



Supporting ancillary workers directly

Version 1.0

Last updated: March 2022

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:

Production checklist steps	Tool
<ul style="list-style-type: none"> Provide information to self-employed ancillary workers about their rights via posters, emails or other relevant communications channels 	Self-employed workers
<ul style="list-style-type: none"> Conduct checks on a sample of ancillary workers, using question guide provided 	How to have conversations about employment conditions Checks on workers during production
<ul style="list-style-type: none"> Check that risk assessment mitigations on worker welfare have been implemented 	Checks on workers during production
<ul style="list-style-type: none"> Compare ancillary worker response with original supplier answers 	Checks on workers during production

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.

Introduction

Central to an approach that puts human rights at its heart is meaningful engagement with those who may be negatively impacted in order to understand their experiences and to check that due diligence has been effective. These tools aim to support that engagement with ancillary workers, who are sometimes overlooked on TV productions, whilst also being among the lowest paid and in precarious employment.

Audience and Use

This toolkit is aimed at those in productions who are responsible for relationships with service providers and/or with responsibility for worker welfare on set. This toolkit should be used in conjunction with [Toolkit: Getting the culture right](#), which details ways of setting up grievance and communication channels. It should also be used in conjunction with [Toolkit: Vetting suppliers appropriately](#) which includes a questionnaire to ask suppliers about their labour arrangements. The tools here help to act as a check on the responses provided by suppliers.

1. Information for self-employed workers

Many ancillary workers providing support to TV productions are self-employed. Sometimes this is through choice and sometimes it is a requirement for working through a particular company. Being self-employed comes with far fewer labour rights protections. For example, someone who is self-employed is not entitled to receive the minimum wage or holiday pay.

Ancillary workers also tend to be among the lowest paid on TV productions and may not have access to accountancy support to ensure that they are correctly set up as self-employed. If they are not paying national insurance contributions correctly, they may find their access to a state pension or statutory sick pay is affected. If they are not correctly declaring and paying taxes, they may find themselves faced with a large and unaffordable bill at a later date.

Ancillary workers who are self-employed are often afraid to report issues and concerns to productions because of the precarious nature of their roles. Some do not know what basic rights they are entitled to and what minimum standards in terms of working conditions they should be able to expect.

Productions can support ancillary workers by making sure they know how to access information and support if they are self-employed and by getting the culture right (see [Toolkit: Getting the culture right](#)).

Where to access information and support for self-employed ancillary workers

- The TV Industry Human Rights Forum provides summary information about self-employment on a dedicated webpage: www.tvhumanrights.org/self-employed-workers
- Just Good Work - <https://justgood.work/> - is a free interactive mobile app, giving jobseekers and workers critical information and advice for everything needed on the journey to work, from recruitment, to employment and life in a new destination, to moving on or returning home. The app signposts additional information on self-employment.

2. How to have a conversation about employment conditions

Having conversations with people about their employment conditions can appear daunting but it is very important to talk directly with those who may be experiencing problematic labour practices in order to understand their experiences.

If a TV production runs for a week or more, there is an opportunity to build a relationship with ancillary workers by chatting whenever the opportunity presents and getting to know them as colleagues on a production. This can help to build trust and make individuals more likely to share concerns.

Tip: Chat about weekend plans, hobbies and holidays. Someone experiencing severe exploitation may not be able to hold a 'normal' conversation on these themes.

Where time is more limited and it is harder to spend time building rapport first, it can be easier to have a script with questions, supported by a clear rationale for asking them.

Example introduction

- Hello, my name is xxx and I work for xxx [production company / broadcaster etc].
- Part of my role is to make sure there are no welfare issues that we're missing.
- I want to check in to see how everything is going and how you're finding the work.
- May I have a few minutes of your time to answer some questions?

Questions

1. Can you tell me how you found this role (e.g. word of mouth, online, through agency etc)?
2. Did you have to pay any fees for the job?
3. Are you a salaried FTE, on zero hours, self-employed or from an agency?
4. Which organisation pays you (org/agency)?
5. [If self-employed] Have you had any guidance on setting yourself up as self-employed?
6. How long have you worked for org/agency?
7. Can you remember what checks they did before you started (documents, references etc)?
8. How long have you worked here at [this production/venue]?
9. Do you have a contract outlining the terms of your employment? If yes, have you signed it?
10. What are your expected shift lengths?
11. What breaks can you take during your shift?
12. How much time do you take between shifts?
13. Are you working elsewhere between shifts? If yes, what sort of hours?
14. How often are you paid (e.g. weekly, fortnightly, monthly, on job completion)?
15. How are you paid (e.g. cash, PAYE, bank transfer on submission of invoice etc)?
16. Can you tell me your daily or hourly wage? If not, can you confirm whether you are paid above the Living Wage (as determined by the Living Wage Foundation)?
17. Have you had to incur any costs for this role, e.g. accommodation, clothing, PPE, transport?
18. Do you have to travel far for this work? Tell me how you got to work today.
19. If you had any concerns about your working conditions (e.g. safety, shift lengths, inadequate breaks, lower pay than expected), what would you do?
20. Tell me about your experiences working here – do you enjoy the role? How does it compare to other jobs you've had?
21. Are there any issues you'd like to raise now in terms of your working conditions?

Issues to listen out for

- Recruitment fees or other forms of payment to secure the job
- Zero hours contracts and the experience of those on them
- Self-employment and the experience of those working in this way
- Working on site for a long time (e.g. more than 6 months) but through agency employment
- Different treatment of agency staff vs direct employees
- Minimum wage or below or no payment of overtime premiums
- Having to do overtime to make ends meet
- Frequent/regular overtime
- Excessive working hours
- Reluctance to talk about details; no real idea of where to raise concerns

Observations that could be signs of extreme exploitation

A person experiencing extreme exploitation can be hard to identify but there are some signs that should raise red flags.

- Signs of physical or psychological abuse, looking malnourished or unkempt, anxious/agitated or appearing withdrawn and neglected.
- A person with untreated injuries
- Worker looks very tired (indicator of long working hours)
- A person carrying out work wearing inappropriate clothing – such as construction with no gloves or hard hats, security with thin clothing in cold weather or cleaning without protective garments such as aprons or gloves
- A person who appears to have poor personal hygiene or dirty clothing
- A person who seems fearful and unable to hold eye contact
- A person exhibiting nervousness or anxiety when asked about their home life or family
- A person who appears in thrall to someone else who is controlling them

Sometimes it is a gut feeling that something may be wrong.

3. Checks on workers during production

A member of the production team should take responsibility for speaking to each person working through a subcontractor (e.g. as part of induction to site) to find out whether the information about worker welfare given by the supplier in questionnaires (see [Toolkit: Vetting suppliers appropriately](#)) and on risk assessments matches actual practices.

Question	Answer	Further investigation may be required if:
Have you received a contract?		<i>Answer is no</i>
Are you a salaried FTE, on zero hours, self-employed or from an agency?		<i>There are indications that any self-employed workers may be illegally categorised as such</i>
What is your daily or hourly wage?		<i>Wage is below lowest amount declared by supplier</i>
How are you paid (e.g. cash, PAYE, bank transfer on submission of invoice etc)?		<i>Answer is cash or if payment type does not match employment type</i>
Have you had to incur any costs for this role? (e.g. recruitment fee, accommodation, clothing, PPE, food, transport)		<i>Answer is yes and the costs are not reasonable, take the worker below minimum wage or could compromise safety</i>
What are your expected shift lengths?		<i>Shifts are longer than those stated by supplier or worker does not know</i>
What breaks are you expecting during your shift?		<i>Breaks are fewer than those stated by supplier or worker does not know what breaks they are entitled to</i>
How much time off will you have between shifts?		<i>Time is less than that stated by supplier</i>
What is your total travel time either side of your shifts?		<i>Total amount exceeds 2 hours</i>
Are you paid for your travel time?		<i>Answer is different to that given by the supplier</i>
Have you voluntarily opted out of working time regulations in writing?		<i>Answer is no but working hours are longer than 48 per week</i>
Are you working elsewhere in between shifts? If yes, please give details of hours		<i>Answer is yes and total hours exceed 12 per day or, once travel time is included, there is insufficient time to eat and sleep between shifts</i>
How did you get this job (e.g. word of mouth, through agency, etc)?		<i>Answer is vague</i>
If you had any concerns about your working conditions (e.g. safety, shift lengths, inadequate breaks etc), what would you do?		<i>Answer is different to that given by the supplier</i>
Are there any issues you'd like to raise now in terms of your actual or expected working conditions on this production (assure confidentiality)		<i>Problems raised</i>

Next steps

1. Follow up with suppliers where discrepancies exist and require them to provide an explanation
2. Escalate any issues that have potentially serious ramifications, e.g. impacts on safety, indications of illegal self-employment, indications of problematic or abusive labour practices

Maintain a focus on the best interests of workers, ensuring that any actions you take do not:

- Result in retaliation against the worker(s) that flagged the issues
- End up in workers being in a worse situation