



## Tribunal allows complaint

On January 23, 2006, the Tribunal rendered Decision 2006 CAPPRT 050, a final decision regarding a complaint filed by writer S. Petch against the Writers Guild of Canada (WGC). In the complaint, Mr. Petch alleged that the WGC had breached its duty to fairly represent him (section 35 of the *Status of the Artist Act*), in respect to the negotiation of an unauthorized sale of his works by the Canadian Broadcasting Corporation. The Tribunal found that the WGC had breached its duty of fair representation.

## Tribunal dismisses complaint

On December 22, 2005, the Tribunal rendered a decision in a complaint filed against the Alliance of Canadian Cinema Television and Radio Artists (ACTRA) by ACTRA member J.A. Baker for a breach of its duty of fair representation (section 35 of the *Status of the Artist Act*). The Tribunal dismissed the complaint at a preliminary stage on procedural grounds. The decision was communicated to the parties by letter.

## CAPPRT meets with broadcasters

In November 2005, CAPPRT staff organized meetings with broadcasters in Toronto and Montreal. The objective of the meetings was to assist this group of producers subject to the *Status of the Artist Act* in carrying out successful negotiations with artists' associations certified to bargain under the *Act*.



Following a presentation by CAPPRT on negotiations under the *Status of the Artist Act*, the regional director of the Federal Mediation and Conciliation Services under the Minister of Labour in each location made a presentation on their services during negotiations. They explained how mediators from their offices, appointed by the Minister, have facilitated negotiations of a scale agreement when parties were having difficulties in furthering negotiations on their own.

*continued on page 2*

## In this Issue

Reminder — Notices to bargain and scale agreements	page 2
New CAPPRT web site	page 2
CRAAAP web site	page 3

---

CAPPRT also clarified that now that many of the bargaining sectors covered by the *Act* have been defined and artists' associations have been certified to represent them, CAPPRT no longer receives many applications for certification. CAPPRT now deals mostly with determinations and declarations, reviews and complaints. In this regard, CAPPRT brought to the attention of participants section 41 of the *Act*. The section specifies that arbitrators must refer to the Tribunal for determination any questions arising before them as to the existence of a scale agreement, the identification of the parties to it and the application of the agreement to a particular sector or artist.

In the feedback provided by participants, one of the suggestions made was that this type of information session include artists' associations and producers together. CAPPRT will consider this suggestion in organizing the next round of sessions in a few years' time. These meetings complete the current round of information sessions that CAPPRT organized for certified artists' associations and producers. If a producer, artists' association or artist has any questions, they are invited to contact the CAPPRT Secretariat at 1-800-263-2787 or (613) 996-4052. Also, for producers who receive a first notice to bargain, the Secretariat offers an information session on site about producers' rights and obligations.

## Reminder — Notices to bargain and scale agreements

When a certified artists' association or a producer initiates a bargaining process under the *Status of the Artist Act*, it usually sends a notice to bargain (section 31 of the *Act*) in the form of a letter. This letter includes:

- The name of the organization issuing the notice;
- A copy of the certification order issued by the Tribunal;

- The provision under which the notice is being issued (section 31 of the *Act*);
- An indication of the steps the recipient is expected to take (for example, the recipient should phone you, you will phone the recipient or you expect a response by a specified date).

This document is important because under Section 32 of the *Act*, the parties must meet within 20 days of the issuance of the notice to bargain, or at a mutually agreed-upon later date, and they must negotiate in good faith. At the end of a successful bargaining process, the parties sign a scale agreement that sets the minimum terms and conditions applicable in a particular artistic sector.

Under sections 31.(5) and 33.(2) of the *Status of the Artist Act*, a copy of both documents must be sent to the Minister of Labour (address: Minister of Labour, Ottawa, Ontario, K1A 0J2).

It is also strongly suggested that a copy of the notice to bargain and the scale agreement be sent to the Tribunal Secretariat. This information helps us update our files as well as the tables that monitor developments in negotiations and are posted on our web site.

If you want more information on the negotiation process under the *Act*, you may consult the Tribunal web site or contact the Tribunal Secretariat.

## New CAPPRT web site

Regular users of our Internet site may have already noticed that the Canadian Artists and Producers Professional Relations Tribunal has a new and updated web site. It is at the same address as before: [www.capprt-tcrpap.gc.ca](http://www.capprt-tcrpap.gc.ca).

As you will notice, the Tribunal revised the visual presentation of the site and the organization of its contents. We also have added new information. By consulting the headings of the left menu, you will discover new sections, such as *Active Cases*, *Judicial Reviews*, *Historical Background*, *Evaluations and Audits* and *Speeches and Presentations*.

The site also offers a link to a section titled *Proactive Disclosure* (under *Publications and Reports*). This section, which appears on every government of Canada institution's web site, contains information on travel and hospitality expenses for selected government officials; contracts entered into for amounts over \$10,000; and the reclassification of jobs. Starting in May 2006, a new report on grants and contributions over \$25,000 will also be available on all federal institutions' web sites. However, the Tribunal has no information to provide in this regard as it does not have a grants and contributions budget.

We hope our web site meets the information needs of Canadians and others concerned with professional relations between self-employed artists and producers in the federal jurisdiction. As appropriate, regular updates and additions will be made. Your suggestions in this respect are always appreciated.

## CRAAAP web site

The Quebec Commission de reconnaissance des associations d'artistes et des associations de producteurs has a new web site that can be consulted at the following address: [www.craap.gouv.qc.ca](http://www.craap.gouv.qc.ca). This site provides a range of information pertaining to Quebec's status of the artist legislation, including the decisions rendered by the Commission, its rules of proof and procedures, and a register of certified artists' and producers' associations.

## To contact us

Lorraine Farkas

*Director, Planning, Research and Communications*

Diane Chartrand

*Acting Executive Director and General Counsel*

**E-mail address:**

[info@capprt-tcrpap.gc.ca](mailto:info@capprt-tcrpap.gc.ca)

**Web site:**

[www.capprt-tcrpap.gc.ca](http://www.capprt-tcrpap.gc.ca)

**Telephone:**

1-800-263-2787 or (613) 996-4052

**Fax:**

(613) 947-4125

**Address:**

240 Sparks Street, 1<sup>st</sup> Floor West  
Ottawa, Ontario K1A 1A1

*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.**