

Apps for Justice Challenge: Main scenario

Student Handout

Scenario 2

An artist despairs

Meera is an up-and-coming artist originally from a rural town in Punjab. Her family took out significant loans to fund her studies abroad at the Ontario College of Art & Design (OCAD) University. She is now a permanent resident of Canada.

After graduating, she took various jobs in the service industry to ensure that she could make her rent, but sometimes she requires extra time to get it to her landlord. Her landlord has usually been understanding, but recently, they have been less flexible. Last month, they gave her a notice when Meera paid her rent two days late. They have also not responded to the repair request Meera made for her stove. Meera mentions this to another tenant she meets while in the laundry room one day. The other tenant shares that she had also made a request to have her broken window replaced two months ago, but hadn't heard anything from the landlord, despite following up several times. She mentions that she heard another tenant complain about a similar issue. Meera exchanges numbers with the other tenant so they can talk more about the repairs.

If the landlord is not responding, what can Meera and her neighbour do? Is Meera at risk of being evicted for her rent struggles? It's a source of stress for Meera during a time when she would like to be focusing on her professional and artistic life.

Recently, she scored a prestigious internship at a downtown gallery in the Distillery District. The internship is paid, but in a stipend form that works out to less than minimum wage. In her head, she justifies it because galleries are always underfunded and often struggling to stay open, especially after the pandemic. At the end of the internship, she and the other two interns are given the opportunity to display some of their work in a group show at the gallery. At the opening of the exhibition, Meera's artwork is labelled with the gallery's name. The two other artists who participated in the same internship have their artwork labelled under their own names. They are both white men whom she knew from her OCAD classes. When Meera confronts the gallery owner, Mr. Wintour, he refers to a clause in the contract she signed at the start of the internship that states: "Any work created during the internship becomes the property of the gallery unless other arrangements are made."

When Meera asks why the other two interns have their works credited to them, the owner explains that on the day of the install (when Meera was working at her other job), he and the other two interns had a discussion. The other two interns negotiated that they would maintain ownership of their own works. Meera responds that she wants to claim ownership of her own work too. Mr. Wintour tells her it's too late; her artwork has already been sold under the gallery's name. Since the works are owned by the gallery, she does not get any of the money from the sale. He says she should be grateful for this opportunity as an "unknown artist from another country".

Meera wants to be fairly compensated for her work. She knows that workers have rights but she isn't sure which rights apply to her specific situation. She starts looking around on the internet, but is overwhelmed by the amount of information. She finds information that seems to come from different provinces and governments, mostly available in either English or French. She has some ideas of what to do next, but has to put the issue on hold because she doesn't have the time right now.

If the contract made Mr. Wintour and the gallery the legal owner of her work, what can she do? Was this discrimination, or something else? Would a lawyer be able to help her with this? Would the cost of hiring a lawyer be more than the money she would make from the sale of her artwork? On top of everything, she feels partly to blame; after all, she signed the contract!

She feels helpless, confused and unsure of her next steps.

Questions to think about and discuss:

1. What areas of law are engaged by Meera's situation?
2. What are the A2J barriers present in this situation?
3. What is the negative impact on Meera?