

CURATORIAL FEE SCHEDULE

A movement towards healthier arts environments and a stronger arts network within Canada.

by Clayton Windatt

INTRODUCTION - WHY A FEE SCHEDULE & WHY NOW?

Being approached by CARFAC National to explore the idea of forming a fee schedule for Independent Curators was very exciting for me. I had been throwing the idea around of the formation of a fee schedule for a few years after some exceptionally bad experiences combined with my own feeling of a lack of structure.

My reasoning behind the need for a schedule has been the volume of abuse that I had faced early in my career when I would take on many more curatorial gigs often with small not-for-profits or public galleries. Without going into details, the use of the CARFAC-RAAV Minimum Recommended Fee Schedule for artists is often employed as a placeholder for Independent Curators offering them the same as a solo-artist. This has never been adequate as this fee represents artists being paid for the licence of viewing existing work and does not reflect the labour that has gone into the work itself. Curators are often asked to become intermediaries to the artists, conduct research, communications and possibly manage the overall project. The CARFAC-RAAV minimum fee was never intended to be utilized in this way but in the absence of formal structure, already exhausted arts administrators do not have the patience to explore new structures themselves or be sympathetic to a curator asking for more money without the public expectation to do so.

Researching structures and rights relating to the arts world has been a hobby of mine for the past 20 years, and areas that directly impact my own practice are always the most interesting to me. When I started working on curatorial projects, I had always found the lack of structure and expectations confusing, especially as some curatorial contracts pay significantly more than the amount that artists are paid, and often the payment is less. I have spent a great amount of time comparing the CARFAC-RAAV schedule to existing contracts considering how any merge may occur, or if additions could be made. The difficulty is that all curatorial work is measured in hours spent and cannot be measured by the end product. This is also true for artists, but presentations are not automatically commissioning new works. Artists that are solicited to make new work for an exhibition may consider including this additional expense in their contracts as the CARFAC-RAAV schedule does not outline any additional labour of a commission. Independent Curators must consider the time they are committing to a project as needed to reach the outcome of a successful exhibition or presentation. This led me to considering how an Independent Curator could derive enough income to live while doing their work.

When CARFAC reached out to me and began to discuss this issue in a realistic way, it meant that a fee schedule could actually become a reality someday. I was also very proud to be able to present at CARFAC's 50th anniversary summit in Ottawa, September 2018. The discussions that addressed other areas of artists rights and the challenges and successes of the past 50 years helped me to understand and situate my opinions. Presentations from other arts sectoral areas who are also investigating fee structures for themselves made me feel like part of the very movements that started CAR 50 years ago. I have enjoyed the process of exploring fee structures very much, as setting out some preliminary ideas gives me a great amount of hope that formal structures could be implemented in the future. I understand that my role in this research is only one person's efforts to be combined with others but feel honoured to have been able to contribute and be part of this important work.

INDEPENDENT CURATORS ARE CONTRACTORS

In order for independent curators to derive a living wage from their efforts they must pursue projects as independent contractors. They must negotiate rates based on skill, time and the complexity of the project put forward. As a contractor, each project becomes a set of promises that are legally enforceable, and agreed upon between two parties; the Independent Curator (Contractor) and the Host Organization (Host). All major actions must be outlined in a contract detailing work to be conducted and general timelines for reaching achievable goals. In common practice regarding contracts, formation of a contract generally requires an offer, acceptance, consideration, and a mutual intent in order to be bound. Each party must have capacity to enter the contract and although most oral contracts are binding, formalities such as a signed, dated written agreement allows for a party to be bound to its terms clearly.

INDEPENDENT CURATORS ARE NOT EMPLOYEES

In order for independence to be maintained, the Contractor must provide their own equipment and tools to perform research, communications and any perceived action defined as "work". The contractor also maintains the right to subcontract additional curatorial supports as needed without having to alter the original contract. The contractor cannot maintain an arms-length relationship if the Host attempts to suspend, dismiss or otherwise discipline the contractor in any way. Oversight and discipline are areas for employment relationships and are often common misconceptions when dealing with contractors. Contractors maintain autonomy and are not subject to these relationships with Hosts. In addition, the Host cannot be perceived to maintain control over the amount that the Contractor will keep as their payment or manage internal deadlines for when work needs to be completed by. The Host agrees to an overall amount as defined in the initial contract and cannot renegotiate any factors without consent from the Contractor. This does not mean that the Host cannot request updates or ask questions, but if

an hourly amount is determined or used as a bargaining tool for evaluation, this crosses a line and has become an employment relationship subject to employment laws.

KNOW YOUR RIGHTS

An Independent Curator (Contractor) is in business for themselves to make profit and has a risk of losing money if work is not confirmed, completed or payments secured effectively. This is why Contractors must understand the volume of work needed to achieve the project's success and why all contracts must reflect the work needed through an equitable paid amount. The Contractor determines how and/or where work is conducted and completed. This means that research and development for curatorial projects is done off site away from the Host. The Contractor maintains the right to subcontract work if needed, utilizing resources within the existing contracted amount. Host organizations can end contracts for services, but do not have the right to discipline the Contractor. If the Host breaks these basic guidelines, the Contractor may be considered an employee under the Employment Standards Act, entitling the Contractor to employment rights such as minimum wage, overtime pay, public holidays, vacation with pay as well as establishing what hours have been conducted to achieve work to-date. Employers are prohibited from misclassifying employees as independent contractors, an employment standards officer can order the employer to comply with the Employment Standards Act, issue a notice of contravention and/or prosecute the employer.

WHAT TO CONSIDER IN A CONTRACT

A massive part of defining a contract for curatorial work is to establish a context for the relationship between both parties. The Independent Curator has to understand expectations on many things and deliver on those expectations as outlined. A contract must consider a variety of factors relating to the Independent Curator such as; cultural-specific knowledge, research time, experience levels, intellectual property, long-term ownership as well as fabrication and/or installation costs for any presentations. The importance of Independent Curator establishing a rate based on experience cannot be understated as each person brings a unique skill-set to their practice. Without public guidelines for recommendations on pricing, differences of opinion will occur as expenses are perceived as too high or too low. Determining an overall amount that includes covering your time being paid at a healthy rate will require a great amount of understanding towards the project and of the Independent Curator's ability. The absence of a realistic set of tools for Independent Curators to base their prices on is greatly felt by the industry. The many factors needed for consideration in a contract as well as examples of price breakdowns are all needed in order to produce a toolkit that Independent Curators can use as a guide for their practice as well as a template for making contracts.

FULL-TIME vs. PART-TIME

In order for a contractor to effectively make a living, they must charge a higher rate than those who work in a full-time permanent capacity. This is due to the overhead costs of running a business in addition to the actual labour being conducted. This means that an Independent Curator must charge significantly higher than \$1000 for a 40-hour work week if they wish to be able to maintain their business. Taking into account slow times of the year, the average amount worked being on the job 80% of the time and maintaining business obligations in the other 20% including networking, administration and professional development, an Independent Curator must charge a minimum of \$1500 per 40 hour week or \$37.50 per hour as the minimum, in order to secure \$62,400 per year income, paying \$11,400 in overhead expenses and taxes and retaining \$51,000 per year as an "Average" subsistence. It is easy to understand why so few Independent Curators work full-time towards their practice and subsidize their curatorial work through a "day-job" of some type. This also answers why so many faculty within Colleges and Universities are Independent Curators as their professions allow for the time needed to pursue curatorial work and often compliment the actions. Example: A Professor within an academic rank at a University or other post-secondary education and research institution conducts work for a curatorial project that also compliments their academic practice. In this scenario, no understanding of directing income from the project is made as income is already secure through academia, taking pressure off the presenting "Host" to provide resources. If Independent Curators are to effectively argue payment for their professional work; they must value their time and demand compensation in a fair way.

Conseil québécois des arts médiatiques has a fee schedule for Media Artists and Curators.

PLEASE NOTE THAT THESE FEES ARE PRESENTED AS A MINIMUM STANDARD.

CURATOR'S FEES - FILM/VIDEO CURATOR — one-time screening/single program

- *LOCAL - \$150 (4 at \$37.50 per hour total)*
- *REGIONAL - \$300 (8 at \$37.50 per hour total)*
- *NATIONAL - \$750 (20 at \$37.50 per hour total)*
- *QUÉBEC EVENT (international scale) - \$1000 (27 at \$37.50 per hour total)*
- *INTERNATIONAL - \$1500 (40 at \$37.50 per hour total)*

NOTE: Amounts may be adjusted based on the preparation and research required. Travel, accommodation and subsistence costs are extra. Conseil québécois des arts médiatiques has a fee schedule for Media Artists and Curators.

A valid study looking at the average number of hours and/or weeks that a curator spends developing and implementing a project would allow a base understanding of the labour that goes into a project. It would also enable frameworks to become more responsive to the needs of the sector as currently each group attempts to base their decisions on individually or

regionally derived senses of “best practices” which may not reflect the realities of all peoples. Considering the average amount of hours required to engage a project also allows for the determination of how many projects can be achieved in a full-time work year as some curators may be able to work faster than others allowing an average to set a pace and expectation. Another method could be for Independent Curators to follow the CARFAC-RAAV rate for professional fees without reducing the amount for any multi-day contracts making a 40 hour work week cost considerably more than \$37.50 per hour. Although this could be considered the CARFAC-RAAV rate for professional fees are designed for short-term contracts but can become prohibitive if applied for any long-term actions earning approximately \$141,000 per year at the \$546/day x 5 days/week rate.

CARFAC-RAAV Rates for Artist Consultations, Installation & Preparation

Consultation means the giving of advice, input or opinions that might be associated with project development, exhibitions, or commissions concerning the artist’s own production, or participation in a consultative process concerned with, for example, policy development in the cultural arena, or participation in a jury or other selection process. Installation means overseeing or participation in the installation or de-installation of works for an exhibition on the exhibitor’s premises. Activities associated with installation may include unpacking or packing of works, placing works in an exhibition space, ordering, hanging, adjustment of equipment, and so on. Preparation is the work associated with producing an exhibition that is done outside the exhibitor’s premises. Preparation might include correspondence, telephone calls, preparing plans or reproductions, writing statements, proofreading, overseeing packing and shipping arrangements, and so on.

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| <p>CARFAC-RAAV Artists' Professional Fees 2019 <u>DAY-RATE</u></p> <p>Consultation - Under 4 hours \$304 / Over 4 hours \$536 Installation - Under 4 hours \$271 / Over 4 hours \$453 Preparation - Under 4 hours \$241 / Over 4 hours \$415</p> |
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A FEE SCHEDULE FOR INDEPENDENT CURATORS WILL:

1. Create tools for effective negotiation
2. Establish healthier work environments
3. Raise the Profile of Curatorial Practice

1) Create tools for effective negotiation

Frameworks specific to curatorial practices are needed, taking into account skill, time and complexity allowing empowerment to take place for Independent Curators more readily. There is a high-need for toolkits and templated contracts that raise expectations for equitable pay and cover a diverse range of services. Establishing a fee schedule may take several stages as the complexity of the structure needed is not a one-size-fits-all scenario. A first major step will be to create resources that can be employed widely and immediately without shifting the environment, educating Independent Curators of their rights, allowing them higher amounts of effective negotiation leading to a stronger and more united group of arts professionals.

2) Establish healthier work environments

Creating spaces where Curators have supportive structures allows for artist relationships to be conducted at a higher level resulting in better supports for artists, curators and prosperous arts actions. When Independent Curators are paid equitably, the artists involved will have less pressure added to them during the process as Independent Curators may struggle through the lack of frameworks provided. A low-paid and stressed-out Curator makes any project more complicated and difficult for artists to engage. Creating healthy structures for interactions will allow for each person involved to pursue their own work without additional stress being available to support the project fully as required.

3) Raise the Profile of Curatorial Practice

The arts “industry” needs to work harder to prove itself as a viable career path. Self-worth needs to increase, and asking for wages that reflect the value of the services rendered will raise the profile of the arts overall. Independent Curators publicly being paid at a healthy rate raises expectations for costs of a project and the public's understanding of that cost. Showcasing the cost of paying a curator should be something a “Host” would be proud of publicly, and not something that lowers the value of the arts industry in general. Celebrating that an Independent Curator will be working in a 1-year residency for \$50,000 is not a celebration. It is drawing attention to the amount of payment being below the average wage of an employee in Canada. Perhaps this is why the Sobey Awards raised their award in 2018 from \$50,000 to \$100,000? No one should be celebrating payment of a “minimum” fee. It sends a message to the public that being paid the lowest amount possible is worth celebrating and that there is no reason to pay higher. Raising the profile of any position (Independent Curator) will support raising the profile of all positions as they are all unquestionably related.

Moving Forward

In the future I expect to support or lead further research and collaboration as these areas of growth are explored. The level of shared understanding of these issues is still relatively low between the various stakeholder groups that are needed to shift the climate. It is important to

see an investment from as many organizations and curators as possible, if change is going to happen in a big way. Whether a new platform needs to be created to disseminate information or an existing one can be adapted to allow new content to be added, it all ends with the environment changing for the betterment of us all.

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