

## 29. REVOCATION OF CERTIFICATION

- (1) An artist in a sector may apply to the Tribunal for an order revoking an association's certification in respect of that sector
- (a) on the ground that the association's by-laws contravene the requirements of subsection 23(2), at any time; and
- (b) on the ground that the association is no longer the most representative of artists in the sector, or has failed to make reasonable efforts to conclude a scale agreement,
- (i) in the three months immediately preceding the date that the association's certification or a renewed certification is to expire, when at least one scale agreement is in force in respect of the sector, or
- (ii) after one year, or such shorter period as the Tribunal may fix on application, after the date of the certification or a renewed certification of the association, where no scale agreement is in force.
- (2) The Tribunal may stay any proceedings for revocation of the certification of an artists' association under paragraph (1)(a) where the association adopts by-laws that meet the requirements of subsection 23(2) within any period that the Tribunal may specify.
- (3) Revocation of certification is effective from the date of the Tribunal's determination to revoke it or, where an association fails to adopt by-laws within a period specified by the Tribunal pursuant to subsection (2), on the expiration of that period.
- (4) Any scale agreement for a sector in respect of which the certification of an artists' association has been revoked ceases to have effect from the date of revocation or from any later date the Tribunal may specify.

## 29. ANNULATION DE L'ACCREDITATION

- (1) Tout artiste du secteur visé peut demander au Tribunal d'annuler l'accréditation au motif que l'association a enfreint le paragraphe 23(2); lorsqu'il allègue que l'association a cessé d'être la plus représentative ou n'a pas pris les mesures voulues en vue de conclure un accord-cadre, il peut également demander l'annulation, mais dans les délais suivants:
- a) trois mois avant la date d'expiration de l'accréditation ou de son renouvellement, s'il y a au moins un accord-cadre en vigueur pour le secteur;
- b) sinon, un an après la date de l'accréditation ou de son renouvellement, ou dans le délai inférieur fixé, sur demande, par le Tribunal.
- (2) Le Tribunal peut ne pas prononcer l'annulation si l'association visée se conforme, dans le délai qu'il peut fixer, au paragraphe 23(2)
- (3) L'annulation de l'accréditation prend effet à la date de la décision du Tribunal ou, si l'association est toujours en contravention avec le paragraphe 23(2), à l'expiration du délai de grâce.
- (4) Tout accord-cadre conclue, pour le secteur en cause, entre l'association et le producteur cesse d'avoir effet à la date de l'annulation ou à la date ultérieure que le Tribunal juge indiquée.

CORRESPONDING SECTIONS:

<i>SAA:</i>	29(1) 29(1) a) 29(1) b) 29(2) 29(3) 29(4)	<i>CLC:</i>	38(1) - 38(2), 39(2) - - 42a)	<i>PSLRA:</i>	- 98(b) 94 - - 101(1)(a)
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JURISPRUDENCE:

<i>Abandonment of bargaining rights not mentioned in SAA</i>	<p>2000 CAPPRT (GCM/PACT), para. 64 and 65</p> <p>Nowhere does the <i>Act</i> refer to the notion of “abandonment” of bargaining rights</p> <p>[...]</p> <p>Should this Tribunal adopt an approach like that of the OLRB, i.e. recognizing an implicit power to declare bargaining rights to have been abandoned? Such an interpretation is not a step which should be taken lightly, or without the benefit of full argument, since it goes to the jurisdiction of the Tribunal. The onus was on PACT/CMG to convince the Tribunal that it should adopt an approach like that of the OLRB, which it failed to do.</p>
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