



# Vetting suppliers of labour to TV productions appropriately

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## How to use this guidance

Read the whole document for context or use the links to skip to the relevant section based on the tool you need to support a step on the production checklist:

Pre-production checklist steps	Tool
<ul style="list-style-type: none"> <li>Ask additional questions of potential suppliers about their labour practices</li> </ul>	<a href="#">Selecting suppliers</a>
<ul style="list-style-type: none"> <li>Carry out additional checks on any unknown suppliers</li> </ul>	<a href="#">Selecting suppliers</a>
<ul style="list-style-type: none"> <li>Communicate expectations to suppliers via email and/or in purchase orders</li> </ul>	<a href="#">Selecting suppliers</a>
<ul style="list-style-type: none"> <li>Request supplier questionnaire alongside risk assessments and method statements</li> </ul>	<a href="#">List of questions for productions to ask their suppliers after selection</a>
<ul style="list-style-type: none"> <li>Request information from venues about their practices in relation to ancillary workers</li> </ul>	<a href="#">List of questions for productions to ask venues</a>

If your production is linked to a member of the TV Industry Human Rights Forum (Sky, NBCU, BBC Studios or ITV), you can request additional advice and support to use the tools by contacting [Amelia.Knott@tvhumanrights.org](mailto:Amelia.Knott@tvhumanrights.org).

## **Introduction**

The toolkit outlines steps that productions can take in their own practices and in the vetting of their suppliers to ensure that decent working conditions are a feature of their content creation. It particularly includes factors to consider when engaging different types of ancillary workers, who are likely to be the least visible on production whilst also being among the lowest paid and in precarious employment arrangements.

## **Audience and Use**

This toolkit is aimed at those in productions who are responsible for the purchase of goods or services. A range of tools are available to support you through supplier selection, contract, and engagement to help ensure human rights risks are considered appropriately and workers are protected. The tools can be used together or individually as needed and should be used in conjunction with [Toolkit: Behaving well in supplier relationships](#).

# 1. Selecting suppliers

When productions are selecting suppliers, there are several ways that this may be done:

1. Referring to pre-approved lists (of broadcaster or of production company)
2. Using known suppliers from previous productions
3. Taking recommendations, e.g. from other suppliers
4. Short tender process – asking more than one supplier to provide a quote and selecting the supplier that best matches requirements and budget

In practice, checks are often carried out on suppliers after they have been selected but, where possible, it is strongly recommended that checks should take place before selection.

## Using pre-approved lists

Being pre-approved should be the most comprehensive process for suppliers to complete, requiring the most proof of good practices and it is the responsibility of procurement teams adding such suppliers to pre-approved lists to undertake this. However, it is not always the case that such pre-approval will have taken ethical practices, such as good attention to labour rights and worker welfare, into account. Productions should not assume that a supplier on a pre-approved list will have good practices in place.

### Steps for productions to take:

1. Make sure that suppliers on pre-approved lists have been assessed for labour practices by asking the procurement team responsible what criteria they have factored in and checking with any in-house subject matter experts
2. Refer them to the Procurement pathway on [www.tvhumanrights.org](http://www.tvhumanrights.org) if they are unsure how to do this
3. If labour practices have not been incorporated, ask [additional questions](#) when engaging suppliers

## Using known suppliers from previous productions

Productions often use known and trusted suppliers that they have worked with previously, which can be a good way to mitigate against rogue operators. Given that a focus on worker welfare and good labour practices is a relatively new priority in the sector, it may still be appropriate to take steps prior to engagement.

### Steps for productions to take:

1. Reinforce [expectations](#) around labour practices and make clear any new requirements
2. Ask [additional questions](#) of suppliers

## Taking recommendations from other suppliers

It is common for productions to engage suppliers at the recommendation of others, for example, the set designer may have a set of preferred suppliers or the unit manager may work regularly with the same group of subcontractors. This can be a quick way of identifying known and trusted suppliers. However, it is still important to ensure that they will work to acceptable labour standards.

### Steps for productions to take:

1. Reinforce **expectations** around labour practices
2. Ask **additional questions** of potential suppliers

## Short tender process

It is usual to look for the supplier that can meet a production's requirements at the lowest cost. However, a rogue operator may meet these criteria while failing to pay its workers adequately or employing them illegally. It is therefore important to ensure that the tender process goes beyond price and service, factoring in how workers are treated.

### Steps for productions to take:

1. When requesting a quote, ask [additional questions](#) of potential suppliers
2. Carry out [additional checks](#) on unknown industry suppliers to avoid rogue operators

## Expectations, questions and additional checks

### Example set of expectations of suppliers to include in emails or purchase orders

1. We expect all our suppliers to ensure good and legal labour practices and support worker wellbeing on our productions
2. We support the BFI's approach to Dignity at Work
3. We expect all workers to be appropriately and legally categorised by suppliers
4. We expect all suppliers to ensure adequate breaks and rests between shifts for those working for them
5. We reserve the right to conduct checks of any worker on set

### Additional questions of potential suppliers could include:

1. Please provide a breakdown of costs that includes leasing of equipment, wage costs and other costs
2. How and from where do you find your workers and how do you employ them (e.g. directly, via an agency, on zero hours contracts, requiring them to be self-employed)?
3. What are the [top three] risks to workers in terms of their health, safety and wellbeing in the supply of your services to this production?
4. What steps will you take to address these risks before production starts and while production is ongoing?
5. What training and support do you provide to workers?
6. How would you expect workers to raise concerns about risks to themselves or others in their work for you on our production?
7. What expectations do you have of the production in supporting your approach?

### Additional checks on unknown industry suppliers to avoid rogue operators, could include:

1. Following up references from other productions
2. Checking whether a wage bill is reasonable or not
3. Speaking directly to the supplier to understand how and from where they find their workers and how they employ them
4. Checking websites such as Glassdoor (for employee reviews), Twitter (for issues raised) and Companies House (for Directors linked to multiple companies or for worrying financial records) to check for any potential issues or red flags
5. Requiring evidence that workers will not be paid in cash
6. Checking any licences held by the company

## 2a. List of questions for productions to ask their suppliers after selection

These questions can be asked alongside the risk assessment and/or method statements provided by industry suppliers. The answers should be provided in advance of workers being on set (a [question set without guidance](#) is available to send to suppliers).

Questions on worker welfare	Answers by suppliers		Guidance for productions
For the workers you are supplying as part of your contract, detail for each category how many will be salaried FTE employees, on zero hours contracts, self-employed or sourced through an agency (NB we recognise personnel may change at late notice)	Salaried employees		Less vulnerable as have full employment rights
	Zero hours contracts		More vulnerable but have some employment rights
	Self-employed workers		Most vulnerable as have fewest employment rights
	Agency workers		More vulnerable but have some employment rights
What hourly or daily wage will your lowest paid worker receive?	Hour/day		Minimum and living wage rates: <a href="https://www.livingwage.org.uk/what-real-living-wage">https://www.livingwage.org.uk/what-real-living-wage</a>
How are workers paid (e.g. cash, PAYE, bank transfer, etc)?			Cash can be a potential indicator of illegal arrangements
What equipment and subsistence arrangements will you provide for workers (e.g. transport, food, accommodation, clothing, PPE etc)? Please confirm whether workers are charged for any of these.			Any charges made to workers should not result in them being paid below minimum wage Charges for PPE or any equipment essential to do the job should be queried to ensure it is reasonable and does not compromise safety
What are workers expected to provide for themselves (e.g. transport, food, accommodation, clothing, PPE etc)?			Such expectations should be reasonable, not take workers below the minimum wage and not compromise safety
Will all workers receive a contract setting out the terms and conditions of their employment?	Yes/Some/No		Any worker who is salaried, on fixed-term contracts or zero hours contracts is required by law to have a contract for employment setting out their terms and conditions. This includes workers contracted to agencies. It's good practice for all to have contracts.
Provide details of shift lengths, breaks during shifts and rests between shifts	Shift lengths (e.g. 4-12 hours)		Shifts longer than 12 hours are potentially problematic

	Breaks during shifts (e.g. 1 of 20 mins every 6 hours)		Workers have the right to one uninterrupted 20-minute rest break during their working day, if they work more than 6 hours a day. The break doesn't have to be paid.
	Minimum rest between shifts (including travel time)		Workers have the right to 11 hours rest between working days, eg if they finish work at 8pm, they shouldn't start work again until 7am the next day. There should be adequate time for workers to eat and sleep between shifts
	Minimum rest between shifts (excluding travel time)		
Give details of how you will be monitoring shift lengths, breaks and rests during the course of the production for all workers			Suppliers should be ensuring workers have adequate rest, particularly if they will be undertaking any hazardous work
Do you track travel time for workers? If yes, provide details of how you do this and state whether workers are paid for travel time.			Travel time can add significantly to a shift; workers may require accommodation if travel time is long
Will any of these workers be required to opt out of working time regulations? If yes, please give details			Working time regulations state that individuals cannot work more than 48 hours a week on average (normally averaged over 17 weeks) unless they have voluntarily chosen to opt out in writing. A person cannot be sacked or treated unfairly for refusing to opt out.
How do you generally find and recruit workers (e.g. online advertising, recommendations from existing workers, via agencies etc)?			Agencies are higher risk; anyone supplying groups of workers may also be acting as an illegal gangmaster
Describe the process for workers to raise any concerns about their working conditions			Mechanisms should be clearly communicated, accessible to workers and with a process for responding to concerns raise
Provide details of any policies, processes or professional accreditations relevant to worker welfare and not already mentioned			Opportunity to identify suppliers going above and beyond minimum requirements to support their workers and recognise their good practices
Provide any further information on how you ensure the welfare of those who will be working on this TV production			

## Assessing the responses

The purpose of asking these questions is to identify workers who are potentially the most vulnerable on a production and to understand whether there are any problematic or abusive labour practices that could impact on health, safety or worker welfare.

The guidance provided for productions should give an indication of whether workers are particularly vulnerable based on:

1. Employment type
2. Wage level
3. Expected working hours and shift patterns

Some roles, particularly for ancillary workers, are likely to be in the most vulnerable categories for all three. The subsequent questions will indicate whether the supplier has put any mitigations in place to support such workers and ensure their safety.

Be alert to any indications of illegal practices. Relevant legal requirements include:

- Any worker who is salaried, on fixed-term contracts or zero hours contracts is required by law to have a contract for employment setting out their terms and conditions. This includes workers contracted to agencies.
- Any agency workers working for 12 weeks continuously or longer on a production should get the same terms and conditions as permanent employees of the industry supplier that has engaged them, including pay, working time, rest periods, night work, breaks and annual leave.
- Working time regulations state that individuals cannot work more than 48 hrs a week on average (normally averaged over 17 weeks) unless they have voluntarily chosen to opt out in writing. A person cannot be sacked or treated unfairly for refusing to opt out.
- Workers in the road transport industry, e.g. delivery drivers (except for drivers of vehicles under 3.5 tonnes) cannot opt out of the 48-hour week.
- Anyone under 18 cannot work more than 8 hrs a day or 40 hrs a week.
- Workers have the right to 11 hrs rest between working days, e.g. if they finish work at 8pm, they shouldn't start work again until 7am the next day.
- Workers have the right to either an uninterrupted 24 hrs without any work each week or an uninterrupted 48 hrs without any work each fortnight.
- A worker's employment contract may say they're entitled to more or different rights to breaks from work.

These legal requirements have been set as minimum standards for worker welfare. Workers who are self-employed have fewer legal protections over their rights and many of these standards do not apply. It may therefore be legal for industry suppliers who use self-employed workers not to meet these minimum standards. However, that is likely to have knock-on impacts for health, safety and worker welfare and could be deemed problematic labour practices.

## Additional checks on unknown industry suppliers to avoid rogue operators

There is a possibility of productions using 'rogue operators' – those which undercut other suppliers through unscrupulous recruitment and employment of workers. Examples include:

- paying cash in hand to avoid taxes and employment regulations
- illegally requiring workers to be self-employed
- not meeting legal requirements in order to save costs
- not having the right licences in place
- using licensing exemptions incorrectly

### Additional checks on unknown suppliers

There are some additional checks that productions can do on unknown suppliers in order to check that they operating legally.

- Follow up references from other productions – request references from other productions or, if not available, from reputable companies in other sectors and contact them to find out about their experiences of working with this supplier
- Check whether a wage bill is reasonable or not and be wary of prices that seem too low – one tool for doing this is provided by the Gangmaster and Labour Abuse Authority, which gives charge rate guidance to help understand the costs to expect of workers: <https://www.gla.gov.uk/i-am-a/i-supply-workers/do-i-need-a-glaa-licence/what-should-i-charge-for-my-workers/>
- Speak directly to the supplier to understand how and from where they find their workers and how they employ them – get a sense of their willingness to share information and their sensitivity towards worker welfare
- Check websites such as Glassdoor (for employee reviews), Twitter (for issues raised) and Companies House (for Directors linked to multiple companies or for worrying financial records) to check for any potential issues or red flags
- Require evidence that workers will not be paid in cash
- Check any licences held by the company



## 2b. Question set for suppliers

Questions on worker welfare	Answers by suppliers	
For the workers you are supplying as part of your contract, detail for each category how many will be salaried FTE employees, on zero hours contracts, self-employed or sourced through an agency (NB we recognise personnel may change at late notice)	Salaried employees	
	Zero hours contracts	
	Self-employed workers	
	Agency workers	
What hourly or daily wage will your lowest paid worker receive?	Hour/day	
How are workers paid (e.g. cash, PAYE, bank transfer, etc)?		
What equipment and subsistence arrangements will you provide for workers (e.g. transport, food, accommodation, clothing, PPE etc)? Please confirm whether workers are charged for any of these.		
What are workers expected to provide for themselves (e.g. transport, food, accommodation, clothing, PPE etc)?		
Will all workers receive a contract setting out the terms and conditions of their employment?	Yes/Some/No	
Provide details of shift lengths, breaks during shifts and rests between shifts	Shift lengths (e.g. 4-12 hours)	
	Breaks during shifts (e.g. 1 of 20 mins every 6 hours)	
	Minimum rest between shifts (including travel time)	
	Minimum rest between shifts (excluding travel time)	
Give details of how you will be monitoring shift lengths, breaks and rests during the course of the production for all workers		
Do you track travel time for workers? If yes, provide details of how you do this and state whether workers are paid for travel time.		
Will any of these workers be required to opt out of working time regulations? If yes, give details		
How do you generally find and recruit workers (e.g. online advertising, recommendations from existing workers, via agencies etc)?		
Describe the process for workers to raise any concerns about their working conditions		
Provide details of any policies, processes or professional accreditations relevant to worker welfare and not already mentioned		
Provide any further information on how you ensure the welfare of those who will be working on this TV production		

### 3a. List of questions for productions to ask venues

Sometimes productions take place at venues where cleaning, security and other ancillary work is provided by the venue as part of the hiring arrangements. It is important to ask these venues questions about their recruitment and employment practices, even though the production is not legally responsible for the workers.

Preamble: We are committed to ensuring that all those involved with and impacted by our TV productions have their human rights respected. This includes all those individuals who carry out support services at venues where we film, such as cleaning, security, catering, laundry and waste management.

Questions on worker welfare	Answers by suppliers		Guidance for productions
1. For those who will be providing support services as a result of our involvement with your venue, please can you tell us which workers fall into which categories	Salaried employees	<i>e.g. catering</i>	Less vulnerable as have full employment rights
	Zero hours contracts	<i>e.g. cleaning</i>	More vulnerable but have some employment rights
	Temporary or agency workers	<i>e.g. additional cleaning</i>	More vulnerable but have some employment rights
	Self-employed workers	<i>e.g. security</i>	Most vulnerable as have fewest employment rights
	Sub-contracted workers	<i>e.g. laundry</i>	May have less oversight on the employment conditions of these workers
2. Do you use any agencies or individual recruiters to recruit workers?	Yes / No / Don't know		Direct recruitment usually reduces the risk that exploited individuals are placed into legitimate employment
3. What due diligence checks do you conduct on the recruitment agencies you use?	<i>e.g. Reference checks, questionnaires, audits, personnel checks of agency staff</i>		Severe exploitation can occur through recruitment practices and venues should ensure they carry out thorough checks on agencies. This goes beyond ensuring they are 'reputable' and that they carry out right to work checks. If due diligence appears to be inadequate, productions may need to carry out additional work to reassure themselves about the situation of these workers.
4. Are any of the workers who will be providing support services as a result of our involvement with your venue paid below the Living Wage as calculated by the <a href="https://www.livingwage.org.uk/">Living Wage Foundation</a> ?	Yes / No / Don't know		It is against the law for salaried, zero hours, temp or agency workers to be paid below the minimum wage. It is good practice to pay at least the real living wage.  Minimum and living wage rates: <a href="https://www.livingwage.org.uk/what-real-living-wage">https://www.livingwage.org.uk/what-real-living-wage</a>

5. If you answered yes or don't know to Q4, please give details as to which workers your answer affects		It is good practice for venues to know whether subcontracted or agency workers are paid at least real living wage rates.
6. Of the workers identified in Q1, how many have a written contract setting out their terms and conditions?	All / Most / Some / None / Don't know	Any worker who is salaried, on fixed-term contracts or zero hours contracts is required by law to have a contract for employment setting out their terms and conditions. This includes workers contracted to agencies.
7. If using any subcontracted services, what due diligence do you carry out on those subcontractors in relation to their labour practices?	<i>e.g. self-assessment questionnaires, audits, management systems reviews, supplier engagement etc</i>	Human rights and labour rights risks cannot be outsourced. Venues have a responsibility to conduct human rights due diligence on suppliers to reassure themselves that those working on their behalf are not experiencing exploitation.
8. What processes are in place for workers to raise concerns about the working conditions of themselves or others? Please describe	<i>e.g. whistleblowing line, staff surveys, designated welfare contacts etc</i>	There should be opportunities for all workers to raise concerns
9. Do you have any policies on modern slavery, worker welfare, labour sourcing or recruitment practices?		The existence of a policy demonstrates some awareness of relevant issues and may include commitments to good practice
10. Do you provide any training to workers to identify and report suspicious instances that might be indicators of human trafficking and exploitation?	Yes / No / Don't know	It is good practice to provide training
11. If you answered yes to Q10, who receives this training?		Good practice would be for permanent staff and managers to receive training that would enable them to spot issues among temporary, agency or subcontracted staff.
12. Has your company signed up to any member organisation and/or initiative fighting against human trafficking and exploitation in your country of operation? If your answer is yes, please specify.		This would provide additional evidence of awareness and commitment to address issues.