wouldn't have traded it for the world. (and I'd make sure I had my business card at hand.....)

Branding

By now you should be beginning to identify your brand. A brand is a collection of experiences and images associated with a person, a service or a company. Your unique and powerful work should establish a brand in your viewer's mind.

Heidi Hunter is a multifaceted artist who, among other things, is a fibre artist. Her branding is "Runs With Scissors". It immediately creates a great image that draws you in - wanting to find out more. Her brand has become synonymous with her studio and events. Her tag line is equally engaging....."I live to dye and die to quilt."

So now - as well as your values statement and an understanding of your skills and talents - your business plan now has the following additional pieces:

1. Your Goals. In big, bold letters, write your **ultimate career goal**. This should be one, succinct sentence. Create a **Goals page with time lines**. Start with 3 months, 6 months, one year, two years, and five years. Revisiting it every three months will most likely create some changes in the time line each time, but most importantly, keep you aware of whether or not the direction of your career is on track. This is a map only and the weather of the industry will inevitably some changes as time goes on so don't judge – simply reconfigure and recognize areas of weakness. Remember that smart goals are **specific, measurable, achievable, realistic, and trackable**.
2. Your **SWOT analysis**. Write from the positive – that is, Strengths, Liabilities, Opportunities, and Challenges. (rather than strengths, weaknesses, opportunities and threats) This would be informed by your environmental scan of your discipline as well as the creative arts industry in general.
3. Your **Vision and Mission Statement**. This should be one sentence long and include what you want to do and your target market or community you want to serve. Your list of values may help you.
4. Your **Profile Statement** (personal, company, or both). This is typically written in the third person, 2 to 4 sentences long, and contains examples of talents and

skills, life experience and motivation. A career profile gives a succinct intro to the complete picture of your work life – everything you’ve done as a cultural worker in the arts. This is the trailer to your life as an artist.

5. Two or more **Bios** to cover different scenarios you will need them for.
6. Your **Artist’s Statement**.
7. Your **Elevator Speech or Verbal Business Card**. This is typically done in the first person, in 2 or 3 sentences, and covers your name, what you’ve done, what you’re doing, and what you are planning to do.
8. Your **Identity Statement**. This is typically a single sentence that effectively captures the essence of your business written in present tense. Who am I? What do I do? How do I do it? For whom do I do it?

Now begin creating a **wish list of the skills you do not have** but realize you will need or would like to have. Beside them describe your intention, for example – to explore them, to master them, or to find someone to hire who has mastered them. You will be making decisions about the best use of your time as your business grows. Some of these skills you will want to outsource so that your valuable creative time is not compromised. I don’t care whether you master the skills or not - I care that you understand what needs to happen and what it should look like so if you do hire someone, you can ensure that you are in good hands.

The following exercises may be helpful if you get stuck with any of your statements.

Artist Statement

(©Alliance for Arts and Culture, 2006/7)

How did you become involved with your current art form?

Describe your art making process and aesthetic attributes of your work.

Describe the issues, subject matter, language, or perspectives represented in your work.

Evaluate your work from an intellectual perspective.

What makes your work unique?

Describe your work in one sentence.

Résumés Are Marketing Tools

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A résumé alone won't create work for you, it is simply one tool among many to assist you in the process. In fact, how a 'free-agent' cultural worker uses a résumé as part of a tools inventory can vary when creating paid work opportunities. So when do you need one, and what kind or format?

Firstly, a résumé is useful for the times when you're not in a position to sell pieces of art work or other products, and need to generate cash flow through interim employment by others. Secondly, it's useful for the cultural worker who, as part of a work vision and action plan, does not earn a living from their artwork and is seeking freelance/contract/full-time jobs instead. In such a case, a résumé is expected and serves as the means to secure an interview with a prospective employer.

In addition, having a well-written résumé feels very satisfying. Think about it: you've assessed your talents and skills, you're clear about what you want to do, you know what conditions must be present when you do it, and you've come to terms with your worth as an artist. The résumé is a reflection of who you are. The person reading it will get a clear picture of who you are, what you've done and what you're capable of doing. It may be used to join an organization, for a proposal, etc.

Creating an Inventory

Before writing your résumé, there is research that needs to be done. You've already started this process by creating an inventory of your talents and skills. What's required now is to create an inventory of all those experiences you've had in your life that may be pertinent information to include in a résumé. Remember that the word résumé means summary, précis, synopsis, so having a thorough inventory makes preparing this special self-marketing material much easier.

From the headings below (and additional ones you want to add), create a list of your:

- education
- professional courses
- employment
- volunteer work
- contracts
- clients (past & pregnant)
- committee/task force work
- community work (including Boards of Directors)
- references
- awards
- grants/scholarships
- reviews
- interviews
- exhibits
- performances
- publications
- recordings
- courses taught
- presentations
- travels

Formatting a Résumé

Here are the potential sections of a résumé:

Contact Information

Profile

Experience Summary w/ Skill Sets

Work/Volunteer History

Education

Professional Development

Professional Memberships/Affiliations

Awards

Contract/Client List

Interests

The order in which the sections are presented, with the possible exceptions of personal information and your profile, depends on what your research tells you regarding who will be reading it. You won't include every section in every résumé. Each résumé you create will list the sections in order of importance depending on the context.

Additionally, consider the following:

Easy to read

Spelling and punctuation perfect

One or two pages maximum

Important information first

Formatted/sectioned in an obvious and meaningful way

Key points found easily within seconds

Researched and written to the person you want to meet

In the experience summary, list skills and results

Reflects your personality/Individuality

Cleanly written without an overuse of adjectives

Printed on high quality paper (not a photocopy)

Consistent use of titles, font, page numbers, etc.

Written in the past tense

Read over by at least two other people before submitting it to a prospective employer

Curriculum Vitae (C.V.)

A curriculum vitae (frequently referred to as a c.v.) focuses attention on your accomplishments, where a résumé tends to elaborate on skills and experience, usually as they relate to an employment position. The c.v. is a standard requirement for most professionals, especially academics and artists. It can also be especially useful when you are creating paid work, for example when offering to teach or coach, when making a portfolio submission to a gallery, or when applying for grants. It is essentially a categorized list of all your relevant professional accomplishments.

FORMAT

The c.v. is usually presented in formal point-by-point, reverse chronological order. There is little or no narrative explanation of the items. The sections used are ordered depending on what the c.v. is being submitted for and with regard to who the reader will be.

An accessible format is essential. A very long c.v. can be shortened, or the contents made more specific to its target audience, by using the word 'Selected' in the section heading. This allows you to suggest there is more, without overwhelming the reader with less relevant information. The specific format and content of a c.v. varies from discipline to discipline. Do your research to determine the correct format and content for the purpose. A c.v. does not replace a résumé when one is required.

CONTENTS

A typical c.v. can include the sections listed here (and others). In preparation for developing your c.v., check all those that apply to you, and begin to formulate your full, master c.v. using these headings. Look at sample C.V.s used by others in your discipline if these headings do not work for everything you do. Although you may decide to create different C.V.'s for the different disciplines that you practice, if you have access to a computer, it is very helpful to have everything on a master c.v. from which you can draw targeted information (in SEARCH lingo we call this the 'mondo C.V.', a partner to the 'uber résumé').

SUGGESTED HEADINGS – CULTURAL SECTOR C.V.

These are in no particular order. The order you will use may change, depending on the target recipient of the information.

- Education (usually means academic, indicating level achieved, where and when)
- Professional Development (including apprenticeships, workshops)
- Awards/Grants/Scholarships/Prizes/Fellowships
- Commissioned Work
- Public/ Private Collections
- Solo Exhibitions
- Group Exhibitions
- Juried Exhibitions
- Selected Exhibitions
- Catalogues
- Public Art Projects
- Publications
- Curatorial Projects
- Performances

- Boards/ Committees
- Public Appointments/ Panels/ Juries
- Collaborations/ Collaborative Projects
- Professional Experience
- Teaching/ Lectures/ Talks
- Media Coverage/ Reviews
- Galleries/Agents
- Professional Organizations (your memberships)
- Residencies/ Visiting Artist

Sample Curriculum Vitae (“Course for Life”)

(aspects of your life that are relevant to the position)

A simple, neat presentation, free from typographical errors and spelling mistakes is important. The current date and a photograph scanned into the top left hand corner can add to the presentation.

Personal Details: Name
 Address
 Contacts (Phone, e-mail)
 Website

Education and Training Qualifications: **(May also include professional development)**

List date of completion, qualification gained and institution from most recent back.

Employment History

List employer, place and your position from most recent back. Employment may be substituted with different subheadings according to your art form eg:

- Exhibitions
- Performances
- Collaborations
- Publications/Releases
- Commissions

Work-related Skills

List any skills you have that would be relevant to the position being applied for.

Demonstrated Abilities

List any abilities you have that have been able to showcase in previous jobs

Professional Affiliations

List any groups you are a member of.

References or Testimonials

Letters or statements written generally about you by someone who has employed you, worked alongside you or someone of professional standing.

The name and contact details of people who can verify what you have said in your application or curriculum vitae.



SAMPLE RESUME

Lisa Ranson

105-185 Quail Ridge Rd • Winnipeg, MB. • R2Y 2G6
Tel: (204) 291-9305 Email : lj885@mts.net

Enthusiasm + Business Development + Time Management + Strategic Planning + Relationship Building = Results

Profile

- **Sales Marketing Professional** – with 7 years experience developing and implementing sales plans which helped to increase sales revenue by 50%, exceeding targets (Maxill)
- **Resourceful Territory Organizational Professional** - who uses proven strategic planning skills to maximize territory coverage. Regained over 60% of clients lost over previous 3 years prior to me assuming the territory (Maxill)
- **Product Marketing Specialist** – responsible for successfully introducing new specialized products to the marketplace and accounting for 30% growth in total revenue (Oral Science)
- **Communications Professional** - Diplomatic and socially adroit with a natural sincerity that has won loyal support and motivation of customers, colleagues, managers and suppliers.
- **Resourceful and Confident Leader** – with exceptional work ethic, organization and communication skills and ability to create a highly motivated team environment (Pacific Community Resources)

Summary of Qualifications

- **Territory/Time management**
- **Effective execution of strategic and tactical initiatives**
- **Strong negotiation and communication skills**
- **Strategic planning**
- **Results oriented**
- **Relationship development**

Career Experience

Territorial Sales Manager

2009 - Current

Oral Science

Oral Science provides the dental industry with dental care products and protocols.

- Introduce Oral Science's products and protocols to Manitoba/Saskatchewan and Northern Ontario.
- Create value of Oral Sciences new product lines to groups of dental professionals through interactive presentations.

Territorial Sales Manager

2007 - 2009

Maxill

Maxill provides the medical/dental industry and select retailers with dental care and infectious control products.

- Educated existing and potential customers in the quality benefits of Maxill products
- Created strategic initiatives to increase client base and increase sales of existing clients

Sales Representative

2006 - 2007

GBC Canada

GBC Canada provides custom document finishing solutions to businesses around the world, including laminating, binding, and creating corporate identity solutions on custom binders and folders.

- Expanded and maintained Winnipeg territory through cold calling and building relationships with established clients.

Sales Associate

2004 - 2006

Jacob

Jacob provides its customers with affordable upscale women's fashions and accessories.

- Engaged customers and helped them create a look that reflects their style and personality. Assist in creating merchandising displays throughout the store.
- Interact with professional women and provide a level of professional service that I am accustomed to.

Sales Associate

2001 - 2004

GAP

Gap has long been known as one of Canada's most successful casual clothing stores. Gaps diverse market share providing fashions ranging from youth to adults, provided an opportunity to assist individuals and families in choosing wardrobes and fashion accessories for a wide variety of age groups.

- Assisted customers in coordinating wardrobe purchases. Created merchandise displays throughout the store including window displays.

Account Executive/Sales Manager

1998 - 2001

Decorworld Magazine

Head office in Oakville Ontario. Decorworld Magazine provided the Interior Design industry with Canada's largest professional resource guides and information forums bringing all aspects of residential and commercial design together under one roof.

- As an Account Consultant with Decorworld, I was responsible for contacting Interior Designers, Architects, Interior Decorators, and industry suppliers to introduce them Decorworld, and sell them on the benefits of promoting their products and/or services within our print and online resources.

Manager

1992 - 1998

Pacific Coast Community Resources (Group Home)

Supervised both the Day Program and the Recreational Program of a Group Home for mentally and physically challenged individuals. I maintained a staff of 30.

Duties included:

- scheduling
- meal planning
- meeting with professional support members on an ongoing basis (Dr.'s, dietary, licensing, etc.)
- Hiring
- Training
- Meeting with clients parents
- Putting Protocols in place

COMMUNITY INVOLVEMENT

- Siloam Mission
- Oasis Community Church
- A Joyful Noise School
- Big Sisters Winnipeg

References

Will be provided upon request

Sample Biography

Mark A. Melymick, currently the Coordinator of the Performing Arts Preparation Program at Sheridan College in Oakville Ontario, has extensive experience as a professional actor, writer and teacher. He is a published playwright and has optioned a screenplay, *The Wise High Guys*. He has received a Saskatchewan Arts Board grant, a Canada Council "B" grant and, most recently, Telefilm funding for his writing.

He has numerous television and movie acting credits, including recurring roles on *Due South* and *Flash Forward* and guest lead on the Cagney and Lacey TV movie (his performance received a glowing review in the Hollywood industry magazine, *Variety*). He has also performed in dozens of television commercials.

His professional stage debut was at Twenty-fifth Street Theatre. He is also one of the founders of the long running improv show, "The Saskatoon Soaps," and performed in the first season of "Shakespeare on the Saskatchewan."

In New York, Mark played "The Magistrate" in the Off-Broadway production of *The Ecstasy of Rita Joe* and was the director-founder of the *The Village Soaps* improv troupe. He received his MFA in New York under the guidance and direction of Academy award winning actor, F. Murray Abraham and Obie award winning playwright and director, Jack Gelber.

In Toronto, he studied with Al Waxman, with whom he also worked as an actor on *Scales of Justice* and *Twice in a Lifetime*.

Mark won a comedy contest while attending the U of S and later performed stand-up comedy at Yuk Yuk's (Toronto), The Comedy Store (London, UK), The Gilded Balloon (Edinburgh), The Improv (New York), Paradise Island (Bahamas), and the original Comedy Shoe (Saskatoon). In Saskatoon, he also wrote and produced the popular comedy revue Madness.

Mark was a high school teacher for 17 years, mostly at White Oaks Secondary School where he was Head of Performing Arts. While there, he directed numerous plays and nurtured the talents of hundreds of students, including present day Canadian stars Gerri Hall and Brandon McGibbon.

In 1999, he was elected Vice President, External Affairs for ACTRA, where he served on council for two terms, until stepping down when he was asked to head up the new program at Sheridan College. In 2005, he was elected to serve his third term as Co-Chair of Audio Visual & Live Performing Arts on the Board of Directors for the Cultural Human Resources Council, where he has chaired several working committees developing Arts curriculum.

He is proud Canadian and a strong promoter of Canadian Culture ... but is most proud of coproducing his two sons Luke and Lee.

Session Four – How Do I Get It Out There?

**Assume that you are going to be an artist
and then act as if you already are.....**

Marketing addresses the question from your customers' point of view - **Who are you and why should I care????** When you have effectively answered that question, you are well on your way to connecting in both a meaningful and long-lasting way with your market.

Marketing is presenting your work to potential buyers. Nowadays that is much more about connecting with - rather than manipulating - your audience. Social media will become one of your best tools to connect with those potential clients.

Marketing is NOT selling. It is the most important skill you'll need to succeed as an artist who makes a living from their work.

Marketing is.....

- **creating connection to be noticed**
- **nurturing relationships to be liked**
- **branding to be trusted**

Think of it like this....**you are transferring enthusiasm!**

An effective promotional and marketing strategy helps your future audience or market to know about you, your creation, or the services you provide. Such a strategy ensures that whatever artistic or cultural endeavour you are engaged in, they will come to your performance, buy your work of art, or engage your services.

The modern marketing approach begins to address the concern many in the cultural industries have – that selling your work means “selling your soul.” Unless you are prepared to do that, it doesn't have to be that way.

Ideally, your marketing and promotion will build on the core values and goals you identified earlier in this course. In developing those goals you will already have had to identify your evidence procedure.....**“how will you know when you get there?”** That rich description will inform your marketing strategy. You will always be more successful, whatever your personal definition of success might be, if you believe in and respect the integrity of your goals as much as the integrity of your work.

An effective promotional package should follow two primary rules:

- **Find out what the receiver of your package expects:** Although “industry standards” can be discovered through market research, you should always try to learn which promotional elements your target market expects to see.

- **Deliver what is expected, then present it in a unique and creative way:**
You want your promotional package to be sufficiently standard as to allow the receiver to make a proper comparison. At the same time, you also want yours to stand out. Achieving both of these goals requires striking a delicate balance. One caution: decide very carefully what should be “special” about your promotional package.

No matter which type of promotional package is ideal for you, follow these guidelines:

- Plan it carefully
- Produce it professionally
- Package it attractively
- Distribute it appropriately
- Review it continuously

Publicity is the catch-all term for advertising that doesn't cost you anything.

In fact, it's even more effective than paid advertising because an article or a blog written about you by a third person is often more credible than an advertisement, and you can reach many more people this way for little or no money. (Can you imagine how much it would cost to advertise directly to each of the people who subscribe to The Globe and Mail newspaper and visit the Globe's website? Yet if the Globe publishes a story about you, you achieve the same market penetration or better; and it's free.)

A **press release** is the most common and accepted method of reaching people through the media without paying for the resulting advertising. Through a press release, you can promote some timely, newsworthy aspect of yourself or your work. Ways to gain publicity include:

- Create an event
- Communicate your successes
- Develop an “angle”
- Build on other promotions

Social Networking Tools

Social networking tools like Youtube, Facebook, Instagram, Twitter, LinkedIn and other web-based applications are the best way to introduce your work to new audiences, and are free or cost very little. Musicians post live videos from a tour on YouTube to introduce their music to many new fans. Regardless of discipline, if you have a bit of writing talent and are willing to share personal reflections about your life as an artist – including posting information about the upcoming show of your mixed media paintings, where your next performance will take place, or what life is like on tour – consider writing a blog. Just remember that regular posts to your blog are the best way to keep people coming back to find out what you are doing. However, be careful how much personal information you post on the Internet, to protect yourself now, and in the future.

Your Website

You MUST have one!! This is your home base where you can store all information, photos, and promotional materials necessary to promote your arts practice to the world.

Secure your domain NOW if you have not already done so. Before you begin branding yourself you must ensure that the words you want to use are available to you. Think about this very seriously as this may well be the branding for the rest of your career. Rebranding along the way can be tricky and you may lose clients in the process. It is best to plan carefully for the future and establish a solid, long lasting brand in the first place. So choose your domain name carefully. Is it easy for someone to remember? Does it have a quirky or memorable twist to it that makes it stick in someone's mind? (Remember Runs With Scissors)

It no longer needs to cost an arm and a leg to develop a great website. There are many good platforms out there with templates that make it easy to create your own. I would caution you to have evaluated your skills well enough to know if you should hire someone to do it for you or are you really good at design and writing and photography - for example. If you are weak in any of these areas - get help. How well written the pieces are - how great the photos are - how professional the design looks - all give an **immediate first impression** of you and your arts practice - so make sure you are putting your best foot forward. This is one place it is well worth spending the money if you do not have those skills yourself. As you complete your business plan, you will have many of the written pieces ready to go and a good start on the content.

Tips for creating a good website are:

- Hire the right web developer (someone who gets you and what you do)
- Effectively communicate your objectives to your web developer
- Provide excellent content
- Control spending
- Incorporate future plans
- Ensure you can update it yourself
- Update it regularly

Identity Your Target Market

Who is your market? Your target market? Really research this and get clear about who it is you want to reach. We often have a very broad idea that everyone will love what we do. Did you know there are people who don't like music for example? So do your research (check your Facebook stats - keep track of who buys your work - record numbers and demographics of who comes to your concerts - for example). The more

streamlined this research is the better. It will save you from wasting precious time and money trying to reach those who are not interested in what you do anyway.

A good tip for identifying your market is to give it a name - a persona. You could pick someone who is your typical client - use their name - and list their demographics..... where do they live, age, gender, economic status, hobbies, etc.) Maybe this is a couple of people if your market has different arms to it.

Understand Your Market

A marketing strategy will describe the way in which you intend to achieve your overall marketing goals: what you will do, when you will do it, where you will do it, and with which tools.

The better you know yourself, and the more you know about the potential employer's context and needs, the better you will be at targeting your self-marketing approach.

Starting point

To begin with you need to know: **what you are marketing?** Seems simple right? Be very clear with yourself so you can be clear with your marketing.

Once that's determined, the second piece of the puzzle is: **to whom are you marketing?** Give your market a name or persona.

Thirdly, **what is the best way to market it?** When you know your target market you can determine what medium is most likely to catch their eye.

Finally, and most importantly, you need to evaluate your progress. **How effective is your current marketing?** Is it working?

The Three 'M's of Marketing

- **Market** – Who is your Market??? Research your target market
- **Message** – what is the marketing message you need to convey to that market
- **Medium** – what is the most effective medium to reach that or those markets

Set Your Intention

What do you want to be known for? What will people say about you?

Make a list of what you want to be known for. You may want to draw from the exercises you did to determine your values and your goals.

I want to be known for _____

Precision Marketing

© David Parrish, 2009

After choosing the right kind of customers to target, you will need to communicate your key messages to them.

'Precision Marketing' is all about getting the right messages to the right people in the most effective way possible. The '3Ms of Marketing' technique helps to achieve that precision. The three Ms are: **Market, Message, Medium** – and it's important to deal with them in that order. This technique invites us to think things through in a rational way, dealing with each market segment (or 'customer type') in turn.

Firstly, for each product or service, list the different types of customer that you are targeting. Secondly, for each customer type, list the marketing messages you need to convey. Then thirdly, for each message to a market segment, choose the most effective medium to convey the message to that type of customer. The right medium might be an email, an article in a newspaper, a text message, a poster in the right location, or a radio advert, for example.

This is why it is meaningless to evaluate different marketing media relative to each other unless you put them in context. In other words, the answer to the question "Is a website better than a press campaign?" is "It depends...". That is, it depends upon who you are addressing and what you need to say.

The beauty of this process is that it untangles a pile of bright ideas about media, messages and markets – and lays them all out in straight lines, aligning a market with a message and then a medium in a precise way.

When each 'Market-Message-Medium' communication is identified, the best ones can be prioritized (you won't have the time or resources to do them all) and put together into a coherent marketing campaign.

When constructing marketing messages, we need to differentiate between features and benefits. Irrespective of the features we think are important, the customer will buy on the basis of the benefits to them, asking "**What's in it for me?**" Features and benefits can be separated according to this simple test: if the customer's reaction to your marketing message is "So what?", then you've been talking about features, not customer benefits.

Often we want to enthuse about what we create from our own point of view, but effective marketing requires us to **look at it from the customer's point of view**. So, for example, customers want to know about how your design will increase sales, how your product will make

them look good, or how your cultural heritage offering will entertain, educate or be part of a great day out. We need to devise marketing messages that press their buttons, not ours.

Tight budgets for marketing communications can be a problem – or a blessing in disguise. Financial constraints can help us to become more creative and prompt us to look for low-cost marketing methods which are highly effective, for example press releases which result in editorial coverage. ‘Word of mouth’ publicity managed well can become **‘Viral Marketing’**, in which people pass along the news or ‘story’ about your product or service in an energetic and excited way, ‘infecting’ many other people with their enthusiasm in a manner akin to the spread of a virus. For this there needs to be a ‘story’ about your product or service. Or it could be a product or service that gets passed along from person to person, carrying your message with it as it spreads. In our online world, digital files such as e-books, photos, music, videos and text spread around the internet, from one sender to multiple recipients.

In your marketing communications campaign there might be a place for [Twitter](#), [MySpace](#), [Flickr](#), [Facebook](#), [YouTube](#), [Scribd](#) and other platforms and networks. But before you become seduced by these exciting and powerful technologies, think about the two ‘Ms’ first: Market and Message. In other words, be clear about who you are targeting and what you need to say to them. Then choose the most suitable medium or media that will help you deliver your key messages to your carefully selected customers.

REACHING & SERVICING YOUR MARKET

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Your research has revealed who is your “target market”. The next step is to determine what is the best way to reach your potential client/customer. Here is a promotional checklist to consider:

Promotion

Word of mouth	<input type="checkbox"/>	Business card
Portfolio	<input type="checkbox"/>	Promotional video
Flyers	<input type="checkbox"/>	Brochures
Newspapers (advertising/interview)	<input type="checkbox"/>	Magazines (advertising/interview)
Direct mail (postcard/letter/catalogue)	<input type="checkbox"/>	Trade publications (listing/adverts)
Writing books/publications	<input type="checkbox"/>	Telephone directories
Outdoor ads (display board/billboard)	<input type="checkbox"/>	Web site
Public Relations (press release/kit)	<input type="checkbox"/>	Free introductory seminars/events
Promotional speeches	<input type="checkbox"/>	Trade shows/Conferences
Networking	<input type="checkbox"/>	Telemarketing
Demonstrations	<input type="checkbox"/>	Television (advertising/interview)
Radio (advertising/interview)	<input type="checkbox"/>	Manager
Agent	<input type="checkbox"/>	Promotions (gifts/samples/discounts certificates/coupons)
Membership directories		
Mailing lists	<input type="checkbox"/>	Busking/door to door
Entering contests		

Which of these marketing strategies are used regularly in your chosen field of work? Some are clearly better for marketing a product, others for marketing a service.

SERVICING YOUR MARKET

Having decided what types of promotion you'll use, you must now determine how you will distribute your product or service. Here's a checklist of possibilities:

DISTRIBUTION

Self	<input type="checkbox"/> Retail	<input type="checkbox"/> Mail order
Trade shows/Showcases	<input type="checkbox"/> Telemarketing	<input type="checkbox"/> Wholesale
Manufacturing representatives	<input type="checkbox"/> Independent agents	<input type="checkbox"/> Special events
Sell to manufacturer	<input type="checkbox"/> other:	

Defining the Market

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Defining your market is of key importance and has two key objectives.

- Understanding its attractiveness. Is this where you want to invest your resources (talent, time, money)? Is the payback worth the effort?
- Understanding the market dynamics, so you can take advantage of opportunities and respond to challenges proactively.

Answer the questions below to define the potential market or markets you want to research.

1. Are there **entry barriers**? Will I need training, skills, credentials, resources, certification, or union membership?
2. What is the **size** of the market? Are there many participants and what is their budget?
3. What's its **growth potential**? Is it growing, declining or staying steady?
4. What is the **revenue potential**? Are there many competitors? Are there gatekeepers (casting agents, music contractors, etc.)?
5. What will it **cost to operate** in the market?
6. How do you **distribute** your art in this market? Are the channels of distribution tight or open?
7. What **trends** are influencing the market? Are there social, financial, environmental or other issues that are affecting the market?

Marketing action plan overview

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Target Consumers	Benefits	4 Ps - product, price, place, promotion	Marketing Tools and Resources	Time Lines	Budgeted Expenses and Revenues	Evaluation
<ul style="list-style-type: none"> • Cornerstone of my business • Those who know my work • Those who like the art form such as relevant groups, clubs, social groups • Those who follow similar art forms • Those with similar demographics (e.g. age, lifestyle, etc.) • Funders (government), donors, sponsors, agents, etc. 	<p>Examples:</p> <ol style="list-style-type: none"> 1. They like my work and find it stimulating 2. My work promotes a healthy lifestyle and inspires passion 3. My work is a distraction from everyday life 4. My work is educational without being didactic 	<ol style="list-style-type: none"> 1. Product - the actual product you provide, the way you relate to your consumers 2. Place - how you sell your work, where people can find out information and purchase it (sometimes called POP - Point of Purchase) 3. Price - affordable for your target consumers, added value, packaging, discounts 4. Promotion - the correct tools and resources 	<ol style="list-style-type: none"> 1. Use the tools that sell your product best and achieve the results you want 2. Reflect your branding in your tools 3. Remember the benefits and the 4 Ps 4. New technologies are not strategies in and of themselves 5. Follow the rules of thumb: clear, concise, consistent, communicative 	<ul style="list-style-type: none"> • Leave yourself enough time to do all the things you want to do • Your timelines will also show your cash flow • Set aside at least one day a month for your marketing/communication strategy 	<ul style="list-style-type: none"> • Account for costs relating to all your marketing tools • If you can't afford to carry out your plan, don't throw it out; instead look for lower-cost or no-cost alternatives • Set achievable sales goals and include them in your overall revenue projections 	<ul style="list-style-type: none"> • You need to audit your activity by reviewing financial goals and objectives and evaluating results • Looking back helps you see if your strategy was successful • Track sales on an ongoing basis • Don't repeat mistakes

Marketing action plan worksheet

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Target Consumers	Benefits	4 Ps - product, price, place, promotion	Marketing Tools and Resources	Time Lines	Budgeted Expenses and Revenues	Evaluation

IMPROVING YOUR WRITING IN THIRTY MINUTES

Use these ideas in any context where you find yourself required to write.

1. Take 10 minutes to write down everything you want to say. Don't stop yourself in the middle and tell yourself it's wrong or try to edit. Use mind mapping as another technique, or conduct an interview where someone records your ideas.
2. Write your first draft in longhand (double-spaced for editing purposes). Then transfer to a computer.
3. At the beginning, make it easy on yourself. Start writing those sections you are most familiar with, or excited about.

4. Read your text aloud. Mark problem spots with a pencil. Notice where you can't read through a sentence without taking a breath, words that are used too frequently, and awkward combinations of words.
5. Now edit. If you are introducing yourself, an idea, a service, project, or product, too much talk will reduce the effectiveness of what you have to say.
6. Keep sentences relatively short. It isn't necessary to impress the reader with your lofty ideas and the verbose expression of them.
7. Don't be cute. Your reader may not find your humour to their liking.
8. Don't be too erudite. For your document to be clear, it requires using precise and simple language. Long or rarely used* words are easy to misuse, and it is always embarrassing to be "shown up". (*Erudite, for example).
9. Don't talk down to the reader. Strive to be informative and intelligent, without sounding condescending. Don't assume that jurors or assessors have a similar education or background as yours.
10. Cross out all occurrences of "I think" and "I believe". If you have done your research, you "know" and they will be unnecessary.
11. Get rid of the word "very". It lacks force and sounds vague. Use concrete statements. "The product is very popular", is less effective than, "The product is twice as popular as its nearest competitor."
12. Underline every adjective and adverb in red. Is there too much red on your page?
13. If your sentence starts with an adverb ("Evidently", "Usually"), get rid of it.
14. Use simple verb tenses as much as possible, compound verbs weaken prose. "This arrangement will be covering all contingencies", does not have the punch of, "This arrangement covers all contingencies."
15. When finished, try reading the entire document backwards (paragraph by paragraph, not literally). Any jump in flow or logic needs to be corrected.
16. Show it to at least one other person for a critical reading and a style, format, and content reading.
17. When making notes or revising drafts use different coloured pens to highlight areas of strength or difficulty, or to categorize similar themes.

Pre-Proposal Idea Jogger

- Briefly state the problem you wish to address, or the opportunity that has presented itself.
- State several reasons why this problem or opportunity needs to be addressed. Be as specific as you can.
- What is the solution you propose to solve the problem, or the program you will implement as a result of the opportunity that has presented itself?
- List ways in which you will be able to tell that your solution is working; that the implementation strategy you have chosen is appropriate.
- State several reasons why you are the one to do this.
- How does this project relate to your institution (or business or organization)? Mention any circumstances that justify doing the project with you.
- Made a list of the people who will be involved in the project. If you don't have names, list job titles (or areas of responsibility or function).
- How long will the project run? If it is a multi-year task, make out a time chart for each of the project years.
- When would you like to start the project? When is the latest you would consider starting?

- Make a list of major items to be purchased, of space to be renovated, of major requirements for leased facilities and/or equipment, and of any major services to be contracted.
- Will there be an impact of the project beyond your institution? If so, who else will be interested and how will you let them know? If not, state your reasons.

The Art of Self-Promotion

In his novel, *Shoeless Joe* (upon which the film *Field of Dreams* was based), Vancouver writer **W. P. Kinsella** presented the now-famous maxim: “build it and they will come.”

For self-employed artists and cultural workers this idea is particularly compelling. Write the play, paint the mural, compose the song, create the dance troupe – whatever the goal is, just do it, and the audience will follow. This is a wonderful utopian vision, and, unfortunately, one generally best left in the *Field of Dreams*. Like it or not, artists and cultural workers have always had to find or create a market for their work. This is as true today as it was, in their respective times, for William Shakespeare or Amadeus Mozart.

If you want your songs to be played on every radio station and seen most often on YouTube, your marketing strategies will be different than if you want to be free to just busk for coins outside the neighbourhood liquor store. You will always be more successful, whatever your personal definition of success might be, if you believe in and respect the integrity of your goals as much as the integrity of your work.

A Halifax filmmaker (who asked to remain nameless) applied for a residency at a prestigious New York school and sent the requested résumé etched by hand (with a compass needle) on a reel of old film. The reviewers did indeed remember him, but only as the person who almost blinded them when they fed the reel into a projector rather than reading it like a book, as the filmmaker had intended.

Visual artists, who want an exhibition in a public gallery, must develop a digital portfolio. A demo CD or DVD and discography is the “résumé” for the **musician** wishing to sign with a recording company. **Consultants and some “technical workers”** (such as theatre technicians and artefact conservators) often rely on proposals and well-crafted résumé to sell themselves. **Writers** demonstrate their writing talents by proposing an idea in a written “query” to an agent or publisher.

WHAT CONSTITUTES AN EFFECTIVE PROMOTIONAL PACKAGE?

The ideal promotional package responds effectively to the advertising needs of the kind of art you practise or the work you do.

An audition is more important for an actor or a musician than anything material that s/he can hand to a potential director or an audition committee.

Canadian curators have overlooked more than one talented visual artist because she sent a letter stating that her work can be found on the Internet rather than submitting the expected digital portfolio. Many curators don't have the time to find an artist's work on the Internet; some find it difficult to compare high-resolution images to low-resolution scans; and even those curators who are impressed by the work on the website may find it too cumbersome to share their findings with a committee. So, despite the talent and the best intentions of the artist, she is unlikely to be chosen for an exhibition.

Despite a sixth place finish on Canadian Idol in 2007, not much was happening for **Tara Oram**, so she created a video blog about her life, and posted it on YouTube and Facebook. That exposure led to a CMT television show, *The Tara Diaries*, and then a CMT/YTV show aimed at youth, *Karaoke Star Junior*. Her debut album, *Chasing the Sun*, won a 2009 East Coast Music Award for Country Recording of the Year.

No matter which type of promotional package is ideal for you, **follow these guidelines:**

Plan it carefully

Your promotional package – like your business and marketing strategies – deserves thorough planning. Should you present the full range of your work or a thematically cohesive segment of your work? Should you send a story proposal with one concept for a magazine article or submit several strong ideas at once? If you truly know all the variances of your target market, it will be relatively easy to decide what your package should include.

Produce it professionally

It may seem unfair, but contracts have been lost because of a spelling mistake in a cover letter or a bad mix or edit of a demo tape. Strive for the very best that your talents deserve and your budget allows. Refer back to the answer you gave (in Chapter One) to the question: "How would you like to be remembered?" and incorporate what you learned about yourself into the development of your promotional package. If, above all else, you want the memory of your work's quality to linger, emphasize that aspect in your materials. People remember the unusual. Often it is the understated, high-quality presentation that stands out.

Package it attractively

If your heritage building conservation proposal is delivered in a red binder left over from your high school days, the contents won't be taken seriously. Design or purchase a high-quality package that complements the contents and also fulfills industry expectations. The film industry, for example, has very specific rules on how a film treatment should be presented, right down to the requirements of how you bind the document.

Distribute it appropriately

Carefully select the recipients of your material. Although a wide, general mail-out will get your information into a lot of hands, an impersonal, unsolicited, untargeted package will end up in as many garbage containers. If you are unsure which person or department in your targeted market should receive the promotional package, e-mail first, describe what you wish to present, and find out to whose specific attention the package should go. Be sure to get this person's

exact title and the spelling of his name. Then address your cover letter appropriately. Never use a generic mass marketing approach, such as "Dear Editor" or "To Whom It May Concern." The result will be that your promotional package won't be of concern to anyone except that ubiquitous garbage container.

Review it continuously

Learn from the feedback you receive – or don't receive – about your promotional package and constantly update and fine-tune each aspect. Before you send the material, show it to a person whose judgement you respect.

Keep in mind that your promotional package is often the first and only indication of your talent, your understanding of your market audience's needs, and your ability to address their needs. Your package should represent you as well, or even better, than a personal interview.

HOW CAN I ECONOMICALLY PROMOTE MY WORK?

There are many ways to promote yourself and your art or cultural services without spending much money.

Network

Networking is perhaps the scariest term in business lingo – just the thought of having to "work the room," "press the flesh," or "rub elbows" can weaken even the most confident cultural worker's marketing resolve. It doesn't have to be this way. All that is meant by networking is that people should talk about their interests with people who share them. Schmoozing can be fun, as long as you count your fingers after each handshake. Don't forget that the others in the room are also selling or browsing for ideas.

So, how do you find people with interests similar to yours?

Go where people like you go

Attend performances, exhibition openings, book launches, readings, public meetings, conferences - wherever people might congregate that you should talk to. If the thought of approaching a stranger terrifies you, don't stay home. Go to be "seen" – someone may approach you. At least appear to be interested in his "spiel"; you may learn something new and useful.

Participate in online social networking

Social networking tools like Facebook, MySpace, Twitter, LinkedIn and other web-based applications are the best way to introduce your work to new audiences, and are free or cost very little. Musicians post live videos from a tour on YouTube to introduce their music to many new fans, and use Twitter, iLike and newer applications to let an ever-widening circle of people know more about their life and work. Many agents look to MySpace to find new talent. Curators, arts managers and consultants use LinkedIn, GoogleDocs and other Web 2.0 applications as virtual collaborative workspaces. Regardless of discipline, if you have a bit of writing talent and are willing to share personal reflections about your life as an artist – including posting information about the upcoming show of your mixed media paintings, where your next performance will take place, or what life is like on tour – consider writing a blog. Just remember that regular posts to your blog are the best way to keep people coming back to find out what you are doing. Also look for opportunities to post to other blogs, or share your favourite book choices at www.shelfari.com or the music you are listening to at iLike, all opportunities to have your name out in the marketplace and in virtual circles where people with similar interests go. However, be

careful how much personal information you post on the Internet, to protect yourself now, and in the future.

Michel Rivard, a singer-songwriter and actor well known in Québec and internationally, jumped into the fray to protest the cuts to federal funding for culture during the 2008 federal election. His YouTube video went viral, raising awareness – and a lot of laughter – about the issue, and introduced his work to many Anglophones at the same time.

Join a professional association

Associations and Arts Service Organizations (ASOs) bring like-minded people together and provide a source of tremendous professional and personal support. These organizations normally offer their members an array of useful information about the industry, sometimes provide tangible benefits such as health insurance or professional development courses, and always present the opportunity to be a part of a network of colleagues. That network can counter the sense of isolation many self-employed workers feel and help them to remain focused on their work.

Note that, while membership in a professional association may not be free or inexpensive, there is usually a discounted fee for members to participate in association events, which allows the opportunity to network with other members and develop additional skills and knowledge. In Québec, being a member of a legally-constituted professional association is required under the Acts Respecting the Status of Artists in order to be recognized by the government as a professional artist.

Membership in a recognized association can provide certain financial advantages under the terms of these acts.

Take note that networking is most successful when you make the effort to learn about the other person, rather than just talking about yourself. Marketing is about relationship building and meeting customers' needs. You can't establish trust, or respond to someone's needs, if you aren't listening.

Website

A website has become an essential tool for most artists and cultural workers. Do some research into what kinds of information people in your discipline generally include on their websites. Figure out what you really like on your favourite websites, and include what you can afford in the design of your own website. If you are just starting out, see if you can barter web design for something you've created. If you cannot afford the time or money to develop a website and have it hosted, look into creating a web presence on Facebook at a minimum, find opportunities to mount a video or two on YouTube, or take advantage of opportunities to post to another artist's blog.

Volunteer

The cultural sector thrives on the valuable work of volunteers. These volunteers have learned something that some business people never do – that volunteers often benefit as much or even more than the recipient of the donated time or objects. If you donate an artwork to the local

children's hospital or offer your professional expertise to someone asking a question on an online discussion list, you provide something of great benefit to someone else. And, at the same time as you are doing something worthwhile, you are also promoting yourself, getting your work out where people can see and enjoy it, and might even be "creating" a customer or a market where none previously existed.

Beware, don't allow yourself to be "used" by volunteering while others benefit in material ways, such as by playing in a jam session at a bar or reading at an open-mike poetry bash. "Exposure" is either illegal or bad for your health. At the very minimum, your performance should be worth a free cappuccino or jug of beer to the coffee house or bar owner.

Publicize

Publicity is the catch-all term for advertising that doesn't cost you anything. In fact, it's even more effective than paid advertising because an article or a blog written about you by a third person is often more credible than an advertisement, and you can reach many more people this way for little or no money. (Can you imagine how much it would cost to advertise directly to each of the people who subscribe to The Globe and Mail newspaper and visit the Globe's website? Yet if the Globe publishes a story about you, you achieve the same market penetration or better; and it's free.)

How do you convince people to discuss and write about you and your work? A **press release** is the most common and accepted method of reaching people through the media without paying for the resulting advertising. Through a press release, you can promote some timely, newsworthy aspect of yourself or your work.

A simple announcement of the production of your new play may get you listed in local event calendars, but a description of something distinctive and interesting will be more likely to result in an article, review, pre-performance interview or blog comment. Is this the first time this play has been produced in Canada? Was the inspiration behind the play a particularly moving story or a personal experience? Will the proceeds from one night's performance be donated to PEN Canada to fight for freedom of expression? Was your work well received abroad? If so, send out copies of those reviews to local media, and post them on your website or Facebook page.

An event is somewhat simple to publicize because the event itself is the subject of the announcement. **What can you do if you want to publicize your business and don't have an event to promote?**

Create an event

Offer public seminars, host a studio "open house," invite other musicians to a jam session, or arrange a poetry reading. By creating an event, you have also created an opportunity to promote yourself through the media and to showcase your talent and that of the others who participate.

Communicate your successes

The stereotypical Canadian will shy away from patting himself on the back when he achieves a significant goal or receives an award or recognition. Don't let modesty or any other consideration stand in the way of a perfect reason to raise your public profile.

Develop an "angle"

This doesn't have to be as sinister as it might sound. Just discover what is newsworthy about yourself, or your work, and report on it. Perhaps you are the youngest artist represented in a corporate art collection, or the last dancer to perform in a facility slated for demolition.

Sometimes a creative approach is effective: a news bulletin about poet **Earle Birney's** treatise, *Spreading Time: Remarks On Canadian Writing And Writers 1904-1949*, sparked a minor media sensation. It illustrated the poet's growing nationalism by claiming that, sometime between the ages of four and nine, he began to object to the absence of "Canadian content" in the Lord's Prayer.

It all comes down to this: to remain in business and develop a greater readership, editors must print articles or broadcast stories or deliver key news in the news sections of their websites. Most editors are savvy enough to see through, and reject, a thinly disguised advertisement. It is your job to discover and promote something interesting about your work.

[TIP: Write your press release in the third person to make it sound less like a sales pitch. Instead of writing, "Now you can preview our latest recordings over the Internet," try, "Now discriminating listeners and loyal fans can preview my sought-after and high-quality recordings through the Internet.]"

Your press release should contain the following elements:

Title – Include a title such as "Press Release" or "Media Release" or "Time Sensitive Material." Some marketers omit this as it seems overly obvious, but editors have thousands of pieces of paper crossing their desks every day. If one of those papers doesn't have a clear purpose that can be determined immediately, it may be overlooked or end up in the wastebasket.

Release date – Insert the words "For Immediate Release" or "For Release Not Later Than April 16, XXXX," depending upon whether you want the story to go out right away or be held back for a later release date.

Headline – Add a specific, engaging, "punchy" headline that encapsulates the subject of the release and entices the reader to read on.

Dateline – List your city, province, and the date you are sending out the press release (as many newspaper wire articles do).

First paragraph – State the main message of your release in the first paragraph. What is the story, and why is it newsworthy?

Middle paragraph(s) – Provide supporting material such as background information, quotes, and examples in the middle paragraph(s) of the release. Remember that the editor or journalist may use parts of your press release exactly as you have written it, so take care to make the wording clear and memorable.

Last paragraph – List the specific details that readers will need to follow up on the message (including dates, prices, addresses, hours of operation, etc.)

Close – Add the code “- 30 -” to indicate that the release has concluded.

Contact information – State the name and phone number of the person who is prepared to speak to the press. Remember to include weekend and evening contact information if your story is particularly timely, as the journalist assigned to your story may be working to a strict deadline. (Note: some people prefer to have the contact information at the top of the release, others feel that too much information at the beginning can weaken the impact of the headline.)

MEDIA RELEASE - FOR IMMEDIATE RELEASE

Vancouver, October 24 XXXX – The Tsawwassen Gallery Society presents From across the sea: Visual art of immigrant experience. Works in From across the Sea interpret the landscape and human geography of a new place.

Guest curator Tina Gupta, from the South Asian Multicultural Alliance for the Arts, has gathered a broad panorama of paintings, photography and sculpture from newcomers old and recent. According to Gupta, “In these evocative works, you really see the challenges of making a home in an unfamiliar land.”

The show also features pieces by students in the gallery’s Arts for Youth program, run by visual artist Lily Wang. “Making art about landscape and home with children who have been uprooted, whether by their parents’ choice or as refugees, is amazing. What they draw and form provides such clear insight into their lived experience. These works may be simple, but the emotional content is astonishing,” said Wang.

The show runs from Wednesday October 25 to Saturday November 18 at the Tsawwassen Gallery. Opening reception is Thursday October 26, from 6:30 – 8:30pm.

For further information, contact: Tom Mangrove, Special Events; (604) 111-1111; tmangrove@tsawwassengallery.ca.

Send these press releases to everyone who might have an interest. Draw your contact information from the masthead of current magazines and newspapers and from their websites, and call television and radio stations for the proper contacts. You don't have to limit yourself to the media, either. Post copies of your press releases on your website, and email them to your past, current, and potential customers to remind them about yourself and to update them on your work. Even better, send them reprints of the resulting articles (allowing a third person to sing your praises for you).

Build upon other promotions

Just as retail stores often have related items placed near each other on the shelves, and fast food restaurants reverberate with the phrase “Would you like fries with that?”, you can utilize the power of the “tie-in” to market your work. You can multiply the effects of your promotions, and save on marketing costs at the same time, by building a part of your marketing campaign to complement existing events or products (and usually, therefore, benefit from promotional activities that someone else is financing).

A Montréal-based New Media artist took advantage of an existing, highly publicized event and created her own to follow. She invited people to attend with a simple e-mail message:

From: H  l  ne Brunet
To: friends
Subject: party/exhibition
Date: Sun, 11 Feb 12:01:31 -0500

Dear friends,

Just a quick note to let you know that the opening of my new show at Gallerie Electrika will take place immediately after Culture Montr  al's 5    7 on Friday February 23, from 7 to 9pm. The gallery is just a few blocks away from the 5    7, and there will be more wine and delicacies at the opening. I would enjoy talking with you about the new direction in my work.

Please stop by if you can,

H  l  ne

Note that this artist also used this invitation as an opportunity to remind people of her work and where to find it. Probably many recipients of this e-mail failed to even recognize the marketing process that was working here. Had that same promotional effort taken the form of an e-mail message directly advertising the work, it might have been dismissed. However, by piggybacking her event on Culture Montr  al's 5    7, H  l  ne Brunet brought people with common interests together and built upon the "outreach opportunity" afforded by the invitation to promote her work – a winning situation for everyone involved.

WHAT OTHER TOOLS CAN PLAY A ROLE IN MY MARKETING STRATEGY?

One of the most significant laws of marketing is the "law of gradual recognition." According to this law, one-off advertisements don't work because consumer trust and consciousness is built only through longer-term presentation of a consistent message. Your promotional package might be extraordinary, but it should not be your only marketing tool. Research has indicated that, on average, consumers generally need to be in contact with positive information about a person and their product or service 27 times before they are willing to consider investing in it. You must, therefore, do more than just send out your promotional package and wait for a response.

Traditional business tools

Many artists don't consider a **business card** a necessity. But you will inevitably have to provide your address or phone number to a business contact or somebody else who might be in a position to positively influence your career. Why not have cards at the ready? The manager of the art gallery in which you were dying to have your work displayed will probably be more impressed if you put an inscribed professionally designed business card in her hand rather than a napkin from the hors d'oeuvres table. If you have cards, you can also give a number to any of your many satisfied customers who might know, or be in contact with, people looking for work

like yours. A good-looking card indicates to your client that you take your business seriously and have enough confidence in it to spend a few pennies on this most basic promotional tool.

By using some conventional business tools – such as **business cards, brochures, a professional-sounding voicemail message, and a website** – you complement your promotional package.

Paid advertising

While emblazoning your name on T-shirts, mugs, cheap pens, and the sides of buses may not be appropriate for most cultural work, advertising should not be considered “out of the question.” **A listing in a membership directory, an advertisement in a publication that your target audience reads, a commercial spot broadcast during a pertinent radio program, or an online blurb about your work and a link to your website** can present your professional image to markets or persons not normally reached by your other promotional initiatives or who might benefit from another form of reminder.

Contact database

How do you know when to send people a reminder about your work? **The most important promotional tool of all is the contact database.** A well-designed database (or even a paper contact record) can act as your “silent partner” by:

- Recording the contact information and “profiles” about your past, current, and potential customers, your media contacts, and your sponsors.
- Tracking where you sent your promotional packages, the response, and the next steps required to follow up.
- Making it easier to analyze the success of your marketing strategy and enabling you to refine it.

By keeping an accurate profile of all your contacts, a well-designed database will help you communicate more effectively with them, identify and fulfil their needs, and understand more about (and develop more to offer) them. From a strict “bottom line” point of view, this same information which allows you to develop better relationships with your customers also results in lower market research costs (because information gathering is an ongoing process) and lower promotional costs (due to better-targeted mailings).

The tools and promotional strategies available to you are limitless, as are the ways in which they can fail. The following is a list of the **six most common marketing mistakes** professionals make, along with tips on how to avoid them:

1. Advertising too generally. Many people spend their entire promotional budget on one large advertisement in a newspaper or magazine that reaches a wide, general (and primarily uninterested readership). It should not come as a surprise to anyone that such an approach doesn’t work. It is less expensive and more effective to focus your time and money on smaller, continuous, varied, and targeted outreach activities.

2. Using only one tool. No one promotional effort is going to reach everybody and not everyone will react identically to the same marketing message. A basic but professional looking website featuring quotes from reviewers might give some people a perfect reason to call you. However, this same website may fail to catch the eyes of other people who would be sold by

dazzling images and a diversity of creative content that present your story more dramatically. People respond differently to various stimuli, so vary your “promotional mix” accordingly.

3. Considering and designing each tool in isolation. This problem usually reveals itself in a series of unrelated materials lacking visual continuity. Even if you don't have the budget to produce the kind of professionally designed and co-ordinated website or physical materials a corporation would utilize, it should still be within your means to produce materials containing such common elements as a standardized logo or colour scheme. People should be able to tell that your business card, your website [and your Facebook or MySpace pages, for example, all belong to the same business. Everything should contain such basic information as how you can be reached and, if appropriate, your hours of operation.

4. Failing to focus the message.

Don't try to please everyone – it can't be done, and the attempt weakens your focus and your message. So what do you do when you wear more than one “hat,” as many artists and cultural workers in Canada do, and need to market your one product – yourself – to more than one audience? You can do this without losing focus by targeting different messages to different customers.

You may, for example, develop one part of your website for the voice lessons you offer to adult vocalists and separate webpages to advertise your after-school voice-training program for children. Websites particularly lend themselves to a “cafeteria-style” marketing approach that encourages different clients to find and choose the information they need.

One of Canada's “superstars” of self-promotion, **Sky Gilbert**, developed a website, <http://home.istar.ca/~anita/>, which includes some general information in the form of a biography as well as specific and detailed information in sections titled “the writer,” “the filmmaker” “the playwright,” “the director,” “the actor,” and “the drag queen extraordinaire.” By offering his audience well-defined categories of information, he allows them to choose to visit the sections which directly interest them. In this way, he targets his specific marketing strategies to specific audiences.

5. Ignoring the fact that even marketing tools require promotion. A well-designed website can be an effective marketing vehicle, but it won't promote your work if nobody knows it exists. Spread the word.

- Announce your website address to your customers and include a link to it to all other online spaces you occupy (such as Facebook).
- Try some quick Internet searches to find the websites of other artists and cultural workers in your discipline, see what comes up near the top of search results. Use the same key words on your website;
- Add to or change the content of your website regularly to keep it near the top of Internet searches.
- Finally, add it to your business cards, brochures, and the “signature file” that is automatically appended to the end of your e-mail messages;
- Work toward the goal of having each of your promotional tools complement and “advertise” the others.

6. Failing to follow up. This is the most frequent mistake, and the one that is most simply rectified.

- Call potential clients to ask whether there are any questions about the proposal you sent last week;
- E-mail a “customer satisfaction survey” to a client you have just finished doing work for;
- Write a thank-you note to someone who referred business to you;
- If last year you played for a wedding, send out invitations to the bride and groom when a gig this year coincides with their first anniversary celebration;
- Send past customers a flyer promoting your new CDs or paintings during the fall to take advantage of this peak season for the purchase of many artistic and cultural products.

Following up can help you maintain a position at the forefront of your customers' consciousness and consequently will result in more work or sales.

What you need to know BEFORE you develop your website ...

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1. Why is online marketing important?

- To be competitive
- Searching for services/goods online is becoming a common way to shop
- Keep connected with existing customers (Very important: it is easier to keep existing customers than to develop new ones!)
- Sell/showcase your goods/services online, i.e. an online art gallery

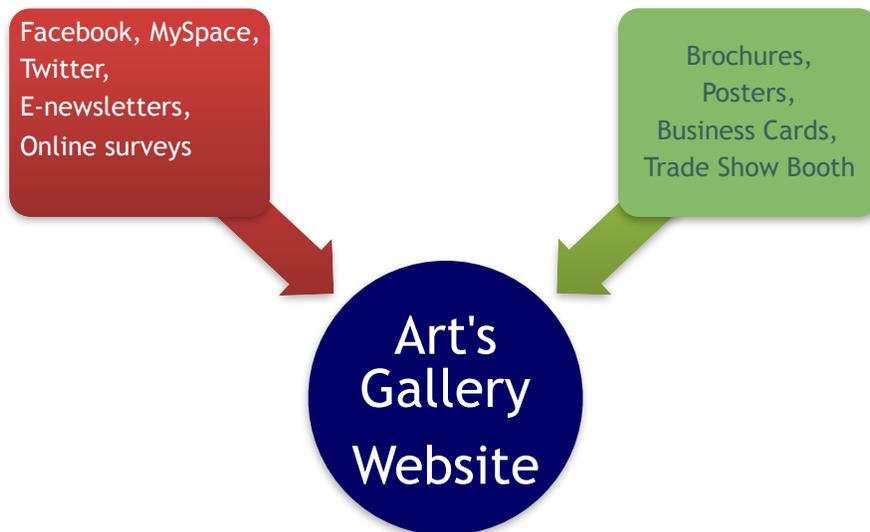
2. Your role in developing your website

- To effectively communicate your objectives to a web developer
- To hire the right web developer
- To control spending
- Incorporate future plans

3. The art of planning your website

Overall marketing plan:

- Other marketing tools work with website to accomplish objectives
- All tools should project the same message
- Your marketing tools should feed your website
- Some ideas:
 - Links to your site
 - Sending visitors to specific pages on your site
 - Survey looking for feedback of your site
 - Contests that require your customers to visit your site, etc.



Goal setting

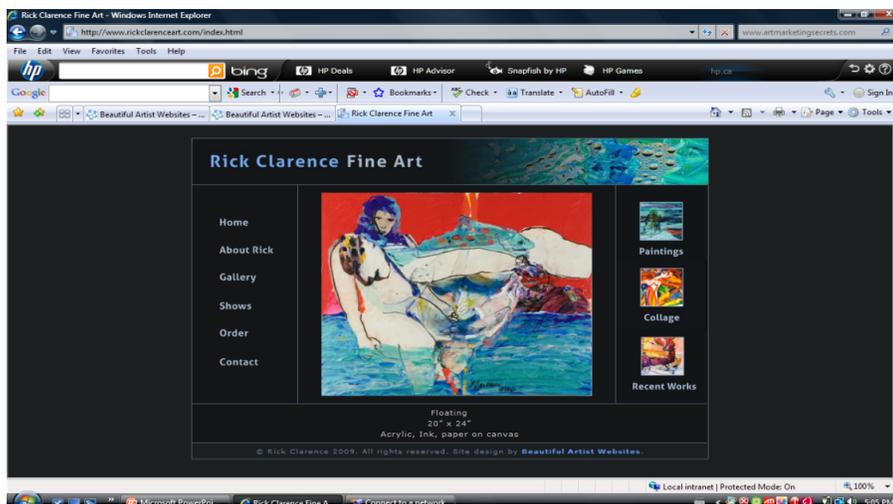
- Outline the purpose of your website
- Clearly define your audience
- What do you want them to do when they get to your website?
- How will they get to your website?
- Prioritize the information they need easily accessible
- Where is your business going?

The sitemap - the table of contents for your website

- A road map for your web developer
- To help navigation for your visitors
- Can help improve search engine optimization

The template

- The menu that stays the same on each page of your website
- Could include: Home page, gallery, blog, music, store, contact us, etc.
- Artists' websites often will have a page "About the Artist" or something similar that gives a brief biography and background of the artist.



The content

- Use a consistent font choice for text
- Keep text concise (minimal scrolling)
- Use colours consistent with marketing material
- Quality photos

4. Hiring a web developer

a. Determine the strengths you have and the strengths you need

- Are you strong in marketing?
- Are you a strong editor?
- Are you a strong writer?
- Are you a graphic designer?

b. Establish the services you need

- Be honest about your talents/the talents you have access to and the ones you need to hire
- Make a list of the talents that you will need for your website

c. Fees: Before, during and after

Before:

- Domain name
- Hosting company
- Web developer?

During: (depends on what you and your web developer decide they will do for you)

- Graphic design i.e. logos, etc.?
- Design template?
- Buy & implement stock photos?
- Web development
-

After:

- Maintenance costs?
- Hosting costs
- Domain name renewal

d. Research/reference web developers

- Develop a list of questions
- Check references
- Test search engine optimization

Summary

1. Incorporate the web into your overall marketing strategy.
 2. Don't be afraid of the process, be a part of it.
 3. Planning will save you time and money.
 4. Research, understand your needs and ask questions based on those needs.
 5. Incorporate other tools into your online strategy.
-

Session Five – Financial Skills

If you're a self-employed artist, you're running a business. That's a simple fact that you need to accept, get used to, and then rise to the challenge of making the business work. It isn't going to be easy either. Most small businesses fail within five years, half fail in only two years. Although there are many reasons for these failures, **financial mismanagement** is high on the list.

One of the key strategies for financial stability is **diverse revenue streams**. We are creative people and we can apply those creative skills to multiple avenues of financial support.

Part of a robust financial plan includes **grants and loans**. Research ways to find support for your arts practice. And make sure you go searching outside the box. Most artists only think about the obvious government agencies designed to support Canadian arts practices. Don't overlook less obvious pools of support that might be available through private companies. The Royal Bank of Canada, for example, supports a Portraiture Contest each year. And even if there isn't an obvious entry point with the private sector, create one. Sell them your idea and how supporting you might enhance their business. It is essential that you either develop your grant/loan writing skills or, if this is not your strength, hire a professional to do it. See **What Government Programs Can Help Me**.

Another great revenue stream is **crowd funding**. Sites like Kickstarter, Crowdfunder, GoFundMe, Indiegogo, RocketHub, Razoo, Crowdfunder, PledgeMusic, Sellaband, Patreon, etc. can be great platforms to reach out and ask for support for a new project or great idea. A word of caution - carefully research your cost of providing the incentive levels to ensure that your cost of producing and mailing that reward does not cut too deeply into the support you are garnering.

There are two reasons for actively managing your finances: **Because you have to** – the funding body needs a budget; Canada Revenue Agency (CRA) requires documentation of your income and expenses, – and **because you really should**.

Your financial situation may involve more than simply earning enough money to live on. For self-employed artists, finances are particularly complicated. It becomes a question of having to separate personal from professional finances, and understanding how your personal issues about money and value affect your financial picture.

Your financial self

Your personal life experience inevitably influences your attitudes toward money. Important influences may include your parents and immediate family, your friends, peers and work colleagues. Your attitude toward money is also informed by your values,

beliefs and goals. Being aware of such influences can lead you to a clearer understanding of your financial needs, and can therefore result in better decision making.

Your financial strategy

The Financial Strategy section of a business plan will vary somewhat depending upon the plan's projected readership, its purpose and "stimulus," and the nature of your work.

If your plan is being written primarily to satisfy a Canada Revenue Agency audit or to request funds from a lending institution, you will need to focus upon **profitability** and demonstrate exactly how your income will exceed your expenses within a set amount of time.

If you have received (or are requesting) government or arm's-length arts agency grants, the most important aspect becomes **accountability** – whether you have spent (or predict you will spend) public money in a reasonable, responsible manner, and certainly not in a way that conflicts with the granting agency's values.

However, if your business plan is an internal management tool, **sustainability** (having enough money to continue working the way you want to work) may be your focus. What you decide to include and emphasize in this section will depend upon the picture you wish or need to paint.

Basically, your "financial plan" is a comparison between income (the revenues your business brings in) and expenses (what you need to spend to generate those revenues). This comparison should be presented in at least two ways: what your financial track record has been to date, and what your projections are for the future (usually two to five years). The following two types of statements are usually found within a business plan:

- Balance Sheet – Current Assets and Liabilities.
- Cash Flow – Profit and Loss Projections.

If you are submitting this plan as part of a funding request to a lending institution, your projected profits will have to be high enough to comfortably repay the loan. Your plan will be assessed by the quality of the assumptions on which these projections are based. Make sure that your projections and claims are consistent throughout the document.

These financial statements should be complemented by an outline and justification of the purpose for any requested funding (capital expenses such as a computer, recording/editing equipment, or a kiln; increased promotion of existing work; expansion of the business; rights acquisition; etc.). Together, these elements comprise your **Financial Strategy**.

AN EXAMPLE OF A FINANCIAL STRATEGY

L'ÉCLAT DE VERRE

Business Plan/Financial Data

Sophie Latour has been working as a glassmaker for a number of years. She makes all kinds of objects, from vases to cups and masks. She has built an enviable reputation in her field and has decided to start her own business, called L'Éclat de verre, in the heart of the Eastern Townships. She found a commercial space in the heart of the tourist zone. She has already developed various sections of her business plan and must now quantify her financial objectives in order to obtain financing from a lending institution.

CONTEXT

Sophie draws up this list of her start-up needs:

Ovens and tools	\$6,250
Start-up inventory	\$5,000
Office furniture	\$875
Communications/Internet	\$250 / month
Rent	\$1,250 / month (including gas for the oven and insurance)
Subcontracting	<u>\$1,000 / month</u>
	\$14,625

Capital investment (S. Latour)

In cash	\$3,125
In furniture	<u>\$ 875</u>
	\$4,000

Sophie has to invest in purchasing her equipment since until quite recently she rented equipment from the École de Verre de Sherbrooke. She estimates her needs in start-up inventory to be \$5,000, and as the need arises she will hire a friend to help with the finishing of her creations and in-store sales. Since Ms. Latour will invest \$875 of her personal furniture and \$3,125, she will ask for \$10,625 in financing (\$14,625- \$4,000). Here is the table to present for asking for the necessary loan:

REQUIRED START-UP FUNDS

Short-term assets

Cash (working capital)	\$2,500
------------------------	---------

Capital assets

Equipment	\$6,250
Office Furniture	\$ 875

Start-up inventory

Inventory	\$5,000
-----------	---------

Total funds required at start up	\$14,625
Ms. Latour's investment	\$ 4,000
Required financing	\$10,625
Long-term-loan	\$10,625

OPENING BALANCE SHEET

The balance sheet is a photograph of the resources possessed by a company at a given moment: the ASSETS and the means used to finance these assets: the liabilities and the owner's equity.

- The opening balance sheet is drawn up on the company's first day of operation.
- Short-term assets are the resources the company will use during the coming year of operation.
- Capital assets are material resources needed for operation and which have a lifetime of more than one year.
- Liabilities are debts that the company has committed to repaying during the following year (short term liabilities) or in more than one year (long-term liabilities).
- The owner's capital represents the sums of money or the goods invested by the owner in his/her company. This capital will be increased by the profits generated by the company's operation or by additional funds injected by the owner. This capital will decrease if the company has losses or if the owner takes money from his/her company.
- Total assets \$14,625 are equal to total liabilities (\$10,625) plus total capital (\$4,000), which yields the following equation: $ASSETS = LIABILITIES + CAPITAL$

Opening balance sheet, January 2008

Assets

Short-term assets

Cash	\$2,500
Inventory	<u>\$5,000</u>
Total short-term assets	\$7,500

Capital assets

Equipment	\$6,250
Office Furniture	<u>\$ 875</u>
Total capital assets	\$7,125

Total assets **\$14,625**

Liabilities

Long-term liability

Long-term loan	<u>\$10,625</u>
Total liabilities	\$10,625

PLUS

Owner's capital (S. Latour) **\$ 4,000**

Total liabilities and capital **\$14,625**

HYPOTHESES LINKED TO FORECASTS

Hypotheses must consider the various elements in the financial strategy. It is important to present simple and realistic hypotheses. Since they are hypotheses, it is obvious that they will not be perfectly accomplished. Lenders analyze the plausibility of the hypotheses rather than their degree of precision.

Budgeted balance sheet

Inventory sold during the month is replaced and thus purchased during the same month.
Inventory at the beginning is safety inventory.

Depreciation Linear rate

Oven and equipment 10%
Office Furniture 20%

Budgeted income statement

Sales

According to a market study, sales are seasonal.
To estimate sales, we take:

Annual sales		\$52,500
January	3%	
February	5%	Ski tourists
March	7%	School break
April	12%	Easter decorations sales
May	10%	Mother's Day
June	5%	
July	15%	Vacationing tourists
August	13%	Vacationing tourists
September	6%	Festival of colours
October	7%	Festival of colours
November	5%	Christmas presents beginning
December	12%	Christmas presents sales
Total	100%	

Cost of goods sold

The cost of goods sold (COGS) is a percentage of monthly sales (due to a hypothesis regarding inventory). The percentage is a hypothesis depending on the expected average unit profit margin.

%COGS/Selling price **40%**

HYPOTHESES LINKED TO BALANCE SHEET:

- **INVENTORY:** The simplest hypothesis to illustrate is when the inventory sold during a given month is replaced during the same month (see explanation of the cost of goods sold to do the calculation).
- **DEPRECIATION:** Whenever a company uses goods with a life expectancy of more than one year, it is necessary at the year end to calculate the portion of this asset (capital asset) which enabled the generation of revenues. The depreciation rate is set, which distributes the cost of the item over its useful life. For example, in the case of the equipment needed to make glass stones, we suppose a rate of 10%, which means that each fiscal year will support a depreciation charge of \$625 (cost \$6,250 x 10%).

- **DISTRIBUTION OF SALES:** It is important to estimate monthly sales and to justify one's choices. L'éclat de verre assumes that sales will be higher during the months when the number of tourists is the greatest. In its estimates, L'éclat de verre assumes cash sales only.
- **COST OF GOODS SOLD (COGS):** The percentage of COGS enables the identification of the desired gross profit on sales. Ms. Latour would like a gross profit (or margin) of 60% for L'éclat de verre. This means that a glass piece, the cost of which is set at \$40 must be sold at \$100 to obtain a gross profit of \$60.
- The formula is simple: SALES (100 %) – COGS (40 %) = Gross profit (60 %)
- Determining the gross profit makes it easy to calculate forecasted inventory purchases, if we assume that inventory sold is replaced in the same month. For example, for L'éclat de verre, sales for February are estimated at 5% of the \$52,500 total forecasted for the year (5% x \$52,200 = \$2,625). To determine the amount of purchases to be made, multiply February's sales by 40 % (40 % x \$2,625= \$1,050, which represents purchases for February).

The cash flow budget is a very important tool in an application for financing. For each month, it represents the inflow of money (or funds) from which are subtracted the outflow of money (or funds). This tool lets you know, as a function of the forecasted hypotheses, the months during which it will be necessary to use a credit margin. For example, for L'éclat de verre, February and March will require additional financing or higher than forecasted sales in the hypotheses. Some lending institutions can require a three-year cash flow budget. It is thus necessary to think about plausible hypotheses for a longer period of time.

BUDGETED INCOME STATEMENT FOR THE FISCAL YEAR ENDING December 31, 2008

2008

Earnings

Sales \$52,500

Cost of goods sold

Start up inventory \$5 000
 Plus: Purchases \$21,000
 Minus: End inventory \$5,000
 Cost of goods sold \$21,000

Gross profit \$31,500

Sales and administration costs

Rent \$15,000
 Subcontracting \$12,000
 Depreciation-Equipment \$625
 Depreciation-Office Furniture \$175
 Publicity/telephone \$ 3,000

Total sales and administration costs \$30,800

Earnings before interest	\$700
Interest on loan	\$1,275
Net profit	(\$575)

The income statement presents earnings for a fiscal year from which are subtracted all operating costs: cost of goods sold, sales and administration costs, which include depreciation. It should be noted that several of the data in this income statement come from the TOTAL column of the preceding cash flow budget. Some lending institutions ask for budgeted income statements for three years.

BUDGETED BALANCE SHEET FOR DECEMBER 31

YEAR	2008	2009	2010
Assets			
Short-term assets			
Cash		\$2,180	
Inventory		\$4,000	
Total short-term assets		\$6,180	
Capital assets			
Equipment	\$5,000		
Minus:			
Accumulated depreciation	\$500	\$4,500	
Office Furniture	\$700		
Minus:			
Accumulated depreciation	\$140	\$560	
Total long-term assets		\$5,060	
Total assets		\$11,240	
Liabilities			
Long-term liabilities			
Long-term loan		\$8,500	
Total liabilities		\$8,500	
Owner's capital			
Sophie Latour	\$3,200		
Profit (loss)	(\$460)		
Capital at the end	\$2,740	\$ 2,740	
Total liabilities and capital		\$11,240	

The budgeted balance sheet gives a new photograph of the business 12 months after the opening balance sheet. It reflects the assets on one side and the liabilities and the owner's capital on the other. For L'éclat de verre's first fiscal year, notice that the owner's capital is

diminished by the net loss calculated in the earnings statement, that is by (- \$575). Notice also that the total assets are equal to the total liabilities and the capital (assets = liabilities + capital). Some lending institutions ask for three year budgeted balance sheets.

11. Summation

A concise restatement of your "business case" (your strategy and highlights of the supporting material) is all that is necessary for this section.

12. Appendices: Supporting documents

The "appendices" section should contain any documents you believe will add credibility to the plan and substantiate claims you have made. You may wish to include:

- A résumé or biography.
- A performing, exhibition, publication, or recording history.
- A list of references (obtain permission from the persons to use their name for reference).
- A list of awards.
- Public funding (grants awarded) and private support.
- Press reviews.
- A list of clients (obtain permission from the clients to use their name for reference);
- "Product literature" (a brochure, a portfolio sample).
- Key copyright information (if your work is protected by a copyright collective such as CANCOPY).
- A list of applicable memberships and affiliations.
- A survey of resources (equipment, supplies, even strategic partners).

THE FINANCIAL PICTURE

©Alliance for Arts and Culture, 2006/7

As you work through the following questions and sentence stems, let yourself accept whatever your first response is, and note it. Try not to censor or force your answers, but you can always go back after you have completed the list and add later insights, ideas and questions.

Complete the sentence:

- Money is _____

Now place your pen in your other (non-dominant) hand, and again complete the sentence:

- Money is _____

Complete the sentence:

- I am worth _____

- As a child, did you receive an allowance?
- Was it simply given to you, or did you have to do something to earn it?
- When did it begin?
- When did it end?
- If you didn't receive one, why not?
- When did you get your first bank account?
- Did someone take you to the bank and help you?
- Who explained the workings of the bank to you?
- Who showed you how money worked?
- What did they tell you?
- At what age did you first earn money (not including an allowance)?
- What did you do with the earnings?
- How was money talked about in your family?
- What were the spoken and unspoken rules regarding money?
- How did money affect your life as you were growing up?

- Is there any time that you recall your parents taking their earned money and doing exactly what they wanted with it? What did you learn by seeing this happen or not seeing this happen?
- Did your parents discuss financial planning? How did they do it nor not do it?
- How old were you when you got your first credit card? Why did you apply for one?
- How are you being influenced by your parents' values and behaviour now, in the present, concerning how you deal with money issues?
- What was it like to ask for money in your family?
- What is it like for you to ask for money as an adult?
- Besides your family, where else did you learn about the workings of money? How did that learning differ or agree with what you'd learned from your family?
- What have you learned that is positive about money?

Budgeting

What is the difference between a budget and a spending plan?

A budget is a financial map of the future. It is based on those factors, of which you are aware, that are relevant to a specific project or to your overall career. A budget should also consider and reflect elements that are uncertain, potential surprises, and unpredictable factors over which your control is limited. A budget may cover a week, a year, a single project, or a much longer time period.

It is important to remember that a budget is a map of the future. Just as a map is not the landscape it charts, a budget is not the financial reality it attempts to predict. You use a budget, like a map, to plan a route. A budget gives you a sense of what you're getting into. Just as a

map tells you where a detour is possible, a budget tells you where you can save, or how much you have to find, to continue your journey.

Begin by making sure you are clear about your personal needs, how your values and principles inform those needs, and how they relate to your goals. Then, follow the same process for your professional life. Then step back and take a good long look, and see how the two overlap, conflict or parallel each other. The idea is to incorporate both into a workable whole, while keeping the books separately.

For all people with goals for the future, creating a budget for your personal life is essential. For the self-employed artist, having a budget for both your personal and professional lives is imperative if you are working to achieve a long-term vision, and to help make effective decisions.

A budget is the basis by which you plan. It consists of two key parts: the revenue coming in, and the expenses being paid out. The difference is important information for planning. Without a budget, you cannot have an effective plan.

As you have begun to do with your personal life, you must also sort out the cost of running your business. Whether you are offering a service or producing a product, what are the basic costs involved? The cost, combined with your personal budget expense total, is the minimum amount of money you need to earn on a monthly basis in order to keep yourself and your business afloat.

Cash flow forecasting

A cash-flow projection schedules your costs and income. Having a project worth \$10,000 that costs \$2,000 to complete may prove a financial disaster if you won't earn any money for a year, and must ante up the \$2,000 at the outset. Obtaining instalment payments as the project develops would address this problem, and a properly prepared budget will warn you of this need.

A cash flow budget is particularly helpful for those artists who are selling their work, since you have the additional responsibilities of managing inventory, invoicing, and collections. Cash flow budgets are also useful for artists who rely on grants or are working a variety of short term contracts. It helps to answer questions such as; when do you need to be earning money in order to pay your bills? When are you expecting downtimes in your work schedule?

Important difference between a budget and a cash flow are:

- A budget helps you see problems before you reach them.
- A cash flow predicts when those problems will happen.
- Both can warn you of bad news, and it's better to know before you set out than later when there's no turning back.
- Use your budget and cash flow predictions to alert you to when you need to borrow from other people's experience or hire an expert guide.
- Budgets and cash flows predict the journey you face. Whether you choose to proceed after considering the details contained in these maps is your decision.

HOW DO I PREPARE AND ADMINISTER A BUDGET?

“Economy is the art of making the most of life.” – Bernard Shaw

A budget is a financial map of the future. It is based on those factors, of which you are aware, that are relevant to a specific project or to your overall career. A budget should also consider and reflect elements that are uncertain, potential surprises, and unpredictable factors over which your control is limited. A budget may cover a week, a year, a single project, or, mirroring Mao Tse Tung and Joseph Stalin, project an all-encompassing five-year plan. The better the map the more enjoyable and profitable the journey. Columbus told us that.

A cash-flow projection schedules your costs and income. Having a project worth \$10,000 that costs \$2,000 to complete may prove a financial disaster if you won't earn any money for a year, but must ante up the \$2,000 at the outset. Obtaining instalment payments as the project develops would address this problem, and a properly prepared budget will warn you of this need.

- Look at your Action Plan and cost each item
- Ask for advice from others
- Look at grant applications to see what income and expense categories they expect to see included
- Start with what is predictable; otherwise estimate realistically, even conservatively
- Conservative estimating translates as guessing low for your income and high for your expenses
- Don't leave things out because you can't price them exactly. Again estimate on the high side

Here is a greatly simplified cash-flow record for an eight-member theatre company, planning a production that will open on April 7.

	January		February		March	
INCOME	Budget	Actual	Budget	Actual	Budget	Actual
Cash on hand	\$0		\$8,175		\$7,250	
Income / grant	\$10,000		\$0		\$0	
Income / sales	\$0		\$0		\$0	
Income/other	\$0		\$0		\$0	
Total Cash in	\$10,000		\$0		\$0	
EXPENSES						
Hall rental	\$425		\$425		\$425	
Set materials	\$1400					
Designer			\$500			
Cast					\$6400	

Total Expenses	\$1825		\$925		\$6825	
Cash flow this month	\$8175		-\$925		-\$6,825	
Carried forward	\$8,175		\$7,250		\$425	

The \$10,000 grant is promised for January. They will pay out \$1,825, and the theatre company plans on being left with a positive cash flow of \$8,175. This surplus will be forwarded to the company in February.

But this is how it turned out:

	January		February		March	
INCOME	Budget	Actual	Budget	Actual	Budget	Actual
Cash on hand	\$0		\$8,175	\$550	\$7,250	
Income / grant	\$10,000	\$0	\$0		\$0	
Income / sales	\$0		\$0		\$0	
Income/other	\$0	\$3000	\$0		\$0	
Total Cash in	\$10,000	\$3000	\$0		\$0	
EXPENSES						
Hall rental	\$425	\$600	\$425	\$600	\$425	
Set materials	\$1400	\$1350		\$0		
Designer		\$500	\$500			
Cast					\$6400	
Total Expenses	\$1825	\$2450	\$925		\$6825	
Cash flow this month	\$8175	\$550	-\$925		-\$6,825	
Carried forward	\$8,175	\$550	\$7,250		\$425	

The Actual columns show what really happened. The grant didn't arrive, so everyone put in \$500, \$375 in January and \$125 in February. The hall rental didn't include heating and there were a lot of blizzards that month. The designer wisely refused to start, unless paid his first instalment up front.

What have they learned?

They should have seen the risk of counting on the grant arriving on time. At least they knew how much they had to find to get through the first month. Let's hope the grant arrives before the actors do.

Sticking to your budget

You can't. But you're not meant to. Remember that a budget is a map of the future. Just as a map is not the landscape it charts, a budget is not the financial reality it attempts to predict. You use a budget, like a map, to plan a route. A budget gives you a sense of what you're getting into. Just as a map tells you where a detour is possible, a budget tells you where you can save, or how much you have to find, to continue your journey.

- A budget helps you see problems before you reach them.
- A cash flow predicts when those problems will happen.
- Both can warn you of bad news, and it's better to know before you set out than later when there's no turning back.
- Use your budget and cash flow predictions to alert you to when you need to borrow from other people's experience or hire an expert guide.
- Budgets and cash flows predict the journey you face. Whether you choose to proceed after considering the details contained in these maps is your decision.

HOW AND WHEN DO I INVOICE?

You don't always have to invoice; it depends on the business practices of your discipline. Generally, if you're hired to do a project, say to write chapters for a Career Guide or mount an exhibition of Worm Cast Art, you'll invoice. But if you're hired for a period of time or for a season, as is often the case for actors, musicians, or presenters at historical sites, you probably won't. If you're not sure whether you should be invoicing, ask your peers or the client beforehand. If your client says not to bother, write a letter to him that will serve as written confirmation that an invoice is not required. And if you aren't paid on time and the problem persists, you may want to start issuing invoices to the troublesome client as visual reminders that you need to be paid.

It's always safer to invoice if you're in doubt.

If your work entails live presentations, such as performing a mime or a musical show, and if you are contracting with an unproven engager, ask for a deposit upon the signing of the contract. Also consider getting full payment in cash before the start of the first rehearsal for the engagement. It is impossible to repossess a performance or workshop after the presenter has absconded with the proceeds. If the engager does not have the money when he signs the contract, he won't have it when ticket sales fail either. Remember, if he anticipates the profit, he should also take the risk.

An unfortunate reality of business is that there will be people who owe you money who will pay it as late as they possibly can. Many artists and cultural workers feel uncomfortable about discussing their fees with clients for fear of appearing pushy or of rubbing the client the wrong way so that repeat business is lost. They are even more fearful of trying to collect money owing. Don't be. Unscrupulous engagers, clients, publishers, and producers all prosper from this reluctance by delaying initial payments, and being chronically late in paying royalties and residuals for continuing use. If you work through an agent, or under a contract required by your professional association, ask for their advice or their help in getting paid. If not, then the enforcement is your responsibility. The first step to ensuring you get paid is to have a well-drafted signed contract and always submit good-looking, precise invoices.

What an invoice looks like

Your contract provides the basis for your invoice. Be sure to put on the invoice the name of the person with whom you have a contract, regardless of whether he is responsible for payment or not.

YOUR LETTERHEAD IF POSSIBLE

(with your business name and contact address)

INVOICE

(Number xxx)

To

(The name of the person who signed your contract)

(The company name, if any)

(Their address and phone number)

Date

Re: (as agreed)

Professional fee \$XXXX,XX

(Your contracted fee)

List of expenses \$XXXX,XX

(as agreed)

Sub-total : \$XXXX,XX

+ **GST/HST @ ___%**

+ **PST/QST**

Total : \$XXXX,XX

Your GST number

Your PST number (if so)

Payment, by cash or certified cheque, within 30 days following (delivery, performance, whatever you are providing). Overdue payments are subject to an overdue monthly charge of X %.

- Make your invoice as professional-looking as possible.
- An invoice number may help your record-keeping.
- Without a "Pay by" date, you'll have trouble enforcing the payment.
- A warning of interest payable after the due date may seem discourteous, but it may motivate the chronically late.
- Add a cover letter (or e-mail note, if they accept electronic invoices), as a courtesy.
- If you're asked to directly invoice Accounts, Payroll, or whatever, copy the invoice to the person who contracted with you for the work, to show who'll be held liable if you don't get paid on time.

When to invoice

- Your contract should specify when and how you are to be paid. Perhaps you will get paid everything at the end. This is only a good approach if the time frame of the work is very short.
- It will more likely be in your interest to insist on being paid in instalments as the work progresses, possibly with some money paid up front when the contract is signed.
- Put the payment due dates in your work diary, and take them seriously.
- Insist on payment on the due dates. Not doing so weakens your position if there is a serious default later.

You did the work, you deserve to be paid

- If they don't pay up, chase them. Wait until three or four days after the end of the month that the fee is due, then call your client.
- If you get no result, write. The game you play is that you know something went wrong in Accounts.
- If that doesn't work, phone your contact and ask him to address the problem. Repeated phone calls are okay, if the first didn't produce results. Remember that the squeaky wheel usually gets the grease. Remain courteous but be firm.
- A month after your first invoice's due date, send a formal REMINDER invoice. If your invoice sets out the interest due on late settlement, add it to the total amount. Clients often refuse to pay the interest owing, but many immediately pay your first invoice.
- Don't be embarrassed about insisting on getting paid. The contract may say that, as long as they pay the required instalments, they own some rights to part of your work, but that same contract also guaranteed you part of their money. Some contracts even read that the buyer loses all rights if the final payment is not made.

Eventually, you may have to take late or non-payers payers to Small Claims Court. Their cheque will often promptly answer your submitted formal Statement of Claim. If you go to Small Claims Court, be sure to include the costs of the action in your suit. Don't hesitate to retain a collection agency if necessary, before or after you get a favourable Court judgement.

Be creative

One Ontario writer, owed money by a magazine publisher who was welshing on fees owed to all his freelance writers, took her two toddlers and set up in his waiting room, refusing to leave until she was given a cheque in full. She got her cheque. The more timid, less determined writers went unpaid. The magazine then folded, the publisher disappeared, and the unpaid writers never collected.

Artists have been known to show up at the door to physically repossess a commissioned painting for which final payment was never made. Whatever you do, don't write off a debt before you have exhausted all avenues of collecting.

- If you do have to write off a debt, learn from the experience by getting more cash up front from other clients and never working for the delinquent client again.
- Don't forget to spread the word. Let your friends and professional association membership know about your negative experience, so others don't get similarly burned.

So, a good invoice:

- Refers to the same job as your contract, and is addressed to the client who signed it
- Lays out the agreed fee and costs to be covered, plus applicable taxes.
- Indicates when payment is due.

Pricing Your Work

A woman in Paris approached **Picasso** and asked him to sketch her portrait. He obliged, handed her the small drawing, and requested 5,000 francs for payment. The woman blanched, and said, "But it only took you three minutes!" Picasso responded, "No. It took me all my life."

Deciding what to charge for your work is probably the most difficult part of the planning process and continues to be difficult even for seasoned cultural professionals. There are a number of factors that you can consider when determining a price, such as:

- Production costs (material expenses such as paint, canvases, canvas stretchers and framing materials, etc., and the time and labour involved in the creation of the work)
- Agent or dealer commissions
- Website, social networking and Internet marketing costs
- Profit margin
- Quality
- Artistic/professional reputation
- Market demand
- What your colleagues charge
- "What the market will bear"

There is no simple solution to the price-setting dilemma. However, there are a few ways that you can judge whether the price you have determined is appropriate:

- Investigate whether there are pricing standards within your industry. Many professional associations have developed guidelines for minimum fees that their membership should or must charge. Check out the discipline-specific resources from The Art of Managing Your Career for a list of professional associations' websites (go to www.culturalhrc.ca, click on The Art of Managing Your Career, select a discipline, and refer to Links).
- Compare your prices with colleagues who are at a similar career stage and produce comparable work for corresponding markets.
- Check your contracts carefully to ensure that you are getting paid for what you think you are getting paid for.

If a **writer or illustrator** signs a contract that assigns the publisher "all rights," he should be receiving much higher payment than usual because the publisher will be able to reprint or relicense his work, for profit, anytime, anywhere, in any format, and within any context it desires.

Artists and arts organizations need to set prices for tangible goods (e.g. works of art, CDs, publications) and for services (e.g. admissions, registration fees). The considerations for goods vs. services are rather different – as are the circumstances of individuals and organizations.

These tips are offered from a very generic point of view. I have tried to make them applicable in a wide variety of situations. This may make them a challenge to apply specifically! I hope the examples will help to clarify how you might use these ideas to support your personal decision-making.

1. There's no "recipe."

Take heart if you feel uncertain about how you are going about setting your prices. My research turned up no "correct" method, in the art world, the not-for-profit world as a whole, or in commercial business. There are, however, some useful guidelines.

2. Take your time.

Think of this as an iterative or recurring process. You're going to draft a price list, sleep on it, run it past colleagues and friends, and revise it again before making a final decision.

3. Three approaches

Here are three approaches that you might find useful. You can choose the one that works best for you, or you can consider all three, and decide after playing with the options:

A. Cost-based: Figure out your costs, and charge more than that.

- Price = your cost + mark-up (e.g. If I'm selling admissions to a concert, I could add up all of the costs, subtract grants and donations, and divide the net cost by my estimate of how many people will attend. Thus, if I expect to spend \$12,500 and I have \$7,500 in grants and donations, I need to raise \$5,000 from ticket sales. If I anticipate that 200 people will attend, I need to charge each person \$25. That gives me my break-even price. If I wanted to make a profit, I could then tack on a markup of so many dollars.)
- Price = a multiple of your cost (e.g. Book publishers need to pay for editorial expenses, writer royalties, book production and promotion, as well as their own administration. They often "peg" their book prices on the printing cost, by charging 5 or 6 times cost. So, if a certain book cost \$8 to print, the publisher would look at a price between \$40 and \$48. Experience has shown that a multiple of 5 or 6 generally covers all of their expenses.)

B. Market-based: Charge what everyone else charges

"Everyone else" should include comparable artists/arts organizations as well as the other options your buyers might consider; for instance:

- A performing arts organization might compare its prices to what its peers are charging – as well as to the cost of a movie ticket, the cover charge for a band, and other "night out" options
- A visual artist might look at what their buyers are considering. For instance, if the art in question is usually purchased for its decorative value, buyers may be deciding between buying a picture and another decorative object (e.g. fine craft, furniture, area carpet)

C. Value-based: What's it worth to you?

This is how hotels and airlines do it – not to mention gas stations and ticket scalpers. Today's rate on a hotel room or an airfare depends on how far in advance you're booking, plus demand,

plus any other factors that affect its desirability. The price a scalper can get before the game is vastly different from what he'll accept half an hour after the puck drops!

4. Know your limits!

- Floor = your cost (If you sell below cost, you're losing money!)
- Ceiling = what the market will bear (You can't charge more than what people are willing to pay.)

5. Consider your environment and how that might affect the prices you can charge

- Geography: are you in a large city, a town, a rural community, a remote area?
- Accessibility/distribution: how easy is it for people to come to you – or for you to get your work to major centres of population?
- Economy: how's the local economy doing, how much disposable income do people have?
- Political framework: what taxes do you have to take into consideration, what public policies affect you (e.g. copyright, availability of government funding)?
- Local arts community: are there many colleagues/competitors close by, or are you the only game in town?

6. Consider how the characteristics/qualities of your art – whether it's a canvas or an exhibition or production should affect its price.

- Artistic merit is definitely a factor in pricing – and one of the hardest to confront. It's also a factor that's likely to change over the course of your career. You need to consider the significance of your work in relation to other artists, and the market overall.
- Popular appeal is also important. It's easy to see that more people want to buy tickets to mega-musicals and Broadway-style shows than to a lot of other performing arts genres. You must consider the size of your market, and hence the volume of demand for your work. This could push the price up or down! A lower price might make you more attractive. On the other hand, aficionados may be less price-sensitive, and thus willing to pay more for something harder to come by.
- Use price to send a message about quality and value, and where your work fits in the marketplace. Take coffee shops as an example: relative to your competitors, you need to determine if you're more of a Starbucks or a Tim Horton's!

7. Uniqueness is not a factor in setting prices in the arts

You're unique, just like everyone else. Every artwork is one-of-a-kind: the visual art collector, or the performing arts engager, is choosing amongst a number of unique offerings, each of which has its appeal.

8. Don't let the price be an emotional decision! Price your work dispassionately, without reference to your attachment to it.

- Don't assume that your personal favourites will fetch a higher price. Your investment of time, effort and angst in the creative process won't necessarily "read" to the buyer or audience. If an artwork is so significant for you that you can't part with it at your normal price, perhaps it's not the right time to offer it for sale.
- By the same token, you may not love a certain piece, and therefore be tempted to under price it – but don't assume that others will share your feelings for it.

9. Establish your base price according to your most typical art.

It may be useful to think about how new cars are priced. Often, there's a "base price" plus the option to purchase "extras" – or to get the car "fully loaded." In the same way, a visual artist, a performer or an arts organization may be able to identify their price baseline, and what their "extras" might be, and establish a range of prices for different types of work. For instance:

- An actor taking a lead role may be able to negotiate a better weekly rate than when he or she accepts a supporting part. A musician may be able to charge more for a soloist engagement than for a "sideman" gig. The difference is related to the perceived value of the service.
- A visual artist may charge more for larger or more elaborate works. This might be either a cost-based or a value-based approach.
- A theatre company may charge more per ticket for the musical it's offering this year than for its "one-hander." This would almost certainly be a cost-based approach related to the number of artists involved and the scope of the production values.

10. Stick to your guns!

It's a good policy to keep your prices consistent no matter who the buyer is. This can be especially important for visual artists selling multiples or working with more than one dealer – and for performers hoping to build a client base of repeat customers.

- If you're an experienced artist with a track record, document your sales. When you can see how works have sold over time, it's easier to be consistent about pricing your new pieces.
- If you're still building that record, you can achieve consistency by pricing your art like a realtor would price a home for sale: look at "comparables" in terms of medium and style, as well as in terms of fellow artists at a similar level of accomplishment

11. Think carefully before you discount, to make sure the price cut will work for you strategically.

A. Discounts may be standard in some circumstances, for instance:

- A commercial gallery may offer a standard 10% discount to arts consultants purchasing on behalf of clients, or to regular customers who purchase a lot of art.
- Performing arts organizations commonly offer discounts for group purchases, as well as to students and seniors, and for less popular nights.

NOTE! Where a range of prices is in effect, you need to be clear on which is The Price. Your regular price is the Saturday night, full price amount. Everything else is a discount.

B. Discounts may be used to introduce negotiation, so you can close a sale, for instance:

- You might want to offer an incentive to a good client to buy more
- You might decide to make it possible for someone to buy the work who loves it but can't afford the regular price.

C. You might wish to use discounts to adjust to market conditions, for instance:

- If tickets are selling poorly, performing arts organizations may consider putting out two-for-one coupons, or offering discounted tickets within the arts community.
- A gallery in a tourist town might wish to consider special offers in the off-season.

D. You might be tempted to price lower than your colleagues/ competitors to gain an edge. Think seriously about whether this will really work in your favour. For instance:

- Performing arts patrons definitely react to price points – but not necessarily to relatively small differences. Someone might decide that the current Broadway touring show is too pricey – but if they've decided to spend the money to see a local company, they're more likely to make their choice based on the title, the artists, the reviews, etc., than on a couple of dollars' difference in price.
- If all practitioners of a certain discipline charge within the same range, they can create a "going rate" which sets buyer/audience expectations, and helps everyone plan their budgets.

12. Don't forget to raise your prices when it's appropriate!

- A useful rule of thumb for visual artists is to contemplate an increase when you're selling at least 50% of last six months' output.
 - Another benchmark would be to look at an increase when you've experienced six to twelve months of consistent success in your work. Once you've established steady demand, it's time to re-examine your pricing.
-

Setting Up a Company

1. **Should I set up a separate company?** Separating the touring artist from the recording company.
 - Income tax purposes
 - i. Lower rate for companies
 - ii. Move income from one to the other
 - iii. If your income is over \$30,00 you can do income splitting
 - Incorporate the recording company
 - iv. Protects you the individual from bankruptcy or legal suits

A performing artist who is self-employed is considered to be operating a business, provided there is **a reasonable expectation of profit**.

Form of Organization

Accordingly, such an artist is entitled to deduct **reasonable** expenses incurred in connection with earning income from that business, except to the extent they are denied by section 18 or limited by provisions of the Act such as sections 67 to 67.5.

Individual	Employee	Files T1 return
	Self Employed	Files T1 Return

Partnership		Files T1 return
Corporation	Employee	Files T1 Return
	Shareholder	Files T2 Return

A performing artist who is an employee is limited to the deductions described in section 8 of the Act in determining income from employment. In particular, such an employee may deduct musical instrument costs and artists' employment expenses subject to certain limitations.

Artists who are **employees** have the benefit of coverage by their employers under both the EI and CPP.

Self-employed artists are not covered under the Employment Insurance Act, but are covered by, and must pay all the contributions required under, the Canada Pension Plan based on their net self-employed earnings.

Incorporating?

If your income is over \$30,000 you can take advantage of income splitting, the low rate of corporate tax, and certain deferrals and other tax savings options.

The Different Business Structures - excerpt from The Session, Dec. 2000 issue, by Lorena Kelly

Most of us will fall under Sole Proprietorship (that is, we're individually responsible for declaring our musical income). Here's a breakdown of some common tax "groups":

Sole Proprietorship

This is an unincorporated business owned by one person. It's the simplest kind of business structure. The owner of a sole proprietorship has sole responsibility for making decisions, receives all the profits, claims all losses, and does not have separate legal status from the business. You pay personal income tax on all revenue generated by the business. You also assume all the risk of the business. This risk extends even to your personal property and assets. (If someone sues you for defaulting on a solo gig, copyright infringement, etc., your car/house/guitar could be seized).

As a sole proprietor, you have to register for the GST if your annual taxable revenues are more than \$30,000.

It's easy to set up a sole proprietorship. Simply operate as an individual or as a registered, unincorporated business. If you operate as an individual, just bill your customers or clients in your own name. If you operate under a registered business name, bill your clients and customers in the business's name. If your business has a name other than your own, you'll need a separate bank account so you can process cheques payable to your business.

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unincorporated business. If you operate as an individual, just bill your customers or clients in your own name. If you operate under a registered business name, bill your clients and customers in the business's name. If your business has a name other than your own, you'll need a separate bank account so you can process cheques payable to your business.

A sole proprietor pays taxes by reporting income (or loss) on their personal income tax return (due April 30). The income (or loss) forms part of the sole proprietor's overall income for the year. As a sole proprietor, your income tax return must include financial statements, a Statement of Business Activities, and/or a Statement of Professional Activities.

Partnership

A partnership is a relationship between two or more individuals, corporations, trusts, or partnerships that join together to carry on a trade or business. Each partner contributes money, labour, property, or skills to the partnership. In return, each partner is entitled to a share of the profits or losses in the business. The business profits or losses are usually divided among the partners based on a partnership agreement. Like a sole proprietorship, a partnership is easy to form. A simple verbal agreement is enough to form a partnership. But if money and property are at stake, you should have a written agreement.

The partnership is bound by the actions of any member of the partnership, as long as these are within the usual scope of the operations. (If John books a gig and signs a contract, Jim is legally bound by it too.)

A partnership by itself does not pay income tax on its operating results and does not file an annual income tax return. Instead, each partner includes a share of the partnership income or loss on his or her own personal, corporate, or trust tax return (due April 30). Each partner also has to file either financial statements or one of the forms referred to in the section on sole proprietorship. You do this whether or not you actually received your share in money or in credit to your partnership's capital account.

For GST purposes, a partnership is considered a separate person and must file a GST return and remit tax where applicable.

Corporation

A corporation is a separate legal entity. It can enter into contracts and own property in its own name, separately and distinctly from its owners. Since a corporation has a separate legal existence, it has to pay tax on its income, and must file its own income tax return. It must also register for the GST if its taxable annual revenues (including those of associates) are more than \$30,000. You set up a corporation by filling out an article of incorporation, and filing it with the appropriate provincial, territorial, or federal authorities.

A corporation must file a corporation income tax return (T2) annually, within six months of their fiscal year end, even if it doesn't owe taxes. If taxes are owed, they are actually supposed to be paid within 3 months of their fiscal year end. Corporations typically pay their taxes in instalments, just like they remit the payroll deductions for EI, CPP and employee income taxes. The personal liability of corporate directors is also a consideration for payroll deductions and/or GST if for some reason the corporation does not remit them - Revenue Canada can "bill" directors of a corporation personally for all amounts owing (another complex issue.)

For GST, corporations have reporting periods for which a return has to be filed. As a shareholder of your corporation, you have limited liability. You and the other shareholders are not responsible for the corporation's debts. However, limited liability may not always protect you from creditors. For example, if a small corporation wants to take out a loan, the creditor may ask for the shareholder's personal guarantee that the debt will be repaid, and if you agree you'll be personally liable for that debt if the corporation does not pay it back.

For a corporation, loss amounts can swing widely. This gets really complex, and it is unlikely that many musicians or groups not on a major label will register as a corporation. Corporations typically try to write down income to zero, incurring no tax liability. When a corporation's directors know that future years will be profitable (or if they paid taxes in past years), they may be able to report a loss for the current year and carry it forward (or back) to reduce taxes payable from a future (or a past) year. See how tricky this gets? Best to hire a good accountant if you operate as a corporation.

Inventory

The cost of inventory is not deductible (except for visual artists) until it is sold. Inventory must be valued at the lower of cost or market value. Cost includes all costs – i.e. shipping, manufacturing, production. This applies to all merchandise – i.e. CD's, T-shirts, hats, etc.

$$\frac{\text{Total Production Cost}}{\text{Divided by total units pressed}} = \text{production unit cost}$$

$$\frac{\text{Manufacturing cost plus shipping cost}}{\text{Divided by units manufactured at that time}} = \text{manufacturing cost}$$

Production unit cost plus manufacturing cost = year-end inventory unit cost

Example: In the first year you made a CD for \$20,000. Your first pressing was 2,000 units at a cost of \$4,000. You sold all 2000 units in the first 4 months and repressed another 1000 for a cost of \$1800. You sold all of those and pressed another 2000 for a cost of \$3200. At the end of the year you had 500 CD's left.

Year One

Production	T o t a l Units	Production Unit Cost	Manufacture	T o t a l Units	Manufacture Unit Cost	Total Unit Cost	Yr End Inventory	Value of Inventory
A	B	A/B=C	D	E	D/E=F	C+F=G	H	GxH
\$20,000	2000	\$10	\$4000	2000	\$2	\$12		
\$20,000	3000	\$6.67	\$1800	1000	\$1.80	\$8.47		
\$20,000	5000	\$4.00	\$3200	2000	\$1.60	\$5.60	500	\$2800

Notice how column B. keeps adding up with your total units pressed, whereas column E. is only the units pressed at that time. I have used round numbers, whereas pressings are rarely the exact number you ordered. This gets done for each title you have.

At year-end, you have a column in your ledger called inventory and the figure in column I. goes in there. That amount (\$2800) is **deducted** from your manufacturing costs for the year (ie. $\$4000 + \$1800 + \$3200 = \$9,000 - \$2800 = \6200 . allowable deduction for manufacturing).

Year Two

The next year let's say you have an inventory amount of \$3400. You take the difference between last year's inventory as listed in your ledger (\$2800) and this amount (\$2800 to \$3400 which is an **increase** of \$600) and this amount (\$600) is then **added** to your inventory column to give you the correct amount (ie. $\$2800 + \$600 = \$3400$) and **deducted** from the amount you spent on manufacturing that year. Let's say you spend \$3000 manufacturing CD's that year so you would deduct \$600 from the \$3000 to give you \$2400 allowable deduction.

Your new figure in your inventory column in your ledger will now be \$3400.

Year Three

Go ahead another year. Let's say in that year your inventory at year-end is only \$1400. Again, take the difference between last year's inventory figure (\$3400) and this year's (\$1400). The difference is \$2000 except that this year this is a **decrease**.

So this time you **deduct** this difference (\$2000) from the figure in your inventory column from last year (\$3400) so that you have the new correct inventory amount (\$1400). You then **add** this amount (\$2000) to the amount you spent on manufacturing.

Let's say you spent \$1500 manufacturing this year. You add that \$2000 to the \$1500 to get \$3500 allowable deduction. So you can see how you've had to wait until this year to be able to deduct for the units previously pressed that are now all gone.

BOOKKEEPING

Keeping records

Records of income and expenditures tell you where you are now, and help you to plan the future. Detailed records, presented in proper form, are required if you are incorporated. But simpler formats can be used by self-employed small businesspeople, such as artists, to keep track of their finances and to satisfy CRA requirements. Accurate records are essential tools in managing your career.

An accountant or a bookkeeper can do your record-keeping for you, at a price. Some companies even specialize in bookkeeping, budgets, and cash-flow projections for artists. You still have to collect the paperwork for your paid helper, so you may decide that you might as well do the rest of the job yourself. Check out the options for how to keep your own books in TAMYC, pp. 93-94. Talk to fellow professionals to find out what financial record-keeping systems they use. People love to share this sort of expertise. Talk to your professional association as well.

GST/HST

Most commercial transactions in Canada are subject to GST at a rate of 5%. Every individual holding a GST registration number is required to collect GST at the prescribed rate on all revenues generated during the year. However, if you are a GST registrant, you can claim credits for all the GST that you paid to purchase goods and services related to your commercial activities; these credits are called Input Tax Credits.

You must fill out and submit to Canada Revenue Agency a GST declaration on a regular basis that shows your income on which GST was charged and the amount of GST you collected and paid. The difference between GST collected and paid is either remitted to Canada Revenue Agency or refunded to you.

You must register, collect and report on GST if you gross over \$30,000 from self-employment over a period covered by four consecutive quarters. The Canada Revenue Agency (CRA) website provides information on how to register, different methods for reporting GST: www.cra-arc.gc.ca.

Bookkeeping Simplified

This is the Cole's Notes version of how to set up your books for income tax made easy for your individual books – you the artist. For setting up you company's books, and more extensive information, read **Money – Keeping Track**.

Record Keeping Layout

1. **Date:** If it's a week or so long, show duration.
2. **Item** – what generated the income or expense, where you went, what your expense was, if you had a meeting, with whom and why.
3. **GST paid** – if you have a GST number
4. **GST rec'd** – if you have a GST number
5. **Income** – convert to CDN dollars – show conversion rate. Includes sales, gig and session work, teaching income, royalties and mechanicals – in short, all self-employed business income.
6. **Mileage** – actual kms. traveled to and from gig to your home. At the start of the year note your auto's mileage and then again at the end of the year. The total kms. traveled for work divided by the total kms. traveled in the year gives you the % you are allowed to deduct of your **total fuel, auto repairs, driver's license, auto plates and insurance, CAA**, etc. Alternately, you can write off the current govt. mileage rate on all the miles you traveled – i.e. \$.45 per kilometer in 2007. You could not then depreciate your vehicle.

7. **Food** – you can only claim 50% - so total and then use 50% on your income tax. Add in your tips. **If, for example, you want to pay your band member's meals, give them a per diem instead as you can deduct 100% of the per diem.**
8. **Gas** – the total fuel consumption of the vehicle for the year. If other people use your car, you may need to make this actual fuel consumed for that gig.
9. **Travel** – hotel, airfare, taxis, parking, etc.
10. **Side Player/Employee** – if you hire anyone to play with you or assist you
11. **Management** – any management or agency fees you pay
12. **Art Supplies** – any supplies used in the production of your work.
13. **Admin.** – Any administration costs relevant to your business – computer paper, work visa costs, mailing costs, etc. I also put business licenses/professional assoc. fees or dues such as MARIA or CARAS, etc. in this column. You can put these in a separate column if you like.
14. **Manufacturing** – any costs you pay another company for production of your product. (If you incorporate, you may choose to have this column in your company's books)
15. **Accessories** – anything you need to do your job – like guitar strings, etc. Here you can list repairs to your equipment. This can also include CD's purchased to practice from or learn new songs, blank CDR's, sheet music, industry related magazines, etc. Any large expenses, like a guitar, are put in under capitol cost allowance and a portion can be written off each year. Generally, any cost over \$500 goes to CCA.
16. **Costume** – those clothes that are only worn on stage and could not be deemed street wear.
17. **Makeup** – this includes stage makeup and hairdressing expenses related to the stage
18. **Dry-cleaning** – laundry and dry-cleaning costs on the road.
19. **Promo** – any promotion costs – such as printing flyers, photos, publicist fees, advertising, web site costs, etc.
20. **Rental** – any rental costs relevant to the gig such as sound system rental.
21. **Vehicle Repairs** – all vehicle repairs that then can be deducted as per number 6 - % of vehicle usage over the year.
22. **Training** – any specific training or lessons relevant to your work that you take to develop your skills
23. **Union** – any union dues or work tax payable.
24. **Pension** – All pension payments are directly deductible from income.

Other allowable expenses:

Accounting. This includes your accountant’s fees and any legal fees that are business related (not speeding tickets!)

Telephone – separate out business calls. Again, you can claim the GST if you have a number.

Office/rehearsal space allowable. Figure out the % of your house’s square footage that your office/rehearsal space takes up and this % can then be used to deduct that % of your household expenses – i.e. rent or taxes, interest on mortgage, utilities, cleaning, etc. You can also deduct any rent you pay for outside rehearsal or office space. If you do repairs specifically to that space you can deduct them, or, a portion of repairs to the whole house that affect that space – i.e. roofing. This can include a bathroom as this is necessary for an office.

Child care expenses – when child care was needed while you pursued business activities

Interest paid on loans taken out for business purposes

Capitol Cost Allowance

There are three categories.

- a. Vehicle – 15% in year on and then 30% in each subsequent year**
- b. Computer – after Feb 2009 to Jan 2011 – 100% - 50% in first year and the other 50% in next year**
- c. Accessories over \$500. – 20%**

Mileage logs - Keep One In Your Car!

Used to determine your business use percentage of your vehicle and should include the date, destination, and business purpose of the travel.

Date	Odometer Reading start	Odometer reading end	Mileage	Client I customer	Business purpose
Jan 1	1000	1005	5	D. Nicholson	Tax return
Jan 2	1020	1030	10	Concert hall	Performance
Jan 12	1050	1070	20	Staples	Get supplies
Total			35		

Business use $35/70 = 50\%$

Inventory – the cost of inventory is not deductible (except for visual artists) until it is sold. Inventory must be valued at the lower of cost or market value. Cost includes all costs – i.e. shipping, manufacturing, production. This applies to all merchandise – i.e. CD’s, T-shirts, hats, etc.

HOW DOES SELF-EMPLOYMENT DIFFER FINANCIALLY FROM EMPLOYMENT?

There was a time when the self-employed person worked in a far less secure environment than a person who had regular employment. Today, downsizing and an unstable economy means that most employed people will change employers, and even careers, many times during their working lives. A good number of those desiring regular employment will also find themselves moving in and out of periods when they may have to become at least temporarily self-employed. There are also cases where self-employed people may be required by law to become employees for the duration of a specific project or in order to take on a certain type of work. The lines between the self-employed and the employed are becoming increasingly blurred.

As a self-employed artist or cultural worker, you have probably come to this lifestyle and vocation through a reasoned choice. Or there may simply be few regular employment opportunities in your discipline. Whatever your reason for entering into self-employment, you need to realize the basic financial differences that exist between yourself and the employed.

The major differences are:

EMPLOYED	SELF-EMPLOYED
1. Tax is deducted from your pay cheque.	1. Tax is payable at year-end, or quarterly by instalments if your income is high enough.
2. All income from your job is reported to Canada Revenue Agency	2. Some income may not be reported to Canada Revenue Agency by the engagers. Yet all income, whether you receive an income tax slip or not from the engager, must be declared.
3. Your employer pays half of the CPP Premiums - EI and Workers' Compensation premiums are paid, and benefits are available if you qualify.	3. You pay all CPP premiums as determined by your Income Tax report. No EI premiums are paid on your behalf. Furthermore, the self-employed do not qualify for EI benefits unless you also receive a salary on a full-time or part-time basis from employment.
4. Your bookkeeping is minimal, except to keep the receipts for the few expenses allowed (education tuition, political party contributions, charitable donations, etc.).	4. You are responsible for keeping all records and receipts. The Canada Revenue Agency may demand to see documentation of your income and expenses.

For the latest information on self-employment, income tax, GST/HST, etc., consult the Canada Revenue Agency: www.cra-arc.gc.ca.

Because of the perceived advantages self-employed people enjoy, CRA often challenges the self-employment status of some groups or individuals. It is in the interest of the CRA for you to be classified as an employee because they then have better knowledge of your income and get the tax payable easily via direct deductions from your wages. And, as an employee, you are entitled to fewer deductions.

You may be told you will be hired as an employee and be left with no choice in the matter. It is entirely possible that your engager may have been told by CRA that everyone in your category must be considered an employee.

Sometimes you can fight this successfully, sometimes not. Self-employed artists teaching courses at Canadian colleges are often considered by Canada Revenue Agency as faculty members of that college and, thus, staff, unless they own an incorporated company. Yet seldom do these same self-employed artists have access to the same benefits accruing normally to faculty. Because of their self-employed pursuits outside of the college position, few will ever be able, for example, to collect EI benefits even if the teaching job is lost. Notwithstanding that reality, you may qualify for other programs provided by EI. While you are employed, you will also benefit from the obligation on the part of the employer to make CPP contributions on your behalf.

Should you automatically fight for self-employed status in all cases?

Not necessarily.

If you are a curator employed at a museum, for example, most of your expenses will be covered by your employer. You could simultaneously be self-employed under another contract that allows you to write a book and claim the expenses related to that project.

As a member of the employed ranks of society, you will be better liked by landlords, loan officers, and bank managers because your income is easily proven. For this reason, you may want to secure credit lines and necessary loans when you are temporarily employed. They may be harder to obtain when you return to full-time self-employment.

As an employee, you may also become eligible for certain benefit packages such as paid vacations, extended medical coverage, and subsidized pension packages.

How can you defend your self-employment status with regard to CRA?

Self-employed artists and cultural workers behave as if they are in business. They look for work and have numerous sources of revenue, even if they do only one type of artistic or cultural work. Keep the evidence that shows you are running a business. That evidence consists of your diary, contracts, promotional material, and well-organized income and expense records.

Canada Revenue Agency has a booklet laying out the factors they consider in assessing self-employment. Although enforcement varies, they will certainly suspect employment if you have only one engager all year, and are part of someone's chain of command.

You may be asked to demonstrate that you are truly carrying on a business in order to earn a profit. Businesses do have losses, especially during start-up, but continued losses ring alarm bells. You may be required to show that you:

- Are qualified to do what you do.
- Spend enough time doing it.
- Are working at promoting and improving yourself.
- (Not your engager) assume the risk of your venture.
- Own your own tools.
- Are not under supervision while working.
- Have a reasonable expectation of making a profit.

As a self-employed individual, you should work under a contract for service(s), rather than as an employee with an employment contract. The consideration of a reasonable expectation of profit point is also extremely important.

A prize-winning poet was refused his business loss because CRA deemed that "poetry in Canada is not a pursuit likely to turn a profit." He was told it was a hobby, and his expenses were disallowed (although his tiny poetry income was declared non-taxable). The test CRA uses is whether the expectation of profit is "reasonable". Even if it is, then only those expenses related to the pursuit of that profit, or loss, can be deducted from taxable income.

If your losses continue over a set period of consecutive years, your artistic or cultural work can be designated as a hobby by CRA and, consequently, will no longer qualify for the deductions you have been enjoying.

What other financial concerns should a self-employed person consider?

Your personal finances

Unless they are incorporated, self-employed people seldom differentiate their business finances from their personal finances. Indeed, you may well run both your business and your personal life out of the same bank accounts. It is important, therefore, to closely manage both of your financial personalities and to make sure they are in synch with each other. If you are fiscally conservative in business, but just can't resist going on overseas trips twice a year that you know are an excessive luxury beyond your means, chances are that you're going to find your business and your personal finances in a mess.

Consider your personal finances as being just as important to the future of your artistic or cultural worker career as your business finances. Failure to effectively manage both can derail your career and force you to take work that in no way relates to your chosen discipline.

Your health

As pointed out in the chart referring to the difference between self-employed and employed status, you will lack the normal "safety net" that many employed people enjoy. In other words, nobody will contribute to extended medical and other benefits besides yourself. Yet such protection is necessary to ensuring your ability to protect your health and personal well-being. You should investigate the costs of, and if at all affordable, secure the following forms of protection:

- Extended medical coverage for treatment not covered by your provincial, territorial, medical plan.
- Basic dental protection.
- Basic extended eye care.
- Accident insurance.
- Long-term disability insurance.
- Life insurance to provide for your partner and/or children in the case of your death.

Such coverage can be expensive for the self-employed, but the alternative of not being protected can be devastating. Many a self-employed artist or cultural worker has been left impoverished because of an accident that rendered her unable to continue working in her

discipline. Don't wait until a medical problem arises to seek such coverage. By then, the premiums will probably be astronomical or insurers will refuse coverage. Many professional associations carry group health and pension plans.

Your retirement

Because you love what you do for a living, you may think that planning for retirement is hardly important. Why would you want to retire? But everyone ages and eventually continuing to work in your chosen field may no longer be an option or you may need to slow down. Better to have a regular source of income that can kick in at that time to enable you to sustain your lifestyle than to have to cut back on things you enjoy because no provision for such a time was made earlier in your career.

You will have had to pay into CPP each year when you earn income. But that pension will probably be fairly minimal. So be sure to take further steps to save money for those years when you may wish to stop working full time at your discipline. An RRSP started in your twenties or thirties to which you only modestly contribute can grow into a sizeable investment over time if you don't collapse it prematurely. Talk to your financial institution, a broker, insurance agent (only for segregated funds), or other investment advisor about which plan is best for you.

A rainy day fund

No matter how shrewd you are in managing your career and personal life, there may come a day when you can't find another contract or gig, or face an unexpected and expensive cost. A good rule of thumb is to always save enough money to cover your basic costs for six months. Again, such a fund can make the difference between coming out of a dry spell relatively unscathed or emerging from it deeply in debt or even forced to abandon your career.

Should I incorporate?

If you set up a corporation, you create another "person," who gets some tax breaks but needs special care and consideration. For example, you will have to prepare financial statements and corporate tax returns and file annual returns.

Some factors to consider in deciding whether incorporation is for you are:

Legal

A business is often easier to sell if it is incorporated because it is more easily separated from the personal aspects of the vendor's financial picture and has a legal identity. A school or a pottery studio, for example, is more likely to attract buyers if it is an incorporated entity. However, inherent problems might arise. When you buy the shares of an incorporated business you also buy all the past indebtedness that might have accrued, either officially or unofficially.

Consider the case of a **musician** who bought an incorporated antique violin retail shop. Unknown to the musician, the previous owner had often lied about the value and identity of the violins he was selling. A past customer, having tried to recoup the value of his \$80,000 violin, was dismayed to have it appraised at several other shops as being constructed by an entirely different craftsman than the one alleged and worth no more than \$10,000. Furious, the customer demanded to be reimbursed by the original shop and succeeded in a legal action against the new owner of the corporation, who had played no part in the original deception.

Here legal advice as to the proper structure of a purchase transaction is critical because typically a purchase of the assets of the business as opposed to the shares does not result in the purchaser assuming "hidden" liabilities. It is also advisable to require some kind of indemnification by the vendor in these types of circumstances.

On the positive side, at the owner's death, an incorporated business attracts lower probate fees because the owner died, not the corporation. However, owners as agents of the corporation may personally share in legal penalties imposed on the corporation.

Financial

A corporation has "limited liability." However, lenders routinely require personal guarantees from small business owners that tend to nullify this advantage.

Tax

The people who once contracted with you personally now enter into a contract with a corporation, which in turn pays you a salary. Corporations pay taxes at different rates than those for personal taxes. For information on corporate tax rates, consult the Canada Revenue Agency website (www.cra-arc.gc.ca). A corporation reduces its taxable income by deducting its expenses, which include your remuneration. When you take any money out of the corporation, you pay tax on it at the personal rate. This means that any money you spend on yourself is taxed at the regular rate, anything you leave in the corporation qualifies for the lower rate.

If you sell an incorporated business, the shares may qualify for a capital gain exemption.

The decision

If you are a high-earner, there are constantly changing payment options, investment, income splitting, and tax shelter advantages to incorporation, which your professional adviser can outline for you. You may also be able to set up a company pension and medical benefit plan or a CPP account for yourself, your spouse, and anyone else you legitimately employ to work for the incorporated body.

The advantages of incorporation vary from case to case, but the disadvantages are the same:

- \$300-\$2,000 – the cost of setting it up. You can buy a "Do-It-Yourself" book, but you may not get the advantages you are hoping for.
- \$400-\$5,000 a year – the cost of precise and legally necessary paperwork and rituals, formal bookkeeping, annual return, the preparation of the minutes of the shareholder's meetings, and a corporate tax return. This is routine for lawyers, but costly and time-consuming for their clients.

You needn't think seriously about incorporation unless you are regularly earning enough from self-employment that your tax savings exceed the extra costs associated with incorporating.

Before you incorporate, talk to a specialist. Properly set up, a corporation might save you money. But you need an experienced lawyer and accountant to look at your situation and fit a

corporate identity to it. But beware of the lawyer or accountant who is just looking for billable hours.

Here’s a basic rundown on the requirements of a corporation versus that of a self-employed individual:

	Corporation	Self-employed individual
Start-up	Needs expert advice	Very simple
Maintenance	Formalities and corporate bookkeeping and tax return	Personal tax return (also necessary after incorporation)
Regulations	Closely regulated	Varying, but limited, regulation
Legal liability	Some liability relief	Personal liability
Tax liability	Low tax paid on money staying in the corporation. Some tax-saving options on money taken out. Opportunity for income splitting.	Personal tax on profit and earnings
Inheritance	Corporation does not die, hence nothing is deemed sold at the moment of death. RRSPs or property held in the corporation can continue to be preserved.	At death, your estate is responsible for capital gain taxes.
Change of owners	Corporation continues, tax break on increased value	Can sell only assets, no continuity

HOW DO I HANDLE INCOME TAX?

Canada Revenue Agency’s Declaration of Taxpayer Rights says:

“It is our job to collect only the correct amount of tax, no more and no less... You are entitled to arrange your affairs to pay the least amount of tax the law allows ...”

Self-employment is full of tax puzzles, but everyone is ready to give advice. Unfortunately, free advice is worth exactly what you paid for it.

Here are a few examples:

“You can’t be self-employed until you are a union member (or have an agent, or make some money from self-employment).”

False. You are self-employed if you are carrying on a business with a reasonable expectation and intention of making a profit. Belonging to a professional association or union does, however, indicate that you are serious about your endeavour.

“To be self-employed means that you must operate a registered business, have a business name, or be incorporated.”

False. You show you are running a business by keeping records and entering the results, generally on the Business Income line, on a regular tax return. See Section 4 for the benefits and drawbacks of incorporating.

“You don’t need to file a tax return because you haven’t made enough money.”

False. Very few people are legally allowed not to file tax return, and anyway, if you don’t file, you’ll miss out on refunds of tax deducted from employment, the Goods and Services Input Tax Credit, and refundable tax credits. By filing, you increase your allowable RRSP contribution room because your income is higher. Every Canadian citizen with income must file an income tax return.

“You’re working abroad (or on a cruise ship), so there’s no Canadian tax.”

False. Canadian residents pay tax on their world income. Any foreign tax paid is credited against the Canadian tax payable. Get advice, considering which country, and whether there is a tax treaty in effect.

“There’s no T4A, so how can they know what you made?”

Even without a T4A, the fee paid to you by an engager will be entered in his books. Use your contracts, bank deposits, pay stubs, and work diary to construct the missing information and then report all your income.

“You can claim \$50 a day as a per diem if you’re working away from your home town.”

False. There is no set amount to cover this extra cost. You should keep your receipts.

“You can’t claim for an office unless it’s a separate room for that use only”.

False. Canada Revenue Agency interpretation bulletin No. 514 explains it all for you and gives examples of shared use. If you use space for business, you can claim the expenses related to that square footage, a portion of the rent or mortgage, utility costs, etc.

“You can deduct all the goods acquired for your business for the fiscal year during which you purchased these goods.”

False. All goods that have a life expectancy exceeding one year (for example, a computer, desk, drawing table, or sound system) are considered capital expenditures. This means that only a fraction of the purchasing cost can be deducted on an annual basis. Canada Revenue Agency requires these to be written down over specified periods per item as a Capital Cost Allowance. Revenu Québec has a similar structure. Contact either body for an appropriate write-down table.

How can I pay less tax?

Defer tax by putting money into an RRSP. You pay no tax on that contribution. You pay tax on the money only when you withdraw it.

Hire a tax preparer who knows the realities of your discipline and how to present your facts to Canada Revenue Agency. Keep a log of the information you give to your preparer. You and your tax preparer are a team, but it’s your tax return: you sign it, and you are responsible for its accuracy. If it’s inaccurate, you pay the penalties – unless the qualified preparer was negligent, in which case s/he should pay the penalty.

Keep good records. The cost of anything you use for your business is deductible from your income in the year you spent it. Keep your receipts, sort them out as often as you can, make appropriate explanations on the receipt to show that they are business-related. Keep a work diary to remind you of forgotten fees and to note expenses, like parking meters and pay phones, which don't come with receipts.

Canada Revenue Agency is authorized to examine your income and expense records to check your return. When something is used partly for business and partly for pleasure, take a fraction of the total cost (see "Motor vehicle," and "Business use of home"), and keep all the receipts, both personal and business.

If you are sometimes employed to do the same things you do also as a self-employed individual, it's a good idea to divide the common expenses in proportion to the time spent on, or money made, from each form of employment. Get the tax bulletin *The Statement of Conditions of Employment* from your employer, and claim your employment expenses on Canada Revenue Agency's *Statement of Employment Expenses*.

Most people use the Canada Revenue Agency form *Statement of Business Activities* (in their *Business and Professional Guide*) to declare professional income and expenses. This is a listing of the sorts of things you might put in their categories. You will have other expenses. Find the place that makes most sense to you, or use the *Other Expenses* line. The categories are much less important than the viability of an expense.

Purchases of raw materials

Most artists choose to take the cost of raw materials as an expense in the year they were bought. If you stockpile materials, or work for years on a piece without any fees, keeping track of the value of your inventory will enable you to deduct the cost of your piece in the year you sell it.

Subcontracts

Fees to those directly involved in your process, for instance, the understudy, your accompanist, the foundry.

Direct wage costs

Employees who work in your process, for instance, the laboratory assistant, the lighting operator.

Advertising

The cost of résumés, catalogues, portfolios, CDs and DVDs, recording studios, your website, social marketing efforts, complementary tickets, professional gifts, advertisements. Generally, anything that promotes your work.

Bad Debts

You should declare income when it falls due. If you chase your client unsuccessfully (refer to "How and when do I invoice?") you should declare the fee as a bad debt in the year following, and take it as a deduction.

Business taxes, fees...

Deduct the membership fees for the organizations necessary for your business. Include professional associations, and also service organizations. However, if you live in Québec, fees paid to the Office des professions du Québec and to professional or artistic associations (except the fraction applied to professional liability insurance premiums) are **NOT** deductible as a business expense. These fees instead qualify for non-reimbursable tax credits that can be claimed when submitting your income tax report.

Delivery, freight

Claim any courier and messenger costs, and the cost of moving your art works.

Fuel costs (except for motor vehicles)

This does not mean gas for the car, but wood for the kiln, propane for the brazing torch.

Insurance

Claim coverage for your work and third-party coverage if you have visiting clients. Life and disability insurance are personal costs. Contents insurance goes under Business Use of Home, auto insurance under Motor Vehicle, and travel insurance under Travel. Medical insurance premiums are a professional expense — claim them under Other Expenses.

Interest

Claim interest on loans for business purposes. Bank and credit card charges are best claimed only on strictly business accounts.

Maintenance & repairs

Claim the costs of work done on your business space in the home, your separate work space, any business-related equipment, and, if you travel professionally, baggage. Work done on the home in general goes under Business Use of Home, and on your car under Motor Vehicle.

Management & administration

Claim commission and fees paid to agents or galleries, in fact, representatives of all sorts.

Meals & entertainment

Claim half the cost of restaurant meals taken while travelling or living away from home, or when you are caught between appointments, and meals serving a business purpose (discussing the project, schmoozing the booker). Include tips. Mark the names of your table guests on the back of the receipts. Remember that only 50% percentage of reasonable restaurant costs can be deducted.

The self-employed can also deduct the full cost of admission tickets to Québec-based cultural events, provided the attendance is business related, and you buy three or more tickets or a subscription.

Motor vehicle

If you keep a mileage log, you'll know the business proportion of your total mileage. Apply that proportion to your costs for: leasing or car loan, gas and oil, repairs and maintenance, tune-ups,

washing, registration, licensing, insurance, and regular garage or street parking fees. Add all your business-related parking. Traffic fines aren't deductible.

Office expenses

This is the place for basic stationery store items, software, paper, Internet charges, and postage. Larger equipment goes in Capital Cost.

Supplies

Supplies are anything you use up in the year for business purposes.

Legal, accounting fees

Claim your tax preparer's fee and lawyer's fees for contract or travel documents. Fees for fighting an income tax assessment are an allowable personal expense, entered in Other Deductions, in Step 4 of the tax return. If you are a Québec resident, you should consult Revenue Québec.

Property taxes, rent

Claim these for rented or owned work spaces, not for your home (see "Business use of home").

Fees or salaries

These are wages and benefits for employees who work on the production, sale, or promotion of your creation. Any remuneration paid to yourself cannot be deducted. Such payments are categorized under "owner's expenses" and, therefore, cannot be considered deductible expenditures.

Travel

Claim fares if you go out of town to work, to look for work, or for professional development. Claim fares from door to door, accommodation costs if you are maintaining your home base, travel within your destination city. Claim meals under Meals and Entertainment. When a trip is partly personal, try to set up appointments ahead of time, keep a detailed diary of what you did for your business, and take a reasonable percentage of the total cost.

You can put Local Transportation (public transit, cabs, bicycle costs) here, or under a separate heading on your Other Expenses list. When you are employed, you can't claim travel to work in town, but you can for your self-employed work, because your home is your Principal Place of Business. Claim the trips to and from the gallery, out to the airport to meet a visiting client, over to the stationers, to the convention for networking.

Telephone & utilities

Claim utilities for your separate work space (home utilities go under Business Use of Home). You may be able to deduct a percentage of the cost of basic telephone service, and certainly the full cost of any extra services that you use for business purposes, a second line, cell phone and pager, Internet charges, and telephone service when you are working away from home. Deduct the cellphone call charges noted in your work diary.

Capital cost

Anything bought for your business that remains useful beyond your year-end. Your deduction isn't really depreciation, but it works the same way, as it depreciates year by year. You don't have to take the deduction if you'd prefer to save it for later. The Business and Professional Guide tells you more than you'll care to know about the calculation. Check out CRA's website: www.cra-arc.gc.ca for more information.

Eligible capital expenditures

The purchase of what are considered intangible assets are also considered eligible capital expenditures. Two examples of intangible assets are trademarks and patents. Like any other capital expenditure, such assets are not totally deductible from income. For more information see the Business and Professional Guide.

Business use of home

As is true for car costs, all the costs of your home (rent, mortgage, interest, property tax, insurance, utilities, general repairs, and maintenance and cleaning) are deductible to the extent that you use space for your business. Imagine a visual artist, who rents a house, and uses the ground floor as a studio and for art storage, and one of the two bedrooms as an office. Once a week, he spends a day hosting arts discussion groups in his living room.

The purchase of what are considered intangible assets are also considered eligible capital expenditures. Two examples of intangible assets are trademarks and patents. Like any other capital expenditure, such assets are not totally deductible from income. For more information, see the Business and Professional Guide.

Rooms for business use only

As is true for car costs, all the costs of your home (rent, mortgage, interest, property tax, insurance, utilities, general repairs, and maintenance and cleaning) are deductible to the extent that you use space for your business. If you have one or more rooms that you use only for your business, including a finished or an unfinished basement, you can determine the amount to claim on the basis of area. You can claim the part of the total expenses for your home that is equal to the ratio between the area you use for business and the total area of your home. In Québec, self-employed workers must limit deductions of those incurred expenses to 50% of the total eligible expenses. Heating and electricity are not subject to the 50% and can be deducted at the full ratio. See CRA form T-80 and Québec form IN-155.

Rooms used for business and personal living

Canada Revenue Agency, in IT 514, "Work Space in the Home," allows the claimant to calculate the business-use percentage of his house 'on a reasonable basis,' that is, either by ratio of the square metres used to the total area, or by ratio of the number of rooms used to the total.

Other expenses

For expenses that do not fit any other category, use the "Other Expenses" category. Use this for private medical insurance premiums, and for expenses that do not fit any other category. However, Québec residents should note that medical insurance fees are not deductible from business income. Rather, they should declare medical expenses as a non-reimbursable tax credit. On a separate sheet labelled "Other Expenses," put your name, SIN, the tax year, and

then the list of expenses broken out in your own categories. Put the list total on the Other Expenses line.

Groups, co-ops

- Artist-generated projects often cause endless bad feelings among the members at tax time.
- Make sure that everybody involved in the cooperative venture agrees with the financial set-up while they are still friends and it is understood what happens if someone leaves the project or group.
- Ensure someone is responsible for the financial paperwork.
- That everyone involved knows what's going on at all times, and that each individual gets a statement of income and expenses when the project is over (or at year-end).

HOW DOES THE GOODS AND SERVICES TAX WORK?

Most commercial transactions in Canada are subject to GST at a rate of 5% in 2009. Every individual holding a GST registration number is required to collect GST at the prescribed rate on all revenues generated during the year. However, if you are a GST registrant, you can claim credits for all the GST that you paid to purchase goods and services related to your commercial activities; these credits are called Input Tax Credits.

You must fill out and submit to Canada Revenue Agency a GST declaration on a regular basis that shows your income on which GST was charged and the amount of GST you collected and paid. The difference between GST collected and paid is either remitted to Canada Revenue Agency or refunded to you.

Many artists are still hesitant to seek a GST registration number, even if it has definite advantages.

Do I have to register?

Not unless you gross over \$30,000 from self-employment over a period covered by four **consecutive** quarters. For more information, see Canada Revenue Agency (www.cra-arc.gc.ca) and Revenue Québec (www.revenu.gouv.qc.ca).

An architect finally breaks out of designing recreation room add-ons and after a year-long dry spell she lands a contract guaranteeing her \$50,000 or 1% of the project cost. If the fee is to be paid in \$10,000 instalments at six-month intervals, she doesn't have to register because she won't make over \$30,000 within any four quarters. Payment will be made in two \$20,000 instalments, one on signing and one six months later, with the \$10,000 balance payable on completion. She must register before the end of the month following the quarter in which the second instalment is due, which is when she went over the \$30,000 threshold. If it's the dream deal, with \$50,000 up front, she has made more than the threshold within one quarter, and she is deemed to have become registered right before the payment, which therefore attracts GST, and must apply for registration within 30 days of the payment being due.

How do I register?

The Canada Revenue Agency website has a useful guide on why and how to register, available online (www.cra-arc.gc.ca), and specifies the information you need to provide to first register for

a Business Number (required in order to register for GST/HST) as well as to register for GST/HST. If you're registering voluntarily, i.e. if you are earning less than \$30,000 in a twelve-month period, it makes sense to start on January 1st, so that you don't have a transition year.

You have two options to calculate your remittances: the **Regular Method**, and the **Quick Method**.

Regular method

Your clients pay GST on top of your fee, and you pass that on to Canada Revenue Agency, less the GST you paid on your business related expenses (your Input Tax Credit, or ITC). In this method, you have to track each of your business-related goods and services purchased, and all GST paid on those expenses. On your income tax return, you declare both your income and your expenses without including GST.

Quick method

This method is the same as the Regular Method in terms of how taxes are collected and declared. However, it makes the calculation of the requested tax credits easier because, with this method, it is unnecessary to maintain a detailed account of each good and service purchased or to specify, for each item, the amount of GST paid. For more information about how to use this method, see The Quick Method of Accounting for GST/HST guide, available on the Canada Revenue Agency website (www.cra-arc.gc.ca).

The Quick Method has easier calculations and will benefit you if expenses are a very small proportion of your income and also if your expenses are primarily items not subject to GST (such as salaries, insurance, etc.). If you use this method, you do not receive Input Tax Credits (ITCs). Look at your own situation and determine which is most advantageous.

Who shouldn't register?

Anyone who is an employee need not register. If you register as a self-employed person, you are required to collect GST and remit it for any work you do in that capacity. **The law says you are required to collect the tax.** Your clients are not required to pay it if you do not charge them for it. If you, as a self-employed individual, agree to work without collecting GST, you will have to eat this amount because the GST will still be owing to the Canada Revenue Agency. Your alternative is to refuse to work for clients who won't agree to paying GST. In most cases, clients don't care. They simply claim the GST paid to you as an Input Tax Credit of their own, provided that they are also registered with the GST. The problems will come if a lot of your clients are not registered because they won't be able to recover the extra GST you're asking for.

If your usual \$200 for the bar piano gig isn't increased to \$210 by the owner after you register, you'll have to declare it as \$190.48 plus \$9.52 GST. Your fee drops. Beware how you contract for the services of your band. The band may easily earn more than \$30,000 in a four-quarter period, but do the individual musicians earn more than \$30,000? The answer to that depends on the language in the contract.

What do I do when I've registered?

- Give your clients your GST number
- Make it part of your contract, and include it on all invoices
- Give the number to anyone who might pay you residuals or royalties on old work, too, because these new payments generate GST

- Segregate the expenses and income for the year so far (BEFORE and AFTER registering), because, by registering, you have changed the rules for the rest of the year
- To avoid this complication, if possible, take January 1st as your start date

Filing GST returns

The GST return asks for your personal information, gross self-employed income, and GST received and due. If your annual revenues are less than \$500,000 you must produce a GST declaration annually. The filing date is June 15 for self-employed workers. However, all GST must be paid no later than April 30. You may also choose to file a monthly or quarterly report. Some people find that doing so keeps their accounts up to scratch year-round. If you expect to claim tax credits on a regular basis, you may be advised to file your GST report more frequently than once a year. Remember that once you opt for a set filing schedule, you must maintain this for at least one year.

Our newly-successful architect also has income from racy adventure stories, which she writes under a pen-name. She included her writing income as a business expense when she worked out that she didn't have to register. But now that she has registered, her speaking fees are subject to GST.

Remember:

- Your registration is attached to you personally, not to a group, a project, or an activity.
- If you need to, you can cancel your registration, but only by completing and filing the proper form.
- This advice is drawn from research and experience, but may not be right for you.
- If you have a tax preparer, you should discuss the GST for your particular case.

Harmonized Sales Tax (HST)

Some provinces now have their provincial sales tax and GST handled at the same time by Canada Revenue Agency. If you are GST-registered, and provide a service in, or supply goods to, a province participating in the HST, you must charge HST on your fee and declare it on your GST return as part of your tax collected.

If you use the Regular Method, and are charged HST on goods or services provided from a participating province, you claim that as part of your Input Tax Credit. When using the Quick Method, look for the correct the calculation factor applicable for all purchased goods and services subject to HST in Canada Revenue Agency's The Quick Method of Accounting for GST/HST guide.

For Income Tax	For GST
Business and Professional Guide Work Space in Home Expenses (IT514) Tax Information for Professional Artists (R3222) Performing Artists (IT525R) Visual Artists and Writers (IT504R2) Tools (IT422) Business and Professional Income (T4002) Statement of Employment Expenses (T777) Quebec Business and Professional Income (IN155)	CRA Bulletin RC4058 General Information for GST Registrants Information for the Arts and Entertainment Industry, Basics for Self-employed Craftspeople, and Basics for Performing Artists. These guidebooks and forms are available from Canada Revenue Agency (www.cra-arc.gc.ca) or Revenu Québec (www.revenu.gouv.qc.ca).

For other publications visit www.cra-arc.gc.ca/formspubs/menu-e.html

WHAT GOVERNMENT PROGRAMS CAN HELP ME?

The federal government (through the Canada Council of the Arts, Canadian Heritage, and other departments), the provincial and municipal governments all support culture. Government funds can help you to finance a project, receive necessary training, or produce a piece of work. You should frame your application to fit the granting criteria, but the first step is to find the best-fitting awards given by the appropriate agencies.

Some resources are well known, and advice on them is easily obtainable from:

- The agency concerned.
- Your professional association or other not-for-profit organizations.
- Companies operating in your field.
- Your fellow artists.

These programs are hotly contested, but you certainly won't get a grant if you don't apply. Don't throw in the towel if you fail to get a grant the first time you apply. Juries who decide the grants generally change after each round and all the money in a granting body's budget for each round will usually be awarded. Many an artist, failing to get a grant the first or even the second time, has reapplied for a grant for the same project and eventually walked away with the funding.

- Look at an agency's full list of grants for the ones that best suit you and your plans.
- If you belong to a minority group – the young, First Nations, special needs – look for targeted support.
- There are often awards administered by the agency, but funded by an endowment set up to further a personal enthusiasm.
- Check carefully; grants change.

Less well-known sources are worth looking for. Often an agency will give you a list of other support resources. The internet is the most important resource for trolling for arts funding. Look for **umbrella organizations** that have lists of their members. As an example, British Columbia has its Assembly of B.C. Arts Councils.

A funding agency's name may not be immediately obvious

Saskatchewan has its Ministry of Tourism, Parks, Culture and Sport, but Quebec has the Ministry of Culture and Communications. Alberta's culture funding comes from the Ministry of Tourism, Parks, Recreation and Culture and also from the Alberta Foundation for the Arts. Not only are these names different from province to province, but also the names change, sometimes every time the government changes.

Many grants are funded by **endowments** set up in the memory of certain individuals or to promote specific ideals. They are often administered by arm's length agencies.

Museums and **schools** have special projects, as well as Artist-in-Residence programs, but you can look further afield.

Agencies and government departments not directly concerned with culture may provide funds either to answer a need you've identified, or, if you can find the tie-in, as part of their regular mandate.

A writer from B.C., for example, received a significant grant from the Fish and Wildlife Branch of the Ministry of Environment to fund a book she was writing on the wildlife of Vancouver Island, because her work was seen as providing a source of valuable information.

Your theatre company may get funding from immigrant, special needs or consumer protection agencies.

A **Business Initiative Area** or a **Tourism department** could help your pottery.

Your play could be a project of the Justice or Health departments.

Regional Development programs are available for high unemployment or disadvantaged areas.

Imagine a small band, **Charmin' Billies**, successful enough to tour from one small gig to another. To cover touring and booking costs, they might put together a Diverse Communities proposal for Citizenship and Immigration Canada. They propose to hit every provincial capital and play high school graduation dances, promoting support for minority groups with their new compositions "Canada in Your Face" and "Great White North – not just North, not just White, just all Great."

Organizations often win grants because they have more contacts and a proven track record. The enthusiasm of a single artist, backed by the accountability of a known organization, can be a winning combination.

Make your performance youth-focused and educational. It is a good and renewable source of funding, which may be obtained with the assistance of service clubs, such as the Lions and the Kiwanis. The odds are improved if you can demonstrate that, once established, you will generate income, or at least qualify for funding from other sources.

Diversify your funding base, rather than depending on successive grants from a single source. If you become dependent on one source of funding, your project will fail when

government priorities change or the source decides arbitrarily that you have drunk from the same well just once too often.

Government departments are staffed by people, and people have enthusiasms. **Cultivate your contacts**, tell them about your work, make them part of your vision. A thank-you note goes a long way. A stamp could be the best investment in your future.

HOW DO I WRITE A SUCCESSFUL PROPOSAL?

- Find the granting body offering the grant that's right for you.
- Persuade them you're the right recipient. Do this by describing your project in terms that fit the grant criteria.
- Get advice from your peers and your professional association, even from a paid consultant, but write the proposal yourself. Your personality and your enthusiasm are part of your project and writing the proposal will ensure these shine through.

Before you need funding...

Look for grants

Get details about grant sources from their websites (you can find contact lists in CHRC's Careers in Culture; go to www.culturalhrc.ca, click on Careers in Culture, select a discipline, click on Contacts).

Look at programs, catalogues, the acknowledgement pages of a book, to see where other people working in your artistic or cultural sector have found funding.

Talk to grant administrators and previous grant-selection jury members if possible. Follow their advice.

Build a reputation

Tell your grant-giving contacts about your current work. Send them invitations to see it.

Get the facts

Assemble hard data about what you do and what it costs, starting with your own tax records and the books for any past projects.

Collect third-party opinions

Keep reviews and articles, whether in print or online. Prepare supporters to talk about you when asked for a reference.

When you need funding

- Start your grant-getting early. A year in advance is none too soon.
- Look close to home first. A major agency is more likely to give you money if smaller bodies have already funded you.
- Get the latest information and forms. Rules and deadlines change.
- Ask yourself:
 - Does the project fit the criteria? Look for funding elsewhere for the part that doesn't fit.
 - Can you meet the deadline? Application deadlines are strictly enforced.

- Will the grant be in time?
 - Would the money arrive before you start? You won't get funding for something that's already under way.
-

Applying for Funding

Make your application legible, concise, and easy to understand. Follow the instructions precisely. Answer every question – if you can't, ask the administrator what you can substitute.

An application is likely to ask for:

Cover letter

A one-page executive summary showing your confidence in the project. Be interesting, be brief, let your enthusiasm shine out...

Introduction

Who are you? What do you do? Who are your clients/audience? What makes you especially deserving?

References

Choose people who are respected in your field and will write passionately about this project. Call them first, as a courtesy and to prime them with information.

Needs assessment

What outside problem will be addressed? What will be the advantages to others?

Objectives

What will the outcome be in measurable terms?

Methods

What precisely will you do? Why is this the best way to achieve your objectives? Why have you turned down the alternatives?

Collaborators

Have their commitment nailed down before you make a part of the formal application.

Evaluation

How will you and the funder know you have succeeded?

Recognition

How will you acknowledge your funding: on programs, publicity, your website?

Future funding

What other sources of funding will cover any next stage?

Budget

The form will lay out what they need. Be realistic: your application will be reviewed by experts. Be cautious: don't rely on the best outcome.

Appendix

This is for information that isn't crucial but may be useful.

After your application...

Keep notes

You'll have to report to the funding agency anyway, and if you don't get this grant, you'll do better in future.

Follow up failure

Ask the administrator about successful applications. Compare and contrast.

Stay in touch

Successful or not, thank people for their help. Stay in touch, ask about new and changed programs.

Apply again

If at first you don't succeed, don't abandon hope. Apply again during the next grant round for funding for the same project (if it didn't go ahead at all) or for a new one. Selection juries usually change every round and you may get the right jury for your project.

WHERE ELSE CAN I FIND FINANCIAL SUPPORT?

Governments are not always the best place nor the only place to look for funding. Many sources of government funding have shrunk or disappeared, and other funding sources are so well known that they are oversubscribed. By their nature, formal cultural and artistic programs usually have inflexible criteria that your project might not fit without being bent out of shape. Luckily, there are other sources – from large foundations to the artist in the next studio – so check them out.

Formal support

To find sources for support for your art, check out the contacts in CHRC's Careers in Culture (go to www.culturalhrc.ca, click on Careers in Culture, select a discipline, click on Contacts). In addition to seeking provincial, territorial and municipal funding, you can search the Internet for arts funding foundations. As well, look in material about other artists' projects for their acknowledgement of support from donors. Examine their publicity material and programs of performances.

Personal support

There are services and money that come to you, rather than to your project.

Love money

Your family or your life partner may provide shelter and occasional gifts or regular support. A centuries-old tradition.

Credit cards

The only organizations that press funding on you. The traditional way to finance independent films. Shop around for the best interest rate: you can pay half again as much for different cards in the same institution. If your income is high enough, you may qualify for a line-of-credit account, accessed through your credit card, with a lower rate of interest. Pay off your "loan" as soon as possible. Interest is a business expense.

Micro-lenders

If your operation looks like a retail store, employs staff, or attracts tourists, you may get a low interest business loan based on your financial assets, credit worthiness, and the viability of your project.

Government agencies, provincial and municipal arts councils and foundations support local grassroots projects. Search the Internet for information on possible support for a project, and be broad in your search as pockets of support for arts project can be found in unusual places. One unusual search term is "loan circles" (cercles d'emprunt, in Québec) or "credit circles," which offer business training, planning, and small loans to individuals investing in the establishment of most types of home-based or small-scale businesses.

Local groups

Members of school boards and parent-teacher groups, and of service clubs such as the Lions and Kiwanis, can offer access to unexpected funds. Educational, youth- or immigrant-focused, and local-interest projects might get funding on an ongoing basis.

Your college

Look for endowments or other forms of support, often targeted at a small group or certain individuals for defined purposes.

Professional organization

A source of lists of funding agencies, it may offer direct support, in the form of grants, loans, or scholarships, or through mentoring.

Non-cash support

Cash is always hard to get, but organizations can often make their in-kind services available at low cost or for the publicity value. A brewery may run a beer tent for your Renaissance Fair; your local printer may give you a deal in exchange for an acknowledgement on your website.

If you have cultivated the **person who has the** power to make the decision, the most unlikely sources may materialize. Spread your publicity net wide.

Applications

Reread “What government programs can help me,” and “How do I write a successful proposal”, and go through the same careful preparation when you apply for loans and scholarships, cash, or free services. Remember:

- Start early.
- Pick the best source.
- Present yourself as an enthusiastic proponent for a project that fits the source’s criteria.
- Get the application details right, whether it’s filling in a form or knowing when the local business person will be most receptive.

Support each other

Canadian culture’s biggest source of funding is its practitioners. We’re all in the same boat, and we should row together.

Six photographers can rent and equip a state-of-the-art lab. Five carvers can rent a truck and drive around farms looking for seasoned wood. Four actors can form a co-op and mount a production.

We are each other’s best resources. We know the facts, we have the contacts and experience, we can offer help even before we’re asked. It’s a great feeling for all involved.

HOW CAN I GET GOOD PROFESSIONAL SERVICES AT THE BEST PRICE?

There’s no point in going to a famous lawyer, like Eddie Greenspan, because your life partner isn’t sharing the grocery bills. You may need a counsellor, but first just try to talk things through. Paying a professional won’t make your problem disappear, although an expert can help you reach your best solution.

Know what you need

Break down your situation into five or six main facts.

Write down what you want in a sentence. If you can’t, you haven’t thought it through.

Know your budget

If you can’t afford a certified professional, there are alternatives.

- Provincial Law Societies often have recorded legal advice lines and Legal Aid clinics.
- A paralegal can handle form-filling.
- An uncertified tax preparer may be just what you need to do your return.
- Professional associations often run seminars, or offer help with contracts, tax, and dispute resolution.
- Do research online and at your local library.

Quality of service is a risk with out-of-the-mainstream solutions. Certified professionals are governed by their association’s rules, and their higher fees help guard you against fraud and incompetence.

Choose your professional...

Make a list

- Ask your professional association for recommendations.
- The association that represents the professional you need.
- People who have solved identical problems, or even look for recommendations online. You'll need three or four well-recommended choices – more, if you're relying only on anonymous online recommendations.

Call around

- Call up each candidate and read them the outline of your situation.
- Make notes as they reply.
- You want someone who understands what you are talking about, and who treats your problem as interesting, but something they solve as part of their regular business. Do not hire an insurance claim lawyer to deal with an entertainment or copyright issue.
- Remember: you pay for their research.

Compare and contrast

Make a shortlist from your notes and set up appointments to discuss engaging those professionals. The best prospect will recognize your problem, give you a likely outcome based on his experience, and quote you at least a ballpark figure of your costs. Do not hesitate to ask about his/her fees.

Make your choice

Go with your instincts.

Given basic competence, choose the person you like best.

Different strokes ...

Bookkeepers and office administration services can work very efficiently. You could do the work, but they may save you time.

Galleries and Agencies provide access to clients. You can be a musician without an agent, or a visual artist without a gallery, but your opportunities may be reduced. These professionals may have a self-regulating organization: many talent agents belong to the Talent Agents and Managers Association of Canada, while art dealers have the Professional Art Dealers Association of Canada. The organization will generally give you referrals from its membership list, details on acceptable business practices, and a range of approved fees and commissions.

Accountants, tax preparers, and business managers may be essential if your finances are complex, or your income is high. Even if you use a professional, understand your own affairs: your tax return is your own responsibility, and no financial advisor can guarantee the avoidance of, or the subsequent successful conclusion of an audit. Go to the office of professional help with everything clearly organized on paper. Don't forget: they charge by the minute.

Insurance brokers, financial advisers, and bank staff are salespeople. Their products may be what you need, but you will seldom be told about competitors' products. Ask about front end and/or back end loads, and the exact nature of their fee structure. In the case of percentages, ask percentages of what? Get it in writing.

Some specifics:

- The Insurance Brokers Association of Canada will help you find a broker.
- Your financial advisor advises. Only you can decide if an investment's profit outweighs the risks and actually saves you money after the fees are paid.
- Different banks, trust companies, and credit unions have various fee structures.
- Different branch managers may be either more or less sympathetic to your needs.
- Don't hand your problem to the first professional you find online. "AAAAA Loans for U" may not be the solution.

In summary:

- Understand your problem and define it.
 - Will a professional help?
 - Make a list and shortlist the competent individuals or firms.
 - Go with your gut instinct.
-

Benefits and Donations

As an artist you will continually be asked to give away your work for free or a much reduced rate in exchange for "gaining exposure". The industry joke is, of course, in Canada one can die from exposure.

My philosophy is:

- a. Don't do benefits for free – you get treated like you and your time are not worth much
 - b. Only do a limited number each year and make sure you explain to the organization making the request that when you do this, you limit your opportunities to draw in that town for a certain period of time – ie. a better paying gig may not work as the audience has already seen you and you are diluting your future draw
 - c. Insist that they put up the ticket price – otherwise, you are the only one contributing to the cause. For example, if people normally would pay \$15 to see you, insist that they add at least \$5 to the ticket price so the audience is kicking in an extra \$5 for the cause while you are contributing perhaps \$500 or more depending on how much you have lowered your fee
 - d. Never let them set the ticket price as free or really low – you get treated badly by an audience that has not paid to see you and you devalue yourself and your work
 - e. When we devalue our work – playing for too little or giving away our product, we devalue our industry as a whole. We are affecting more than just ourselves.
-

The Myth of the Tax Receipt

When we are asked to support various causes by donating our time or our work, that request is often accompanied by some form of assurance that we will get a tax receipt so it will balance out. This is a dangerous myth that only hurts the artist.

The way it works is if you donate your services in the form of a performance for example, for which you would normally receive \$1000.00, and they give you a tax receipt for a donation to

that organization in that amount of \$1000.00, you MUST declare that you received \$1000.00 and then gave it back to them as a donation.

At tax time then you will have to show \$1000.00 in income that you did not receive and you will be taxed on that. The tax receipt for your donation is not a straight deduction that offsets that. In fact, you can use 15% of the first \$200 and 29% of the remainder. So clearly they do not zero out. You end up paying taxes on money you did not receive.

If you're donating art it is even more complicated because above a certain value you have to have the value you have given the work confirmed by an independent assessor, the cost of which you will have to bear.

Session Six - What Else Do I Need to Know?

Critical thinking

Are you aware of your process of making decisions? There are many ways to approach them, such as:

- Gut/intuition
- Research
- Procrastination
- Emotion
- Rationality
- Seeking authority
- Non-decision

Each example has a potential positive and negative side. For example, doing research is important, but not if it means you spend all of your time finding more information, but never get to making a decision.

To make informed decisions, it can be useful to ask yourself

- Will this decision move you towards one of your goals?
- Does this decision utilize all of the information available to you?
- Does this decision agree with your values and principles?

Learn to discern what is actually important from what feels urgent!

When pressed by other people, remember the adage:

Lack of planning on their part does not necessarily constitute an emergency on your part.

Find as many tools as you can to help you manage information and make informed and timely decisions.

Reflective Questions on Risk

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How have the people in your life and early experiences influenced your attitude towards risk? Can you think of a time when you were willing to take a significant risk? Can you identify any beliefs, preparatory action, or support that helped you to take that risk?

1. What's one small risk you might take now to move you closer to your goals? What's one big risk? What might you need to feel ready for a big risk?
 2. Who might you reach out to for advice or inspiration?
-

Networking

Networking is perhaps the scariest term in business lingo – just the thought of having to “work the room,” “press the flesh,” or “rub elbows” can weaken even the most confident cultural worker's marketing resolve. It doesn't have to be this way. All that is meant by networking is that people should talk about their interests with people who share them. Schmoozing can be fun, as long as you count your fingers after each handshake. Don't forget that the others in the room are also selling or browsing for ideas.

So, how do you find people with interests similar to yours?

Go where people like you go

Attend performances, exhibition openings, book launches, readings, public meetings, conferences - wherever people might congregate that you should talk to. If the thought of approaching a stranger terrifies you, don't stay home. Go to be “seen” – someone may approach you. At least appear to be interested in his or her “spiel”; you may learn something new and useful.

Participate in online social networking

As discussed in the previous session, using online social marketing are essential – and free – tools for reaching people who may be interested in viewing, listening to and supporting your work.

Join a professional association

Associations and Arts Service Organizations (ASOs) bring like-minded people together and provide a source of tremendous professional and personal support. These organizations normally offer their members an array of useful information about the industry, sometimes provide tangible benefits such as health insurance or professional development courses, and always present the opportunity to be a part of a network of colleagues. That network can counter the sense of isolation many self-employed workers feel and help them to remain focused on their work.

Note that, while membership in a professional association may not be free or inexpensive, there is usually a discounted fee for members to participate in association events, which allows the opportunity to network with other members and develop additional skills and knowledge. In Québec, being a member of a legally-constituted professional association is required under the Acts Respecting the Status of Artists in order to be recognized by the government as a professional artist.

Membership in a recognized association can provide certain financial advantages under the terms of these acts.

The four principal reasons people join professional associations are:

- Necessity because of close-shop agreements.
- Professional accreditation requires membership.
- Common sense.
- And, sometimes, idealism.

Membership offers opportunities for networking, lobbying, offers of engagements, protection against unethical treatment, information services, and various administrative forms and contracts.

Associations as well as not-for-profit service organizations can be invaluable sources of non-standard contacts, information, and work. Local cultural groups may be short-lived, but can be useful networking and creative resources.

Associations lobby on behalf of their members, work with government and sister societies to improve work conditions, and offer advice, marketing and promotional opportunities, professional contacts, professional development, research and reports, and other benefits. Professional associations offer members networking and practical help, and membership may be one of the very first steps you need to take professionally.

When you join, commit to making the organization work. If you think something could be improved, get elected to the governing body and change things. Being involved with the association's workings can increase your professional visibility.

Take note that networking is most successful when you make the effort to learn about the other person, rather than just talking about yourself. Marketing is about relationship building and meeting customers' needs. You can't establish trust, or respond to someone's needs, if you aren't listening.

Volunteer

The cultural sector thrives on the valuable work of volunteers. These volunteers have learned something that some business people never do – that volunteers often benefit as much or even more than the recipient of the donated time or objects. If you donate an artwork to the local children's hospital or offer your professional expertise to someone asking a question on an online discussion list, you provide something of great benefit to someone else. And, at the same time as you are doing something worthwhile, you are also promoting yourself, getting your work out where people can see and enjoy it, and might even be "creating" a customer or a market where none previously existed.

Beware, don't allow yourself to be "used" by volunteering while others benefit in material ways, such as by playing in a jam session at a bar or reading at an open-mike poetry bash. "Exposure" is either illegal or bad for your health. At the very minimum, your performance should be worth a free cappuccino or jug of beer to the coffee house or bar owner.

Learning networks

Different groups gather for different purposes:

- Support groups are made up of people with something in common (such as artists or friends), and they focus on sharing personal stories, empathy, encouragement, validation.
 - Focus teams or Communities of Practice are made up of people who share an area of work activity and want to engage in a process of collective sharing and learning.
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INFORMATION MEETINGS

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WHAT IS AN INFORMATION MEETING

What is an information meeting? How does it differ from an "information interview"?

BEFORE SETTING UP AN INFORMATION MEETING

Through your research and networking, you'll be able to create a list of individuals and/or organizations that you'd like to get information from. Before making the list, identify for yourself what kind of information you want. Be sure your need for information relates to your work action plan goals.

In advance of setting up information meetings, ask yourself if you are limiting yourself regarding the types of meetings you are intending to set up. For example, many artists limit themselves by only setting up meetings with other artists in the same discipline. From your experience in SEARCH, however, you know there is much to learn from artists of all disciplines.

THE NATURE OF INFORMATION MEETINGS

Like an effective network, information meetings work best if you create an environment in which mutual exchange can take place. Everyone has needs, and the person/organization you're planning to meet with is no different. Your research will turn up many helpful ideas regarding what those needs may be and you can prepare yourself accordingly.

Whatever you do, don't sell yourself short. You've got experience, perspective, information, ideas, advice, enthusiasm, and ears to listen: often it doesn't take much to fulfill the need of the person you are meeting.

Start where you are comfortable for your first few information meetings -- begin with a colleague. Then try a friend of a friend. Then their friend. And then...

SETTING UP THE MEETING

Here are a few basic tips to consider as you work through this process.

- Do your research before setting up an appointment.
- Be prepared for the meeting to begin immediately over the phone.
- Use the names of those people who provided you with the contact.
- If necessary, work through someone else in the organization to arrange the meeting.
- If you can't discover a specific contact person through your research and network, call the organization's general line first and ask for advice.
- Consider contacting an arts service organization and asking for recommendations.
- Expect the process to be slow - you may not be considered a high priority.
- Expect rejection and persist - don't take it personally.
- Practice in advance what you plan to say when requesting a meeting.
- Have a list of key points and ideas handy as reference.
- Consider asking the person out for coffee or lunch.
- Respect the person's time: ask them how much they have to spare (and know how much time you need).

DOING THE MEETING

- Be prompt to your meeting.
- Prepare your questions in advance.
- Keep the meeting brief - you are responsible for keeping track of time.
- Take notes -- it is permissible.
- Consider tape recording the meeting (only with permission of course).

AFTER THE MEETING

- Send a thank you card/note.
 - Or call with thanks (if appropriate).
 - Or email (ditto).
 - Stay in touch.
 - Follow up on contacts, ones gotten and ones given.
 -
-

FOCUS TEAMS: Finding the Fit

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Diversity is an important factor in creating a successful focus team. People whose artistic discipline, gender, age and cultural background are different from our own can provide insights and assist us as we focus, as can people from other areas like business, accounting and so forth. At the same time, differences mean that we must check out and challenge our assumptions, and ensure that our communication is clear and understood. Forming and working with a focus team will give you the opportunity to gain the benefit of other peoples' input, test your communication skills, and assess how this tool could be used to support your work life beyond this program.

Complete the following sentences. When you have thought about each of these things, you will be better prepared to discuss your needs and strengths with potential focus team members.

1. What I have to contribute to a focus team (briefly list):

Specific skills...

Areas in which I have contacts (circles of influence):

Interests and experience....

Other:

What I think I need from my focus team members:

Specific skills:

Areas in which I need contacts (circles of influence):

Interests and experience:

Other:

3. My greatest concern about entering into a focus team....

4. What I am hoping my involvement in a focus team will do to help my earning potential...

Leading a Focused Conversation

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Some Things to Keep in Mind

...a conversation leader needs to keep certain priorities or values in mind. These values are implied by the method itself, but need to be stated clearly here. Make note of how each of the following is, or can be, applied in the AMYC course. And note any instances where this did not happen, and how it affected the outcome of the activity.

1. The Leader Has Nothing to Teach

A primary quality of the facilitator asking questions, according to John Kloepfer, is his or her openness, or what Socrates called *docta ignorantia*. While the facilitator is a skilled methodologist (the “docta” part of that famous phrase), he or she simultaneously professes an ignorance – *ignorantia* – a ‘not knowing’, an extreme openness required for true insight to emerge. (Kloepfer, John. *The Art of Formative Questioning: A Way to Foster Self-Disclosure*, p. 146).

This means that the person asking the questions is required to stand in the “not knowing” required for openness. Any facilitator’s preparation is to develop a real curiosity about what the group might know – the opposite of hoping against hope that they come up with “right” answers – that is, those that gibe with the views of the facilitator.

Those who have been teachers or trainers have developed a certain itch for intervention. They have been trained to correct, amplify or amend what has been said. But a focused conversation has nothing to teach. The only failure is failure to learn what the group actually thinks, feels and wants.

At times, of course, the conversation leader may have a body of facts that are best shared through a presentation. If the facilitator is an expert, say, on financial management, she may want to start by asking the group some questions to determine where their concerns and unclarity lie.

Then she can focus her presentation accordingly. In that case, the presenter will first do a focused conversation, and then tailor her presentation to the group’s level of experience. After the presentation, she might lead another conversation on what the group found helpful or confusing in the lecture, or a problem-solving session based on principles she presented. In such cases, where presenting and reflecting are combined, it is important to separate the roles of conversation facilitator on the one hand, and the role of presenter on the other. If it is not possible to have different people play these roles, the presenter should avoid slipping into the expert role while leading group reflection.

2. The Wisdom of the Group

A good conversation leader trusts the wisdom of the group. Unless proven otherwise, he assumes the group knows more than any one of its members, including himself. When all the perspectives are heard, a more holistic picture appears, like a diamond with many facets. The object of the conversation is to draw out that many-faceted wisdom.

3. Abstract Questions, Abstract Answers

Abstract answers can be partially or wholly offset by asking specific questions. We are familiar now with the adage of “Garbage in, garbage out.” A similar pattern exists with questions. If the leader asks vague or abstract questions, he will tend to get vague or abstract answers. Specific questions have a better chance of getting specific answers. “What do we need to be able to communicate better?” is a vague question. Notice the difference between it and this more specific question, “What are the elements of a good communication system?” Specific questions get better results. For example: “What results do you see?” is more specific than “What do you see?”

4. The Right Group

If the facilitator does not believe in the group, this comes out in subtle ways. The leader will accept responses tentatively, and not question abstract responses. The facilitator will blindly accept all the answers he gets – since they're not going to make much difference, anyway. Or, the facilitator will rush through the stages, attempting to get it over with, so that he can go and talk with "smarter people" with more acceptable answers. Any group knows when it is being trifled with or dishonoured. The people will never really trust that facilitator again.

The facilitator has to believe in the group, even when this may be difficult. To help with this, one facilitator developed a mantra she recited before beginning: "This is the right group of people to wrestle with this issue at this time. This group has the wisdom needed to wrestle with the questions and issues that are facing them. The group is at exactly the right place, struggling with the right issues." She found it very helpful.

5. Validity of the Data

When a participant contributes to the conversation, we normally assume that statement to be valid and to come from an authentic life experience. The discussion leader does not have to agree with any answers to her questions. She does need to understand them so that she can help the group see these options and discuss them. If one member's views seem strange to others, there is probably a good reason for them in that person's life experience. After all, we continue to grow by our effort to understand different viewpoints and insights, and this often involves letting go of our own preconceptions about life.

While each piece of participant data can be assumed to be valid, no piece is the whole picture. Everyone has a piece of the puzzle. But the whole picture comes together through hearing and understanding all the perspectives. There are always conflicts, as people fail to understand each other's perspectives and experiences. But this book is predicated on the possibility that any group can arrive at a common understanding. Whether that understanding is precisely true and complete is a matter of opinion. For that group, at that time the understanding they arrive at is appropriate wisdom. It is temporarily the truth for them. For truth is not set in concrete, forever immovable. It is a moving target, an evolving construct. The group always has to come to its own understanding of its own business.

What About Answers That Are Ethically Or Factually Wrong?

At times, a participant's answer will be ethically or factually wrong. The answer may be racist, sexist, bigoted or quite cynical, or historically or geographically wrong to the point of embarrassment. (It may also be the response of someone who wants to get his agenda on stage.) If the answer was factually wrong, it is important to listen to the tone in which the comment was made. The facilitator cannot let it pass, but how he responds will depend on the situation.

The facilitator may ask, "Why do you say that?" or may say, "That doesn't match the understanding I've heard, but I could be wrong. Please clarify it for me." Or he could say, "What in your experience has led you to that response?"

It is important to honour the person. At the same time, the person's comment cannot become the entire focus of the conversation. For this reason, if the facilitator thinks the group can absorb the comment, he could ignore it and move on. But if he sees the group is visibly offended by it and looking to him to do something, then he can use one of the approaches above.

It is important to make sure that the facilitator's agenda does not get on stage. For example, a facilitator who had fought all his life against racism, and was passionate about racial justice might be tempted to move the whole conversation towards that. This abuses both the conversation method and the group.

6. Group Ownership of the Issue and Content

While the facilitator asks the questions, the group owns the issue being discussed. They live with the situation and with their decisions about it. Therefore, they own their responses, and have an interest in how their insights are used. Some managers forget this. They bring a group together to discuss a problem, then take the notes of the meeting away with them and never speak to the group about it again. Naturally, the group members then assume their reflections have disappeared into a black hole. It is important to let the group know what will happen with their input, and how it will be used.

7. Facilitator's Responsibility

There is a difference between following a plan for the conversation, and taking total responsibility for how it unfolds. A leader who simply reads off a list of prepared questions and takes all answers without comment, does the group a grave disservice. No one likes to be treated like a robot.

The leader has to do more than build a plan and go on automatic pilot.

The key to effective dialogue is a give and take between questions and answers. In the midst of your conversation, you may find that the questions you wrote initially don't quite fit the situation. There might be too few questions of a certain level to enable adequate reflection. The tone of the questions may be too formal for the mood of the group in these instances, a little thinking on your feet helps you invent new questions, skip questions, or re-phrase them. This usually means working very hard to interpret responses as they are made, and creating new questions on the spot that keep the group digging deeper for meaning.

HOW CAN I GET ORGANIZED?

Early CBC Radio drama is lost forever, because the masters were destroyed or recorded over. Silent film footage, including the masters for classic movies, is still being found in barns and lockers. The Canada Council Art Bank was revitalized simply by conducting an inventory of its warehouse. Museums have made much more of their collections available to a broad audience through digitization.

Things appear in your life, are dealt with or put aside, are thrown away or stored for the future. Ideas, finished products, bills, letters, cheques: they are all part of your work and its administration.

Nothing in life happens without organization, and the best organization depends on:

- Space to work

- The grouping of linked items
- Storage
- Access

A room of your own

Even if you are a writer, and certainly if you are not, it is important to keep your art and its administration separate. Timothy Findley (Not Wanted on the Voyage) built himself a little writing house in his garden. Your solution can be simpler, but be sure to allow space for your work and for its administration.

If you can spare part of a room, you can:

- Install shelves
- Make a desk from a pair of two-drawer filing cabinets and a used door and add the best desk
- chair you can afford

Cost? Go to charity stores and pay very little. You can pay more by buying new, but why bother?

If space is short, you can set up a portable office. As a suggestion, you might have three accordion files near a telephone. Label them:

Current: one or two projects, contact lists, agenda.

Active: other ongoing projects and plans that do not immediately require attention, reference stuff, your expense receipts, and income paperwork.

Archives: household, insurance and bank paperwork, defunct or on-hold projects.

Plus:

Stores: a box of old paperwork – under the bed?

Current

Standard advice (“Only touch a piece of paper once”) only works if you have a regular routine involving few variables. This is not our life. Whatever you can simplify and organize, however, will save time, in both your art and its administration.

Active

Let each project’s files grow organically and add new sections as the structure becomes clear to you. Each project begins in its own container; as soon as sections become apparent, give them their own containers.

Archives

Back up computer files regularly, both on the computer’s hard drive and on CDs, DVDs or other portable media.

- Make extra back-up CDs containing data for large projects and store these off site, perhaps with a relative or friend.
- Keep earlier drafts of work, so you can return to them if necessary. A recycled-paper basket, seldom emptied, means that weeks later, you can dig out discarded documents and give a sigh of relief.
- Record your professional work the best way you can afford.

- Keep all reviews and articles, even negative ones, whether from print or electronic sources. Remember, there's no such thing as a bad review, so long as they spell your name right.
- A record of your work and all associated reviews and articles can prove vital when dealing with clients, insurance companies, lending and granting bodies, and to remind yourself of what you've done.
- Check all your files regularly, to move them up to **Current**, or down to **Storage**.

Storage

A dry basement, with files stuffed in banker or liquor-store boxes, and clearly labelled, may pay off unexpectedly years down the line. If circumstances warrant rent a storage locker for this purpose. Canada Revenue Agency requires you to keep your tax files for six years after filing.

ACTION PLANNING

**"Vision without action is only a dream ... ACTION without VISION passes the time...
VISION combined with ACTION can change the world!"**

Your Action Plan

Historically, artists are good at creating plans. They are self-reliant and have proven time and time again that their "crazy ideas" can actually be brought to life. In a world of ever increasing complexity, where the responsibility of planning has become a key tool for success, the challenge for many artists is to take the process out of their heads and put it on paper.

Creating a written plan of action is a crucial step in preparing for work. An action plan is a map that plots out the step-by-step journey you must take in order to achieve your goals. Of course, an action plan can also be used to manage your personal day-to-day affairs, finances, education or training, as well as your own business.

An effective plan is a key component in the management of all the facets of your work life, regardless of whether you are self-employed or working for someone else. For artists, who generally don't work in traditional job structures - no fixed work schedule, no office building, no manager - the lack of structure allows you to easily relax into any bad work habits you might have. Action planning counteracts this by encouraging the establishment of individualized, flexible timelines, which can then become the foundation upon which you build success.

An action plan lays out what has to happen and when, what you've got, and what you need. It differs fundamentally from your business plan. A business plan is a strategic map setting out your overall goals. An action plan presents an operational map related exclusively to one project.

To note: an action plan does not replace a business plan. In the most formal sense, a business plan is a document which interconnects all of the various components that comprise a business - concept, marketing, operations, finances - and meshes them into a cohesive whole that can then be regularly reviewed and revised by those people responsible for running the business. Formal business plans are often necessary when applying for a business loan at a financial institute, or in order to qualify for certain government programs and grants.

Making the action plan work for you

Developing an action plan, and modifying it as required, is an important project management tool. Once the project starts, real life rears its ugly head. Nothing will go exactly according to plan. If the project is well structured, the anticipated profits can survive the worst of disasters provided you are tracking their development, allowing you to adjust the plan in time to fit the new reality.

You are bound to forget and misjudge things. Planning and tracking in detail lessens the likelihood that unforeseen events will sabotage your project. At regular intervals or whenever an Action is completed during the project, fill out the sub-column **Actual** to identify the actual "performance" of the project in terms of **costs, income, and deadlines**.

Identify the cause(s) of any **gap** between projections and actuals (use **Remarks** column to note the conclusion of your analysis). If required, decide on corrective measures and modify the Action Plan accordingly.

After a project has been completed, set your feelings aside and look at it systematically. Evaluation is not the same as wallowing in anticipated glory, or in self-pity. Ask yourself some questions. Tell yourself the truth. Which decisions would you have changed? Were they in the planning, or in the project itself? Write out your conclusions so you'll remember them.

A Successful Action Plan Outlines

- What has to happen
- When
- What you've got
- What you need

ACTION PLANNING

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What's The Plan For?

Determine what your priority is regarding planning for work. For most artists, simultaneous planning is required if you are working on several projects. At the very least, you have two focuses - your personal life and your work.

Purpose of the Plan

Why are you making this plan? Is it grounded in your personal mission statement and work vision? How do you plan to use it? Making sure your plan fits into your "big picture".

Current Reality

What is your work situation now? What are the factors affecting that situation? Remember, it is only by dealing honestly and realistically with your life that you can ascertain your priorities. Shift your reality, not your vision.

Goals

What do you want to accomplish? What do you truly want and need to do? What are your priorities? What will be ongoing, what is a one-time activity? How can you break down large goals into more manageable steps? Remember, a goal can be changed once you've begun. Setting goals and priorities is more of a process than a final decision.

Benefits of Achieving Goals

What will change if your goals are met? What differences will there be to your professional and personal life? This part of the plan reinforces the meaning of your efforts.

Potential Courses of Action

How can you begin to achieve your goals? How can you simplify them? What possible courses of action are open to you? What kinds of preparations must you make? This is an opportunity to evaluate your ability to manage time. Use a day planner, determine how long particular tasks will take to complete, know your internal energy clock, and make your workday productive.

Resources

What do you have on hand to assist you in meeting your goals? What else do you require? Resources are whatever gives you energy and moves you forward. They can range from tangible items like a car to talents such as humour.

Your Human Resource Team

Who are the key people who can assist you in achieving your goals? Which family members, friends, peers and mentors will you include in your process? You may need to expand your resource team to include people you don't know (for example, a librarian or an advisor from a professional association). Your human resource team serves as a reminder that the process of carrying out a plan does not necessarily have to be a solitary one.

Potential Barriers - Solutions

What obstacles currently exist in your personal life that may prevent you from reaching your goals? In your professional life? What can be done to overcome these barriers? Who or what can assist you? What's the worst thing that could happen to you? Planning for and anticipating difficulties makes it possible to respond to them directly and to keep your process moving forward. Don't deny your fears: the more realistic you make them, the more manageable they become.

Rewards

What people, places, and activities make you feel good? An artist's life does not have to be one of hardship (lots of people already think that!). After a tough day during which you've accomplished several key tasks, it's time to reward yourself. This is a way of acknowledging your accomplishments and giving you the energy to do it again tomorrow. Keep the reward tangible and simple. Give yourself your first reward when you finish writing this plan!

Evaluation

Are the actions identified in your plan being carried out? Have unforeseen snags occurred? The great thing about plans is that they can be changed. What is important is to not change your vision. Evaluating your action plan allows to assess your process and see if it's working for you. Perhaps the goal was unrealistic and simply needs to be revised. Building in the time to

evaluate your plan helps you to maintain a grounded viewpoint of your work process and to keep moving forward. Remember: plans are always drawn up in pencil!

The Step By Step Plan

This is the practical layout of your plan, which differs from the foundation discussed above. An example of a step-by-step plan is provided, however this can be customized to suit your own particular quirks and preferences. What matters is that it works for you and becomes a tool you cannot ignore.

Objectives: What do you want to accomplish? What qualifies as having accomplished your objective in order for you to be satisfied? Small, realistic objectives are easier to fulfill and faster to accomplish.

Activity: How will you accomplish this objective? What activities need to take place? Each activity should be a manageable effort, accomplished in small steps.

Who's Doing It: Will there be other people involved? Remember, you rarely do anything completely on your own. Consider how the involvement of others may affect the timing and duration of your proposed activities.

Begin By: When do things get underway? It is often necessary to consider when you want things to be completed by in order to determine when things should start. Are your start dates realistic? Make a commitment.

Evaluation Date: Does your objective have to be reached by a particular date? When must a task be completed? How much flexibility exists, can you revise this date? What if the course of action isn't working out? No one likes the feeling of having let somebody down. Time to revise!

HOW DO I DEVELOP AN ACTION PLAN?

If you want to try the project, an action plan tells you how you can succeed. An action plan lays out what has to happen and when, what you've got, and what you need. It differs fundamentally from your business plan. A business plan is a strategic map setting out your overall goals. An action plan presents an operational map related exclusively to one project.

A photographer collects interesting shots for stock photo agencies while on assignments to exotic locations or on vacation. In five years, she has built a clientele of specialty magazines, and her stock photographs provide an increasing income. A magazine shoot for a Swiss hotel is a fairly standard project for her, but she still needs an action plan.

Look at your Project Assessment – what will your advantage be? Most projects serve more than one purpose, but if you're mainly after cash, you'll use a different approach than if you want to build your reputation.

Look for the logical sections of the project, then look at each section. Be methodical; work through each section in detail. Be thorough; don't skip elements because it seems obvious. Look at each section to be sure it really is as standard as you thought.

Starting

After the first decision (making the commitment), each step in the project will depend on the one before. Be realistic about scheduling: don't count on everything working out on time. Build in some room to manoeuvre.

Finishing

Imposed deadlines are only part of the story. You will probably have to combine parts of the project with other commitments: artistic, personal, or drudge work. Some sections will allow overlapping more easily than others.

Skills and materials needed

You are unlikely to have all the skills, tools, and resources you need. Should you acquire them? Work around them? Or ask for help?

People needed

You may have the skills you need, but do you have the time? Do you want to hire the skills, or take on partners to share in the creation? Could you run a group? Is administration going to frustrate you? Could you delegate those tasks? Will the chemistry of the people you hire adversely or positively affect your project?

What the co-workers will need

Some will take a share of the profits and/or royalties; some will need cash. Some need publicity, so your contract will have to allow for their separate credit. Some want creative input, which may slow the project down.

Cash flow

What will this section cost? If you're relying on money coming in, what are the guarantees of that money coming? When does it arrive?

Can you afford to begin? Can you pay your helpers, or will they wait until the cash arrives? Will you be able to afford to finish? And eat as well?

This is not a linear process; you'll go round and round, adding details and removing obstacles.

Our photographer knows that technically she can handle the job, it's a familiar type of assignment, and the suggested fee is normal. Should I be pushing for a higher rate? She checks the magazine's travel dates. Yes, they fit with the next bookings and there's time to do the lab work before I'm off again. The details of the shoot will be organized for her, but she should make sure to get some slack. There are plenty of mountains in photo libraries, but cuckoo clocks and high tech might be an angle. Is there someone at the studio who has computer contacts? I could give them an honorarium; the fee from the last job finally came through. More checking to do; looks okay so far.

When you have divided the project into a series of single actions, you can use this sort of layout to help your planning. Then, in a simplified form, use it as a reminder of the structure of your project. Note that the Resources column can be divided into two columns: one for personnel and one for other resources. This may be required if you are engaged in a project that involves a lot of other people, such as mounting a stage production or a music festival.

Use this guide to develop your next action plan

Actions	Resources	Budget		Timeline		Remarks
		Projected	Actual	Projected	Actual	

Actions

What has to be done in this phase of the project?

Resources

What is needed for the success of this phase? This may be a skill, personnel, a service, raw material, etc.

Budget

What will this phase cost? What money is coming in? Beware of delays to grants, advances, etc.

Timeline

When does this phase have to be finished? This may be an outside deadline, or part of your scheduling later phases.

Remarks

What other information is useful? Use this space also for your evaluations as the project goes on and afterwards.

ACTION PLAN EXAMPLE

Actions	Resources	Budget		Timeline		Remarks
		Projected	Actual	Projected	Actual	
1. Prepare equipment & supplies	Photo gear fine, but need telephoto	\$625	\$565	June 5	June 11	Always ask for discount. Worked this time.
2. Make travel & accommodation arrangements	Travel, agent and destination website	\$1,000 (Air) \$625 (B&B)	\$1100 \$530	Book by May 31 Seat sale.	May 28	Don't forget taxes and airport fees next time! Canadian \$ stronger better rates on B&B
3. Establish contacts	Travel, bureau, location, reps.	Free services?	Yes	Contact by May 15 latest	May 14	Complimentary accommodation possible through this contact
4. Sell shots	Travel mag, hi-tech mag (on spec)	\$625 \$1,250	\$375 \$565	July 5 July 15	July 10 July 30	Extra for website use negotiated. Foot in the door, but is there \$\$\$ here?

Checklist

- As you plan, ideas about other sections or other projects will occur to you. Carry your notebook. Don't lose the thread.
- Look at the whole picture again as each new answer provokes more questions. Don't get bogged down in the details.
- Tell yourself the truth. Don't be too proud to realize that the idea that looked so great has turned out to be a monster. Abandon the project if that's the best course of action.

HOW DO I USE THE ACTION PLAN DURING THE PROJECT?

Once the project starts, real life rears its ugly head. Nothing will go exactly according to plan. If the project is well structured, the anticipated profits can survive the worst of disasters provided you are tracking their development, allowing you to adjust the plan in time to fit the new reality.

You are bound to forget and misjudge things. Planning and tracking in detail lessens the likelihood that unforeseen events will sabotage your project.

If your plan is sufficiently detailed, changes within any action can be dealt with and their impact contained, with minimal bad effect on the rest of the project. However, if you have a coarse-grained action plan, which breaks the project into large chunks, any change will be well advanced before you catch it.

Look at our photographer's Action Plan. Without setting herself deadlines, she might have missed advice on the computer tie-in because of her friend Miriam's holiday. If she hadn't checked on the visa situation in good time, everyone else may have assumed she'd done it, and she may be denied access at a border.

Tracking her progress through the plan as she goes, she can see if there's another supplier of special lenses, filter, or film when Gene's is out of stock. She has time to track down her old apartment sitter, who moved out on her boyfriend. And she will talk to Susi the writer before the contract negotiations, and find out that she wants underwater mountain stream shots.

At the end of each action, before you evaluate it (see the next section), make sure it really is finished. Have you got the film stock, or has it just been promised "in plenty of time?" Do you need to look for another source, or is Gene's reliable enough to trust? Should you set another deadline, to check up on them? Don't rely on the availability of materials while on location without checking with reliable sources.

Planning and then checking the plans may sound like overkill, but it's not. There is no need for irrational apprehension, but you can be fairly sure the one thing you assumed would be all right, won't be. Murphy's Law never sleeps.

Make sure that a projection (**sub-column Projected**) for each **Action** listed in the Action Plan is made – as appropriate – in terms of **Budget**, and **Timeline**).

At regular intervals or whenever an Action is completed during the project, fill out the sub-column **Actual** to identify the actual "performance" of the project in terms of **costs, income, and deadlines**.

Identify the cause(s) of any **gap** between projections and actuals (use **Remarks** column to note the conclusion of your analysis).

If required, decide on corrective measures and modify the Action Plan accordingly.

HOW DO I EVALUATE A COMPLETED PROJECT?

"The unexamined life is not worth living." – Socrates

After a project has been completed, set your feelings aside and look at it systematically. Evaluation is not the same as wallowing in anticipated glory, or in self-pity. Ask yourself some questions. Tell yourself the truth. Which decisions would you have changed? Were they in the planning, or in the project itself? Write out your conclusions so you'll remember them. If it was an outside project, get your clients' views, from whatever evidence is available. You might try asking them. Use the same headings as your Project assessment:

Formal aim – Your personal project ...

Questions	Yes or No	Comments
Did you achieve your aim?		
Did you change it?		
Should you have?		
Did you plan the change, or did it just happen?		
Did you realize that you had changed it? What did you do then?		

Formal aim – Someone else’s project

Questions	Yes or No	Comments
Did you achieve the aim as described?		
If not, was that because their aim had changed?		
Were you given a real chance at the new aim?		

What did I gain?

Questions	Yes or No	Comments
Did they sign off and pay you?		
Will they hire you again?		
What feedback did you get?		
Did you explicitly ask for feedback?		
Did they say they were pleased?		

Did they think their objectives had been achieved?		
Reputation		
Are new doors opening to you?		
Have you been recommended for more ambitious projects?		
Did they certify you? How useful has that been?		
Are you more hireable, or less?		
Learned Skills		
With or without a formal qualification, did you gain a skill?		
Was it what you set out to learn?		
Artistic Development		
Can you identify a change? Was it the change you planned for?		
Have you become a better artist?		
Is your focus clearer, or more confused?		
Money		
Did you make more or less profit than you thought?		

In either case, were the profit estimates wrong?		
Would a better set-up or tighter ongoing control improve things?		
Did they cover extra expenses they forced on you?		
Did you get paid in full and on time?		
Did your contract make allowances for these eventualities?		

What did it cost?

Questions	Yes or No	Comments
Reputation		
Did any failures on your part, either real or construed, hurt it?		
Will these problems affect your future work?		
Artistic Development		
Have you changed your view of such projects or clients?		
Did they use your input, or treat you like a Great Artist slumming?		
Money		
Did you lose less or more than expected?		
Were the project costs wrong?		
Were they sympathetic – did they try to minimize your costs?		

If you lost more than expected, can you catch up now?		
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Scheduling

Questions	Yes or No	Comments
Were the deadlines set in stone?		
Were you in danger of losing the commission or future ones?		
If you finished ahead of time, was this welcomed or questioned?		

After you have worked through an evaluation, take it to a mentor, someone whose opinion you trust. Beware of benevolent lies people may tell you what they think you want to hear rather than the truth. Listen for what they don't want to talk about.

Nothing is all good or all bad. Your worst experience may have taught you one essential skill, or given you one vital contact.

Go back over your notes of old projects: see if your new perspective has changed your old conclusions.

This whole exercise will have been wasted if you don't learn from your mistakes and change what you do. You must learn to avoid some of your favourite traps.



Action Plan Workbook

Goal: My specific goal is: _____

Timeline: I will have achieved this by: _____

Evidence Procedure: I will know I have succeeded when: _____

Values: My values statement as it pertains to my arts practice is: _____

My goal and my values are congruent because: _____

My goal and my values might not be congruent: _____

My Profile Statement Is: _____

My identity statement is: _____

My website address: _____

My website - what I have _____

My website - what I need _____

This Is Where I'm Going: _____

Course Checklist:

	I Have Finished	I Have Partially Done	I Do Not Have Yet
Profile Statement			
Identity Statement			
Elevator speech			
Values Statement			
Show Time			
Goal			
Timeline			
Budget			
Networking			
Funding Sources			
Grants/Loans List			
Application Written			
Applications Submitted			
Website			
Marketing Plan			
Social Media			
Bookkeeping			
Blog			
Mission/Vision			

I am most proud of: _____

Personal Inventory

Project Pieces	I Have It Already	I Can Do It	I Need Help From
Written Promotion			
Budget			
Marketing Plan			
Email List			
Grants/Funding			
Branding - logo/website etc.			

Show Me More Money

Projected Revenue

Source	Projected Amount	Actual Amount	Variance

Grants and/or Loans

Research both online and through networking has shown the following to be good avenues to pursue:

Agency	Grant/Loan	Deadline	What do I need?

Social Networking

The following represents my web of social networks:

Type	Facility	Plans	Resources
Facebook			
Twitter			
Instagram			
Pinterest			
YouTube			
Vimeo			
Website			
Tumblr			
LinkedIn			
Blog			
Flickr			
Google+			

Target Marketing

My target market is: _____

I have given it the following name: _____

I know this because of the following research I have done: _____

Where does my market spend time on line? _____

Where does my network of resources spend time on line? _____

This is my plan to use this web to market my goal. _____

Prioritize Tasks

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When you prioritize things, you put them in logical order. For example, if your goal is to bake a new dessert, you:

1. Find a recipe
2. Check to see what ingredients you have
3. Buy the ingredient you do not have
4. Take out the utensils you need
5. Mix the ingredients together
6. Bake the dessert

Arrange your tasks in order like the ones above to help you reach your goal in the least amount of time. If you start mixing ingredients and then find out that some of them are missing, you will waste time going to the store in the middle of things. And your dessert may not turn out. Imagine doing business this way!

Follow these tips about tasks:

1. **Make a list.** Even if you have a great memory, you will probably forget to do some things if you get busy or your work is interrupted. Put your list where it is easy to see. Cross items out as you complete them.
 2. **Prioritize your list.** Divide your list into the following sections: Do today no matter what. Do today if possible. Do today if time remains.
 3. **Do the hardest tasks at the beginning of the day.** This is when you have the most energy. It is also when you will probably have the least amount of interruptions. For example, if an employee has a problem, discuss it early in the day. You will be able to listen actively and come up with solutions. Employees will be grateful that they do not have to take problems home with them.
 4. **Perform small tasks while doing bigger tasks.** For example, if you are waiting for paint to dry during renovations, start cleaning up, make a few quick phone calls, or make sure you have what you need for the next step of your renovations. This is called multi-tasking.
 5. **Break big tasks into small tasks.** You can do small tasks in a short period of time. For example, if you want to learn the names of all of your regular customers, start by greeting at least one customer by name each day.
 6. **Do not procrastinate.** When you procrastinate, you keep putting things off for later. Some tasks will be unpleasant. For example, calling clients to say that their payments are late. Remember, you are running a business, not a charity. Do the task so that you do not have to keep thinking about it. This will reduce your stress.
-

Packaging Your Business Plan

Your business plan should be simple, logical, and relevant to your work and the intended audience. While it is difficult to go wrong with a neat presentation on high-quality white paper and bound tastefully, you may wish to add some subtle touches that reflect your artistic personality or use new technologies to creatively represent your work. Photographs or examples of artwork on digital media, as appropriate, can be added to the plan, especially if the work is difficult to explain.

HOW DO I SHAPE MY CAREER GOALS AND BUSINESS PLAN INTO A “CAREER STRATEGY”?

The process of developing a list of goals and creating a business plan gives you the opportunity to take a realistic, objective look at yourself and your work. The resulting documents hold everything you need for success except the “kinetic force” (the movement or the action). You have to provide that part. Just like a hammer that has been abandoned in the grass, a business plan and a set of goals will not get you any closer to building your dreams if you don’t use them.

Implementation steps

The specific steps you should take to implement your plan will depend on the plan itself. These are, however, some general steps to consider:

- Just start. Don’t wait until you have more time – work has a tendency to stretch to fit the time allowed for it. If you don’t make time for it, it won’t happen.
- Revisit the plan and review your goals often.
- Make sure that your goals and the actions you are taking to realize them are consistent with your values and what it is you really want to achieve.
- Evaluate the success of your actions. You need to be able to gauge whether your efforts are bringing you closer to realizing your goals.

If you had hoped to increase your visibility in the community, for example, you should monitor such quantitative measures as the number of visitors to your performance or exhibition, the number of inquiries about your work, and the increase in the number of clients. A large number of visitors to your website definitely can be persuasive! Measuring the quality of your career and life should not be forgotten in this process. For example, if you believe success is reflected by how many people buy your work, an exhibition which draws a large audience and critical acclaim but results in few sales will probably seem a failure.

Leslie Feist’s song, 1234, was featured in a commercial for iPod nano. It propelled her indie release to the top of U.S. and U.K. charts, with over 73,000 downloads per week, in 2007.

- Revise your goals, your plan, or your actions as you go. As your career evolves, your plan should grow with you. Many people will shelve their business plan, pull it out two years later, and, discovering that their predictions in the plan don’t match the reality of the day, conclude that the entire effort was a waste of time. These people have missed a considerable opportunity. Whenever circumstances change for you, go back to your plan and modify it as required to keep it current.

- Validate your plan. Consider drawing on the experience of a veteran colleague you know to be experienced and well versed in the same area you are entering. You can bring such a person into the process even while determining your career goals and developing your business plan or after the fact as a final check on the validity of your overall strategy.

You may, for example, decide to work formally or informally with a mentor. Through a mentor, you can often get “real world” training, advice, support, and encouragement often lacking in a self-employed cultural worker’s professional life. Mentoring can also provide measurable and tangible benefits.

- Renew your plan. Revisions to your business plan should be a continuous, lifelong, and beneficial process. There will, however, be a time when revision isn’t enough. If your career has significantly changed direction or focus, a simple revision to your plan won’t work. If you started out in the area of film production but decided later to become a screenwriter instead, you will need a different plan. In such cases, use your original plan as a building block, but acknowledge that you need to take a fresh look at your career and devise a new plan. You might find out something new about yourself in the process.

When you follow these steps to develop and implement your business plan, you unite your purpose (defined during your self-assessment), your tools (your goals and business plan), and the appropriate actions (what you are going to do to realize your plan). As a result, you will have a clearer vision of the future of your cultural or artistic business. As you move toward turning that vision into reality, you can’t help but head in the direction of success – whatever success means for you.

Contracts Simplified

From buying paper clips to securing a large commission or playing at a wedding ceremony, self-employed artists or cultural worker enter into contractual relationships with legal consequences every day.

A contract is a negotiated agreement between two or more parties, and is legally binding. A contract serves as a record of that agreement, whether written down or verbal. In all work situations, a contract should be negotiated before you begin to do the work. Why? It helps equalize the relationship between yourself and the other party. It is a communications tool that serves both your interests and the interests of the other party. Think of all the negative stories you have heard (or perhaps experienced firsthand!) about work relationships that were not properly contracted.

ASSUMPTIONS WHEN CONTRACTING

There are a number of assumptions that you and the other party will make while contracting. Here are a few of the most obvious:

- **You read the fine print.**
- **You had a knowledgeable person review it.**
- **You are familiar with the system, style, process, etc., of contracting used.**
- **You have a 24-hour grace period to consider the contract after signing.**
- **You are using your intuition.**
- **What you have agreed to works for you.**

BEFORE CONTRACTING

A contract is set out after negotiation has taken place. The negotiation process serves as the basis for coming to an agreement (it is also an indicator of whether or not you should get the contract in writing). As contracts vary a great deal from one discipline to another, it is imperative that you do research in your field of work to find examples and information. Where would you begin to do such research?

List the first five resources you would consult:

- 1.
- 2.
- 3.
- 4.
- 5.

STEPS TO CONTRACTING

1. Clearly define what your service and/or product is.
2. Clearly define whom it is you are contracting for or with.
3. Seek advice from knowledgeable friends and colleagues and from your discipline's association regarding industry standards and practices.
4. Use the negotiation process to express your needs and understand the needs of the other party. Avoid negotiating when contracting is taking place.
5. Use paraphrasing in order to be certain that all parties are in agreement.
6. Decide whether a verbal agreement is good enough to stand as your contract.
7. Keep records of all key negotiating processes, especially if the contract is only in verbal form.
8. Consider writing a 'letter of agreement'. This document outlines what has been negotiated and what you understand the agreements to be. This letter can be copied to the other parties.
9. If particular negotiated agreements are disputed during contracting, defer contracting until these points are renegotiated.
10. If signing (or offering) a formal contract, review the 6 assumptions already outlined, in addition to any others you might consider important.
11. Does the work represented by the contract reflect your mission statement, your work vision, and your current plan of action?
12. Contract only if willing to sign in good faith. Ask for the same from the other parties.
13. Fulfill the contract to the best of your abilities.
14. Contracts cover specified periods of time. Evaluate and renegotiate regularly in situations where you expect to be contracted frequently.

Negotiating

You negotiate everyday but do you acknowledge it? In your personal life, for example, you negotiate with colleagues, friends, family, partner, kids...

Negotiating isn't generally considered part of an artist's job description, and can easily be avoided or given over to others to do. Often, however, this means that the parties with whom you are contracting get to decide all the details of your relationship. How can this situation work in your interest?

Negotiation is comprised of four basic components:

1. People/Parties

Separate the person from the issue in order to create an agreement.
Work towards agreement, not towards disagreement.
Distinguish between facts and emotions.
Know who that person is and what they represent.

2. Interests

Focus the negotiation on interests rather than on taking a position.
Learn what the interests of all parties are, not simply your own.
State your own preferences clearly and do not hide them.

3. Options

Explore a variety of possibilities.
Try to create options that result in mutual benefit.
Consider short-term, mid-term, and long-term scenarios.

4. Standards

Ensure that all agreements are based upon objective standards such as market value, expert opinion, and established precedents. Ensure that all standards are in accord with your values and principles.

Legal advisors

Many self-employed artists and cultural workers may have difficulty identifying legal issues. Yet at some point, you may have wondered if you were stumbling into a legal minefield and should get help. At other times, you may have realized that you simply lacked sufficient information to be certain whether or not you faced a legal dilemma. Pages 126-134 of TAMYC outline common legal situations and help you determine whether you require professional help. **Not every legal issue requires a lawyer**, so the section also provides direction on how to locate and work with legal advisors who are able to efficiently address your legal problems.

Well Formed Outcomes

- Stated in positive terms
- Initiated and maintained by you
- Contextualize – time and specifics – I will lose 10 lbs within 2 months

- State it in sensory based words – not - I want to be a good communicator - but rather – I greet people warmly, I remember their names and feel confident in my communication
- State in bite-size chunks – I will write 2 pages every day
- Load up with your resources – what you need in order to make your goal a reality – confidence, flexibility, assertiveness
- Check for ecology. What are the consequences to you and yours
- Specify evidence for fulfillment. How will you know when you have reached your goal?
- Be clear. Write it down.

The Agreement Frame

- But versus and. Never use but. And allows you to link them to a new frame.
- Get a conditional close to prevent nitpicking details. If these conditions were met would you agree to them?
- Without common intent – a common goal – there can be no successful negotiation.

5 Tactics for Negotiations

1. Establish rapport
2. Get consensus on the outcome so there is a basis for negotiating
3. State areas of agreement and anchor them
4. Present options that include both parties' interests - win-win
5. Use the Law of Requisite Variety – the person with the most flexibility has the most control
8. Be flexible
9. Remember the yes set – set up three questions that get you a yes answer and this will lead more easily to a yes answer to the next question

The Five Essential Elements of a Valid Contract

1. The Offer

- If the offer is rejected, the offer ceases to exist
- An offer lapses if unaccepted within the time specified
- An offer is terminated by a counteroffer.
- It must be definite and clearly describe what each party is to do

2. Acceptance

- Occurs when the party receiving the offer agrees to all of its terms exactly as presented.
- Your behaviour can imply acceptance. If you start performing an obligation set out in an offered contract it can be implied that you have accepted the contract and are now fulfilling its terms

3. Consideration

- The value exchanged in the contract is known as the consideration.
- Most commonly this is money - a negotiated fee.
- Consideration can take the form of releasing one party from legal liability – eg. one party accepts a sum of money in exchange for a signed release that relieves the other party from any further legal responsibility.

4. Capacity to Contract

Both parties must be

1. Mentally competent
2. Authorized to sign – ie. an unincorporated association may not enter into a contract – the authorized signing authority will have the personal liability
3. Sane
4. Unimpaired by drugs or alcohol
5. Of the legal age of majority

5. Legality

- A contract for an illegal purpose is invalid and legally unenforceable.
 - Be clear, explicit, and include all necessary terms.
-

CONTRACTS

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HOW DO I ESTABLISH AND ENFORCE CONTRACTS?

From buying paper clips to securing a large commission or playing at a wedding ceremony, as a self-employed artist or cultural worker you enter into contractual relationships with legal consequences every day. In Québec, artists in the fields of literature, visual arts, and arts and crafts have the legal obligation to require a written contract from any publisher, gallery, or other relevant distributor with whom they are entering into agreements (see Act S-32.01). Act S-32.1 prescribes collective agreements between professional associations, on behalf of their members, and producers.

With what kinds of contracts am I likely to be involved?

Many kinds of contracts affect self-employed artists and cultural workers. Some affect almost everyone working in the cultural sector; others relate only to people working in specific fields.

Here are some examples of contracts that are relevant to most artists and cultural workers.

- Contract to provide services.
- Loan agreements.
- Property or equipment leases.
- Agreements to purchase supplies or hire services.
- Commissioning agreements or agreements to publish or produce a play, book, video script, screenplay, opera, dance piece, musical work, or a work of visual art. Remember that, **under copyright law, in the case of engravings, photographs or portraits that are commissioned, the person that requested the work to be done is deemed to be the first owner of the copyright of such work**; other types of artistic products considered under this clause may gradually be enlarged.
- Representation agreements with an agent, representative, manager, dealer, gallery owner, or promoter.
- Agreements to sub-contract your work or to hire an assistant.

- Permission for the inclusion of a person's picture in any work of art. This is compulsory in Québec and failure to do so could result in a suit for breach of privacy. Indeed, it may be risky to use pictures that may contravene either the Canadian or Québec charters of rights.
- Agreements that license or assign elements of the copyright to your work.

That's a promise

- A legally enforceable contract is a deliberate agreement between two or more competent parties, which is supported by mutual consideration, to voluntarily perform some legal act.
- Such a contract should be, but does not necessarily have to be, in writing.
- A contract is, then, really a promise, or set of promises, agreed upon by each person entering into the contract.
- The contract is considered breached if any of the promises of performance go unfulfilled or are unsatisfactorily fulfilled. If you breach a contract, the other party may be entitled to certain remedies by way of compensation. The same applies if another party breaches a contract with you.

In Québec, in the visual arts and crafts and literature sectors, any agreement between an artist and an exhibitor or a publisher must be in writing, with two signed copies. These contracts must contain the following clauses: the nature of the contract, a description of the works or products constituting the object of the contract, specifications relative to copyrights granted (license, assignment, duration, territory, goals, transferability of rights), and monetary and payment clauses. In other sectors, there are certain contract forms or collective agreements pertaining to services rendered by artists. For further information, contact your professional association.

However, a promise isn't worth the paper it is written on if one or more of the contracting parties are not "legal persons" under the law. For example, an unincorporated association may not enter into a contract since it has no "corporate capacity". If the name of an unincorporated association appears on a contract and an individual signs below the name, it is the individual who is contracting and who will have personal liability. Also, if an artist has incorporated and intends his or her company to enter into a contract, it is critical to ensure that the correct corporate name is set out in the contract and that the individual signs as an officer or director of the company instead of personally.

- If you return a tentative promise or set of promises made to you with one or more of those promises modified, you are rejecting the offer.
- The modifications you request are considered a counteroffer.
- When you make a counteroffer, you have rendered the original offer null and void. The party having made the original offer, which has been altered, is not obligated to enter into a contract with you, not even on the terms contained in that original offer.
- A contract is entered into the moment that it is signed by all parties and distributed among the signatories.

Is an oral contract valid?

- Both oral and written contracts can be binding.
- Contracts in writing have more certainty and are easier to enforce. A written contract is not required to be in any particular form. It is sufficient to have a statement of the essential points and the signatures of the parties.

- Written contracts can be in the form of a letter, memorandum, hand-written note, standard form agreement, or lawyer-drafted contract. Most importantly, the document should state the terms clearly and capture all the elements of the contractual agreement.
- Certain agency agreements must be in writing; they cannot be oral. As previously mentioned, in Québec, a written contract is a legal obligation for several categories of creators. This obligation must conform to the terms of Act S-32.1 and Act S-32.01.

Get it in writing!!!

It is difficult, not impossible, to prove what was agreed to in a verbal contract.

As is often said, "An oral contract is worth the paper it's written on." Some artists believe that insisting on a written agreement implies that the other party is untrustworthy. So they prefer to do business on the basis of a handshake or "gentleman's agreement" only. However, even in the best of relationships it is still possible that the parties might forget the terms of an oral agreement or they might have different perceptions regarding their agreement.

A written contract is a safeguard against later forgetfulness or misunderstanding and protects the goodwill between the parties.

Can I unwittingly enter into a contract?

A contract can be implied to exist where parties fulfill independent obligations as though they had an agreement.

Consider the following scenario: You call your regular supplier to order a quantity of canvas without discussing price and without expressly offering to pay for the canvas. However, the promise that you will pay is implied by virtue of your placing the order. In this situation, an implied contract exists, and you will be legally obliged to pay a reasonable price for the delivered canvas.

What are the elements of a valid contract?

To be valid and binding, a contract must contain five essential elements:

Offer

An offer exists when one party invites another into an agreement. An offer is not effective until it is communicated to the second party. Once the acceptance has been communicated to the other party, orally or in writing, the offer becomes a contract and cannot be unilaterally cancelled. If, however, you make an offer that is rejected, the offer ceases to exist. An offer lapses if unaccepted within the time specified. An offer is also terminated by a counteroffer.

The offer must be definite and clearly describe what each party is supposed to do to fulfill the terms of the contract.

Simply expressing a wish, such as "Wouldn't it be great if you designed my next opera production set?", is not an offer. Nor is expressing your intention to enter into a deal by, for example, saying, "I would like you to design my next opera production set, but let's settle the price and details later." Extending an invitation to deal by such means as issuing a call for audition or proposal is also not an offer.

If a writer accepts an exclusive film option, the consideration offered by the writer to the option holder is a promise not to sell the movie rights to his best-selling novel to anyone else for a specified period of time in exchange for a sum of money.

You say, "I'm producing The Grand Opera next August and will pay you \$55,000 when you deliver an acceptable set design by next August 1". An offer, containing essential terms, has been communicated. This offer can now be either accepted or rejected by the set designer. Once accepted, of course, such a major project would require the negotiation and agreement of the parties as to the specifics of the set design.

Acceptance

Acceptance occurs when the party receiving the offer agrees to all of its terms exactly as presented. You accept an offer by communicating your consent, for example, by simply saying "okay" or by doing so in writing.

A contract is also established when you make a return promise, such as offering to allow a friend to use your studio in exchange for his painting its interior.

One thing that is little understood is that your **behaviour** can imply acceptance. If you start performing an obligation set out in an offered contract it can be implied that you have accepted the contract, are now fulfilling its terms, and accept its conditions as offered.

For example, a band offered a contract to perform for three hours at a neighbourhood bar. The group shows up for the gig, but goes home after the first break. This could be considered a breach of a contract accepted by the band's apparent willingness to perform in the bar, unless the bar owner breached the implied contract by withdrawing the promised free beer.

Consideration

The value exchanged in the contract is known as the consideration. Literally, consideration is what one party gets from the other by fulfilling his part of the contract. Usually both parties gain something of value from the contract.

Consideration may be tangible or intangible. The most common form of consideration is money paid for some service or product, such as a fee paid for a painting, a royalty offered for a book manuscript, or interest paid on a loan. In these cases, the consideration is based on the promise to do something in exchange for a negotiated fee. Sometimes consideration entails not doing something.

Consideration can take the form of releasing one party from legal liability. Out-of-court settlements are an example of a release from legal liability: One party accepts a sum of money in exchange for a signed release that relieves the other party from any further legal responsibility in the dispute. Consideration can also entail an exchange of favours, such as one person lending lighting equipment to a theatre company in exchange for advertising space in the company's newsletter. In Quebec, artists who fall under the Act regulating the production of works of art are not deemed to have signed a legally valid contract unless such a contract includes the provisions that are required by law.

Both parties should receive acceptable benefit from a contract.

Capacity to contract

Both parties to the contract must be: mentally competent and authorized to sign; sane; unimpaired by drugs or alcohol; and of the legal age of majority. Minors can be engaged in a contract only indirectly by a parent, guardian, or authorized adult signing the contract on the child's behalf. In Québec, the negotiation of a contract must comply with the applicable provincial legislation. In some cases under the Québec Civil Code, certain contracts are considered *contrats d'adhésion*. For instance, if you elect to use Bell as your telephone service provider, you have agreed by that selection to adhere to the company's lengthy and complex contract, which is not individually negotiable.

Legality

A contract for an illegal purpose is invalid and legally unenforceable.

If you contract with an importer to provide rhinoceros horns, which are illegal to import into Canada, the contract is invalid, but can be used against you as evidence of intent.

How do I protect my rights under a contract?

Negotiate. It's professional and expected.

Each contract you enter into should be beneficial to you and should protect your rights and interests. This usually requires negotiation. Like many artists and cultural workers, you may fear losing a contract if you negotiate. Have no fear. You can usually win more favourable contract terms by negotiating. People in business are used to negotiating and usually expect to do so. Don't be afraid to ask for better terms if you feel they are warranted. Your goals in negotiating should be to achieve a fair deal that you are capable of fulfilling. So determine these goals before entering into negotiation.

When you start discussions with the other side, make sure that the negotiator has authority to make an agreement with you which binds the other side. Otherwise that party will be able to back out.

When you reach agreement in principle, it is wise to enter into a Memorandum of Agreement that outlines the salient terms of the contract that will be finalized at a later date.

Don't hesitate to involve a lawyer, colleague or knowledgeable professional to help you with any element of the negotiation process, particularly if you feel the bargaining power between you and the other party is unequal.

Be clear, explicit, and include all necessary terms.

Don't wait until the deal is set in stone before going to a lawyer. Your lawyer may point out other terms which require negotiation. To be effective, a written contract need not be complicated. The best contract is one written in plain language that both parties can

understand. Each of the contract terms should be stated very clearly, so that there is no uncertainty about their meaning.

Include definitions if necessary.

Make sure the contract contains the following essential terms:

- Date and place of the agreement.
- Identification of the parties to the agreement; detailed description of the consideration each party is bringing to the contract.
- Any locations, dates, and times essential to describing the terms of the contract (i.e., a performance date and the exact location).
- The nature of the relationship being established (i.e., artist-agent, employment arrangement, independent contract arrangement).
- The rights and obligations of each party; contract term.
- Materials to be supplied and by whom.
- Electrical power requirement.
- Payment schedule.
- The signatures of the parties. If the contract is being made in Québec, see the clauses described herein as pertaining to Acts S–32.1 and S–32.01.

Be aware of the consequences of entering into a contract of employment, and its impact on the copyright of the works produced during that employment.

Other contract terms (not all will apply)

Timeframes	Insurance	Integrity rights	Indemnification	Notice clause
Deadlines	Copyright	No terms outside contract	Liability	Failure to perform
Delivery / shipment dates	Authentication	Royalty / licensing fees	Rejection of work conditions	Work breaches no copyright
Contract breach terms	Guarantee artist is the creator	Exhibiting rights	Artist has title to work	Conservation terms
Overdue payment terms	Artist’s right to benefit	Dispute solving mechanism	Preservation of work’s integrity	Termination conditions

For example, a sculptor agrees to create a statue to stand outside a civic building for \$50,000 plus material costs. A \$5,000 deposit is due on contract signing, \$10,000 on completion of design sketches, \$10,000 on design acceptance, \$15,000 when the sculpture is completed, and \$10,000 upon delivery to the civic building. Regardless of how you are paid, ensure all applicable taxes or benefits attached to each payment are paid at the same

The most common contractual problems arise out of misunderstandings over terms of payment.

- Be clear on how much you will be paid and when.
- If you accept a long-term, ongoing contract or one that constitutes actual employment, you want regular payment – most likely every two weeks.

- If you enter into a contract with someone you don't know, think about getting a deposit up front. This is a good way to check a person's ability and intention to pay. A deposit is particularly important if you have to purchase materials or incur other costs to complete the contract.
- If the contract is going to last more than 60 days, arrange to be paid in a series of timed lumped sums.
- Schedule each payment to correspond with the delivery of a certain stage of the project. Then you can refuse to go further on the project, if the latest payment due isn't made on time.
- Be careful with form contracts or those issued by whoever is engaging your services or work. You might feel that you don't have the time, energy, money, or expertise to draft a new contract every time you make a deal with someone. In many situations, the other party may have a standard contract for doing business with an artist.
- However, you should be wary of signing a form contract because it will almost always be one-sided with terms in favour of the drafting party.
- The same is true with non-form contracts issued by the other party.

Always read the fine print of a contract.

If you are asked to sign a form contract, consider having your lawyer, agent, or professional association look at it first. Compare it with examples of relevant standard contracts. Your professional arts association or various specialized books are good sources of such contracts. Although every contract or agreement must usually be tailored to fit the circumstance and your needs, standard contracts will give you a place to start. They also provide a way to judge whether a contract is fair and similar to those offered to others in your artistic or cultural sector.

Additional terms can be incorporated as an addendum to a standard contract. Make reference to the inclusion of the addendum in the main body of the contract.

In Québec, contracts must respect the minimal conditions specified in collective agreements negotiated by relevant professional associations.

If you aren't given a contract or letter of agreement

Consider issuing one yourself (your professional arts association will probably have a standard contract to use as a model) that includes all the relevant terms negotiated verbally. Provide two signed copies of the contract and ask that the other party sign, date, and return one copy to you, while retaining the other.

Some artists and cultural workers feel uncomfortable issuing a formal contract

If you feel this way, a legally acceptable alternative is to send a letter of understanding. You should set out all the terms negotiated earlier. For example, a librarian accepting a 90 days contract with a music library to construct an electronic index and retrieval system for the library's holdings might write the following as a letter of understanding.

Dear _____,
 It was good to speak with you yesterday. This letter will confirm my understanding of the terms of my engagement by Rough Cut Music Library.

The contract is for a term of ninety consecutive days, beginning June 1, 2009. During the contracted period, I will create an electronic index and retrieval system for your collection. This system will be operational upon the expiration of the ninety-day term or earlier. I will report only to you, and be directly and exclusively responsible to you for direction. You will ensure that all staff give me the support required for the project's timely completion.

Enforce the contract's terms

Should someone involved in a contract with you fail to fulfill an important obligation in the contract, be sure to say you want the breach remedied. Failing to take action could result in your silence being considered as an implied consent to the breach.

Taking action could entail renegotiation of the contract's terms if conditions have significantly changed since the agreement was entered into. You may also be entitled under the law or under the contract's terms to terminate the contract.

If the other party refuses to correct the problem or to negotiate with you, then your next step is to take advantage of whatever dispute-resolution methods are outlined in the terms of the contract. Engaging in mediation or arbitration involves far less trouble, time, and money than going to court.

Sometimes the seriousness of the breach or the lack of viable alternatives will require you to bring in your lawyer and/or go to court.

Be sure not to wait too long to take action. Each province has limitation periods within which you must commence legal action.

Checklist

- Read all agreements fully before signing, including all fine print.
 - Never think the law will help you get out of contracts you don't intend to fulfill.
 - Check the business reputation of the other parties before entering into contracts with them.
 - Request and keep copies of all offers, contracts, and related correspondence.
 - For evidence, keep notes about your discussions and dealings with the other party.
 - Periodically review the contract terms and conditions to ensure they are being fulfilled.
 - Both parties must initial any changes you make to the language of a contract.
 - If in doubt, seek advice from a lawyer, professional association, or trusted advisor.
 - Get a retainer or deposit.
 - Do not deliver the next stage of a commission when the previous one has not yet been paid.
-

NEGOTIATION MADE SIMPLE

YOUR NEGOTIATING SELF

Self-awareness is essential to becoming an effective negotiator. Knowing what you bring to the table, and what you should leave at home, will allow you to negotiate more skillfully.

- What was negotiation like in your family?

- What was, and wasn't, negotiated?

- What have you witnessed/experienced regarding disagreement in your past? Beside each age listed, note what you did at that time in response.
 - Ages 10 to 15:
 - Ages 16 to 20:
 - Ages 21 to 25:
 - Ages 26 to 30:
 - Ages 31 to 40:
 - Ages 41 to 50:
- How do you respond to similar situations now?
- How do you feel about asking for something for yourself?
- Would you describe yourself as an aggressive or an assertive person? When are you aggressive? When are you assertive?
- Would you describe yourself as a passive person? When are you passive?
- Are you an ambitious person? What are your ambitions?
- Are you an anxious person? What triggers your anxiety? How do you behave when you become anxious?
- Are you an angry person? What triggers your anger? How do you display your anger?
- Are you a fair person? What happens when you don't get your way? What is your attitude towards compromise?

- Do you consider yourself a good communicator? What are your communicating strengths? What are your communicating weaknesses?
- Are you a good listener? How could you improve your listening skills?
- Do you feel that people listen to you when you speak to them? If so, what are the characteristics you possess that allow people to hear what you say? If people generally do not listen to you, why do you think this is so?
- How do people react to you? Under what circumstances do you react defensively?
- Are you known to have a good sense of humour? How does your humour help you? How does your humour impede you?

WHAT ARE YOU NEGOTIATING FOR?

Money is the central focus of most negotiations. Besides money, what other considerations will you want to make during the negotiation process?

CONDITIONS OF NEGOTIATION

Negotiating requires a lot of give-and-take and psychological maneuvering. Most artists are sensitive to the subtleties of communication and can use this to assist them in the negotiation process. Be prepared, rehearsed and in a positive frame of mind. Remaining aware of your biases enables you to approach the process with clarity and integrity.

HOW TO DEAL WITH OBSTACLES

The better prepared you are for hurdles in the negotiation process, the easier it is to navigate around them.

- Offer options from all angles, including ones you don't support
- Ask the other parties what is not working for them and be prepared to answer the same question
- Be objective. Has the discussion become emotionally charged?
- If necessary, ask for a time out during the meeting, or briefly postpone
- Only walk away if prepared to deal with the consequences, and only if you mean it. Your integrity will be lost if you don't hold to your word

ABOUT MONEY

Money is a major component of most work-related negotiations. Come prepared. Articulating your needs regarding payment may feel unpleasant but it's a crucial component of the negotiating process.

- Define what your negotiable spectrum is in advance: what are the most and the least you'll settle for?
- Be aware of how you feel about different points between the two extremes
- Ask for what you are truly worth
- Be prepared for the first offer, and regard it as the start of a discussion. Remain aware of your current financial reality but do not let it cloud your vision
- When the other party makes its first offer, your response is key: if what is offered is unacceptable to you, clearly restate what you would prefer and why

SENSITIVITIES

Your advance research should include being prepared for additional factors, which could affect and influence the negotiation. Consider the following:

- Cultural and ethnic attitudes and customs
- Time of day and location
- Seasonal factors, such as audits, sales, parties, the fiscal year

Also remain aware of your own attitudes:

- How you present yourself
- The assumption that others already know what you want
- Trying to get everything, or not trying at all
- Being desperate and therefore vulnerable to compromising yourself

BIG DEALS

If you are negotiating a large number of items, try the following:

- Exchange an outline of each of the items to be negotiated
- Plan in advance which items you have the most flexibility on, and which you have the least

TIMING

Timing is determined both by the person with whom you are negotiating and the situation itself.

- Don't put off negotiation if a negotiation needs to take place
- Don't work under assumptions that have not been properly negotiated
- Set deadlines.

CLOSING THE DEAL

- Evaluate how much the other party wants to reach an agreement
- Evaluate what their bottom line is
- Leave yourself room to move closer to the other party's objective: by doing this you allow the other party room to meet your objective and still preserve their dignity and goodwill
- Pay attention to your intuition

PREPARATION FOR NEGOTIATION

Use this list as a preparation guide for any negotiation you find yourself in.

1. Clearly define the issues, needs, and your personal goals. What do you want? What does the other party want?
2. If this is a negotiation that involves conflict, how do you think others who are involved might see the problem?

3. What characteristics and beliefs do you have that might contribute in a positive way to the success of the negotiation?
 4. What characteristics and beliefs do you have that might hinder the success of the negotiation?
 5. What characteristics and beliefs do the other parties have that might be positive for the negotiation? How could you encourage these qualities?
 6. What characteristics and beliefs do the other parties have that might hamper the success of the negotiation? How could you discourage these qualities?
 7. Define what areas of difference or disagreement exist or might arise between you and the other party.
 8. Define what areas of agreement exist or might arise between you and the other party.
 9. Define what your boundaries or limits are regarding the terms or issues you want to negotiate.
 10. Define what you think are the other party's boundaries or limits regarding the terms or issues you want to negotiate.
-

The Art of Win-Win Negotiating

©Alliance for Arts and Culture, 2006/7

In "win/win" negotiations, everyone emerges feeling that they have gotten what they need, are ethical in their practices and respectful of each other. The following attitudes are fundamental to this style of negotiating:

Determine what you want the outcome of the negotiation process to be before it takes place. This will help you to clarify your goals and will increase your confidence, allowing you better concentration during the process itself.

Think in terms of a long-term relationship. If you do right by people, the benefits will come around again and again.

Approach your win/win negotiations with certainty. Be assured that there is a way for everyone to benefit. Continue to explore ideas and generate options until a mutually beneficial solution is found.

Come prepared. Before meeting, find out as much as possible about the other party, including their life situation, personality, interests, and their attitudes on the issues you will be discussing. Be creative; generate mutually beneficial solutions before meeting.

Be agreeable - view the other party as a partner. It's easier to work with a partner than an adversary. Stay focused on agreement, don't get into rigid positions. Genuinely want to help the other party.

Listen. Find out as much as possible in advance, but don't come with set solutions. Hear what the other party's needs, concerns, and desires are. Ask questions and listen. Active listening allows you to hear what is being said and what's not being said. Don't assume the other party is clear about what they want - draw them out. Paraphrase what they say until they indicate you've got it.

Be honest about what you want and ask for it. Show the other party how they can help you get what you want. Don't appear to be impossible to please.

Don't view compromise as loss. Pride and self-righteousness can keep you from making compromises that will be better for everyone in the long run. Consider what the greater good is for everyone involved in the process.

See conflict as opportunity. Conflict offers a chance for creative solutions. Conflict usually occurs when people become rigid or limited in their thinking. Stay detached and objective, and don't take conflict personally. If the emotional tone is high, take a break.

Don't settle for less than the right solution for all parties. If a mutually beneficial solution can't be found, let it go. Part company with that understanding and leave the door open for future possibilities.

Remember you are entering into a dynamic, creative process. The spirit of win/win negotiation is creative and playful, fluid and fun. Stay away from hidden agendas and defensive posturing. The process should be holistic and inspirational.

SAMPLE CONTRACT HEATHER BISHOP PERFORMANCE AGREEMENT

This is an Agreement made on _____, _____ by and between _____ hereinafter referred to as "Producer", and **Heather Bishop**, hereinafter referred to as Artist. If an organization or business is "Producer", the person signing this Agreement represents that s/he is legally empowered to act on behalf of said organization. The contact person for the organization is _____ whose day telephone number is ____/____, fax number is ____/____, evening number is ____/____, cell number is ____/____, and email address is _____.

The contact name and number that can be given to the public is: _____

The mailing address is: _____

1. ENGAGEMENT DETAILS:

Producer hereby contracts Artist for an engagement at the place(s), on the date(s), and to the specifications below:

Date(s) & Time(s): _____

Name & Address of Venue: _____

The Engagement shall include _____
Soundcheck will be at _____. Name and number of person responsible for technical arrangements is _____.

2. PAYMENT:

Producer will pay Artist a guaranteed fee of \$_____ plus GST (#_____), \$_____ in cash, certified bank cheque or postal money order to be paid: **20%o(_____)** as non-returnable deposit payable to "Heather Bishop" by _____. The balance of \$_____ is payable at the time of the performance to "_____". Artist shall receive _____ of net, expenses (see attached) not to exceed _____ including artist fee and producer fee. The producer will also _____. This fee includes \$_____ (10%) for the AFM-EPW Fund (Canada) pension contribution.

In the event that payments are not made as herein set forth, Artist shall, at her discretion, have the right to refuse to begin or to continue the performance and Producer shall pay the remaining balance set forth in this agreement unless other arrangements for payment are explicitly set forth in amendments to this agreement.

Admission prices will be _____

3. PERSONAL REQUIREMENTS:

Artist will be traveling by air _____. Producer will provide for Artist's personal requirements as specified in attached Rider.

4. COMPLIMENTARY TICKETS:

Producer will allow Artist a total of 4 complimentary ticket(s) to any performance to be used at Artist's discretion. Producer will reserve _____ tickets to offer to media contacts and make tickets available for the promotional use of the distributor when requested.

5. SALES:

Producer will provide a table in the entrance or lobby area of the performance space for the sale of recordings and related products. Artist shall have exclusive right to designate a representative to engage in the sale of these at reasonable times before and/or after the Artist's performance without charge by Producer, or _____ as agreed by Artist and Producer.

6. PERMISSION:

No portion of stated performance will be filmed, taped, recorded, reproduced, or transmitted in audio or video form without prior written authorization of Artist.

7. PROMOTION:

Artist shall provide Producer with current promotional information to be used for media and general promotion. Producer will only use photographs provided or authorized by Artist. Producer agrees to assume the responsibility of organizing and promoting said performance and will use best efforts to publicize the performance in the press, radio and television, and to ensure as far as possible the success of the concert.

8. APPOINTMENTS:

Any and all scheduled activities in which the Artist is expected to take part must be cleared with Artist's manager in advance.

9. EXCLUSIVITY:

Producer understands that said performance is not an exclusive engagement, unless otherwise stated herein _____

10. OTHERS ON STAGE:

Producer will arrange for an M.C. to introduce Artist. No additional performers and/or speakers will appear on stage without Artist's approval. Additional approved artists and/or speakers: _____

11. TECHNICAL:

Producer shall provide light and sound equipment as specified in attached Rider. If Producer cannot provide any item in the Rider, arrangements must be made with Artist or Agent prior to signing this contract. Producer shall also provide technicians to set up, and test sound system and to mix sound throughout technical check and concert.

12. CONDITIONS:

This offer by Artist to perform is subject to proven detention by serious illness, accident, or accident to means of transportation, or any other legitimate conditions beyond control.

13. RIDER:

This contract includes one rider. This contract is not binding until the rider has been signed by Producer and Artist or Agent.

14. SIGNED CONTRACTS:

This offer by Artist for Artist's performance shall be void if signed contracts and rider from Producer are not postmarked on or before _____.

15. ANY ITEM:

If any item, condition or term of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the rest of the Agreement shall remain in full force and effect and shall in no way be impaired or invalidated.

16. BINDING:

This Agreement may not be assigned or transferred without the written consent of the Artist or her designated representative. This Agreement is binding only when signed by both Parties and contains the complete understanding of the Parties for the performance described in this Agreement.

17. LAWS OF MANITOBA:

This Agreement shall be construed in accordance with the laws of the Province of Manitoba, Canada.

Producing Organization _____

Producer Representative _____

Date _____

Artist _____ **Heather Bishop** _____

Artist or Agent _____

Date _____

Mother of Pearl Records Box 41, Woodmore, Manitoba ROA 2MO Canada
Web Page: www.heatherbishop.com Email: heather@heatherbishop.com

HEATHER BISHOP RIDER

This Rider is herewith attached to and made part of the contract dated _____ between **Heather Bishop** (Artist) and _____ (Producer).

The following terms and guidelines are intended to assist the Producer in producing the finest possible presentation. If there are any questions or concerns about this Rider or any of its provisions, please contact the Artist's Manager immediately.

TECHNICAL

1. STAGE:

Artist requires an optimal stage 20 feet wide by 10 feet deep. Where no permanent stage is available, risers should be assembled in configurations to meet these dimensions. Risers should be a minimum 8-12 inches high. One small table or stool is required on stage for glasses of water.

2. SOUND:

Artist requires a sound system and stage set-up meeting as closely as possible the specifications on the accompanying technical requirements sheet and stage diagram.

3. LIGHTING:

Artist requires good stage lighting. An optimum scheme for those who can provide it is:

- One follow spot with a broad selection of color gels, attended by a qualified operator;
- Complementing stage wash lamps (PAR lamps preferred), set up either 6-8 washes in front (overhead) or two trees with four lamps each, set to the side and slightly fore of the speakers. Instruments should have focus adjustments, a broad selection of color gels and dim-mix capability, and be monitored throughout the performance by a qualified operator.

4. CREW:

Producer will assure the presence of necessary numbers of people to facilitate all technical and non-technical aspects of the performance.

5. SOUND/LIGHT CHECK:

Sound and light check should take no more than one hour. When possible, Artist prefers to do the sound check 2 hours before the concert. Producer will clear the house of all non-essential people during the check, and will not open house doors or seat the audience until the check is completed and Artist has left the stage. **(be sure to include a technical rider if your presentation requires technical backup such as sound. Follow up to ensure that rider gets in the right hands.)**

NON-TECHNICAL

6. DRESSING ROOM:

Artist requires one clean, lockable dressing facility with a bathroom within or close by. Purchaser will assure the security of this room and all items therein, and deny entry to unauthorized personnel. If the dressing room does not have a good-sized wall mirror, Artist requests a hand mirror in the room. ____ Artist requires an iron and ironing board in the room.

7. HOSPITALITY:

Artist requests moderate quantities of the following be placed in the dressing room:

- 2 bottles of water
- a supply of ice
- a clean pitcher plus 2 clean cups

Optional:

- a tray of fresh fruits and vegetables
- bread or crackers (yeast-free if possible) with spreads (for example butter, peanut butter)

A hot meal is graciously accepted but not stipulated. If the Producer wishes to provide a hot meal, arrangements should be coordinated with the Artist's Manager.

8. SECURITY:

Producer will make every reasonable attempt to assure the security of the Artist and her equipment.

9. TRANSPORTATION:

_____ Artist is driving to the community: Producer is requested to send maps of the community clearly showing the location of both the performance venue and accommodation, and the best route to take upon arrival. The maps should be sent with the signed contracts.

X Artist is flying in: Producer is requested to meet the incoming flight and to take Artist to the airport for her return flight, in a smoke-free vehicle large enough for **3** person(s), with instrument and luggage.

10. ACCOMMODATION:

Artist requires accommodation for 2 nights in the form of 2 hotel rooms

AGREED TO AND ACCEPTED BY:

Producer Representative _____ Date _____

Artist or Agent _____ Date _____

SAMPLE GALLERY CONTRACT

Portage and District Arts Council Exhibition Agreement



Portage & District Arts Council

11—2nd Street NE
 Portage la Prairie,
 Manitoba R1N 1R8
 204-239-6029
 pdac@mts.net
 portageartscentre.ca

EXHIBITION AGREEMENT WITH ARTIST

This agreement is made in duplicate on:

Date: July 7, 2019

between

a) The Portage & District Arts Council, 11 – 2nd Street N.E., Portage la Prairie, Manitoba, Canada, R1N 1R8; tel. 204.239-6029; fax. 204.239-1472; www.portageartscentre.ca; pdac@mts.net (hereinafter called “the PDAC”)

and

b) **Insert Name, complete address, contact numbers, email) (hereinafter called “the Artist”).**

The Artist and the PDAC agree as follows:

1. The PDAC will present an exhibition in the PDAC Gallery of approximately (insert number and media of works) by the Artists during the period insert exhibition dates. The final number of pieces that will be determined by PDAC.
2. The Artist will be responsible for having the confirmed works ready for exhibition on or before insert date.
3. PDAC will pay an exhibition fee of _____ to the Artist.
4. The Artist will provide biographical information, details of the selected works (including: a list of works with titles, media and supports, dimensions, and valuations for insurance purposes for each work) to the PDAC TWO months before the exhibit. i.e. November 1, 2011.
5. The cost of shipment of the works of art to the PDAC and back to the artist will be paid by PDAC. The method of shipment of works is a matter for individual discussion and agreement between the Artist (and/or Lenders) and the PDAC.
6. The PDAC will be responsible for insurance of the works of art while on exhibit **currently up to \$40,000.**
7. The PDAC will be responsible for the handling and installation of the works of art. Installation plans will be discussed with the Artist. Final installation decisions rest with the PDAC.
8. The attached Appendix "A" lists the details of any specific installation requirements for the exhibition, and outlines the responsibilities of the PDAC and the Artist.
- 9. The PDAC will deduct a commission of 25% for any works that are sold as a result of the exhibition.**
10. The PDAC will produce a publication to accompany the exhibition. The publication will list the works exhibited and may illustrate some, in keeping with the curatorial theme and as discussed with the Artist. The Artist retains the copyright of (his/her) images and any written text by the Artist, unless the Artist waives copyright.
11. The Artist gives the PDAC permission to reproduce the works of art included in the exhibition for the PDAC exhibition publication, and for non-commercial purposes that are related to the exhibition's promotion, including: exhibition advertising, invitations, and posters; the exhibition's interpretative and public programs; the PDAC's promotional website.
12. The PDAC will not permit reproduction of the works of art included in the exhibition for commercial purposes.
13. The PDAC will arrange announcements of the exhibition, at the PDAC's expense, in PDAC publications and through the media, to be determined by the PDAC in accordance with its overall Communications plan.
14. The PDAC will sponsor an event during the exhibition such as: a public artist's talk, tour guide instruction, studio workshops, lectures, and/or other public forums to be determined in discussion with the Artist. The Artist agrees to participate in such education and public

ADDRESS:

CITY:

PHONE:

	P.C.	
	EMAIL	

1. **Hanging Instructions:** In our gallery, all pictures are hung on chains, and in order to have the art work hang properly, adjustments have to be made. Two chains are needed to hang each selection of work.

Wooden Frames: Additional eyes must be placed on the back of the frame, 2 inches down from the top corners. We use "S" hooks to fasten pictures to the chains.
Metal Frames: Please adjust wire mounts to the highest position on the back of the frame.
Please have work prepared and ready to hang prior to its arrival. Work that does not meet these specification may not be included in the exhibition.

2. **Originality:** All works are original and have never been shown at this gallery before.
3. **Two months prior (DATE) to the exhibition PDAC must receive the following:**

	1. Artist's Statement.
	2. Art Resume/Curriculum Vitae.
	3. Recent Biography/ background information for promotional purposes.
	4. Description of show, title of show, and number of exhibit pieces.
	5. Jpegs of at least 10 exhibit pieces – each labelled with name, number and position for viewing on computer.
	6. Descriptive List – include title, medium, dimensions and date of work, insurance value and selling price, if applicable. Title cards are prepared from your list of works. (PDAC gallery fee is 25% of the selling price of any work sold as a result of being exhibited.)



Copyright

Copyright law is fundamentally simple. You create an artistic work and a bundle of legal rights automatically protects your ownership of that work. Your copyright means only you, and nobody else, have the right to produce, reproduce, and publish your work in any form or medium, provided that the work was not created during the course of employment. In those cases, your employer is the owner of copyright in the work.

This protection is based on the Copyright Act, a federal statute. Copyright law is the same in every Canadian province. Canadian law is reinforced through a series of international copyright treaties to ensure your copyright is protected in more than a hundred other nations.

Copyright protects the expression of an idea (i.e., the physical embodiment or representation of the idea), not the idea itself.

In addition to what can be broadly considered direct rights of ownership, the Copyright Act provides a couple of other important protective rights:

- **Moral rights:** Refer to rights that protect your personality, honour, and reputation as an artist. Moral rights cannot be surrendered or assigned by the creator. You may, however, agree to waive or not to enforce your moral rights.
- **Neighbouring rights:** Protect the users of copyrighted works. They include performers (actors, singers, musicians, etc.), record producers, theatrical companies, and broadcasters. When a work is performed, that performance is considered a "neighbouring work," a performer's performance, and it is those performers who have neighbouring rights to their performance.

Considerably more information about protecting your copyright can be found in the Homework section which follows, in the discipline enhancement to TAMYC, and on CHRC's Careers in Culture websites. These offer considerable good information about how to protect yourself if your copyright is infringed, or if you have other losses such as to your physical property or a breach of contract.

HOW DO I PROTECT MY COPYRIGHT?

In 1996, Victoria author **Barbara Hager** conducted an extensive half-day interview with country music superstar Shania Twain. Hager published much of this interview in a book on 16 outstanding First Nations Canadians called Honour Song. The following year, Hager published a biography on Twain herself, *On Her Way: The Life and Music of Shania Twain*. A few months earlier, another writer, Dallas Williams, also published a Twain biography entitled, *Shania Twain: On My Way*. Multiple books about superstars are not uncommon. What was newsworthy was the fact that Williams had used about 1,200 words from Hager's Honour Song chapter on Twain without getting permission. Hager sued for copyright violation. A Vancouver court awarded her \$12,400 in damages.

No aspect of law is as important to self-employed artists as copyright protection. Understanding how copyright law works in Canadian and international law is essential for all artists and cultural workers. This section introduces you to the general principles of copyright law, including how to protect this most basic and valuable claim to your work.

What is copyright and how does it apply to your work?

The copyright holder has the sole and exclusive right to do, or authorize others to do, the following:

- Reproduce the work, whether by photocopying, scanning, digitizing, putting the work on a website, or accessing the work via a website.
- Prepare derivative works based on the copyrighted work.
- Adapt the work - for example, converting a novel into a dramatic work.
- Perform the work in public, either live or by electronic transmission.
- Broadcast the work on radio or television, or to transmit the work via cable, satellite, and telephone wires.
- Display or exhibit artistic work in public.
- Publish the work, whether electronically or in print.
- Distribute the work to the public by sale, rental, lease, or lending.
- Translate the work.
- Rent computer programs and sound recordings for commercial gain.
- Make an audio recording of the work ("mechanical reproduction right").
- Synchronize sound recording with a film or television picture ("synchronization right").
- Prevent anyone doing any of the above with your work without your permission.

Each of these rights is independent of the others. Authorizing someone to do one of these things does not automatically entitle that person to use any other of these rights.

In addition to what can be broadly considered direct rights of ownership, the Copyright Act provides a couple of other important protective rights. These are moral rights and neighbouring rights.

Your **moral rights** with regard to a work or a body of work refer to rights that protect your personality, honour, and reputation as an artist. Your moral rights guarantee the right to:

- Attach your name to your work, to use a pseudonym or pen name, or to remain anonymous.
- Prevent any use, modification, or distortion of your work which compromises your reputation or integrity.
- Prevent someone from using your work in association with a product, service, cause, or institution.

A few years ago, the downtown Toronto Eaton Centre dressed up its public Canada Geese sculpture with large red Christmas bows. The sculptor, **Michael Snow**, was not amused. He sued on the grounds that his moral rights were infringed by this modification of his sculpture. The bows came off. The fact that the mall owned the sculpture did not strip Snow of his moral rights to the work.

Moral rights cannot be surrendered or assigned by the creator. You may, however, agree to waive or not to enforce your moral rights. Do so only on a case-by-case basis and even then, or

a limited time period. Only the creator has the moral right in a work. Also, unlike copyright, a moral right can never be sold.

As copyright and moral rights protect the creator of an artistic work, **neighbouring rights** protect the users of copyrighted works. They include performers (actors, singers, musicians, etc.), record producers, theatrical companies, and broadcasters.

When a work is performed, that performance is considered a “neighbouring work” - a performer’s performance. **The law grants the performer four neighbouring rights:**

- The right to make an audio recording of the performance.
- The right to prevent someone else making an unauthorized recording of the performance.
- The right to broadcast the performance by radio, television, and cable transmission.
- The right to authorize someone else to exercise any of these rights.

Applications have been made to the Canadian Copyright Board for tariffs that apply to web-based broadcasts. Although the United States is not a signatory to the Rome Convention on neighbouring rights, they do charge fees for web-based simulcasting and broadcasting. Canadian musicians are entitled to those U.S. benefits.

Copyright protects the expression of an idea (i.e., the physical embodiment or representation of the idea), **not the idea itself**.

This distinction leads to much confusion in various areas of artistic work. It is, however, actually very simple. You have an idea for a screenplay or a sculpture. If you were to give a rough outline of the premise of your screenplay to a movie mogul or your mind’s-eye view of the sculpture to a rival and the next thing you know, a movie is released or a sculpture is created based on your idea, copyright law offers you little protection. However, if you were to express your idea in a tangible form and then show it to the movie mogul or sculpting rival, copyright would offer you some protection. That expression need not be the final product. For a screenplay, a film treatment (brief summary) would suffice. A sketch of the sculpture would serve the same purpose. Copyright would be infringed if the whole or a substantial part of the film treatment were copied or if a statue were made mimicking the sketch.

What kinds of work are protected by the Copyright Act?

The Copyright Act protects works organized into four categories:

- Literary
- Dramatic
- Musical
- Artistic

And compilations of such works

Literary works include books, letters, memoranda, lectures, speeches, translations, data bases, computer programs, and games.

Dramatic works include scripts, plays, audio-visual works, operas, musicals, and comedies.

Musical works include sheet music, all forms of sound storage technology, musical arrangements, and adaptations.

Artistic works include paintings, drawings, engravings, works of artistic craftsmanship, photographs, sculptures, sketches, illustrations, architectural works, and comic strips.

To be eligible for protection under Canada's Copyright Act a work must be **original, fixed, and created** by an artist who is either a **Canadian/landed immigrant or a citizen of a nation with reciprocal copyright legislation**.

Originality

This means that some independent skill or effort must have gone into creating the work. In other words, the piece cannot be a copy of another creator's work.

Remember the Shania Twain biographies? Both were original. The one writer did not violate the copyright of the other author by the act of having written a book about Shania Twain. He violated the other writer's copyright by using her material verbatim in his book.

Fixation

The work must be expressed in some material and relatively permanent form.

The movie script is copyrighted when a treatment is written, the choreography of a dance work becomes copyrighted when its movements and general characteristics are sketched or the performance is videotaped.

Nationality

On the date a work is created, the artist must be a citizen or resident of Canada or any of the countries that participate in reciprocal copyright treaties with Canada.

How do you protect your copyright?

Copyright is automatic. If you create a work that is covered by the legislation and which meets the three criteria of originality, fixation, and nationality then the work is immediately copyrighted in your name.

Your copyright exists from the creation of your work until the end of the 50th year after your death. If the copyrighted work has never been published, copyright lasts perpetually, unless the work is later published. Once published, copyright will persist for 50 years from publication.

In some European countries, the term in both cases is 70 years rather than 50. Generally, in the United States, copyright in a work is in force 70 years after the author's death or, in the case a work that was created by a number of collaborators, 70 years after the last surviving author's death. In the case of work for hire, the term is 95 years or 120 years from the date of creation, whichever is shorter. That application does not exist in Canada. In 2009, Germany and France have extended the copyright protection from 50 to 95 years. The U.K. is considering an extension as well.

You can retain your copyright interest in a work while assigning limited uses to others.
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No one but you can own the copyright to your work, unless you have agreed to transfer some or all of the rights to another party and have done so in writing (for transfers in Québec, consult the Status of the Artist legislation: S-32.01 & S-32.1).

A book writer, for example, may assign only the translation rights to her book in exchange for a percentage of royalties earned on the sales of the translated version of her book, but retain all other rights.

If the work is a collaboration between you and other creators, you share the copyright equally unless other terms have been agreed. Decisions regarding copyright matters pertaining to the work will have to have the concurrence of all the copyright holders involved. This aspect is very important in the case of members of a band who collectively write songs. Decide, while you are still friends, what percentage of copyrighted material belongs to each band member. Register those songs in that fashion with an organisation such as SOCAN.

Members of bands and other musical ensembles should know the difference between copyright, patents and trademarks, especially when it involves the name of a musical group. Decide who owns that name, and in which geographical area(s) is its use exclusive. Name-related branding is a very important aspect of marketing your music and product. Visit www.ic.gc.ca, and go to the copyright or trademarks sections of the website.

Generally, unless agreed otherwise, any work created during employment is the property of the employer, who consequently owns the copyright. This can also apply in some cases to commissioned works of art. However, the person commissioning a work of art never holds a moral right in the work. Moral rights always remain with the creator.

Protect your copyright by putting the © symbol on the face of all your work.

Many copyright violations occur through ignorance rather than deliberate intent. If possible, put a copyright notice on the face of your work. This notice should have the following three elements:

- The copyright symbol © or the word "Copyright" or the abbreviation "Copr."
- The year of creation or first publication.
- Your name.

Example: © John Smith, 2009

If you feel greater copyright protection is desirable, you may wish to follow a procedure often called the "poor person's copyright registration." **To do this, send a copy or reproduction of your work to yourself by registered mail, put it in a safe place, and do not open it under any circumstances unless and until required to do so in a court of law.** The envelope and its contents can be taken as evidence by a court that the work existed at least as early as the date on the registration slip.

Some arts service organizations or artists' unions offer copyright registration services. The Writers' Guild of Canada, for example, offers a screenplay registration service. More formal registration can be achieved by submitting the required forms and fees to the Copyright Office. A certificate of registration creates a presumption under the law that copyright exists in the

work and that the person whose name appears on the certificate is the owner of the copyright in that work. The same kind of protection can be achieved in the United States by registering with the United States Copyright Office.

At some point you may decide you want to allow others to use your copyrighted work in some manner. You do this by one of two means – **assignment** or **licensing**.

Assignment occurs when you permanently give someone else one or more aspects of your copyright. This is akin to selling or transferring the right to someone else. Licensing is a temporary arrangement, whereby you permit someone to use one or more aspects of your copyright for a specified purpose and usually for a limited period of time.

Licensing can take one of three possible forms – sole, exclusive, and non-exclusive. A sole licence means that only you and the licensee can do with the work what has been licensed. An exclusive licence means that only the licensee (exclusive of all others, even you) can do with the work consistent with the license. A non-exclusive licence means that you can license others to use the work pursuant to the terms of the license.

When one of William Kinsella’s novels was transformed into a movie called A Field of Dreams, the film rights to his book were assigned to the film’s production company in exchange for a specific negotiated fee. This was a permanent transaction necessary because the film exists permanently. Therefore, the production company needed the film portion of the copyright assigned to it on a permanent basis.

The magazine industry has traditionally obtained required copyright to publish an article through a license with the writer. The license the magazine publisher obtained from the writer was known as “First North American serial rights.” This allowed the publisher to produce the article in print one time only. The moment the article appeared in a magazine, all copyright in the work reverted entirely back to the writer, who could then license other uses of the article to other magazines or in other media.

In 2008, Google decided to go into the e-book business by digitizing millions of books, many still under copyright protection. The creation of this “googleopoly” will drastically change the future of book publishing and marketing, as well as the application of copyright.

If you want to assign or license rights to another party be sure to use a written agreement. When the transfer takes place in Quebec, it is a requirement to do so in writing, pursuant to LRQ S–32.01 and S–32.1.

You should take the following steps when licensing or assigning some or all of your copyright in a work to another party.

- Get legal advice from a lawyer or your industry association.
- Leave no contractual provisions open-ended in terms of rights granted or duration of the assignment or license.
- Ensure your agreement takes into consideration possible related electronic and other existing or future technology uses of your work.
- Limit the license’s duration.
- Clearly define the media in which you are allowing your work to be reproduced.

- To emphasize that your work has value, always ask for reasonable compensation for granting the license or assignment.
- To ensure protection of your artistic integrity and reputation, never waive the enforcement of your moral rights on a permanent basis.
- Make sure that you understand all of the provisions in the written agreement, and that it states everything which has been agreed to by the parties.
- The agreement should contain language that states that there are no other terms or conditions, either implied or expressed, than those contained in the agreement.

What should you do if your copyright is violated?

Always rigorously protect your copyright. It is essential to your livelihood.

If you discover your copyright has been violated, you have a variety of remedies. Under Canadian law, you can seek the following:

An injunction – a short-term or permanent court order stopping the offending behaviour.

General damages – payment of monetary compensation by the offending party to cover your losses or obtain remuneration.

Punitive damages – payment of monetary compensation designed to punish or deter the offending party or other parties who might commit a similar violation.

Accounting of profits – a payment to you of any profits made as a result of the unauthorized use of your work.

Return of your work – requires the return to you of your work, or delivery to you of any product produced from your work, or seizure and delivery to you of imported goods which violate your copyright.

Costs – the payment of some or all of your legal costs and court expenses required to defend your copyright and/or secure remuneration.

Criminal consequences – the offending party could face fines or a jail sentence.

Sometimes taking action to defend your copyright is difficult because the violator has more financial resources than you do. In such cases, artists are increasingly choosing to take collective actions. Collective action usually takes one or more of the following forms.

- Several artists may join together as a collective group and seek standing as a class for initiation of a class-action lawsuit against the offending party. P.E.I., Nova Scotia and the territories do not have class action legislation on their books. However the Supreme Court of Canada has ruled that representative actions can be interpreted so as to allow for class action proceedings.
- Artists may also, by forming a rights-licensing or copyright-defence non-profit collective, take the offending party before the Copyright Board of Canada. The remedy sought here is a tariff that will be binding on, and payable by, the users of relevant copyrighted works.
- Have a copyright licensing agency (e.g., CANCOPY or SOCAN or SODRAC) or an arts advocacy group (e.g., CARFAC, UNEQ, or RAAV) sue on the artists' behalf. In Québec, certain professional associations have standing under the Status of the Artist legislation (S-32.01 & S-32.1). They do not systematically represent creators in courts, even though the law entitles them to do so.

Checklist

- Your work is copyrighted the moment you create it.
 - You are the copyright owner unless you assign or license copyright to someone else.
 - You can assign or license individual aspects of your copyright.
 - Any assignment or license of copyright should be done in writing.
 - You should receive fair remuneration for any assignment or license of copyright.
 - You cannot surrender or assign your moral right in a work. However, you can agree not to enforce it.
 - Keep abreast of new technologies and how they might infringe your copyright.
 - If in doubt, seek professional advice.
-

YOU AND THE LAW

Legal disputes

At some point in your career as a self-employed artist or cultural worker, you may well face some form of legal dispute. The term “legal action” technically refers to a lawsuit commenced in a court system by a person or party seeking compensation for loss or injury caused by someone else’s action or inaction. Some of the more common legal actions a self-employed artist or cultural worker might face are:

- Breach of contract claim
- Breach of privacy claim
- Collection of an outstanding debt
- Proceedings in bankruptcy
- Copyright infringement claim
- Negligence claim
- Misrepresentation claim
- Defamation claim
- Criminal charges for obscenity

Information about each of these types of legal disputes can be found in the Homework section which follows.

Develop a single-sentence statement that captures the essence of your business.

In 1998, musician **Sarah McLachlan** found herself the defendant in a lawsuit which alleged that songs from her first album were co-written by a studio musician. Ten years earlier, sculptor/writer Michael Snow sued to protect the integrity of his Canada Geese sculpture in Toronto’s Eaton Centre. Both these dramatic cases attracted media attention, but they also impressed upon many artists and cultural workers the importance of understanding how the law affects their work and protects their interests.

Regardless of their work, the stage of their career, or where they live in Canada, every self-employed artist or cultural worker faces legal matters. This chapter provides a basic grounding in legal issues you are most likely to encounter, how to address them, and where to find valuable help. Remember, just as your work evolves, so too, does the law. Staying current with legal matters is a continuous process.

Every legal problem you confront is unique and requires a solution dependent on individual circumstance. It is always best to seek advice and assistance from trusted legal advisors familiar with these matters. That said, this general chapter is a guide that will help you recognize various legal issues and enable you to determine when and where to look for further assistance. This information is not intended to constitute or to replace any legal advice you should obtain.

HOW DO I MANAGE MY RELATIONS WITH LEGAL ADVISORS?

When Sarah McLachlan sat down in a Vancouver studio to record *Touch*, her first album, she was undoubtedly thinking more about her songs than the law. Yet her working relationship with studio musician Darryl Neudorf resulted in a legal battle over who composed four of the album's songs.

Like McLachlan, many self-employed artists and cultural workers may have difficulty identifying legal issues. Yet at some point, you may have wondered if you were stumbling into a legal minefield and should get help. At other times, you may have realized that you simply lacked sufficient information to be certain whether or not you faced a legal dilemma. This section will outline common legal situations and help you determine whether you require professional help.

Not every legal issue requires a lawyer, so the section also provides direction on how to locate and work with legal advisors who are able to efficiently address your legal problems.

When do you need legal help?

The sections in this chapter examine several legal situations you may face as a self-employed artist or cultural worker.

Legal Issue	Advisors
Starting a business	Professional arts/cultural association, business consultant, lawyer, accountant
Incorporating a business and registering a name	Provincial corporation/business name staff, business consultant, lawyer
Renting or purchasing an office or studio	Real estate agent, lawyer
Dealing with Income Tax and the Goods & Services Tax	Canada Revenue Agency and/or Revenu Québec staff and publications, accountant, tax lawyer

Acquiring insurance coverage	Insurance broker, professional association
Entering into engagement or work contracts	Professional association, agent/representative, entertainment or contract lawyer
Protecting and registering copyright	Professional association, agent/representative, copyright licensing agency (i.e., CANCOPY, SOCAN, SARTEC, sociétés de gestion collective), Copyright Registry, intellectual property lawyer
Exporting artistic work	Customs broker, Canada Border Services Agency, accountant, lawyer, professional association for instance, in Québec, the Conseil des métiers d'art du Québec (CMAQ), public corporations such as SODEC in Québec)
Collecting fees payable	Collection agent, professional association, agent/representative, lawyer, Small Claims Court

If you think you need help, you do.

Get professional advice the moment anything in your career presents you with a legal worry. Sometimes a legal advisor will just confirm you are on the right track and give you peace of mind. Other times an advisor will recognize, and help you deal with, serious issues. Although professional advice may seem expensive, it can often save you money in the end.

Get on top of a legal issue early.

It is usually true that the longer you delay addressing a legal problem, the more expensive the process will become. Failure to act early on a legal issue almost always makes finding a simple solution difficult.

Remember the following points:

- People with whom you do business look after their interests, not yours.
- Be wary about following the advice of friends and colleagues who lack expertise in legal matters.
- Realize that a legal problem will never “take care of itself.”

How do you choose a competent legal advisor?

Always know your needs.

What do you want from a specific advisor? Before starting your search:

- Sit down, analyze the problem, and identify what legal services you require
- Use the following material to determine what kind of professional you should approach first.

- Use your instincts; a legal advisor should inspire confidence and trust. Just as you shop for clothes that fit, look for the right lawyer, insurance broker, accountant, or agent. Ideally you seek a relationship that will last.
- Comparison shop and seek quality service for your dollar.

Ask people in the know for a referral.

The best way to find legal advisers like lawyers, accountants, insurance brokers, agents and artists' representatives is to ask other artists or cultural workers involved in your specialty or your professional association for a referral. Seek out advisors who are familiar with the issues commonly faced in your particular artistic field. Remember, their learning curve will be at your expense when you pick the wrong person.

Here are some things to bear in mind with regard to specific sources of advice and the advisors who can help.

Professional associations

Every artistic or cultural sector has one or more professional associations – either national or provincial – that offer a variety of essential services. Such associations protect members' industry-wide interests and offer individualized member services.

They frequently provide information regarding legal trends in the association's artistic industry and advocacy representation to government, industry, and regulatory agencies. For example, SOCAN regularly represents musicians' rights at hearings of the Canadian Radio-television and Telecommunications Commission (CRTC) or the Copyright Board of Canada with regard to compensation for use of composers' works in various media. The Periodical Writers Association of Canada offers a grievance committee service, which mediates on behalf of writers having contract problems with periodical publishers. The A.F.M. promotes the interests of the performing musicians. Membership in relevant professional association are tax deductible. Consult them first – it's the most economical method of acquiring dependable legal advisory support.

In Québec, a professional association exists for each cultural discipline; they have a legal obligation to defend and promote the interests of artists, members as well as non-members, working in the relevant discipline.

Lawyers

Look for a lawyer qualified to handle your specific problem. If you have a copyright issue, you want a lawyer who specializes in copyright or intellectual property law, and, if required, in the laws specific to Québec (S32.1 and S32.01). Taking a book contract to an estate lawyer could involve you in needless and expensive legal negotiations because he or she may not be familiar with industry conventions or new industry technology. Similarly, a ballet dancer negotiating a tour contract might be less well served by an entertainment lawyer experienced only in rap music touring contracts.

Canada has two legal systems, British Common Law, and the Code Civil in Quebec. Labour law is a provincial jurisdiction. However, the federal Status of the Artist Act applies to those artistic activities that fall under federal jurisdiction, even in the provinces.

Quebec, in addition to the Code Civil, has its own Status of the Artist legislation: LRQ S-32.1 is an Act respecting the professional status and conditions of engagement of performing, recording and film artists; and LRQ S-32-01 is an Act respecting the professional status of artists in the visual arts, arts and crafts and literature, and their contracts with promoters (LRQ stands for les Lois Refondues du Québec).

Some jurisdictions offer a lawyer referral program and/or the law society may publish a list of lawyers in your area. If your legal issue and finances might qualify you for Legal Aid, seek out the nearest office for advice. Never decide on a specific lawyer until you have consulted several of them about the problem you face and the fees they charge.

Many lawyers offer basic advice in a short, free session (some provinces require that lawyers provide this service). Any lawyer should be willing to discuss relevant expertise and whether professional help is required or not. Do not hesitate to ask what his or her fee is, and obtain a total case fee estimate.

Artists' agents, representatives and consultants

Your relationship with an agent, representative, or consultant relies heavily on mutual trust and personal rapport. Trust your instincts.

Look for someone who has demonstrated both integrity and sensitivity to your artistic work. Most agents/representatives belong to professional associations. Many publish directories that set out member specializations.

Accountants

A competent accountant can be a valuable advisor, helping you with incorporation or partnership questions, income tax rules and deductions, the GST, the PST, HST or QST, banking, investments, and retirement planning.

Seek out an accountant well versed in your artistic or cultural sector, who is also used to working with the self-employed. In addition to colleagues and professional associations, various accountant institutes offer guidance in finding the right accountant for you.

Insurance brokers

Commonly called insurance "agents," brokers link you with appropriate insurance plans that protect against possible damage or loss resulting from your artistic or cultural business activity. In the absence of such protection, you might find yourself sued if a courier falls in the driveway while delivering a business document.

Brokers can also help you attain necessary disability and extended medical, dental, prescription, and other insurance through plans designed for self-employed individuals.

All brokers must be licensed under provincial regulations. The national or local branch of the Insurance Brokers Association of Canada can help with finding a broker. Obtain competitive bids. Your professional association may carry a group- insurance policy for the benefit its members.

Government departments and agencies

When legal issues involve complying with federal, provincial/territorial, or municipal government regulations, immediately contact the government department or agency in question.

Contact your regional Canada Revenue Agency office or Revenu Québec for questions concerning your income tax or GST/PST/QST/HST obligations, your Land Title Registration Office for property purchase regulations, or Industry Canada for trade mark/patent copyright information. Government agency staff should be able to provide up-to-date information. Generally, fees will be limited to conducting records' searches, obtaining documents, or filing documents with a registry.

Court offices

Every level of court, from Small Claims Court to the Court of Appeal, has an administrative office. If you are going before a specific court, consider visiting the appropriate office in advance. Office staff can provide you with information regarding court procedure, document filing requirements, and general points of law relevant to your court hearing. Most courthouse staff are very helpful; however, they cannot offer legal advice. For that, you must consult a lawyer. Most courts require qualified representation.

The exception is the Small Claims Court – specifically designed to be an informal venue for resolving a variety of legal matters. Step-by-step guidance in undertaking a Small Claims action is available from court staff, civil division. Not all cases can be taken there, even if the amount involved is below the maximum set for your province.

How do you establish and conduct a relationship with a legal advisor?

Fees

In your first meeting with any advisor, establish costs and the timing and means of payment. Will you pay by the hour or a lump sum for a specific service? Consider requiring regular legal invoices to avoid surprises. Investigate whether you qualify for a low-income discount or some form of legal assistance (i.e. legal aid).

Find out what disbursements or expenses you are expected to pay additional to fees and if any "up front" money is required. All these conditions of payment should be set out in a written agreement between you and your advisor, signed by both parties.

You will probably reduce your fees if you use as little of your advisor's time as possible.

- Try to organize documents and other materials in advance of meetings
- Be on time
- Rigorously comply with all requests for written or interview information
- Restrict conversations to the matter at hand
- Substitute phone calls with faxes or e-mails
- Ask for copies of all relevant correspondence and documents
- Use assistant's rather than advisor's time where possible, and undertake to complete relevant tasks yourself whenever possible

We all want to keep professional advice inexpensive. Just be sure to balance your thrift with acquiring the best advice possible.

Communication and confidentiality

Be completely honest with your advisor and disclose everything regarding the issues involved. Did you really cut the rope controlling the theatre curtain and cause the diva's untimely demise?

Failure to disclose important information can seriously compromise your lawyer's ability to advise and assist you. Your lawyer and accountant are professionally bound to keep your affairs confidential.

Other advisors should also be informed that you expect them to treat your matters with complete discretion.

Your advisor's obligations

Most legal advisors are bound by a code of professional standards and obligations.

Your lawyer is bound by membership in a provincial Law Society to represent your interests in an ethical, confidential, and professional manner.

Your interests are not to be compromised by any other vested, or conflict of, interest the lawyer might have.

If you are uncertain about your advisor's ethical and professional obligations, ask for an explanation or contact the relevant governing body for details.

Your legal relationship

Working with a legal advisor may require formalizing one or more of the following types of legal relationships.

Contractual relationship – You and your advisor may set out your respective obligations in a contract that contains mutually acceptable terms and conditions. In Québec, specific categories of creators are required to have a written contract that complies with Act S-32.01, Section 31, when entering into agreements with an agent or advisor.

Agency relationship – You give the advisor legal authority to act on your behalf. The advisor is accountable and must act on your instructions. In principle, you are ultimately responsible for the actions of the agent, so beware.

Fiduciary relationship – Under provincial law society regulations, your advisor has a duty to represent you fairly, protect your interests, report regularly, and avoid conflicts of interest.

A literary or theatrical agent, for example, will usually enter into a contract with you based on agency law and a fiduciary relationship. Your accountant may only have a fiduciary relationship with you.

Who's in charge?

You are. The advisor, regardless of role, is working for you. You are the boss. Your advisor should give you understandable advice that enables you to plan a course of action and give competent and informed instructions.

Lawyers, for example, are duty bound to seek and follow a client's instructions, unless carrying out those instructions would mean committing an illegal or unethical act that contravenes the lawyers' Code of Professional Conduct or the lawyer's personal conviction. It is the same for most other professional legal advisors.

Problems with your advisor?

You have the right to receive competent, respectful, and efficient legal assistance. If your legal advisor has provided what you consider to be inadequate service or has acted improperly or unethically, do the following:

- First, try to solve the problem by meeting with the advisor and setting out your concerns.
- Should this fail, feel free to end the relationship if such an action is possible under the terms of the contract between you and the advisor.
- Secondly, you may wish to file a complaint with the advisor's professional association and/or seek financial compensation.
- Or bring a legal action against the advisor.

To end your relationship with a legal advisor, follow any termination clauses in your contract (if any) to the letter.

Termination of relationship

Usually most legal advisory relationships can be terminated by just saying you are taking your business elsewhere. In some cases, however, such action is more complex. If you have an agent/representative or a lawyer on retainer you may have to refer to, invoke the termination clause set out in your contract – if any – with the advisor. Such clauses are imperative to any continuing contractual relationship between yourself and an advisor. Beware of signing contracts that include exclusive representation clauses. Understand the implications of Power of Attorney.

Checklist

Get legal advice whenever you are worried that you may face a legal issue.

- Your relevant professional association can often help you acquire legal advice.
- Be sure to consult advisors who have experience in areas of law relating to your work.
- Agree, in your first meeting, on the fees you will pay the advisor.
- Be honest with your advisor. Don't neglect to mention important information.
- Remember that you are in charge, but carefully consider all recommendations your advisor offers.
- When terminating a relationship with an advisor, meet all contractual requirements.

HOW DO I PROTECT MYSELF AGAINST LOSS AND DAMAGE?

In 1997, two theatre companies – one in Vancouver, the other in Victoria – planned to stage an updated version of **Bertolt Brecht's** The Three Penny Opera. Midway through the Victoria run, the theatre company was notified by Brecht's estate that legal action would be taken unless the company deleted what were alleged to be changes to some lyrics and lines to reflect various Canadian and British Columbian political and social issues. The media reported that an agreement was negotiated to enable the theatre run in Victoria to conclude without modification, but the Vancouver production featured only the original material. It had never occurred to either the theatre company or the playwright that amending Brecht's original play crossed a legal line. Luckily, the Brecht estate was sympathetic. It sought no damages. This example touched on the moral rights of the creator as represented by the estate.

Every artist or cultural worker faces risks of loss and damage that have legal implications. You may inadvertently cause loss or damage to another party. Or you may be the one on the

receiving end. In either case, the effect of such loss or damage could have a major impact on your work, your career, and your livelihood.

This section will help you determine what types of loss and damage pose a real risk to you and what measures should be taken to protect yourself.

What tools do I need to protect to successfully carry out my work?

Every self-employed artist or cultural worker must acquire and maintain certain tools of the trade. These can include personality traits, internal personal skills, learned knowledge, experience, equipment necessary to pursue a relevant artistic career, money, basic equipment required of anyone engaged in a self-employed undertaking, and, above all, talent. On the high end of such tools are such things as artistic skill and good mental and emotional health. At the low end fall such usually necessary items as a desk and chair for doing essential office work and a shoebox that contains your tax records.

Do an inventory of the tools of your trade.

Completing a list that details everything you require for your artistic or cultural career can help identify those things that, were they lost or damaged in some way, could negatively impact your ability to work.

Don't just consider tangible items, like musical instruments, stage sets, computers, promotional material, portfolios, or career archives and records.

Equally important are your health, personal and professional reputation, having time to pursue your career, and the ability to access information necessary for making informed choices.

What types of loss and damage should you be concerned about?

Once you know which tools of the trade are relevant to you, it is easier to identify the types of loss or damage that might affect your artistic or cultural career. The following can be affected by damage or loss.

Physical property

Physical property includes everything in the way of possessions required to do your work.

- If you work at home, that is a relevant physical property.
- An artist's studio and all its contents are physical property necessary to the artist's career.
- The work you produce is also part of your physical property, whether it be sculptures, songs, or proposals seeking funding on behalf of the theatre you manage.
- Musical instruments.
- Photographic negatives and digital records.

Any of these items are at risk of being stolen, vandalized, damaged by careless handling, burned, or destroyed by exposure to various hazards.

In 1998, for example, a number of priceless paintings were lost forever when Swissair 111 crashed off Nova Scotia. While perhaps not on the same scale as that catastrophe, an artist or cultural worker who loses all past samples of her work in a fire faces a devastating personal and professional loss.

Intellectual property

When you express yourself through the creation of an original work, whether it be a musical score, book manuscript, screenplay, painting, webpage, CD, DVD, or other electronic media, you then possess an item of intellectual property.

To retain its value and integrity you want to ensure that it is protected from theft, unauthorized use, copying, sampling, or alteration.

Another concern here is to protect your work from loss or damage resulting from corruption of data stored on computers, loss of works during shipping, and other such problems.

Keep duplicates of all your records at a separate location.

Losses resulting from interruptions in services and supplies

You have deadlines and need to know that the things required to meet those deadlines are available when you need them, both in terms of services and supplies. Suddenly finding that your local art shop has no canvas or that the photo studio failed to process your slides on time for you to meet a deadline can cost you money, injure your reputation, and result in your failing to fulfill a contractual obligation.

Breach of contract

Any time someone with whom you have a contract breaches its terms, you automatically suffer loss. Sometimes this is not very serious.

Your newspaper carrier, for example, has contractually promised to deliver a paper. Failing to do so constitutes a loss for you, but probably not one that is too serious. If, however, a composer promised a new classical score for your symphony and fails to deliver, the loss suffered might be very serious, especially if the concert must be cancelled and the tickets refunded.

Monetary loss

Money can be lost in many ways. Cash can be stolen and the monetary value of physical property can easily be reduced. Loss of money can occur by other less immediately recognizable means.

Probably the most common monetary losses artists and cultural workers face result from being unable to collect money owed to them.

Money can also be lost through receiving poor valuations of your work and entering into bad financial deals with partners, agents, and clients.

Personal health

Your ability to create, perform, communicate, and concentrate can be seriously affected if your physical, mental, or emotional health is impaired by accident, illness, injury, or stress. Good

health is essential for self-employed people, who seldom have paid leave, disability benefits, or extended health-care protection enjoyed by many who work as employees.

Your reputation

If someone makes false or malicious statements about you in public, this could damage your professional reputation.

Loss of opportunity

Loss of opportunity can occur when an artist or cultural worker is subjected to censorship, discrimination, or any unfair exclusion that prevents pursuit of a career.

Causing loss to others

Like most things, the world of loss or damage has many two-way streets. You can cause others loss or damage and consequently suffer legal repercussions. The results could cost you money and have a devastating impact on the future of your chosen career and your relationship with others in your discipline. The arts community is very small and tight.

How do I protect myself from loss or damage?

Often protection from loss or damage simply involves using common sense.

It is sensible to properly store art work, to back up computer files, and to confine your business dealings to people you trust and with whom you maintain good personal and contractual relationships.

For some types of loss or damage, protective solutions are more complex and costly. Here are some solutions that apply to certain forms of loss or damage.

Insurance

You buy insurance to protect yourself in the event of a loss. The basis of insurance is that both the person buying the insurance and the insurer hope the loss will not occur. In that sense, insurance is a remedy rather than a real form of protection. When you need to make a claim, you have already suffered the loss or damage that led you to seek the protection of insurance.

A painter who loses her latest work in a fire will never have the real value of that work replaced by the money realized through her fire-insurance policy.

Make sure any insurance you buy is tailor-made for artists or the self-employed.

There is insurance for almost everything and each insurance need should be discussed with a reputable insurance broker or agent.

- Be specific and detailed in describing your needs and particular circumstances
- Make sure the insurance you buy covers the risks you are most likely to face
- Don't under-insure

- Your professional association may offer some or all of the types of insurance you require. Rates in this case are usually more favourable than would be the case if you were buying coverage independently.

The following types of insurance might relate to your work:

Air cargo liability	Libel
Automobile	Life insurance
Business interruption	Non-appearance & non-performance
Commercial property	Product liability
Disability	Risk
Extended health	Travel
Household	Weather
Liability	

Be proactive

Never ignore the potential for suffering loss or damage by saying, “It won’t happen to me.” That is a formula for trouble. Deciding what forms of protection you require and how best to achieve that protection can be a daunting task. But it is one that you probably don’t have to undertake alone.

Consult with colleagues, your professional association, and relevant legal advisors, such as your lawyer, accountant, or insurance agent.

If you suffer loss or damage, what do you do?

There are many ways that loss or damage can occur.

For example, a graphic artist may find his images being posted on the Internet and downloaded by others without his permission; a filmmaker’s latest release might be banned by a provincial Censor Board; a composer may have her new symphonic work panned in a review as a plagiarized work created by a no-talent fraud, or a museum creator might contract to stage an internationally-renowned exhibition that is cancelled at the last minute.

When you find yourself in a case where the damage is already done, the course of action you take largely depends on the facts of the situation and the terms of the contract, if there is one.

Decide what remedy you want

Do you just want the graphics taken off the Internet, or the Censor Board to let your film run? Do you want a public apology from the music critic? Do you want compensation or damages paid to replace the revenue your museum lost when the exhibition was cancelled?

You may be able to negotiate with the person posting your graphic work on the Internet and get it removed without further fuss.

You might successfully lobby the Censor Board by enlisting the support of your professional association, groups who would like to see your film, and groups opposing censorship. In some cases the Board's action may create welcome publicity.

You might be able to convince the music critic's publisher to allow you to publish a reply to the critic's allegations about your symphony.

In the case of the museum administrator, enlisting a mediator might resolve the dispute between the museum and the exhibition's organizing body.

Mediation is an increasingly popular dispute-resolution mechanism because it is less costly and time-consuming than formal legal action. Many professional associations offer mediation services to members. Private mediators also offer such services.

Court action should be your last recourse

Sometimes the only way to remedy a conflict is to launch a court action. In all the above examples, failure to resolve the dispute by other means could lead to a courtroom.

Before you start a court action, consider consulting a lawyer on the best course to pursue and the costs involved. Damages are often difficult to prove in a court setting. Litigation is almost always costly, stressful, and time-consuming. Even if you are able to obtain a favourable judgement, there is no guarantee that you will collect the award.

Mitigation of losses

If you go to court looking for monetary compensation for losses suffered you will be asked whether you have "mitigated your losses." This means you must show that, despite what the other party did to cause you monetary loss, you did not increase or compound this loss through your own actions or inactions.

Take the aforementioned museum exhibition example. Let's say the museum administrator initially contracted with another museum to bring the exhibition Bold Etruscans to her museum. At the last minute, Bold Etruscans cancelled. The museum had expected to earn \$1 million in revenue from hosting the show. Seeking redress, the museum sues for \$1 million. Meanwhile, hearing of the cancellation, the well-worn exhibition Graves of Ethiopia offers to step in and fill the space. The exhibition guarantees minimum revenues of \$400,000. The museum administrator refuses. It could be argued that the museum did not reduce its losses and should only be awarded \$600,000 – the amount that it would have lost had it proceeded with the Graves of Ethiopia exhibition.

Ensure you have evidence to support your case

Always collect information that will help "make your case."

Keep notes detailing the date and substance of both events and conversations, so you won't have to rely on memory later.

Retain all correspondence, documents, and other materials relevant to the dispute. These may ultimately be vital to building a convincing case.

Protect from loss or damage whatever you would find hard to repair, replace, pay for, or live without.

Checklist

What steps you take to protect yourself from potential loss depend on:

- Probability a loss will actually happen.
 - Potential monetary size of a loss, including loss of time.
 - Other possible consequences resulting from a loss.
 - Effort, time, and personal morale required to deal with the effect of a loss.
 - Cost, complexity, and effort required to protect against a loss.
 - Degree of protection and peace of mind each protective measure provides.
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HOW DO I RESOLVE A LEGAL DISPUTE?

The November 1985 cover of Saturday Night Magazine bore a photograph of then opposition Member of Parliament **Sheila Copps** dressed in motorcycle leathers astride a Harley-Davidson. The photo was taken by freelance photographer Jim Allen. On March 11, 1990, the Toronto Star newspaper published an article about Copps. The article was illustrated in part by a reproduction of Allen's Saturday Night cover. Allen sued and on October 13, 1995 was awarded \$900 general damages for copyright infringement. The Toronto Star appealed that decision and on October 2, 1997 the earlier judgement was overturned. Allen was ordered to pay the newspaper \$3,000 in fixed costs. When Allen took the Saturday Night photo he was fulfilling the terms of a contract and could never have imagined that something so straightforward would embroil him in a seven-year legal dispute.

In Québec, however, the outcome might have been different, because in 'la belle province' a written contract is required under Act S-32.01.

At some point in your career as a self-employed artist or cultural worker, you may well face some form of legal dispute. This section provides information on the more common legal disputes that might affect you. It also suggests alternatives to court proceedings and ways to avoid altogether becoming mired in costly legal actions.

In what kinds of legal action might you become involved?

The term "legal action" technically refers to a lawsuit commenced in a court system by a person or party seeking compensation for loss or injury caused by someone else's action or inaction. The person or party launching the action is known as the "plaintiff" and the person defending against the action is the "defendant." Such court actions are known as civil suits and can be heard in a variety of civil courts.

In criminal cases, the equivalent to the plaintiff is the Crown (the state) represented by the "Crown attorney" or "prosecutor" and the defendant is known as the "accused."

The following is a list of some of the more common legal actions a self-employed artist or cultural worker might face. Except for criminal cases, you could find yourself being either the "plaintiff" or "defendant." Your approach with regard to each type of legal action will vary depending on your legal standing in the proceeding.

Breach of contract claim

If someone entering into a contract with you fails to perform his or her obligations, then you may be entitled to receive financial compensation (known as "damages") in an amount that places you in the same position as if the contract were completed. If the breach is serious enough, you may also have the right to terminate the contract. The court may give you other remedies when money is not the only appropriate compensation. Should you fail to perform your obligations under a contract, a breach of contract claim may be filed against you.

Breach of privacy claim

Increasingly, laws are protecting the right of individuals to privacy. The federal Personal Information Protection and Electronic Documents Act, PIPEDA, received Royal Assent on April 13, 2000. In Québec, the right to privacy is protected under the Civil Code, par. 35 to 41. While all Canadians are covered by PIPEDA, Canada surrenders its jurisdiction to those provinces that have "substantially similar" legislation, such as Alberta, British Columbia and Quebec. In the latter province, two other Acts apply, LRQ A-2.1, public sector, and LRQ P-39.1, private sector. However PIPEDA applies to those activities in all provinces that fall under federal jurisdiction. Ontario has a Personal Health Information Protection Act. For additional information see www.privcom.gc.ca, and consult "Your Privacy Rights: A Guide for Individuals."

Collection of an outstanding debt

If someone owes you money and does not respond to your requests for payment, you can hire a collection agency to collect the debt, take the debtor to Small Claims Court, or take the action to a higher court. If you get a judgement, you may be allowed to seize the assets or garnishee the wages of the debtor. These actions may be taken against you if you fail to pay a debt owing.

Proceedings in bankruptcy

Failure to pay debts over a long period of time could result in a creditor forcing you into bankruptcy. In this case, the creditor would file a claim against you in court. If successful, a bankruptcy trustee is given control over most of your property – except basic tools of your trade and assets essential to enable you to make a living. The seized assets will be sold to pay your creditors. You can stop all court proceedings by filing a proposal for payment of debts that is acceptable to your creditors, or, if you qualify, by petitioning the court under the Company's Creditors Arrangement Act. In addition to the federal law pertaining to bankruptcy, Québec's LRQ Act S-32.01 specifies that a contract is nullified if the contractor of a work produced by a creator becomes bankrupted, the object of an arrest warrant, has his or her assets seized, or, in the case of a moral entity, the assets belonging to that entity are liquidated. In these instances, the law specifies that these "goods" (the work) are reassigned to the author/creator.

Copyright infringement claim

The Canadian Copyright Act allows you to take legal action against someone who copies, uses, publishes, or alters your work without your permission. You should be concerned both with the violation by others of your copyright and with the possibility that you could be violating copyright in how you use or access the work of others. A variety of approaches can be taken if you encounter a legal dispute in this area (see "How do I protect my copyright?").

Negligence claim

Under Canadian law, everyone has a duty not to carelessly cause physical harm or property damage to others. Someone is considered legally "negligent" when he or she fails to use the care that a reasonable person would use in the same circumstances.

For example, if a theatre company allows the floor in a rehearsal space to fall into disrepair, it could be ordered to pay damages to any actor injured when the boards break under her feet. The compensation will cover only injury or damage that is "foreseeable" or which could be expected to flow from the negligent action. If the engagement is covered by the Workers' Compensation Act, you may be precluded from taking any civil action against the employer.

Since Canadian society is becoming more litigious, performers, especially those who are self-employed, should carry liability insurance. Some professional associations have negotiated agreements with insurance companies to provide such coverage at reasonable cost.

Misrepresentation claim

If you suffer loss or damage from having acted in good faith on the basis of a false statement or misrepresentation provided to you by another party, you can seek compensation.

Defamation claim

You can sue someone for defamation if that person makes a false statement that discredits you publicly or damages your reputation. If the defamation is committed verbally, it is known as "slander." If conveyed in print or electronic media, it is called "libel." Defamation law places definite restrictions on freedom of expression. The consequences of publishing defamatory statements can be extremely serious. In a civil action, damage awards can run into the millions, and if the matter is pursued in a criminal court, imprisonment is possible. It is important to be aware of the very strict provincial limitation periods that apply to defamation proceedings.

Criminal charges for obscenity

The Criminal Code recognizes a series of criminal offences in relation to the dissemination of written, printed, drawn, photographed, filmed, modelled, or recorded matter considered by the courts to be "obscene." If charged, you will have to attend court and justify whether the work in question has sufficient "artistic merit" to warrant its free expression or that it does not offend community standards.

How can you protect or defend yourself?

There is a general rule that all parties who end up in a civil court action lose. Court actions are usually long, tedious, expensive, physically and emotionally taxing, and a serious distraction to your work.

If you end up in a dispute that seems headed toward court, always remember that your first goal should be to resolve the problem.

Keep a cool head; don't give into the temptation to adopt an inflexible attitude. Compromise can often quickly and inexpensively resolve a legal issue and avert a costly court action.

Here are some basic strategies for protecting or defending yourself against legal actions.

An ounce of prevention

The best way to avoid a court action is to conduct your business affairs so that you avoid becoming involved in a legal dispute in the first place. Consider the following preventative measures:

- Try to recognize potential legal pitfalls. The moment you start wondering if you are facing a possible legal issue, consult your lawyer or other trusted advisor.
- Trust your instincts. If someone seems untrustworthy or a contract appears either unfair or too sweet, consider not getting involved.
- If you find yourself in what seems a bad legal situation, don't be afraid to "bail out" before the matter becomes a serious legal issue. The losses you suffer by leaving at an early stage may prove minor compared to the consequences that might arise later. (See "How do I protect myself against loss and damage?")
- Get all of your contracts in writing. Make sure your contracts include all the terms of your agreement, are clearly written and unambiguous, and set out how to resolve any disputes that may arise from the contract. Even if a dispute does proceed to court, the matter is more easily settled when the terms of the contract are clear. (See "How do I establish and enforce contracts")
- Keep reliable notes and records of conversations and agreements you make prior to finalizing the contract. Confirm in writing everything that is agreed and also set out your expectation of what is to happen in the future. Your notes and letters could be valuable as evidence or serve to jog your memory if you later end up in court. In addition, keeping records can give you more clout with the other party by showing that you are concerned about your rights and are staying on top of the situation.

Negotiation

A relatively quick and inexpensive way to avoid court action is to approach the other party and negotiate a solution.

- Sometimes you can handle such negotiation yourself, other times you may want a lawyer, agent, or some other representative to negotiate on your behalf.
- Engaging a representative is usually a good idea if your relationship with the other party has deteriorated to a point where dispassionate discussion is no longer possible. A representative can lend objectivity and sometimes add knowledge on the subject at issue. Your goal in any negotiation should be to maintain constructive discussion aimed at resolving the issue.
- If the other party appears unwilling to negotiate, consider having your lawyer send a letter stating that you are prepared to take legal action if necessary. Don't take this action too quickly. Sometimes it will bring about speedy resolution, other times it might cause a party to break off any further attempt to negotiate a settlement. Remember, resolution is always your primary goal.

In Québec, there is a provision under its Status of the Artist legislation that makes mediation or arbitration available, unless the parties have agreed in writing to adopt different methods of solving potential contractual disagreements.

Mediation

Mediation is an increasingly popular formal system for conflict resolution. Mediation works best when the parties are dealing in good faith, seek a quick resolution, and simply need help attaining it. A mediator acts as a facilitator, helping the parties to focus on their common interests to reach a solution that is mutually satisfactory. The discussion centers on interests and goals, rather than fault. Before the mediation process begins, the parties involved decide whether the final decision reached in the mediation session will be binding or not.

Many arts organizations or unions provide mediation services, either as a benefit of membership or for a small fee. Others offer mediation referral services. Because it is so much cheaper than court action, mediation is a growing business. Most provinces, however, have no governing body to ensure acceptable levels of training and standards for mediators. So be careful in selecting a mediator. Relying on the recommendations of others is probably your best option.

Arbitration

Like mediation, arbitration is a problem-solving process. Arbitration occurs when both parties agree to engage in the process, when their contract stipulates that it be used to solve disputes, or when it is ordered by a court. Two parties may agree on the rules of arbitration or they may agree to let a province's Arbitration Act govern the process.

In Québec, arbitration is compulsory in contractual agreements pertaining to the visual arts and crafts and literature sectors, unless all parties contractually relinquish this right.

An arbitrator functions somewhat like a judge, but in a less formal way than in a court proceeding. The arbitrator hears the facts and evidence from both sides and makes a decision on how the case should be resolved. Arbitration procedures usually allow either party to object to an appointed or suggested arbitrator who is perceived to be biased or hostile. Depending on how the matter first came to arbitration, the decision of the arbitrator may or may not be binding on the parties.

Québec's Status of the Artist Act S-32.1 empowers certain professional artists associations to negotiate collective agreements on behalf of self-employed artists, and will intervene in the case of resistance by engagers or producers. The resulting agreements should include dispute resolution language on the basis of which the Act will provide mediation or arbitration services.

Membership in those and other professional associations can be of considerable advantage in protecting artists right across Canada.

Alternative measures in the Courts

In response to an overload of cases and the public expense of conducting trials, the civil and criminal courts in each province have developed a number of alternative dispute-resolution procedures that the parties must engage in before proceeding to trial. Parties in a civil dispute must attend a pre-trial conference with a judge to see if the matter can be settled or if essential facts can be agreed on before going to trial. The criminal courts have preliminary hearings and plea bargaining procedures which encourage the Crown and the defence to agree on facts, the plea, or the sentence before a trial occurs. The courts can also order parties to go to mediation or arbitration instead of resorting to a trial.

Your Last Resort: Going to Court

If it becomes clear that your legal dispute will not be resolved using any of the methods outlined above, then you may have no choice but to proceed to a trial. The first question is which court should hear the dispute. Where you go to trial will determine what series of steps will be required and from whom you should seek help.

Here's a very brief primer on the various courts in which you might have your hearing.

Small Claims Court – This is usually the quickest and least expensive court in Canada. It awards only monetary compensation. There is an upper limit on the amount of money a Small Claims Court can award. That limit differs from province to province (in Québec, the limit was \$7,000 in 2009). People who sue in this court are normally encouraged to represent themselves on the basis that the claim is usually too small to justify hiring a lawyer. The absence of lawyers on both sides levels the playing field. The rules of evidence and procedure tend to be more relaxed in this type of court.

Civil Courts – In Canada's legal system, several civil courts are devoted to resolving private disputes or lawsuits, with each province and territory using different names for their courts or organizing them in a slightly different fashion. In most provinces, these courts can be roughly divided into three levels: trial courts, the intermediate appeal courts, and the court of final appeal – the Supreme Court of Canada. There is an old saw that only a fool represents himself in court and for any civil court hearing hiring a lawyer to represent you is a wise idea. Your lawyer will guide you through the process.

Criminal Court – If you are charged with a criminal offence, the legal procedures and options open to you are quite different than in civil court. If you face a criminal charge, it is wise to immediately retain a criminal lawyer. Having a lawyer with you is particularly important when the charge or investigation involves your physical arrest and detention, a search of your premises or studio, or the attempt by police to take a statement from you. You are entitled to the services of a legal counsel before you need to make any statement to the police. The seriousness of the alleged crime determines which criminal court will hear the matter, whether or not you are entitled to a jury, possible penalties on conviction, and other procedures.

Special courts and tribunals – A variety of special courts, boards, commissions, and licensing bodies exist to handle issues relating to government business or legislation. For example, disputes concerning certain forms of discrimination are handled by your provincial Human Rights tribunal; the Official Languages Tribunal investigates alleged breaches of the Official Languages Act; the Canadian Radio-television Telecommunications Commission regulates and supervises Canadian broadcasting and telecommunication; and Canadian Artists and Producers Professional Relations Tribunal (CAPPRT) is an arm of the federal Status of the Artist legislation that provides mediation or arbitration services. In Québec, disputes regarding artists "targeted" by Act S-32.01 are handled by the Commission de Reconnaissance des associations d'artistes et des associations de producteurs; the province is considering transferring this task to La Commission des Relations du Travail. Each of these agencies has its own procedures and areas of authority. Whether you will need to be represented by a lawyer or other professional will depend on the complexity of your case and the seriousness of what is at stake for you.

Checklist

- Avoid legal issues by being selective about with whom you do business.
- Get all contracts in writing and include a dispute resolution mechanism.
- Always approach legal disputes calmly, with reason rather than passion.
- Focus on resolving the problem, not on getting even.
- Carefully consider alternate methods to resolve the problem.
- Court action should be considered a last resort.
- Don't hesitate to hire a lawyer if you have to go to court.

HOW DO I FULFILL STATUTORY OBLIGATIONS?

What are statutory obligations?

Canadian law sets out certain obligations to which all citizens must conform. These obligations come into being via two different means: legal precedent and codified law. Legal precedents are decisions made by the Courts which interpret existing law or establish new law. Codified law are the laws passed as acts or statutes of Parliament, the Provincial legislatures, or the Québec National Assembly. Codified law also includes bylaws passed by cities or rural municipalities.

Every statute defines three things:

- To whom it applies
- Legal obligations that must be met (“statutory obligations”)
- Penalties for non-compliance

The Canadian Income Tax Act, for example, applies to all residents and citizens of Canada who earn qualifying taxable income. Taxpayers are obliged to keep proper receipts and records, file income tax returns by certain annual deadlines, and pay taxes owing. Failure to conform to the Income Tax Act might result in financial penalties, an audit of books, and, in extreme cases, even imprisonment for tax evasion.

A City of Victoria bylaw prohibits drumming on the downtown streets by buskers or any others. This bylaw imposes the statutory obligation on buskers and others not to play a drum and imposes fines if they do so.

Here are some statutes that may impose legal obligations on you as a self-employed artist or cultural worker:

Goods and Services Tax Act
Excise Tax Act
Retail Sales Tax Act (in most provinces)
Sale of Goods Act
Cultural Property Export and Import Act
Human Rights Act (in each province)
Copyright Act

In Québec, two other laws are in force:

The Act Respecting the Professional Status of Artists in the Visual Arts, Arts and Crafts and Literature and Their Contracts with Promoters (S-32.01)
The Act Respecting the Professional Status and Conditions of Engagement of Performing, Recording and Film Artists (S-32.1).

How do you identify and fulfill your obligations?

Ignorance of a statutory obligation offers no legal defence. It is your responsibility to be aware of statutory obligations that pertain to you personally and to your artistic or cultural activities.

The following is a five-step process for identifying and fulfilling the statutory obligations that apply to you:

Consult your relevant professional association to determine your statutory obligations and responsibilities. Your association or fellow professionals can also usually help you to find professionals who can advise you in a general way about your obligations and who can be

available to answer your specific questions as they arise. These advisers may include an accountant, lawyer, artist representative, or union representative. It is important to choose professionals who understand how the law applies to the self-employed, specifically to artists who work for themselves. (See "How do I manage my relations with legal advisors?" for hints on finding competent legal advisors.) Also consult government departments and agencies that administer the various statutes. It is important to find out about your obligations when you first set out on an artistic or cultural enterprise by consulting with the appropriate government office. Knowing your responsibilities at the outset will help you avoid running afoul of the law. Use information to stay out of trouble.

Identify your status and obligations. If a statute or law applies to you it will usually be by virtue of your status. For example, important consequences flow from your status as "self-employed." Your self-employed designation affects how your income tax is calculated and paid under the Income Tax Act; restricts your access to social benefits under EI, and determines who makes the required contributions to the Canada Pension Plan or the Québec Pension Plan. That status also limits your protection in the workplace under the Workers' Compensation Act.

Identify your activity and obligations. A statute may apply to you because of the artistic or cultural activities in which you are engaged.

For example, if your activity is to import artistic materials into Canada, you should be aware that you will be subject to the provisions of the Criminal Code which prohibits the importing of materials deemed by Canada Customs to be "obscene." Importation of certain raw materials, such as ivory, may not be allowed.

Set up a system. Once you have determined the statutory obligations that apply to you and your artistic activity, set up whatever systems and procedures you need to gather and organize information, keep records, keep track of and meet deadlines, get help as needed, communicate with officials, and submit required documentation to appropriate government departments.

Keep up to date. The law is always changing, and so are your resulting obligations. Remember, ignorance of the law is no defence. It is your responsibility to know which statutes apply to you and your artistic or cultural activities, and to comply with these statutory obligations. You can keep pace with the details by reading information that you receive from government agencies and by asking these agencies about changes as they occur.

What kinds of statutory status might apply to you?

Many people working in the cultural community want or need to supplement their artistic income by taking on additional employment. In this way, you might find yourself working simultaneously as a self-employed artist and as an employee, or you might spend periods of time alternating between full-time self-employment and employment.

Because you have very different statutory obligations when you are self-employed versus when you are an employee, to operate under a "dual status" can create complexity and confusion in managing your legal and business affairs. To complicate matters further, you may at some point work for an organization as a manager or you may contract someone to work for you personally. In either of these cases you must be aware of your obligations as an employer.

The following examples of legal statutes and corresponding statutory obligations may apply...

Self-employed individuals are generally most concerned with **obligations set out under the Income Tax Act**. If you have a “reasonable expectation of profit” from your self-employed business, you can claim certain tax advantages that allow you to deduct business expenses from your income. This reduces the overall tax you have to pay by lowering your net income. The taxable portion of income is determined as follows: gross income minus business expenses equals net income. To claim business expenses, however, you must keep financial records that detail income, expenses, and relevant inventory. Your accountant can help you set up a workable system (see “What’s the best way to keep financial records?”). Note that you do not charge GST on your employment earnings.

If you register under the Goods and Services Tax Act, you must charge GST on goods you sell or services you provide, keep relevant records, and remit payable GST (GST collected less GST paid on business expenses). In Québec, Revenu Québec grants a tax credit on revenues derived from copyrighted works. Book, record, and film publishers and producers can also benefit from other tax credits granted by SODEC (Société de développement des entreprises culturelles du Québec).

When you work as an employee you are subject to the protection and benefit of a variety of federal and provincial laws dealing with employment standards, workplace health and safety, and employee benefits (e.g., employment insurance, pension). You also have the statutory obligation to not abuse any of these employee benefits, such as by filing false employment insurance claims or workers compensation claims.

Any time you engage a person to work for you as an employee, you are required to comply with both federal and provincial statutes concerning maximum work hours, overtime pay, minimum wages, public holidays, vacations and vacation pay, equality of treatment, employee benefit plans, pregnancy leave, notice of termination of employment, severance pay, and pensions. The Income Tax Act requires you to regularly deduct from the employee’s pay amounts for Canada Pension Plan, Employment Insurance, and income tax. You may be required to register with your provincial Workers’ Compensation Board. You may also be subject to provincial workplace health and safety legislation, which requires you to provide a safe workplace and protect the health and safety of your employees. Your provincial Human Rights Act will require you to treat employees fairly and equitably.

You may be operating as a sole proprietor. Suppose you have a consulting firm called Rapid Act Consulting. You are the only person involved in this firm and it is unincorporated. In most provinces you are required to register this business name with the province’s corporations and business names office. Many municipal or regional authorities also require such sole proprietorships to have a business license and to pay business taxes.

If you are engaged in a business that involves other co-owners, then you are engaged in a partnership and obliged to follow provincial statutes with regard to partnerships. You will also have the same business name registration requirements as a sole proprietor.

If you have incorporated your business or collective, then you must comply with the Corporations Act in your province. This Act requires you to set up the corporation in a certain way, appoint directors, keep records, file annual documents, and so on. Your obligations and benefits under the Income Tax Act will differ according to whether you file as an individual or sole proprietor.

What activities might carry statutory obligations?

Various artistic or cultural activities in which you engage will carry related statutory obligations. Here are a few examples:

Retail sales

If you operate a retail outlet, such as a commercial gallery, you must have a retail license from your local municipal or city authority. If you sell your work retail, whether from a gallery or your own studio, you must register and charge the appropriate taxes under the federal Goods and Services Tax Act and the Retail Sales Act of your province. Many works of art produced in Canada are not subject to federal sales tax, so these might be excluded. It is your responsibility to know what is and what is not taxable.

Public performances, exhibitions, and screenings

Across Canada, visual and performing artists are restricted by the provisions of the Criminal Code regarding content that is defined by the Code as obscene. Video and film work may be subject to the provincial statutes, which establish censorship boards to monitor video and film content.

Noxious or dangerous substances and noise

You must restrict your activities or the nature of your work to observe local and provincial "nuisance" laws, which limit or prohibit noise, smoke, odours, and the keeping or using of noxious or dangerous substances.

Lessee or occupant

Whether your studio is in a separate location from your home or is a part of your home, you must ensure that the activities you carry on in your studio – including any retail sales – comply with local municipal or city zoning regulations. If you plan to build your own space or renovate an existing space, you must obtain a building permit from the local building inspection department.

Exporting

If you sell your work outside the country, you must comply with federal customs and excise regulations. A knowledgeable customs broker can help you with the numerous documents required for the shipping, tracking, customs clearance, delivery, and receipt of goods across the border. Your ability to export your work may also be affected by the Cultural Property Export and Import Act, which restricts exportation of works of art considered of "national importance."

How do you set up a system for fulfilling statutory obligations?

Most artists and cultural workers hate keeping records. It is tedious, time-consuming, and requires retaining a great deal of documentation for many years. However, there is no alternative.

The first thing you should do is develop a list of all statutory obligations and their deadlines that pertain to your activities. Put important deadline dates in your diary and on the calendar.

Set up files based on each obligation. You should have a file containing information that summarizes each statutory obligation and in which you file all updates regarding those obligations.

You will then need a file for all records relevant to proving you are fulfilling each obligation. Keep another file in which you put all correspondence and communication from the relevant statutory body.

How complicated your filing system will be depends on the complexity of the statutory obligations you are fulfilling. Many artists find a shoe box satisfactory for storing receipts for tax deductions. Others require complex computer-based accounting systems. You may want to retain professionals to help you set up and maintain these records and submit reports or you might be able to do it all yourself. How you comply with statutory obligations is not important. What is important is that you actually ensure that you do fulfill the obligation and do so correctly.

What if you violate a statutory obligation?

If you find yourself in violation of a statutory obligation, don't panic. The best immediate action to take is to contact a relevant professional and explain the situation.

An accountant, for example, can help you work with Canada Revenue Agency to resolve an Income Tax Act violation or to work through an audit. A lawyer might be able to help you counter the accusation by Customs Canada staff that the painting you wanted to import for a gallery showing is obscene.

An important point to remember is that authorities enforcing statutory obligations are seldom deliberately malicious.

- So don't be intimidated. They are fulfilling the responsibility of their job.
- Avoid engaging in emotional argument with them.
- Seek professional assistance instead, or contact your professional association for advice on how best to proceed.

Checklist

- It is your responsibility to know what statutory obligations apply to you.
- Statutory obligations vary from one part of Canada to another.
- Statutory obligations change from time to time, so keep up with changes.
- Most statutory obligations are fulfilled by keeping good records.
- If you violate a statutory obligation, seek professional advice on how to best proceed.