



November 21, 2023

ACTRA
625 Church Street
Toronto, Ontario
M4Y2G1

Submitted electronically.

Dear Members of the [Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities \(HUMA\)](#):

I am writing on behalf of the 28,000 performers in the Alliance of Canadian Cinema, Television, and Radio Artists (ACTRA) who appear in film/television, video games, and commercials and who are already experiencing economic harm due to unchecked Generative Artificial Intelligence (AI).

Thank you for this opportunity to share performers concerns about Artificial Intelligence (AI) and the urgency to put protections in place to protect their livelihoods. ACTRA seeks to collaborate and offer pragmatic ways of incorporating protection for Canadian Performers in the Artificial Intelligence and Data Act, and upcoming Copyright reform. This issue is one that impacts all performers whether they are well known to Canadians, provide important background roles, do stunt work or many of the other aspects of the work performers do on set. All are looking to the government to protect them, and we hope that this study will afford you a better understanding of Artists in Canada.

Performers are the original “gig” workers: self-employed dependant contractors who cobble together a living from a variety of different sources and constantly audition for available work. We urge you to consider the needs of Canada’s entertainment industry and the very real harm already being experienced by Canadian performers through the unauthorized and unchecked use of Generative AI.

Performers are under threat of Generative AI actually stealing their name, image, and likeness (NIL Rights) and ultimately being displaced if effective regulations or legislation are not implemented to protect them. After all, a performer’s face, voice, and performance are their product, business and brand, and their means to earning a living.

ACTRA champions the concept of the three C’s and believes that performers must possess: Consent, Control and Compensation for AI generated uses of their NIL Rights.

ACTRA members' likenesses have already been exploited in deepfakes, where their faces are imposed onto someone else's body doing and saying things that create serious reputational harm and economic harm, such as pornographic acts.

In addition to the personal and business harm being inflicted by unregulated AI, Canadian performers not only acknowledge the fear of job loss but report being impacted by such job loss. Preliminary results of ACTRA's [ongoing survey of members about AI](#) show **94 %** are concerned about being displaced by Generative AI. In fact, **25%** of ACTRA members report they have already experienced economic harm from AI exploiting their NIL rights without their control, consent, or compensation.

For example, one actor's voice and face were stolen and synthesized and used in a graphic pornographic game modification, or "mod" – a piece of software that involves directly reprogramming and altering existing game files beyond what was originally intended – in a widely popular video where she was made to say and do offensive things she would never have consented to. The open-source policy of gaming allows this, and it boosts their platform as a result. It is damaging to a performer's reputation, ability get future work, and emotional and psychological well being. This video game has more than over 23.2 million subscribers and approximately 250,000 daily players. The damage caused by this massive exposure is unquantifiable, un-rectifiable and completely unfair.

AI technology also threatens voice over work, commonly referred to as dubbing, that is being lost due to AI apps such as Hey Gen which can capture a performer's voice and recreate it into different languages through the use of generative AI. You can [watch an example of this here](#). Other apps let producers purchase bodily movements that would otherwise have been undertaken by motion capture performers, and stunt performers who earn their living performing for video games.

Artificial Intelligence, Automation and technological disruption is indeed a significant risk for Canadian workers. [A study by the Future Skills Centre](#) found that 40 per cent of Canadians work in jobs at medium risk of automation, while 20 per cent are in jobs at high risk. Performers, one of the most precarious professions in Canada now also rank as one of the professions most highly at risk of losing employment to AI and will do so if protections are not brought in by government.

We have [submitted our concerns](#) to the Ministry of Industry, Science and Technology and note that what has been missing in [ISED's consultation](#) papers is an acknowledgement of the need to protect core, enduring human values, such as performers' NIL rights.

We believe this can be achieved in the Artificial Intelligence and Data Act (AIDA). AIDA's current definition of harm considers three forms of loss: physical, psychological, and economic. If economic loss is recognized as a legitimate harm, it follows that damage to an individual's reputation requires protection both for moral reasons and because the employment impact is

real and one which can not be rectified. Accordingly, we believe that the definition of harm should be expanded to include damage to an individual's reputation or dignity.

Further, we recommend a broader definition of *personal information* that includes an individual's personality rights, which includes biometric data accumulated whilst generating their likeness, image, persona, and voice. We believe the legislation must prevent the unauthorized use of an individual's personality rights. Performers must have control, consent, and compensation to protect themselves and the \$14 billion industry they work in.

AI technology must evolve in a way that respects human inspiration, creativity, and ingenuity. We must protect Canada's \$14 billion screen industry that creates a quarter of a million jobs in our country. ACTRA is pleased your committee is examining this important and urgent topic. We urge you to make recommendations to help us get legislative protections in place to prevent harmful use of Generative AI that threatens the livelihoods of thousands of Canadian performers. ACTRA would welcome any opportunity to appear at your committee to discuss this further.

Thank you,

A handwritten signature in black ink that reads "Marie Kelly". The signature is written in a cursive, flowing style with a large initial 'M' and 'K'.

Marie Kelly, National Executive Director, ACTRA