



**SPEAKING NOTES
FOR THE CHAIRPERSON OF THE
CANADIAN ARTISTS AND PRODUCERS PROFESSIONAL RELATIONS TRIBUNAL
TO THE
STANDING COMMITTEE ON HUMAN RESOURCES DEVELOPMENT (HUMA)
MAY 10, 2005
(Check against delivery)**

Mr. Chairman, Honourable Members, thank you for inviting the Canadian Artists and Producers Professional Relations Tribunal to appear before you to review our Main Estimates for 2005-2006. The last time we met with the Committee was in May 2003.

The Tribunal administers Part II of the *Status of the Artist Act* and reports to Parliament through the Minister of Labour. Parliament passed the *Status of the Artist Act* in 1992 and it became fully effective in 1995. The Tribunal just celebrated its 10th anniversary. For this occasion, we published a special annual report last year.

Part II of the *Status of the Artist Act* establishes a regime for collective bargaining between self-employed artists and producers within federal jurisdiction. The artists covered by the *Act* include writers, directors, performers, photographers and designers. The producers covered are broadcasters, federal government departments and most federal agencies and crown corporations such as the National Film Board and national museums. In all, there are some 100,000 Canadian artists, 165 federal government institutions and 1,200 broadcasters under the jurisdiction of the *Status of the Artist Act*.

Pursuant to the *Act*, the Tribunal's main responsibilities are:

- to define the sectors of cultural activity in our jurisdiction that are suitable for collective bargaining and to certify artists' associations to represent independent entrepreneurs working in these sectors; and
- to deal with complaints of unfair practices and other matters brought forward by artists, artists' associations and producers, and prescribe appropriate remedies.

In carrying out its responsibilities, the Tribunal's ultimate goal is to promote constructive professional relations between self-employed artists and the producers who use their services.

To date, the Tribunal has defined 26 artistic sectors as being suitable for collective bargaining and has certified artists' associations to represent these sectors. Some examples of certified artists' associations are Canadian Actors' Equity Association, Union des artistes, the American Federation of Musicians and the Writers Guild of Canada. After being certified, the artists' associations can engage federal producers in collective bargaining with the goal of arriving at a mutually satisfactory scale agreement. A scale agreement is similar to a collective agreement except that it establishes the minimum terms and conditions under which a producer engages a self-employed artist.

The Tribunal's main priority is to process matters before it promptly and competently. In carrying out this task, the Tribunal finds it a challenge to meet the tight target dates it has set itself for releasing decisions, as often the Tribunal deals with new matters in which there is no established jurisprudence. However, because the Tribunal is relatively new and small, it has been able to put in place efficient systems within its budget. Also, because all five current part-time members (there is one vacancy) have experience in labour relations and/or cultural affairs and because they are able to hear cases in both official languages, they can deal with matters effectively. They have all received training in conducting hearings, writing decisions and understanding the code of ethics.

When we were before this Committee in 2003, we mentioned that the Department of Canadian Heritage had just tabled in Parliament its report on the independent statutory review of our *Act*. The review confirmed the value and ongoing relevance of the *Status of the Artist Act*. It also pointed out that the *Act's* ability to improve the socio-economic circumstances of self-employed artists is limited due mainly to its restriction to federal producers. The province of Quebec is the only province where a similar regime exists. The province of Saskatchewan is continuing to move towards introducing a collective bargaining regime for self-employed artists and other changes which would improve

artists' social and economic standing in that province. Recently, in the province of Ontario, the Minister of Culture created the Advisory Council for Arts and Culture of which one of the sub-committees is studying the status of Ontario artists. The Canadian Conference of the Arts is urging other provinces to consider the issue.

The independent review of the *Act* also recommended amendments to the *Act* and other changes with a view to improving its operations and impact, including the successful negotiation of scale agreements. The department of Canadian Heritage in consultation with the department of Human Resources and Skills Development Canada has been studying the recommendations. The Tribunal looks forward to any changes which will help it promote constructive professional relations between self-employed artists and producers in our jurisdiction. In particular I believe that the provision for arbitration in the settlement of first scale agreements, as exists in most other labour jurisdictions, and the creation of a producer association for federal government producers, as also recommended in the review, would enhance results achieved under the *Act*.

In processing matters before it, the Tribunal devotes resources to helping parties resolve issues themselves where possible, to avoid the necessity of Tribunal hearings. The Tribunal Secretariat also devotes efforts to ensuring that artists' associations and producers understand fully their rights and responsibilities under the *Status of the Artist Act*. As part of a continuing process, the Secretariat recently met with certified artists' associations in Toronto and Montreal and will be meeting next week with federal government producers. Similar meetings with the broadcasters will be held again later in the fiscal year. Secretariat representatives continue to meet for information purposes with individual client groups when requested.

The *Status of the Artist Act* and the Tribunal's administration of the *Act* have contributed substantially and beneficially to good professional relations between artists and producers. There are now over 65 scale agreements negotiated under the *Act* of which over 25 are new since the *Act* came into effect. As well, there are negotiations ongoing for scale agreements that didn't exist before.

In the year to come, the Tribunal will continue to operate efficiently and diligently. Where full-time services are not required, such as, human resources, IT, security and mail services, the Tribunal has signed service contracts with other Government departments. We also share accommodation and some administrative services with the Office of the Chief Review Officer, established under the *Canadian Environmental Protection Act, 1999*. As well, we are part of a cluster group with other small agencies for the purposes of sharing the management of new or improved services, such as audit. Lastly, we now share a financial officer with another small agency, a unique experience in the federal government.

We have submitted our annual report, departmental performance report, report on official languages and all other reports as required to the Treasury Board Secretariat or other bodies. Also we have posted information on travel and hospitality expenditures, contracts over \$10,000 and position reclassifications as required on our Web site.

We hope that we have your support for our activities, and I look forward to your questions.

Thank you.