

# American Federation of Musicians Symphonic Services Division Canada

October 2001

## Update on Audio Recording Negotiations

Negotiations are underway for a new agreement covering the creation and distribution of phonograph recordings in CD or other formats. These talks are proceeding in a facilitated interest-based bargaining format within a group known as the Electronic Media Forum. The EMF is comprised of AFM/player conference representatives and North American symphonic managers. The intent is not to replace the existing recording agreements, but rather to put into place an alternative that can be used by symphonic orchestras.

### What agreements are currently in place?

In Canada, an orchestra may make a CD under the **Phonograph Record Labor Agreement**. Such CDs may be self-produced or produced by a recording company. Musicians are paid a one-time fee that compensates them for the time spent in recording sessions as well as for the amount of finished product, and are eligible for Special Payments, a type of royalty based on the number of sessions played. An alternative for Canadian orchestras is the **Symphonic Limited Pressings Agreement**. Such recordings must be self-produced and may not be licensed or assigned to third parties. Only 2000 CDs may be produced. The intent of the SLPA is to allow orchestras to make local market promotional or "vanity" recordings for a one-time fee to musicians that is based on the Local live performance rate, and is in all cases lower than PRLA rates. Special Payments do not apply to CDs produced under the SLPA. There are also provisions in the CBC Agreement for converting existing broadcast tapes to commercial CDs for a one-time fee at the rate of \$40 per 7.5 minutes of finished product.

### Why do we need another audio recording agreement?

That question is being asked by many of your colleagues and AFM representatives on both

sides of the border. Proponents of a new agreement say that the market for classical CDs has declined so drastically that recording companies are no longer willing or able to pay the one-time up-front fees required by the PRLA or even the SLPA. Increasingly the orchestras themselves are subsidizing their own recording projects. Symphonic managers and many musicians feel that terms for the production of CDs should be established at the Local level so that musicians, if they wish, can forego an up-front payment in exchange for a share in the profits. They feel strongly that the ability to create and distribute CDs at a low cost will enhance the "net worth" of the organization to the benefit of all concerned.

There is a strong and growing opposition to this approach. The delegations of all three 2001 symphonic player conferences (OCSM, ROPA, ICSOM) unanimously passed resolutions urging their AFM representatives to protect and uphold traditional principles such as up-front payments, the Special Payments Fund, and national/international rates for the production of CDs that will be distributed beyond Local boundaries. There is a further concern within the AFM, that a "net worth" approach is unfair to musicians who work as substitutes and extras, and therefore do not have the same direct interest in the well being of the organization.

### What is the Canadian position?

The Canadian Office has chosen to be directly involved in the EMF process in order to ensure that Canadian AFM members are able to participate in symphonic recording in a way that maximizes incomes in an equitable fashion. The Canadian Office feels strongly that a level playing field in the form of international standards will likely be found to be essential to achieving those ends. As in all negotiations, a fact base must be established and analyzed before good decisions can be made. Your AFM/OCSM representatives will be seeking your input, perhaps in the form of a survey once the fact-finding phase has been completed.

## **Not sure what symphony musicians can find on the Private Member Area of the AFM Website? Read on...**

As a member of the AFM you can request access to the private member area of the AFM Website ([www.afm.org](http://www.afm.org)). Once you're registered on the site, you'll gain access to a variety of valuable information such as Symphony Audition Ads (updated the first of every month), the International Musician On-line and resources such as lookup tools and forums to help you keep in touch with fellow musicians. Additionally, under the heading of ***Symphonic Services for Members Only*** you'll have access to the following information specific to Symphonic Players:

### **International:**

- Symphonic Forum
- Comparative Wage Charts for the 2000-2001, 1999-2000, and 1998-1999 Seasons
- Wage Chart Lookup
- Players' Conferences
- Request Symphony Contracts
- View/Download SSD Handouts

### **United States:**

- Recently Negotiated Orchestra Settlements (ICSOM & ROPA)
- Rankings of Metropolitan Areas
- Salary Calculator
- Government Forms for Negotiations
- Memorandum of Understanding, Explanatory Notes and Cover Letter for the Symphony, Opera and Ballet Internet Agreement
- Notes for the Symphony, Opera and Ballet Audio/Visual Agreement Negotiations, July – September, 2000

### **Canada:**

- Recently Negotiated Orchestra Settlements (OCSM)
- 1999 Summary of New CBC Radio & TV Provisions
- Answers to Frequently Asked Recording Questions
- Status of the Artist
- SSD Canada Newsletters - English & French versions

If you've already signed up and chosen a Username and Password, you're ready to go. Not registered yet? Not a problem... Just go to [www.afm.org](http://www.afm.org) and click on the "Register Now" link. Follow the sign-up instructions (enter your name, social security number, local #, etc.) choose a Username and Password and you're done! If you're an AFM member in good standing, registration is instantaneous and you'll gain access immediately.

## **P2 Update**

Musicians planning on auditioning for U.S. orchestra positions should be aware that the U.S. Department of Immigration has changed its practices and policies significantly in the past few months. Prior to June 1<sup>st</sup> 2001, AFM members were able to apply for and obtain P2 Work Permits within 35 days for a fee of \$110 US. Effective June 1<sup>st</sup>, the processing time was lengthened to 60 to 90 days (current applications are generally taking 75 days) and a premium service was instituted. For an additional premium processing fee of \$1000 US P2 visas may be obtained within 15 days.

Both the Canadian and New York offices of the AFM are appealing to U.S. Immigration, and are attempting to have the new policies waived for musicians. For more detail on what the AFM Executive is doing about this situation, please read Dave Jandrisch's column in the September issue of International Musician.

Canadian orchestra musicians may still audition in the U.S. without a P2, but should be aware that if they are offered a position, they will either have to wait up to 90 days to obtain a work permit, or pay the premium processing fee.

If you have any questions about the P2 procedures, phone Corina Robidoux at the Canadian Office, 416.391.5161 (800.463.6333).

<p style="text-align: center;"><b>Symphonic Services Department</b> <b>Laura Brownell • lbrown@ican.net</b> <b>Christine Little Ardagh • cardagh@afm.org</b> <b>416.391.5161</b> <b>1.800.463.6333</b></p>
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