

Bill 35

**An Act to harmonize and modernize the  
rules relating to the professional status  
of artists**

Section 8

**AMENDMENT:**

Replace by:

8. Section 9 of the Act is amended

(1) by replacing “comprises the majority” in paragraph 2 by “is the most representative”;

(2) by adding the following paragraph at the end:

“The most representative association is the association which, in the opinion of the Tribunal, comprises the greatest number of artists in the negotiating sector concerned.”

*Adopté  
ape*

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Section 13

**AMENDMENT:**

Replace by:

**13.** Section 20 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“On the application of a number of artists in the sector in which a recognition has been granted, equal to at least 25% of the association’s membership in the sector concerned or on the application of an association of producers covered by the recognition, the Tribunal shall ascertain the representativeness of the association.”;

(2) by replacing “no longer comprises the majority” in the third paragraph by “is no longer representative”.

*adopté  
ape*

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Section 15

**AMENDMENT:**

Insert "in the context of the negotiation of a group agreement or in connection with its application" after "it represents" in proposed section 24.2.

*adopté  
ape*

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Section 17

**AMENDMENT:**

Strike out “professional” in paragraph 1.

*adopté  
apc*

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Section 18.1

**AMENDMENT:**

Insert after section 18:

**18.1.** Section 32 of the Act is amended by replacing “of engagement of” in the third paragraph by “applicable to the entering into of contracts with”.

*Adapté  
apc*

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Section 25

**AMENDMENT:**

Replace the proposed heading of Chapter III.3 by:

**“SPECIAL RULES APPLICABLE TO THE LIABILITY OF DIRECTORS OF  
BUSINESS CORPORATIONS AND TO CERTAIN CONTRACTS**

**“DIVISION I**

**“LIABILITY OF DIRECTORS OF BUSINESS CORPORATIONS**

**“45.1.** Directors of a corporation referred to in section 1 of the Business Corporations Act (chapter S-31.1) which acts as a producer or presenter are solidarily liable, to the artists bound by contract with the corporation, for six months’ remuneration or other monetary consideration owed to them under such a contract during their respective administration.

However, a director is not liable unless the corporation is sued for the debt within one year after it becomes due and the notice of execution is returned unsatisfied in whole or in part or unless, during that period, a liquidation order is made against the corporation or it becomes bankrupt within the meaning of that expression in the Bankruptcy and Insolvency Act (R.S.C. 1985, c. B-3) and a claim for the debt is filed with the liquidator or the syndic.

However, a director cannot be held liable under this section if the director acted with a reasonable degree of prudence and diligence in the circumstances.

**“DIVISION II**

**“INDIVIDUAL CONTRACTS IN THE FIELDS OF THE VISUAL ARTS, ARTS  
AND CRAFTS AND LITERATURE**

*Adopté  
apc*

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Section 32

**AMENDMENT:**

Replace by:

32. Section 92 of the Municipal Powers Act (chapter C-47.1) is amended by replacing “professional artists within the meaning 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) and to artists within the meaning of the Act respecting the professional status and conditions of engagement of performing, recording and film artists” in the first paragraph by “artists within the meaning of the Act respecting the professional status of artists in the visual arts, film, the recording arts, literature, arts and crafts and the performing arts”.

*adapté  
ape*

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Section 34

**AMENDMENT:**

Replace by:

**34.** Section 346.0.1 of the Act is amended by replacing “a professional artist, within the meaning 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), or an artist, within the meaning of the Act respecting the professional status and conditions of engagement of performing, recording and film artists” in the third paragraph by “an artist within the meaning of the Act respecting the professional status of artists in the visual arts, film, the recording arts, literature, arts and crafts and the performing arts”.

*Adopté  
apc*



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Section 36

**AMENDMENT:**

Replace by:

**36.** Section 726.26 of the Act is amended by replacing “a professional artist within the meaning 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), or an artist within the meaning of the Act respecting the professional status and conditions of engagement of performing, recording and film artists” in the first paragraph by “an artist within the meaning of the Act respecting the professional status of artists in the visual arts, film, the recording arts, literature, arts and crafts and the performing arts”.

*Adapté  
apc*

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Section 39

**AMENDMENT:**

Replace by:

**39.** Section 19 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) is amended by replacing subparagraph i of subparagraph 13 of the first paragraph by the following subparagraph:

“i. an artist who is a member, as such, of an association in a sector of the visual arts or arts and crafts recognized under the Act respecting the professional status of artists in the visual arts, film, the recording arts, literature, arts and crafts and the performing arts (chapter S-32.01); or”.

*Adapté  
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Section 45.1

**AMENDMENT:**

Insert after section 45:

**45.1.** The Minister must, not later than (*insert the date that is five years after the date of assent to this Act*), submit to the Government a report on the implementation of this Act.

The report is tabled by the Minister in the National Assembly within the next 30 days or, if the Assembly is not sitting, within 30 days after resumption.

*adopté  
apc*

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Section 3

**AMENDMENT:**

Replace by:

3. Section 1.1 of the Act is amended by replacing “offers his services, for remuneration” by “offers his services or works, for remuneration or other monetary consideration”.

*adopté  
apc*

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Section 15

**AMENDMENT:**

Insert “, in the case of an association recognized in a sector of the visual arts, arts and crafts and literature” at the end of paragraph 1 of proposed section 24.1.

*adopté  
apc*

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Section 42.1

**AMENDMENT:**

Insert after section 42:

**42.1.** Schedule I to the Act is amended by replacing “Act respecting the professional status and conditions of engagement of performing, recording and film artists” in paragraph 26 by “Act respecting the professional status of artists in the visual arts, film, the recording arts, literature, arts and crafts and the performing arts”.

*adopté  
apc*