



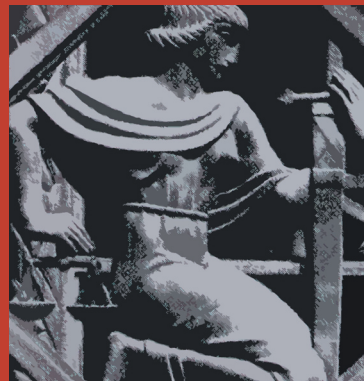
Canadian Artists and Producers
Professional Relations Tribunal

Tribunal canadien des relations
professionnelles artistes-producteurs

Annual Report

14th report

2007 - 2008



Canadian Artists and Producers
Professional Relations Tribunal

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Canadian Artists and Producers Professional Relations Tribunal Tribunal canadien des relations professionnelles artistes-producteurs

November 30, 2008

The Honourable Rona Ambrose
Minister of Labour
Ottawa, Ontario K1A 0J2

Dear Minister Ambrose:

In accordance with section 61 of the *Status of the Artist Act*, I am pleased to submit for tabling in Parliament the annual report of the Canadian Artists and Producers Professional Relations Tribunal for the period April 1, 2007 to March 31, 2008.

Yours respectfully,

A handwritten signature in black ink, appearing to read 'Elaine Kierans'.

Elaine Kierans
Acting Chairperson and Chief Executive Officer

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1. Members and Staff of the Tribunal¹

Elaine Kierans
Acting Chairperson and Chief Executive Officer

Lyse Lemieux
Member

Diane Chartrand
Executive Director and General Counsel

Steve Joanisse
Registrar and Legal Counsel

Manon Allaire
Scheduling and Hearing Officer

Brian K. Stewart
Director, Planning, Research and Communications

Marie-Joëlle LeBlanc
Research and Communications Officer

Suzanne Séguin
Manager, Corporate Services

Sylvie Besner
Administrative and Financial Officer

¹ This reflects the composition of the Tribunal as of November 30, 2008. As noted in the text of the Report, there were changes in the membership of the Tribunal shortly after the end of the fiscal year. There have also been some recent changes in the staff of the Tribunal Secretariat.

2. Chairperson's Message



It is an honour to present the Annual Report for the 2007-2008 fiscal year on behalf of the Tribunal, its previous Chair, and members current and past.

Mr. Peter Annis was Chairperson of the Tribunal for most of the period covered

by this Annual Report. He was appointed in June 2007, and resigned his position in February 2008, in order to take on a special project for the Minister of Labour. The Tribunal was well served by his tenure at the helm.

Those of us who have had the opportunity to serve as members of the Tribunal appreciate the chance to work in this original and innovative labour relations system, geared to the unique characteristics of artistic and cultural work. In my role as Acting Chairperson, I also welcome the challenge of making the Tribunal more effective and relevant for artists and producers working in its jurisdiction. We're all very proud of the contribution that the Tribunal makes to a vibrant Canadian culture. We view arts and culture as being extremely important, for at least three reasons.

First, arts and culture are fundamental to our universality and to what make us human. In the words of UNESCO's 1980 *Recommendation Concerning the Status of the Artist*, art "brings home to everyone the sense of belonging to the human community."

Second, the arts are critical to the preservation and promotion of Canada's cultural and national identity. Living next door to the world's most powerful and influential culture machine, we need Canadian artists and producers who distinguish us, reflect us back to ourselves, challenge us, speak to our concerns, and represent us to others.

Finally, culture and the arts contribute significantly to Canada's economy. Culture is a good investment, both directly, in the value of its products, and indirectly, in its spin-off industries and its power to attract creative talent from around the world.

So there is a lot resting on the shoulders of Canadian artists and producers. To carry that weight, they need good business models, including a stable structure for harmonious professional relations. That is what the *Status of the Artist Act* was enacted to provide, and it is what the Tribunal has as its goal.

While the *Act* and the Tribunal are, as the saying goes, part of the solution, there are challenges for us, and we need to rise to them. The *Act* is a toolbox, and many of the tools—in particular, services in mediating disputes—could be more widely used than they are. One of our priorities is to make the *Act* better known and understood, so that it can be more useful and relevant to artists and producers.

One of the essential conditions for the Tribunal to be effective is to have qualified members to deal with matters promptly and efficiently, and a sufficient number of members to assure quorum and avoid delays due to scheduling. My fellow Tribunal members have impressed me with their knowledge and commitment. I hope that we will continue to see outstanding appointments and reappointments to the Tribunal.

Our work as Tribunal members would be impossible without the help of a very capable staff, and I want to take this opportunity to thank them all. I look forward to working with them, and with our many stakeholders, in the coming years to enhance productive professional relations in the arts and culture sector.

3. Mandate

The Canadian Artists and Producers Professional Relations Tribunal administers Part II of the *Status of the Artist Act*, which governs professional relations between self-employed artists and federally regulated producers. The Tribunal is an independent, quasi-judicial federal agency, whose goal is to encourage constructive professional relations between these parties.

Labour relations and employment are normally a matter of provincial jurisdiction under the *Constitution Act*, but in certain sectors they fall within the authority of the federal Parliament. These sectors include telecommunications, chartered banks, aviation, international and inter-provincial transportation, telecommunications, broadcasting, and federal government institutions. The latter two are the areas in which the Tribunal has jurisdiction.

The Tribunal is one of four agencies that regulate labour relations within federal jurisdiction². Its jurisdiction covers broadcasting undertakings under the jurisdiction of the Canadian Radio-television and Telecommunications Commission, federal government departments, and the majority of federal agencies and Crown corporations, such as the National Film Board and national museums.

Self-employed artists within the Tribunal's jurisdiction include artists covered by the *Copyright Act* (such as writers, photographers and music composers), performers (such as actors, musicians and singers), directors, and other professionals who contribute to the creation of a production, such as those doing camera work, lighting and costume design.

The Tribunal has the following principal statutory responsibilities:

- To define sectors of cultural activity suitable for collective bargaining between artists' associations and producers,
- To certify artists' associations to represent self-employed artists working in these sectors, and
- To deal with complaints of unfair labour practices and other matters brought forward by artists, artists' associations or producers, and prescribe appropriate remedies.

Artists' associations certified under the *Act* have the exclusive right to negotiate scale agreements with producers. A scale agreement specifies the minimum terms and conditions under which producers engage the services of, or commission a work from, a self-employed artist in a specified sector.

² The others are the Canada Industrial Relations Board, which deals with labour relations between private sector employers in federal jurisdiction and their employees, the Public Service Staff Relations Board, which deals with labour relations between federal government institutions and their employees, and the Public Service Staffing Tribunal, which deals with complaints from federal public service employees related to internal appointments and lay-offs.

4. Overview

AN INNOVATIVE LAW

It is now nearly thirty years since the member countries of UNESCO adopted the *Recommendation Concerning the Status of the Artist*. That document affirmed the right of artists to the same legal, social and economic advantages enjoyed by other workers, including the right to organize collectively and defend their common interests.

“Member States should promote and protect the status of artists by considering artistic activity, including innovation and research, as a service to the community. They should make it possible for them to enjoy the esteem necessary for the full development of their work and provide the economic safeguards to which artists are entitled as people actively engaged in cultural work.”

From section V, “Social status” of the UNESCO *Recommendation Concerning the Status of the Artist*

Making those rights a reality requires a robust and flexible framework for labour relations in the arts and culture sector. For that reason, Canada followed its commitment at UNESCO with the *Status of the Artist Act*.

The *Act* set up the Canadian Artists and Producers Professional Relations Tribunal to administer a collective bargaining regime for professional self-employed artists and producers in federal jurisdiction. This new labour relations board was geared to the special situation of artists as self-employed workers and to the unique relationship between artists and producers.

Under Part II of the *Act*, the Tribunal defines sectors of artistic and cultural activity for collective bargaining, certifies artists’ associations to represent artists working in those sectors, and deals with complaints of unfair labour practices and other matters brought forward by parties under the *Act*. Artists’ associations certified to represent a sector have exclusive authority to bargain with producers for scale agreements, which set out the minimum terms and conditions of engagement in the sector.

The model set up under the *Status of the Artist Act* is unusual in many ways, not least in that it applies to independent self-employed contractors. In the arts and culture sector, the majority of artists are engaged in this way, rather than as employees. According to the 2001 census, for example, almost 70 percent of visual artists and close to 50 percent of writers and craftspersons worked as independent entrepreneurs. The Tribunal has an estimated 100,000 self-employed artists under its jurisdiction.³

The typical labour relations model available to employees and employers in Canada is a difficult fit for artists and the producers that engage them or commission work from them. Their relationship falls outside the traditional model of labour relations. In fact, before the coming into force of the *Status of the Artist Act*, independent contractors agreeing among themselves on the price of their services, and putting forward a common bargaining position, could run afoul of the *Competition Act*.

³ Sources: Hill Strategies Research, September 2004: Statistical Profile of Artists in Canada; Hill Strategies Research, March 2005: Arts Research Monitor

“Recognizing the part played by professional and trade union organizations in the protection of employment and working conditions, Member States are invited to take appropriate steps to:

(a) observe and secure observance of the standards relating to freedom of association, to the right to organize and to collective bargaining, set forth in the international labour conventions listed in the appendix to this Recommendation and ensure that these standards and the general principles on which they are founded may apply to artists....

From section VI, “Employment, working and living conditions of the artist,” of the UNESCO *Recommendation Concerning the Status of the Artist*

Prior to the earliest labour legislation, in the late 19th century, workers’ attempts to organize and bargain collectively to advance their interests could bring charges of criminal conspiracy or of “combination in restraint of trade.”⁴ That has changed over time, and the modern *Competition Act* is explicit in exempting unions from these charges. Paragraph 4(1)(a) of the *Act* specifies that it does not apply in respect of “combinations or activities of workmen or employees for their own reasonable protection as such workmen or employees.”

But independent self-employed contractors are not *employees*, and at various times in the recent past, artists’ associations have been investigated by the Competition Bureau for activities relating to collective bargaining.

The *Status of the Artist Act* gives a legal underpinning for exactly this kind of bargaining. It declares, in paragraph 9(2)(a) that artists’ associations are “deemed to be combinations of employees” for the purposes of subsection 4(1) of the *Competition Act*, thus precluding prosecutions of artists’ associations when they engage in collective bargaining.

It is important to note that the *Status of the Artist Act* applies only in federal jurisdiction. Of the provinces, only Quebec has a similar system for regulating relations between independent self-employed artists and producers. In other jurisdictions, the legality of collective bargaining by independent self-employed contractors remains at issue. As recently as 2007, in Ontario, the Alliance of Canadian Cinema, Television and Radio Artists (ACTRA), which has bargained for its members since the 1940s, saw its authority to strike within Ontario’s jurisdiction challenged.

The *Act* reflects the recognition that constructive professional relations in the arts and culture sector are an important element of a vibrant Canadian arts and culture sector. When artists can earn fair compensation and obtain equitable economic and social status with other Canadian workers, they are more likely to continue their artistic work. This provides producers with a national pool of highly skilled artistic talent. Both groups also need a stable, predictable working environment. This means improved status, wages and working conditions for artists, and an environment in which producers can plan their projects around established terms and conditions for engaging artists.

⁴ This paragraph and the following draw heavily on the work of Garry Neil, *The Status of Status: Update on initiatives to improve the socio-economic status of Canadian artists*, prepared by Neil Craig Associates for the Canadian Conference of the Arts, 2007.

THE ARTS: BENEFITS FOR EVERYONE EXCEPT ARTISTS?

“Member States, recognizing that art reflects, preserves and enriches the cultural identity and spiritual heritage of the various societies, constitutes a universal form of expression and communication and, as a common denominator in ethnic, cultural or religious differences, brings home to everyone the sense of belonging to the human community, should accordingly, and for these purposes, ensure that the population as a whole has access to art.”

From section III, “Guiding Principles,” of the UNESCO *Recommendation Concerning the Status of the Artist*

While the *Act* helps to support the arts and culture sector, it is only one piece of the puzzle. As a number of stakeholders pointed out in the 2002 evaluation of the *Act*,⁵ more is needed.

There are good reasons for supporting the arts. Artists and producers play a central role in creating and defining the Canadian identity and spirit. They make our lives richer and our society vibrant. They represent Canada internationally. And, while it may come as a surprise to some people, artists punch above their weight economically, creating jobs and generating wealth directly and indirectly well beyond the amounts invested.

According to a 2008 analysis⁶ by the Conference Board of Canada, the cultural sector generated about \$46 billion in real value-added gross domestic product (GDP) in 2007. This constituted

3.8 percent of Canada’s real GDP. The cultural sector also created 616,000 jobs.

Moreover, the arts and cultural industries enhance economic performance more generally and act, in the words of the Conference Board, as “a catalyst of prosperity,” attracting talent and spurring creativity across all sectors of the economy. The Conference Board found that when the effects on other sectors of the economy were considered, the economic footprint of the arts and cultural industries amounted to about \$84.6 billion in 2007, or 7.4 percent of total real GDP, and contributed 1.1 million jobs to the economy.

The earnings of Canadian artists, however, do not reflect their contributions to the country. As the Conference Board pointed out, “despite the fact that 41 percent of artists have a university degree, a certificate, or a diploma—almost double the rate of 22 percent for the overall labour force—average earnings remain relatively low at \$23,500 per year.”⁷

“While the culture sector constitutes a distinct sphere of economic activity in its own right, generating substantial wealth domestically and through international trade and investment, it also plays a much more expansive role in Canada’s social, cultural, and economic well-being. Increasingly, Canada and other countries around the world are recognizing the importance of valuing culture in its multiple dimensions, as well as the capacity of arts and culture industries to fuel other sectors in unique ways.”

Conference Board of Canada, *Compendium of Research Papers: The International Forum on the Creative Economy*, page 53

⁵ Available at http://www.pch.gc.ca/progs/em-cr/eval/2002/2002_25/1_e.cfm

⁶ Conference Board of Canada, *Valuing Culture: Measuring and Understanding Canada’s Creative Economy*, page 53.

⁷ Conference Board of Canada, *Valuing Culture: Measuring and Understanding Canada’s Creative Economy* (August 2008), p.5.

"...most performing arts workers toil far beyond their 'paid' employment and develop community art programmes that are volunteerism at the highest level."

Professional Association of Canadian Theatres,
Annual Report 2006-2007

Besides having lower earnings, self-employed artists often do not have access to social program benefits available to employees, such as employment insurance, training benefits and pension funds. It has been left to artists' associations, in many cases, to fill the gap.

WHAT'S NEXT FOR THE TRIBUNAL?

The Tribunal's labour relations model was quickly embraced in the cultural sector. Over the years, the Tribunal has defined 26 sectors of artistic activity and certified 24 artists' associations to represent them. Artists' associations certified under the *Act* have gone on to conclude over 150 scale agreements with producers, including government producers and specialty television services. Over 20 percent of these are the first agreements that the parties have ever concluded.

Recent developments have challenged the Tribunal to shift the focus of its work.

Much of the work of the Tribunal until recently focused on certification. Most sectors are now defined, and artists' associations are certified to represent them. The work of the Tribunal is now more related to dealing with complaints and determinations, changes in the definition of sectors and in representation, and assisting parties in the bargaining process.

This has led to a greater emphasis at the Tribunal on outreach to its clients. The Tribunal needs to ensure that the *Act* is widely known and well understood, and that its services are

understood and known by the stakeholder community to be readily available. For parties to benefit from the *Act*, for negotiations to take place and for the long-term objectives of the *Act* to be realized, the parties must fully understand the legislation.

"It is our belief that the Canadian public voice must be heard and that technological advances must favour social engagement and discourse. New technologies will fundamentally change our broadcasting landscape and ensuring that Canadian voices are easily accessible to Canadians will be a challenge...."

National Film Board, submission to CRTC study of the future environment facing the Canadian broadcasting system, 2006

There is also a greater need for research to support the Tribunal's work. Broadcasting, one of the principal areas of the Tribunal's jurisdiction, is undergoing dramatic transformations, with mergers, changes of ownership, new technologies, and disrupted business models. These will have a significant impact on the work of the Tribunal. The complexity of the new digital media environment presents artists, artists' association and broadcasters with unprecedented challenges related to certification and negotiation. The Tribunal needs to understand and closely monitor these developments to ensure that labour law principles and the Tribunal's own precedents are applied appropriately.

⁸ Available on the Internet at: www.pch.gc.ca/progs/em-cr/eval/2002/2002_25/tdm_e.cfm

LIMITATIONS OF THE *STATUS OF THE ARTIST ACT*

There are a number of respects in which the *Act* falls short of the expectations of the many artists and producers who welcomed it when it was introduced.

The impact of the *Act* is limited by its application to a small jurisdiction. Most work in the cultural sector, including the bulk of film and television production, sound recording, art exhibitions, theatrical production and book publishing, falls under the jurisdiction of the provinces.

To date, Quebec is the only province with legislation granting collective bargaining rights to self-employed artists. The need for provincial legislation was recognized by the Standing Committee on Canadian Heritage in its ninth report in 1999, and by the Department of Canadian Heritage in its 2002 evaluation⁸ of the provisions and operations of the *Status of the Artist Act*.

The Tribunal supports the adoption by other jurisdictions of collective bargaining legislation for self-employed artists. In the past, it has provided information to policy makers and others interested in the benefits of such legislation, and it will continue to do so.

The *Act's* effectiveness is also limited because few federal government institutions—one of the class of producers covered by the *Act*—have entered into scale agreements with artists' associations. Artists' associations are typically hard-pressed for time and resources, and would rather negotiate with producers' associations than with individual producers. Similarly, many government producers would prefer to designate one department as their lead negotiator. One of the recommendations from the Department of Canadian Heritage's 2002 evaluation report was that the government consider establishing a single bargaining authority for all departments. The Tribunal supports this recom-

"The one thing that we have to recognize and understand is that many performers, creators and contributors and other artists in the art and cultural sector are unique in relationship to the rest of the workforce. They deserve equal access to all the rights and protections that other workers enjoy."

Ontario Federation of Labour, "Status, Organizing and Collective Bargaining Rights: Submission to the Minister's Advisory Council for Arts and Culture Workers in the Arts and Cultural Sector," 2006

mendation, as it would facilitate the bargaining process and make it more cost-effective.

Most importantly, as the Tribunal has frequently noted in reports to Parliament, amendments to the *Status of the Artist Act* would make the *Act* more effective. Various amendments recommended in the 2003 evaluation of the *Act*, such as requiring arbitration in specific situations for the settlement of first agreements, would further the aims of the *Act*.

THE WORK OF THE TRIBUNAL: CONTRIBUTING TO A VIBRANT CULTURAL SECTOR

The Tribunal's primary responsibility is to provide its stakeholder base—artists, artists' associations, and producers—with the structured labour relations framework set out in the *Status of the Artist Act*. The Tribunal also provides stakeholders with assistance and support related to the collective bargaining process.

Tribunal staff members carry out communications and outreach work to make the *Act* and its provisions more widely known to stakeholders and encourage them to make use of its provisions. In addition, staff members provide support to Tribunal members in their case work, and conduct research on issues related to the arts and cultural sector.

Communications and outreach

The Tribunal's communications strategy, research agenda, and outreach activities became a major focus over the course of 2007-2008. The Tribunal has always worked to ensure that artists' associations and producers understand the *Status of the Artist Act* and what it can do for them. This is of increasing importance with the acceleration of changes in the broadcasting industry, one of the principal areas of the Tribunal's jurisdiction.

Tribunal staff provide information to artists, producers, and members of the public in response to inquiries. This is an ongoing commitment that frequently requires the staff to research complex issues and track down answers.

A major focus for the Tribunal is making the *Act* better known and understood in the stakeholder community. In 2007-2008, Tribunal staff and members concentrated on one-on-one meetings with artists' associations and producers, and attendance at industry conferences. This will continue to be a major area of activity for the Tribunal in this and coming years.

Typically, the Tribunal puts out between one and three information bulletins in a year, to advise the public of cases and to draw clients' attention to services. In 2007-2008, one information bulletin was issued, covering, among other subjects, the Tribunal's decision in an artists' association's request for an amendment to the definition of the sector it represented.

The Tribunal continued to update its website regularly to ensure that the information on it is timely and accurate, and to emphasize the services that the Tribunal can make available to artists, artists' associations, and producers. This is a continuing project, particularly with modifications based on feedback from website users, and we hope in particular to incorporate various Web 2.0 features to bring more interactivity to the site.

Changes at the Tribunal

During fiscal 2007-2008, an acting Chairperson's term came to an end, a new Chair and Vice-Chair were appointed, and a Chair resigned.

Mr. Peter Annis was appointed as part-time Chairperson and Chief Executive Officer Officer on June 4, 2007. He replaced Mr. John Moreau, Q.C., whose term as Acting Chairperson and Chief Executive Officer ended at that time. Mr. Moreau had been a part-time member since March, 2001, and Acting Chairperson and Chief Executive Officer since April, 2006. Mr. Annis resigned from his position in February, 2008, in order to take on a special project for the Minister of Labour.

Ms. Elaine M. Kierans was appointed part-time Vice-Chairperson on May 15, 2007.

Also in June, 2008, the appointment of Mr. Michael Laleune, Member, came to an end. Although Mr. Laleune's name does not figure on the list of Tribunal members at page 1, he was a member throughout the year under review. Mr. Laleune was appointed in June 2005.

Case activity

The Tribunal began 2007-2008 with two cases pending from the previous fiscal year. During the year, the Tribunal received one new application. The Tribunal rendered three interim decisions and two final decisions. One case was pending at fiscal year-end.

Certification cases are a decreasing part of the Tribunal's business, something we have mentioned in previous Annual Reports, the *Report on Plans and Priorities*, and the *Departmental Performance Report*. Most of the major bargaining sectors covered by the *Act* have been defined and artists' associations certified to represent them.

The Tribunal received one application for a revision of certification. As discussed below, the application was granted.

Eight certification orders 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 expiry of the certification. All eight certifications were renewed.

Case Developments

The following section presents a summary of the developments during the fiscal year respecting significant cases carried over from the previous fiscal year or opened during fiscal 2007-2008. The Tribunal's *Information Bulletins* provide more detailed information on activity with respect to some cases. All written Reasons for Decisions are available on the Tribunal's Web site.

American Federation of Musicians of the United States and Canada (AFM) (File No 1350-07-001)

This was an application by the AFM that the Tribunal review and modify the description of the sectors that it was certified to represent.

The AFM filed an application for review of Decision 1997 CAPPRT 019 (File No. 95-0008-A) to modify the sectors that it was originally certified to represent.

On December 10, 2007, in Decision 2007 CAPPRT 052, the Tribunal granted the AFM's request and a new certification order was issued to reflect this decision.

A number of associations and individuals have contacted the Tribunal intending to make applications or complaints, but have not provided the necessary information to allow the Tribunal to deal with their applications. The Tribunal tried to assist the parties to provide the necessary information, but at year-end these cases were still incomplete.

More detailed information on the Tribunal's activities and on the challenges it faces is available in the Tribunal's annual *Departmental Performance Report*.

5. Case statistics

All files ¹	1998 1999	1999 2000	2000 2001	2001 2002	2002 2003	2003 2004	2004 2005	2005 2006	2006 2007	2007 2008	Average over past 10 years
Brought forward from previous fiscal year	14	11	11	8	7	7	5	5	5	2	7
New applications received	1	3	3	7	6	7	5	7	1	1	4
Days of hearings held ²	6	2	16	12	12	10	6	16	1	1	8
Interim decisions rendered	0	1	8	8	2	5	3	6	2	3	4
Final decisions rendered	4	1	3	5	4	8	4	3	4	2	4
Cases withdrawn	0	2	3	3	2	1	2	2	2	0	2
Renewals	2	11	3	5	11	3	6	12	4	8	7
Pending at fiscal year end	11	11	8	7	7	5	5	7	1	1	6

¹ Includes complaints and applications for certification, for review of decisions or orders, for determinations or declarations and for consent to prosecute

² Includes public hearings and paper hearings

6. Spending

	2007-2008	2006-2007
Operating expenditures	\$392,675	\$401,636
Salaries, wages and other personnel costs	\$661,954	\$939,273
Total spending	\$1,054,629	\$1,340,909
Unspent*	\$940,950	\$558,921
Total allocation	\$1,995,579	\$1,899,830

*Returned to the Consolidated Revenue Fund of the government

Appendix 1 — Negotiation activity under the Act

Notices to bargain

A list of notices to bargain sent between April 1, 2007 and March 31, 2008, copies of which were provided to the Tribunal, is found below.

Artists' Associations

UdA

CAEA

SARTEC

Producers

Office national du film
TFO

NAC (Special Events - variety programming)

TQS inc.
Groupe TVA inc.
Société de télédiffusion du Québec (TéléQuébec)

Scale agreements concluded

A list of scale agreements concluded between April 1, 2007 and March 31, 2008, copies of which were provided to the Tribunal, is found below.

Artists' Associations

UdA

CAEA

SARTEC

ACTRA

Producers

Office national du film
TFO

NAC (Special Events - variety programming)

TQS inc.
Groupe TVA inc.
Société de télédiffusion du Québec (TéléQuébec)

National Film Board

Appendix 2 — Members' biographies

The following members served during the 2007-2008 fiscal year:



Mr. Peter Annis
Ottawa
Ontario
**CHAIRPERSON AND CHIEF
EXECUTIVE OFFICER**

Peter Annis is a practicing lawyer with extensive experience in the fields of civil litigation, labour law and alternate dispute resolution. Formerly a member of the Department of Justice and a partner in the firm of Borden Ladner Gervais LLP, Mr. Annis concentrated much of his practice in the fields of administrative law and labour relations, particularly representing Francophone school boards, government institutions and First Canadian aboriginal bands. He was called to the bar in 1974 and was certified by the Law Society of Upper Canada as a specialist in civil litigation. He now practices as a sole practitioner.

In the latter part of Mr. Annis' career, he focused his practice on alternative dispute resolution and has established a successful mediation, arbitration and conflict investigation practice. He has conducted over 500 mediations in the Ontario court mandatory mediation program and has arbitrated numerous labour relations grievances and harassment investigations for government institutions. He was a part time member of the Ontario Human Rights Tribunal and of the Review Tribunal (Agriculture and Agri-foods).

Mr. Annis holds a Bachelor of Arts and a Bachelor of Law from Queen's University and a Doctorate from the University of Aix-en-Provence in France. He is a member of several professional associations and is a past President of the Association des juristes d'expression française de l'Ontario. He has also been a part-time lecturer

with the University of Ottawa's law faculty and is the author of numerous law journal articles and a monograph on bilingualism in the Ontario judicial system.

Mr. Annis was appointed part-time Chairperson of the Tribunal on June 4, 2007, and resigned in February, 2008.



Ms. Elaine Kierans
Toronto
Ontario
VICE-CHAIRPERSON

Elaine Kierans worked as a lawyer after graduating from McGill University in 1983, and remains an active member of the Law Society of Upper Canada. She also holds a business degree, specializing in labour relations, from McGill University.

Ms. Kierans has held numerous positions throughout her career including Vice-Chair of the Alcohol and Gaming Commission of Ontario. She also has sat on a number of boards, including those of Brighter Minds Media Inc. and the Toronto French School.

Ms. Kierans was appointed part-time Vice-Chairperson of the Tribunal on May 15, 2007.



Ms. Lyse Lemieux
Vancouver
British Columbia

Lyse Lemieux was appointed a part-time member of the Tribunal in April 2002. Ms. Lemieux is a visual artist with extensive experience in the field of

arts and culture. In addition to her experience in gallery management, her artistic work has been exhibited in Canada and Europe and is held in corporate and private collections.

Ms. Lemieux also worked for the Canadian Broadcasting Corporation for many years, where she produced numerous radio programs. She was assistant producer for the national French radio program *Le Monde à Lanvers* for which she won the 1999 French radio award *Meilleure création radiophonique*.



Michael LaLeune
Herring Cove
Nova Scotia

Michael LaLeune was appointed as a part-time member of the Tribunal on June 6, 2005. Mr. LaLeune holds a Bachelor of Music from the University of Western Ontario

and currently serves on the National Advisory Board of the Royal Conservatory of Music in Toronto and the National Advisory Council for the Canadian Centre for Cultural Management.

Since 2004, Mr. LaLeune has been the Executive Director for the Nova Centre for the Performing Arts. He held several management positions over the years for organizations such as the Congrès Mondial Acadien 2004, Grou Tyme Acadien Festival, Atlantic Theatre Festival, Nova Scotia Kitchen Party, Nacel Inc., East Coast Arts Productions, Symphony Nova Scotia, Ontario Arts Council and the Toronto Symphony Orchestra. He has also given numerous professional performances as a concert soloist and cabaret singer across Canada, including at the Stratford Shakespearean Festival.

Appendix 3 — 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 [subs.11(2)];
2. hold meetings or proceedings of the Tribunal at such times and locations in Canada as it considers desirable [subs.13(2)];
3. make regulations of general application which it considers conducive to the performance of its duties [s.16];
4. make interim orders [subs.20(2)];
5. rescind or amend determinations or orders and rehear applications [subs.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 [s.23];
8. receive copies of membership lists filed by associations of producers [s.24];
9. receive applications for certification from artists' associations pursuant to s.25 and 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 [subs.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 [subs.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 [ss.47,48,49];
20. hear and decide applications alleging unfair labour practices and prescribe appropriate remedies [ss.53,54];
21. issue consent to prosecute [s.59];
22. establish other offices which it considers necessary [subs.13(1)];
23. prepare and submit an annual report to Parliament through the Minister of Labour regarding activities during the fiscal year [s.61].