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# 1. MEMBERS AND PERSONNEL OF THE TRIBUNAL

<i>Chairperson and Chief Executive Officer:</i>	David P. Silcox
<i>Vice-chairperson:</i>	André T. Fortier (His term ended on February 28, 1999)
<i>Members:</i>	Curtis Barlow Robert Bouchard Meeka Walsh
<i>Executive Director and General Counsel:</i>	Elizabeth MacPherson
<i>Registrar and Senior Legal Counsel:</i>	Josée Dubois
<i>Director, Planning, Research and Mediation:</i>	Lorraine Farkas
<i>Analyst, Research and Communications:</i>	Marc Boucher
<i>Chief, Administrative Services:</i>	Gilles Gareau
<i>A/Administrative Officer:</i>	Nancy Lévesque
<i>Information Coordinator:</i>	Christine Desbiens

## **2. MEMBERS' BIOGRAPHIES**

### **Mr. David P. Silcox Toronto, Ontario**

David P. Silcox has been a member of the Tribunal since December 1995 and was appointed Chairperson and Chief Executive Officer of the Tribunal effective March 1, 1998. Mr. Silcox holds a Master of Arts from the University of Toronto and has been awarded an honorary Doctor of Letters degree by the University of Windsor. He is also a fellow of England's Royal Society of Arts.

Mr. Silcox is a recognized art critic and author with extensive experience in cultural portfolios at the federal, provincial and municipal levels, having held such positions as Director of Cultural Affairs for the Municipality of Metropolitan Toronto, Assistant Deputy Minister (Culture) with the federal Department of Communications and Deputy Minister with the Ontario Ministry of Culture and Communications. Mr. Silcox has served on numerous boards and commissions and has been very active in the cultural community. He is the co-author of a major book on the painter Tom Thomson. He is also the author of an extensive biography of David Milne, published in 1996, and co-author of a catalogue raisonné of the paintings of the same artist which was published in 1998.

### **Mr. André T. Fortier Hull, Québec**

André T. Fortier was appointed Vice-chairperson of the Tribunal in March 1995. His term ended on February 28, 1999. Mr. Fortier served as the acting Chairperson of the Tribunal from September 1995 to February 1998. A graduate of the Université de Montréal, he holds a Bachelor of Arts, a Bachelor of Science and a Master of Science (Mathematics and Statistics). In 1983, he was awarded an honorary Doctor of Laws degree by Dalhousie University.

Mr. Fortier has been active in the cultural sector for a number of years. He has held the positions of Director of the Canada Council, Assistant Under Secretary of State responsible for cultural policies in the Department of the Secretary of State, and Under Secretary of State responsible for cultural policy, official languages, multiculturalism and citizenship. He also served as the first Chairperson of the Social Sciences and Humanities Research Council. Mr. Fortier is the author of numerous publications in the cultural field and a recipient of the Canadian Conference of the Arts' Diplôme d'honneur.

### **Mr. Curtis Barlow Charlottetown, Prince Edward Island**

Curtis Barlow has been a member of the Tribunal since March 1, 1998. Mr. Barlow is the Executive Director and Chief Executive Officer of the Confederation Centre of the Arts in Charlottetown. He served as the Canadian Cultural Counsellor to the United States of America from October 1990 to July 1996. Prior to that, he was the Cultural Counsellor to the United Kingdom at the Canadian High Commission in London and Director of the Canada House Cultural Centre in Trafalgar Square from 1986 to 1990. Mr. Barlow was the Executive Director of the Professional Association of Canadian Theatres (PACT) from 1977 to 1986, during which time he also held the position of President of the Canadian Conference of the Arts for a two-year term (1984-1986).

**Mr. Robert Bouchard**  
**Lac Beauport, Québec**

Robert Bouchard has been a member of the Tribunal since April 1997. He is a member of the Québec Bar and has been in private practice as a lawyer since 1978. He teaches law and administration at the Collège de Limoilou and has been a labour and commercial law instructor at the Université Laval and the Université du Québec in Rimouski. Mr. Bouchard is the author of various publications focussing on individual rights and responsibilities. He studied music at the Conservatoire de musique de Québec.

**Ms. Meeka Walsh**  
**Winnipeg, Manitoba**

Meeka Walsh was appointed as a member of the Tribunal in March 1995 and her term was renewed in March 1998. Ms. Walsh holds a Bachelor's degree in Art History. She has had extensive editorial experience as a publishing consultant to the Confederation Centre of the Arts in Charlottetown and the Winnipeg Art Gallery, where she also edited a number of major catalogues.

Ms. Walsh was President of the Winnipeg Periodicals Association in 1985 and 1986 and has also served as a member of the Publishing Policy Advisory Committee to the Minister of Culture, Heritage and Recreation in Manitoba. From 1989 to 1992, Ms. Walsh was Vice-President of the Manitoba Writers' Guild. She has acted as a juror for the Saskatchewan Arts Board and the Manitoba Arts Council. Ms. Walsh has been involved with the arts magazine *Border Crossings* in a number of capacities since 1983, and has been the magazine's editor since 1993. In 1996, she published a collection of short stories, *The Garden of Earthly Intimacies*.

### 3. THE TRIBUNAL'S MANDATE

The Canadian Artists and Producers Professional Relations Tribunal is the independent quasi-judicial agency established to administer the framework governing professional relations between self-employed artists and producers under federal jurisdiction that is prescribed by the *Status of the Artist Act* (hereinafter called the *Act*).

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. All broadcasting undertakings under the jurisdiction of the Canadian Radio-Television and Telecommunications Commission, all federal government departments and the majority of federal government institutions are considered to be “producers” for the purposes of the *Act*.

By following the procedures specified in the *Act*, associations representing self-employed artists can obtain legal recognition and the right to negotiate with producers for the purpose of entering into scale agreements. These agreements will specify the minimum terms and conditions under which self-employed professionals in a particular cultural sector will provide their services to producers in the federal jurisdiction.

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

The Tribunal’s principal responsibilities are:

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

The Tribunal reports to Parliament through the Minister of Labour. However, certain provisions of the *Act* specify a role for the Minister of Canadian Heritage.

## 4. THE TRIBUNAL'S ACTIVITIES

### 4.1 Introduction

During the course of its fourth year, the certifications granted by the Canadian Artists and Producers Professional Relations Tribunal to the Société des auteurs, recherchistes, documentalistes et compositeurs (SARDeC) on January 30, 1996 and to the Union des écrivaines et écrivains québécois (UNEQ) on February 2, 1996 came up for renewal. SARDeC and UNEQ were the first two associations to be certified by the Tribunal. Pursuant to subsection 28(2) of the *Status of the Artist Act*, the certification is valid for three years. It is automatically renewed for an additional three-year period unless a competing application for certification in respect of the sector, or an application for revocation of certification, is filed within the three months before the expiry of the certification. SARDeC and UNEQ's certifications were renewed in January and February 1999 respectively.

From April 1, 1998 to March 31, 1999, the Tribunal defined three new sectors of cultural activity subject to federal jurisdiction that are suitable for collective bargaining and, for the first time, a representation vote was ordered. Certification was granted to the Union des artistes (UDA), the Writer's Union of Canada (TWUC) and to the Canadian Artists' Representation/Le Front des artistes canadiens (CARFAC). The Tribunal also rendered a decision on a request for review. As well, a complaint was lodged pursuant to section 35 of the *Status of the Artist Act*.

Since it began operations in May 1995, the Tribunal has received 28 applications for certification. As of March 31, 1999, 18 final and 10 interim decisions were rendered with respect to these applications. In three cases, the application was withdrawn. The Tribunal also received 11 other applications (applications for review of decisions or orders, applications for determinations or declarations and applications for consent to prosecute) and complaints. Five final decisions were rendered and two cases were resolved without a Tribunal hearing. The Tribunal began the fiscal year 1998-1999 with 10 applications for certification and four other requests and complaints pending. At the end of the fiscal year, six applications for certification and four other applications and complaints remained outstanding.

The Legal and Adjudicative Services Branch of the Tribunal prepared the *Status of the Artist Act Annotated*. The purpose of this Annotated Act is to provide users with an easy reference to the policies, procedures and decisions of the Tribunal. It also offers a cross-reference guide to comparable provisions of two other federal labour relations statutes, the *Canada Labour Code* and the *Public Service Staff Relations Act*. The annotation contains references to some Canada Labour Relations Board or Canada Industrial Relations Board decisions. It is published by Carswell.

The Tribunal also continued to carry out activities aimed at increasing public awareness of the *Status of the Artist Act* and the work of the Tribunal. For example, at the invitation of the Cultural Human Resources Council (CHRC), Tribunal staff accompanied the CHRC on its visit of cultural groups in various cities across the country. In addition, members and staff represented the Tribunal at various conferences and conventions including the conventions of the Canadian Association of Broadcasters and the Canadian Cable Television Association.

To celebrate the 50<sup>th</sup> anniversary of the *Universal Declaration of Human Rights* adopted by the United Nations in 1948, the Tribunal held an arts competition. Visual and graphic artists from across Canada were invited to submit works on paper addressing the issue of human rights. Nearly 100 artists from across Canada entered the competition. The name of the winner, an Edmonton artist, Mrs. Amy Loewan was announced at a ceremony held at the National Gallery of Canada on December 10, 1998.

Two issues of the Tribunal's *Information Bulletin* were published. This publication provides a summary of decisions issued by the Tribunal, information on developments at the Tribunal and details on a variety of matters of interest to parties bargaining under the *Status of the Artist Act*. The format of the bulletin was revised and its content modified to focus more on collective bargaining under the *Status of the Artist Act*.

During this period, a member left the Tribunal. Mr. André Fortier's term ended on February 28, 1999.

## 4.2 Applications for Certification

The following section presents a summary of the status of each application for certification for which the Tribunal has rendered a decision during the 1998-1999 fiscal year or that was pending at the fiscal year end.

### **Associated Designers of Canada** **(File No. 95-0007-A)**

Sector sought:

“set, costume, lighting and sound designers working within the live performing arts industry.”

Public notice of the application was given January 27, 1996. The Professional Association of Canadian Theatres (PACT) and the Association des professionnels des arts de la scène du Québec (APASQ) notified the Tribunal of their intention to intervene. A hearing was scheduled for the month of May 1999 but was postponed at the applicant's demand. At the fiscal year end, a hearing was scheduled for June 15 and 16, 1999.

### **Société des auteurs, recherchistes, documentalistes et compositeurs** **(File No. 95-0009-A)**

The Société des auteurs, recherchistes, documentalistes et compositeurs (SARDeC) has applied to represent a number of independent contractors who work as researchers in the French language.

Researchers are not included in the categories of professional artists defined in subparagraphs 6(2)(b)(i) and (ii) of the *Status of the Artist Act*. However, subparagraph 6(2)(b)(iii) of the *Act* permits the Governor in Council to adopt regulations to include additional categories of professional artists within its scope. Until regulations are passed to include researchers within the definition of professional artists, the Tribunal cannot proceed with SARDeC's application.



**The Writers' Union of Canada and The League of Canadian Poets  
(File No. 95-0014-A)**

Sector sought:

“all independent contractors engaged by a producer subject to the *Status of the Artist Act* as:

- i) authors of literary works, in languages other than French, initially published in volume, electronic or multimedia form; or
- ii) authors of literary works, in languages other than French, initially published in volume, electronic or multimedia form and offered for performance or adaptation into other media including audio, audiovisual, multimedia and other electronic forms, but excluding:
  - a) authors covered by the certification granted to the Periodical Writers Association of Canada by the Canadian Artists and Producers Professional Relations Tribunal on June 4, 1996;
  - b) authors covered by the certification granted to the Writers Guild of Canada by the Canadian Artists and Producers Professional Relations Tribunal on June 25, 1996; and
  - c) playwrights covered by the certification granted to the Playwrights' Union of Canada by the Canadian Artists and Producers Professional Relations Tribunal on December 13, 1996.”

The Writers Union of Canada (TWUC) and the League of Canadian Poets (LCP) filed a joint application for certification in November 1995. After filing their application, TWUC and LCP had discussions with other literary organizations regarding the proposed sector definition and advised the Tribunal that amendments might be proposed. At the request of the applicants, consideration of the application was postponed and, in February 1998, the Tribunal received an amended application from the applicants. Public notice of the application was given in the *Canada Gazette* on March 7, 1998 and in other Canadian dailies starting March 11, 1998. A hearing was held in Toronto on September 9 and 10, 1998 and Decision No. 028 was issued on November 17, 1998.

The Writers' Union of Canada was certified to represent a sector composed of:

“independent contractors who are Canadian citizens or landed immigrants, engaged by a producer subject to the *Status of the Artist Act* as:

- i) authors of literary works in languages other than French, intended for publication in volume, electronic or multimedia form; or
  - ii) authors of literary works in languages other than French, initially published in volume, electronic or multimedia form, offered for performance or adaptation into other media including audio, audiovisual, multimedia and other electronic forms,
- but excluding:

- a) authors covered by the certification granted to the Periodical Writers Association of Canada by the Canadian Artists and Producers Professional Relations Tribunal on June 4, 1996;
- b) authors covered by the certification granted to the Writers Guild of Canada by the Canadian Artists and Producers Professional Relations Tribunal on June 25, 1996; and
- c) playwrights covered by the certification granted to the Playwrights Union of Canada by the Canadian Artists and Producers Professional Relations Tribunal on December 13, 1996.”

On December 17, 1998, the Attorney General of Canada filed an application for judicial review in respect of Decision No. 028 in the Federal Court of Appeal. The matter was still pending at fiscal year end.

**Union des Artistes**  
**(File No. 95-0016-A)**

Sector sought:

“all performers, choreographers and directors who perform, sing, recite, direct or perform in any manner whatsoever, in a literary, musical or dramatic work, or in a mime, variety, circus or puppet show:

- i) broadcast, presented or performed in Quebec;
- ii) broadcast, presented or performed in Canada, outside Quebec, to a French-speaking audience; with respect to all producers subject to the *Status of the Artist Act* throughout Canada, save and except:
  - a) the sector recognized by l’Union des Artistes as being within the jurisdiction of the Canadian Actors’ Equity Association pursuant to an agreement between the two unions;
  - b) the sector recognized by l’Union des Artistes as being within the jurisdiction of the Alliance of Canadian Television and Radio Artists pursuant to an agreement between the two unions;
  - c) artists who play musical instruments in all areas of artistic production, including persons who sing while playing a musical instrument for the instrumental portion of their performance.”

Public notice of the application was given on February 3, 1996 and a hearing was held in Montreal from June 5 to 7, 1996. In Decision No. 017 issued August 29, 1996, the Tribunal granted interim certification to the Union des Artistes (UDA) to represent a sector composed of:

“all performers who are independent contractors who perform, sing, recite or act in any manner whatsoever, in a literary, musical or dramatic work, or in a mime, variety, circus or puppet show:

- i) broadcast, presented or performed in Quebec;
  - ii) broadcast, presented or performed in Canada outside Quebec and intended for a French-speaking audience;
- with respect to all producers subject to the *Status of the Artist Act* throughout Canada, save and except:
- a) independent contractors who are covered by the certification granted to the Canadian Actors' Equity Association by the Canadian Artists and Producers Professional Relations Tribunal on April 25, 1996 and subject to the agreement made between the Union des Artistes and the Canadian Actors' Equity Association dated November 6, 1992;
  - b) independent contractors who are covered by the certification granted to the ACTRA Performers' Guild by the Canadian Artists and Producers Professional Relations Tribunal on June 25, 1996 and subject to the agreement between the Union des Artistes and the ACTRA Performers' Guild dated May 17, 1996;
  - c) artists who play musical instruments in all areas of artistic production, including persons who sing while playing a musical instrument for the instrumental portion of their performance.”

In Decision No. 017, the Tribunal did not deal with those portions of the UDA's application affecting choreographers and directors. The appropriateness of including these professions in the sector for which UDA has been certified was considered in a joint hearing (UDA, Association des professionnels des arts de la scène du Québec (APASQ) and Association des réalisateurs et réalisatrices du Québec) held in Montreal from September 9 to 12, 1997 and on October 21 and 22, 1997. On December 30, 1997, the Tribunal issued Decision No. 024, dealing with directors and choreographers. At the same time, the Tribunal ordered that the interim certification granted to the Union des Artistes on August 29, 1996 be amended to include choreographers and updated to reflect the certifications granted to the American Federation of Musicians of the United States and Canada and La Guilde des musiciens du Québec in January 1997.

With respect to directors in theatre (“metteurs en scène”), a competing application for certification for the same sector was filed by APASQ. The Tribunal ordered that a representation vote be conducted to determine the association most representative of these professionals. On February 2, 1998, Acting Chairperson André Fortier directed Tribunal Member Robert Bouchard to meet with the applicants to discuss the mechanics of the vote. An application for review of Decision No. 024 was subsequently filed jointly by UDA and APASQ, seeking to allow all stage directors in the sector, and not just the members of the applicant associations, to participate in the representation vote ordered by the Tribunal. The Tribunal granted the request. Voting took place during the spring and the ballots were counted on June 29, 1998. The UDA was selected by some

67.5% of those voting. Decision No. 027 was issued on July 24, 1998. The Union des Artistes was certified to represent a sector composed of:

“all independent contractors engaged by a producer subject to the *Status of the Artist Act* to perform the duties of director in a French-language stage production of a literary, musical or dramatic work or a mime, variety, circus or puppet show.”

**Editors’ Association of Canada**  
**(File No. 95-0019-A)**

The application for certification was incomplete and the applicant was asked to provide further materials in support of its application. The matter was still pending at the fiscal year end.

**Association des professionnels des arts de la scène du Québec**  
**(File No. 95-0021-A)**

Sector sought:

“all set, costume, lighting, sound, accessory and puppet designers, stage directors, stage managers, set painters, technical directors, production managers and all costume assistants, set designer assistants and production assistants working in the province of Québec and at the National Arts Centre in the areas of the performing arts, dance and variety entertainment.”

Public notice of the application was given on April 6, 1996. However, with respect to directors in theatre (“metteurs en scène”), a competing application for certification for the same sector was filed by l’Union des artistes (UDA). A joint hearing involving APASQ, UDA and l’Association des réalisateurs et réalisatrices du Québec (ARRQ) was held in Montreal from September 9 to 12, 1997 and on October 21 and 22, 1997. On December 30, 1997, the Tribunal issued Decision No. 024, in which it ordered that a representation vote be conducted to determine whether these professionals should be represented by APASQ or UDA. On February 2, 1998, Acting Chairperson André Fortier directed Tribunal Member Robert Bouchard to meet with the applicants to discuss the mechanics of the vote. An application for review of Decision No. 024 was subsequently filed jointly by UDA and APASQ seeking to allow all stage directors in the sector, and not just the members of the applicant associations, to participate in the representation vote ordered by the Tribunal. The Tribunal granted the request. Voting took place during the spring and the ballots were counted on June 29, 1998. The UDA was selected by some 67.5% of those voting. Decision No. 027 was issued on July 24, 1998. The Union des

Artistes was certified to represent directors in theatre (see Union des Artistes in this report).

At the request of the applicant, consideration of certain aspects (the sector sought excluding directors in theatre) of the application is being delayed until regulations prescribing the additional categories of professional artists subject to the *Act* are brought into force. These aspects of the application were still pending at fiscal year end.

**Fight Directors, Canada**  
(*File No. 96-0023-A*)

Certifications given to the Canadian Actors' Equity Association, ACTRA Performers Guild and Union des Artistes have removed many of the independent artists from the sector Fight Directors, Canada was seeking to represent. The applicant has been asked to advise the Tribunal whether it wishes to proceed with an application for a much smaller sector than it originally sought. The matter was still pending at fiscal year end.

**Association des professionnel-le-s de la vidéo du Québec**  
(*File No. 96-0026-A*)

The Association des professionnel-le-s de la vidéo du Québec has applied to represent a sector composed of a number of disciplines, including entrepreneurs working in creative fields not specifically defined in the *Status of the Artist Act*. Until regulations prescribing additional categories of artists eligible for coverage are passed, the applicant has requested that the Tribunal defer consideration of this application.

**Canadian Artists Representation/Le Front des artistes canadiens**  
(*File No. 96-0027-A*)

Sector sought:

“all independent professional visual and media artists in Canada who are authors of original artistic works of research or expression commissioned by a producer subject to the Status of the Artist Act and expressed in the form of painting, sculpture, printmaking, engraving, drawing, installation, performance art, craft-based media, textile art, fine art film and video, fine art photography or any other form of expression of the same type, excluding:  
a) artists covered by the certification granted to the Conseil des métiers d’art du Québec by the Canadian Artists and Producers Professional Relations Tribunal on June 4, 1997;

- b) artists covered by the certification granted to the Regroupement des artistes en arts visuels du Québec by the Canadian Artists and Producers Professional Relations Tribunal on April 15, 1997;
- c) artists covered by the certification granted to the Canadian Association of Photographers and Illustrators in Communications by the Canadian Artists and Producers Professional Relations Tribunal on April 26, 1996.”

Public notice of the application was given in the *Canada Gazette* on August 30, 1997 and in other Canadian newspapers in September and October 1997. A hearing was held in Toronto on September 15 and 16, 1998, and Decision No. 029 was issued on December 31, 1998. The Canadian Artists Representation/Le Front des artistes canadiens was certified to represent a sector composed of:

“all independent professional visual and media artists in Canada who are authors of original artistic works of research or expression commissioned by a producer subject to the *Status of the Artist Act* and expressed in the form of painting, sculpture, printmaking, engraving, drawing, installation, performance art, craft-based media, textile art, fine art film and video art, fine art photography or any other form of expression of the same type, excluding:

- a) artists covered by the certification granted to the Conseil des métiers d’art du Québec by the Canadian Artists and Producers Professional Relations Tribunal on June 4, 1997 as amended June 26, 1998;
- b) artists covered by the certification granted to the Regroupement des artistes en arts visuels du Québec by the Canadian Artists and Producers Professional Relations Tribunal on April 15, 1997;
- c) artists covered by the certification granted to the Canadian Association of Photographers and Illustrators in Communications by the Canadian Artists and Producers Professional Relations Tribunal on April 26, 1996;
- d) artists covered by the certification granted to the Association des réalisateurs et réalisatrices du Québec by the Canadian Artists and Producers Professional Relations Tribunal on December 30, 1997; and
- e) artists covered by the certification granted to the Writers Guild of Canada by the Canadian Artists and Producers Professional Relations Tribunal on June 25, 1996; and
- f) artists who identify themselves as craftspeople rather than visual artists.”

#### **Association des journalistes indépendants du Québec (File No. 96-0028-A)**

The application for certification was received on March 20, 1997 and was incomplete. The applicant was asked to provide additional documents and information in support of its application and the matter was pending at fiscal year end.

### **4.3 Applications for Review**

**Conseil des métiers d'art du Québec**  
**(File No. 97-0025-E)**

On October 10, 1997, the Conseil des métiers d'art du Québec (CMAQ) filed an application for review of Decision No. 023 in order to expand the scope of the sector it was certified to represent to include all artists and artisans working in the field of arts and crafts in Quebec regardless of whether they are members of CMAQ. Public notice of the application was given December 3, 1997. CMAQ's application for review was considered at a plenary session of the Tribunal held on March 26, 1998, following which the Tribunal ordered that a public hearing be held. The hearing was held in Montreal on May 28, 1998, and Decision No. 026 was issued June 26, 1998. The Tribunal granted the Conseil des métiers d'art du Québec's request for review and concluded that the sector suitable for bargaining would be composed of:

“artists and artisans in Quebec who produce original artistic works, either in single or multiple copies, intended for a utilitarian or decorative purpose or as a form of expression, through the use of a craft associated with the transformation of wood, leather, textiles, metals, silicates or any other material, commissioned or distributed by any producer subject to the *Status of the Artist Act*, with the exception of any artists who identify themselves as a visual artist covered by the certification granted by the Canadian Artists and Producers Professional Relations Tribunal to the Regroupement des artistes en arts visuels du Québec on April 15, 1997.”

## **4.4 Complaints and Applications for Consent to Prosecute**

### **Canadian Actors' Equity Association**

**(File No. 97-0001-C)**

A complaint and an application for consent to prosecute were filed by the Canadian Actors' Equity Association (CAEA) against the Professional Association of Canadian Theatres (PACT) and Alberta Theatre Projects (ATP) on July 2, 1997. On October 10, 1997, with the consent of the parties, the Tribunal appointed Elizabeth MacPherson and Lorraine Farkas as mediators, instructed them to meet with the parties and endeavour to resolve the complaint and application for consent to prosecute. The mediation was unsuccessful and the matter was pending at fiscal year end.

### **Société des auteurs recherchistes, documentalistes et compositeurs (SARDeC)**

**(File No. 97-0003-C)**

A complaint was filed by the Société des auteurs, recherchistes, documentalistes et compositeurs (SARDeC) against TVOntario pursuant to paragraph 32(a) of the *Status of the Artist Act*. When the parties agreed to commence negotiations, SARDeC requested that the Tribunal postpone its proceedings with regard to the complaint. The Tribunal agreed to the request and has adjourned its proceedings *sine die*. The matter was pending at fiscal year end.

### **Allyson Brown**

**(File No. 98-0015-C)**

A complaint was filed pursuant to section 35 of the *Act* by Allyson Brown against ACTRA Performers Guild and 3 Miles Apart Productions Ltd. in November 1998. The matter was still pending at fiscal year end.



## 5. TRIBUNAL CASELOAD

### Applications for certification

	1995-1996	1996-1997	1997-1998	1998-1999
Brought forward from previous fiscal year	N/A	18	14	10
New applications received	21	7	0	0
Notices published	15	5	2	1
Public hearings held	3	11	3	3
Interim decisions rendered	7	1	2	0
Final decisions rendered	2	10	3	3
Cases withdrawn	1	1	1	0
Renewals	N/A	N/A	N/A	2
Pending at fiscal year end	18	14	10	6

### Other applications\* and complaints

	1995-1996	1996-1997	1997-1998	1998-1999
Brought forward from previous fiscal year	N/A	0	1	4
New applications* or complaints received	1	3	6	1
Notices published	0	0	1	0
Hearings held	1	1	3	1
Interim decisions rendered	0	0	0	0
Final decisions rendered	1	0	3	1
Cases settled/withdrawn	0	2	0	0
Pending at fiscal year end	0	1	4	4

\* Includes applications for review of decisions or orders and applications for determinations or declarations, and applications for consent to prosecute