



Canadian Artists and Producers Professional Relations Tribunal

2001-2002
Estimates

Part III – Report on Plans and Priorities

Canada

The Estimates Documents

Each year, the government prepares Estimates in support of its request to Parliament for authority to spend public monies. This request is formalized through the tabling of appropriation bills in Parliament. The Estimates, which are tabled in the House of Commons by the President of the Treasury Board, consist of three parts:

Part I – The Government Expenditure Plan provides an overview of federal spending and summarizes both the relationship of the key elements of the Main Estimates to the Expenditure Plan (as set out in the Budget).

Part II – The Main Estimates directly support the *Appropriation Act*. The Main Estimates identify the spending authorities (votes) and amounts to be included in subsequent appropriation bills. Parliament will be asked to approve these votes to enable the government to proceed with its spending plans. Parts I and II of the Estimates are tabled concurrently on or before 1 March.

Part III – Departmental Expenditure Plans which is divided into two components:

- (1) **Reports on Plans and Priorities (RPPs)** are individual expenditure plans for each department and agency (excluding Crown corporations). These reports provide increased levels of detail on a business line basis and contain information on objectives, initiatives and planned results, including links to related resource requirements over a three-year period. The RPPs also provide details on human resource requirements, major capital projects, grants and contributions, and net program costs. They are tabled in Parliament by the President of the Treasury Board on behalf of the ministers who preside over the departments and agencies identified in Schedules I, I.1 and II of the *Financial Administration Act*. These documents are to be tabled on or before 31 March and referred to committees, which then report back to the House of Commons pursuant to Standing Order 81(4).
- (2) **Departmental Performance Reports (DPRs)** are individual department and agency accounts of accomplishments achieved against planned performance expectations as set out in respective RPPs. These Performance Reports, which cover the most recently completed fiscal year, are tabled in Parliament in the fall by the President of the Treasury Board on behalf of the ministers who preside over the departments and agencies identified in Schedules I, I.1 and II of the *Financial Administration Act*.

The Estimates, along with the Minister of Finance's Budget, reflect the government's annual budget planning and resource allocation priorities. In combination with the subsequent reporting of financial results in the Public Accounts and of accomplishments achieved in Departmental Performance Reports, this material helps Parliament hold the government to account for the allocation and management of public funds.

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Report on Plans and Priorities

Approved:

Honourable Claudette Bradshaw
Minister of Labour

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Section I: Messages

Message from the Chairperson

On behalf of the members and staff of the Canadian Artists and Producers Professional Relations Tribunal, I am pleased to present this Report on Plans and Priorities for the fiscal year 2001-2002. This document reflects the experience the Tribunal has gained in almost six years of operation and sets out its intended direction for the next three years.

The Tribunal will continue to fulfill its statutory mandate: determining sectors of cultural activity suitable for collective bargaining; certifying artists' associations to represent self-employed artists working in these sectors; and resolving complaints alleging contravention of the *Status of the Artist Act*.

In addition, the Tribunal Secretariat will continue to organize information sessions for our client community to ensure that artists, artists' associations, producers and producers' associations are aware of and understand their rights, responsibilities and obligations under the *Act*. The Tribunal will continue to provide useful information materials to artists and producers.

The *Status of the Artist Act* requires that the Minister of Canadian Heritage, in consultation with the Minister of Labour, review the provisions and operations of the *Act* in 2002. The Tribunal's systems will be able to provide the information required on its cases and other matters in time for the review. It will also be prepared to contribute, as appropriate, its views on the provisions and operations of the *Act*.

The Tribunal remains committed to the development and maintenance of constructive professional relations among artists, artists' associations, producers and producers' associations. It will continue to contribute to the economic and social well-being of its client community so that the Canadian cultural sector can thrive and flourish.

MANAGEMENT REPRESENTATION STATEMENT

Report on Plans and Priorities 2001-2002

I submit, for tabling in Parliament, the 2001-2002 Report on Plans and Priorities (RPP) for the Canadian Artists and Producers Professional Relations Tribunal.

To the best of my knowledge the information:

- Accurately portrays the Tribunal's mandate, plans, priorities, strategies and planned results of the organization;
- Is consistent with the disclosure principles contained in the *Guidelines for Preparing a Report on Plans and Priorities*;
- Is comprehensive and accurate;
- Is based on sound underlying departmental information and management systems.

I am satisfied as to the quality assurance processes and procedures used for the RPP's production.

The Planning and Reporting Accountability Structure on which this document is based has been approved by Treasury Board Ministers and is the basis for accountability for the results achieved with the resources and authorities provided.

David P. Silcox
Chairperson and Chief Executive Officer
February 1, 2001

Section II: Departmental Overview

2.1 Mandate, Roles and Responsibilities

Mandate

The Canadian Artists and Producers Professional Relations Tribunal administers Part II of the *Status of the Artist Act* (“the *Act*”), which regulates professional relations between self-employed artists and federally regulated producers.

The Tribunal’s statutory mandate is to define the sectors of cultural activity subject to federal jurisdiction that are suitable for collective bargaining; to certify artists’ 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 *Act*. The Tribunal’s statutory responsibilities are more fully set out in Section V - Other Information.

Roles

The *Status of the Artist Act* was enacted in 1992 to recognize the important role that artists play in Canadian society and to provide mechanisms to improve the socio-economic status of self-employed artists.

The Canadian Artists and Producers Professional Relations Tribunal was created to assist in achieving these objectives by encouraging constructive professional relations between producers and artists’ associations in its jurisdiction. The Tribunal became fully operational in 1995 and rendered its first decision in 1996.

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. Federal producers include all broadcasting undertakings under the jurisdiction of the Canadian Radio-television and Telecommunications Commission, all federal government departments and the majority of federal agencies and crown corporations.

By following the procedures set out in the *Act*, associations representing self-employed artists can receive certification from the Tribunal which grants them legal status and the exclusive right to negotiate scale agreements with producers. A scale agreement stipulates the minimum terms and conditions under which a producer engages the services of a self-employed artist in a specified sector.

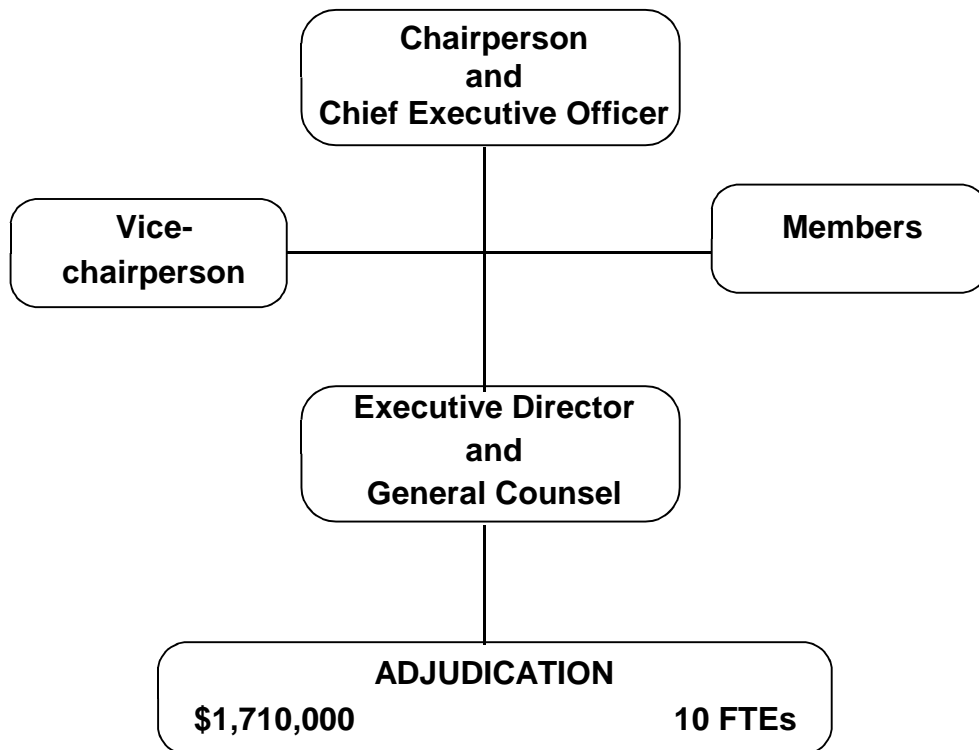
Responsibilities

The Tribunal is an independent, quasi-judicial agency. It reports to the Parliament of Canada through the Minister of Labour. Certain provisions of the *Act* also specify a role for the Minister of Canadian Heritage, for example in the appointment of Tribunal members.

The Tribunal is currently composed of a Chairperson, a Vice-chairperson and three other members. Members are appointed by the Governor in Council, and all five members are part-time appointees.

The Chairperson is the Chief Executive Officer of the Tribunal. The daily management of staff and operations of the Tribunal are the responsibility of the Executive Director who reports to the Chairperson.

The Tribunal has a sole business line, adjudication, which involves dealing with applications, complaints and other matters brought before it pursuant to the *Status of the Artist Act*.



2.2 Departmental/Program Objective

The Tribunal's overall objective is to encourage constructive professional relations between artists, as independent entrepreneurs, and producers in the federal jurisdiction.

The Tribunal has the following objectives for the planning period:

- to process applications, complaints and other matters and to make sound decisions promptly, professionally and in a cost-sensitive manner;
- to inform its clients of the benefits of the *Act* and assist them in resolving differences;
- to inform Canadians of the Tribunal's work; and
- to manage resources efficiently, effectively and with accountability.

2.3 Planning Context

The Tribunal Secretariat is mindful of the need to inform its clients of the *Status of the Artist Act*. Consultations recently held with the Tribunal's clients confirmed that producers as well as artists' associations are not fully aware of their rights and obligations pursuant to the *Act*. As a result, the Secretariat increased its outreach to its clients by organizing information sessions, most of which were for government producers and artists' associations, and by developing more useful information materials. It will complete these activities in 2001 by meeting with broadcasters, and by developing a follow-up plan which will include meetings with individual clients as required.

Another issue raised in the client consultations was the desire of artists' associations to negotiate with associations of producers rather than with individual producers. Individual negotiations require resources and time which the artists' associations lack. Also, many government producers would prefer to designate one department as the lead negotiator. The Tribunal encourages the parties to discuss this since it may, ultimately, facilitate the bargaining process and possibly make it more cost-effective.

The continuing growth in notices to bargain issued and the creation of new bargaining relationships resulting from the previously granted certifications, in addition to the complexity of existing certification applications will increase the demand on the Tribunal's resources over the planning period. However, the Tribunal has no control over the level of its caseload which depends on the demands of the client community. If the final caseload is less than expected, any excess funds will be returned to the Consolidated Revenue Fund.

Upcoming Review of the *Status of the Artist Act*

The *Status of the Artist Act* requires a review of its operations and provisions seven years after its coming into effect. This review will be carried out in 2002 by the Minister of Canadian Heritage in consultation with the Minister of Labour.

The resulting report and any recommendations for changes will be submitted to Parliament and will be referred to the Standing Committee on Canadian Heritage.

The Department of Canadian Heritage is developing the terms of reference for this review and the Tribunal Secretariat has already contributed background information. The Secretariat's management and case information systems will be able to provide timely information for this review. The Tribunal will also be prepared, as appropriate, to contribute its own views on the operations and provisions of the *Act*. The Tribunal will respond if any changes with respect to its responsibilities result from the review.

Though not solicited during the Tribunal's consultation exercise undertaken in 2000, clients nevertheless identified changes that they would like to see in the *Status of the Artist Act* which would facilitate the bargaining process. It is expected that clients will have the opportunity to put forward their views during the review.

2.4 Departmental Planned Spending

(\$ thousands)	Forecast Spending 2000-2001*	Planned Spending 2001-2002	Planned Spending 2002-2003	Planned Spending 2003-2004
Budgetary Main Estimates	1,697	1,710	1,710	1,710
Non-Budgetary Main Estimates	0	0	0	0
Less: Respendable revenue	0	0	0	0
Total Main Estimates	1,697	1,710	1,710	1,710
Adjustments**	(397)	0	0	0
Net Planned Spending	1,300	1,710	1,710	1,710
Less: Non-respendable revenue	0	0	0	0
<i>Plus: Cost of services received without charge</i>	290	307	310	313
Net cost of Program	1,590	2,017	2,020	2,023
Full Time Equivalents	8	10	10	10

* Reflects the best forecast of total planned spending to the end of the fiscal year.

** Adjustments are to accommodate approvals obtained since the Main Estimates and are to include Budget initiatives, Supplementary Estimates, etc.

Section III: Plans, Results, Activities and Resources

Business Line: Adjudication

3.1 Business Line Details

The objective of the sole business line is identical to that of the program as a whole: to encourage constructive professional relations between artists, as independent entrepreneurs, and producers in the federal jurisdiction.

The business line is described as the administration of the provisions of the *Status of the Artist Act* relative to professional relations between self-employed entrepreneurs in the cultural sector and federally regulated producers, including: the determination of artistic sectors appropriate for collective bargaining; the certification of artists' associations to represent specific artistic sectors; the investigation and adjudication of complaints alleging contravention of the *Status of the Artist Act* and the exercise of ancillary remedial authority; the provision of advice and recommendations relative to the statutory jurisdiction and powers of the Tribunal; and the provision of administrative services to these ends.

3.2 Key Results Commitments, Planned Results, Related Activities and Resources

Key Results Commitments	Planned Results	Related Activities	Resources (\$ thousands)		
			2001-2002	2002-2003	2003-2004
To encourage constructive professional relations between artists, as independent entrepreneurs, and producers within the federal jurisdiction.	Improvement in the socio-economic well-being of the artistic community as a result of successful negotiation of scale agreements between the parties	Provision of fair, prompt, professional and cost-effective adjudicative services: <ul style="list-style-type: none"> • planning, scheduling, mediating (where possible) and rendering of decisions • maintenance of a research capability to ensure Tribunal decisions reflect the realities of the client community and changing environment 	900	900	900
		Provision of information and assistance to artists and producers and the general public to ensure they are aware of and can benefit from the <i>Status of the Artist Act</i> : <ul style="list-style-type: none"> • maintenance and enhancement of the Tribunal web site; development of the web site to comply with the government's <i>Common Look and Feel Standards</i> • publication of information bulletins, reports and other material; • a series of face-to-face communications with the client community 	600	600	600

Section IV: Financial Information

Net Cost of Program for the Estimates Year

(\$ thousands)	Total
Net Planned Spending (Gross Budgetary and Non-budgetary Main Estimates plus adjustments)	1,710
<i>Plus: Services Received without Charge</i>	
Accommodation provided by Public Works and Government Services Canada (PWGSC)	253
Contributions covering employees' share of employees' insurance premiums and expenditures paid by TBS	54
Workers' compensation coverage provided by Human Resources Development Canada	0
Salary and associated expenditures of legal services provided by Justice Canada	0
	307
<i>Less: Respendable Revenue</i>	0
2001-2002 Net cost of Program	2,017

Section V: Other Information

Statute and Regulations

<i>Status of the Artist Act</i>	S.C. 1992, c.33, as amended
<i>Status of the Artist Act Professional Category Regulations</i>	SOR 99/191
<i>Canadian Artists and Producers Professional Relations Tribunal Procedural Regulations</i>	In preparation

References

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Publications

Canadian Artists and Producers Professional Relations Tribunal Annual Report -
http://homer.ic.gc.ca/capprt/pubformulair/rapports/index_ann_99.html

Canadian Artists and Producers Professional Relations Tribunal Information Bulletin
(several per year) - <http://homer.ic.gc.ca/capprt/pubformulair/bulletins/index.html>

Canadian Artists and Producers Professional Relations Tribunal Performance Report
(annual) - http://homer.ic.gc.ca/capprt/pubformulair/rapports/index_rend.html

Canadian Artists and Producers Professional Relations Tribunal Procedures, 3rd Edition,
February 1999 - <http://homer.ic.gc.ca/capprt/pubformulair/procedtribunal/index.html>

The Status of the Artist Act Annotated, published by Carswell, 1999 -
http://www.carswell.com/law_index.asp

The Tribunal's Statutory Responsibilities

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]