



Good afternoon,

Thank you for this opportunity to speak to you as you undertake this important task.

I am representing the Professional Writers Association of Canada, known as PWAC. Our organization is comprised of more than 300 non-fiction writers from coast to coast to coast. Copyright is an extremely important issue as it affects our members' income and the respect that should be accorded us.

We earn our living through our writing and can only do so successfully when royalties are paid because we own the copyright. When we lose the right to claim work as our own, income and respect are eroded.

Each year, PWAC members receive a repertoire payment, as writer/creator affiliates of Access Copyright, an organization that PWAC helped found. In the past 15 years I have seen my payment diminish from several hundred dollars to less than 100 dollars annually. Payments are based on the amount of work I report for the period being reviewed, which has changed in part due to fewer print publications in Canada.

Those that remain often have onerous contracts. Many publishers have instituted contracts giving almost all rights to the company and none, or very few, to the writer. This is common with our members. Here is a concrete, personal, example:

In 2009, I was presented with a contract to continue writing for a publication that had employed me since 2004. I reluctantly signed the contract but not before questioning it. I was being asked to give up all rights to material I had written. My client wanted certainty that I wouldn't be able to sue them if or when they reused my work. Is this fair?

The company claimed it now needed to secure these rights because of what became known as the "Heather Robertson case," a class action suit launched in 1996. Ms. Robertson was the plaintiff against several major media outlets that reprinted her work electronically without permission or payment. Other writers were similarly affected. The case was finally settled—after 13 years. There have been similar lawsuits in the United States and there very well could be others in Canada.

Should freelancers have to engage in lengthy and expensive lawsuits against media outlets in order to protect their copyright and income?

Contract issues may be beyond the scope of this committee but I hope this helps to illustrate the importance of protecting our copyright.

As BC PWAC member Connie Proteau wrote to me, "It is important that our creative professionalism continues to be respected and appreciated by our fellow Canadians who read and learn from our works. We need strong copyright laws to protect works that are available in print format."

To that I add: we need strong copyright laws to protect all work whether in print or electronic format. If writers are not fairly compensated and properly respected for their work, they will produce less work.

Why would anyone continue to work without income or respect for the work? This could have a significant impact on the Canadian material available to Canadian readers who may then look increasingly to other countries for their information. Ultimately it could affect the quality of work being published and perhaps the viability of our publishing industry.

Canada needs a strong writing and publishing sector that contributes to the economy by providing both personal and corporate incomes that increase tax revenues.

Ontario PWAC member Michael Fay reminded me that our association and other writers' organizations played a critical role in the 2012 review of The Copyright Act, when copying restrictions and procedures were set. It is important to remember not only the user but the creator with this current review. Another PWAC member from Ontario, Lori Straus, put it this way, "People copy creative work because it speaks to them and because it's easy to do. It's much harder to copy a KitKat: the effort wouldn't be worth it."

Finally, I would like to share with you another perspective, brought forward by BC PWAC member Ronda Payne, in which she draws an interesting comparison.

She wrote, "No one debates who built a building or tries to usurp its ownership. What makes it acceptable to do so with the written word? It's not. We put just as much effort into writing as the architect, the contractor or the building owner [put into their work.] When the building owner allows others to use his space, he is paid in the form of rent or a lease, or the sale of the building.

As writers, we should be afforded the same recognition of our ownership and rights. When someone takes our work, without even considering payment to the creator, it's the equivalent of squatting in a building. I want people to appreciate my work, but I also want to be compensated for it. I deserve to be paid for the work I do."

Thank you very much for your time.