



The Tribunal amends the SPACQ's certification order and certifies the Guild of Canadian Film Composers

On May 20, 2003, the Tribunal granted the Société professionnelle des auteurs et des compositeurs du Québec's ("SPACQ") request to amend its certification to create a geographic sector limited to the province of Québec.

SPACQ's original certification (May 17, 1996) was modified from representing all lyricists, composers and lyricists-composers of songs in the French language regardless of the place where the production is produced and to music without words commissioned by a French-language broadcaster anywhere in Canada to represent only those lyricists, composers and lyricists-composers of songs in the French language who work on a production carried out in Québec or managed in Québec.

The sector represented by SPACQ is now as follows:

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The Tribunal certifies the Directors Guild of Canada

On July 16, 2003, in Decision 2003 CAPPRT 044, the Tribunal granted certification to the Directors Guild of Canada (hereinafter "DGC") to represent, for the purposes of collective bargaining, a sector composed of:

All independent contractors, who are permanent residents of Canada or Canadian citizens, engaged in any production by a producer subject to the *Status of the Artist Act*, to perform the function of director, assistant director or first assistant director, excluding:

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... a sector composed of all independent contractors engaged in a production in Québec, by a producer subject to the *Status of the Artist Act*, with the exception of a national private English-language broadcaster, to perform the function of lyricist, composer and lyricist-composer, including the work required for those positions for delivering the music and/or songs commissioned by the producer. In the case of the National Film Board (“NFB”), a “production in Québec” shall mean a production initiated by an NFB production centre located in Québec.

This request was heard in Montreal on March 12, 2003, at the same time as the application for certification filed by the Guild of Canadian Film Composers (“GCFC”).

The Tribunal granted the GCFC’s certification application, which includes a portion of the sector which had been represented by SPACQ, to represent a sector composed of:

...all professional independent contractors engaged by a producer subject to the *Status of the Artist Act* to perform the function of author, composer or author-composer, including all the associated work required by these functions, in order to deliver to the producer music, lyrics, and music with lyrics where the said music or lyrics are intended for film, video-

tape, digital media or any other audiovisual media or analogous process, or any other process now known or to be invented which modifies or replaces the aforementioned technology or processes, with the exception of:

The artists covered by the certification granted to the Société professionnelle des auteurs et des compositeurs du Québec (SPACQ) by the Canadian Artists and Producers Professional Relations Tribunal on May 17, 1996, as amended by the Tribunal on May 20, 2003.

And subject to:

(a) The agreement concluded between the Guild of Canadian Film Composers and the Society of Composers, Authors and Music Publishers of Canada (SOCAN) on May 6, 2002; and

(b) The Agreement concluded between the Guild of Canadian Film Composers and the Société du droit de reproduction des auteurs, compositeurs et éditeurs au Canada (SODRAC) Inc. on May 13, 2002.

In dealing with these two requests, the Tribunal was satisfied that it was appropriate to define their respective sectors based on geographic considerations, given the long relationship of cooperation between SPACQ and GCFC with the aim of providing the members of both associations with representation across the country.

The full text of both decisions, Decision 2003 CAPPRT 042 in the request for review filed by the SPACQ and Decision 2003 CAPPRT 043 in the certification application filed by the GCFC, can be found on the Tribunal's web site.

Two applications for review filed by the CBC of the sector definition are pending.

Review of the *Status of the Artist Act* released

On April 1, 2003, the Department of Canadian Heritage tabled its report in Parliament on the statutory review of the provisions and operations of the *Status of the Artist Act*. The consulting firm Prairie Research Associates, which conducted the review for the Department, interviewed artists' associations, producers and other parties, and surveyed various producers and almost 300 artists. The review concludes with a number of recommendations including some amendments to the *Act* itself. Canadian Heritage has stated that its next step is with Human Resources Development Canada to undertake policy work in relation to the recommendations and to carry out consultations with the cultural community and other government departments. This process could possibly result in the development of amendments to legislation. The report to Parliament is available on the Internet at:

http://www.pch.gc.ca/progs/em-cr/eval/2002/2002_25/index_e.cfm

Progress on status of the artist in Saskatchewan

The Minister's Advisory Committee on the Status of the Artist in Saskatchewan submitted a Progress Report in May on various issues they are reviewing. It stated that its first priority issue is Fair Compensation/Collective Bargaining. The Committee solicited written feedback on the report, including its recommendation on a collective bargaining framework, by June 12. Discussions with various groups and an open meeting were also held. The Committee expects to submit its final report to the Minister in September. Committee reports are available on the Internet at:

<http://www.cyr.gov.sk.ca/index.cfm>

New staff at the Tribunal

Diane Chartrand joined the Tribunal on July 7, 2003 as senior legal counsel. Previously, she held various positions as legal counsel at the Department of Justice. Immediately before joining the Tribunal, she was officer/legal counsel at the Privy Council Office.

Caroline Gravel joined the Tribunal on June 25, 2003 as research officer. Before joining the Tribunal, she held various foreign language teaching positions in Australia and in Finland. She had worked for the Tribunal as a research assistant during her studies at university.

The Tribunal certifies the DGC ... *continued from page 1*

(a) artists covered by the certification granted to the Association des réalisateurs et réalisatrices du Québec by the Tribunal on December 30, 1997; and

(b) assistant directors and first assistant directors covered by the certification granted to the Regroupement APVQ-STCVQ by the Tribunal on March 4, 2003.

The hearing took place in Toronto on April 15, 2003. In its original application, the DGC had also sought to represent second assistant director and third assistant

director. However prior to the hearing, the DGC amended its original application to withdraw these functions in response to the Tribunal's decision in *Federation consisting of the Association des professionnelles et des professionnels de la vidéo du Québec and the Syndicat des techniciens du cinéma et de la vidéo du Québec*, 2003 CAPPRT 041 ("APVQ-STCVQ") where it was determined that those professions were not covered under the *Status of the Artist Act Professional Category Regulations* (SOR/99-191).

The full text of the decision can be found on the Tribunal's web site.

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.

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