



NATIONAL ASSEMBLY OF QUÉBEC

SECOND SESSION

FORTY-SECOND LEGISLATURE

Bill 35
(2022, chapter 20)

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

**Introduced 27 April 2022
Passed in principle 10 May 2022
Passed 3 June 2022
Assented to 3 June 2022**

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EXPLANATORY NOTES

The purpose of this Act is to bring together in the same Act the provisions governing the professional status of artists who work in the fields of the visual arts, film, the recording arts, literature, arts and crafts and the performing arts. It is also designed to harmonize the rules applicable in all of those artistic fields as regards the recognition of artists' associations and the negotiation of group agreements.

To that end, the Act respecting the professional status and conditions of engagement of performing, recording and film artists is amended to make the artists in the visual arts, arts and crafts and literature and the presenters who enter into contracts with them or who retain their professional services subject to that Act. In addition, the title of that Act is replaced and the Act respecting the professional status of artists in the visual arts, arts and crafts and literature, and their contracts with promoters is repealed.

The Act also establishes the duty of fair representation incumbent on any recognized artists' association. It provides for the maintenance of the conditions of employment after the expiry of a group agreement and specifies that the prior notice required before engaging in concerted action must mention the date on which certain pressure tactics are to begin.

The Act introduces provisions relating to psychological harassment, including behaviour that manifests itself in the form of verbal comments, actions or gestures of a sexual nature. Producers and presenters are also prohibited from endeavouring to compel an artist to refrain from or to cease exercising a right arising from the Act through intimidation, discrimination or reprisals, among other things.

The Act also provides that a proceeding may be brought before the Administrative Labour Tribunal for non-compliance with certain provisions of the Act, in particular those concerning the duty of fair representation, the prohibition to hinder the activities of an association, the collection of dues, negotiation in good faith and the use of pressure tactics during the term of a group agreement. It provides for the maintenance of certain standards relating to individual contracts between artists in the visual arts, arts and crafts and literature and presenters.

In addition, the Government may, by regulation, determine minimum conditions applicable to professional contracts entered into with artists.

Lastly, the Act updates the amounts of the fines and includes certain transitional and final provisions.

LEGISLATION AMENDED BY THIS ACT:

- Municipal Powers Act (chapter C-47.1);
- Taxation Act (chapter I-3);
- Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20);
- Act respecting the professional status and conditions of engagement of performing, recording and film artists (chapter S-32.1);
- Act to establish the Administrative Labour Tribunal (chapter T-15.1).

LEGISLATION REPEALED BY THIS ACT:

- 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).

Bill 35

AN ACT TO HARMONIZE AND MODERNIZE THE RULES RELATING TO THE PROFESSIONAL STATUS OF ARTISTS

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 (chapter S-32.1) is replaced by the following title:

“ACT RESPECTING THE PROFESSIONAL STATUS OF ARTISTS IN
THE VISUAL ARTS, FILM, THE RECORDING ARTS, LITERATURE,
ARTS AND CRAFTS AND THE PERFORMING ARTS”.

2. Section 1 of the Act is amended

(1) by replacing “and variety entertainment, multimedia” in the first paragraph by “, circus and variety entertainment, multimedia, digital experience”;

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

“This Act also applies to artists who work in the fields of the visual arts, arts and crafts and literature and to the presenters who enter into contracts with them for the purpose of presenting previously created works or who retain their professional services.”

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”.

4. Section 2 of the Act is amended

(1) in the first paragraph,

(a) by inserting the following definitions in alphabetical order:

“**arts and crafts**” means the production of original works which are unique or in multiple copies, intended for a utilitarian, decorative or expressive purpose and conveyed by the practice of a craft related to the working of wood, leather, textiles, metals, silicates or any other material;

“**literature**” means the creation and the translation of original literary works such as novels, stories, short stories, dramatic works, poetry, essays or any other written works of the same nature;

“**presentation**” means the sale, lending, lease, exchange, deposit, exhibition, publishing, public presentation, publication or any other use of the works of artists in the fields of the visual arts, arts and crafts and literature;

“**presenter**” means any person, body or partnership that, as a primary or secondary activity, operates a presentation enterprise, for profit or not, in the fields of the visual arts, arts and crafts and literature and enters into contracts with artists;

“**visual arts**” means the production of original works of research or expression, which are unique or in limited copies and are conveyed by painting, sculpture, engraving, drawing, illustration, photography, textile arts, installation work, performance, art video, digital arts or any other form of expression of the same nature;”

(b) by replacing “in section” in the definition of “producer” by “in the first paragraph of section”;

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

“For the purposes of Chapters II, III, III.1, III.2, IV, IV.1, IV.2 and V, “producer” refers to a “presenter” within the meaning of this section when the provision is applied in the fields of the visual arts, arts and crafts and literature.”

5. Section 3 of the Act is amended by replacing “furnishes personal services” by “provides personal services or offers his works”.

6. Section 4 of the Act is amended by replacing “and on government departments and bodies” by “, on its departments and agencies, and on mandataries of the State”.

7. Section 8 of the Act is amended

(1) by inserting “Subject to the provisions of this Act,” at the beginning;

(2) by replacing “agree the conditions of his engagement by” by “approve the contractual conditions binding him to”.

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.”

9. Section 10 of the Act is amended by inserting “or to other monetary consideration” after “remuneration” in paragraph 3.

10. Section 16 of the Act is amended by replacing “whether the membership of the association accounts for the majority of artists in the sector concerned” in the first paragraph by “the representativeness of the association”.

11. Section 17 of the Act is amended by replacing “whether the members of the applicant association are in the majority” in the second paragraph by “the representativeness of the applicant association”.

12. Section 18 of the Act is amended by replacing “comprises the majority of” by “is the most representative of the”.

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”.

14. Section 24 of the Act is amended

(1) by inserting “or the presentation of works” after “services” in paragraph 6;

(2) by inserting “or the presentation of works” at the end paragraph 7.

15. The Act is amended by inserting the following sections after section 24:

“24.1. For the exercise of its functions, a recognized association may, in particular,

(1) represent its members for the negotiation and performance of their contracts, in the case of an association recognized in a sector of the visual arts, arts and crafts and literature;

(2) provide technical support services to its members; and

(3) organize development activities.

A recognized association that is not a professional syndicate within the meaning of the Professional Syndicates Act (chapter S-40) may also establish and administer special retirement funds. Sections 14 and 16 to 18 of the Professional Syndicates Act apply in such a case, with the necessary modifications.

“24.2. A recognized artists’ association must not act in bad faith or in an arbitrary or discriminatory manner or show serious negligence in respect of the artists it represents in the context of the negotiation of a group agreement or in connection with its application, regardless of whether they are members of the association.

An artist who believes that his artists’ association has contravened the first paragraph may file a complaint with the Tribunal.”

16. Section 26.1 of the Act is amended by inserting “or monetary consideration” after “remuneration” in the first paragraph.

17. Section 27 of the Act is amended

(1) by replacing “with respect to the engagement of” in the first paragraph by “applicable to the entering into of contracts with”;

(2) in the second paragraph,

(a) by inserting “ensure that a remuneration or other monetary consideration is provided for any type of performance of services or presentation in the sector concerned. The parties shall also” after “shall”;

(b) by replacing “economic conditions prevailing in small production enterprises” by “economic conditions that are specific to emerging producers and the various types of production”.

18. The Act is amended by inserting the following section after section 27:

“27.1. In the fields of the visual arts, arts and crafts and literature, the minimum conditions provided for in the group agreement must include the requirements already prescribed in Chapter III.3 of this Act.”

19. 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”.

20. Section 35 of the Act is amended by inserting “and sent to the Minister” after “the Minister of Labour” in the first paragraph.

21. Section 35.1 of the Act is amended by replacing the second and third paragraphs by the following paragraph:

“Sections 100 to 101.9 of the Labour Code (chapter C-27) and the provisions to which those sections refer are deemed to be an integral part of every group agreement and to be all or part of the grievance arbitration procedure provided for in the first paragraph, with the necessary modifications, including the following:

(1) for the purposes of the second paragraph of section 100 of the Labour Code, if no agreement has been reached between the parties on the choice of arbitrator, the arbitrator is appointed by the Minister of Culture and Communications from the list drawn up under section 68.2 of this Act;

(2) section 36.1 of this Act is the section to which section 100.10 of the Labour Code refers with respect to the maintenance of the conditions of employment; and

(3) for the purposes of section 101.6 of the Labour Code, the arbitrator must also send, at the same time, a copy of the award to the Minister of Culture and Communications.”

22. Section 35.2 of the Act is repealed.

23. The Act is amended by inserting the following section after section 36:

“36.1. The group agreement continues to apply after its expiry until pressure tactics referred to in section 38 are used, or until a new group agreement is entered into or an arbitration award is rendered in its stead.

However, the parties may stipulate in a group agreement that the conditions of employment contained in the agreement continue to apply until a new agreement is signed.”

24. Section 37.1 of the Act is amended by adding the following paragraph at the end:

“The notice concerning pressure tactics referred to in section 38 must mention the date on which those pressure tactics are to begin. A new notice of at least three days is required if the pressure tactics have not begun on the stated date.”

25. Section 42 of the Act is replaced by the following section:

“42. No producer nor any person acting for a producer may refuse to engage an artist because that artist exercises a right arising from this Act, or endeavour by intimidation, discrimination or reprisals, threat of dismissal or other threat, or by the imposition of a sanction or by any other means, to compel an artist to refrain from or to cease exercising a right arising from this Act.

If it is shown to the satisfaction of the Tribunal that the artist exercised a right arising from this Act, there is a simple presumption in his favour that the action was taken against him because he exercised such right, and the burden of proof is upon the producer to prove that he resorted to the action against the artist for another good and sufficient reason.”

26. Chapter IV of the Act is amended by replacing the entire portion before section 56 by the following:

“CHAPTER III.2

“PSYCHOLOGICAL HARASSMENT

“43. Every artist has a right, in his relations with a producer and with the persons the producer puts the artist in contact with for the purposes of the carrying out of his contract, to a work environment free from psychological harassment.

The producer must take reasonable action to prevent psychological harassment and, whenever he becomes aware of such behaviour, to put a stop to it. The producer must, in particular, adopt and make available to the persons who participate in the production or presentation of a work a psychological harassment prevention and complaint processing policy that includes, in particular, a section on behaviour that manifests itself in the form of verbal comments, actions or gestures of a sexual nature.

“44. In this Act, “psychological harassment” has the meaning assigned by section 81.18 of the Act respecting labour standards (chapter N-1.1), with the necessary modifications.

“45. The provisions of sections 43, 44, 63.3 and 63.4 are deemed to be an integral part of every group agreement, with the necessary modifications. An artist covered by such an agreement must exercise the recourses provided for in the agreement.

An artist who is not covered by a group agreement and who believes he has been the victim of psychological harassment may file a complaint with the Tribunal.

“CHAPTER III.3**“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 (Revised Statutes of Canada, 1985, chapter 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**

“46. This division applies to every contract between an artist and a presenter which has a work of the artist as its object.

It also applies to every contract, where the object of such contract is the publication of a book, between a presenter and a person who is not contemplated by Chapters I and II.

“47. The contract must be evidenced in a writing, clearly setting forth

(1) the nature of the contract;

(2) the work or works which form the object of the contract;

(3) any transfer of right and any grant of licence consented to by the artist, the purposes, the term or mode of determination thereof, and the territorial application of such transfer of right and grant of licence, and every transfer of title or right of use affecting the work;

(4) the transferability or nontransferability to third persons of any licence granted to a presenter;

(5) the consideration in money due to the artist and the intervals and other terms and conditions of payment;

(6) the frequency with which the presenter shall report to the artist on the transactions made in respect of every work that is subject to the contract and for which monetary consideration remains owing after the contract is signed.

“48. The contract is made when it is signed by the parties.

The artist is not bound to perform his obligations until such time as he is in possession of the contract.

“49. Every agreement between a presenter and an artist pertaining to one of the artist’s works shall be stipulated in a contract which shall be made and take effect in accordance with section 48 and shall contain stipulations concerning the matters which must be set forth under section 47.

“50. Every agreement between a presenter and an artist which reserves, for the presenter, an exclusive right over any future work of the artist or which recognizes the presenter’s right to determine the circulation of such work shall, in addition to meeting the requirements set out in section 47,

(1) contemplate a work identified at least as to its nature;

(2) be terminable upon the application of the artist once a given period agreed upon by the parties has expired or after a determinate number of works agreed upon by the parties has been completed;

(3) specify that the exclusive right ceases to apply in respect of a reserved work where, after the expiration of a period for reflection, the presenter, though given formal notice to do so, does not circulate the work;

(4) stipulate the duration of the period for reflection agreed upon by the parties for the application of paragraph 3.

“51. No presenter may, without the consent of the artist, give as security the rights he obtains by contract from the artist or grant a security on a work subject to a contract and of which the artist remains the owner.

“52. The contract shall be terminated if the presenter commits an act of bankruptcy or has a receiver order issued against him pursuant to the Bankruptcy and Insolvency Act (Revised Statutes of Canada, 1985, chapter B-3), if his property is taken possession of according to law or, in the case of a legal person, if such legal person is liquidated.

“53. For every contract binding him to the artist, the presenter shall keep, in his books, a separate account in which he shall record, upon receipt, in respect of every work or works subject to the contract,

(1) every payment from a third person with particulars permitting to identify such third person;

(2) the number and nature of all transactions made which correspond to the payments recorded and, where applicable, the number of copies printed and the number of copies sold.

Where monetary consideration remains owing to the artist after the contract is signed, the presenter shall, at intervals agreed upon by the parties of not more than one year, report to the artist, in writing, on the transactions and on the payments he has collected in respect of his work.

“54. The artist may, at his own expense and after he has notified the presenter in writing, cause to be examined by an expert of his own choosing any accounting entry in the presenter’s books which concerns him.

“55. The presenter shall keep up to date, at his principal establishment, a record in respect of the works by artists from the fields of arts and crafts and visual arts which are in his possession, but of which he is not the owner.

The record shall set out

(1) the name of the person who holds title to each work;

(2) a note permitting to identify the work;

(3) the nature of the contract pursuant to which the work is in the possession of the presenter.

The entries shall be kept in the record of the presenter for as long as he assumes responsibility for the works pursuant to a contract. An artist bound by contract to the presenter may consult the record at any time during the office hours of the administrative services.

“55.1. Every work subject to a contract and which is on premises leased by the presenter is presumed to be there temporarily in all cases where he is not the owner of the work.

“55.2. Subject to section 51, no person may waive application of any provision of this division.

“CHAPTER IV**“FUNCTIONS AND POWERS OF THE LABOUR TRIBUNAL”.**

27. Section 56 of the Act is amended by adding the following paragraph at the end:

“(3) to decide any other application relating to the application of sections 11.1 and 11.2, the second paragraph of section 24.2, section 26, the second paragraph of section 26.1, sections 30, 32 and 34, the second paragraph of section 37, sections 37.1, 38 to 40 and 42 and the second paragraph of section 45.”

28. The Act is amended by inserting the following sections after section 63:

“63.1 An application relating to the application of sections 11.1, 11.2 and 26, the second paragraph of section 26.1, sections 30, 32 and 34, the second paragraph of section 37 and sections 37.1, 38 to 40 and 42 must be filed with the Tribunal within 30 days of the alleged contravention coming to light.

In addition to the other powers conferred on it by the Act to establish the Administrative Labour Tribunal (chapter T-15.1), the Tribunal may render any decision it believes fair and reasonable, taking into account all the circumstances of the matter. It may, in particular, exercise the powers provided for in section 15 and in subparagraphs 1 to 5 of the first paragraph of section 111.33 of the Labour Code (chapter C-27), with the necessary modifications.

“63.2. A complaint referred to in the second paragraph of section 24.2 must be filed with the Tribunal within six months of the facts complained about coming to light.

If the Tribunal considers that the artists’ association has contravened the provisions of the first paragraph of that section, it may render any decision it believes fair and reasonable, taking into account all the circumstances of the matter. The Tribunal may, in particular, authorize the artist to submit his claim to an arbitrator appointed by the Minister for decision in the manner provided for in the group agreement, as in the case of a grievance. The second paragraph of section 35.1 applies. The artists’ association shall pay the artists’ costs.

The producer may not invoke the association’s non-observance of the procedure and time limits provided for in the group agreement for the settlement of grievances where a claim is referred to an arbitrator under the first paragraph.

“63.3. A complaint referred to in the second paragraph of section 45 must be filed with the Tribunal within two years of the last incidence of psychological harassment.

If the Tribunal considers that the artist has been a victim of psychological harassment and that the producer has failed to fulfil his obligations under section 43, it may render any decision it believes fair and reasonable, taking into account all the circumstances of the matter, including the discriminatory nature of the behaviour, such as

- (1) ordering the producer to reinstate the artist;
- (2) ordering the producer to pay the artist an indemnity up to a maximum equivalent to the remuneration or monetary consideration lost;
- (3) ordering the producer to take reasonable action to put a stop to the harassment;
- (4) ordering the producer to pay punitive and moral damages to the artist;
- (5) ordering the producer to pay the artist an indemnity for loss of income;
- (6) ordering the producer to pay for the psychological support needed by the artist for a reasonable period of time determined by the Tribunal; and
- (7) ordering the modification of the disciplinary record of the artist who is a victim of psychological harassment.

“63.4. Subparagraphs 2, 4 and 6 of the second paragraph of section 63.3 do not apply to a period during which the artist is suffering from an employment injury within the meaning of the Act respecting industrial accidents and occupational diseases (chapter A-3.001) that results from psychological harassment.

Where the Tribunal considers it probable that, pursuant to section 63.3, the psychological harassment entailed an employment injury for the artist, it must reserve its decision with regard to subparagraphs 2, 4 and 6 of the second paragraph of that section.”

29. The Act is amended by inserting the following chapter after section 68.4:

“CHAPTER IV.2

“REGULATIONS

“68.5. The Government may, by regulation, define the terms and expressions used in this Act or specify the definitions provided for therein.

“68.6. The Government may, by regulation, after consulting the recognized artists’ association and the recognized association of producers or, if there is no such association of producers, with the association of producers or the producers most representative of a sector, determine minimum conditions applicable to professional contracts entered into with artists, including the remuneration and employee benefits.

The conditions prescribed by such a regulation may vary with the artistic activities and types of production.”

30. Section 69 of the Act is amended by replacing “\$100 to \$1,000” by “\$250 to \$2,500”.

31. Section 70 of the Act is amended

(1) by replacing “\$50 to \$200” in paragraph 1 by “\$125 to \$625”;

(2) by replacing “\$500 to \$5,000” in paragraph 2 by “\$1,000 to \$10,000”;

(3) by replacing “\$2,500 to \$25,000” in paragraph 3 by “\$5,000 to \$50,000”.

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

“**71.** Every person who, in order to avoid payment of any amount owed to an artist, fails to record an entry prescribed in the first paragraph of section 53 or makes a false or inaccurate entry in the separate account is guilty of an offence and is liable to a fine of \$1,000 to \$10,000 and, for a subsequent offence, to a fine of \$2,000 to \$20,000.

“**71.1.** Every presenter who contravenes any provision of section 55 or whose record contains what he knows to be false or inaccurate information is guilty of an offence and is liable to a fine of \$1,000 to \$10,000 and, for a subsequent offence, to a fine of \$2,000 to \$20,000.”

MUNICIPAL POWERS ACT

33. 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”.

TAXATION ACT

34. Section 133.5 of the Taxation Act (chapter I-3) is amended by replacing “Act respecting the professional status and conditions of engagement of performing, recording and film artists” in the second paragraph by “Act respecting the professional status of artists in the visual arts, film, the recording arts, literature, arts and crafts and the performing arts”.

35. 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”.

36. Section 421.4.1 of the Act is amended by replacing both occurrences of “Act respecting the professional status and conditions of engagement of performing, recording and film artists” by “Act respecting the professional status of artists in the visual arts, film, the recording arts, literature, arts and crafts and the performing arts”.

37. 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”.

38. Section 1029.8.36.0.0.7 of the Act is amended by replacing all occurrences of “Act respecting the professional status and conditions of engagement of performing, recording and film artists” in the definition of “labour expenditure” by “Act respecting the professional status of artists in the visual arts, film, the recording arts, literature, arts and crafts and the performing arts”.

39. Section 1029.8.36.0.0.10 of the Act is amended by replacing all occurrences of “Act respecting the professional status and conditions of engagement of performing, recording and film artists” in the definition of “labour expenditure” by “Act respecting the professional status of artists in the visual arts, film, the recording arts, literature, arts and crafts and the performing arts”.

ACT RESPECTING LABOUR RELATIONS, VOCATIONAL TRAINING
AND WORKFORCE MANAGEMENT IN THE CONSTRUCTION
INDUSTRY

40. 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-32.1); or”.

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

41. Sections 30 to 36 and 38 to 42 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) become, respectively, sections 46 to 55.2 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 (chapter S-32.1), subject to the necessary changes in numbering and with the following modifications:

(1) strike out “drawn up in duplicate,” in the introductory clause of section 31;

(2) strike out “of a copy” in the second paragraph of section 32;

(3) replace “in accordance with section 31” in section 33 by “in accordance with section 32”;

(4) replace “sections 35 and 37” in section 42 by “section 35”.

42. The Act is repealed.

ACT TO ESTABLISH THE ADMINISTRATIVE LABOUR TRIBUNAL

43. Schedule I to the Act to establish the Administrative Labour Tribunal (chapter T-15.1) is amended

(1) by striking out paragraph 25;

(2) 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”.

TRANSITIONAL AND FINAL PROVISIONS

44. The Union des écrivaines et des écrivains québécois, the Regroupement des artistes en arts visuels du Québec, the Conseil des métiers d'art du Québec and the Association québécoise des auteurs dramatiques are deemed to be recognized artists' associations 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-32.1) in the negotiating sector corresponding to the field covered by their recognition under 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) on 2 June 2022.

For the purposes of subparagraph 2 of the first paragraph of section 14 and the second paragraph of section 20 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, the eventual fifth anniversary from the date of taking effect of the recognition of the artists' associations referred to in the first paragraph in the negotiating sectors also referred to in that paragraph is deemed to be on 3 June 2025.

45. The first paragraph of section 33 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 applies, for the purposes of the first renewal following the coming into force of this section of the group agreements concluded by the Association québécoise des auteurs dramatiques under the Act respecting the professional status and conditions of engagement of performing, recording and film artists, to the matters covered by the Act respecting the professional status of artists in the visual arts, arts and crafts and literature, and their contracts with promoters that may be introduced into the agreements to be renewed. Only those matters may be submitted to arbitration at the request of a single party, unless the parties subsequently consent to give jurisdiction to the arbitrator on other matters.

46. Unless the context indicates a different meaning, in any order, grievance, judicial proceeding, judgment, ordinance, contract, agreement, accord or other document, a reference to the Act respecting the professional status and conditions of engagement of performing, recording and film artists, to the Act respecting the professional status of artists in the visual arts, arts and crafts and literature, and their contracts with promoters or to a provision of those Acts is a reference to the Act respecting the professional status of artists in the visual arts, film, the recording arts, literature, arts and crafts and the performing arts or, as applicable, to the corresponding provision of the latter Act.

47. The Minister must, not later than 3 June 2027, 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.

48. This Act comes into force on 3 June 2022.