



Canadian Artists and Producers Professional Relations Tribunal

1997-98
Estimates

Part III

Expenditure Plan

The Estimates Documents

The Estimates of the Government of Canada are structured in three 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 Part III documents provide additional detail on each department and its programs primarily in terms of the results expected for the money spent.

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Canadian Artists and Producers Professional Relations Tribunal

1997-98
Estimates

Part III

Expenditure Plan

Approved

Ministre of Labour
Human Resources Development

Preface

This document is a report to Parliament to indicate how the resources voted by Parliament have or will be spent. As such, it is an accountability document that contains several levels of details to respond to the various needs of its audience.

The Part III for 1997-1998 is based on a revised format intended to make a clear separation between planning and performance information, and to focus on the higher level, longer term plans and performance of departments.

The document is divided into four sections:

*The Minister's Executive Summary
Departmental Plans
Departmental Performance
Supplementary Information*

It should be noted that, in accordance with Operating Budget principles, human resource consumption reported in this document will be measured in terms of employee full-time equivalents (FTEs).

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Section I: The Minister's Executive Summary

Assessment of Performance Results and Strategic Planning Priorities

The Canadian Artists and Producers Professional Relations Tribunal became fully operational on May 9, 1995 with the coming into force of the substantive provisions of the *Status of the Artist Act*. The Tribunal's mission is to contribute to the enhancement of Canada's cultural community by encouraging constructive professional relations between artists, as independent entrepreneurs, and producers in the federal jurisdiction.

The Tribunal's principle objective for 1995-1996 was to ensure that those within its jurisdiction were able to take full advantage of the *Status of the Artist Act*. It was anticipated that in its first year of operation, the Tribunal would receive applications for certification from at least twenty artists' associations who wished to obtain legal recognition as bargaining representatives for specific artistic sectors. During the fiscal year, the Tribunal received twenty-one applications for certification, issued seven interim decisions and granted two certifications.

To achieve its mission, the Tribunal has established four objectives for the planning period (1996-1997 to 1999-2000):

- to process applications and make sound decisions promptly, professionally and in a cost-sensitive manner;
- to inform and assist artists and producers in resolving differences and taking advantage of the benefits of the *Status of the Artist Act*;
- to give greater visibility to the aims, processes and decisions of the Tribunal; and
- to manage resources with regard for the principles of efficiency, effectiveness and accountability.

Issues for the Budget Consultations

The most critical issue facing the Canadian Artists and Producers Professional Relations Tribunal will be to maintain its level of service to the public as the demand for these services increase. At the present time, the Tribunal is composed of four part-time members. To date, all of the applications for certification processed to finality have required an oral hearing. As the workload increases, the demand on members' time will increase correspondingly. Additional resources at both the member and staff levels may be required in the future in order to prevent an unacceptable backlog from developing.

Section II: Departmental Plan

A. Summary of Departmental Plans and Priorities

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

The Tribunal has a statutory mandate to define the sectors of cultural activities subject to federal jurisdiction that are suitable for collective bargaining, 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*. In implementing a program to fulfill this statutory mandate, the Tribunal has remained cognizant of the constraints facing the constituency it serves. Accordingly, significant effort has been expended in developing operating procedures and practices that are cost effective and consistent with the Tribunal's mission.

At this early stage in its existence, it is essential for the Tribunal to establish a credible presence in the cultural community. To do so, the Tribunal must be well known, receptive and responsive. In this regard, the Tribunal is addressing the issues of public awareness and case management.

The Tribunal's priorities remain as originally established: to provide effective and efficient services, in accordance with the legislation, to artists, artists' associations and producers. Over the planning period, the Tribunal will continue to deal with applications for certification filed by artists' associations and is positioning itself to deal with complaints of unfair practices, should they arise.

B. Departmental Overview

Legislation

Following Canada's signature of the UNESCO *Recommendation on the Status of the Artist* in 1980, a number of 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 a number of 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. In 1988, Quebec enacted legislation which 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 events led to the development and passage by Parliament of the *Status of the Artist Act*, which received Royal Assent in June 1992 and was brought fully into force in May 1995.

The *Status of the Artist Act* recognizes the importance of the contribution artists make to the cultural, social, economic and political enrichment of Canada, guarantees artists' freedom of association and recognizes the importance of compensating artists for the use of their works. Part II of the *Act* puts into place a framework for the conduct of professional relations between artists and producers within those portions of the Canadian cultural industry that are under federal jurisdiction.

The *Act* defines artists as independent contractors who are authors within the meaning of the *Copyright Act*, directors, performers or other professionals who contribute to the creation of a production. It entitles these artists to form associations to represent them in their dealings with federal producers, such as broadcasting undertakings under the jurisdiction of the Canadian Radio-Television and Telecommunications Commission (C.R.T.C.), federal government departments and the majority of federal government institutions. By following the procedures specified in the *Act*, artists' associations can obtain legal recognition and the right to negotiate with producers for the purpose of entering into scale agreements. Scale agreements specify 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.

Roles and Responsibilities

The legislation establishes the Canadian Artists and Producers Professional Relations Tribunal as the independent, quasi-judicial agency responsible for administering and interpreting the professional relations provisions set out in the *Status of the Artist Act*.

The Tribunal's principal responsibilities are to:

- define the sectors of cultural activities subject to federal jurisdiction that are suitable for collective bargaining;
- certify artists' associations to represent these sectors; and
- hear and decide complaints of unfair practice filed by artists, artists' associations and producers and to prescribe appropriate remedies.

The Tribunal reports to the Parliament of Canada through the Minister of Labour. However, certain important provisions of the *Act* specify a role for the Minister of Canadian Heritage whose sectoral clientele includes users of the Tribunal.

Organization and Program 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 Tribunal is entitled to 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. Administrative support functions, such as informatics, human resources and financial services, have been sought from existing government departments. Using measures of quality, accessibility and economy as its criteria, the Tribunal entered into partnerships with the departments of Industry, Canadian Heritage and Public Works & Government Services Canada for delivery of each of these services respectively. In addition, the Tribunal makes use of existing library and hearing facilities under the control of the Canada Labour Relations Board, the Public Service Staff Relations Board and the Federal Court of Canada.

Objectives and Priorities

The Tribunal has established the following objectives for the planning period:

- to process applications and make sound decisions promptly, professionally and in a cost-sensitive manner;
- to inform and assist artists and producers in resolving differences and taking advantage of the benefits of the *Status of the Artist Act*;
- to give greater visibility to the aims, processes and decisions of the Tribunal;
- to manage resources with regard for the principles of efficiency, effectiveness and accountability.

Resource Plans and Financial Tables

Spending Authorities

A. Authorities for 1997-98 - Part II of the Estimates

Financial Requirements by Authority

Vote	(thousands of dollars)	1997-98 Main Estimates	1996-97 Main Estimates
Canadian Artists and Producers Professional Relations Tribunal			
35	Program expenditures	1,580	1,580
(S)	Contributions to employee benefit plans	146	125
Total Agency		1,726	1,705

Votes Wording and Amounts

Vote	(dollars)	1997-98 Main Estimates
Canadian Artists and Producers Professional Relations Tribunal		
35	Canadian Artists and Producers Professional Relations Tribunal - Program expenditures	1,580,000

Canadian Artists and Producers Professional Relations Tribunal Overview

(Thousand of dollars)	Main Estimates 1996-97	Main Estimates 1997-98	Planned 1998-99	Planned 1999-00
Gross Estimates	1,705	1,726	1,665	1,665
Revenue to the Vote				
Total Main Estimates	1,705	1,726	1,665	1,665
Revenue credited to the Consolidated Revenue Fund				
Estimated Cost of Services by other Departments	296	376	373	373
Net Cost of the Tribunal	2,001	2,102	2,038	2,038

Net Cost of the Tribunal by Business Line/Activity

(thousands of dollars)		1997-98 Main Estimates					Less: Revenue Credited to the Vote	Total Main Estimates
Business Lines/Activities	Operating	Capital	Grants and Contributions	Gross Total	Statutory Payments	Gross Expenditures		
Adjudication	1,580				146	1,726		1,726
Other Revenues and Expenditures								
Revenue credited to the Consolidated Revenue Fund								-
Estimated cost of services by other Departments								376
Net Cost of the Tribunal								2,102

C. Details by Business Line

Business Line Objectives

The single 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. The clients the Tribunal serves directly - artists who are self-employed entrepreneurs, artists' associations and producers under federal jurisdiction - are defined in the legislation. In a larger sense, the achievement of the Tribunal's objectives contributes to fulfilling the purpose of the legislation and Parliament: the cultural, social, economic and political enrichment of Canada.

Because adjudication is the Tribunal's single business line, its objectives are identical to the Tribunal's overall objectives.

Operating Context and Key Initiatives

The Tribunal has been established to meet new labour market needs by providing support to the growing number of self-employed workers in Canada's cultural sector. According to the 1991 Census, there were 400,535 Canadians in the cultural labour force, of whom 20.3% were self-employed. The 1993 Cultural Labour Force Survey revealed that the average income for artists from their artistic endeavours in that year was \$20,300. When income from non-cultural sources is included, artists' average income increases only to \$25,400. Although spending by Canadians on cultural products is on the rise, it is evident that the economic status of Canadian artists continues to be precarious.

The Tribunal continues to conduct research and to endeavour to measure the effect of the *Status of the Artist Act* on the economic status of its client community. To ensure the appropriateness of Tribunal decisions, systems have been put in place to follow up on certifications issued, including monitoring the progress of collective bargaining. Discussions have taken place with the Department of Human Resources Development Canada with a view to having that department monitor, analyze and make available information regarding the terms and conditions contained in scale agreements reached as a result of post-certification bargaining.

The *Status of the Artist Act* establishes a new regime for professional relations which includes rights and responsibilities not widely known or understood by the artists, artists' associations and producers who are subject to it.

The Tribunal has developed, published and distributed its "Procedural Guidelines", a plain language guide for the use of persons dealing with the Tribunal. The sufficiency and appropriateness of these guidelines is currently under review and revisions will be made as required.

A number of steps have been taken to ensure that artists, artists' associations and producers are fully informed as to their rights, responsibilities and obligations under the *Status of the Artist Act*. Tribunal staff have made presentations to artist and producer groups, and Information Bulletins are issued regularly. A 1-800 telephone line has been installed to facilitate access to the Tribunal by client groups. Public Notices of applications for certification are published in the print media and advertised on the Tribunal's Internet Web Site. The Web site also includes the full text of the *Status of the Artist Act* and copies of the Tribunal's procedural guidelines, the text of decisions made by the Tribunal and each certification order granted.

To assist the parties in their negotiations, the Tribunal has made arrangements with the Department of Human Resources Development Canada for that department to make its negotiation skills training programme available to parties bargaining under the *Status of the Artist Act*.

The composition of the Tribunal is limited by its legislation to a Chairperson, a Vice-chairperson and not less than two or more than four other full-time or part time members. A quorum of three is required to conduct a hearing. At present, the complement consists of three part-time members and a part-time acting Chairperson. As part-time appointees, these individuals have obligations and commitments elsewhere which impact on their availability to conduct hearings dealing with Tribunal business. With a finite number of hearing days available, time-management and scheduling become critical issues.

In order to reduce the number of cases that require a hearing and to focus the issues which must be heard by a panel of the Tribunal, greater emphasis is being placed on the use of staff resources to investigate and mediate issues arising in the context of applications for certification and complaints.

Change Management Issues

The environment in which the Tribunal must function is constantly evolving and the issues to be faced are both complex and challenging. Based on its first eleven months of full operation, the Tribunal has identified the following issues that must be successfully addressed in order for it to achieve its objectives:

- **The number of overlapping or potentially overlapping applications for certification which have been filed**

Prior to the enactment of the *Status of the Artist Act*, professional relations between associations representing self-employed artists and producers took place on a voluntary basis. Although tacit understandings existed, jurisdictional lines between artists associations were not always clearly defined. With the advent of the *Status of the Artist Act* and the legal rights and obligations it contains, it is necessary for the Tribunal to expressly describe the limits of each association's

bargaining rights. Resolving the competing applications of artists associations involves an in-depth and time consuming inquiry into the nature of existing bargaining relationships, the community of interest among the professions affected by the application and the representativeness of the respective applicants.

- **Restricted ability to respect historical bargaining structures, even when a community of interest has been clearly demonstrated, due to the fact that regulations extending the benefits of the *Act* to a number of categories of professional artists have not yet been put in place**

When the *Status of the Artist Act* was drafted, provision was made for it to apply immediately to performers, directors and those whose work is subject to copyright. However, it was envisioned that regulations would be developed to prescribe additional categories of professions that should have access to the professional relations regime contemplated in the *Act*. Because these regulations have not yet been promulgated, the Tribunal cannot deal with applications for certification involving a number professions within the artistic community, even when a historical bargaining relationship has been demonstrated. The Tribunal has and will continue to make recommendations to the appropriate ministers regarding categories of professional artists who should be included within the scope of the *Act* through regulation.

- **The need to harmonize the Tribunal's efforts to give effect to the *Status of the Artist Act* with other legislation such as the *Copyright Act* and the *Broadcasting Act***

In order to ensure that its decisions are relevant and appropriate to the conditions under which freelance professionals offer their services, the Tribunal must be fully cognizant of existing and proposed government policies and legislation affecting the cultural industries.

- **The potential for a large caseload to arise as a result of the statutory obligations placed on artists associations and producers**

The *Act* enumerates a number of prohibited practices, but this is a new and untested area of law. The challenge for the Tribunal will be to develop appropriate tests and remedies to deal with the types of complaints that may come forward.

Business Line Results Expectations

The Tribunal has adopted four complementary strategies to enable it to address the challenges it faces and to achieve its objectives in a cost-effective manner. The strategies are set out below along with the expected results.

Challenge:

Building awareness within the community of the rights, benefits and obligations conferred by the *Status of the Artist Act*

Strategy:

Maintain an effective communications function; improve the dissemination of information about the *Act* and the Tribunal.

Expected results:

Accurate, timely and complete responses to queries and requests for information; a comprehensive information program utilizing printed matter (eg. information bulletins, annual reports) and electronic media (eg. the Internet Web Site).

Challenge:

Facilitating access to the Tribunal by the client community

Strategy:

Develop procedures which recognize the economics of the cultural sector while still respecting the duty of fairness; make maximum use of technology to inform and assist clients in using the Tribunal's services.

Expected results:

Fair, simple and appropriate procedures and regulations; plain language documents explaining these procedures.

Challenge:

To ensure the quality of decision making

Strategy:

Maintain an effective research capacity to ensure that decision makers are fully apprised of factors and developments affecting the client community; maintain an appropriate adjudicative service capacity to ensure the timeliness of deliberations and determinations.

Expected results:

High quality, fair and impartial determinations made in a timely manner.

Challenge:

To utilize scarce resources effectively

Strategy:

Train staff members to perform a number of functions in support of adjudicative activities; enter into partnerships with other government departments and agencies to obtain common services at reduced cost; review systems and services on a regular basis and, where necessary, make appropriate adjustments.

Expected results:

Fully trained, multi-disciplinary employees; adequate, cost-effective services to support Tribunal operations.

Comparative Financial Plans by Business Line

Appropriated Planned Spending

(Thousand of dollars)	Main Estimates 1996-97	Main Estimates 1997-98	Planned 1998-99	Planned 1999-00
Business Lines/Activities				
Adjudication	1,705	1,726	1,665	1,665
Total	1,705	1,726	1,665	1,665

Section III: Departmental Performance

A. Summary of Departmental Performance

The Tribunal became fully operational in May 1995, with the proclamation of the substantive provisions of the *Status of the Artist Act*. An awareness campaign was conducted during the summer of 1995 to inform the cultural community of the coming into force of this new legislation. As of March 31, 1996, the Tribunal had received 21 applications for certification and one request for review of an interim order. The Tribunal held hearings regarding three of the applications prior to March 31, 1996 and rendered decisions in two of the cases. Although no formal survey was carried out with the client group, positive comments were received regarding the advice and assistance provided by Tribunal staff, the promptness of Tribunal decision-making and the procedures it followed throughout the hearings.

In November 1995, the Tribunal published and distributed its “Procedural Guidelines”, a plain language guide for artists, artists’ associations and producers dealing with the Tribunal. The objective of the procedures which have been implemented is to make the process less formal, less onerous and less costly in both time and money. The purpose of the plain language explanatory document is to make it possible for clients to represent themselves before the Tribunal. Initial reactions to the Guidelines have been positive.

In December 1995, the Tribunal distributed a discussion paper as a basis for consultations with the cultural community on the development of regulations prescribing the categories of artistic professions that contribute to the creation of a production. Once these regulations are put in place, individuals in the prescribed categories will be entitled to benefit from the protections provided in the *Status of the Artist Act*. Consultations were undertaken with the cultural community and on the basis of the comments received, a recommendation regarding the categories to be prescribed by regulation was submitted to the Ministers of Labour and Canadian Heritage by the Tribunal.

B. Departmental Overview

Key Responsibilities and Objectives

The Tribunal’s principle objective for 1995-1996 was to ensure that those within its jurisdiction were able to take full advantage of the *Status of the Artist Act*. It was anticipated that in its first year of operation, the Tribunal would receive applications for certification from at least twenty artists’ associations who wished to obtain legal recognition as bargaining representatives for specific artistic sectors and that these applications would be dealt with in the course of the year. In June 1996, following a detailed review and analysis of its first eleven months of operation, the Tribunal established new objectives for the planning period. These objectives were described in Section II of this document.

Development of Performance Measures

To measure program effectiveness in 1995-96, the Tribunal focussed on four aspects of its operations:

Awareness - the effectiveness of presentations, information dissemination and other awareness building tools were monitored on an on-going basis.

Accessibility - the Tribunal implemented an on-going measurement of the length of time required to process applications and complaints.

Operational Effectiveness - performance measurement systems were put in place to assess the volume of applications and complaints filed, the number of cases processed to finality during each year and the human and financial resources required to deal with the caseload.

Quality of Decision Making - the Tribunal established an internal review procedure to ensure that the quality of decision making remained high; in addition a mechanism was put in place to assess the extent to which its decisions were subjected to judicial review and the results of such reviews.

During 1996-1997, the Tribunal has been working on establishing the systems and infrastructure necessary to measure its progress towards the objectives set for the planning period. The performance measures which the Tribunal has selected for future years are set out below.

Objective 1: To process applications and make sound decisions promptly, professionally and in a cost-sensitive manner.

The Tribunal has selected performance indicators for this objective which take into account external limitations imposed by the client community, such as their ability to respond to requests for additional information in a timely manner following the filing of an application, and the time taken by applicants to reach agreement with intervenors on jurisdictional or other issues which arise as a result of an application. During 1996-1997, the Tribunal will be developing performance targets for the following quantitative and qualitative indicators:

- elapsed time from receipt of application to acknowledgement
- elapsed time from receipt of application to public notice
- elapsed time from the end of public notice period to hearing
- elapsed time from date of hearing to date of decision
- elapsed time from receipt of application to date of decision
- clarity and quality of written reasons for decision
- number of applications for judicial review and the number of reviews granted
- convenience to participants of locations selected for hearings

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 reduce the number of cases that require adjudication, and to focus the issues which must be heard by a Tribunal panel, staff resources will be used to investigate and mediate issues arising in the context of applications for certification and complaints. It is anticipated that this approach will lessen the burden, both in time and cost, on the client community and the Tribunal. The following indicators will be used to measure performance and targets will be set based on experience over the first few years of operation:

- number of hearings cancelled or complaints withdrawn due to resolution of the issues prior to hearing, with and without assistance from Tribunal staff
- number of sectors certified as compared to the universe
- improvements and innovations contained in new scale agreements
- other positive effects of the *Act* on professional relations between artists and producers in the Tribunal's jurisdiction.

Objective 3: To ensure the visibility of and public accessibility to the aims, processes and decisions of the Tribunal.

Because the *Status of the Artist Act* establishes a new jurisdiction, the Tribunal is making special efforts to ensure that full information on its operations is readily available to the client community and the public. The following indicators will be used to measure the Tribunal's performance in this regard. Targets will be set in the current fiscal year and surveys will be conducted periodically to measure performance in achieving the targets:

- quality and timeliness of information bulletins
- accuracy and timeliness of responses to queries and requests for information
- quality, accuracy and use of the Tribunal's Internet site
- degree to which the 1-800 number is used by the public
- degree of satisfaction within client community
- adequacy of consultations with clientele on matters of concern to them (for example, on interim procedures and the development of regulations)

Objective 4: To manage resources with regard for the principles of efficiency, effectiveness and accountability.

The Tribunal must balance the requirement to provide a strong, effective service which is affordable and accessible to its clients with the requirement to be cost efficient. Based on cost/benefit analyses, the Tribunal has out sourced a number of support services such as human resource administration (including pay and benefits), informatics support and accounting services. In addition, certain other services and facilities are obtained at minimal cost from larger government departments and agencies (for example, library services and hearing rooms). Efforts to achieve further economies and efficiencies are on-going. The following indicators will be used to measure the Tribunal's performance in achieving the stated objective:

- degree of variance between budget estimates and actual expenditures
- degree to which reports required by Central Agencies are submitted on time
- average cost per case handled to finality

C. Details by Business Line

Results Expectations for 1995-1996

With respect to awareness, the Tribunal established the objective of contacting every major artists' association and producer within its jurisdiction at least once during 1995-1996.

The Tribunal expected to receive 20 applications for certification during its first year of operation, five unfair labour practice complaints arising from bargaining situations, 10 complaints of denial of membership and six miscellaneous applications or complaints. As this is a new jurisdiction, no forecasts had been made as to the time which would be required to process these applications and complaints. It is the Tribunal's intention to build up a baseline of data during its first few years of operation in order to be in a position to make meaningful comparisons over time.

Actual Performance in 1995-1996

In the period immediately following the coming into force of the *Status of the Artist Act* on May 9, 1995, over 1,000 information kits were sent out to artists' associations and producers who could potentially be affected by the legislation. In November 1995, the Tribunal published and distributed its "Procedural Guidelines", a plain language guide for clients to the operations of the Tribunal. Emphasis has been placed on informality, simplicity and sensitivity towards the client community's limited resources.

During the period from May 9, 1995 until March 31, 1996, twenty one (21) applications for certification and one (1) application for review were received. As required by statute, Public Notices were given with respect to fifteen of the applications for certification. Seven interim decisions were rendered, dealing with applications for intervenor status in various applications.

Three of the applications for certification and the application for review were heard during the fiscal year. Decisions were rendered in two of the certification cases and in the application for review. One application for certification was withdrawn. Eighteen applications for certification remained pending at year end.

The goal of dealing promptly with applications for certification was met. Applications for certification were acknowledged in an average of 5.9 calendar days, within the target of 5 working days which had been established. Public Notice of applications was published in an average of 27.4 calendar days of receipt of the completed application, well within the established target of 30 working days.

Sectoral and Change Management Issues

The Tribunal must resolve competing applications from artists' associations seeking to represent various artistic sectors. This requires a thorough and time consuming inquiry into the nature of existing bargaining relationships, the community of interest among the professional artists affected by the application and the representativeness of the respective applicants. Personnel have been realigned and additional legal resources have been assigned to ensure that targets related to quality of decision making and timeliness of service can continue to be met.

The Tribunal has and will continue to make recommendations to the appropriate ministers regarding categories of professional artists to be included within the scope of the *Act* through regulation in order to ensure that historical bargaining structures and communities of interest can be respected.

Comparative Financial Performance by Business Line

Canadian Artists and Producers Professional Relations Tribunal Appropriated Planned and Actual Spending

(thousands of dollars)	Actuals 1993-94	Actuals 1994-95	Main Estimates 1995-96	Actuals 1995-96
Business Lines/Activities				
Adjudication	*	978	1,692	1,435
Total		978	1,692	1,435

* In 1993-94, initial funding for the Canadian Artists and Producers Professional Relations Tribunal was provided by the Departments of Human Resources Development and Canadian Heritage.

The Tribunal's actual expenditures in 1995-96 were \$257 thousand less than had been anticipated in the Main Estimates for that year. The key reason for this variance is the fact that activity during the fiscal year was lower than anticipated. Although the substantive provisions of the *Status of the Artist Act* were brought into force in May 1995, and the first application for certification was received in June 1995, the public notice provisions of the *Act* and the availability of parties meant that the first public hearing was only held in January 1996. Expenditures that are directly related to hearings, such as members' fees, travel, and fees for interpreters and court reporters, were thus significantly below expectations for the year.

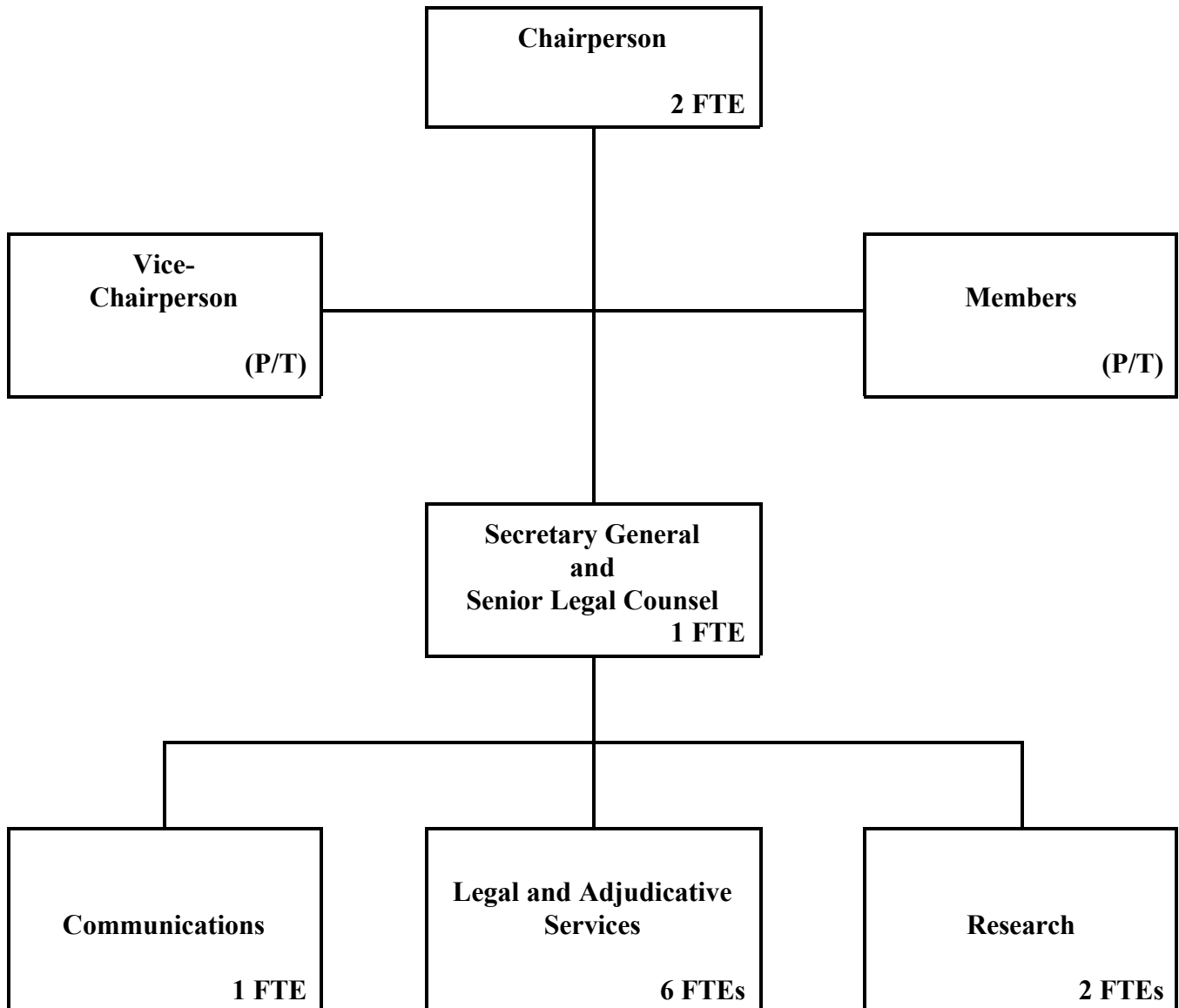
Impact on Future Plans

As it moves through the planning period, the Tribunal intends to continue refining its case management system in order to ensure that its clientele are well served. Future plans will again stress the need to deal expeditiously with its caseload, giving priority to defining the sectors of cultural activities subject to federal jurisdiction that are suitable for collective bargaining and certifying artists' associations to represent these sectors.

Although it may be several years before a sufficient number of scale agreements have been negotiated to result in any meaningful analysis of the impact of the legislation on the economic well-being of the community, plans to research and analyze changes in the working conditions of artists and the effect of these changes on the cultural community as a whole will be implemented over the planning period.

Section IV: Supplementary Information

Appendix 1 - Organization

1.1 Organization Chart

Appendix 1 - Organization

1.2 Resource Requirements by Branch and Business Line/Activity (\$000)

1997-98 Main Estimates

	Business Lines/Activities	
	Adjudication	Total
Adjudication	1,726	1,726
Total	1,726	1,726

Appendix 2 - Personnel Requirements

2.1 Details of Personnel Requirements by Business Line/Activity (FTEs)

Business Lines/Activities	Actuals 1994-95	Actuals 1995-96	1996-97 Estimates	1997-98 Estimates	1998-99 Planned	1999-00 Planned
Adjudication	612	630	860	860	808	808
Total	612	630	860	860	808	808

2.2 Summary by Professional Category (FTEs)

	Actuals 1994-95	Actuals 1995-96	1996-97 Estimates	1997-98 Estimates	1998-99 Planned	1999-00 Planned
Order-in-Council Appointments *	1	.5	1	1	1	1
Executive Group	1	1	1	1	1	1
Scientific and Professional	1	3	4	3	3	3
Administrative and Foreign Service	2	5	4	4	3	3
Administrative Support	3.5	2	2	3	3	3
Total	8.5	11.5	12	12	11	11

*Part-time Order-in-Council appointees are not included in the FTE determination

Appendix 3 - Capital Projects

- 3.1 Capital Expenditures by Business Line - N/A**
- 3.2 List of Capital Projects by Business Line - N/A**
- 3.3 Description of Major Crown Projects - N/A**

Appendix 4 - Additional Financial Information

4.1 Net Tribunal Expenditures by Business Line/Activity

Financial Requirements 1997-98
(thousands of dollars)

	Spending Authorities				
	Gross Expenditures Total	Revenue to the Vote	Total Tribunal Main Estimates	Statutory Expenditures	(Voted) (Appropriations) Non Statutory Expenditures
Adjudication	1,726	-	1,726	*	1,726
Total Tribunal	1,726		1,726		1,726
Revenue credited to the Vote	-				
Other Revenues and Expenditures	-		-		
Revenue credited to the Consolidated Fund					
Estimated Cost of services by other Departments	376		376		
Net Tribunal Expenditures	2,102		2,102		

* Contributions to employee benefits plans already included in Business Line Gross Expenditures.

Appendix 4 - Additional Financial Information

4.2 Revenues and Expenditures

4.2.1 Gross and Net Tribunal Expenditures by Business Line/Activities (\$000)

	Main Estimates 1996-97	Main Estimates 1997-98	Planned 1998-99	Planned 1999-00
Gross and Net Expenditures by Business Lines/Activities				
Adjudication	1,705	1,726	1,665	1,665
Total Gross Expenditures	1,705	1,726	1,665	1,665
Less:				
Revenue Credited to the Vote and Revenue Fund by Business Lines/Activities	-	-	-	-
Total Gross and Net Expenditures by Business Line	1,705	1,705	1,665	1,665

4.2.1.1 Details of Revenues by Business Line/Activity - N/A

4.2.2 Transfer Payments by Business Line/Activity - N/A

4.2.2.1 Details of Transfer Payments by Business Line/Activity - N/A

4.2.3 Revolving Funds by Business Line/Activity - N/A

4.2.3.1 Summary of Revolving Funds by Business Line/Activity - N/A

4.2.3.1.1 Statement of Operations and Statement of Changes in Financial Position - N/A

4.2.4 List of Related Tax Incentives - N/A

Appendix 4 - Additional Financial Information

4.2 Revenues and Expenditures

4.2.5 Presentation by Standard Object

(Thousand of dollars)	Estimates 1997-98	Forecast 1996-97	Actual 1995-96
Personnel			
Salaries and wages	860	860	518
Contributions to employee benefit plans	146	125	112
Other personnel costs	-	-	-
Total Personnel	1,006	985	630
Goods and services			
Transportation and communications	167	167	92
Information	217	217	122
Professional and special services	186	186	365
Rentals	15	15	6
Purchased repairs and upkeep	40	40	32
Utilities, materials and supplies	70	70	85
Other subsidies and payments	0	0	
Acquisition of machinery and equipment	25	25	103
Total Goods and Services	720	720	805
Total Operating	1,726	1,705	1,435
Capital	-	-	-
Total Expenditures	1,726	1,705	1,435

Appendix 4 - Additional Financial Information

4.3 Assets

4.3.1 Summary of Loans and Investments - N/A

Appendix 4 - Additional Financial Information

4.4 Contingent Liabilities

4.4.1 List of Contingent Liabilities - N/A

Appendix 5 - Statutes Administered by the Canadian Artists and Producers Professional Relations Tribunal

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

Statutory Obligations

The *Status of the Artist Act* requires or permits the Tribunal to undertake the following activities:

1. pass by-laws governing the conduct of its affairs [s.11(2)]
2. hold meetings or proceedings of the Tribunal at such times and locations in Canada as it considers desirable [s.13(2)]
3. make regulations of general application which it considers conducive to the performance of its duties [s.16]
4. make interim orders [s.20(2)]
5. rescind or amend determinations or orders and rehear applications [s.20(1)]
6. file a copy of its order or determination in the Federal Court for purposes of enforcement [s.22]
7. review by-laws of artists' associations for conformity with s.23
8. receive copies of membership lists filed by associations of producers in conformity with s.24
9. receive applications for certification from artists' associations pursuant to s.25; provide public notice of the application
10. determine the appropriateness of sectors for collective bargaining [s.26]
11. determine whether an artists' association is representative of the sector for which it seeks certification [s.27]
12. certify artists' associations to represent specific sectors [s.28]
13. maintain a register of all certificates issued [s.28(4)]
14. receive, consider and decide applications for revocation of certification [s.29]
15. determine the rights, duties and privileges acquired by an artists' association following a merger, amalgamation or transfer of jurisdiction [s.30]
16. determine whether contractual conditions are "more favourable" to an artist than those contained in a scale agreement [s.33(5)]
17. change the termination date of a scale agreement when so requested by the parties [s.34]
18. hear and determine questions referred to it by an arbitrator or arbitration board [s.41]
19. hear and decide on applications for a declaration that the use of pressure tactics is unlawful and prescribe appropriate remedies [s.47,48,49]
20. hear and decide applications alleging unfair labour practices and prescribe appropriate remedies [s.53,54]
21. issue consent to prosecute [s.59]
22. establish other offices which it considers necessary [s.13(1)]
23. prepare and submit an annual report to Parliament through the Minister of Labour regarding activities during the fiscal year [s.61]

Appendix 6 - References

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Publications:

Canadian Artists and Producers Professional Relations Tribunal Procedures

Canadian Artists and Producers Professional Relations Tribunal Annual Report

Canadian Artists and Producers Professional Relations Tribunal - Information Bulletins