



# Canadian Artists and Producers Professional Relations Tribunal

2002-2003  
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 tabled in the spring 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.

© Her Majesty the Queen in Right of Canada, represented by the Minister of Public Works and Government Services, 2002

Available in Canada through your local bookseller or by mail from Canadian Government Publishing (PWGSC)  
Ottawa, Canada K1A 0S9

Telephone: 1-800-635-7943  
Internet site: <http://publications.pwgsc.gc.ca>

Catalogue No. BT31-2/2003-III-100

ISBN 0-660-61795-1

# Canadian Artists and Producers Professional Relations Tribunal

2002-2003  
Estimates

Report on Plans and Priorities

Approved:

---

Honourable Claudette Bradshaw  
Minister of Labour



# Table of Contents

|   |    |
|---|----|
| <b>Section I: Chairperson’s Message and Management Representation Statement</b> |    |
| Message from the Chairperson .....  | 1  |
| Management Representation Statement .....                                       | 2  |
| <br>  |    |
| <b>Section II: Raison d’être</b>  |    |
| Raison d’être .....   | 3  |
| Benefits/Results for Canadians .....  | 3  |
| <br>  |    |
| <b>Section III: Strategic Outcome</b>   |    |
| Plans and Priorities by Strategic Outcome .....                                 | 5  |
| Total Spending by Strategic Outcome .....                                       | 6  |
| Table 1: Departmental Planned Spending .....                                    | 7  |
| Performance Measures .....  | 7  |
| <br>  |    |
| <b>Section IV: Organisation</b>   |    |
| Accountability .....  | 9  |
| <br>  |    |
| <b>Section V: Annexes</b>   |    |
| Table 2: Net Cost of Program for Estimates Year .....                           | 10 |
| Statute and Regulations .....   | 11 |
| References .....  | 11 |
| Publications .....  | 11 |
| The Tribunal’s Statutory Responsibilities .....                                 | 12 |

# **Section I: Chairperson's Message and Management Representation Statement**

## **Message from the Chairperson**

I am pleased to present the Canadian Artists and Producers Professional Relations Tribunal's Report on Plans and Priorities for fiscal year 2002-2003. This report reflects the experience that the Tribunal has gained in its almost seven years of operation and outlines 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 of unfair labour practices in contravention of the *Status of the Artist Act*.

The *Act* requires that the Minister of Canadian Heritage, in consultation with the Minister of Labour, review the provisions and operations of the *Status of the Artist Act* in 2002. The Tribunal Secretariat will provide the required information related to its cases and other matters during the course of this review. It will also be prepared to contribute its views on the provisions and operations of the *Act* as appropriate. Should the review of the *Act* result in legislative amendments, the Tribunal Secretariat will organize information sessions for our client community to ensure that they are aware of any changes respecting their rights, roles, responsibilities and obligations under the *Act*.

The Tribunal will continue to provide useful documents and information to its clients. These products will be complemented by the Tribunal's comprehensive website. Artists, producers, representatives of their associations, as well as people interested in artistic matters in Canada and around the globe will be able to access the website for detailed and timely information on the Tribunal's activities.

The Canadian Artists and Producers Professional Relations Tribunal remains deeply committed to the development and maintenance of constructive professional relations among artists, artists' associations, producers and producers' associations and will continue to contribute to the economic and social well-being of its client community. This work will facilitate the important goal of a thriving and successful cultural sector in Canada.

# MANAGEMENT REPRESENTATION STATEMENT

## *Report on Plans and Priorities 2002-2003*

I submit, for tabling in Parliament, the 2002-2003 Report on Plans and Priorities (RPP) for the Canadian Artists and Producers Professional Relations Tribunal.

To the best of my knowledge the information in this document:

- Accurately portrays the Tribunal's plans and priorities.
- Is consistent with the reporting principles contained in the *Guide to the Preparation of the 2002-2003 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 production.

The Planning and Reporting Accountability Structure (PRAS) 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, 2002

## **Section II: Raison d'être**

### **Raison d'être**

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 *Status of the Artist Act*.

### **Benefits/Results for Canadians**

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 is the independent, quasi-judicial agency that was created in 1993 to assist in the achievement of these aims. In addition to interpreting and applying the legal framework for collective bargaining between self-employed artists and producers in the federal jurisdiction, the Tribunal encourages constructive professional relations between producers and artists' associations.

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 with producers for the purpose of entering into scale agreements. These agreements specify the minimum terms and conditions to which a producer must adhere when engaging the services of, or commissioning work from, a self-employed professional artist in a particular sector.



Improving the social-economic well-being of the artistic community resulting from the successful negotiation of scale agreements between the parties supports the important goal of a stable and successful cultural sector in Canada.

Information on the *Status of the Artist Act*, the Tribunal's statutory responsibilities, its decisions, and its various performance reports, can be found on the Tribunal's website at <http://capprt-tcrpap.gc.ca>

## **Section III: Strategic Outcome - Total Planned Spending \$1,739,000**

### **Plans and Priorities by Strategic Outcome (Total Planned Spending - \$1,739,000)**

The strategic outcome of the Tribunal's activities is to encourage constructive professional relations between self-employed artists and producers in the federal jurisdiction.

The Tribunal will continue to focus on the following key priorities for the planning period.

- to process applications, complaints and other matters and to make 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 inform Canadians of the Tribunal's work; and
- to manage resources efficiently and with accountability.

The Tribunal will realise these priorities by providing fair, prompt, professional and cost-effective adjudicative services. Maintaining a strong research capacity in the Tribunal Secretariat will continue to ensure that the Tribunal's decisions reflect the realities of the client community and the changing environment affecting artists.

Parties will be encouraged to resolve as many differences as possible prior to a hearing. When appropriate, staff of the Tribunal Secretariat will investigate the situation and provide mediation assistance. This informal approach will reduce the number of panel decisions required and save time and money for the Tribunal and its clientele.

Artists' associations are for the most part small, have limited financial resources and have little or no experience in labour relations. Because they lack sufficient time and resources, artists' associations have expressed the desire to negotiate with associations of producers rather than with individual producers. As well, many government producers would prefer to designate one department as the lead negotiator. The Tribunal will continue to encourage the parties to discuss this strategy since it may, ultimately, facilitate the bargaining process and make it more cost-effective.

Consultations held with the Tribunal's clients in 2000 and 2001 confirmed that producers as well as artists' associations were not fully aware of their rights and obligations under the *Status of the Artist Act*. As a result of these findings, the Tribunal Secretariat significantly increased its outreach activities with client groups and developed more useful information materials. These services were well received and will be offered over the planning period. Emphasis will be placed on tailoring these services to meet the

specific needs of artists' associations and producers. They will be complemented by the publication of timely information bulletins, reports and other materials, and the continued enhancement of the Tribunal's website. In addition to being a resource for the Tribunal's clientele, the website will provide detailed information on the Tribunal's activities to all Canadians as well as to people from around the world interested in artistic matters.

Under the provisions of the *Status of the Artist Act*, a mandatory review of the *Act* is to take place seven years after it comes into full effect. In 2002, this review will be conducted by the Department of Canadian Heritage in consultation with the Department of Human Resources Development Canada. The Tribunal Secretariat has already contributed background information and will be able to provide timely information as the review unfolds. The Tribunal will also be prepared, as appropriate, to contribute its own views on the operation and provisions of the *Act*. The Tribunal will also respond to any changes with respect to its responsibilities that result from this review to better serve its client community.

The Tribunal is committed to the efficient and economical management of its resources. As part of the Modern Comptrollership Initiative, the Tribunal along with three other small quasi-judicial agencies, have formed a cluster group and have moved forward in 2001-2002 to conduct capacity assessments related to establishing modern comptrollership within each organisation. These capacity assessments will indicate to the Tribunal where its strengths and weaknesses are in the area of modern comptrollership and will provide the detail for plans to implement modern comptrollership over the next two to three years.

Demands on the Tribunal's human and financial resources continue to come from several sources: the creation of new bargaining relationships following certification orders granted by the Tribunal, a rise in the number of notices to bargain that result from these certification orders, increasingly complex applications for certification, and complaints. However, the Tribunal has no control over the level of its caseload. This depends entirely on the demands of the client community. Proper resource management is made more difficult in this situation. In the years when the caseload is less than projected, surplus funds are returned to the Consolidated Revenue Fund.

## **Total Spending by Strategic Outcome**

The Tribunal has one strategic outcome and one business line for a total of \$1,739,000.

**Table 1: Departmental Planned Spending**

| (\$ thousands)   | Forecast<br>Spending<br>2001-2002 | <b>Planned<br/>Spending<br/>2002-2003</b> | Planned<br>Spending<br>2003-2004 | Planned<br>Spending<br>2004-2005 |
|--|-----------------------------------|---|----------------------------------|----------------------------------|
| <b>ADJUDICATION</b>                                      |                                   |   |                                  |                                  |
| Budgetary Main Estimates                                 | 1,710                             | <b>1,739</b>                              | 1,740                            | 1,740                            |
| Non-Budgetary Main<br>Estimates                          | 0                                 | <b>0</b>                                  | 0                                | 0                                |
| Less: Respendable revenue                                | 0                                 | <b>0</b>                                  | 0                                | 0                                |
| <b>Total Main Estimates</b>                              | 1,710                             | <b>1,739</b>                              | 1,740                            | 1,740                            |
| Adjustments**  | 0                                 | <b>0</b>                                  | 0                                | 0                                |
| <b>Net Planned Spending</b>                              | 1,300*                            | <b>1,739</b>                              | 1,740                            | 1,740                            |
| Less: Non-respendable<br>revenue                         | 0                                 | <b>0</b>                                  | 0                                | 0                                |
| <i>Plus:</i> Cost of services<br>received without charge | 307                               | <b>307</b>                                | 307                              | 307                              |
| <b>Net cost of Program</b>                               | 1,607                             | <b>2,046</b>                              | 2,047                            | 2,047                            |
| <b>Full Time Equivalents</b>                             | 9                                 | <b>10</b>                                 | 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.

## Performance Measures

While measuring constructive professional relations can be challenging, the Tribunal monitors progress towards this goal in several ways. An effective measure is the percentage of complaints resolved without a hearing. The target for this performance measure is a minimum of 50 percent of complaints resolved without a hearing. Another indicator of constructive professional relations is the successful negotiation of first agreements. This will be measured by whether certified artists' associations have negotiated at least one new scale agreement within five years of certification by the Tribunal. A third indicator is greater recognition and improved wages and working

conditions for artists and a stable and predictable working environment for both artists and producers. The achievement of this result is expected to be quantifiable in two to three years when more first agreements have been signed. Results will be determined by consulting with client groups.

Prompt and competent handling of cases facilitates constructive relations. Performance measures have been established relating to the time to process applications for certification from the receipt of a completed application to the date that the Tribunal renders a decision (maximum 300 calendar days), and the time that reasons for decision are issued after a hearing has concluded (maximum 35 calendar days). To measure the Tribunal's competence in dealing with cases, it uses the results of judicial review as an indicator. It is expected that less than 50 percent of applications for judicial review will be granted by the courts.

The Tribunal has always taken very seriously its responsibility to ensure that artists' associations and producers are fully aware of their rights and responsibilities under the *Status of the Artist Act*. Performance in this regard will be measured by the quality and timeliness of information bulletins, the quality of the Tribunal's Internet site, accurate and timely responses to queries and requests for information, and fair and effective procedures and regulations. At least three information bulletins will be issued annually and satisfaction will be determined by client feedback. The Tribunal's website at <http://capprt-tcrpap.gc.ca> will dovetail with the Government on Line initiative and will continue to contain comprehensive and up to date information. The maximum response time to enquiries and requests for information will be two working days. Procedures, regulations and explanatory documents have been developed from the perspective of appropriateness and ease of use by clients. To date, no negative comments have been received about these documents. This situation will continue to be monitored and changes made as required.

## Section IV: Organisation

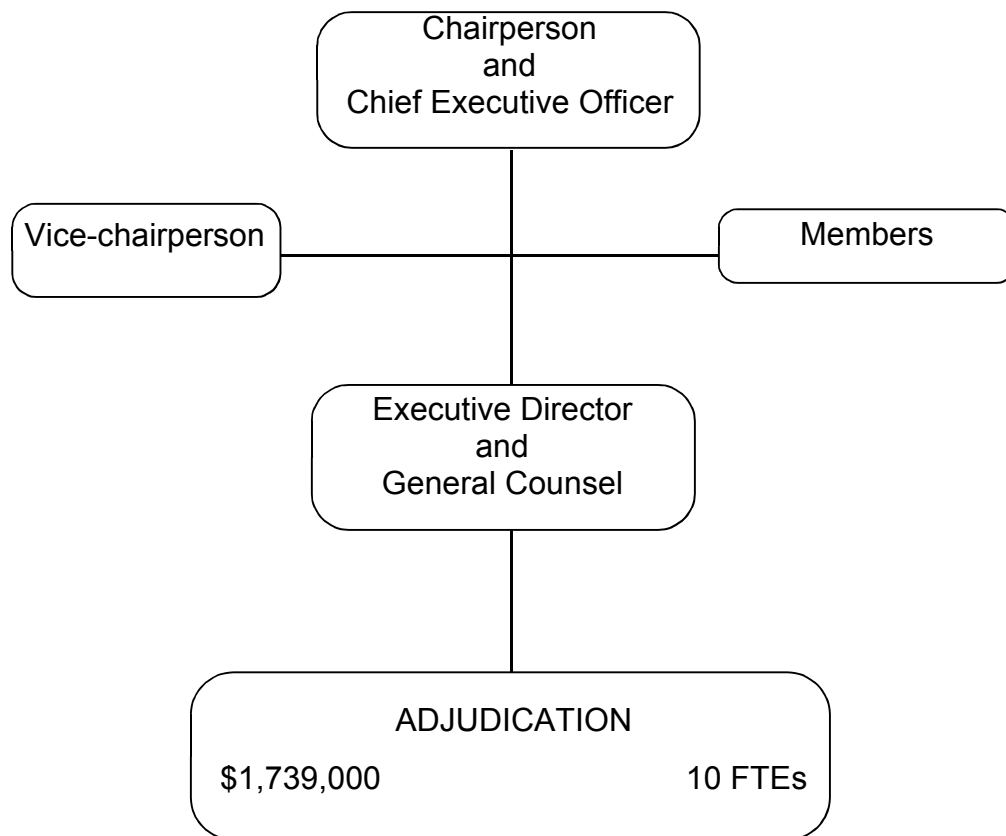
### Accountability

The Tribunal reports to Parliament through the Minister of Labour.

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

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

The Tribunal has the statutory mandate to deal with applications, complaints, and other matters brought before it pursuant to the *Status of the Artist Act*.



## Section V: Annexes

**Table 2: Net Cost of Program for the Estimates Year**

| (\$ thousands)  | Total |
|---|-------|
| Net Planned Spending (Total Main Estimates plus Adjustments as per the Planned Spending Table)                                    | 1,739 |
| <i>Plus: Services Received without Charge</i>   |       |
| Accommodation provided by Public Works and Government Services Canada (PWGSC)   | 251   |
| Contributions covering employees' share of employees' insurance premiums and expenditures paid by TBS (excluding revolving funds) | 56    |
| 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: Non-responsible Revenue</i>  | 0     |
| 2002-2003 Net cost of Program   | 2,046 |

## 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

Canadian Artists and Producers Professional Relations Tribunal  
240 Sparks Street, 8<sup>th</sup> Floor West  
Ottawa, Ontario K1A 1A1  
Telephone: (613) 996-4052 or 1 800 263-ARTS (2787)  
Facsimile: (613) 947-4125  
E-mail: [tribunal.artists@ic.gc.ca](mailto:tribunal.artists@ic.gc.ca)  
Internet Site: <http://capprt-tcrpap.gc.ca>

## Publications

*Canadian Artists and Producers Professional Relations Tribunal Annual Report and Canadian Artists and Producers Professional Relations Tribunal Performance Report* (annual)  
<http://capprt-tcrpap.gc.ca/pubformulair/rapports/index.html>

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

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

*The Status of the Artist Act Annotated*, published by Carswell, 1999 -  
[http://www.carswell.com/law\\_index.asp](http://www.carswell.com/law_index.asp) (to order)



## 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]