



# UNA VOCE

November 2009 Vol. 17 No. 1

## President's Report

### Francine Schutzman

Your OCSM Delegates acquitted themselves well at another successful and busy conference in August. Many thanks to all for the energy and ideas that they brought to the gathering. I would like to offer special thanks to two people who have contributed a great deal to OCSM:

Past President Rob McCosh stepped back on the board this past year when we had an unexpected opening, and we all benefited once again from his wealth of expertise. Unfortunately, Rob's summer work schedule prevents him from continuing in this capacity, but we are most grateful for all that he has done in the past, and we will continue to call on him for advice from time to time. He will continue to represent OCSM on the Board of Trustees of the AFM Strike Fund. His take on the global picture of the state of the orchestral world has served us well in the past, and we look forward to an ongoing relationship with Rob.

Although Elaine Thompson held the post of Treasurer for only 5 years, she has been keeping the books for OCSM since 1997. Current Treasurer Greg Sheldon will now be taking over the bookkeeping duties as well as offering his welcome input on the OCSM Executive, so Elaine will be getting a much-needed break. She has done a meticulous job of keeping our financial reports in order. Thank you, Elaine.

One of the major accomplishments of this summer's conference was for the Delegates to discuss and ultimately approve a set of promulgated AFM guidelines for internet dissemination of concerts by the OCSM orchestras. As mentioned in the past, this agreement had been requested by the delegates, and the development of the guidelines was a group effort, begun at last year's OCSM conference and continuing throughout the winter during two very productive meetings hosted by AFM Canada and put into motion by AFM VP from Canada Bill Skolnik. Present at the meetings were the OCSM Media Committee and representatives from the AFM office, SSD, and the Toronto and Montreal Locals. The guidelines will be in effect for 3 years, from January 1, 2010 until December 31, 2012. They are available to orchestras that don't have alternate arrangements, and they will be superseded by a negotiated agreement with the managers if such a negotiation takes place.

Copies of the guidelines will be sent to your Local officers. The main points are that there are upfront payments of 15% of a base concert fee (with a minimum of \$30) for streaming on an orchestra's own website. These payments are subject to work dues and pension. Downloads are paid through revenue sharing. Everyone gets paid, including subs, extras, and librarians covered by the CBA. Each project must be approved by the musicians of the orchestra.

In the past, the responsibility for *Una Voce* fell to one person, namely Bob Fraser (OCSM Secretary). We are pleased to announce that we now have an editorial team of three people to work on *Una Voce*: Bob, Barbara Hankins (former OCSM 2<sup>nd</sup> VP and current Delegate for the K-W Symphony) and Eline Brock Sanheim (current OCSM 1<sup>st</sup> VP). Suggestions for content for UV can be sent to any of these three.

We have not emerged from the troubling financial times that have led so many orchestra managements to ask for concessions from their musicians. These are sometimes warranted, but sometimes it seems as if orchestras are asking merely because everyone else is doing it. You may

be asked for support, in the form of letter-writing or financial contributions, to orchestras having an especially rough time. We urge you all to join the OCSM e-list so that you can be informed of these requests. Contact Bob Fraser if you would like to receive those mailings.

One of the duties of the OCSM board this winter will be to prepare for the next AFM Convention, to be held in June, 2010. If you would like to propose a resolution to be presented at the Convention, contact any member of the OCSM Executive (Eline, Greg, Bob, 2<sup>nd</sup> VP David Brown or myself) or discuss it with your OCSM Delegate. We look forward to increased contact with the OCSM members and wish everyone a successful season.

## 2009 OCSM Conference Report

August 12-15

Prince Arthur Hotel and Suites

Thunder Bay, Ontario

By Robert Fraser, OCSM Secretary

In the past, I have tried to keep my conference reports to 3000 words or less. The official minutes for last year's Conference filled 24 pages of 10-point type; a total of over 14,000 words (longer than the body text of my M.A. thesis!). My point: there is a lot that goes on at an OCSM Conference, and even more that continues throughout the year. I have made this year's report considerably longer to give you a better idea of the scope of what OCSM does. It is our hope that OCSM will continue to thrive as your advocate, and as a resource for the orchestral community of musicians.

The Conference occurs over five days; from Wednesday afternoon to Sunday afternoon. We meet for an estimated total of 35-40 hours (not including breaks) over these five days. This includes both plenary and committee meetings. The Executive usually arrives a day and a half early to prepare for the flood that follows. Here is a day-by-day report of the Conference.

## Day One – Wednesday, August 12

The first presenter was **Daniel Swift**, the new program officer for orchestras/opera for the **Canada Council for the Arts**. He was placed at the beginning of the Conference to accommodate his travel schedule. We have not had someone from the Council since 2006, so we were fortunate that Daniel's schedule permitted his attendance. Daniel is no stranger to OCSM, as he was music director of the Saskatoon Symphony from 1984-1992.

Daniel began by explaining the basics of the multi-year funding programme administered by the Council; where the money comes from, how the peer-review process works, what sorts of special project grants are available, and the process of application. Most musicians are unaware of how complicated the grant application/peer-review process is.

Since our last visit from the Council at an OCSM Conference, the "Flying Squad" programme has been put in place. This programme is, like the special project grants for composers-in-residence or resident conductors, a one-time funding project, whereby an outside person is brought into the organization to assist with a particular task. For example, if an organization is experiencing staff turnover problems or other operational difficulties, the Flying Squad may assist in developing a business plan to

get out of the crisis. In some cases, the Flying Squad person can be retained on a contract basis after the Council project ends, but the Flying Squad is not meant to replace staff or perform duties normally performed by staff.

Daniel outlined some important trends that the Council has observed in orchestras. More orchestras are using new technologies for developing markets; this has an important impact on who is coming to concerts. There is a better appreciation of organizational standards of governance on our boards. There is also better information sharing and communication between orchestras (largely through the efforts of Orchestras Canada). This includes more mentorship of large orchestras for smaller ones. There is a greater commitment to Canadian music and Canadian artists, and orchestras are finding ways to fit Canadian music into the mandate and audience of the orchestra. Residencies are helping increase the numbers of Canadian conductors.

**Officer Reports:** All of the Executive Officers submitted written reports on their activity throughout the year; these reports are available through your orchestra's OCSM Delegate (even if your orchestra was unable to send one to the Conference). Secretary **Bob Fraser** reported on the internal communications of OCSM and the need for more people to become involved in production of *Una Voce* and, perhaps, an on-line bulletin of the same. Acting 1<sup>st</sup> Vice-President **Rob McCosh** submitted a report from a meeting of the **AFM Strike Fund Trustees**, who have not met for a number of years. They are working on updating the Strike Fund policy manual, and looking for new avenues to invest the Fund money. President **Francine Schutzman** submitted several reports: on meetings of the AFM

International Executive Board (IEB) and the Player Conferences, the AFM Canadian Conference, the recent ROPA Conference, and the meetings of the OCSM Electronic Media Committee around the issue of an Internet Agreement for Canadian Orchestras. She also made the traditional President's opening remarks to the Delegates. The Executive had a difficult year with the resignation of two members early on in the season, so it may seem as though OCSM was invisible for much of the year. OCSM can and must do better. She asked that part of the Conference discussion center around the topic "Where do you want to see OCSM in five years? Should OCSM still exist, and what would happen if it didn't?"

We then went into closed session for **round-table Delegate Reports**. As in the past, these consist of written and oral reports. The written report contains basic information as a point of reference: the names of the orchestra's music director and executive director, the orchestra's total operating expenses for the past season, the annual and accumulated surplus or deficit, where the orchestra is in the negotiations cycle, and a brief description of any media work done during the season. The oral report gives the Delegates a chance to identify not only the high points of the season, but to share and discuss problems with the other Delegates. We have kept these sessions closed for a number of years now (no minutes are kept, although Delegates can take notes) because Delegates have been unjustly treated by their orchestras when details of reports were leaked (in one case, leading to a wrongful dismissal which was later dropped).

Even in a year with an economic recession, most of the orchestras reported artistic and operational successes for the 2008-09 season. Nine out of twenty orchestras broke even or had an operating surplus for the year. Only three orchestras are not carrying any accumulated debt. In my ten years' involvement with OCSM, the gist of these reports is mostly good news, with one or two orchestras reporting a horrible year - and, thankfully, it's never the same one or two orchestras. We decided to give a consolation prize to the orchestra with the "saddest news" report this year; we're going to call it the "Trouble Clef" award. We won't say which orchestra received this year's award.

## UNA VOCE

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**Editorial Board – Robert Fraser, Eline Brock Sanheim, Barbara Hankins**

### OCSM Executive Officers (term of office in parentheses)

President (2009-11)	Francine Schutzman
1st Vice-President (2009-10)	Eline Brock Sanheim
2nd Vice-President (2009-11)	David Brown
Secretary (2008-10)	Robert Fraser
Treasurer (2008-10)	Greg Sheldon

### Current OCSM Orchestra Delegates:

Calgary Philharmonic Orchestra	Matthew Heller
Canadian Opera Company Orchestra	Liz Johnston
Edmonton Symphony Orchestra	Edith Stacey
Hamilton Philharmonic Orchestra	Elsbeth Thomson
Kitchener-Waterloo Symphony Orchestra	Barbara Hankins
National Arts Centre Orchestra	David Thies-Thompson
National Ballet of Canada Orchestra	Mark Rogers
Orchestra London Canada	Marie Johnson
Orchestre Métropolitain du Grand Montréal	Monique Lagacé
Orchestre Symphonique de Montréal	Alison Mah-Poy
Orchestre Symphonique de Québec	Charles Benaroya
Regina Symphony Orchestra	Gary Borton
Saskatoon Symphony Orchestra	Arlene Shiplett
Symphony Nova Scotia	delegate pending
Thunder Bay Symphony Orchestra	Erin Brophy
Toronto Symphony Orchestra	James Spragg
Vancouver Symphony Orchestra	David Brown
Victoria Symphony	Martin Bonham
Windsor Symphony Orchestra	Julie Shier
Winnipeg Symphony Orchestra	Arlene Dahl

## Day Two – Thursday, August 13

**Reports from AFM Officers and Staff – AFM President Tom Lee** began with his report on issues from the AFM International office. He apologized for the delay in the appointment of a new Director of Symphonic Services, and for some miscommunication with the symphonic Player Conferences along the way. He introduced the new SSD Director, **Chris Durham**, and talked about new staff members **Joe Goldman** (benefits coordinator) and **Barbara Owens** (negotiator). He paid tribute to ROPA on their 25<sup>th</sup> anniversary, and remarked how many former ROPA delegates and officers are now active on the AFM staff.

There were lawsuits this year from AFM members who work in the recording industry against the AFM, over work dues on promulgated AFM agreements, and over motions passed at the last AFM convention. These were decided in favour of the AFM. President Lee also reported on upcoming negotiations for the Sound Recording Labor Agreement, the Commercial Jingles Agreement, and the TV Agreement. There is some controversy with recording musicians over the AFM's Video Game Agreement, which has no supplemental payments for additional use. President Lee pointed out that Video Game music does not usually have a life beyond the game itself (in movie soundtracks, for example).

He also discussed various lobbying efforts by the AFM, including those with the airline industry. He pointed out that one Canadian artist, David Carroll of the "Sons of Maxwell," did more to advance the cause of musicians with his popular YouTube video, "United Breaks Guitars," than all the lobbying efforts thus far. There is also continual lobbying for

performance (neighbouring) rights in the US (more on Canadian neighbouring rights later in this report).

He concluded his remarks with the statement that marketing and new media are the future of the recording industry; the AFM needs to reach out to the people working in this area.

**Bill Skolnik, the Vice-President from Canada of the AFM**, addressed the Conference, his third since assuming his post in 2007. He began by discussing several media agreements that affect orchestral musicians. With new technologies and access to movie theatre markets, the world is now our audience.

He also introduced us to the new OCSM Internet Agreement. He is not sure if this agreement will be used a lot; but it serves a useful purpose as setting a standard for other, similar agreements. OCSM is also involved with an agreement with the Canadian Music Centre for recordings of Canadian music.

The demise of classical music at the CBC, a large topic of the 2008 Conference, was revisited. Bill views OCSM as the “guardians of a cultural legacy” of classical music; he sees us as serving an important function as representatives of this genre, especially music by Canadian composers. He finds it particularly shameful that the CBC/SRC have no interest in recording concerts in celebration of the CMC’s 50<sup>th</sup> anniversary, to be held this fall. OCSM should be “shaming them” into recording this.

The AFM is in negotiations with CTV, and at the time of the conference, they were close to signing a memorandum of understanding. They are particularly interested in picking up the Montreal Symphony. The agreement will have large front-end payments. Another aspect of this agreement is that CTV owns Bravo! and the latter is interested in picking up remotes from summer festivals. Although these involve mostly chamber music, they do affect a number of OCSM members. Bill would love to have agreements with cable companies and other specialty channels, but for the time being it’s not possible due to limited resources. The AFM has also been involved in the establishment of the National Broadcast Orchestra, which has risen from the ashes of the now-defunct CBC Radio Orchestra.

Bill also discussed coalitions that the AFM has formed with other unions, on issues such as neighbouring rights, copyright, and labour tax credits for touring companies. There is a need for Orchestras Canada to have a certified, organized unit of managers, like the film industry and other parties with whom the AFM bargains. That way we could establish national standards for our orchestras in a single negotiation, rather than each orchestra having to establish its own conditions (the Internet Agreement was cited as an example; it could have been negotiated with a group of managers, if such a thing existed).

**Mark Tetreault, Director of AFM Symphonic Services Division (SSD) for Canada** outlined the function of the SSD. Their primary responsibility is assisting AFM Locals and orchestra committees in contract administration. They provide on-site negotiations (the costs are shared by the Local and the AFM) and other resources in conjunction with Locals. Their legal firm is Kosky & Minsky, who work on retainer. SSD also maintains an extensive resource library on the AFM website, which includes wage charts, all our collective agreements, and other information ranging from how to run a meeting to model player association bylaws. The AFM offers independent financial analysis of orchestras; a useful tool for negotiating orchestras, especially when the musicians are being asked for concessions. He emphasized that what SSD doesn’t do is political advocacy; he feels that this is an important role for OCSM. SSD works with non-OCSM orchestras as well; Sudbury is close to its first collective agreement.

**AFM-SSD Assistant Bernard Leblanc** (based in Montreal) reported on his first year of activity since his appointment in 2008. There are 13 orchestras with collective agreements in Local 406’s jurisdiction, and he has participated in many of their negotiations over the past year. In

addition, he has attended orchestra musician meetings, press conferences, and the Orchestras Canada meeting in Quebec City in June. He is also responsible for collecting the data for the OCSM wages and conditions comparison chart. This is a monumental task, and there was much discussion over the difficulties Bernard and the Delegates face in collecting this data, and many suggestions for improvement.

The newly-appointed **AFM-SSD Director, Chris Durham** (New York office) gave a report on his first few months of office. His jurisdiction is large; in addition to 20 OCSM orchestras, there are 78 ROPA and 51 ICOSM orchestras. He also discussed the format of the comparative wage charts; they will continue to be published in both printed and electronic formats. He also responded to an inquiry about peer-review committees for dismissals. The oldest such clause is in the National Symphony agreement; it dates back 40 years. The original intent was to have a committee review the decision of a music director in an artistic dismissal case, and determine whether the decision was arbitrary or capricious. They were not set up to make artistic judgement on the musician’s performance; they were there to determine if progressive discipline was properly applied. In other words, the peer review committee took the place of the arbitrator. In some cases, the musician has a choice whether to go with arbitration or peer review.

At the end of the morning’s session, Local 591 Secretary-Treasurer **Norm Slongo** gave a presentation on orchestra financial statements, called “**The Story Behind the Numbers.**” His presentation began with an explanation of the different types of financial statements (compilation, review, audit) and the various parts of each type of statement (title pages and auditor’s reports, balance sheet, statement of revenues and expenditures, changes in financial position). He then gave us a number of indicators to look for in financial statements: percentage changes in expenditures and revenues over time (especially in amounts related to payments to musicians and marketing costs), the “acid test” of quick assets over current liabilities (a healthy organization has a 2:1 ratio of assets over liabilities), and cash flow analysis (amortization or depreciation expenses and in-kind donations should be pulled out before doing a cash-flow analysis).

Norm was provided with five years of financial history of two similar-sized OCSM orchestras (whose names were withheld). As points of illustration, he referred to actual data from these two orchestras.

There were many questions for Norm – some Delegates had a great deal of experience in reading their own orchestra’s financial statements, but for some, this was new territory. One point that Norm made that will affect us all is that the world is going to a single standard for accounting practices – currently North America and Europe have different practices, so there will be a great deal of negotiating in the next few years to establish this international standard.

Mark Tetreault made the very important point that much of the information in financial statements isn’t broken down. For example, musicians’ salaries, conductor’s salaries and guest artist fees can all be lumped into one category (artistic expenses) but that doesn’t mean that you can’t gain access to the individual amounts.

Norm stated an important saying in the accounting world: “Figures don’t lie, but liars can figure.”

**OCSM Legal Counsel Michael Wright** was put to work right away, even before his scheduled presentation began in the afternoon. There was a question from the morning session about the legal requirement for orchestras to hold national auditions, and for attendees at these auditions to be either permanent residents or Canadian citizens. Michael explained that these requirements are set down by Human Resources Development Canada (HRDC). They require companies hiring foreign workers to prove that they’ve made an effort to find a suitable Canadian candidate.

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Michael's main presentation was "**Collective Bargaining in an Economic Downturn.**" He began with a humorous anecdote. It is typical that managements paint a dismal picture of their companies just prior to negotiations, but in one instance, a negotiation with Bruce Power Co., Michael showed up at the first negotiating meeting with a newspaper that flashed the following front-page headline: "Bruce Power Posts Record Profits." He stated that was the only instance where the timing worked out perfectly in his favour!

Economic downturns are not unique, despite the media reports. There have been seven since the 1930s. They are both common and predictable (a number of people successfully predicted the current downturn). Most employers take a "silver lining approach" – they see a downturn as an opportunity to re-open collective agreements, even if it's unnecessary. They take advantage of the downturn, declining union membership, and the "new reality" discourse that occurs in the media during such events (i.e. companies must find a "new way to do business" in the "new reality" if they are to survive).

Michael emphasized that if one party to a collective agreement asks to open the agreement mid-term, the other party is not obliged to negotiate. You can examine the evidence for financial trouble and decide that the situation does not warrant a re-write of the agreement. Furthermore, if the agreement is opened in the last year of its term, you can negotiate an extended agreement at this time. However, if you open the agreement, you have to overcome the presumption that you will "cave when asked."

Michael then outlined strategies for preparation, should you decide to negotiate in this climate. It is pretty much like any other negotiation, except that you have to educate your colleagues about the true state of affairs at your organization to overcome the effects of the media.

A number of strategies were discussed, including doing nothing (management stalls all the time at negotiations). Other options were to extend an agreement with modest (cost-of-living) increases, exchange monetary concessions for non-monetary gains, or force mediation.

Profit-sharing and arbitration/mediation were two large topics of discussion. Michael (and most of the Delegates who have experienced profit-sharing) are against profit-sharing for orchestras, because as musicians we have no control over marketing and other factors that directly affect the bottom line. In other words, we cannot perform in such a way that guarantees more revenue. Mark Tetreault suggested tying grant increases or increases in donations to musician salaries as an alternative to profit-sharing (already negotiated into a couple of our orchestra's agreements). The difference between arbitration and mediation was also discussed. Michael stated that many arbitrators nowadays will mediate before they arbitrate; in other words, encourage parties to settle before the arbitration. Michael prefers this approach, because when the situation is passed into the hands of an arbitrator, both parties lose control over the process.

Michael also discussed other legal options; when an employer is bargaining in bad faith vs. taking a hard position, and the automatic "rollover" of a collective agreement (a clause which automatically extends the terms of an agreement if negotiations fail to reach a new agreement).

The day concluded with Michael Wright and Mark Tetreault leading the **Negotiating Orchestras Workshop**. This session is open to all, but participation is mainly for orchestras who are currently in negotiations, or about to go into negotiations in the following season. The Delegates give background on their orchestra's particular bargaining climate: issues likely to arise, management's position, etc. and Mark and Michael give advice (as do other Delegates at the table who have faced similar issues).

### Day Three – Friday, August 14

We began with a presentation by **Humberto Martins**, benefits manager for the **AFM-EPW Fund**. He gave an overview of changes to the

Board of Trustees (Luc Fortin of Local 406 has replaced outgoing member Charles Barbeau). He also reported on the effect of the economy on the Fund's assets over the last year. The Fund's assets dropped from a high of \$650 million to \$490 million, but are now back up to \$553 million as of July 31, 2009. There are no changes planned to benefits at this time, but the Trustees are continually monitoring the situation. The Fund's rate of return for 2008 was minus 18%. Most pension funds were in the range of minus 15-25% so we were better than average.

Since many of us work miscellaneous engagements outside of our orchestras, or are involved in our Locals, Humberto mentioned the delinquency policy for AFM-EPW contributions on miscellaneous engagements. Contributions must be received within 30 days of the completion of the engagement, and will not be accepted later than 60 days after the end of the calendar year giving rise to the engagement.

Currently, the Fund has surpassed the 2000 mark in number of beneficiaries; there are 2039 beneficiaries receiving a total of \$1.8 million in monthly benefits.

The next presentation was by **Andrew Karis**, who administers the **Neighbouring Rights Collective of Canada (NRCC)**. The NRCC distributes royalties to performers on recordings in accordance with Neighbouring Rights legislation enacted in Canada in 1997 (the Rome Convention). Neighbouring Rights are split between performers and "makers" (a maker is defined as someone who makes arrangements for the production of a recording).

Andrew outlined how the tariffs are collected for NR. There are a number of revenue streams: one through advertising revenue, one for the CBC, international tariffs, and future tariffs, including one for reproduction. The largest payout stream is the "private copying levy," a tax on blank media (CDs). It has a payout of \$100 million. It has, however been decreasing because fewer people are buying blank media, opting instead to download directly to computers or portable devices. There is a push to extend the levy to portable devices such as flash drives, MP3 players and other personal digital devices (iPhones, e.g.).

The main point of Andrew's presentation was that NRCC has had difficulty paying out royalties to performers on orchestral recordings. In order to do so, they need catalogues of each orchestra's recordings, including the names of all the musicians involved (and contact details for each), and information on who performed on each track. Obviously, for some orchestras this will be a monumental task, and will require staff or volunteer resources that currently do not exist.

We then turned to reports from the other Player Conferences. **Carla Lehmeier-Tatum**, the President of the **Regional Orchestra Players' Association (ROPA)** reported that many ROPA orchestra managements are using the recession as an excuse for negative rhetoric and the subsequent re-opening of contracts. ROPA's response was to increase networking of ROPA with managements and other Player Conferences. There is need for a clear plan to regain benefits lost in these negotiations. Carla made four on-site visits this year, including a joint strategic planning meeting with PC and Local reps in Local 7 (Pacific Symphony). She reported on Michael Kaiser's training programme initiative for managers (Kaiser is head of the Kennedy Performing Arts Centre in Washington) and she is very encouraged by the potential for this. She also reported on Integrated Media Agreement negotiations, the delinquency policy of the US pension fund (AFM-EPF) and the collaborative data project with the League of American Orchestras (LAO), using data from 20 different test orchestras. Carla concluded her remarks by thanking OCSM and the other Player Conferences for their support: "If there is a time for collaborative efforts, it is now."

**Bruce Ridge**, Chair of the **International Conference of Symphony and Opera Musicians (ICSOM)** began his remarks by thanking OCSM for its support throughout the year. The ICSOM Conference was held the

week after the OCSM Conference, in Bruce's hometown of Norfolk, Virginia. Bruce's address was a warning not to buy into the negative and apocalyptic rhetoric that accompanies a recession, especially with the modern reality of the twenty-four hour news cycle, where the media reach us with a sheer force of repetition not characteristic of other recessions. Recessions are not new, and they are always followed by recovery. Don't buy into the idea of a "new economic reality" as an excuse to gut our hard-earned agreements.

The morning concluded with a presentation by **Katherine Carleton**, the Executive Director of **Orchestras Canada (OC)**. Their mission is: "To be the united national voice of the Canadian orchestral community." She gave a brief outline of OC's operations: its budget (\$350,000 annually), the numbers of member orchestras, associates, and staff.

Katherine outlined two strategic targets for 2008-09. The first was to make headway in the field of advocacy, specifically over federal arts funding. They are crafting the messages that we need to get to all our MPs. Their second goal is leadership development: helping to develop and support managers.

On the very morning of her presentation, Katherine submitted OC's brief to the standing committee on finance. Three key points:

1) A request for annual increases of \$40 million to the Canada Council, to take them from \$180 million to \$300 million.

2) A change in tax policy: gifts between \$200-\$1000 to be credited at 39% (an increase from 29%). Currently there is more incentive for large donations, as they receive a higher credit. This change would stimulate smaller donations.

3) That a \$25 million fund be created to assist Canadian organizations in accessing international markets.

OC used stories of five member orchestras as the "lynchpin" for these submissions. OC is also providing members with tools to advocate at both federal and provincial levels, esp. over the issue of the Harmonized Sales Tax (HST) in BC and Ontario, and the current funding cuts to the BC Arts Council.

A number of ongoing initiatives include the **OC Comparative Data Report** (there are only 58 data points in the OC report, a lot less than the LAO model being tried in the US). This was, up until this year, a report for internal OC use only, now the managers have consented to share the information with OCSM in exchange for the data we collect for our wage charts. Katherine noted the OC Comparative Report shows a 20% increase in audience over the four years ending in 2007-08.

OC is also working with OCSM to update its **Career Guide for Orchestral Musicians**. They are also encouraging best practices in orchestra managements; they are currently working on template job descriptions for orchestral staff positions.

OC has surveyed its member orchestras in the past year as to how they have been affected by the economy. The first survey was done in December. Most were saying that:

- Ticket sales are strong
- Grants are strong
- They are worried about endowment draw and corporate sponsorship
- Everyone is looking hard at costs

In the discussion that followed, Katherine emphasized that it is important that arts support is a non-partisan issue. "We risk endangering something that's extremely important if we make it the issue of only one party." All MPs want what is good for their communities, no matter what their party is. Customize your story as much as possible. It isn't about "orchestras need money" it's about "Canadians need orchestras, therefore..."

Other topics of discussion included the changes at the CBC, again. As much as we dislike what has happened at the CBC, they are under a serious threat from this government, and we need to do all we can to

support them. A quick poll of those in the room found that almost everyone has completely tuned out the new Radio 2 and only half are still listening to Radio 1. We also discussed the perpetual myth of the "greying" of our audiences. Bruce Ridge pointed out that the argument that our audiences are dying of old age smacks of ageism: "Nobody looks at the audience at a Britney Spears concert and asks 'where are all the old people?'" The TSOundcheck programme in Toronto, which is aimed at the under-30 market, is now being used as a successful practice in other orchestras. There are 25,000 people under the age of 29 on the TSOundcheck mailing list. Katherine pointed out the need for support of music education: 74% of people who attend concerts have had some sort of experience of making music in the past (playing an instrument).

On Friday afternoon, we began with a presentation by **Bert Walker** of **HED Insurance**, the brokers for OCSM's Musical Instrument Insurance Program. He submitted a written report listing the number of insured in each orchestra and the claims history over the last few years (available from your Delegate). The performance of this programme in future is related to three factors: participation, claims, and income. The recession has hit the insurance industry hard, but Bert is optimistic that the programme will be renewed as is with no increased costs to us. It was obvious from the written report that we need a higher level of participation from our orchestras in this programme. I should point out that under OCSM bylaws, and HED policy, retired members can still insure instruments under the OCSM policy. Eline Brock Sanheim pointed out that there are no longer lower cost options in the province of Quebec; hopefully this will make for more participation amongst our Quebec members. Bert pointed out that HED has a Quebec office with bilingual staff.

Costly assessments were a topic of discussion at past OCSM conferences. Bert clarified that costly evaluations were not necessary; it is generally accepted in the insurance industry that repair technicians, makers, and retailers are accepted authorities in assessing the value of an instrument.

The Delegates showed their appreciation for HED for their continued financial support of the Conference; for several years HED has contributed towards the cost of the OCSM Conference.

We then turned to **Conference Topics**. These are topics that come up during the season or during the course of Conference presentations that the Delegates wish to discuss separately.

The first of these was best described as **extra-musical training for Musicians**. Most of us are expected to perform many duties outside of musical performance. These include duties to the union (negotiating, serving on orchestra committees) and duties that management asks from time to time (public speaking, serving on programming committees or other board committees, educational programmes). Some Delegates felt that managements should budget for this kind of professional development, and that musicians should be compensated for non-musical activity. This is an area where OCSM and the AFM could take strong initiative.

A topic at many Conferences has been **work-hardening, job-sharing, and other transitions to retirement**. A number of developments on this front were discussed, including new language in the agreements of the Toronto Symphony, the Winnipeg Symphony, and the National Arts Centre Orchestra. Copies of these clauses are available from SSD.

The day concluded with a presentation by **Jennifer Johnson**, a professional violinist and a **Certified Andover Educator**. Andover Educators use, among other tools, the Alexander Technique to develop instrument-specific training programmes for musicians. They refer to their technique as **Body Mapping**. They use this term to describe the process of becoming aware (through our kinaesthetic sense) of how your body performs when you play a musical instrument. Jennifer usually gives two- or three-day sessions on this topic; she gave us an abridged version.

Much of her presentation concentrated on anatomical study. Most musicians are unaware of the mechanics of their own body, and develop misconceptions of how it actually works when they perform. Body Mapping includes both the study of anatomy (un-learning misconceptions) and the techniques of developing awareness through training. More information on Body Mapping can be found at their website [www.bodymap.org](http://www.bodymap.org).

### Day Four – Saturday, August 15

Phil Ayling, President of the Recording Musicians' Association (RMA) began the day. The RMA is one of our sister Player Conferences, along with ICSOM, ROPA and the Theater Musicians' Association (TMA). Phil described the general differences between our sectors of employment. Whereas we work directly with our Locals and ratify our own agreements, many RMA members work under agreements negotiated by the International Office of the AFM. Phil stated that, for all intents and purposes: "The IEB (International Executive Board of the AFM) is our Local." He contrasted the AFM with other entertainment unions such as ACTRA, SAG and AFTRA. These unions are run by working rank-and-file members, whereas the AFM has an elected "officer class." This situation has given rise to disputes between RMA members and the AFM. While President Lee was not present at Phil's presentation, AFM VP from Canada Bill Skolnik was. It was encouraging that OCSM was able to give a platform for serious discussion of these problems.

At this point in the day, we began preliminary discussion of a proposed **OCSM Internet Agreement** to cover streaming and downloading by our orchestras. The final wording was approved on Sunday.

We then voted on the following **Resolution No. 1**

WHEREAS OCSM seeks to uphold and improve working conditions for Canadian orchestral musicians, and

WHEREAS OCSM views the fair treatment of all its members as essential to a healthy working environment, and

WHEREAS Linda Bardutz has provided many years of dedicated service and artistic excellence as principal cellist of the Saskatoon Symphony Orchestra, and

WHEREAS OCSM views the recent termination of Linda Bardutz to be unfounded, undeserved and unmerited, be it

RESOLVED, That OCSM draft a letter during this 2009 Conference to the Board and Management of the Saskatoon Symphony Orchestra, requesting that Linda be reinstated immediately, and

That OCSM request that the SSO hire a mediator to facilitate Linda's smooth re-entry into the orchestra.

After discussion the motion was **carried**.

With the time remaining in the afternoon, three Conference Topics were discussed:

1. The ability of small AFM Locals to defend members/carry forward grievances. Bill Skolnik was unequivocal in his comments: "If your Local doesn't get enough money to look after your basic needs, you should consider other alternatives. Locals have to be funded to the extent that they can serve you, otherwise they shouldn't exist."

2. Video Games Live – Health and Safety issues: noise and lighting levels during this touring production were discussed. Some Delegates reported that they had situations where musicians excused themselves from the stage because of safety reasons. Francine reminded us all that we are within our rights to call upon the protection of our agreements if we feel our personal safety is threatened.

3. Feedback during tenure/review process. The Delegates compared timelines; i.e. how much time musicians are given to improve between first feedback and final tenure/review hearings.

After a break for dinner, we went into an evening session from 7:30 – 9:30 p.m. and continued with more Conference Topics.

4. Conductor Evaluations Programme – the use of this programme has fallen off greatly over the years. We need to encourage its continued use, as it has been a useful tool for evaluating guests and considering Music Director candidates. We need to encourage our own members to use it, and impress upon our artistic administrators that this information is available.

5. L'Association des musiciens et musicennes de l'orchestre symphonique de Québec (AMMOSQ). At the 2008 Conference in Victoria, the situation vis a vis l'AMMOSQ, the AFM and the AFM-EPW Fund was discussed. AMMOSQ is now the sole bargaining agent for the musicians of the OSQ, not the AFM, so they are essentially a non-AFM orchestra (although their agreement requires them to retain AFM membership). Since then, Local 406 has certified the AMMOSQ agreement for the purposes of pension contributions, so the musicians of the OSQ are allowed participation in the AFM-EPW Fund, even though the AFM is no longer their bargaining agent. They are also still members of the AFM Strike Fund.

6. Orchestra Committee responsibilities – OCSM needs to take a leadership role in reminding orchestra committees of their responsibilities as representatives of the union Local. The AFM has guidelines for committees and boilerplate (sample) language for player association bylaws. We also need to ensure that revised copies of PA bylaws are filed with our Locals, and that Local officers are copied on PA correspondence and minutes.

7. Extra Musicians' pay and status – this has been an ongoing topic of discussion for several years. Delegates reported on the progress their orchestras have made in including provisions for extras in their agreements. In some orchestras, the extras have to turn to the Local for protection under Local bylaws, as they have no protections in the orchestra's agreement.

8. Review/renewal of music directors – this was carried forward from a previous Conference. Although most orchestras have musician representatives on their search committees, few musicians have input in the review/renewal of their music directors. Some orchestras have a working policy that is not in their agreement, others have nothing.

9. Negotiated overscale payments – was discussed on the OCSM list and Orchestra-L during the season (check their archives for that discussion).

10. Concessions/cutbacks made as charitable donations – mechanisms for allowing wage cutbacks to be done as payroll deductions were discussed.

11. Collaborations with student orchestras – a number of orchestras have language in their agreements that allow for this, provided that regular musicians and extras who would normally be hired are not displaced.

12. Peer Review Committee for artistic dismissals. Feedback was solicited on how this works – very few orchestras have had appeals that have called upon these committees.

**Discussion of resolutions from OCSM to the 2010 AFM Convention** – This was a first for an OCSM Conference. Normally the Executive collaborates with the other Player Conferences on this, but this time we felt it would be useful to discuss several with the Delegates. It normally takes more than one try to get legislation passed at an AFM Convention, so the following resolutions had been previously submitted:

1. A bylaw that would prohibit contractors from serving on Local Executive Boards. This has been presented at several AFM Conventions. The Delegates felt that a compromise to a total prohibition would be a mechanism for allowing contractors to recuse themselves in certain situations. There was unanimous approval of the concept that a union

should not allow a contractor (who is, in a labour sense of the word, an employer) to serve on a Local Board.

2. A motion to allow for an automatic rebate of per capita to any AFM member belonging to more than one Local (i.e. you would declare a home Local and only pay per capita fees there). This was unanimously approved.

3. Election and Roll-Call Voting Procedures – Two former resolutions were discussed, but the Delegates needed more time to consider them, as many were unfamiliar with AFM election procedures and roll-call voting procedures. On votes from the Convention floor, small Locals can often outvote large Locals because they use voice voting (aye or nay) or standing votes. Only during a roll-call vote can a large Local vote based on the number of members it has. During election of officers, larger Locals are capped at a certain number of votes, so small Locals carry political power beyond the number of members they represent. Delegates and Officers who had experienced AFM Conventions shared their experiences when the discussion was carried forward the next day.

### Day Five – Sunday, August 16

During the first four days, there are meetings outside the plenary sessions of several committees, all of whom report on the last day. Many Delegates serve on more than one committee.

The first to report was the **Finance Committee**, which reviews the Financial Statements and prepares a budget for the following year (this is included in the official minutes). Greg Sheldon, OCSM's Treasurer, has recommended that some surplus be invested in an unrestricted GIC, to allow us access to the money if we need it. OCSM's average revenue over the last three years has been approximately \$41,000, and expenditures only around \$37,000, so we have two surpluses of approx. \$4000 each to carry forward. Our assets are around \$67,000 in the General Fund and \$24,500 in the OCSM Relief Fund. Our complete financial statements are available from your OCSM Delegate.

The **Bylaws & Editorial Committee**, which handles all of OCSM's internal communication (*Una Voce*, Directory, Website, Bylaws) reported next. *Una Voce* will now be handled by a three-person Editorial Board: Bob Fraser (OCSM Secretary), Eline Brock Sanheim (1<sup>st</sup> Vice-President), and Barbara Hankins (Kitchener-Waterloo). We will attempt to publish two print issues and at least two on-line bulletins this year. In addition, the Editorial Committee will review Orchestras Canada's "Career Guide for Orchestral Musicians." **Ken MacDonald** (Winnipeg Symphony) acts as OCSM's webmaster, and he gave a detailed report on our website traffic statistics. Between January and July of this year there were close to 3000 hits on the site, visiting almost 8000 pages.

Only one revision of the OCSM Bylaws was proposed; to relax entry criteria into OCSM to make it easier for smaller orchestras to enter. This has been referred to the Executive to consult with Locals. There has been some discussion of this issue already at the Canadian Conference of the AFM.

The **Conference Committee** chose the next site of the OCSM Conference: in 2010 we will meet in Montreal. Dates are becoming more problematic for Delegates as orchestras become busier in the summertime.

The **Government & Communications Committee** deals with external communications. They will be tackling two issues: the 47% cut to the BC Arts Council, and support of \$40 million in additional funds for the Canada Council. They will work with Locals and Orchestras Canada on these issues during the year.

The **Media Committee** reported on the recording activity of our orchestras (six recording projects, 53 CBC remotes) and the proposed

agreement with the Canadian Music Centre (mentioned in Bill Skolnik's report) to produce compilations of Canadian music. The main motion of the committee was acceptance of the new Internet Agreement (see President's Report in this issue). The Delegates voted to approve this agreement. It is a promulgated agreement, meaning that it was not negotiated with another party. We simply propose that orchestras with no Internet provisions in their collective agreement use the guidelines set forth in this Internet Agreement.

**Nominations:** Acclaimed for two-year terms are

**Francine Schutzman** (NACO), **President;**

**Eline Brock-Sanheim** (OSQ), **1<sup>st</sup> Vice-President,** and

**David Brown** (VSO), **2<sup>nd</sup> Vice-President.**

**Robert Fraser** (Victoria) continues as Secretary, and **Greg Sheldon** (Windsor) continues as Treasurer.

**Resolution No. 2 - Resolved,** That OCSM/OMOSC appoint the firm of Grant Thornton, Toronto, as Accountants for the 2009-10 year of operations. Carried.

**Resolution No. 3 - Resolved,** That OCSM/OMOSC appoint Stefan Jungkind of the Edmonton Symphony Orchestra as OCSM/OMOSC Data Bank Operator for the 2009-10 year of operations. Carried.

The remainder of our time was taken up with a discussion of the topic: "Whither OCSM?" OCSM runs into difficulties on a number of fronts. The people who make it run are all essentially volunteers, namely the Delegates. Four orchestras were not in attendance this year; Hamilton, Orchestre Métropolitain, Nova Scotia and Saskatoon. In some cases this is because of summer work conflicts, but in other cases orchestras have difficulty getting someone to serve as Delegate during the season.

All were agreed that OCSM was a worthwhile endeavour and served a useful purpose in the orchestral community not already being fulfilled by the AFM, Orchestras Canada or any other organization. All felt that the face-to-face discussion at the Conference was valuable, and some suggested that OCSM Officers should make on-site visits to orchestras during the season, perhaps to assist with specific issues.

Since the Conference, two Delegates proposed to the Executive that OCSM's mission statement should be: "To uphold and improve the working conditions of professional Canadian orchestral musicians, to promote communication between its members and to advocate on behalf of the Canadian cultural community." While this hasn't been approved officially at a Conference, we feel that this could be a good starting point.

Most Conferences end with thank-yous, and this year we were particularly thankful to the **Thunder Bay Musicians' Association, Local 591, AFM** and **HED Insurance** for their contribution toward a social event held on the Friday (a traditional Finnish dinner catered in the hotel). We were also grateful for the assistance of TBSO Delegate **Erin Brophay**, who not only provided us with a thorough list of Thunder Bay restaurants, but sold the Delegates "Food For the Soul" coupons. This is a fundraising initiative for the TBSO, where coupons are purchased for \$10 each and redeemed at participating restaurants. \$2 of every \$10 are given back to the Thunder Bay Symphony. The Delegates bought \$1350 worth of these coupons, netting \$270 for the TBSO.

We all began saying our good-byes at around 1 p.m. on Sunday. The story continues...

## **Impressions from a first-time Delegate**

**Matt Heller, Calgary Philharmonic Orchestra**

As a first-time delegate from Calgary, I approached this summer's OCSM conference with some trepidation. It sounded a tad intimidating, like a U.N. General Assembly for musicians. Would we be debating a cap-and-trade for CBC remotes, or sending peacekeeping missions to Saskatchewan?

As it turns out, you couldn't ask for a friendlier, more collegial group. It felt a bit like a double bass convention, and in fact I counted 7 bass players among the 20-odd people in the room at one point. All the delegates, AFM officials, and guests sat around a large square of conference tables, while the Western delegates formed our own clique in one corner. It can be a heady feeling, sitting next to AFM VP Bill Skolnik or ICSOM Chair Bruce Ridge as equals, and I occasionally had the disarming illusion that I might have just as many important things to say as all those high-powered head honchos...

There was plenty to talk about over 5 days, fuelled by copious amounts of coffee and pastry. When things go on too long, Chair Francine Schutzman will say, "I'm afraid we'll have to continue this discussion in the hospitality suite," which is an extra hotel room set aside for after-hours drinking, conversation, and general unwinding. You might ask the question you were too nervous to ask in front of the whole assembly, or just chat about completely unrelated topics -- I learned about some great Cuban jazz musicians from 2nd VP David Brown, and Secretary Bob Fraser told me about his favourite YouTube cat videos.

Overall, it was an incredibly rewarding, empowering experience. I would recommend it to any musician on an orchestra committee, and I'd encourage newer musicians to look into becoming an alternate delegate. You can learn a lot just by following the OCSM and Orchestra-L e-mail discussion groups on Yahoo!, and the more new voices that participate, the more interesting and relevant OCSM will become for all of us.

### **2009 Conference Attendees (we *earned* those beverages!!)**



L to R : Eline Brock Sanheim (OSQ), Bob Fraser (Secretary), Erin Brophey (TBSO), Bernard Leblanc (SSD), Barbara Hankins (KWS), Edith Stacey (ESO), Jim Spragg (TSO), Carla Lehmeier-Tatum (ROPA), Mark Tetreault (SSD), Mark Rogers (NBO), Alison Mah-Poy (OSM), Gary Borton (RSO), Jim Biros (Local 149), Bruce Ridge (ICSOM), Liz Johnston (COC), Matt Heller (CPO), Francine Schutzman (President), David Brown (VSO and 2<sup>nd</sup> VP), Julie Shier (Windsor), David Thies-Thompson (NACO), Bill Skolnik (VP Canada, AFM), Greg Sheldon (Treasurer), Marie Johnson (OLC), Arlene Dahl (WSO), Mary Rannie (Victoria), Norm Slongo (Local 591 host), Phil Ayling (RMA)