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1. MEMBERS AND STAFF OF THE TRIBUNAL

David P. Silcox
*Chairperson and Chief Executive
Officer*

Robert Bouchard
*Vice-chairperson (his term ended on
March 31, 2002)*

Moka Case
Member

Robin Laurence
Member

John M. Moreau Q.C.
Member

Marie Senécal-Tremblay
Member

Josée Dubois
Executive Director and General Counsel

Samantha Maislin Dickson
A / Registrar and Senior Legal Counsel

Francois Auger
Legal Counsel

Ginette Demeule
Liaison and Scheduling Officer

Linda L'Heureux
*A / Director, Planning, Research and
Mediation*

Marc Boucher
Analyst, Research and Communications

Luc S. Soucy
*Research and Database Applications
Officer*

Marie-Anne Beauchamp
Administrative Officer

Gilles Gareau
Chief, Administrative Services

Nancy Lévesque
Administrative and Hearing Officer

2. 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 Part II of 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 agencies and crown corporations 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 or producers and to prescribe appropriate remedies.

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

3. THE TRIBUNAL'S ACTIVITIES

3.1 Introduction

During the 2001-2002 fiscal year, the Tribunal rendered thirteen interim or final decisions. Seven new requests (four applications for review and three complaints) were received.

The Tribunal has granted certification to three artists associations: the Editors' Association of Canada, the Associated Designers of Canada and the Association des professionnels des arts de la scène du Québec. Since it began its operations in May 1995, the Tribunal has received 29 applications for certification. Twenty-one artists' associations have been granted certification to represent the 23 bargaining sectors defined by the Tribunal. In four cases, the applications were withdrawn. Two applications for certification are pending.

Five certifications issued by the Tribunal came up for renewal. Pursuant to subsection 28(2) of the *Act*, a 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 The Tribunal has always treated very seriously its responsibility to ensure that artists' associations and producers are fully aware of their rights and responsibilities under the *Act*. Tribunal staff met with representatives of 18 artists' associations and 35 government producers in December 2000 and January

expiry of the certification. All five certifications were renewed.

The Tribunal also rendered two final decisions regarding applications for review filed respectively by the National Film Board of Canada and the Playwrights Union of Canada. In the first case, the application pertained to the Tribunal's decision that modified the certification order granted to the Société des auteurs de radio, télévision et cinéma. In the second case, the application pertained to the Tribunal's decision that granted certification to the Editors' Association of Canada. Two other applications for review were withdrawn. A complaint has also been withdrawn following a settlement.

Under the *Act*, the Tribunal has the power to make procedural regulations in order to give them force of law. In January 2001, the Tribunal invited artists, artists' associations and producers to provide any comments on a draft version of procedural regulations. The draft has been modified in the light of the comments made during that process. In March 2002, the draft regulations were given to the Department of Justice for review.

2001. In April 2001, meetings were held with representatives from artists' associations which had not yet applied to be certified by the Tribunal. A presentation was also given to the staff of the Canadian Association of Broadcasters. This preceded two presentations given in Montreal and Toronto which were

attended by representatives from some 20 broadcasting undertakings and two law firms.

At the request of the Saskatchewan Arts Alliance and Saskatchewan government officials, the Director of Planning, Research and Mediation, Lorraine Farkas, went to Regina on November 4, 2001 to meet with them and discuss the provisions of the *Status of the Artist Act*. Other information sessions were held with the New Media Arts Alliance in Montreal and with officials of Human Resources Development Canada (Labour Program) in Gatineau.

Tribunal staff also took part in the Annual conference of federal government material managers. At that event, Tribunal staff distributed information on the *Status of the Artist Act* and the rights and obligations of federal institutions as producers.

Three issues of the Tribunal's *Information Bulletin* were published. This publication provides a summary of decisions issued by the Tribunal and information on a variety of matters of interest to parties bargaining under the *Act*.

The mandate of Mr. Robert Bouchard ended on March 31, 2002. Ms. Marie Senécal-Tremblay replaced him as the Tribunal's Vice-chairperson.

3.2 Applications for Certification

The following section presents a summary of the developments respecting applications for certification received this year or that were pending at the end of the previous fiscal year.

Associated Designers of Canada (File No. 1310-95-0007-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 request. A second hearing, scheduled for June 15 and 16, 1999, was postponed at the request of an intervening party. The Associated Designers of Canada (ADC) decided to continue negotiations with APASQ with a view to entering into a jurisdictional agreement before scheduling new hearing dates. No agreement was reached.

Following the first two hearing days of APASQ's application for certification, on March 20 and 21, 2001, it was decided that the Tribunal would continue to hear

APASQ's application for certification together with ADC's application for certification. Consideration of these two applications was continued in Montreal on June 27, 28 and 29 and in Toronto on November 1, 2001.

Decision 2001 CAPPRT 037 was rendered on January 4, 2002. ADC was granted certification for a sector composed of:

“all set, costume, lighting and sound designers throughout Canada, who are independent contractors engaged by a producer subject to the *Status of the Artist Act*, within the live performing arts industry, with the exception of:

(a) set, costume, lighting and sound designers engaged by a producer subject to the *Status of the Artist Act* in a production presented in the province of Quebec;

(b) set, costume, lighting and sound designers engaged by the French language theatre department of the National Arts Centre.”

Editors' Association of Canada (File No. 1310-95-0019-A)

Amended sector sought as per public notice given in June 2000:

“a sector composed of all professional freelance editors engaged by a producer subject to the *Status of the Artist Act* to

(a) prepare original works in the form of compilations or collective works within the meaning of the *Copyright Act*; or

(b) prepare original works of joint authorship, where the editor’s contribution constitutes the work of a joint author;

in either French or English.”

Public notice of the application was given in June 2000. A hearing was held in Toronto on January 17 and 18, 2001. On February 28, 2001, the Tribunal rendered decision 2001 CAPPRT 033, an interim decision ordering that the application for certification of the Editors’ Association of Canada (EAC) be stayed to permit the applicant to amend its by-laws so as to bring them into conformity with subsection 23(1) of the *Status of the Artist Act*.

In its decision, the Tribunal declared that the EAC is the association most representative of artists in a sector composed of:

“professional freelance editors who are authors within the meaning of the *Copyright Act* and who are engaged by a producer subject to the *Status of the Artist Act* to:

While awaiting amendments to the EAC by-laws, the Tribunal received three requests for reconsideration of Decision

(a) prepare original works in the form of compilations or collective works, or

(b) prepare original works of joint authorship, where the editor’s contribution constitutes the work of a joint author;

in either French or English, but excluding

(a) authors covered by the certification granted to the Periodical Writers Association of Canada by the Tribunal on June 4, 1996,

(b) authors covered by the certification granted to the Writers Guild of Canada by the Tribunal on June 25, 1996,

(c) authors covered by the certification granted to the Société des auteurs, recherchistes, documentalistes et compositeurs (SARDEC) (renamed the Société des auteurs de radio, télévision et cinéma (SARTEC)) by the Tribunal on January 30, 1996, and

(d) authors covered by the certification granted to the Writers’ Union of Canada by the Tribunal on November 17, 1998.”

033. The first was filed by the Union des écrivaines et écrivains québécois (UNEQ), the second by the Directors’

Guild of Canada (DGC), and the third by the Playwrights Union of Canada (PUC).

Upon receipt of the amendments to the EAC by-laws, the Tribunal issued decision 2001 CAPPRT 036, in which it declared that the EAC's by-laws, as amended, now comply with the requirements of the *Act*. Accordingly, the EAC's application for certification no longer needed to be stayed. In this final decision, the Tribunal amended *proprio motu* the EAC's sector definition to one composed of:

“professional freelance editors who are authors within the meaning of the *Copyright Act* and who are engaged by a producer subject to the *Status of the Artist Act* to:

(a) prepare original literary works in the form of compilations or collective works, or

(b) prepare original literary works of joint authorship, where the editor's contribution constitutes the work of a joint author;

in either French or English, but excluding

(a) authors covered by the certification granted to the Periodical Writers Association of Canada by the Tribunal on June 4, 1996,

Association des professionnels des arts de la scène du Québec
(File No. 1310-95-0021-A)

(b) authors covered by the certification granted to the Writers Guild of Canada by the Tribunal on June 25, 1996,

(c) authors covered by the certification granted to the Société des auteurs, recherchistes, documentalistes et compositeurs (renamed the Société des auteurs de radio, télévision et cinéma) by the Tribunal on January 30, 1996,

(d) authors covered by the certification granted to The Writers' Union of Canada by the Tribunal on November 17, 1998,

(e) authors covered by the certification granted to the Union des écrivaines et écrivains québécois by the Tribunal on February 2, 1996, and

(f) authors covered by the certification granted to the Playwrights Union of Canada by the Tribunal on December 13, 1996.”

Following decision 2001 CAPPRT 036, the UNEQ and the DGC withdrew their applications. However, The Writers' Union of Canada filed its own application for reconsideration with the Tribunal and further filed an application for judicial review of decision 2001 CAPPRT 033 as modified by decision 2001 CAPPRT 036 in the Federal Court of Appeal.

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. With respect to stage directors (“metteurs en scène”), a competing application for certification was filed by l’Union des artistes (UDA). On July 24, 1998, following a representation vote, the UDA was certified to represent stage directors.

APASQ’s application for certification, excluding stage directors, was partially heard on March 20 and 21, 2001. Following the hearing, it was decided that the Tribunal would continue to examine APASQ’s application for certification together with ADC’s application for certification. Consideration of these two applications was continued in Montreal on June 27, 28 and 29 and in Toronto on November 1, 2001.

Decision 2001 CAPPRT 037 was rendered on January 4, 2002. APASQ was granted certification for a sector composed of:

Federation consisting of the APVQ and the STCVQ
(File No. 1310-96-0026-A)

“all set, costume, lighting, sound, props and puppet designers, stage managers, set painters, assistant costume and set designers, and assistant stage directors who are independent contractors engaged by a producer subject to the *Status of the Artist Act*:

(a) in any performing arts, dance and variety entertainment production presented within the province of Quebec;

(b) in any production of the French theatre department of the National Arts Centre in Ottawa.

With the exception of stage managers and assistant stage directors covered by the certification granted by the Tribunal to the Canadian Actors’ Equity Association on April 25, 1996, and subject to the agreement between the Association des professionnels des arts de la scène du Québec (APASQ-CSN) and the Canadian Actors’ Equity Association dated June 28, 2001.”

In November 1996, the Association des professionnel-le-s de la vidéo du Québec (APVQ) applied to represent a sector composed of a number of independent

contractors falling into a number of professional categories not specifically defined in the *Status of the Artist Act*. The applicant requested that its application be deferred until Regulations prescribing additional categories of artists were enacted. After the *Professional Category Regulations* were enacted on April 22, 1999, the APVQ filed an amended application for certification.

Public notice of the application was given in December 1999. Following the publication of the notice, the APVQ asked the Tribunal to temporarily defer consideration of its application for certification. The APVQ then decided to pursue the application jointly with the Syndicat des techniciens du cinéma et de la vidéo du Québec (STCVQ). The Tribunal published another notice in August 2000 as the proposed sector had been amended. The APVQ-STCVQ sought certification to represent in Quebec a sector composed of:

“all professional independent contractors engaged by a producer subject to the *Status of the Artist Act* who practise professions that contribute directly to the creative aspects of the production, in all languages, in all audiovisual productions, in (2) costume, coiffure and make-up design, in particular the following positions: make-up designer, supervising make-up artist, make-up artist, make-up assistant, special effects make-up artist, prosthetic make-up technician, prosthetic make-up assistant, hair stylist designer, assistant hair stylist, hair dresser,

all forms and in all mediums, including film, television, video, multimedia and the recording of commercials. These functions include:

(1) camera work, lighting and sound design, in particular the following positions: assistant director, first assistant director, second assistant director, third assistant director, director of photography, camera operator, cameraman (including steady-cam, baby-boom, and camera operated through a specialized system [C.O.S.S.]), assistant cameraman, first assistant cameraman, second assistant cameraman, video assist operator, still photographer, lighting director, chief lighting technician, chief electrician, electrician, lighting console operator, motorized projector operator, sound man, boom man, sound assistant, sound technician, sound effects technician, key grip, grip, rigger, computer graphics designer, computer graphics special effects technician;

assistant hair dresser, wig-maker, assistant wig-maker, hairpiece technician, costume designer, costumer, assistant costumer, specialized costume technician, costume technician, wardrobe mistress, assistant wardrobe mistress, wardrobe assistant, dresser, propsman specialist, cutter, seamstress,

puppet designer, puppet handler, transportation co-ordinator; but excluding art directors and production designers;

(3) set design, in particular the following positions: art co-ordinator, assistant art director, set designer, assistant set designer, set co-ordinator, set technician, set decorator, propsman specialist, props designer, propsman crewleader, studio propsman, location propsman, props assistant, chief studio stagehand, studio stagehand, head painter, painter, scenic painter, assistant painter, sculptor-molder, draughtsman, head carpenter, carpenter, assistant carpenter, studio special effects technician, assistant studio special effects technician, weapons specialist, transportation co-ordinator;

(4) editing and continuity, in particular the following positions: production co-ordinator, floor director—excluding dubbing directors—, production assistant, floor manager, location manager, logistics manager, assistant logistics manager, script-clerk, script assistant, production

On February 15, 2001, the Tribunal rendered decision 2001 CAPPRT 034, a second interim decision regarding a request by the federation APVQ-STCVQ for a declaration of disqualification. The Tribunal declared that all the lawyers in a particular law firm, as well as another person who had previously worked for

secretary, production assistant, assistant co-ordinator, safety co-ordinator, transportation co-ordinator, driver, caterer, technical director, assistant technical director, switcher, ISO switcher, image controller (CCU), videotape operator, slow motion operator, cue prompter operator, video credits designer, video projectionist (including giant screen and video wall), key video grip, video grip, editor, off-line editor, in-line editor, sound editor, sound mixer, assistant editor, videographer, airwave transmission operator, satellite transmission operator, microwave transmission operator.”

On January 8, 2001, the Tribunal rendered decision 2001 CAPPRT 032, an interim decision regarding a request to intervene made by the Confédération des syndicats nationaux (CSN), the Fédération nationale des communications (FNC) and the Conseil central de Montréal métropolitain (CCMM). The applicants’ request to intervene was dismissed because the Tribunal was of the view that these organizations were not “interested persons” within the meaning of subsection 19(3) the *Status of the Artist Act*.

that firm, were disqualified from representing the intervenor Association des professionnels des arts de la scène du Québec in the application for certification of the APVQ-STCVQ, due to a conflict of interest.

On August 15, 2001, the Tribunal rendered decision 2001 CAPPRT 035, an interim decision regarding a preliminary objection raised by a number of producers subject to the *Status of the Artist Act* and the Syndicat général du cinéma et de la télévision (SGCT). They argued that none of the 123 occupations listed in the sector sought by the federation APVQ-STCVQ are practised by independent contractors as they are carried out exclusively by persons who work in an employer-employee relationship. Accordingly, the Tribunal was asked to determine the nature of the relationship between the individuals working in each profession listed in the sector sought by the federation and each federal producer.

In decision 2001 CAPPRT 035, the Tribunal dismissed the preliminary objection, concluding that the *Act* does not require the Tribunal to determine, at the point of application for certification, the nature of the relationship between each artist and producer.

A hearing in this matter is scheduled for August 21, 22 and 23, 2002.

**Association des journalistes
indépendants du Québec**
(File No. 1310-96-0028-A)

Sector sought:

“all professional freelance journalists and researchers who are authors of works in French, engaged by a producer subject to the *Status of the Artist Act* in the following areas: publication or distribution of periodicals, newspapers, magazines, or any

other means of publication or distribution, film, video, television, radio and sound-recordings.”

Public notice of the application was given in December 1999. A hearing in this matter is scheduled for December 18 and 19, 2002.

3.3 Applications for Review

National Film Board of Canada (File No. 1350-00-003)

On September 27, 2000, the National Film Board of Canada (NFB) filed an application for review of the decision rendered July 28, 2000, amending the certification order of the Société des auteurs recherchistes, documentalistes et compositeurs (SARDeC) [renamed the Société des auteurs de radio, télévision et cinéma (SARTeC)].

In an interim decision rendered November 28, 2000, the Tribunal granted the request to reconsider the decision to amend SARTeC's certification order. Public notice of the application was given in December 2000. A hearing was scheduled for March 29 and 30, 2001, but was postponed at the request of SARTeC. SARTeC then proposed an amendment that was accepted by all the interveners in the matter.

A panel of the Tribunal met on June 8, 2001 to consider the application for reconsideration. Following the examination of relevant documents filed by the parties, and since an agreement had been reached by all parties in the matter, the Tribunal concluded that the certification order could be amended as

Two applications for review of interim decision 2001 CAPPRT 033 were filed respectively by the Union des écrivaines et écrivains québécois (UNEQ) and the Directors' Guild of Canada (DGC). On February 28, 2001, the Tribunal rendered decision 2001 CAPPRT 033 wherein it

proposed by the SARTeC. SARTeC's certification order now reads as follows:

“throughout Canada, a sector composed of:

(a) authors of original French language literary or dramatic works intended for radio, television, cinema or audio-visual media;

(b) authors who adapt, in the form of French language scripts for radio, television, cinema or audio-visual media, literary or dramatic works originally intended for another form of public broadcast;

(c) authors mentioned in paragraphs (a) and (b) above when they conduct their own research;

but which does not include directors in their capacity as directors.”

Union des écrivaines et écrivains québécois (File No. 1350-01-004)

Directors' Guild of Canada (File No. 1350-01-005)

defined a sector suitable for bargaining as one composed of professional freelance editors and declared that the Editors' Association of Canada (EAC) was the association most representative of artists in this sector. However, the Tribunal stayed the proceeding in order to give the

EAC time to amend its by-laws so as to bring them into compliance with subsection 23(1) of the *Act*.

Upon receipt of the amendments to the EAC by-laws, the Tribunal issued a final decision on September 27, 2001, 2001 CAPPRT 036, in which it declared that the EAC's by-laws, as amended, now comply with the requirements of the *Act*. Accordingly, the EAC's application for certification no longer needed to be stayed. In the final decision, the Tribunal amended *proprio motu* the EAC's sector definition. Following decision 2001 CAPPRT 036, the UNEQ and the DGC withdrew their applications.

Playwrights Union of Canada
(File No. 1350-01-006)

An application of review of interim decision 2001 CAPPRT 033 was filed by the Playwrights Union of Canada (PUC). On February 28, 2001, the Tribunal rendered decision 2001 CAPPRT 033 wherein the Tribunal defined a sector suitable for bargaining as one composed of professional freelance editors and declared that the Editors' Association of Canada (EAC) was the association most representative of artists in this sector. However, the Tribunal stayed the proceeding in order to give the EAC time to amend its by-laws so as to bring them into compliance with subsection 23(1) of the *Act*.

Upon receipt of the amendments to the EAC by-laws, the Tribunal issued a final decision on September 27, 2001, 2001 CAPPRT 036, in which it declared that the EAC's by-laws, as amended, now

comply with the requirements of the *Act*. Accordingly, the EAC's application for certification no longer needed to be stayed. In the final decision, the Tribunal amended *proprio motu* the EAC's sector definition.

Following decision 2001 CAPPRT 036, PUC informed the Tribunal of its intention to pursue with its application for reconsideration of 2001 CAPPRT 033 as modified by decision 2001 CAPPRT 036.

The Tribunal concluded that the reasons contained in PUC's submission were not satisfying and accordingly, the request for reconsideration was denied.

The Writers' Union of Canada
(File No. 1350-01-007)

An application of review was filed by The Writers' Union of Canada (TWUC) regarding decision 2001 CAPPRT 033 as modified by decision 2001 CAPPRT 036. TWUC also filed an application for judicial review of decision 2001 CAPPRT 033 as modified by decision 2001 CAPPRT 036 in the Federal Court of Appeal. The Tribunal decided to hear TWUC's application. A hearing is scheduled for May 9 and 10, 2002.

3.4 Complaints and Other Applications

Société des auteurs de radio, télévision et cinéma vs TVOntario (File No. 1330-97-0003-C)

A complaint was filed by the Société des auteurs, recherchistes, documentalistes et compositeurs (SARDeC) [renamed the Société des auteurs de radio, télévision et cinéma (SARTeC)] against TVOntario pursuant to paragraph 32(a) of the *Status of the Artist Act*. When the parties agreed to commence negotiations, SARTeC requested that the Tribunal postpone its proceedings with regard to the complaint.

The Tribunal agreed to the request and adjourned its proceedings *sine die*. Since the parties were in negotiations but had still not concluded a scale agreement, SARTeC requested that the Tribunal maintain the complaint. The matter was still pending at fiscal year end.

PACT vs Carfax (File No. 1330-00-002)

On June 29, 2000, a complaint was filed by the Professional Association of Canadian Talent against Carfax Productions Limited pursuant to section 50 of the *Status of the Artist Act*. On May 31, 2001, PACT informed the Tribunal that the parties had settled and that it would be withdrawing its complaint.

Mr. Patrick Christopher vs the Canadian Actors' Equity Association and Ms. Susan Wallace (File No. 1310-95-0019-A)

A complaint was filed by an Artistic Director of a theatre company and former member of the Canadian Actors' Equity Association (CAEA) against CAEA and and the association's Executive Director. In this matter, the plaintiff alleged that the respondents breached section 35 of the *Status of the Artist Act* respecting an artists' association's duty of fair representation, and section 51(d) of the *Act* respecting an artists' association's obligation not to apply its standards of discipline to an artist in a discriminatory manner. As a preliminary objection, the respondents argued that the Tribunal did not have the required constitutional jurisdiction to entertain the complaint.

The Tribunal concluded that it lacked constitutional jurisdiction to adjudicate the complaint because there is no evidence of a nexus between the plaintiff and a producer subsection to the *Act*.

The Tribunal upheld the preliminary objection and dismissed the complaint for lack of jurisdiction, in accordance with paragraph 53(3)(b) of the *Act* which states that the Tribunal shall not hear a complaint if it is not within its jurisdiction.

**Guilde des musiciens du Québec vs
CKRL-FM**

(File No. 1330-01-004)

A complaint pursuant to paragraph 32 (a) of the *Status of the Artist Act* was filed by the Guilde des musiciens du Québec against CKRL-FM, a radio station from the Quebec city region. The Guilde has alleged that CKRL-FM does not negotiate in good faith. A hearing is scheduled in this matter on June 12 and 13, 2002.

Union des artistes vs TVA

(File No. 1330-02-005)

A complaint pursuant to paragraph 32 (a) of the *Status of the Artist Act* was filed by the Union des artistes (UDA) against TVA. UDA has alleged that TVA has not been negotiating in good faith.

4. STATISTICAL TABLE ¹

All files	1995- 1996	1996- 1997	1997- 1998	1998- 1999	1999- 2000	2000- 2001	2001- 2002
Brought forward from previous fiscal year ²	n/a	18	15	14	11	11	8
New applications received ²	22	10	6	1	3	3	7
Days of hearing held	8	20	9	6	2	16	12
Interim decisions rendered	7	2	2	0	1	8	8
Final decisions rendered	3	10	6	4	1	3	5
Cases settled / withdrawn	1	3	1	0	2	3	3
Renewals	n/a	n/a	n/a	2	11	3	5
Pending at fiscal year end ²	18	15	14	11	11	8	7

1. In order to facilitate the use of our statistics, we have merged the two tables found in our previous Annual Reports. We now take into account the number of “hearing days held” instead of the number of “hearings held”. We also decided to take into account letter decisions. This has slightly modified some data from previous years.
2. Includes applications for certification, applications for review of decisions or orders, applications for determinations or declarations, applications for consent to prosecute, and complaints.

5. 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 on 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 senior fellow of Massey College.

As a recognized art critic and author, he is 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. He is also the co-author of a major book on the painter Tom Thomson. Before being appointed head of Sotheby's in Canada on July 1, 2001, Mr. Silcox was the Director of the University of Toronto Art Centre.

He has 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 also served on numerous boards and commissions. He was a Moka Case has been a member of the Tribunal since April 15, 1999. Ms. Case

Member, Vice-chairman and Chairman of the Canadian Film Development Corporation (now Téléfilm Canada), a Board Member of the Canadian Conference of the Arts, Chairman of the 1978 International Sculpture Conference, and a Board Member of such organizations as the National Film Board, the Stratford Festival, the Gardiner Museum, and Victoria University, Toronto.

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

Robert Bouchard was a member of the Tribunal from April 1997 and Vice-chairperson from April 1, 1999 to the end of his mandate on March 31, 2002. He is a member of the Quebec Bar and has been in private practice as a lawyer since 1978.

He is an associate instructor at the École nationale d'administration publique (Université du Québec) and at the Centre de formation en métiers d'arts (Cégep de Limoilou). 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. Moka Case **Dartmouth, Nova Scotia**

has been active in the cultural sector for a number of years and has a broad expe-

rience in the music and theatre sectors. She has been a member of the East Coast Music Association Board from 1995 to 2000 and acted as its Chair in 1996 and 1997. At the Théâtre Capitol Theatre Inc. in Moncton, she was Executive Assistant between 1992 and 1994 as well as Interim General Manager in 1994 and 1995. She has also served as the Program Executive for the New Brunswick Arts Board.

Ms. Case has served as a jury member on numerous peer assessment committees, such as the Canada Council Music Section in 1997 and 1998 and the Canadian Academy of Recording Arts and Sciences from 1996 to 1998.

Ms. Robin Laurence
Vancouver, British Columbia

Robin Laurence was appointed to the Tribunal in May 2000. Since 1981 Ms. Laurence has worked as a freelance writer, critic and curator based in Vancouver. She holds a Bachelor of Fine Arts degree in studio arts and a Masters of Arts in art history, having attended the Universities of Calgary and Victoria, the Banff School of Fine Arts and the Instituto Allende in San Miguel de Allende, Mexico.

Ms. Laurence has contributed to several visual arts publications including *Canadian Art*, *Border Crossings*, *ARTnews*, *C Magazine* and *Fuse*. In addition she has authored visual arts critiques for *The Georgia Strait* and a weekly visual arts column for *The Vancouver Sun*. Ms. Laurence has written numerous introductory essays for museum

catalogues and has contributed to four books including most recently a 35,000 word exposition included in *Gathie Falk*, the Douglas & McIntyre publication produced in conjunction with the Vancouver Art Gallery's survey exhibition of Gathie Falk's oeuvre.

Mr. John M. Moreau Q.C.
Calgary, Alberta

John M. Moreau has been a member of the Tribunal since March 1, 2001. He holds a Bachelor of Arts (1973) and a Bachelor of Laws (1974) from the University of Alberta. He has been a member of the Law Society of Alberta since 1975. From 1977 to 1998, he was a partner at the law firm of Moreau, Ogle & Hursh.

Mr. Moreau has been a member of the National Academy of Arbitrators since 1994 and was appointed a Queen's Counsel in 2001.

Practising primarily in the area of labour arbitration, Mr. Moreau has issued over 125 arbitration awards pursuant to both provincial and federal legislation. He is the author of many conference and seminar papers.

Involved in his community, Mr. Moreau was the president of the Association canadienne-française de l'Alberta from 1995 to 1997. Mr. Moreau has been a member of the Advisory Committee of the Faculté Saint-Jean at the University of Alberta and, since 1992, President of the Robert Spence Foundation.

Montréal, Québec

Ms. Marie Senécal-Tremblay

Marie Senécal-Tremblay has been a member of the Tribunal since March 1, 2001. She holds a Bachelor of Social Sciences Degree in Sociology (1978) and an LL.B. from the University of Ottawa (1982). She was called to the Ontario Bar in April 1984.

Ms. Senécal-Tremblay, currently engaged in volunteer work in Montréal, served as the Interim Executive Director of the Institute for Family Enterprise in Montréal from 1998 to 1999. Prior to that, from 1991 to 1997, she was Senior Legal Counsel at Canadian Pacific Limited where she provided advice and opinions in the area of federal labour, employment, human rights and immigration law.

Actively interested in the arts and culture, Ms. Senécal-Tremblay has worked with organisations such as Héritage Montréal, the Montreal Children's Museum Project, and the Montreal Museum of Fine Arts, co-chairing, in 1999-2000, the Montreal Museum of Fine Arts Annual Charity Ball. In that context, she contributed to the research and editing of *Portrait of a Century*, a publication on the history of the Museum. She is also a director of the Drummond Foundation, a private charitable foundation that funds social and scientific programmes for the elderly.