



Federal Status of the Artist Act

What is its jurisdiction?

According to the Canadian Constitution, the provinces have the authority to pass laws and regulations governing labour relations between the vast majority of workers and employers in Canada. The Federal Parliament has the constitutional authority to regulate labour relations in a small number of industrial sectors. These sectors include among others: broadcasting, telecommunications, banking,

continued on page 2

Update on certifications

Since the publication of the last issue of this bulletin, a notice has been published, an application has been amended and a new application has been received.

Public Notice 2000-1 announcing the Editors' Association of Canada's application for certification was published in June. The EAC is seeking to represent a sector composed of all professional freelance editors engaged by a producer subject to the *Status of the Artist Act* to:

- (a) prepare original works in the form of compilations or collective works within the meaning of the *Copyright Act*; or;

continued on page 3

Application for review from the SARTeC

The Tribunal granted the request for review from the Société des auteurs de radio, télévision et cinéma (SARTeC) in order to change the name of the organization previously known as the Société des auteurs, recherchistes, documentalistes et compositeurs.

The sector description was slightly amended to clarify the scope of the SARTeC's certification order. SARTeC will henceforth be certified to represent, for the purposes of professional relations with all producers subject to the *Status of the Artist Act* throughout Canada, a sector composed of:

- (a) authors of original French language literary or dramatic works, and including the associated research, intended for radio, television, cinema or audio-visual media;
- (b) authors who adapt, in the form of French language scripts for radio, television, cinema or audio-visual media, literary or dramatic works, and including the associated research, originally intended for another form of public broadcast;

but which does not include directors in their capacity as directors. ♦

In This Issue

Report on the consultation	2
Visit our new website	3
Changes at the Tribunal	4

Report on the Tribunal's client consultations

Artists' associations and producers
express a need for more information

In early 2000, the Tribunal contracted with a consulting firm to conduct stakeholder consultations with a number of artists' associations and producers in the federal jurisdiction to determine their level of satisfaction with the Tribunal's services and their perceptions of the ultimate benefits of these services.

Results of the consultations with the Tribunal's clients indicated that clients need better targeted information and the Tribunal must make special efforts to reach certain clients. For example, certified artists' associations with little or no experience in bargaining are, in some cases, uncertain how to take the step toward negotiation pursuant to the *Status of the Artist Act*. Many producers acknowledged a lack of awareness of the Tribunal's mandate. These examples will help the Tribunal in identifying the measures to be taken in order to meet its clients' needs.

Apart from the need for more information, the consultants' report also pointed out some desires or expectations of the Tribunal's clientele. For example, some artists' associations have shown an interest in round table meetings where they would be able to

exchange information. Many federal institutions felt that it would be helpful to designate a department to serve on their behalf for negotiating purposes pursuant to the *Act*.

In order to meet the need for more information as expressed during the consultation, measures have already been taken by the Tribunal. As recommended in the consultants' report some activities, including outreach to the producers, were undertaken. Tribunal staff went to the Banff Television Festival to make a presentation about the *Act* and the mandate of the Tribunal. The Tribunal will also be undertaking further initiatives in the fall.

The report also revealed that artists' associations and producers who have sought out information and assistance were pleased with the response of the Tribunal. The Tribunal intends to stay on course in this regard.

The Tribunal would like to thank everyone who took part in the consultations. The report was published in July 2000. Copies are available by contacting the Tribunal. ♦

continued from page 1

interprovincial transportation and federal government institutions.

The *Status of the Artist Act* applies, however, only to certain sectors of the federal jurisdiction, these are: broadcasting undertakings under the jurisdiction of the Canadian Radio-television and Telecommunications Commission and federal government institutions (federal departments, the National Film Board, the National Arts Centre, national museums, etc).

The *Act* uses the term "producer" to designate these broadcasting undertakings and these federal institutions.

The *Status of the Artist Act* differs from other federal laws in this area because it creates a labour relations regime for producers subject to the *Act* who engage self-employed artists. The *Act* does not apply to employee/employer relationships. ♦

Visit our new Internet site

Regular users of our Internet site may have already noticed that it was updated at the end of June 2000. We are very pleased to present a more up-to-date home page with enhanced navigation functions. The information should be more easily accessible and the experience more pleasant.

You will find on our site information on numerous subjects relating to the *Status of the Artist Act*:

- all the decisions rendered by the Tribunal
- all public notices published up to now
- a list of certified associations and the sectors they represent
- the *Status of the Artist Act*
- the Professional Category Regulations
- the Tribunal Procedures
- reports to Parliament
- forms to file applications and complaints
- information bulletins, etc.

Furthermore, a section entitled *News* has been added to keep you informed about the latest news affecting the Tribunal. We have also taken the opportunity to update a number of information pages on the *Status of the Artist Act* and on the role and members of the Tribunal.

Other changes are under consideration. We will evaluate the possibility of adding a "Frequently Asked Questions" page to assist parties involved in negotiations. The recent consultation (see article on page 2) has shown that there is a need for this type of information.

As in all virtual surgery, errors might have slipped in surreptitiously and hyperlinks might also be lost in cyberspace. Given that many Web page addresses were changed during the site's reorganization process, it is possible that some Internet users may have to update their bookmarks. Our bilingual home

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continued from page 1

(b) prepare original works of joint authorship, where the editor's contribution constitutes the work of a joint author;

in either French or English.

The deadline for receiving expressions of interest is August 31, 2000. A hearing date will be set after the expiration of the deadline in the notice.

In another case, the Association des professionnel-le-s de la vidéo du Québec (APVQ) has amended its application for certification.

The APVQ's original application was filed in 1996. At the request of the applicant, consideration of the application was delayed until regulations prescribing the additional categories of professional artists subject to the *Status of the Artist Act* were brought into force. The *Professional Category Regulations* came into force on April 22, 1999. The APVQ then filed an amended application for certification to represent some categories of professional artists included in the regulations. A notice was initially published in December 1999.

Since that time, the APVQ has decided that it wishes to pursue the application jointly with the Syndicat des techniciens du cinéma et de la vidéo du Québec (STCVQ) as these two organizations will be amalgamating. The Tribunal will be republishing a new notice as the proposed sector has been amended. The sector description for which the APVQ-STCVQ is seeking certification will be available on the Tribunal's website after the notice is published.

The Canadian Media Guild has filed an application for certification on behalf of the Professional Association of Canadian Talent. ♦

continued on page 4

Changes at the Tribunal

Meeka Walsh's term ended on February 28, 2000 after five years as a member of the Tribunal. During that time, Ms. Walsh participated in numerous decisions, including the certification of the first artists' association under the provisions of the *Status of the Artist Act*. On behalf of the members and staff of the Tribunal, we thank Ms. Walsh for her professional dedication to the task. Ms. Walsh is the editor of the arts magazine *Border Crossings*.

The Federal Minister of Labour, the Honourable Claudette Bradshaw, appointed Robin Laurence as a part-time member of the Tribunal effective May 4, 2000. Ms. Laurence holds degrees in visual arts and art history from the universities of Calgary and Victoria. She held positions in research and public relations at the Glenbow Museum in Calgary before moving to Vancouver in 1981 to pursue a career as a freelance writer, critic and curator.

Ms. Laurence joins David P. Silcox, the Tribunal's Chairperson and a recognized author and arts administrator, Robert Bouchard, the Tribunal's Vice-chairperson and professor of law and administration at the Collège de Limoilou, Curtis Barlow, Executive Director and Chief Executive Officer of the Confederation Centre of the Arts in Charlottetown, and Moka Case, music industry consultant in New Brunswick.

Jane Northey has left her position as Legal Counsel for the Tribunal. Ms. Northey has accepted a secondment with Health Canada where she will work organizing a new agency. ♦

continued from page 3

address, however, remains the same:

<http://homer.ic.gc.ca/capprt/>

For those of you who still have not visited it, we encourage you to do so. Above all, do not hesitate to share your comments with us. The purpose of the Tribunal's Internet site is to inform you about a great variety of subjects and news pertaining to the *Status of the Artist Act* that could be of interest to you. If our site does not satisfy your needs or if you come across errors or inoperable hyperlinks, please contact us at the following e-mail address: boucher.marc@ic.gc.ca. Happy surfing! ♦

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Are you currently preparing a course or organizing a conference on professional relations in the cultural sector?

Tribunal personnel are available to make presentations regarding the *Status of the Artist Act* and the role, procedures and activities of the Tribunal.