



Information Bulletin

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The Tribunal celebrates its 15th anniversary: A message from the Chairperson

On May 9, 2010, the Tribunal is celebrating its 15th year of existence. Since its inception the Tribunal has contributed to Canada's cultural community by encouraging constructive professional relations between artists and producers in federal jurisdiction. It has defined 26 sectors of artistic and cultural activity for collective bargaining, certified 24 artists' associations to represent artists working in those sectors, and dealt with several complaints and other matters brought forward by parties under the *Act*. So far, over 150 scale agreements have been concluded in the cultural sector under the Tribunal's jurisdiction.

I would like to take this opportunity to highlight the contributions of the Tribunal's previous Chairpersons and all the present and former Tribunal Members and staff, who have dedicated their energies to making the Tribunal a key Federal player supporting Canada's cultural industries.

The creation of the Tribunal was Canada's response to a UNESCO recommendation concerning the status of the artist which was adopted 30 years ago. In our first fifteen years of existence we have made a worthy start. We hope to achieve even more in the years ahead.

Elaine Kierans
Acting Chairperson

Important news for self-employed artists

The *Fairness for the Self-Employed Act* received Royal Assent on December 15, 2009. The Act will extend Employment Insurance (EI) special benefits such as maternity, parental, sickness and compassionate care benefits to self-employed persons who choose to opt into the program.

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Through the new legislation, self-employed Canadians who opt into the EI program will be eligible to receive the same special benefits currently available to salaried employees, specifically:

- maternity benefits (15 weeks maximum) are available to birth mothers and cover the period surrounding birth (a claim can start up to 8 weeks before the expected birth date);
- parental/adoptive benefits (35 weeks maximum) are available to biological or adoptive parents while they are caring for a newborn or newly adopted child, and may be taken by either parent or shared between them (if parents opt to share these benefits, only one waiting period must be served);
- sickness benefits (15 weeks maximum), which may be paid to a person who is unable to work because of sickness, injury or quarantine; and
- compassionate care benefits (6 weeks maximum), which may be paid to persons who have to be away from work temporarily to provide care or support to a family member who is gravely ill with a significant risk of death.

Self-employed Canadians will be required to opt into the program at least one year prior to claiming benefits. They will also be responsible for making premium payments starting with the tax year in which they apply to the program. The self-employed can opt out of the EI program at the end of any tax year, as long as they have never claimed benefits. If they have claimed benefits, they will have to contribute on self-employed earnings for as long as they are self-employed.

Self-employed Canadians who opt into the program will pay the same EI premium rate as salaried employees. They will not be required to pay the employer portion of premiums, in

recognition of the fact that they will not have access to EI regular benefits.

Self-employed residents of Quebec will continue to receive maternity and parental benefits through the Quebec Parental Insurance Program provided by the Government of Quebec. In addition, they will now be eligible to take advantage of the sickness and compassionate care benefits being offered by the Government of Canada through EI. Should they choose to take advantage of the program, they will pay EI premiums at the same rates as employees in Quebec, where rates have already been adjusted downward to take into account the existence of a provincial maternity and parental benefit plan.

If you have entered into an agreement between January 31, 2010 and April 1, 2010, you will be able to make a claim for EI special benefits as early as January 2011. However, if you enter into an agreement with the Canada Employment Insurance Commission after April 1, 2010, you will have to wait 12 months before you will be able to make a claim for EI special benefits.

For additional information on the program as well as the procedure to opt-in to the program, consult the [Service Canada website](#).

Tribunal decision

On February 17, 2010, the Tribunal rendered Letter Decision 107, regarding a request for review filed by la Guilde des musiciens du Québec pursuant to section 20 of the *Status of the Artist Act*.

La Guilde des musiciens du Québec filed an application with the Tribunal for review of *Decision No. 020*, which granted their certification. The application for review arose out

of the association's name change and was required to reflect their new legal name, La Guilde des musiciens et musiciennes du Québec.

The Tribunal granted the amendment to the certification.

Tribunal celebrates 30th anniversary of UNESCO's Status of the Artist Recommendation

2010 is an important anniversary year for the Tribunal. On October 27, 1980, the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) issued its *Recommendation concerning the Status of the Artist*.

The Recommendation affirmed the right of artists to the same legal, social and economic advantages enjoyed by other workers, including the right to organize collectively and defend their common interests. Among the Recommendation's guiding principle was this one:

Member States should ensure, through appropriate legislative means when necessary, that artists have the freedom and the right to establish trade unions and professional organizations of their choosing and to become members of such organizations, if they so wish, and should make it possible for organizations representing artists to participate in the formulation of cultural policies and employment policies, including the professional training of artists, and in the determination of artists' conditions of work.

In 1992, Parliament confirmed Canada's commitment to the UNESCO Recommendation by passing the *Status of the Artist Act*. The Act explicitly recognized the artist's role in society. It also established a framework for collective bargaining for professional self-employed artists and producers in federal jurisdiction, to be administered by the Canadian Artists and Producers Professional Relations Tribunal. The Tribunal began its operations in May, 1995.

Certification renewals in 2009-2010

Certification is valid for a period of three years after the date that the Tribunal issues the certificate, and is automatically renewed if no [application for revocation](#) or competing [application for certification](#) in respect of the same sector has been received.

The Tribunal renewed nine certification orders in 2009:

Artists' Association	Renewal Date:
AFM - American Federation of Musicians of the United States and Canada	January 16, 2009
AFM - American Federation of Musicians of the United States and Canada (pension)	January 16, 2009
GMMQ - Guilde des musiciens et musiciennes du Québec	January 16, 2009
AQTIS - Association québécoise des techniciens de l'image et du son	March 4, 2009
RAAV	April 15, 2009

- Le regroupement des artistes en arts visuels du Québec	
GCFC - Guild of Canadian Film Composers	May 23, 2009
DGC - Directors Guild of Canada	July 16, 2009
ARRQ - Association des réalisateurs et réalisatrices du Québec	December 30, 2009
UDA - Union des artistes	December 30, 2009

The following four certification orders are up for renewal in 2010:

Artists' Association	Expiry Date:
CMAQ - Conseil des métiers d'art du Québec	June 26, 2010
UDA - Union des artistes (Stage Directors)	July 24, 2010
TWUC - The Writers' Union of Canada	November 17, 2010
CARFAC - Canadian Artists' Representation/ Le Front des artistes canadiens	December 31, 2010

Scale agreement summaries

These summaries of scale agreements have been prepared by Tribunal staff and can be accessed in the [Notices to bargain and scale agreements](#) section of the Tribunal's website. For

each agreement, we have focused on things like the effective dates, whether it's a new agreement or a renewal, and various aspects of compensation and benefits. References to the specific clauses in the scale agreements are provided in brackets.

Readers curious about the sectors represented by the artists' associations below can find out more on the [Certification Register](#) on our website.

Union des Artistes (UDA) and MusiquePlus Inc.

Agreement renewal: In effect from October 1, 2009 until September 30, 2014. [10-1-.01]

Extent of agreement: All persons hired by MusiquePlus as performers and who fill one of the following roles: host, variety artist, guest performer, stunt performer, singer, chorus director, group leader, choreographer, columnist, comedian, commentator, assistant stunt performer, stunt coordinator, dancer, demonstrator, understudy, extra, illustrator, interviewer, reader, puppet player, model, puppeteer, mime artist, narrator, panelist, stand-in, as well as cue-person. [2-1.01]

Remuneration adjustments: A new tariff schedule is introduced upon signing the agreement and the tariffs are increased on the 4 subsequent anniversaries. [Chapter 8]

At the expiration of the agreement as well as each subsequent year, the tariffs are indexed according to percentage or logical increase established by the tariffs of the agreement. [10-1.02]

Pension plans: MusiquePlus will contribute an amount equal to 10% of talent fees and artists' *droit de suite* to the Caisse de sécurité des artistes. Moreover, MusiquePlus will issue a deduction equal to 2% of talent fees and artists' *droit de*

suite as part of their contribution to the Caisse de sécurité des artistes. [4-3.01, 4-3.02]

Vacation: MusiquePlus contributes 4% to the Fonds-vacances COPAR, of talent fees and artists' *droit de suite*. Twelve days are recognized as holidays. [4-3.02, 8-1.07]

Travel, accommodations and meal allowances: Travel is reimbursed at public transportation rates and the hours spent traveling are covered. MusiquePlus handles the formalities regarding accommodation and pays the artist a \$61 per diem every 24 hours, but if the meals are provided by MusiquePlus the artist is not entitled to the per diem. [6-9.01, 6-9.02, 8-6.01]

When travel is less than 24 hours, MusiquePlus pays the artist \$11 for breakfast, \$15 for lunch (\$16 in 2013) and \$25 for supper (\$26 in 2013). [8-6.02]

New media: The parties have agreed on the ways of using and paying artists in a letter of agreement, for a 2-year experimental period. [Appendix E]

[Letter of agreement between the Guild des musiciens et musiciennes du Québec \(GMMQ\) and TV5 Québec Canada](#)

Letter of agreement signed March 22, 2010.

The letter of agreement introduces changes to the 1997-1999 GMQ and TV5 agreement, which has been automatically renewed ever since.

The letter of agreement modifies: the definitions [**section 4**]; the types of broadcast shows [**section 4**]; the broadcasting areas and the percentages of royalties related to the various broadcasting areas [**chapter 4**]; the list of countries where the TV5 signal is broadcasted [**Appendix F**].

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