



Examples of potential human rights and environmental risks in TV productions with reference to the German Supply Chain Due Diligence Act

Issue area	Human rights and environmental risks in the German Supply Chain Due Diligence Act	Ways that this could occur on a TV production	Possible mitigations
Child labour and child slavery	1. the prohibition of the employment of a child below the age at which compulsory schooling ends under the law of the place of employment, provided that the age of employment shall not be less than 15 years	<ul style="list-style-type: none"> Child actors where other human rights are impacted (e.g. education, health etc) A production or broadcast uses a local child as a runner 	<ul style="list-style-type: none"> Child safeguarding practices
	2. the prohibition of the worst forms of child labour for children under 18 years of age; this includes:		
	a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and servitude, and forced or compulsory labour, including the forced or compulsory recruitment of children for use in armed conflict,	<ul style="list-style-type: none"> Child slavery in supply chains for clothing, manufactured goods, related merchandise, supplies for art department, e.g. goods purchased from websites such as Amazon 	<ul style="list-style-type: none"> Mapping supply chains Responsible sourcing policy Responsible buying guidelines for procurement team
	b) Attracting, procuring or offering a child for prostitution, for the production of pornography or for pornographic performances,	<ul style="list-style-type: none"> Illegal behaviour by those working on a TV production 	<ul style="list-style-type: none"> Zero tolerance Reporting mechanisms Child safeguarding practices
	c) Attracting, procuring or offering a child to engage in illicit activities, in particular the production of or trafficking in drugs	<ul style="list-style-type: none"> Inappropriate culture on set 	
d) Work which, by its nature or the circumstances in which it is carried out, is likely to be harmful to the health, safety or morals of children;	<ul style="list-style-type: none"> Inappropriate culture on set Poor health and safety on set Involvement of child actors in explicit scenes 		

Forced labour and slavery	3. the prohibition of the employment of persons in forced labour, which shall include any work or service which is exacted from a person under the menace of punishment and for which he has not offered himself voluntarily, for example as a result of debt bondage or trafficking.	<ul style="list-style-type: none"> • Supply chains for clothing, manufactured goods, related merchandise, supplies for art department • Risk around trade fairs and award shows (e.g. MIPCOM, Cannes), where there are indirect suppliers 	<ul style="list-style-type: none"> • Mapping supply chains • Responsible sourcing policy • Responsible buying guidelines for procurement team – note what certifications are best, identify key risk products etc • Remedy policies and response protocols – including how to look after workers if a bad factory or practice is found, rather than dropping the supplier
	4. The prohibition of all forms of slavery, slave-like practices, servitude or other forms of domination or oppression in the workplace environment, such as extreme economic or sexual exploitation and humiliation;	<ul style="list-style-type: none"> • Extreme sexual humiliation – filming intimate scenes • Treatment of intimate scenes during post-production • Online hate and social media trolling associated with a production • Toxic workplace where people feel coerced by others to work in ways that are unsafe, humiliating etc 	<ul style="list-style-type: none"> • Holistic safeguards, including safeguarding policies throughout production and post production • Intimacy coordinators • Support to deal with online abuse • Establishing the right culture on set to ensure there are no situations where there is sexual or economic exploitation or humiliation • Reporting mechanisms • Duty of care practices
Health and safety	5. the prohibition of disregarding the occupational health and safety obligations applicable under the law of the place of employment if this gives rise to the risk of accidents at work or work-related health hazards, in particular due to:		
	a) Obviously insufficient safety standards in the provision and maintenance of the workplace, the workplace and the work equipment,	<ul style="list-style-type: none"> • Poor safety on set • Unsafe equipment • Disregard for safety processes • Gun/explosives safety (e.g. Rust) • Risk of safety standards slipping as time becomes more constrained or with unqualified or unprepared workers having to perform tasks they are not usually be expected to perform 	<ul style="list-style-type: none"> • Risk assessments • Duty of care practices • Reporting mechanisms <p>NB. Serious EHS violations are likely to be dealt with under existing EHS legislation, not under this new Act</p>

	b) the absence of appropriate protective measures to avoid exposure to chemical, physical or biological agents,	<ul style="list-style-type: none"> Filming takes place in location where there is asbestos risk Chemical agents used in special effects are inappropriately stored or cause reactions when used Toxic paint or other hazardous materials are used in set construction 	<ul style="list-style-type: none"> Risk assessments Clear briefing given to location scout(s) that addresses these risks
	c) the absence of measures to prevent excessive physical and mental fatigue, in particular through inappropriate work organisation in terms of working hours and rest breaks, or	<ul style="list-style-type: none"> Excessive working hours Inadequate rest breaks – leading to excessive physical and mental fatigue Basic working day set at 11 hours with an expectation of further overtime End of shoot, rush to finalise – ‘grab anyone to hand’ Long days common in some sporting contexts, e.g. test cricket 	<ul style="list-style-type: none"> Advance planning; Time off as part of the rota and working days monitored Travel time taken into account Reporting mechanisms Mental health support Duty of care practices
	d) the inadequate training and instruction of workers;	<ul style="list-style-type: none"> Accident as a result of inexperienced or insufficient workers used for hazardous tasks (e.g. rigging, moving heavy equipment, driving vehicles) Risks increased by time constraints and excessive cost pressures 	<ul style="list-style-type: none"> Appropriate training
Freedom of association	<p>6. the prohibition of disregarding the freedom of association, according to the</p> <p>a) workers are free to form or join trade unions,</p> <p>b) the formation, joining and membership of a trade union must not be used as a reason for unjustified discrimination or reprisals,</p> <p>c) trade unions may operate freely and in accordance with the law of the place of employment, which includes the right to strike and the right to collective bargaining;</p>	<ul style="list-style-type: none"> Unionised part of crew or unionised ancillary workers suffer retaliation or blacklisting for asking for improvements to their working conditions Worker who leverages the Collective Bargaining Agreement to make improvements is blacklisted by industry Disagreement around interpretation of provisions where a production company does not fully recognise a specific Union collective agreement A production chooses to work with companies that are not unionised 	<ul style="list-style-type: none"> Clear policy that supports freedom of association Recognition of Collective Bargaining Agreement or the spirit of it in agreements and contracts Engagement of Heads of Production in topics so that they are aware of what is involved Communication to all involved on their rights and ways of reporting Grievance mechanisms to ensure alternative comms channels

Discrimination and unequal treatment	7. the prohibition of unequal treatment in employment, for example on the grounds of national and ethnic origin, social origin, health status, disability, sexual orientation, age, gender, political opinion, religion or belief, unless this is justified by the requirements of the employment; unequal treatment includes in particular the payment of unequal remuneration for work of equal value;	<ul style="list-style-type: none"> • Discriminatory practices against talent, crew, ancillary workers 	<ul style="list-style-type: none"> • Commitment and policy • Reporting mechanisms • Transparent budgeting
Wages	8. the prohibition of withholding a reasonable wage; the reasonable wage shall be at least the minimum wage determined by the applicable law and shall otherwise be determined by the law of the place of employment	<ul style="list-style-type: none"> • Excessive working hours mean that someone on a low salary or fixed payment dips below minimum wage • Interns or those on work experience end up without a reasonable wage for work carried out 	<ul style="list-style-type: none"> • Living wage commitments • Overtime policy in place • Collect detail on ancillary roles and employment type
Pollution	9. the prohibition of causing harmful soil contamination, water pollution, air pollution, harmful noise emission or excessive water consumption, which <ul style="list-style-type: none"> a) significantly impairs the natural basis for the preservation and production of food, b) denies a person access to safe drinking water, c) impedes or destroys a person's access to sanitary facilities; or d) harms the health of a person; 	<ul style="list-style-type: none"> • Sewage leaks from portaloos or paint run-off contaminate soil and waterways near to farmland • Waste materials not properly disposed of causing pollution to air/soil/water near to farmland or drinking sources • Excessive vehicles or poor traffic management contribute to air pollution • Production involves excessively loud noise that affects those on set (including audiences) or nearby • Production uses significant amount of water in a water stressed area • Environmental issues associated with materials used for merchandising 	<ul style="list-style-type: none"> • Risk assessments • Minimum standards • PPE for noise emissions and cladding for studios • Strict curfews • Re-using water so not wasted • Particular care with paint disposal
Land rights	10. the prohibition of unlawful eviction and the prohibition of unlawful deprivation of land, forests and waters in the acquisition, development or other use of land, forests and waters, the use of which secures the livelihood of a person;	<ul style="list-style-type: none"> • Temporary use of land for filming or set construction that deprives others of using land that they need for their livelihood (physical or economic displacement); destruction of land, forest or waterways in the course of filming 	<ul style="list-style-type: none"> • Briefing of location scout(s) to include an understanding of current land use (including seasonal land use)

Security	<p>11. prohibiting the use of private or public security personnel for the protection of the company's project if, due to a lack of instruction or control on the part of the company in the use of the security personnel</p> <p>a) the prohibition of torture and cruel, inhuman or degrading treatment is disregarded,</p> <p>b) life or limb is injured or</p> <p>c) the freedom of association and the freedom to organise are impaired;</p>	<ul style="list-style-type: none"> • Inexperienced or poorly trained security guards may overreact to situations and use excessive force; guards may use lethal weapons if they are carrying them • Security risks of a location may be overlooked where security companies are not involved at outset of a production 	<ul style="list-style-type: none"> • Requiring private security providers to be (working towards being) ICOCA signatories • Setting minimum standards in terms of licences, qualifications and training for private security personnel • Support unionised security guards • Other security practices and controls • Resist tendency to put 'creatives' first • Strong communications – 'contact, contact, contact'
<p>the prohibition of an act or omission in breach of duty which goes beyond numbers 1 to 11 and which is directly capable of impairing a protected legal position in a particularly serious manner and the unlawfulness of which is obvious on a reasonable assessment of all the circumstances in question.</p>			
Mercury	<p>12. the prohibition of the production of products contaminated with mercury in accordance with Article 4(1) and Annex A Part I of the Minamata Convention on Mercury of 10 October 2013 (Federal Law Gazette 2017 II pp. 610, 611) (Minamata Convention);</p> <p>13. the prohibition of the use of mercury and mercury compounds in manufacturing processes as defined in Article 5(2) and Annex B, Part I of the Minamata Convention from the phase-out date specified in the agreement for the respective products and processes;</p> <p>14. the prohibition of the treatment of mercury waste contrary to the provisions of Article 11(3) of the Minamata Convention;</p>		
Chemicals	<p>15. the prohibition of the production and use of chemicals in accordance with Article 3(1)(a) and Annex A of the Stockholm Convention of 23 May 2001 on Persistent Organic Pollutants (BGBl. 2002 II p. 803, 804) (POPs Convention)</p>		

Waste management	16. the prohibition of non-environmentally sound handling, collection, storage and disposal of waste in accordance with the rules applicable in the applicable jurisdiction under the provisions of Article 6(1)(d)(i) and (ii) of the POPs Convention;	<ul style="list-style-type: none"> • Set disposal at the end of a production, carried out by what are now called ‘Set recycling companies’. • Risk in shorter productions (e.g., ad production) where lack of time may lead to lack of care on small scale disposal 	<ul style="list-style-type: none"> • Due diligence on these companies to understand their processes. • Risk assessment and pre-planning
Hazardous waste import and export	17. the prohibition of exports of hazardous waste within the meaning of Article 1(1) and other waste within the meaning of Article 1(2) of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal of 22 March 1989		
	18. the prohibition of exports of hazardous waste from countries listed in Annex VII to the Basel Convention to countries not listed in Annex VII (Article 4A of the Basel Convention, Article 36 of Regulation (EC) No 1013/2006), and 19. the prohibition of the import of hazardous waste and other waste from a non-Party to the Basel Convention (Article 4(5) of the Basel Convention).		