



# New regulations on additional categories of professional artists come into force

The new regulations pursuant to subparagraph 6(2)(b)(iii) of the *Status of the Artist Act* which define the additional categories of professional artists eligible for coverage under the *Act* came into force on April 22, 1999. They were published in Part II of the *Canada Gazette* dated May 12, 1999. The Canadian Artists and Producers Professional Relations Tribunal will now be able to proceed with some pending applications as well as receive new requests for certification regarding these additional categories of professional artists.

## Status of the Artist Act Professional Category Regulations

### Interpretation

1. The definitions in this section apply in these Regulations.

“Act” means the *Status of the Artist Act*. (*Loi*)

“creation of a production” means the creation of a production in the performing arts, music, dance and variety entertainment, film, radio and television, video, sound-recording, dubbing or the recording of commercials. (*création d'une production*)

### Professional Categories

2. (1) Subject to subsection (2), in relation to the creation of a production, the following professional categories comprising professions in which the practitioner contributes directly to the creative aspects of the production by carrying out one or more of the activities set out in paragraph (a), (b), (c), (d) or (e), respectively, are prescribed as professional categories

for the purposes of subparagraph 6(2)(b)(iii) of the Act:

- (a) category 1 — camera work, lighting and sound design;
- (b) category 2 — costumes, coiffure and make-up design;
- (c) category 3 — set design;
- (d) category 4 — arranging and orchestrating; and
- (e) category 5 — research for audiovisual productions, editing and continuity.

(2) The professional categories prescribed by subsection (1) do not include any profession in which the practitioner of the profession

- (a) carries out, in connection with an activity referred to in subsection (1), the activities of accounting, auditing, legal, representation, publicity or management work or clerical, administrative or other support work; or
- (b) is a person referred to in subparagraph 6(2)(b)(i) of the Act or carries out an activity referred to in subparagraph 6(2)(b)(ii) of the Act. ♦

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# Update on certifications

Since it began its operations in May 1995, the Tribunal has received 28 applications for certification. Eighteen artists' associations have been certified and 20 sectors of cultural activity suitable for collective bargaining have been defined. To obtain information regarding each of these sectors

ACTRA Performers Guild

American Federation of Musicians of the United States and Canada

Canadian Association of Photographers and Illustrators in Communications

Association des réalisateurs et réalisatrices du Québec

Association québécoise des auteurs dramatiques

Canadian Actors' Equity Association

Canadian Artists' Representation / Le Front des artistes canadiens

Conseil des métiers d'art du Québec

Guilde des musiciens du Québec

for which an artists' association has been granted certification, please consult our Internet home page or phone the Tribunal Secretariat. A complete list of artists' associations that have been granted certification from the Tribunal follows:

Periodical Writers Association of Canada

Playwrights Union Of Canada

Regroupement des artistes en arts visuels du Québec

Société des auteurs, recherchistes, documentalistes et compositeurs

Société professionnelle des auteurs et des compositeurs du Québec

Union des Artistes

Union des écrivaines et écrivains québécois

Writers Guild of Canada

The Writers' Union of Canada ♦

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## What happens after certification?

After an artists' association has been certified, subsection 31(1) stipulates that the association or a producer may issue a notice to bargain requiring the other party to begin bargaining for the purpose of entering into a scale agreement. Paragraph 32(a) requires that, within 20 days after issue of the notice, the artists' association and the producer, unless they otherwise agree, must meet and begin to bargain in good faith and make every reasonable effort to enter into a scale agreement. Once the notice to bargain is issued, paragraph 32(b) prohibits the producer from altering, without the consent of the artists' association, any term or condition of engagement, or any right or privilege of an artist or the association, until such time as pressure tactics are permitted under section 46. The definition of pressure

tactics under section 5 of the *Act* includes the cessation of work and a work slowdown by artists, and the closing of a workplace and the discontinuation of an engagement by a producer.

If a scale agreement is already in force, subsection 31(2) provides that either party may, in the three months immediately preceding the date of expiry of the agreement or within any longer period stipulated in the agreement, issue a notice to the other party to begin bargaining in order to renew or revise it or to enter into a new scale agreement.

Subsection 31(5) requires that any party issuing a notice to bargain to another party, must send a copy to the Minister of Labour (Ottawa, Ontario K1A 0J2). ♦

# *Status of the Artist Act*

## **A tool for addressing training and professional development**

**A**t the invitation of the Cultural Human Resources Council (CHRC), Tribunal staff accompanied the CHRC over the past year on its visit of cultural groups in various cities across the country. The CHRC organized these meetings to obtain feedback on its activities carried out to address human resource needs of the cultural sector. The CHRC also promoted its new series of booklets "Careers in Culture", aimed at youth wishing to pursue a career in the cultural sector and the teachers, guidance counsellors and parents who want to assist them.

At these meetings, Tribunal representatives explained how the cultural sector can use the *Status of the Artist Act* to address its human resource needs. The *Act*, among other things, grants to freelance artists the right to organize and bargain collectively for the purpose of improving their terms and conditions of engagement with federal producers. This opens up the possibility for artists' associations certified under the *Act* to negotiate provisions regarding training and professional development.

In the world of traditional labour relations, it is not uncommon for collective agreements between unions and employers in Canada to contain provisions regarding training. Employers recognize the benefit that they can derive from having a skilled labour force available. Of the almost 1,000 collective agreements monitored by the federal Department of Human Resources Development, at least one-half have a provision for employer contribution towards training of some sort, be it on-the-job training, courses outside the workplace or apprenticeships. Some of the agreements which provide for training involve professionals, like nurses and teachers.

In the cultural sector itself, there are a few scale agreements covering freelance artists which provide for a contribution by the producer toward training. For example, the ACTRA Performers Guild agreement with the Canadian Broadcasting Corporation (CBC)

## **Renewal of Certifications**

Since the publication of issue No. 13 of this bulletin in April 1999, seven associations have had their certifications renewed for an additional three-year period:

Canadian Actors' Equity Association

Association québécoise des auteurs  
dramatiques

Canadian Association of Photographers and  
Illustrators in Communications

Société professionnelle des auteurs et des  
compositeurs du Québec

Periodical Writers Association of Canada

Writers Guild of Canada

ACTRA Performers Guild

provides for the use of 200 hours of CBC TV studio time and 100 hours of CBC radio studio time per year for professional development activities sponsored by ACTRA for its members.

Of course, it is not expected that all agreements will include generous contributions toward training and professional development. Some producers are operating on very limited budgets. Collective bargaining is being suggested here as a potential vehicle, among others, which can provide an opportunity for artists and producers to discuss various possibilities for improving resources available for training.

Touring with the CHRC provided the Tribunal with an opportunity to meet with members of the cultural community and develop awareness of the *Status of the Artist Act* and of the activities of the Tribunal. Likewise the Tribunal welcomed the feedback it received from the community regarding its operations. ♦

# In search of better cultural labour force statistics

How many people are in the Canadian cultural labour force?  
How many of them are self-employed?  
How many are full-time? part-time?

**Y**ou can currently obtain answers to these questions for the year 1996. Before the release of the 1996 census data in 1998, the latest figures available were for the year 1991.

The Tribunal is participating in a consortium along with the federal departments of Canadian Heritage and Human Resources Development Canada, and

other agencies and organizations such as the Cultural Human Resources Council and the Canada Council for the Arts to produce more timely statistics on the cultural labour force. The consortium is working with Statistics Canada to look at producing annual data from the labour force survey very soon after each year's end. We will know next year whether this goal is feasible. ♦

## Reading Suggestions

*Self-Employed Workers and Collective Bargaining*  
by Lorraine Farkas

Director, Planning, Research and Mediation of the Tribunal

Printed in the *Workplace Gazette* (1999 Vol. 2, No. 2 Summer), this article gives an interesting overview of the rights and duties of the parties negotiating under the *Status of the Artist Act* as well as the responsibilities of the Tribunal. It also places the proclamation of the *Act* in its historical context.

An electronic version of the article is available on the Tribunal's website. The *Workplace Gazette* is published by Human Resources Development Canada (HRDC) and can be obtained by calling HRDC at: 1-800-567-6866. ♦

## Want to know more?

Are you currently preparing a course or a seminar on professional relations in the cultural sector? Are you organizing a conference or a symposium on related matters? Tribunal personnel are available to make presentations regarding the *Status of the Artist Act* and the role, mandate and procedures of the Tribunal.

Individuals, organizations or groups who wish to learn more about the *Status of the Artist Act* and the Tribunal are encouraged to contact the Tribunal Secretariat. ♦

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