



# ***STATUS OF THE ARTIST ACT***

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*Presentation by*  
Canadian Artists and Producers  
Professional Relations Tribunal  
REGINA, November 5, 2001

## **Outline of the presentation**

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- Purpose of the *Status of the Artist Act*
  - How the *Act* works
  - Comparison with the voluntary system
  - Results thus far
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## **Purpose of the *Act***

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### **Recognizes:**

- Important contribution of artists
  - Importance of compensation for use of works
  - Right to freedom of association and expression
  - Right of artists' associations to promote members' professional and socio-economic interests
  - Right of artists to access advisory forums
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## **Mechanisms of the *Act***

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- Canadian Council on the Status of the Artist – Part I (Department of Canadian Heritage)
  - Collective bargaining system for freelance artists and producers in the federal jurisdiction – Part II (Canadian Artists and Producers Professional Relations Tribunal (CAPPRT))
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## **Background**

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- Demands of artists—equal treatment
  - UNESCO Recommendation, Belgrade 1980
  - Siren-Gélinas Task Force 1986
  - Quebec status of the artist legislation 1987
  - Canadian Artists' Code 1988
  - Federal legislation passes 1992
  - CAPPRT operational in 1995
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## **Which artists are covered by the *Act* (Part II)?**

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### **FREELANCERS:**

- Authors covered by the *Copyright Act*, e.g. writers, photographers, visual artists, composers
  - Performers, e.g. actors, musicians and singers
  - Directors
  - Set, costume, camera work, lighting and sound designers, and other contributors to the creation of productions (established by Regulation)
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## **Which producers are covered by the *Act*?**

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- Broadcasters regulated by the CRTC
    - Radio, TV, Internet
  - Federal government departments and most federal agencies and crown corporations (e.g. Canada Post, National Arts Centre (NAC), National Film Board (NFB))
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## **Collective Bargaining System**

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- Artists' associations obtain a certification -- the exclusive right to negotiate for artists in a particular sector (members and non-members unless specified)
  - Notice to bargain
  - Parties must meet within 20 days and begin bargaining with the purpose of reaching a scale agreement
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## **Composition of CAPPRT**

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- Chairperson, Vice-chairperson and four members
    - all part-time
    - appointed by the Cabinet
    - have cultural sector and/or labour relations experience
  - Secretariat with small number of staff
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## **Work of Tribunal**

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- Defines the cultural sectors appropriate for collective bargaining
  - Certifies artists' associations to represent these sectors
  - Decides complaints of unfair practices and prescribes remedies for contraventions of the *Act*
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## **Certifications**

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- Prerequisites for artists' association to make application
  - Certification process, includes public notice, permission to intervene, hearing (if needed), decision
  - Criteria for determinations
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## **Comparison with a voluntary system**

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- Less disruption in labour relations—rules for representation
    - Rules for certification – most representative
    - Rules for changes in certification
    - Rules for revocation
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## **Comparison (cont'd)**

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- More orderly and efficient negotiations
    - Duty to bargain in good faith is enforceable
    - Producers can't alter terms and conditions until strike/lockout is permitted
    - Mediator available from Ministry (no charge)
    - Conditions for pressure tactics
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## **Comparison (cont'd)**

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- Enforcement of scale agreement
    - Arbitration decisions are enforceable
  - Duty of fair representation is enforceable
  - Unfair labour practices are illegal, e.g.:
    - Producers' intimidating, threatening or disciplining artists who exercise their rights under the Act
    - Artists' associations taking disciplinary action against an artist in a discriminatory manner
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## **Comparison (cont'd)**

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- Exclusion from *Competition Act*
  - Compulsory dues check-off on request of artists' association (members and non-members)
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## **Results thus far**

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- Artists' associations certified to represent 21 sectors
  - Some 55 scale agreements
    - 11 new agreements since *Act* was passed
    - Many renewals of agreements already in existence
  - 8 associations with notices to bargain outstanding for first agreements
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## **Results (cont'd)**

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- Use of mediation services of federal department (HRDC) to assist in bargaining
  - Use of mediation services of the Tribunal, e.g. agreements between associations re jurisdiction, complaints
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## **Benefits and Advantages**

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- Agreements may simplify administration
    - provides a single framework for using individual artists' services in a particular sector
  - Recognizes and supports:
    - artists' community
    - producing high quality artistic work
    - developing a highly trained cultural workforce in Canada
    - stable and predictable working environment
    - growth and competitiveness of cultural industries
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## **Challenges**

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- Understanding of the parties about the *Act*
    - Rights and obligations
    - Processes for certifications, complaints
    - Benefits
  - How to use this tool to their benefit
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## **Tribunal Approach**

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- Act informally and expeditiously
  - Consult and facilitate; encourage mutual agreement
  - Goal: build and sustain good professional relations in the cultural community
  - CAPPRT Secretariat assists all parties
    - Help in understanding *Act* obligations and workings
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## **For more information**

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**Web site: [www.capprt-tcrpap.gc.ca](http://www.capprt-tcrpap.gc.ca)**

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