



Canadian Artists and Producers Professional Relations Tribunal

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Information Bulletin

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Tribunal rescinds its decision to allow CBC's request for withdrawal

In March 2005, the Canadian Broadcasting Corporation (CBC) filed an application for review of the Tribunal's decision to allow the withdrawal of its application for declaration of illegal pressure tactics (File No. 1340-03-001). Among other points, the CBC argued that the Tribunal did not have the power to allow the withdrawal of its application in a different manner from that contemplated in its request to the Tribunal. The CBC had asked that the record indicate the withdrawal as being "without prejudice". The Tribunal allowed the withdrawal but declined to qualify it as being without prejudice. In May 2005, a Tribunal panel rescinded the original decision and stated that the Tribunal will not accept the withdrawal to be qualified on a "without prejudice" basis. Consequently File No. 1340-03-001 is still open.

CAPPRT meets with federal government producers

In May 2005, CAPPRT staff organized a meeting with federal government institutions subject to the *Status of the Artist Act*. The objective was to assist this group of producers in carrying out successful negotiations with artists' associations certified to bargain under the *Act*. CAPPRT clarified the rights and obligations of producers under the *Act*, discussed problems raised about bargaining and how the producers could deal with them, and facilitated the sharing of information among those present regarding their experiences.

Among other issues, the producers raised the question of the deduction of association dues. It was clarified that, under section 44 of the *Act*, upon request of an artists' association, the scale agreement must contain a provision respecting the deduction of membership dues. Pursuant to section 44, a producer is required to deduct the dues that are regularly paid by a member of the association in accordance with its by-laws, from the remuneration of each artist covered by the scale agreement, whether the artist is a member of the association or not. The producer is required to remit the deducted dues to the association. This requirement is part of labour relations legislation in most jurisdictions across Canada, including Quebec's status of the artist legislation. For purposes of certainty and stability of revenue, convenience and other reasons, many, if not most, artists' associations charge dues on a lump-sum basis (as opposed to a percentage basis with respect to remuneration). Therefore, the level of dues to be deducted by a producer could possibly exceed the remuneration to the artist. How to deal with this situation could be an item of discussion between the parties during negotiation of the scale agreement.

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Although most participants were pleased with the meeting, as indicated in their evaluations, it was clear that, depending on their experience thus far, they are continuing to learn how to apply this relatively new legislation. To this end, CAPPRT plans to hold another information session within a year for those government institutions that are already involved in bargaining under the *Act*. In the meantime, if producers have any questions, they may 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.

Scale agreements available on-line free of charge

Since April 1st, 2005, Human Resources and Skills Development Canada's Workplace Information Directorate (WID) offers, free of charge, access to Negotech, its labour relations database which includes all scale agreements pursuant to the federal *Status of the Artist Act*, and to a vast quantity of information on industrial relations and collective bargaining in Canada. These products and services are available on-line at: <http://www.hrsdc.gc.ca/en/lp/wid/info.shtml>.

Negotech is a database of collective agreements from across the country. It has a search and retrieval component and provides access to contract language. The information it contains is updated daily and the searches for contract language can be customized, for example, by subject (pension benefit, health and safety, etc.), by region, by industry, by union and by company.

WID also offers a new *Workplace Bulletin*. This bi-monthly publication, available in printer-friendly PDF format or via electronic messaging, provides information on ongoing developments in the Canadian labour sector.

It touches a variety of subjects such as negotiated wage data, benefits, working conditions and work stoppages, labour standards and innovative workplace practices.

The WID web site also provides other information such as analysis and summary tables of trends in negotiated wage adjustments and of current key negotiations. It contains lists of current settlements and collective agreement expiries and reopeners. And, it publishes the results of an annual survey of labour organizations censusing union membership in Canada.

Parties involved in collective bargaining may also request specific information from WID consultants free of charge by contacting WID Client Services at 1-800-567-6866 or using the on-line information request form at the following address: <http://www110.hrdc-drhc.gc.ca/information/index.cfm?doc=english&Aloc=2>.

Changes at the Tribunal

On June 6th, 2005, Mr. Michael LaLeune was appointed as a new part-time member of the Tribunal for a three-year term. Since 2004, Mr. LaLeune has been the Executive Director for the Nova Centre for the Performing Arts. Previously, he held management positions in various arts organizations such as the Congrès Mondial Acadien 2004, Atlantic Theatre Festival and the Toronto Symphony Orchestra. He currently serves on the National Advisory Board of the Royal Conservatory of Music in Toronto and the National Advisory Council for the Canadian Centre for Cultural Management. Also, he has given numerous professional performances across Canada as a concert soloist and cabaret singer.

Ms. Josée Dubois, Executive Director and General Counsel since 1999, left the Tribunal on June 3rd, 2005. Shortly after joining the Tribunal in 1994, she assisted

with its very first hearings that began in 1996, and was involved, in one capacity or another, in most of the cases dealt with by the Tribunal. On the administration side, she ensured that the Tribunal met the increasing reporting requirements for greater transparency and accountability facing all federal government institutions. Ms. Dubois has gone on secondment to the Public Service Staffing Tribunal (PSST) as its first Executive Director and General Counsel. Created in the recent reform of human resources management in the federal government, the PSST will deal with complaints relating to internal staffing actions, layoffs and revocations.

Ms. Diane Chartrand has been appointed as Acting Executive Director and General Counsel. Diane Chartrand joined the Tribunal in July 2003 as Senior Legal Counsel. Immediately before that, she was Officer/Legal Counsel at the Privy Council Office. Previously, she held various positions as legal counsel at the Department of Justice and at the Tribunal.

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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