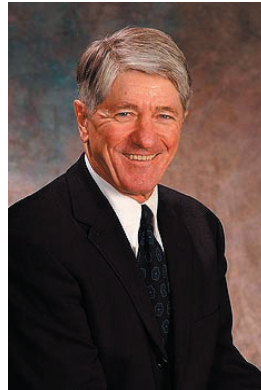




## Former Chairperson and CEO appointed to the Order of Canada

We would like to congratulate Mr. David P. Silcox, former Chairperson and CEO of the Tribunal, on his recent appointment as Member of the Order of Canada, Canada's highest civilian honour. Mr. Silcox, who has been Director of Sotheby's Canada since 2001, was part-time Chairperson and CEO of the Tribunal from 1998 to 2006. Recognized as a Canadian art specialist and art critic, Mr. Silcox is the author of an extensive biography of David Milne, published in 1996, and co-author of a catalogue raisonné of the paintings of the same artist which was published in 1998. He is also the co-author of a major book on the painter Tom Thomson.



## Tribunal dismisses application for review

On August 10, 2006, the Tribunal rendered a decision in an application for review made under subsection 20(1) of the *Status of the Artist Act* by the Writers Guild of Canada (WGC). The WGC application sought a review of the Tribunal's decision *Stephen Petch, 2006 CAPPRT 050* on several grounds: a breach of its duty of procedural fairness, an error in law and a serious error of fact. The Tribunal found that the WGC did not raise a substantial ground that would warrant the review of the original decision. As a result, the Tribunal dismissed the WGC's application.

## Complaint withdrawn after agreement reached between parties

On December 15, 2005, a complaint was filed by the Canadian Actors' Equity Association (CAEA) against Canadian Heritage alleging that Canadian Heritage violated paragraph 32(a) of the *Status of the Artist Act*. In July 2001, CAEA sent a notice to bargain to Canadian Heritage for the purpose of entering into a scale agreement. In its complaint, CAEA submitted that Canadian Heritage never intended to enter into a scale agreement and misrepresented its position on a scale agreement to CAEA. Following the complaint, the parties agreed to attempt to resolve the issues through mediation. As provided under section 45 of the *Status of the Artist Act*, a request for mediation assistance was presented to the Minister of Labour. The Federal Mediation and Conciliation Service provided assistance; the mediation was successful and the parties reached an agreement. On June 15, 2006, after the filing of the agreement reached between the CAEA and Canadian Heritage, the Tribunal rendered a decision in which it held that the CAEA had withdrawn its complaint.

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## Changes at the Tribunal

### *New Acting Chairperson and CEO*

Mr. **John M. Moreau** Q.C. of Calgary has been a member of the Tribunal since March 2001 and was designated Acting Chairperson and CEO, a part-time mandate, on April 3, 2006. Mr. Moreau has been a member of the National Academy of Arbitrators since 1994 and was appointed a Queen's Counsel in 2001. He practices primarily in the area of labour arbitration.



### *Members*

The mandate of Ms. **Lyse Lemieux**, a part-time member from Vancouver, was renewed for a three-year term on June 2, 2006. Ms. Lemieux is a visual artist with extensive experience in the field of arts and culture.

### *Staff*

**Brian Stewart** joined the Tribunal in July 2006. He will replace Lorraine Farkas as Director, Planning, Research and Communications. Before joining the Tribunal, Mr. Stewart was a Senior Policy Analyst for the Office of the Privacy Commissioner of Canada. He brings extensive experience in both the Public Service and the cultural sector to the Tribunal.

As for **Lorraine Farkas**, she will be leaving the Tribunal in October 2006 after working as Director of the Planning, Research and Communications branch for more than 10 years. With her retirement, she concludes a brilliant career of more than 25 years in the federal public service. We would like to offer her our deepest and warmest wishes and great success with her future projects.

**Karina Desmarais-Yelle** joined the Tribunal in May 2006 as Registrar and Legal Counsel. Before joining the Tribunal, Ms. Yelle worked as Senior Grievance Officer for the Canadian Forces Grievance Board.

**Nancy Lévesque**, Administrative and Financial Officer, recently left on secondment to the Department of Public Works and Government Services Canada for one year. She was replaced by **Sylvie Besner**, who joined the Tribunal in June 2006.

**Ginette Demeule**, Scheduling and Hearing Officer, recently left on secondment to the Canadian Human Rights Tribunal for one year.

## Review of certification orders

When the Tribunal certifies an artists' association, it issues to the association a legal document called a certification order.

This legal document is very important because it clearly identifies the artists' association that has received the certification order and gives it exclusive authority to bargain on behalf of artists in a determined sector. We strongly suggest that any certified artists' association that intends to change—or has already made a change to—its name contact the Tribunal Secretariat and apply for an order updating its certification order to reflect the changes.

Under subsection 45(4) of the *Canadian Artists and Producers Professional Relations Tribunal Procedural Regulations* (SOR/2003-343),

An application to review a certification order may be made by an artists' association at any time in order to update the artists' association's certification order for purposes including changes in

- (a) the name of the certified association; and
- (b) the terminology used to describe the sector.

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An application for review form is available on the Tribunal web site in HTML format or PDF version in the *Forms to file applications or complaints* section.

## A note to artists' associations: the renewal questionnaire

The certification granted to an artists' association is valid for a period of three years after the date that the Tribunal issues the certificate. Pursuant to the provisions of subsection 28(2) of the *Status of the Artist Act*, the certification is automatically renewed if no application for revocation, or competing application for certification in respect of the same sector, has been received.

The Tribunal Secretariat usually informs artists' associations of their certification renewal by sending them a letter which is accompanied by a document titled *Renewal Questionnaire*. The Tribunal uses this questionnaire and the information it contains to update its information database concerning collective bargaining activity by certified artists' associations under the *Act*. Furthermore, each year, the Tribunal must report to Parliament on its performance, and the information that you provide in the questionnaire assists us in preparing this report.

We would appreciate your completing the questionnaire attached to the certification renewal letter. Also, do not hesitate to give us your comments on any other matters related to the *Act* or the Tribunal's operations in the appropriate section of the questionnaire. We would be pleased to receive them.

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## To contact us

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***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.**

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