



Canadian Artists and Producers Professional Relations Tribunal

Performance Report

For the period ending
March 31, 1999

Canada

Improved Reporting to Parliament Pilot Document

The Estimates of the Government of Canada are structured in several parts. Beginning with an overview of total government spending in Part I, the documents become increasingly more specific. Part II outlines spending according to departments, agencies and programs and contains the proposed wording of the conditions governing spending which Parliament will be asked to approve.

The *Report on Plans and Priorities* provides additional detail on each department and its programs primarily in terms of more strategically oriented planning and results information with a focus on outcomes.

The *Departmental Performance Report* provides a focus on results-based accountability by reporting on accomplishments achieved against the performance expectations and results commitments as set out in the spring *Report on Plans and Priorities*.

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Foreword

On April 24, 1997, the House of Commons passed a motion dividing on a pilot basis what was known as the annual *Part III of the Estimates* document for each department or agency into two documents, a *Report on Plans and Priorities* and a *Departmental Performance Report*.

This initiative is intended to fulfil the government's commitments to improve the expenditure management information provided to Parliament. This involves sharpening the focus on results, increasing the transparency of information and modernizing its preparation.

This year, the Fall Performance Package is comprised of 82 Departmental Performance Reports and the government's report *Managing for Result* - Volume 1 et 2.

This *Departmental Performance Report*, covering the period ending March 31, 1999, provides a focus on results-based accountability by reporting on accomplishments achieved against the performance expectations and results commitments as set out in the department's pilot *Report on Plans and Priorities* for 1998-99. The key result commitments for all departments and agencies are also included in Volume 2 of *Managing for Results*.

Results-based management emphasizes specifying expected program results, developing meaningful indicators to demonstrate performance, perfecting the capacity to generate information and reporting on achievements in a balanced manner. Accounting and managing for results involve sustained work across government.

The government continues to refine and develop both managing for and reporting of results. The refinement comes from acquired experience as users make their information needs more precisely known. The performance reports and their use will continue to be monitored to make sure that they respond to Parliament's ongoing and evolving needs.

This report is accessible electronically from the Treasury Board Secretariat Internet site:
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Canadian Artists and Producers Professional Relations Tribunal

Performance Report

**For the
period ending
March 31, 1999**

Honourable Claudette Bradshaw
Minister of Labour

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Executive Summary

Canada's cultural community is a vibrant one. The Canadian Artists and Producers Professional Relations Tribunal strives to contribute to this community by giving effect to the provisions of the *Status of the Artist Act* which grant collective bargaining rights to associations representing self-employed artists engaged by producers in the federal jurisdiction.

The Tribunal's priorities during fiscal year 1998-1999 were to continue to make sound, timely decisions, to assist artists and producers in resolving differences and in taking advantage of the benefits of the *Status of the Artist Act*, to ensure visibility of the Tribunal to the public, and to manage public resources efficiently and effectively.

Since entering into full operation in 1995, the Tribunal has received a total of 39 applications for certification and other matters, such as complaints of unfair practice, requests for review and requests for declarations. Following investigation, resolution assistance and hearings in some cases, 31 cases had been dealt with as of the end of fiscal year 1998-1999.

The Tribunal has developed performance measures and expected results with regard to its activities. Preliminary results indicate that the Tribunal has in general met its objective of dealing with matters in a sound and timely manner. There has been only one request for judicial review of a Tribunal decision to date. Tribunal staff met with the cultural community in various centres across the country to strengthen their awareness of this agency and the *Status of the Artist Act* it administers.

The Tribunal is working on improving its performance measurement framework to eventually be able to describe the impact of its activities on Canada and Canadians, not simply to report on the efficiency of its service delivery. The Tribunal has started a process to seek the guidance of its client community on this matter. The impact of the Tribunal's work and its decisions on the well-being of artists and on relations between artists and producers will be known over the longer term and will be determined with the assistance of in-depth surveys and studies conducted at an appropriate time.

Chart of Key Results Commitments

| The Canadian Artists and Producers Professional Relations Tribunal administers the <i>Status of the Artist Act</i> | | |
|--|--|---|
| to provide Canadians with: | to be demonstrated by: | achievements reported in: |
| constructive professional relations between artists, as independent entrepreneurs, and producers within the federal jurisdiction | <ul style="list-style-type: none"> • sound, timely decisions • successful negotiation of scale agreements by the parties • a well-informed client community | <p>Section III-A (at page 11)</p> <p>Section III-A (at page 14)</p> <p>Section III-A (at page 14)</p> |

Financial Information

Planned Spending 1998-1999: \$ 1,698,000

Total Authorities 1998-1999: \$ 1,698,000

Actual Spending 1998-1999: \$ 1,271,000

The variance between Total Authorities and Actual Spending is explained in Section IV-A, Financial Performance Overview, at page 17.

Section I: The Message from the Chairperson

December 10, 1998 marked the 50th anniversary of the proclamation of *The Universal Declaration of Human Rights*, the most significant human rights instrument of our time. The *Declaration* sets out numerous freedoms and rights, several of which relate to the workplace environment. Among the rights that all signatory states have agreed to recognize are the rights to form and join trade unions and the right to just and favourable conditions of work. These same rights have influenced many Canadian laws including the *Status of the Artist Act*. All Canadians should be particularly proud that the *Status of the Artist Act* contributes to furthering the agenda of human rights as envisioned in the *Declaration*.

The cultural sector in Canada represents innovation and quality, understanding and insight, and the means by which Canadians define, understand and appreciate one another. In the long term, support for the cultural sector is one of the greatest and most efficient means to bolster national identity and build a strong sense of pride and belonging in Canadians.

The *Status of the Artist Act* contributes also to our cultural sovereignty by encouraging constructive professional relations thereby developing and enhancing cultural production. Although, prior to the enactment of the *Status of the Artist Act*, agreements in certain sectors had been negotiated on a voluntary recognition basis, there existed no mechanisms by which the terms and conditions of these agreements could be enforced. The *Act* fills this void and provides a legal framework for the conduct of negotiations, the resolution of disputes as well as providing enforcement mechanisms.

Since 1995, at least 15 scale agreements have been renegotiated and three first scale agreements have been signed. Collective bargaining continues for certified artists' associations and it is inevitable that other associations will be able to conclude first agreements in the coming year. The Tribunal will continue to define new sectors of cultural activity as the regulations prescribing additional categories of artists covered by the legislation were proclaimed in April 1999, thereby protecting and strengthening more artists within Canada.

As Chairperson of the Canadian Artists and Producers Professional Relations Tribunal, I wish to reaffirm my commitment to this agency's role in promoting a stable and healthy cultural sector that contributes to our collective Canadian spiritual and economic well-being. I am therefore pleased to present to Parliament this third annual performance report of the Canadian Artists and Producers Professional Relations Tribunal for the period ending March 31, 1999.

David P. Silcox
Chairperson and Chief Executive Officer
September 1999

Section II: Departmental Overview

A. History

The *Status of the Artist Act* was enacted in 1992 to recognize the important role that artists play in Canadian society and to provide mechanisms to improve the socio-economic status of self-employed artists. The Canadian Artists and Producers Professional Relations Tribunal was created to assist in achieving these objectives by administering the legal framework for professional relations between self-employed artists and certain producers in the federal jurisdiction, as set out in Part II of the *Act*.

A number of key events and activities on the domestic and international scenes led to the adoption of the federal *Status of the Artist Act*. Following Canada's signature of the UNESCO *Recommendation on the Status of the Artist* in 1980, several studies were undertaken by government and private sector groups in an effort to find a means to enhance the socio-economic status of professional artists in Canada. Associations representing various artistic disciplines made representations to federal and provincial governments and two task force reports, the *Applebaum-Hébert* and *Siren-Gélinas* reports, addressed the precarious economic situation of Canadian artists.

Included in the latter report was a recommendation that self-employed artists be given access to collective bargaining rights. Through voluntary recognition arrangements, artists' associations such as the Union des Artistes (UDA), ACTRA Performers Guild, Canadian Actors' Equity Association (CAEA) and the American Federation of Musicians of the United States and Canada (AFM) had been successful in negotiating scale agreements with some producers that established basic protections for their freelance members. However, without a statutory basis for these voluntary arrangements, artists' associations had no mechanism to enforce the terms and conditions that were negotiated and the parties did not have any legal rights and responsibilities with respect to the conduct of negotiations.

In 1987, Quebec enacted legislation that created the *Commission de reconnaissance des associations d'artistes* and established a regime for legal recognition of artists' associations. In 1989, a unanimous report of the House of Commons Standing Committee on Communications and Culture recommended the enactment of federal legislation recognizing the status of the artist.

These are some of the events which led to the development and passage by Parliament of the *Status of the Artist Act* in 1992. The Tribunal was established in 1993 and became fully operational in 1995.

B. Mandate, Vision and Mission

The Canadian Artists and Producers Professional Relations Tribunal is responsible for administering the provisions of the *Status of the Artist Act* that regulate professional relations between self-employed artists and producers in certain parts of the Canadian cultural sector which are under federal jurisdiction.

The Tribunal is one of three labour boards in the federal jurisdiction. The other two are the Canada Industrial Relations Board, which deals with relations between private sector employers and employees in the federal jurisdiction, and the Public Service Staff Relations Board, which deals with relations between federal public sector employers and employees. Each board administers a different piece of labour legislation.

Regulation of labour relations between the vast majority of workers and employers in Canada falls under the legislative authority of provincial legislatures. Federal Parliament has the constitutional authority to regulate labour relations in a limited number of industrial sectors, including broadcasting, telecommunications, banking, interprovincial transportation and federal government institutions.

The producers subject to the Tribunal's jurisdiction are broadcasting undertakings under the jurisdiction of the Canadian Radio-television and Telecommunications Commission, federal government departments and the majority of federal government agencies and crown corporations (such as the National Film Board and national museums).

The Tribunal has a statutory mandate to define the sectors of cultural activity that are suitable for collective bargaining between the artists' associations and producers in its jurisdiction, to certify associations to represent independent entrepreneurs working in these sectors, to hear and decide complaints of unfair practices filed by artists, artists' associations and producers, and to prescribe appropriate remedies for contraventions of the *Status of the Artist Act*.

The Tribunal's mission is to contribute to Canada's cultural community by encouraging constructive professional relations between artists, as independent entrepreneurs, and producers in the federal jurisdiction.

By following the procedures specified in the *Act*, certified artists' associations and producers can negotiate for the purpose of entering into scale agreements. A scale agreement specifies the minimum terms and conditions to which a producer must adhere when engaging or commissioning work from a self-employed professional artist in a particular sector.

C. Operating Environment

The Canadian Artists and Producers Professional Relations Tribunal reports to the Parliament of Canada through the Minister of Labour. Certain provisions of the *Act* also specify an important role for the Minister of Canadian Heritage whose sectoral clientele includes users of the Tribunal.

The principal client groups of the Tribunal are self-employed artists and the associations representing them, and producers in the Tribunal's jurisdiction as detailed above in Section B. The client group of self-employed artists is made up of authors within the meaning of the *Copyright Act* (such as writers, photographers and music composers), performers (such as actors, musicians and singers), directors, and some other professionals who contribute to the creation of a production as specified by regulation.

Objectives and Priorities

The Tribunal has maintained the same objectives and priorities for the 1996-1999 planning period. They have been modified very slightly to reflect the changing business of the Tribunal and for reasons of clarity.

- 1) to process applications, complaints and other matters and to make sound decisions promptly, professionally and in a cost-sensitive manner;
- 2) to inform and assist artists and producers in resolving differences and taking advantage of the benefits of the *Status of the Artist Act*;
- 3) to ensure visibility to the public of the aims, activities and impact of the Tribunal; and
- 4) to manage resources with regard for the principles of efficiency, effectiveness and accountability.

The Tribunal's progress in meeting these objectives during 1998-1999 is the subject of Sections III and IV of this Departmental Performance Report.

Challenges

The cultural sector is an important part of the Canadian economy, representing a direct economic impact of approximately \$24 billion in the 1996-97 fiscal year, and sustaining approximately 710,000 full- and part-time jobs, according to Canadian Heritage. Between 1991 and 1997, the value of Canadian exports of selected cultural goods to foreign markets grew by an average of 12.5 percent per year to \$1.5 billion, even without including the value of exports of intellectual property and some other services, according to Statistics Canada.

Artists and other cultural workers play a vital role in Canadian society as a whole, by representing Canada's identity at home and abroad and by contributing to the cultural, social, economic and political enrichment of Canada. However, the revenues that artists earn do not reflect their importance to our country. Statistics Canada's Census shows that the average employment income of artists in the Tribunal's jurisdiction was \$23,000 in 1995. This includes income earned in addition to their artistic work. Artists' average income is still less than the average for all Canadian workers which was \$26,000, even though artists have a higher than average level of education.

A growing number of Canada's artists are self-employed. Although exact figures are not available, Statistics Canada data indicates that 42 percent of artists were self-employed in 1996 and, for some occupations such as writers, musicians and visual artists, the proportion is between 50 and 75 percent self-employed. This is a considerable increase from the 32 percent of artists who identified themselves as being self-employed in 1991. It is estimated that some 100,000 of these self-employed artists are engaged in professions that are subject to the Tribunal's jurisdiction. These numbers do not include those individuals whose principal work is in another occupation but who in addition work as artists.

Although the potential number of artists falling under the jurisdiction of the Tribunal is a considerable number, the impact of the Tribunal on the socio-economic situation of these artists is restricted by certain factors. Because of the nature of self-employment, a limited number of artists are engaged by producers in the Tribunal's jurisdiction in any given year and not necessarily for the whole year. As well, the amount of work offered by producers in the Tribunal's jurisdiction is modest in comparison to total activity in the cultural sector in Canada, such as independent film and television production, gallery exhibitions, theatre and other performances. When artists are engaged by other producers, only in Quebec are they covered by similar legislation providing for a collective bargaining regime.

Therefore, in the absence of complementary labour relations regimes in the provinces and territories in the rest of Canada, a marked improvement in the well-being of artists is potentially hindered. The Tribunal has and will continue to provide information and advice to policy makers and other interested parties in provincial jurisdictions which are interested in considering the advantages of status of the artist legislation.

The increasing globalization of the cultural market also affects the economic situation of Canadian artists. Canada's cultural policies have historically included the use of subsidies, ownership restrictions and Canadian content requirements to support domestic cultural industries. The government's ability to continue these forms of support is coming under increasing pressure from foreign challenges pursuant to existing international trade treaties and in the negotiation of new treaties and other instruments. In such an environment, collective bargaining is a valuable tool for artists in protecting their rights.

Evolving technologies and, specifically, the ongoing convergence of media distribution technologies are other factors which impact on the relations between artists and producers. The line between telecommunications and broadcasting is becoming less distinct and the relevance of policies and regulations developed for each mode is being questioned. This is particularly true with respect to the rapid evolution of the Internet, which among other things is creating a number of copyright issues. Difficulties in enforcing copyrights through civil litigation have led to suggestions that copyright be made a matter of contract in scale agreements negotiated under the *Status of the Artist Act*, thereby permitting enforcement through the grievance arbitration system.

The continued rapid growth of services on the Internet, which include the distribution of audio and audio-visual programming, prompted the Canadian Radio-television and Telecommunications Commission (CRTC) to hold a public proceeding to examine the implications and significance that these new media services have for creators, distributors and users. The CRTC recently determined as a result of this proceeding that some of the material transmitted over the Internet falls within the definition of "broadcasting" under the *Broadcasting Act*. The Tribunal will research the implications of this conclusion and the potential application of the *Status of the Artist Act's* collective bargaining regime to broadcasting on the Internet.

There are a number of factors which affect whether artists' associations will apply for certification to represent artists in collective bargaining and whether certified artists' associations and producers will succeed in negotiating scale agreements that contribute to constructive professional relations. In addition to some of the factors mentioned above is the financial health of artists' associations. Many artists' associations are small organizations representing freelance artists in precarious economic situations and dealing with a rapidly changing work environment affected by globalization and new technologies. They find themselves in a difficult situation as they have limited resources to devote to the pursuit of collective bargaining, although success in this area could contribute to improving their stability. In the last few years, cutbacks in government funding have made it more difficult for these associations to survive. In carrying out its responsibilities, the Tribunal is mindful of the limited resources available to self-employed artists and the associations that represent them and facilitates their access to the Tribunal's processes by, for example, adopting simple procedures and holding hearings at locations convenient to the clients.

Furthermore, attempts so far by certified artists' associations to negotiate scale agreements with federal government institutions have, for the most part, not been successful. For reasons of efficiency and economy, artists' associations had hoped to be able to negotiate with a single producers' association representing most federal government institutions, but as such a producers' association has not been formed, artists' associations are faced with the lengthy, costly task of negotiating with each government institution individually. The Tribunal will continue to monitor this situation.

D. Departmental Organization

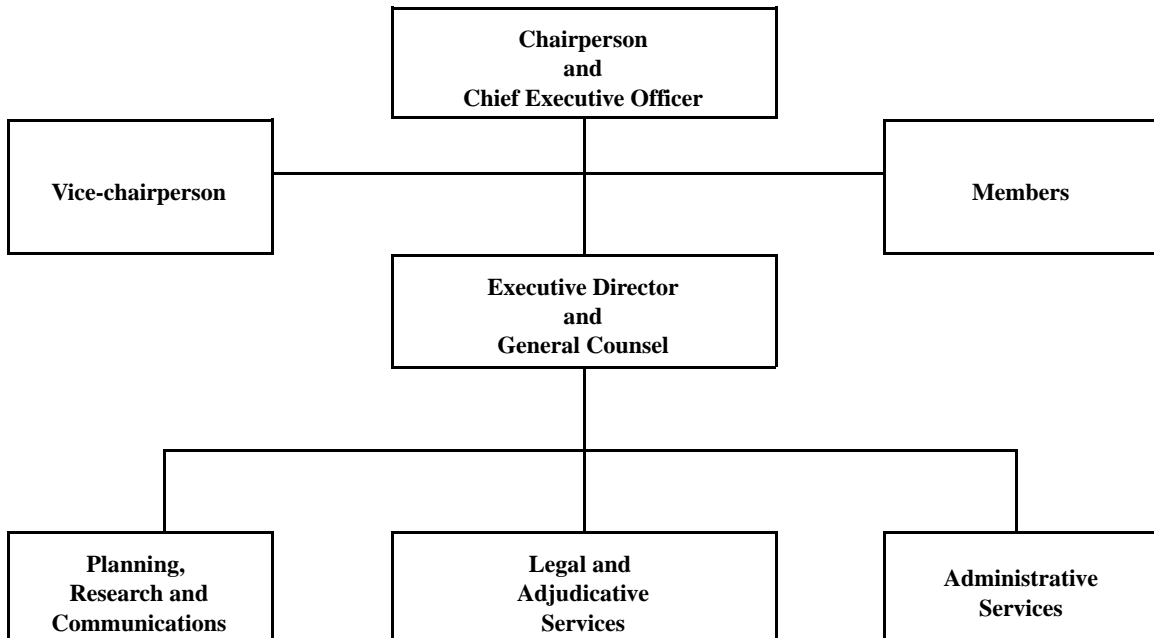
Description of Business Line

The sole business line of the Tribunal is adjudication — to hear and determine applications and complaints made to it pursuant to the *Status of the Artist Act*. This business line is derived from the legislation. Because adjudication is the Tribunal’s single business line, its objectives and priorities are identical to the Tribunal’s overall objectives and priorities.

Organization Composition

The *Status of the Artist Act* provides for the basic structure of the Tribunal. It is to be composed of a Chairperson, a Vice-chairperson and not less than two or more than four other full-time or part-time members. The Chairperson is the Chief Executive Officer of the Tribunal and is responsible for the management of the staff and supervision of the work of the Tribunal.

The statute also provides that the Tribunal may engage such employees as are necessary for the conduct of its business. The Tribunal has staffed only those functions that are essential to the conduct and administration of its adjudicative responsibilities. During 1998-1999, eight FTEs (full-time equivalents) were used to carry out the functions of legal counsel, registrar, planning, research, communications, mediation and administrative support. Some corporate support functions, such as informatics, human resources and financial services were obtained from other government departments or individual contractors.



Section III: Departmental Performance

Because adjudication is the Tribunal's single business line, the business line performance expectations and accomplishments are identical to the departmental performance expectations and accomplishments.

A. Performance Expectations and Accomplishments

For purposes of this reporting exercise, departments and agencies are required to report on their results with respect to Canadians, in other words, to describe what impact their activities have on Canada and Canadians. The Tribunal is working on improving its performance measurement framework, slowly moving away from the sole measurement of its service delivery towards the measurement of its actual results. As many other departments and agencies have found, this is not an easy task.

The Tribunal Secretariat has decided to seek the guidance of its client community on this matter. In June 1999, a meeting was held with a small number of individuals experienced with performance measurement frameworks and/or knowledgeable of the client community and the Tribunal's work, to discuss possible ways in which the Tribunal could conduct consultations with its client groups. Consultations will be held during fiscal year 1999-2000 to determine if the Tribunal's services meet the needs of its clients, to confirm the appropriateness of its objectives and to establish a measurement framework that will better capture the results of its efforts. In so doing, the Tribunal will be in a better position to provide meaningful information, not only for ongoing management but also for the review of the entire legislation which the Department of Canadian Heritage is required by the *Act* to carry out in 2002, in consultation with the Department of Human Resources Development Canada.

The Tribunal is currently reporting on its third full year of operation. The measures and targets used thus far to assess the achievement of the Tribunal's objectives and the actual performance of the Tribunal are described below.

Objective 1: To process applications, complaints and other matters and to make sound decisions promptly, professionally and in a cost-sensitive manner

As of March 31, 1999, the Tribunal had received a total of 39 applications, complaints and other matters to deal with since its creation. Of these, 28 applications were requests for certification. The Tribunal had rendered final decisions in 18 certification cases and three had been withdrawn. Some applications remained on hold until regulations prescribing the additional professional categories to be covered by the *Act* are promulgated. Such regulations came into effect in April 1999 and it is anticipated that some of these applications on hold will be reactivated.

Dealing with applications for certification has been the dominant activity of the Tribunal and two measures of service delivery have been selected to assess the Tribunal's performance in this regard, as reported in Table 1 below.

Table 1: Processing of Applications for Certification

| <i>Performance Measure</i> | <i>Results Expectation</i> | <i>1996-1997</i> | <i>1997-1998</i> | <i>1998-1999</i> |
|--|----------------------------|------------------|------------------|------------------|
| Average time to issue reasons for decision after the hearing concludes | 35 calendar days | 46 days | 35 days | 59 days |
| Average time to process applications from the date of receipt of the completed application to date of decision | 240 calendar days | 263 days | 254 days | 521 days |

In 1997, after its first full year of work, the Tribunal set standards for the processing of certification applications. The Tribunal has had some difficulty meeting the targeted times, as indicated in the above table, since it has been dealing with a number of complex, multi-party cases and because some artists' associations lack the resources to move forward quickly on cases. In addition, one of the cases which was completed during the fiscal year included a representation vote among artists. Such a vote is somewhat complicated to carry out when dealing with self-employed artists, since they are dispersed among various workplaces and a complete list of these artists is not available. The Tribunal will have to consider whether some of its targeted times are somewhat unrealistic. Clients have not indicated any discontent with the Tribunal's handling of cases with regard to promptness. It is the Tribunal's intention to conduct a survey to determine client satisfaction with respect to this and other issues.

Now that certifications have been granted for a number of sectors of artistic activity representing a large proportion of the Tribunal's jurisdiction, the nature of the Tribunal's work has been gradually changing as the parties become involved in collective bargaining and request assistance from the Tribunal in resolving difficulties arising from their negotiations. The Tribunal will establish indicators and standards for dealing with complaints and other matters as these activities become more frequent. A complete description of the status of all outstanding cases is contained in the Tribunal's Annual Report to Parliament.

Performance standards have also been established to measure the soundness of the Tribunal's decisions. The *Act* provides that a party may, under specific circumstances, request a judicial review of a Tribunal's decision by the Federal Court of Appeal. In fiscal year 1998-1999, the first request for a judicial review of one of the 29 interim and final decisions rendered by the Tribunal was filed. This represents a request for judicial review in three percent of the decisions issued. This is within the standard set of judicial reviews requested in a maximum of five percent of the decisions issued. The case has not yet been heard by the Federal Court of Appeal.

Table 2: Judicial Review of Decisions

| <i>Performance Measure</i> | <i>Results Expectation</i> | <i>1996-1999</i> |
|--|----------------------------|------------------|
| Percentage of decisions for which judicial review is requested | Fewer than 5% | 3% |
| Success rate of applications for judicial review | Fewer than 50% | n/a |

Objective 2: To inform and assist artists and producers in resolving differences and taking advantage of the benefits of the *Status of the Artist Act*

In order to assist parties appearing before it, the Tribunal has developed an easily understood guide to its procedures. In developing these procedures, the Tribunal has paid particular attention to recognizing the limited financial resources of its client community while still respecting the principles of administrative fairness. The guide helps make the Tribunal more accessible to users and as a result, for example, some persons are able to appear before the Tribunal without the assistance of counsel.

To reduce the number of cases that require adjudication and to focus the issues which must be heard by a Tribunal panel, staff resources are being used to investigate and mediate issues arising in the context of applications for certification, complaints and other matters. It is believed that this approach lessens the burden, both in time and cost, on the client community and the Tribunal.

It is hoped that the existence of the *Act* and its professional relations regime will lead to constructive professional relations between artists and producers and bring benefits to both.

Benefits for artists are expected to include:

- i) improvements in their economic situation, and
- ii) improvements in working conditions.

Benefits to producers may include:

- i) a larger pool of skilled labour as more artists are attracted and/or remain in the sector due to improved terms and conditions of work;
- ii) reduced costs of negotiations since the legal regime helps parties to avoid endless bargaining by setting down certain limits, for example with respect to bargaining notice and pressure tactics;
- iii) reduced time in negotiations since the existence of minimum terms and conditions in scale agreements means that what remains to be negotiated between producers and individual artists is how much, if any, above the minimums; and
- iv) dealing with an organized group of workers compared to an unorganized group.

The following table and other information describe the measures and targets related to this objective developed so far and the assessment of the Tribunal as known.

Table 3: Information and Assistance to Client Community

| <i>Performance Measure</i> | <i>Results Expectation</i> | <i>1996-1999</i> |
|---|---|--|
| Fair and effective procedures and regulations | Simple and appropriate procedures and regulations; easily understood documents explaining these procedures. | Consultations carried out with the client community during 1996-1997 resulted in amendments to Tribunal procedures that were implemented in 1997-1998. |
| Percentage of complaints resolved without a hearing. Client satisfaction | 50% of complaints to be resolved without a hearing. Client satisfaction to be determined by survey. | Five complaints were received. 60% or three resulted in a settlement without the need for a hearing, one was dismissed and one remained unresolved. Much assistance has also been given to parties to come to agreement over disputes regarding jurisdiction or other matters during certification applications. |
| Successful negotiation of first scale agreements; improvements in the terms and conditions of engagement for self-employed artists; benefits to producers | All certified artists' associations to have negotiated at least one scale agreement within three years of certification. Other impacts to be determined by client survey and other information. | Out of two associations whose certification reached the three-year mark, one had negotiated a first agreement. Two other associations negotiated first scale agreements before the three year mark. Further comments below. |

So far, at least three first scale agreements and 15 renewals have been negotiated. As explained earlier, a study will be done in the future to evaluate if and what benefits have been achieved. However, anecdotal information is available. For example, in the press release announcing its first scale agreement with Groupe TVA inc., la Société des auteurs, recherchistes, documentalistes et compositeurs (representing French language screenwriters) expressed its pleasure: (translation)"The agreement ... represents another step towards the harmonization of working conditions of screenwriters in the whole industry". For its part, the Writers Guild of Canada (WGC), representing English language screenwriters, was pleased to finally renegotiate TV and radio agreements with the Canadian Broadcasting Corporation, not done since 1992. In its newsletter, the WGC declared that, with respect to the TV agreement, the Guild "... largely achieved its objectives while taking into account the CBC's needs."

As well, the Tribunal Secretariat has met with Statistics Canada and a number of other organizations interested in developing improved statistical information about the cultural sector. The Tribunal hopes to obtain more precise and current data on the number and average incomes of self-employed artists in those professions covered by the *Status of the Artist Act* and other data that will assist in measuring improvements in the economic circumstances of artists.

Objective 3: To ensure visibility to the public of the aims, activities and impact of the Tribunal

The rights and obligations contained in the *Status of the Artist Act* are still relatively little known to Canadians. In its first years of operation, the Tribunal has paid particular attention to building awareness within the cultural community and the public in general of the rights, benefits and obligations conferred by the *Status of the Artist Act*. The Tribunal issues information bulletins regularly and maintains an Internet home page providing detailed information regarding its aims, activities, procedures and decisions. The Tribunal also aims to respond quickly to requests for information received from across the country and even internationally.

In the fiscal year under review, Tribunal staff met with the cultural community in various cities across the country to explain the *Status of the Artist Act* and the Tribunal's activities. In addition, members and staff represented the Tribunal at various conferences and conventions including the convention of the Canadian Association of Broadcasters and the Canadian Cable Television Association.

In the same year, the Tribunal also sponsored a competition for excellence in the arts on the theme of human rights. This was a significant way for the Tribunal to participate in the celebrations across Canada and the world commemorating the 50th anniversary of the *Universal Declaration of Human Rights*, a document which promotes several rights implemented by the *Status of the Artist Act*, such as the right to form and join trade unions. It was also an effective way for the Tribunal to improve its visibility. Almost 100 submissions were received from visual and graphic artists across the country, a winner was selected and an award ceremony was held in Ottawa at the National Gallery of Canada.

The Tribunal's measures and targets and its actual performance with respect to these follow.

Table 4: Public visibility of the Tribunal

| <i>Performance Measure</i> | <i>Results Expectation</i> | <i>1997-1998</i> | <i>1998-1999</i> |
|--|---|------------------|--|
| Quality and timeliness of information bulletins | At least four information bulletins to be issued annually. Quality to be verified by client survey. | Four issued. | Two issued. |
| Quantity of use and quality of the Tribunal's Internet site | Increasing use of the website. Client satisfaction to be determined by client survey. | n/a | Use was up 55% compared to the previous year. Mostly favourable comments received. |
| Accuracy and timeliness of responses to queries and requests for information | Enquiries and requests for information to be dealt with within two working days. Client satisfaction to be determined by client survey. | n/a | Average response time to enquiries regarding the art competition was within one day. |

Although the number of information bulletins issued by the Tribunal decreased in the last fiscal year, the format of the bulletin was improved and its content modified to make it more useful to its users and to reflect the fact that artists' associations and producers are more and more at the stage of collective bargaining. The Tribunal is considering reducing the frequency of issue of the bulletin and will make a decision on this in the near future.

B. Year 2000 Readiness

The Canadian Artists and Producers Professional Relations Tribunal has reviewed all of its systems and electronic assets, both hardware and software, and all are Year 2000 compliant. No Government Wide Mission Critical systems are involved. Since June 1998, all contracts with suppliers have contained a requirement that they be Year 2000 compliant.

Section IV: Financial Performance

A. Financial Performance Overview

The Tribunal continues to meet its fourth objective of managing resources with regard for the principles of efficiency, effectiveness and accountability. While the Tribunal endeavours to provide effective, affordable service to its clients in its adjudicative activities, it is required to maintain cost efficient operations. At the end of the fiscal year, the Tribunal was able to return \$427 thousand to the Consolidated Revenue Fund.

The Tribunal responded to all client requests for information promptly and completed complex certification hearings. The number of hearings was less than expected, the reasons for this being two-fold: fewer applications for certification were received and a number of matters were settled in advance of hearing. As a result, the Tribunal realized significant savings related directly to hearings such as less than expected remuneration for part-time members, travel expenses and fees for interpreters and court reporters. The Tribunal still has several applications for certification that it is waiting to process. These matters were awaiting the promulgation of regulations prescribing additional categories of artists eligible for inclusion under the *Act*. The regulations came into force on April 22, 1999. The Tribunal will be able to proceed with these applications in the next fiscal year.

The Tribunal conducted a significant communications initiative concerning the *Status of the Artist Act*. In an effort to promote knowledge and awareness of the legislation, a number of activities were undertaken including meetings with the cultural community and a sponsored competition for excellence in the arts. These projects in conjunction with the ongoing efforts to develop awareness in our client community such as the distribution of information bulletins, the maintenance of a web page and a 1-800 number, seek to promote the advantages that can be gained through the *Act*.

The Tribunal continues to obtain best value in procurement. Through both the careful selection of suppliers and by obtaining common administrative support services from other government departments or agencies including Canadian Heritage and Industry Canada, the Tribunal remains vigilant in its administration of public funds. Where possible the Tribunal has refrained from unnecessary expenditures by utilizing existing library and hearing facilities in other government departments or agencies.

B. Financial Summary Tables

We have included the following financial tables:

Table 1 - Summary of Voted Appropriations

Table 2 - Comparison of Total Planned Spending to Actual Spending by Business Line

Table 3 - Historical Comparison of Total Planned Spending to Actual Spending

The summary financial information presented below includes three figures:

Planned Spending - what the plan was at the beginning of the fiscal year;

Total Authorities - planned spending plus any additional spending Parliament has seen fit to approve for departments to reflect changing priorities and unforeseen events; and

Actuals - what was actually spent during the fiscal year.

Financial Table 1 Summary of Voted Appropriations

| Financial Requirements by Authority (\$ thousands) | | | | |
|---|---|------------------------------------|-------------------------------------|----------------------|
| Vote | | 1998-99 | | |
| | | <u>Planned Spending</u> | <u>Total Authorities</u> | <u>Actual</u> |
| | Canadian Artists and Producers Professional Relations Tribunal | | | |
| 35 | Program expenditures | 1,528 | 1,528 | 1,101 |
| (S) | Contributions to employee benefit plans | 170 | 170 | 170 |
| | Total Department | 1,698 | 1,698 | 1,271 |

Financial Table 2

Comparison of Total Planned Spending to Actual Spending, 1998-1999

| Departmental Planned versus Actual Spending (\$ thousands) | | | |
|--|---------|------------|--------|
| Business Line: Adjudication | 1998-99 | | |
| | Planned | Authorized | Actual |
| FTEs | 11 | | 8 |
| Operating | 1,698 | 1,698 | 1,271 |
| Capital | - | - | - |
| Voted Grants & Contributions | - | - | - |
| Subtotal: Gross Voted Expenditures | 1,698 | 1,698 | 1,271 |
| Statutory Grants and Contributions | - | - | - |
| Total Gross Expenditures | 1,698 | 1,698 | 1,271 |
| Less: | | | |
| Respendable Revenues | - | - | - |
| Total Net Expenditures | 1,698 | 1,698 | 1,271 |
| Other Revenues and Expenditures | | | |
| Non - Respendable Revenues | - | - | - |
| Cost of services provided by other departments | | | 260 |
| Net Cost of the Program | 1,698 | 1,698 | 1,531 |

Financial Table 3

Historical Comparison of Total Planned Spending to Actual Spending

| Historical Comparison of Departmental Planned versus Actual Spending (\$ thousands) | | | | | |
|--|---------------------------|---------------------------|-----------------------------|------------------------------|---------------|
| | | | 1998-99 | | |
| | <u>Actual 1996-97</u> | <u>Actual 1997-98</u> | <u>Planned Spending</u> | <u>Total Authorities</u> | <u>Actual</u> |
| Canadian Artists and Producers Professional Relations Tribunal | 1,212 | 1,138 | 1,698 | <i>1,698</i> | 1,271 |
| Total | 1,212 | 1,138 | 1,698 | <i>1,698</i> | 1,271 |

The following financial tables are not applicable to the Canadian Artists and Producers Professional Relations Tribunal:

- Financial Table 4 - Crosswalk between Old Structure and New Structure
- Financial Table 5 - Resource Requirements by Organization and Business Line
- Financial Table 6 - Revenues to the Vote
- Financial Table 7 - Revenues to the CRF
- Financial Table 8 - Statutory Payments
- Financial Table 9 - Transfer Payments
- Financial Table 10 - Capital Payments by Business Line
- Financial Table 11 - Capital Projects
- Financial Table 12 - Status of Major Crown Projects
- Financial Table 13 - Loans, Investments and Advances
- Financial Table 14 - Revolving Fund Financial Summaries
- Financial Table 15 - Contingent Liabilities

Section V: Supplementary Information

A. Contact for Further Information

Canadian Artists and Producers Professional Relations Tribunal
8th Floor West
240 Sparks Street
Ottawa, Ontario K1A 1A1

Telephone: (613) 996-4052 or 1-800-263-ARTS (2787)

Fax: (613) 947-4125

E-mail: tribunal.artists@ic.gc.ca

Internet site: <http://homer.ic.gc.ca/capprt>

B. Statutes Administered by the Canadian Artists and Producers Professional Relations Tribunal

Status of the Artist Act (S.C. 1992, c.33)

C. Listing of Statutory and Other Departmental Reports and Publications

Canadian Artists and Producers Professional Relations Tribunal Annual Report

Canadian Artists and Producers Professional Relations Tribunal Information Bulletins
(several per year)

Canadian Artists and Producers Professional Relations Tribunal Performance Report
(annual)

Canadian Artists and Producers Professional Relations Tribunal Report on Plans and Priorities (annual)

Canadian Artists and Producers Professional Relations Tribunal Procedures, 3rd Edition,
February 1999 (updated occasionally)

The Status of the Artist Act Annotated, prepared by the Legal and Adjudicative Services Branch of the Canadian Artists and Producers Professional Relations Tribunal, published by Carswell, 1999.