



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 90

An Act to amend various legislative provisions principally with regard to the process of negotiation and certain conditions of engagement in the film industry

Introduction

**Introduced by
Madam Christine St-Pierre
Minister of Culture, Communications
and the Status of Women**

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EXPLANATORY NOTES

This bill introduces legislative changes mainly with regard to professional relations in the film industry.

The bill adjusts the scope of the Act respecting the professional status and conditions of engagement of performing, recording and film artists to allow artists and freelancers to be recognized within the same associations. The bill specifies the appropriate negotiating sectors in the film industry as well as the occupations for which associations may be recognized.

The bill abolishes the Commission de reconnaissance des associations d'artistes et des associations de producteurs and transfers its functions to the Commission des relations du travail. It also makes joint negotiation mandatory for all group agreement clauses on training and, if the Government so determines, for those on group insurance and retirement.

The bill recognizes the “Regroupement pour la formation dans le domaine de l’audiovisuel”, a group born of two former bodies in the audiovisual sector, as a labour-management training body and confers functions and powers on it in that sector.

Lastly, the bill introduces various related provisions, transitional provisions and consequential amendments.

LEGISLATION AMENDED BY THIS BILL:

- Financial Administration Act (R.S.Q., chapter A-6.001);
- Labour Code (R.S.Q., chapter C-27);
- Municipal Powers Act (R.S.Q., chapter C-47.1);
- Act to promote workforce skills development and recognition (R.S.Q., chapter D-7.1);
- Taxation Act (R.S.Q., chapter I-3);
- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);

- Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1);
- Act respecting the professional status of artists in the visual arts, arts and crafts and literature, and their contracts with promoters (R.S.Q., chapter S-32.01);
- Act respecting the professional status and conditions of engagement of performing, recording and film artists (R.S.Q., chapter S-32.1).

Bill 90

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS PRINCIPALLY WITH REGARD TO THE PROCESS OF NEGOTIATION AND CERTAIN CONDITIONS OF ENGAGEMENT IN THE FILM INDUSTRY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE PROFESSIONAL STATUS AND CONDITIONS
OF ENGAGEMENT OF PERFORMING, RECORDING AND FILM
ARTISTS

1. The title of the Act respecting the professional status and conditions of engagement of performing, recording and film artists (R.S.Q., chapter S-32.1) is replaced by the following title:

“AN ACT RESPECTING THE PROFESSIONAL STATUS OF ARTISTS
AND THE FRAMEWORK GOVERNING PROFESSIONAL RELATIONS
IN THE PERFORMING ARTS, THE RECORDING INDUSTRY AND THE
FILM INDUSTRY”.

2. The Act is amended by inserting the following before Chapter I:

“TITLE I

“PROVISIONS COMMON TO THE PERFORMING ARTS, THE
RECORDING INDUSTRY AND THE FILM INDUSTRY”.

3. The heading of Chapter I of the Act is replaced by the following:

“PURPOSE, DEFINITIONS AND SCOPE

“**1.** The purpose of this Act is to protect and promote the status of artists and to set up a professional relations framework that recognizes

(1) the particular characteristics of creation and production of works of art in different fields;

(2) the value of artists’ contribution to Québec’s cultural heritage and development; and

(3) the importance of appropriate mechanisms with which to recognize associations, engage in negotiations and settle disputes, so as to foster

harmonious relations between producers and artists and create the conditions of stability and predictability needed for the maintenance and development of the cultural sector.

This Act also seeks to foster better protection and training for a highly qualified workforce, particularly in view of the atypical context in which artists provide their services to producers.”

4. Section 1 of the Act is renumbered as section 1.1.

5. The Act is amended by inserting the following section before section 2:

“1.2. In the fields of film and commercial advertisements, this Act also applies to persons who, whether or not they qualify as artists, provide services to a producer as freelancers in an occupation listed in Schedule I or in an occupation judged analogous by the Commission.

For the purposes of the first paragraph, persons are presumed to provide services as freelancers if they are engaged by a producer on a casual or intermittent basis.

The following cannot be considered analogous to the occupations listed in Schedule I: accounting, auditing, legal, representation, management or advertising services, or similar administrative or support services that have only a peripheral contributing value or interest in the creation of a film or commercial advertisement.

Unless the context indicates otherwise, a reference to an artist in this Act includes, in the fields of film and commercial advertisements, the freelancers referred to in the first paragraph.”

6. Section 2 of the Act is amended

(1) by inserting the following definition after the definition of “artist”:

““Commission”: the Commission des relations du travail established by section 112 of the Labour Code (chapter C-27);”;

(2) by replacing “section 1” wherever it occurs by “section 1.1”.

7. Section 9 of the Act is amended by replacing “Commission de reconnaissance des associations d’artistes et des associations de producteurs established by section 43” in paragraph 2 by “Commission des relations du travail”.

8. The Act is amended by inserting the following section after section 11.2:

“11.3. A clause of a group agreement is deemed not written if

(1) it gives preference to a particular association;

(2) on the basis of an unfounded distinction, it infringes on the rights of an artist because of the artists’ membership in an artists’ association;

(3) it concerns a placement agency;

(4) it limits a producer’s right to request the services of an artist directly or through an artists’ association; or

(5) it limits an artist’s right to offer services to a producer.”

9. Section 13 of the Act is amended by adding the following paragraph at the end:

“The Commission may also issue a joint recognition for the same sector, provided the applicant associations submit an agreement to the Commission that the latter judges satisfactory as to the division of their roles and responsibilities with regard to the artists concerned. The agreement must cover, among other things, voting rights, the right to lodge a grievance, the sharing out of the amounts referred to in paragraph 4 of section 24 and the terms and conditions governing their collection or payment.”

10. Section 18 of the Act is amended by adding the following paragraph at the end:

“In the case of an application for joint recognition, the majority is determined on the basis of all members belonging to the associations covered by the application.”

11. Section 18.1 of the Act is amended

(1) by replacing “the Commission” in the first paragraph by “the Minister”;

(2) by adding the following sentence at the end of the first paragraph: “On appointing a mediator, the Minister informs the Commission.”

12. Section 19 of the Act is replaced by the following section:

“19. Recognition granted to an association takes effect on the date of the Commission’s decision.”

13. Section 22 of the Act is amended by adding the following paragraph at the end:

“It may similarly withdraw joint recognition if it is proved that the agreement referred to in section 13 has been modified without its approval or has not been implemented.”

14. Section 23 of the Act is replaced by the following section:

“23. A withdrawal of recognition takes effect on the date of the Commission’s decision.”

15. Section 24 of the Act is amended by inserting “, subject to the provisions of any agreement approved under section 13” after “association” in the portion that precedes paragraph 1.

16. Sections 26.1, 29, 31 to 33, 34 and 35.2 of the Act are amended by replacing “Commission” wherever it occurs by “Minister”, with the necessary grammatical modifications.

17. Section 35 of the Act is amended by replacing “with the Commission” in the first paragraph by “with the Minister of Labour”.

18. The heading of Chapter IV of the Act is replaced by the following heading:

“FUNCTIONS AND POWERS OF THE COMMISSION DES RELATIONS DU TRAVAIL”.

19. Division I of Chapter IV of the Act, comprising sections 43 to 55 and including its heading, is repealed.

20. The heading of Division II of Chapter IV of the Act is struck out.

21. Section 56 of the Act is replaced by the following sections:

“56. The Commission’s functions include the following:

(1) to decide any application for recognition submitted by an artists’ association or an association of producers;

(2) to approve, in the case of an application for joint recognition of artists’ associations, an agreement it judges satisfactory, with or without amendments;

(3) to decide whether the by-laws of recognized associations regarding membership requirements are compliant with this Act;

(4) to rule on any complaint lodged by an interested person concerning the carrying out of section 7, 8, 11.1, 11.2 or 42;

(5) to determine, on the motion of an interested person, in what measure a clause of a group agreement is contrary to the provisions of section 11.3.

“56.1. Any complaint referred to in paragraph 4 of section 56 shall be filed with the Commission within 30 days after the fact or measure complained of is known.

Once the complainant has proved to the Commission’s satisfaction that the complainant is exercising a right arising out of this Act, it is incumbent on the person or association that is the subject of the complaint to prove just cause for taking the action complained of.

The provisions of the Labour Code (chapter C-27) applicable to a recourse involving the exercise of an employee’s right under the Code apply, with the necessary modifications, to a complaint submitted to the Commission under paragraph 4 of section 56.

In addition, an order to pay an indemnity under paragraph *a* of section 15 of the Labour Code may be issued against any person or association other than the producer. The Commission may also make any other order it judges appropriate with regard to such persons or associations that have contravened one of the provisions concerned.”

22. Section 58 of the Act is amended by adding “, including whether a person is an artist or a freelancer for the purposes of section 1.2.” at the end.

23. Section 61 of the Act is repealed.

24. Section 62 of the Act is amended by striking out the second sentence of the first paragraph.

25. Section 63 of the Act is amended by striking out the last paragraph.

26. Section 63.1 of the Act is repealed.

27. Sections 64 to 68 of the Act are replaced by the following sections:

“64. The provisions of the Labour Code (chapter C-27) that are not incompatible with this Act apply, with the necessary modifications, to matters referred to the Commission under this Act. This includes the provisions concerning commissioners and their decisions and jurisdiction.

“65. The Commission may resolve any difficulty arising from the carrying out of this Act by applying the provisions of the Labour Code (chapter C-27).

In particular, within the scope of its powers under paragraph 1 of section 118 of the Labour Code, the Commission may summarily reject any application

made for the principal purpose of circumventing this Act or duplicating a recognition granted under this Act. With regard to matters referred to it, the Commission may make any order it judges appropriate to ensure that the provisions of this Act are complied with and to avoid procedural snags.

“66. All decisions made by the Commission under this Act shall be sent to the Minister.

The Minister shall keep an up-to-date list of those decisions, and post it on the Minister’s website.

“67. Once a year the Minister shall update the lists of occupations appearing in Schedules I and III, incorporating any changes further to the decisions of the Commission.

The Minister shall publish the updated lists in the *Gazette officielle du Québec*. The Minister of Justice shall update accordingly the schedules to this Act in the Revised Statutes of Québec.”

28. The Act is amended by inserting the following after section 68:

“CHAPTER IV.1

“INQUIRY AND OTHER ADMINISTRATIVE MEASURES

“68.1. The Minister may designate any person to inquire into any matter relating to the carrying out of this Act.

Such a person has, for the purposes of the inquiry, the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to impose imprisonment.

“68.2. The Minister shall draw up, annually, a list of mediators and arbitrators for the purposes of this Act, after consultation with recognized artists’ associations and associations of producers.

With the consent of the parties concerned, the Minister may also designate as mediator a conciliation officer or mediator from the Ministère du Travail identified by the Minister of Labour.

“68.3. Except with the consent of the parties, nothing that is said or written in the course of a mediation session may be admitted as evidence before a court of justice or before a person or administrative body exercising adjudicative functions.

“68.4. Mediators cannot be compelled to divulge information revealed to them or brought to their knowledge in the course of their mediation

functions, or to produce documents made or obtained in the course of their mediation functions, before a court of justice or before a person or administrative body exercising adjudicative functions.

Despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no person has a right of access to the documents of a mediation file.

“TITLE II

“SPECIAL MEASURES FOR CERTAIN FIELDS OF ARTISTIC ENDEAVOUR

“CHAPTER I

“FIELDS AND OCCUPATIONS COVERED

“68.5. This Title applies, in the fields of film and commercial advertisements, to the occupations on the lists appearing in Schedule III, including any amendments by the Commission.

The Government may, by regulation, determine as of what dates, according to what timetable and, if applicable, with what modifications one or more provisions of this Title also apply to

- (1) other occupations in the fields of film and commercial advertisements;
- (2) other fields of artistic endeavour; and
- (3) fields of artistic activity covered by the Act respecting the professional status of artists in the visual arts, arts and crafts and literature, and their contracts with promoters (chapter S-32.01).

“CHAPTER II

“JOINT NEGOTIATION OF CERTAIN CONDITIONS OF ENGAGEMENT

“68.6. In group agreements, clauses on training must be negotiated jointly.

For the purposes of this Title, training extends to manpower skills development and to the occupational health and safety training that is an indispensable aspect of employment skills.

The provisions of this Act concerning negotiating and group agreements apply, with the necessary modifications, to such joint negotiations.

“68.7. The obligation to engage in joint negotiations does not restrict the freedom to negotiate recognized by section 8, nor the possibility for the

parties to provide, in a group agreement, for any distinction they judge relevant, for instance in view of the characteristics of the producers, the scope and nature of an artistic production or other particulars of the work environment or of the occupations exercised by the artists.

“68.8. Clauses agreed on through joint negotiations may deal with, among other things,

(1) the level of the financial contribution of producers with regard to manpower skills development;

(2) the categories of producers that are required to make eligible training expenditures;

(3) any contribution ceiling or threshold; and

(4) any exclusions or exemptions.

Such clauses may not operate to release a producer from the obligation, under the Act to promote workforce skills development and recognition (chapter D-7.1), to participate in manpower skills development by making a certain amount of eligible training expenditures, nor to reduce that obligation.

“68.9. For the purposes of this chapter, the parties to joint negotiations shall be all the artists’ associations and associations of producers that are recognized with regard to the occupations concerned.

In the absence of any recognized associations of producers, the Minister may, after consultation with the stakeholders, designate representatives for the producers concerned.

“68.10. The parties shall set out their own rules for the approval and the signing of common clauses agreed on through joint negotiations. In the absence of other rules, the signature of such clauses may occur

(1) on the artists’ side, only after obtaining authorization from each association concerned through a secret ballot majority vote of the members who are comprised in the negotiating sector concerned and who exercise their right to vote;

(2) on the producers’ side, only after obtaining authorization through a secret ballot majority vote of all representatives, designated by the recognized associations or the Minister, who exercise their right to vote.

“68.11. Any clause of a group agreement that is in force or whose effect has been extended pertaining to subjects to be negotiated jointly continues to apply until the coming into force of a new clause on the same subject.

“68.12. The Government may, by regulation, determine as of what dates, according to what timetable and, if applicable, with what modifications the obligation to engage in joint negotiations is to extend to clauses concerning group insurance and retirement.

“CHAPTER III

“REGROUPEMENT POUR LA FORMATION DANS LE DOMAINE DE L’AUDIOVISUEL

“DIVISION I

“CONSTITUTION AND ORGANIZATION

“68.13. The Regroupement pour la formation en audiovisuel du Québec and the Organisme de formation de l’industrie du cinéma et des nouveaux médias du Québec, constituted under Part III of the Companies Act (chapter C-38), are hereby amalgamated and shall continue their existence, under this Act, as the Regroupement pour la formation dans le domaine de l’audiovisuel (“the Group”).

This continued existence entails the cancellation of the letters patent of the amalgamated bodies and the merger of their assets and liabilities and rights and obligations.

“68.14. The Group is a non-profit legal person governed by the Civil Code.

“68.15. The Group’s board of directors is to be composed of an equal number of representatives of artists’ associations and associations of producers recognized in the fields of film and commercial advertisements with regard to the occupations referred to in section 68.5.

In the absence of recognized associations of producers, the Minister may, after consultation with the stakeholders, designate representatives for the producers concerned.

“68.16. The Group may determine any policies and by-laws for its internal management and the exercise of the rights conferred upon it by law. It may, among other things, fix the number of members to sit on its board of directors, determine their manner of appointment and their voting rights, and form committees.

“68.17. The Group shall have its head office in Montréal but may hold its meetings anywhere in Québec.

The Group may move its head office or change its name.

Any change of name or of head office location must be published as a notice in the *Gazette officielle du Québec*.

“DIVISION II

“OBJECT AND POWERS

“**68.18.** The Group’s chief object is to structure, develop and implement training services adapted to the characteristics and needs of the audiovisual sector, while taking into account such factors as the social and economic context as well as technological and market changes.

“**68.19.** The functions of the Group, in the pursuit of its mission, include the following:

(1) to create one or more committees charged with making recommendations and suggesting directions concerning training, in accordance with the objectives set out in the Act to promote workforce skills development and recognition (chapter D-7.1), and taking into account, in the case of occupational health and safety training, the objectives set out in the Act respecting occupational health and safety (chapter S-2.1) and the roles of the different stakeholders under that Act;

(2) to receive and manage

(a) the amounts paid to it under group agreement clauses negotiated under Chapter II, in accordance with the rules under paragraph 4;

(b) the amounts sent by the Minister of Employment and Social Solidarity under section 18 of the Act to promote workforce skills development and recognition;

(c) the subsidies it is granted;

(3) to keep separate accounts for its training activities and to create a training fund;

(4) to determine the proportion of the financial contribution to workforce skills development that a producer must pay into the training fund and the proportion the producer may make directly, in accordance with the conditions set by the Group. These rules must be made available in the manner the Group judges most appropriate;

(5) to prepare and file the requisite reports, registers, statements and balance sheets concerning its management and concerning expenditures made and contributions received.

“**68.20.** In the first two months of every year, the Group shall issue to producers, for the purposes of the Act to promote workforce skills development

and recognition, a statement of their respective contributions for the previous year or, if applicable, a statement of expenses admissible as payments made or expenditures incurred with regard to the Group.

“68.21. The Group may take on any other mandate that does not conflict with its functions and whose costs are borne entirely by the mandator.

“68.22. The Government may, by regulation, determine as of what dates, according to what timetable and, if applicable, with what modifications the mission and powers of the Group extend to another subject matter that must also be negotiated jointly under section 68.12.

“68.23. The Group may exercise all remedies arising out of this Act or a group agreement to obtain payment of an amount it is entitled to receive, and make any transaction in connection with such claims and remedies.

In the course of its functions, the Group may also appoint inspectors who may

(1) at any reasonable time of day, enter any place tied to the production of a film or commercial advertisement or any producer’s establishment to examine books, records and any other document concerning a matter within the Group’s purview;

(2) make copies of or take extracts from such books, records and documents;

(3) inquire from any producer or artist concerned as to a rate of remuneration, the duration of work or the training given, and require any other information or document related to compliance with the provisions of a group agreement or to another matter within the Group’s purview; and

(4) require from any producer or artist any information deemed necessary.

On request, inspectors shall identify themselves and produce a document as proof of authority.

No proceedings may be brought against inspectors for acts in good faith in the exercise of their functions.

“68.24. The Group may, by regulation,

(1) make mandatory for any producer the keeping of a system of registration of all work done by artists or the keeping of a register, determine the type of information to be compiled and specify how it must be compiled; and

(2) require that any producer submit periodic reports, define the information they must contain, specify their periodicity and determine any other condition applicable to them.

The regulation must be submitted to the Government for approval with or without amendments.

“DIVISION III

“FINANCING, ACCOUNTABILITY AND AUDIT

“**68.25.** The Group may, in accordance with the rules adopted by its board of directors, withhold from the amounts it receives and the interest earned on those amounts, the sums needed for its administration.

These rules must provide for equitable withholdings to be made from the different categories of amounts received by the Group, in keeping with the actual administrative workload required by its various activities.

The Group may also finance all or part of its activities by means of a levy. To that end, the Group may, by regulation,

(1) require payments by producers, artists or both for the Group’s administration and determine how the amounts are to be calculated and paid; and

(2) require a producer to collect the levy imposed on artists, by means of a deduction from their remuneration.

The regulation must be submitted to the Government for approval with or without amendments.

The Government may at any time, by an order published in the *Gazette officielle du Québec*, end or suspend a levy, reduce its rate, or establish the maximum rate or ceiling amounts.

“**68.26.** Amounts due to the Group bear interest, as of their due-date, at the rate set under section 28 of the Act respecting the Ministère du Revenu (chapter M-31).

“**68.27.** The Group shall keep detailed, up-to-date statements of its revenues and expenditures for the purposes of this Act and keep the appropriate vouchers. The Group shall submit vouchers to the Minister on request.

It shall also file with the Minister, not later than 31 March of each year, its audited financial statements and an annual report. The report must contain, among other information,

(1) a list of the producers that paid an amount or incurred expenditures;

- (2) the amounts obtained from the producers referred to in subparagraph 1;
- (3) a list of the activities of the Group during the year; and
- (4) the clientele reached by the activities.

The Group shall send a copy of the report to the Minister of Employment and Social Solidarity.

“68.28. The Group shall release its annual financial statements, make them available to the artists and associations concerned and, on their request, provide copies free of charge.

“68.29. The Group shall provide to the Minister, within the time determined by the Minister, any information pertaining to the carrying out of this chapter and any related document.

“68.30. The Minister may designate a person to audit the Group’s financial statements or any document the Group is required to sent to the Minister.

The auditor may, at any reasonable time of day, enter any place where there is reason to believe operations or activities are carried on by or on behalf of the Group, and require that any information or pertinent document be provided within a specified time, and examine and make copies of any such document.

“68.31. No proceedings may be brought against the auditor for acts in good faith in the exercise of audit functions.

“68.32. The auditor shall, on request, identify himself or herself and produce a document signed by the Minister as proof of authority.

“DIVISION IV

“PROVISIONAL ADMINISTRATION

“68.33. If facts revealed upon ascertaining compliance with this Act give the Minister reason to believe

(1) that the members of the board of directors of the Group are remiss in the performance of the obligations imposed by the Civil Code on administrators of legal persons or in the performance of their obligations under this Act or any other legislative or regulatory provision relating to workforce skills development,

(2) that a serious fault, such as embezzlement or breach of trust, has been committed by board members or other officers of the Group,

(3) that board members or other officers of the Group have transgressed the rules of sound management applicable to the directors of a legal person, or

(4) that practices incompatible with the mission of the Group have been engaged in within the Group,

the Minister may, after giving the board members an opportunity to submit observations in writing concerning such facts within 15 days of receipt of a notice from the Minister to that effect, suspend, as of the date determined by the Minister and for a period not exceeding 120 days, the powers of the board members and appoint provisional administrators to exercise those powers during the period of suspension.

The Minister may make a decision under this section even before the conclusion of an audit or inquiry under section 68.1 or 68.30.

The decision of the Minister, giving reasons, must be forwarded with dispatch to the members of the board of directors of the Group. A notice of the decision must be published in the *Gazette officielle du Québec*.

“68.34. During the provisional administration, any regulatory provision adopted by the Group which makes the validity of an act of the Group subject to authorization or approval by a third party or a meeting of members has no effect.

“68.35. Not later than 30 days before the appointed date of expiry of their mandate, the provisional administrators shall report their findings to the Minister and present their recommendations. The report must contain any information required by the Minister.

“68.36. After examining the report of the provisional administrators, the Minister may, if the Minister considers it warranted in order to remedy a situation described in subparagraphs 1 to 4 of the first paragraph of section 68.33 or to avoid its re-occurrence,

(1) extend the provisional administration for a period not exceeding 90 days or terminate the provisional administration, subject to specified conditions;

(2) order a reorganization of the structure or activities of the Group, subject to specified conditions;

(3) remove from office one or more of the members of the board of directors of the Group and appoint or provide for the manner of designating their replacements.

Any extension of the provisional administration may be renewed by the Minister for the same reasons, provided each renewal does not exceed 90 days.

If the report of the provisional administrators does not confirm the existence of a situation described in subparagraphs 1 to 4 of the first paragraph of section 68.33, the Minister shall terminate the provisional administration without delay.

Every decision of the Minister shall give reasons and be forwarded with dispatch to the members of the board of directors of the Group.

“68.37. On termination of the provisional administration, the provisional administrators shall present report of their administration to the Minister. The report must be sufficiently detailed to allow its accuracy to be verified and must be produced together with the related books and vouchers.

“68.38. The Minister shall determine the fees and expenses of the provisional administrators.

The expenses, fees and disbursements of the provisional administration shall be borne by the Group, unless the Minister decides otherwise.

“68.39. No proceedings may be brought against provisional administrators for acts in good faith in the exercise of their functions.

“68.40. No extraordinary recourse under articles 828 to 846 of the Code of Civil Procedure (chapter C-25) may be exercised, and no injunction may be granted against provisional administrators exercising their functions.

A judge of the Court of Appeal may, on a motion, summarily annul any judgment, writ, order or injunction issued or granted contrary to this section.

“68.41. The Minister shall include, in the annual report concerning the activities of the Minister’s department, an account, under a separate heading, of any provisional administration.

“68.42. If, on the termination of a provisional administration, the Minister judges that the dissolution of the Group is necessary, the Minister may appoint a liquidator to exercise all the duties and powers of the Group until its dissolution. The liquidator shall deliver any remaining property to the Minister, who may assign it to a charity or body whose activities or objectives are similar to those of the Group.

A notice of the Group’s dissolution is published by the Minister in the *Gazette officielle du Québec*.”

29. The Act is amended by replacing “**CHAPTER V**” and the heading “**OFFENSES AND PENALTIES**” by the following:

“TITLE III

“MISCELLANEOUS PROVISIONS

“CHAPTER I

“PENAL PROVISIONS”.

30. The Act is amended by inserting the following sections after section 70:

“70.1. A recognized association or a representative designated by the Minister under section 68.9 that refuses or neglects to engage in the joint negotiations required under Chapter II of Title II is guilty of an offence and liable to a fine of \$300 to \$1,000.

“70.2. The following persons are guilty of an offence and liable to a fine of \$500 to \$3,000:

(1) a producer who does not keep the registration system or register required by regulation of the Group;

(2) a producer who fails to submit a periodic report prescribed by regulation of the Group, as and when required;

(3) a producer or artist who refuses or neglects to provide information to an inspector or other person entitled to require it under this Act, or who otherwise impedes or hinders the exercise of their functions;

(4) a person who obstructs or hinders a provisional administrator, an investigator or an auditor in the exercise of their powers under this Act;

(5) a person who knowingly destroys, alters or falsifies a register, pay-list, registration system, return or any document provided for by this Act or the regulations, or who knowingly sends false or inaccurate information or reports to the Minister or the Group.

“70.3. The Group may, in accordance with article 10 of the Code of Penal Procedure (chapter C-25.1), institute penal proceedings for an offence under any of paragraphs 1 to 3 and 5 of section 70.2 that concerns the Group.

The fine imposed for such an offence belongs to the Group, when it has taken charge of the prosecution.”

31. Chapter VI of the Act is renumbered as Chapter II.

32. The Act is amended by adding, at the end, the three schedules to this Act.

AMENDING PROVISIONS

FINANCIAL ADMINISTRATION ACT

33. Schedule 2 to the Financial Administration Act (R.S.Q., chapter A-6.001), amended by chapters 26, 38, 57 and 85 of the statutes of 2006, is again amended by striking out “Commission de reconnaissance des associations d’artistes et des associations de producteurs”.

LABOUR CODE

34. The Labour Code (R.S.Q., chapter C-27) is amended by adding the following at the end:

“CHAPTER XI

“RESPONSIBILITY

“**153.1.** The Minister of Labour is responsible for the administration of this Code. The Minister’s responsibility with regard to the Commission des relations du travail extends to the exercise of the Commission’s functions under the Code and under any other law.”

35. Schedule I to the Code is amended by inserting the following paragraphs after paragraph 18:

“(18.1) sections 15, 21 and 23 of the Act respecting the professional status of artists in the visual arts, arts and crafts and literature, and their contracts with promoters (chapter S-32.01);

“(18.2) sections 12, 20, 22, 42.5, 56, 57 and 58 of the Act respecting the professional status of artists and the framework governing professional relations in the performing arts, the recording industry and the film industry (chapter S-32.1);”.

MUNICIPAL POWERS ACT

36. Section 92 of the Municipal Powers Act (R.S.Q., chapter C-47.1) is amended by replacing “Act respecting the professional status and conditions of engagement of performing, recording and film artists” by “Act respecting the professional status of artists and the framework governing professional relations in the performing arts, the recording industry and the film industry”.

ACT TO PROMOTE WORKFORCE SKILLS DEVELOPMENT AND RECOGNITION

37. Section 12 of the Act to promote workforce skills development and recognition (R.S.Q., chapter D-7.1), amended by section 9 of chapter 3 of the statutes of 2007, is again amended by inserting the following paragraph after the first paragraph:

“The provisions of the first paragraph apply, with the necessary modifications, to contributions paid by a producer into the training fund of the Regroupement pour la formation dans le domaine de l’audiovisuel, under the Act respecting the professional status of artists and the framework governing professional relations in the performing arts, the recording industry and the film industry (chapter S-32.1).”

38. Section 18 of the Act is amended by adding the following paragraphs at the end:

“Despite the first paragraph, the Minister of Employment and Social Solidarity shall subtract from sums intended for the Fund any portion of the sums paid by producers as contributions for training under the Act respecting the professional status of artists and the framework governing professional relations in the performing arts, the recording industry and the film industry (chapter S-32.1).

The amount to be subtracted shall be determined by the Regroupement established by that Act.

Each year, the Regroupement shall send to the Minister a statement of its claim in this regard together with vouchers. The Minister shall send to the Regroupement, in accordance with the payment terms agreed to by both, the amount thus subtracted so that it may be paid into the Regroupement’s training fund.”

TAXATION ACT

39. The Taxation Act (R.S.Q., chapter I-3) is amended by replacing “Act respecting the professional status and conditions of engagement of performing, recording and film artists” in sections 346.0.1, 726.1, 1029.8.36.0.0.7 and 1029.8.36.0.0.10 by “Act respecting the professional status of artists and the framework governing professional relations in the performing arts, the recording industry and the film industry”.

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

40. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by striking out “the

Commission de reconnaissance des associations d'artistes et des associations de producteurs”.

ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL

41. Schedule II to the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1) is amended by striking out “the Commission de reconnaissance des associations d'artistes et des associations de producteurs”.

ACT RESPECTING THE PROFESSIONAL STATUS OF ARTISTS IN THE VISUAL ARTS, ARTS AND CRAFTS AND LITERATURE, AND THEIR CONTRACTS WITH PROMOTERS

42. Section 10 of the Act respecting the professional status of artists in the visual arts, arts and crafts and literature, and their contracts with promoters (R.S.Q., chapter S-32.01) is amended by replacing “Commission de reconnaissance des associations d'artistes et des associations de producteurs, established by section 43 of the Act respecting the professional status and conditions of engagement of performing, recording and film artists (chapter S-32.1)” by “Commission des relations du travail established by section 112 of the Labour Code (chapter C-27)”.

43. Section 20 of the Act is replaced by the following section:

“**20.** Recognition granted to an association by the Commission takes effect on the date of the Commission’s decision.”

44. Section 24 of the Act is replaced by the following section:

“**24.** A withdrawal of recognition by the Commission takes effect on the date of the Commission’s decision.”

45. Section 48 of the Act is replaced by the following section:

“**48.** For the purposes of Chapter II, the Commission des relations du travail exercises the powers granted to it under the Act respecting the professional status of artists and the framework governing professional relations in the performing arts, the recording industry and the film industry (chapter S-32.1).

An up-to-date list of the decisions sent by the Commission shall be kept by the Minister and posted on the Minister’s website.”

TRANSITIONAL AND FINAL PROVISIONS

46. For the purposes of the Act respecting the professional status of artists and the framework governing professional relations in the performing arts,

the recording industry and the film industry (R.S.Q., chapter S-32.1), and despite any previous decision of the Commission de reconnaissance des associations d'artistes et des associations de producteurs, the appropriate negotiating sectors in the fields of film and the recording of commercial advertisements, with regard to the occupations listed in Schedule III, are the sectors described in Schedule II.

47. For the purposes of that Act and despite any contrary provision in an Act or a document,

(1) in the fields of film and the recording of commercial advertisements, the Alliance québécoise de l'image et du son (AQTIS) and the International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, its Territories and Canada (IATSE) are deemed respectively to be the artists' associations recognized in the negotiating sectors described in Schedule II as follows:

(a) in sector 1 (including the video (magnetic tape) and film sectors) and in sector 3,

— the Alliance québécoise de l'image et du son (AQTIS) with regard to the occupations in list A of Schedule III, exclusive, in the case of sector 3, of the occupations in list E of that schedule;

(b) in sectors 2 and 4,

— the International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, its Territories and Canada (IATSE) with regard to the occupations in list A of Schedule III, exclusive of the occupations in lists B and E of that schedule;

— the Alliance québécoise de l'image et du son (AQTIS) with regard to the occupations in list B of Schedule III;

(2) in the field of film, the recognition of the Association des réalisateurs et réalisatrices du Québec (ARRQ) and of the Québec District Council of the Canadian Directors Guild (QDCCDG) as artists' associations is continued, as follows:

(a) in sector 1,

— the Association des réalisateurs et réalisatrices du Québec (ARRQ) is the recognized artists' association with regard to the occupation in list C of Schedule III;

— the Québec District Council of the Canadian Directors Guild (QDCCDG) is the recognized artists' association with regard to the occupations in list D

of Schedule III;

(b) in sectors 2, 3 and 4, the Québec District Council of the Canadian Directors Guild (QDCCDG) is the recognized artists' association with regard to the occupations in list E of Schedule III;

(3) for a five-year period beginning on (*insert the date of coming into force of this Act*), the description of the negotiating sectors provided in section 46, the recognition of associations under this section and the occupations covered by such recognition cannot be changed without the consent of the recognized artists' associations concerned.

48. The recognition of artists' associations under section 47 takes effect on (*insert the date of coming into force of this Act*), particularly for the purposes of paragraph 2 of section 14 and section 37 of the Act respecting the professional status of artists and the framework governing professional relations in the performing arts, the recording industry and the film industry.

The first negotiations in the sectors referred to in Schedule II to that Act further to the taking effect of the recognition of artists' associations under section 47 are considered to be negotiations for a first group agreement within the meaning of that Act.

49. For the purposes of section 47, a reference to the International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, its Territories and Canada (IATSE) creates no obstacle and must be understood, as applicable, as a reference to local 514 or 667 of the Alliance, in accordance with their respective responsibilities at (*insert the date of coming into force of this Act*).

50. The obligation to engage in joint negotiations, in accordance with section 68.6 of the Act respecting the professional status of artists and the framework governing professional relations in the performing arts, the recording industry and the film industry, enacted by section 28, takes effect on or before (*insert the date occurring two months after the date of coming into force of this Act*).

For the purposes of that Act, the negotiations are considered to be negotiations for a first group agreement. If an agreement is not reached with the 12-month period beginning on (*insert the date indicated in the first paragraph*), any association or representative that is party to the negotiations may ask the Minister to designate an arbitrator under section 33 of that Act, without waiting for the end of mediation.

51. An interim board of directors is to be formed to ensure and facilitate the setting up of the Group established by section 68.13 of the Act respecting the professional status of artists and the framework governing professional relations in the performing arts, the recording industry and the film industry, enacted by section 28. To that end, the interim board must, among other

things, adopt a staffing plan and make the first by-laws for its internal management.

The interim board is to be composed of a provisional chair, appointed by the Minister, and not more than 10 members, appointed by the chair. As far as possible these members are to be chosen from among the members of the boards of directors of the Regroupement pour la formation en audiovisuel du Québec and the Organisme de formation de l'industrie du cinéma et des nouveaux médias du Québec.

The by-laws made by the interim board must be readopted, with or without amendments, at the first meeting of the board of directors formed under section 68.15 of that Act.

The term of the members of the interim board of directors may not be longer than one year unless an extension is authorized by the Minister.

The remuneration of the provisional chair is to be determined and borne by the Minister. The expenses of the provisional chair and the other members of the interim board of directors are also to be determined by the Minister.

The Minister may pay a start-up grant or grant a start-up loan, with or without interest, to the Regroupement.

52. For the purposes of the second paragraph of section 12 of the Act to promote workforce skills development and recognition (R.S.Q., chapter D-7.1), enacted by section 43, until such time as group agreement clauses concerning training are agreed on under Chapter II of Title II of the Act respecting the professional status of artists and the framework governing professional relations in the performing arts, the recording industry and the film industry, any voluntary contributions paid by producers to the Regroupement for training in the audiovisual field are deemed to be paid under the latter Act.

53. The vice-president of the Commission de reconnaissance des associations d'artistes et des associations de producteurs becomes, for the unexpired portion of her term, a commissioner of the Commission des relations du travail assigned to the labour relations division. She must, within the 60 days following the coming into force of this section, take the oath provided for in section 137.32 of the Labour Code (R.S.Q., chapter C-27).

Her term may be renewed in accordance with the procedure provided for in sections 137.19 and 137.20 of the Labour Code.

Section 137.12 of the Labour Code does not apply to her, even on subsequent renewal, for as long as she is a commissioner.

The Regulation respecting the remuneration and other conditions of employment of commissioners of the Commission des relations du travail, made by Order in Council 1193-2002 dated 2 October 2002, applies to the new commissioner.

54. The term of the part-time member and the additional temporary members of the Commission de reconnaissance des associations d'artistes et des associations de producteurs ends on (*insert the date of coming into force of this section*).

55. The persons who are members of the personnel of the Commission de reconnaissance des associations d'artistes et des associations de producteurs on (*insert the date preceding the date of coming into force of this section*) are deemed to have been appointed in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

The Conseil du trésor determines their assignment, remuneration and classification and any other conditions of employment applicable to them. This cannot result in a regular salary below that which they received as members of the personnel of the Commission.

56. Matters brought before the Commission de reconnaissance des associations d'artistes et des associations de producteurs before (*insert the date preceding the date of coming into force of this section*) are continued before the Commission des relations du travail.

With regard to matters the hearing of which began before that date, the Commission may, with the parties' consent, rely, as regards oral evidence, on the notes and minutes of the hearing or on the stenographer's notes or on the recording of the hearing, as the case may be, subject to a witness being recalled or other evidence being required if the Commission finds the notes or the recording insufficient.

The same applies to matters the hearing of which ended before (*insert the date indicated in the first paragraph*), but for which a decision has not yet been rendered.

57. The Minister of Culture, Communications and the Status of Women is substituted for the Commission de reconnaissance des associations d'artistes et des associations de producteurs, except with regard to the handling of matters pending before the Commission, and acquires its rights and obligations.

58. The records, documents and archives of the Commission de reconnaissance des associations d'artistes et des associations de producteurs become records, documents and archives of the Commission des relations du travail or the Minister of Culture, Communications and the Status of Women, according to the functions conferred on each by this Act.

However, the Minister of Labour becomes the depositary of group agreements and arbitration decisions in lieu of agreements deposited with the Commission de reconnaissance des associations d'artistes et des associations de producteurs before (*insert the date preceding the date of coming into force of this section*).

59. Of the appropriations allocated to the Ministère de la Culture, des Communications et de la Condition féminine for the 2008-2009 fiscal year of the Commission de reconnaissance des associations d'artistes et des associations de producteurs, an amount corresponding to the appropriations tied to the position of vice-president of that Commission, and an amount agreed on by the Minister of Culture, Communications and the Status of Women and the Minister of Labour, are transferred to the latter Minister for payment into the fund of the Commission des relations du travail.

60. This Act comes into force on (*insert the date of assent to this Act*).

SCHEDULE I
(section 1.2)

Film and commercial advertisements

List of occupations (freelancers)

CAMERA

1. 1st assistant camera (focus puller)
2. 2nd assistant camera
3. Clapper loader
4. Camera trainee
5. Electronic (eng) Director of photography
6. Electronic cameraperson-editor
7. Electronic camera assistant
8. FX playback operator
9. Video-assist playback operator
10. Video-assist playback operator assistant
11. Remote head technician
12. Digital imaging technician
13. Digital imaging technician assistant
14. 24fps operator
15. Publicist
16. Visual effects supervisor (all categories)

ASSISTANT DIRECTORS

17. Assistant director
18. 1st assistant director

19. 2nd assistant director
20. 3rd assistant director
21. Stage manager
22. Assistant stage manager

SCRIPT SUPERVISING

23. Script supervisor
24. Assistant script supervisor

TV CONTROL ROOM

25. Technical director
26. Switcher (all categories)
27. Key mobile set up technician
28. Mobile set up technician
29. Technical coordinator
30. CCU operator
31. Computer graphic designer
32. Video tape operator
33. Master control technician
34. Slow motion operator
35. Teleprompter operator
36. Micro-wave transmission operator
37. Satellite transmission operator
38. Projectionist
39. Electronic installation & maintenance technician
40. Video graphics technician

SOUND

- 41. Sound recordist
- 42. Sound mixer
- 43. Boom operator
- 44. Dolly boom operator
- 45. Sound mixer
- 46. House sound mixer
- 47. Sound cable puller
- 48. Sound playback operator
- 49. Sound assistant

HAIR

- 50. Assistant hairdresser
- 51. Period hairdresser
- 52. Hair designer
- 53. Wigmaker

WARDROBE

- 54. Key wardrobe master/mistress
- 55. Wardrobe master/mistress
- 56. Costume supervisor
- 57. Assistant wardrobe master/mistress
- 58. Wardrobe buyer
- 59. Key dresser
- 60. Dresser
- 61. Assistant dresser

62. Costume coordinator
63. Costume assistant coordinator
64. Wardrobe stylist
65. Key specialized wardrobe technician
66. Specialized wardrobe technician (all categories)
67. Seamstress
68. Wardrobe technician

MAKE-UP

69. Make-up designer
70. Assistant special FX make-up artist
71. Key make-up special effects
72. Prosthetic make-up artist
73. Assistant prosthetic make-up artist

LIGHTING

74. Lighting director
75. Gaffer/chief lighting technician
76. Best boy lighting technician
77. Lighting designer
78. Lighting technician
79. Chief rigging lighting technician
80. Assistant chief rigging lighting technician
81. Rigging lighting technician
82. Lighting manager
83. Lighting control console operator
84. Generator operator

85. Follow spot operator
86. Motorized lighting operator
87. Motorized lighting programmer

SPECIAL EFFECTS

88. Key special effects technician/Special effects technician supervisor
89. Best boy special effects technician
90. Assistant special effects technician
91. Studio special effects technician
92. Special effects coordinator

PRODUCTION CONTROL ROOM

93. Location manager
94. Assistant location manager
95. Location scout manager
96. Production coordinator
97. Assistant production coordinator
98. Production assistant
99. Key production assistant (Set PA)
100. Assistant to producer
101. Production secretary
102. Unit manager
103. Assistant unit manager
104. Key craft person
105. Craft person
106. Assistant craft person
107. Script coordinator

- 108. Safety coordinator
- 109. Travel coordinator
- 110. Receptionist
- 111. Office runner
- 112. Set runner
- 113. Logistics labour

RIGGING GRIP

- 114. Key grip (all categories)
- 115. Grip (all categories)
- 116. Best boy grip
- 117. Assistant key grip (all categories)

SET DESIGN/DECORATION

- 118. Assistant art director
- 119. Assistant set dresser
- 120. On set dresser
- 121. Draftperson
- 122. Graphic artist
- 123. Model supervisor
- 124. Model maker supervisor
- 125. Model maker
- 126. Art department coordinator
- 127. Assistant art department coordinator
- 128. Set designer
- 129. Head propsman

130. Props buyer
131. Assistant props buyer
132. Vehicle coordinator
133. Assistant vehicle coordinator
134. Key property manager
135. Property manager
136. Head set propsman
137. Property master
138. Propsman
139. Props designer
140. Assistant propsman
141. Leadman
142. Scenic technician
143. Key greensperson
144. Assistant key greensperson
145. Greensperson
146. Assistant greensperson
147. Set coordinator
148. Construction coordinator
149. Construction supervisor
150. Assistant construction supervisor
151. Construction foreman
152. Construction buyer
153. Head carpenter
154. Carpenter

155. Carpenter assistant
156. Cabinetmaker
157. Assistant cabinetmaker
158. Plasterer
159. Assistant plasterer
160. Head scenic painter
161. Assistant head scenic painter
162. Head painter
163. Assistant head painter
164. Painter
165. Assistant painter
166. Key welder
167. Welder
168. Assistant welder
169. Head sculptor moulder
170. Assistant head sculptor moulder
171. Sculptor moulder
172. Assistant sculptor moulder
173. Sculptor
174. Set propsman
175. Assistant set propsman
176. Key stagehand
177. Stagehand
178. Set grip
179. Flyman

- 180. Food stylist
- 181. Multimedia technician
- 182. Weapons wrangler
- 183. Weapons supervisor
- 184. Key weapons technician
- 185. Weapons technician

EDITING

- 186. Supervising editor
- 187. In line editor
- 188. Assistant editor
- 189. Chief sound editor
- 190. Assistant sound editor

POST-PRODUCTION

- 191. Post-production coordinator
- 192. Computer graphic designer
- 193. Sound mixer
- 194. Video graphics technician

TRANSPORT

- 195. Transport coordinator
- 196. Assistant transport coordinator
- 197. Transport captain
- 198. Assistant transport captain
- 199. Specialized driver
- 200. Driver

HEALTH AND SAFETY

- 201. Health and safety coordinator
- 202. Nautical safety coordinator
- 203. Nautical safety attendant
- 204. Set medic
- 205. Set medic coordinator

SCHEDULE II
(section 46)

Negotiating sectors

1. Definitions:

“*film*” has the meaning assigned by section 2 of this Act;

“*production budget*” means the total budget required to create the work, taking into account all work performed in and outside Québec to produce the first trial composite, excluding distribution and promotional activities;

“*declared production budget*” refers to the sworn declaration according to which the anticipated production budget is lower, equal to or higher than the amount referred to in the description of a negotiating sector.

The declaration must be filed with the Minister and a copy must be sent to the recognized artists’ associations in the fields of production concerned.

This declaration must be filed at the start of preproduction or, depending on the circumstances, not later than the conclusion of the first act or contract in Québec evidencing that production work on a film or commercial advertisement has begun in Québec.

The declaration must be dated and signed and contain a sworn confirmation of the accuracy of the anticipated budget level declared. The declaration must be issued by an accountant or other professional legally authorized to verify and assess the anticipated budget of a production;

“*producer*” means a person who is responsible for decision-making with regard to labour relations throughout the production of a film.

2. Negotiating sectors for the fields of film and commercial advertisements

Unless otherwise agreed by the parties, in sector 1 film continues to be divided into two broad categories: video (magnetic tape) and film (other media).

Sector 1, which comprises all productions not comprised in one of the other three sectors

Specifically, sector 1 comprises

1.1 *Domestic productions*: productions by a Québec or Canadian enterprise. A Québec or Canadian enterprise is an enterprise that

(a) is constituted under a Québec or Canadian statute; and

(b) has its head office or principal establishment in Québec or elsewhere in Canada.

1.2 *Co-productions*: either

(a) co-productions within the framework of an intergovernmental agreement, that is, film productions under an intergovernmental co-production agreement to which the Gouvernement du Québec, the federal government, or another government in Canada is a party; or

(b) films produced by more than one producer, including a Québec or Canadian producer, insofar as a producer referred to in sector 2 or 4 is not the main investor.

1.3 *Other foreign productions*: productions not included in another negotiating sector, by a producer whose head office or principal establishment is outside Canada and the United States.

1.4 *Commercial advertisements other than in sectors 2 and 4*.

Sector 2, which comprises

2.1 Productions more than 50% of which is produced or financed by one of the six major film studios of the American film industry or any existing or future entity owned or more than fifty percent controlled by one of them.

2.2 Productions by Dark Castle Entertainment.

Sector 3, which comprises

3.1 Productions by American producers, other than producers referred to in sector 2, whose declared production budget is “low or moderate”, that is,

— in the case of a television series, a declared production budget lower than or equal to

— for a 30-minute program:

for the years 2008, 2009 and 2010: \$500,000;

for the years 2011 and 2012: \$600,000;

— for a 60-minute program:

for the years 2008, 2009 and 2010: \$1 million;

for the years 2011 and 2012: \$1.2 million;

— in the case of any other film production, a declared production budget lower than or equal to

for the years 2008, 2009 and 2010: \$18 million;
for the years 2011 and 2012: \$20 million.

3.2 Productions by Lyons Gate Entertainment, Walden Media and Lakeshore Entertainment.

Sector 4, which comprises

Productions by American producers, other than producers referred to in sector 2, whose production budget is “high”, that is,

— in the case of a television series, a declared production budget higher than

— for a 30-minute program:

for the years 2008, 2009 and 2010: \$500,000;
for the years 2011 and 2012: \$600,000;

— for a 60-minute program:

for the years 2008, 2009 and 2010: \$1 million;
for the years 2011 and 2012: \$1.2 million;

— in the case of any other film production, a declared production budget higher than

for the years 2008, 2009 and 2010: \$18 million;
for the years 2011 and 2012: \$20 million.

SCHEDULE III
(sections 46 and 47)

List A

Sectors 1 to 4
(AQTIS or IATSE as applicable)

CAMERA

1. Director of photography/DOP
2. Cameraman/electronic cameraperson (ecam)
3. Camera operator
4. 1st assistant camera (focus puller)
5. 2nd assistant camera
6. Clapper loader
7. Camera trainee
8. Electronic (eng) Director of photography
9. Electronic cameraperson-editor
10. Electronic camera assistant
11. FX playback operator
12. Video-assist playback operator
13. Video-assist playback operator assistant
14. Still Photographer
15. Remote head technician
16. Digital imaging technician
17. Digital imaging technician assistant
18. 24fps operator
19. Publicist
20. Visual effects supervisor (all categories)

ASSISTANT DIRECTORS

21. Assistant director
22. 1st assistant director
23. 2nd assistant director
24. 3rd assistant director
25. Stage manager
26. Assistant stage manager

SCRIPT SUPERVISING

27. Script supervisor
28. Assistant script supervisor

TV CONTROL ROOM

29. Technical director
30. Switcher (all categories)
31. Key mobile set up technician
32. Mobile set up technician
33. Technical coordinator
34. CCU operator
35. Computer graphic designer
36. Special effects graphic technician
37. Video tape operator
38. Master control technician
39. Slow motion operator
40. Teleprompter operator
41. Micro-wave transmission operator

42. Satellite transmission operator
43. Projectionist
44. Electronic installation & maintenance technician
45. Video graphics technician

SOUND

46. Sound recordist
47. Sound mixer
48. Boom operator
49. Dolly boom operator
50. Sound mixer
51. House sound mixer
52. Sound cable puller
53. Sound playback operator
54. Sound assistant

HAIR

55. Key hairdresser
56. Hairdresser
57. Assistant hairdresser
58. Period hairdresser
59. Hair designer
60. Wigmaker

WARDROBE

61. Costume designer
62. Key wardrobe master/mistress

63. Costume supervisor
64. Wardrobe master/mistress
65. Assistant wardrobe master/mistress
66. Wardrobe buyer
67. Key dresser
68. Dresser
69. Assistant dresser
70. Costume coordinator
71. Costume assistant coordinator
72. Puppet designer
73. Wardrobe stylist
74. Key specialized wardrobe technician
75. Specialized wardrobe tech. (all categories)
76. Seamstress
77. Wardrobe technician

MAKE-UP

78. Key make-up artist (all categories)
79. Make-up designer
80. Make-up artist
81. Assistant make-up artist
82. Key make-up special effects
83. Special FX make-up artist
84. Assistant special FX make-up artist
85. Prosthetic make-up artist
86. Assistant prosthetic make-up artist

87. Make-up artist/hairdresser

LIGHTING

88. Lighting director

89. Gaffer/chief lighting technician

90. Best boy lighting technician

91. Lighting designer

92. Lighting technician

93. Chief rigging lighting technician

94. Assistant chief rigging lighting technician

95. Rigging lighting technician

96. Lighting manager

97. Lighting control console operator

98. Generator operator

99. Follow spot operator

100. Motorized lighting operator

101. Motorized lighting programmer

SPECIAL EFFECTS

102. Special effects technician supervisor

103. Key special effects

104. Best boy special effects technician

105. Assistant special effects technician

106. Studio special effects technician

107. Special effects coordinator

PRODUCTION CONTROL ROOM

- 108. Location manager
- 109. Assistant location manager
- 110. Location scout manager
- 111. Production coordinator
- 112. Assistant production coordinator
- 113. Production assistant
- 114. Key production assistant (Set PA)
- 115. Assistant to producer
- 116. Production secretary
- 117. Unit manager
- 118. Assistant unit manager
- 119. Key craft person
- 120. Craft person
- 121. Assistant craft person
- 122. Script coordinator
- 123. Safety coordinator
- 124. Travel coordinator
- 125. Receptionist
- 126. Office runner
- 127. Set runner
- 128. Logistics labour

RIGGING GRIP

- 129. Key grip
- 130. Grip

- 131. Best boy grip
- 132. Assistant key grip (all categories)

SET DESIGN/DECORATION

- 133. Assistant art director
- 134. Key set dresser
- 135. Set dresser
- 136. Assistant set dresser
- 137. On set dresser
- 138. Draftperson
- 139. Graphic artist
- 140. Model maker supervisor
- 141. Model supervisor
- 142. Model maker
- 143. Art department coordinator
- 144. Assistant art department coordinator
- 145. Art department assistant
- 146. Head propsman
- 147. Props buyer
- 148. Assistant props buyer
- 149. Vehicle coordinator
- 150. Assistant vehicle coordinator
- 151. Key property manager
- 152. Property manager
- 153. Head set propsman
- 154. Property master

155. Propsman
156. Props designer
157. Assistant propsman
158. Leadman
159. Scenic technician
160. Key greensperson
161. Assistant key greensperson
162. Greensperson
163. Assistant greensperson
164. Set coordinator
165. Construction supervisor
166. Assistant construction supervisor
167. Construction foreman
168. Construction buyer
169. Construction coordinator
170. Head carpenter
171. Carpenter
172. Carpenter assistant
173. Cabinetmaker
174. Assistant cabinetmaker
175. Plasterer
176. Assistant plasterer
177. Head scenic painter
178. Assistant head scenic painter
179. Head painter

180. Assistant head painter
181. Scenic painter
182. Painter
183. Assistant painter
184. Key welder
185. Welder
186. Assistant welder
187. Head sculptor moulder
188. Assistant head sculptor moulder
189. Sculptor moulder
190. Assistant sculptor moulder
191. Sculptor
192. Set propsman
193. Assistant set propsman
194. Key stagehand
195. Stagehand
196. Set grip
197. Flyman
198. Food stylist
199. Multimedia technician
200. Weapons wrangler
201. Weapons supervisor
202. Key weapons technician
203. Weapons technician

EDITING

- 204. Supervising editor
- 205. Editor
- 206. In line editor
- 207. Off line editor
- 208. Assistant editor
- 209. Chief sound editor
- 210. Sound editor
- 211. Assistant sound editor

POST-PRODUCTION

- 212. Post-production coordinator
- 213. Computer special effects graphic artist
- 214. Computer graphic designer
- 215. Sound mixer
- 216. Sound effects technician
- 217. Video graphics technician

TRANSPORT

- 218. Transport coordinator
- 219. Assistant transport coordinator
- 220. Transport captain
- 221. Assistant transport captain
- 222. Specialized driver
- 223. Driver
- 224. Base camp technician

HEALTH AND SAFETY

- 225. Health and safety coordinator
- 226. Nautical safety coordinator
- 227. Nautical safety attendant
- 228. Set medic
- 229. Set medic coordinator

SCHEDULE III (CONTD.)
(sections 46 and 47)

List B

(Sectors 2 and 4 (AQTIS))

PRODUCTION CONTROL ROOM

Location manager

Assistant location manager

Location scout manager

List C

(Sector 1 (ARRQ))

Director, except for English-language productions

List D

(Sector 1 (QDCDGC))

Production designer

Art director

Director, for English-language productions

List E

(Sectors 2, 3 and 4 (QDCDGC))

Art department coordinator

Assistant art department coordinator

Art director and production designer

Assistant art director

Director

1st assistant director

2nd assistant director

3rd assistant director

Draftperson

Set designer

