



## Tribunal decision

**O**n April 8, 2002, the Tribunal rendered decision 2002 CAPPRT 038, a final decision regarding a complaint filed by an Artistic Director of a theatre company and former member of the Canadian Actors' Equity Association (CAEA) against CAEA and the association's Executive Director. CAEA is an artists' association that has been certified by the Tribunal to represent certain performers in the live performing arts.

In this matter, the plaintiff alleged that the respondents breached section 35 of the *Status of the Artist Act* respecting an artists' association's duty of fair representation, and section 51(d) of the *Act* respecting an artists' association's obligation not to apply its standards of discipline to an artist in a discriminatory manner. As a preliminary objection, the respondents argued that the Tribunal did not have the required constitutional jurisdiction to entertain the complaint.

The Tribunal concluded that it lacked constitutional jurisdiction to adjudicate the complaint because there is no evidence of a nexus between the plaintiff and a producer subject to the *Act*.

The Tribunal upheld the preliminary objection and dismissed the complaint for lack of jurisdiction, in accordance with paragraph 53(3)(b) of the *Act* which states that the Tribunal shall not hear a complaint if it is not within its jurisdiction.

The complete Reasons for Decision are available on the Tribunal's web site. ♦

## The government of Saskatchewan adopts a *Status of the Artist Act*

**I**ntroduced on June 6, 2002, the *Status of the Artist Act* adopted by the government of Saskatchewan received Royal Assent on July 3, 2002. The news release from the government of Saskatchewan underlines that "the legislation will enable the minister to establish advisory committees to research, study and report to her on more substantive work, training, education and social equity issues for artists."

It is interesting to note that the Standing Committee on Canadian Heritage, in its Ninth Report published in June 1999, wrote that it "is convinced that it will be difficult to make improvements to the status of Canadian artists without the cooperation and participation of provincial governments. Existing federal status of the artist legislation will fulfil its purposes only if it is accompanied by complementary provincial legislation."

A copy of the *Act* is available on the website of the government of the Saskatchewan at the following address: [www.legassembly.sk.ca/bills/default.htm](http://www.legassembly.sk.ca/bills/default.htm). ♦

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# Changes at the Tribunal

The Minister of Labour announced the appointment of Ms. Marie Senécal-Tremblay as vice-chair of the Tribunal for a two year mandate. Ms. Senécal-Tremblay has served as a part-time member of the Tribunal since March 1<sup>st</sup>, 2001. She replaced Mr. Robert Bouchard whose mandate ended on March 31, 2002. Mr. Bouchard was a member of the Tribunal from April 1997 and served as vice-chair since April 1999. He participated in the writing of numerous Tribunal decisions that helped the cultural sector in developing a solid caselaw in labour relations. The mandate of Ms. Robin Laurence ended on May 1<sup>st</sup>, 2002. All Secretariat employees and Tribunal members join in thanking them for the work they accomplished during their mandate.

The Minister of Labour also announced the appointments of Mr. John Van Burek and Ms. Lyse Lemieux as part-time members of the Tribunal for a two-year mandate. Mr. Van Burek has directed more than 90 productions from a variety of repertoires, and founded the Théâtre Français de Toronto where he was artistic director for two decades. Ms. Lemieux worked for the Canadian Broadcasting Corporation for many years, and has participated in artistic exhibits, in both group and individual categories.

Starting July 26, 2002, the Tribunal's Registrar and Senior Legal Counsel, Samantha Maislin Dickson, will occupy a new position with the Canadian Nuclear Safety Commission. Requests for service after this date should be directed to Ms. Josée Dubois or to Mr. François Auger. ♦

## We will be moving

The Tribunal Secretariat will be moving on the weekend of November 2 and 3, 2002. Since all computers and telephone-lines will be disconnected and moved, our capacity to respond in an expeditious manner to public requests may be affected if complications occur during the process. We apologize for any inconvenience this may cause.

From November 4, 2002, the Tribunal's Secretariat offices will be located at 240 Sparks Street, 1st Floor W. Ottawa, Ontario K1A 1A1. Between now and November 4, 2002, we strongly urge you to send all written documents to our current address. The Secretariat's telephone and fax numbers as well as the e-mail and web site addresses will remain the same. ♦

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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.