

# TV INDUSTRY HUMAN RIGHTS FORUM



## Research into the labour rights of ancillary workers in UK TV production

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## Introduction to the TV Industry Human Rights Forum

The TV Industry Human Rights (TVIHR) Forum was established in 2017 after members of BAFTA's Albert Consortium recognised a need for broader industry collaboration and action to understand and address human rights issues in the TV industry.

The founder members of the TVIHR Forum include Sky, BBC Studios, ITV, NBC Universal and IMG Studios. Since 2019, advertiser WPP has been an observing member, recognising the applicability of the work done on TV production for advertising production.

The purpose of the TVIHR Forum is to understand how the TV industry impacts human rights and to create positive change by proactively addressing human rights issues in the operations of the member companies and wider TV industry. The emphasis of this group is on members' own operations and supply chains rather than on TV coverage of human rights. Within this, the Forum aims to prioritise the most vulnerable and those most at risk. The Forum does this by:

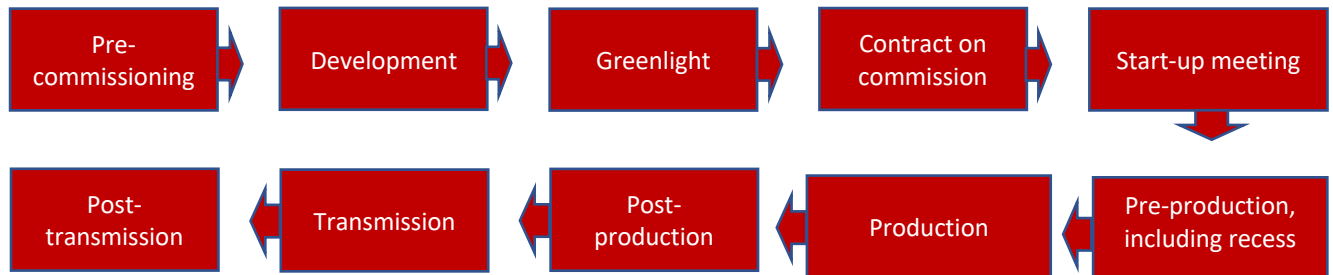
1. Sharing information, processes, approaches and challenges (where able, on a case-by-case basis).
2. Seeking opportunities to maximise impact through collaboration (e.g. industry approach / collective voice).
3. Communicating to the wider industry the importance of respecting and protecting human rights. As research outputs and tools are developed, they will be shared.
4. Seeking out cross-sector collaboration opportunities.

The TVIHR Forum is committed to undertaking collaborative research within its membership and the broader industry to understand the adverse human rights impacts of the TV industry on people, in line with the UN Guiding Principles on Business and Human Rights. As a first step, in July 2019, the TVIHR Forum commissioned Romanac Consulting Ltd to conduct research into human rights in TV production, with a particular focus on identifying the adverse impacts on the labour rights of ancillary workers. Ancillary workers are people providing essential services to TV productions, such as cleaning, catering and security, but who are often not seen as part of the crew. The research aims to inform a set of guidance and tools for broadcasters and production companies to address the human rights risks identified, the latest version of which can be found on the website.

This report represents a summary of findings from the research into ancillary workers to date.

## Background to TV Production

The TV industry aims to produce programmes for broadcast on different channels or via different platforms. A central part of the TV industry is TV production, which involves the making or creation of content for linear television or digital channels. The TV production process starts at commissioning and goes through pre-production, production and post-production. The diagram below provides a simplified overview of the process. Each stage represents opportunities to address human rights issues.



TV production is divided into a range of different genres:

- Drama
- Entertainment (including comedy)
- Factual (including documentary and factual entertainment)
- Children's
- Sports
- News

Each of these genres has its own set of characteristics and different needs in terms of ancillary workers. Production crews tend to specialise in one genre, less frequently working across others. For the purposes of this research, the main focus has been on drama and entertainment, with some insights gathered relating to factual and sports.

## Using a human rights lens

Using a human rights lens to look at the making of TV programmes means identifying and taking the perspective of all the people impacted or potentially impacted by TV productions and identifying any potential or actual adverse impacts on them. The approach is based on the UN Guiding Principles on Business and Human Rights (UNGPs), which were ratified unanimously by the Human Rights Council in 2011. The UNGPs articulated a societal expectation for companies to operate in a way that does no harm. To this end, the UNGPs established that there is a corporate responsibility to respect human rights that is separate and distinct from the state duty to protect human rights. The UNGPs also established the concept of human rights due diligence: a requirement for companies to identify, assess, prevent, mitigate, remedy, track and communicate their human rights risks and impacts.

Importantly, the UNGPs do not limit a company's responsibility to its immediate employees or its own activities. Instead, they make clear that a company must address all the adverse human rights impacts posed by its activities and business relationships, including the full extent of its supply chains.

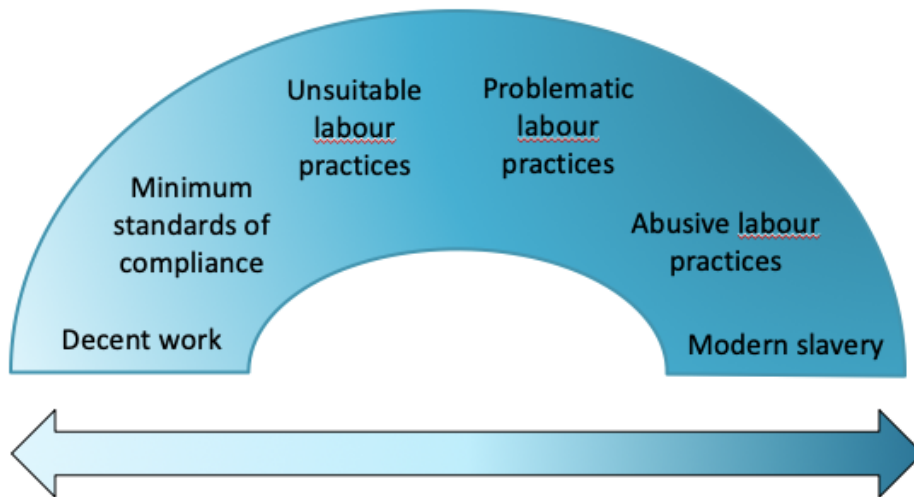
Applying this lens to TV production first involves mapping all those people potentially impacted, identifying the ways that they may be adversely impacted, and then conducting research to understand the likelihood and severity of such impacts.

### **Hidden labour exploitation and modern slavery**

Of particular concern to TVIHR Forum members is the question of to what extent TV production is at risk of causing, contributing or being linked to hidden labour exploitation, including modern slavery. This has been driven in part by the Modern Slavery Act (2015) which requires companies with a global turnover of more than £36m to report annually on the steps they have taken to address modern slavery in their own operations and in their supply chains. Broadcasters that have met this threshold have increasingly realised that the extent of modern slavery in TV production is currently an unknown. There have been no exposés or scandals to suggest that slavery is present but the question has also been hitherto unasked.

Modern slavery is an umbrella term used to describe a situation where a person or people are both exploited and coerced. Exploitation can occur in the form of deceptive recruitment practices, non-payment or underpayment of wages, unfair employment terms, excessive working hours and poor working conditions. Exploitation starts to become modern slavery when coercion is present that stops someone leaving. Coercion can include threats of or actual violence, debt bondage, removal of identity or travel documents, psychological or sexual coercion and threats of other penalties, such as reporting someone to the authorities.

It is useful to remember that modern slavery is at one end of a spectrum with decent work at the other end and a range of increasingly problematic labour practices in between. Therefore, when researching whether modern slavery is a systemic issue in TV production, the process also needs to identify whether there are other risks to labour rights present, such as bullying, harassment, discrimination, obstacles to freedom of association and problematic conditions of employment.



From the experience of other sectors, there are a number of risk factors that make hidden labour exploitation more likely. Risk factors<sup>1</sup> for modern slavery include:

- Dirty, dangerous or physically demanding work
- Low paid work
- Low skilled work
- Reliance on agency labour or recruitment intermediaries
- Widescale use of subcontractors
- Long, complex and non-transparent supply chains
- Dependence on migrant workers
- Temporary or seasonal workers
- Where workers are vulnerable for other reasons (e.g. poor or have characteristics that may be discriminated against)

At first glance, TV production involves a number of these factors. The nature of TV work is that it is temporary, with productions usually set up for a defined period of time. There are plenty of roles that are dirty, dangerous or physically demanding, from construction to facilities. Almost everything is subcontracted and many workers are low paid. A crucial question for this research was to understand whether TV productions in the UK were indeed at risk of being associated with modern slavery.

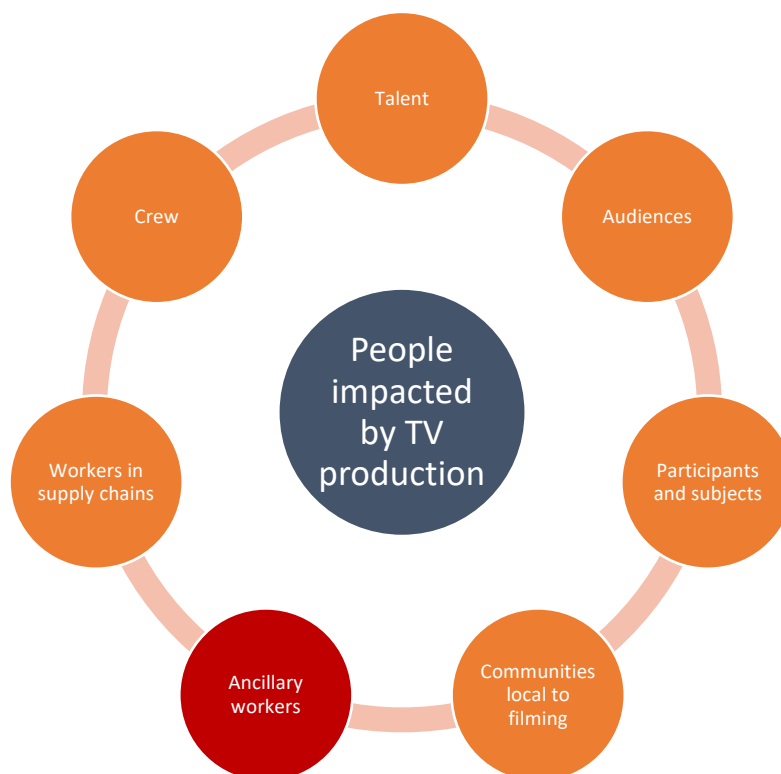
### **People impacted by TV production**

The research identified seven broad categories of people potentially impacted adversely by the way that a TV programme is made, as set out in the diagram. Within each of these categories are people who are more vulnerable than others. For example, within talent, children are among the most vulnerable. Within audiences, those with disabilities or special needs might be deemed the most vulnerable. Broadcasters and programme makers often have measures in place to safeguard vulnerable contributors and audiences. These policies have not been reviewed and included as part of this report which focuses on ancillary workers, where there are fewer obvious existing safeguards.

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<sup>1</sup> Adapted from work undertaken by Verité

At the outset of the research, those who appeared most at risk of hidden labour exploitation were ancillary workers and workers in the supply chain, both of which fit a number of the risk factors identified above. Given the challenges of mapping and reviewing the supply chains of TV productions, the initial focus for research and the subject of this report is on the human rights of ancillary workers in UK productions<sup>2</sup>.



### **Ancillary workers**

Ancillary workers are people providing essential services to TV productions but who are often not seen as part of the crew. They are usually employed by a subcontractor or supplier, which has historically led to minimal oversight and/or a lack of clarity on working conditions. However, in line with the UN Guiding Principles on Business and Human Rights, productions should bring these workers into the scope of workers whose rights they should ensure they are respecting.

Such workers include those involved in:

- Set construction/rigging
- Stagehands
- Facilities
- Catering
- Cleaning
- Security
- Transport

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<sup>2</sup> During the course of the research, there have also been some lessons for overseas productions, crew and other categories of people impacted by TV production. The TVIHR Forum will continue to explore these areas in more detail but those findings are not included in this report. Future research aims to understand more about potential human rights risks to ancillary workers in different countries.

## Executive Summary

There is much to value and be proud of in the way that TV production works. It is in many ways remarkable how individuals and groups come together as a team to make high quality content, often under intensive pressure. The industry depends on relationships and connections and this is how it manages to work effectively. This can bring a sense of camaraderie and a feeling of being part of a family, a sentiment frequently raised by crew and ancillary workers alike. However, it can also bring challenges in terms of labour practices.

The research focused on the labour rights of ancillary workers in TV production, including set construction workers, stagehands and people working in facilities, catering, cleaning, security and transport. The productions involved in the assessments all operated to high standards, demonstrating good practices above and beyond the legal minimum.

### Overall conclusions

#### Risk of modern slavery

- Potential indicators of modern slavery (widescale use of subcontracting; low paid, temporary & insecure employment; dirty, dangerous and physically demanding work) are fundamental to the TV production industry but do not seem to manifest in systemic hidden labour exploitation in the UK.
- The research did not identify any workers at risk of modern slavery or hidden labour exploitation on any of the productions visited.
- In part, this is because subcontracting practices do not involve lots of unknown workers on site as productions tend to use known and trusted individuals and industry suppliers.
- However, there were suggestions that hidden exploitation may be an issue in two areas in particular as a result of rogue operators: transport and stagehands.
- There is also a risk that cleaners on some productions may be experiencing hidden labour exploitation as they are among the least visible ancillary workers to the rest of the crew.

#### Other labour rights issues

The research did identify a range of other labour rights issues.

- **Long working hours** are a feature of productions and an accepted norm for the industry but the mitigations in place may not always be sufficient to protect the safety, health and welfare of ancillary workers.
- **Safety issues** came up repeatedly as an industry-wide problem, with some ancillary workers being put at unnecessary risk due to pressures of budgets, time and/or a lack of competency or experience among production staff.
- **Mental health** is a known widespread challenge across the TV industry and work is underway to improve the situation for crew. However, the mental health of ancillary workers is likely to remain overlooked for as long as productions see it as the sole responsibility of the suppliers who provide the workers.
- **Precarious employment** is the nature of work in TV production, with most ancillary workers either self-employed or on zero hours contracts, whilst also on low pay. Many of those spoken to did not know what rights they had, were unsure if they had



received contracts and it was not clear that they had been appropriately employed in line with regulations.

- **Bullying and harassment** continues to be a feature of TV productions, although this has improved markedly in recent years. Where the contribution of ancillary workers is not valued or appreciated, they are more at risk of bullying.
- **Fear of speaking out** was not something raised directly by any of the ancillary workers directly engaged but it came up frequently as a concern of production staff, other crew and industry suppliers, who felt that it was natural that those on low pay with no job security and a sense of being at the bottom of a hierarchy would be less likely to raise concerns or grievances.

Despite the challenges, many ancillary workers reported high levels of job satisfaction and reported good communications among those on set.

### **Industry factors that increase labour rights risks to ancillary workers**

Commissioning broadcasters and platforms, Independent Production Companies or others in the industry wanting to understand where to focus their efforts to address labour rights in TV productions should consider prioritising those programmes which meet one or more of the following criteria, all of which interviewees identified as factors likely to increase the risk of poor labour practices for ancillary workers:

- Under-priced or low budget productions
- Productions with private backers or non-traditional broadcasters, such as social media platforms
- Productions with a shortage of skilled and experienced people to fulfil production roles
- Productions unable or unwilling to access known and trusted industry suppliers

Broadcasters should also look at their own practices to understand how their actions put undue pressure on productions that can impact on the labour rights of ancillary workers. In particular, they should seek to identify and address where:

- Commissioning practices do not prioritise or give weight to good labour standards
- Major changes post-contract affect budgets and timetables

### **Production challenges that increase labour rights risks to ancillary workers**

At the production-level, productions and production companies should be particularly aware of the following challenges that can impact ancillary workers adversely:

- Long working hours
- Pressures to meet tight timeframes
- Reliance on individuals who are self-employed or on zero hours contracts
- Inadequacy of existing mitigations to address safety, health and other labour issues
- Lack of competency/experience of production staff
- Lack of human resources and welfare support
- Lack of communications and grievance mechanisms
- Power differentials between ancillary workers, their managers and production staff

However, it is clear that there is already a considerable existing burden on production staff and asking them to take on extensive additional responsibilities such as closer monitoring of all ancillary workers, may not be realistic.

The main recommendation for TVIHR Forum members is to identify ways to support a cultural shift that invites all those on set or making decisions that affect productions to care about everyone impacted by the TV production process. Such a shift is similar to that which has happened in other industries where health and safety has ceased to be the responsibility of one person or department and it has become the duty of everyone to make sure that they and their colleagues get home safely at the end of each day. There are tools and recommendations for good practices that can support an improved labour rights approach in TV production but guidance documents can only take the industry so far. Such a shift is likely to take time but will ultimately be more sustainable than focusing on better due diligence processes alone.

That said, the research also identified a range of steps that broadcasters, productions and industry suppliers can take to improve the situation for ancillary workers. These are provided in detail in relevant sections of the report and summarised here. Some of the recommendations have formed the basis of tools available on the website.

#### **Summary of recommendations to broadcasters**

- Work together to promote common due diligence and monitoring procedures for production companies
- Set the right tone from the outset in terms of emphasising labour rights practices in commissioning
- Ensure that productions are appropriately budgeting for labour risk management
- Review commissioning practices to ensure that those which adversely impact on people working in TV production are the exception rather than the norm
- Improve support on labour rights risk management to production companies, including supplier due diligence, training, tools, signposting and information
- Use opportunities such as start-up meetings to reinforce expectations on labour standards
- Require better transparency from productions in terms of reporting on processes, incidents and issues to broadcasters

#### **Summary of recommendations to productions**

- Factor in worker welfare as a core cost when budgeting and pitching for commissions
- Establish a culture of dignity at work for everyone on set at the outset of a production
- Develop with broadcasters a common due diligence approach for suppliers in relation to recruitment and employment practices, particularly in terms of the use of self-employed ancillary workers and for unknown or untested suppliers
- Make active and ongoing use of supplier risk assessments to ensure that mitigations are implemented effectively
- Proactively engage with ancillary workers and establish direct formal communication mechanisms with them
- Establish communication and grievance channels and ensure that all ancillary workers are aware of them and able to access them
- Embed welfare contacts and human resources support into productions, with the right knowledge and training to deal with labour issues that might arise

## Summary of potential human rights risks to ancillary workers on TV productions

Potentially affected group	Nature of potential risk	Human rights at risk of violation	Potential causes
All ancillary workers	Risk of unsafe or hazardous working conditions	<ul style="list-style-type: none"> <li>Right to life</li> <li>Right to health</li> </ul>	<ul style="list-style-type: none"> <li>Lack of experience/competence of production staff</li> <li>Budgetary pressures</li> <li>Time pressures</li> <li>Ineffective mitigations</li> </ul>
	Risk of excessive working hours impacting on worker welfare	<ul style="list-style-type: none"> <li>Right to rest and leisure, including reasonable limitation of working hours</li> <li>Right to health</li> <li>Right to enjoy just and favourable conditions of work</li> </ul>	<ul style="list-style-type: none"> <li>Budgetary pressures</li> <li>Time pressures</li> <li>Precarious nature of employment</li> </ul>
	Risk that raising concerns or grievances leads to retaliation or being labelled a 'troublemaker' and becoming blacklisted from future productions	<ul style="list-style-type: none"> <li>Right to work</li> </ul>	<ul style="list-style-type: none"> <li>Precarious nature of employment</li> <li>Widespread use of self-employed people, dependent on reputations and word of mouth recommendations</li> </ul>
	Risk of bullying or inappropriate behaviour on set, especially by senior members of staff or cast members	<ul style="list-style-type: none"> <li>Right to health</li> <li>Right to non-discrimination</li> <li>Right to enjoy just and favourable conditions of work</li> </ul>	<ul style="list-style-type: none"> <li>Power differentials</li> <li>Precarious nature of employment</li> <li>Lack of human resources support</li> <li>Lack of effective communications channels and grievance mechanisms</li> </ul>
Self-employed workers	Risk of limited labour rights given no statutory access to sick pay, holiday pay or national minimum wage and little control over conditions of work, payment rates and contracts.	<ul style="list-style-type: none"> <li>Right to just and favourable working conditions</li> <li>Right to health</li> </ul>	<ul style="list-style-type: none"> <li>Budgetary pressures</li> </ul>
Set construction workers	Risk that safety incidents are under-reported or not reported	<ul style="list-style-type: none"> <li>Right to life</li> <li>Right to health</li> </ul>	<ul style="list-style-type: none"> <li>Budgetary pressures</li> </ul>
	Risk that the mechanisms used to manage health and safety risks do not take into account high levels of dyslexia or literacy problems	<ul style="list-style-type: none"> <li>Right to life</li> <li>Right to health</li> <li>Right to non-discrimination</li> </ul>	<ul style="list-style-type: none"> <li>Over-burdened production staff</li> <li>'Tick in the box' mindset</li> </ul>
	Risk to the mental health of workers	<ul style="list-style-type: none"> <li>Right to health</li> </ul>	<ul style="list-style-type: none"> <li>Long working hours</li> </ul>
Stagehands	Risk of employment through rogue operators who do not comply with legal requirements	<ul style="list-style-type: none"> <li>Right to just and favourable working conditions</li> <li>Right not to be subjected to slavery, servitude or forced labour</li> </ul>	<ul style="list-style-type: none"> <li>Budgetary pressures</li> <li>Limited suppliers available due to timing or location</li> </ul>

	Risk of poor health and safety for stagehands due to an unwillingness of production companies to pay for qualified people to do the roles.	<ul style="list-style-type: none"> <li>• Right to just and favourable working conditions</li> <li>• Right to health</li> <li>• Right to life</li> </ul>	<ul style="list-style-type: none"> <li>• Budgetary pressures</li> <li>• Lack of experience/competence of production staff</li> </ul>
	Freelancers who are directly employed by productions may not have their health and safety looked after adequately and end up working unsafe hours, back-to-back shifts or be prevented from going home when sick	<ul style="list-style-type: none"> <li>• Right to life</li> <li>• Right to health</li> <li>• Right to just and favourable working conditions</li> <li>• Right to rest and leisure, including reasonable limitation of working hours</li> </ul>	<ul style="list-style-type: none"> <li>• Budgetary pressures</li> <li>• Time pressures</li> <li>• Lack of experience/competence of production staff</li> </ul>
	Risk of long working hours as a result of low-balled shifts	<ul style="list-style-type: none"> <li>• Right to rest and leisure, including reasonable limitation of working hours</li> <li>• Right to just and favourable working conditions</li> <li>• Right to health</li> </ul>	<ul style="list-style-type: none"> <li>• Budgetary pressures</li> <li>• Time pressures</li> <li>• Lack of experience/competence of production staff</li> </ul>
Facilities	Risk that service crew paid by the hour work long hours in order to increase their income or that disorganized productions require long hours	<ul style="list-style-type: none"> <li>• Right to health</li> <li>• Right to just and favourable conditions of work</li> <li>• Right to rest and leisure, including reasonable limitation of working hours</li> </ul>	<ul style="list-style-type: none"> <li>• Low waged roles</li> <li>• Lack of experience/competence of production staff</li> </ul>
	Risk that service crews are required to sleep overnight in the vehicles they are responsible for	<ul style="list-style-type: none"> <li>• Right to health</li> <li>• Right to just and favourable conditions of work</li> </ul>	<ul style="list-style-type: none"> <li>• Budgetary pressures</li> <li>• Low waged roles</li> </ul>
	Risk that service crews bend health and safety requirements in order to meet production demands putting themselves and/or others at risk	<ul style="list-style-type: none"> <li>• Right to life</li> <li>• Right to health</li> </ul>	<ul style="list-style-type: none"> <li>• Budgetary pressures</li> <li>• Time pressures</li> <li>• Precarious nature of employment</li> </ul>
Catering	Risk of working long hours with inadequate time off between shifts	<ul style="list-style-type: none"> <li>• Right to enjoy just and favourable conditions of work</li> <li>• Right to rest and leisure, including reasonable limitation of working hours</li> </ul>	<ul style="list-style-type: none"> <li>• Time pressures</li> <li>• Lack of experience/competence of production staff</li> <li>• Precarious nature of employment</li> </ul>
	Risk that production schedule changes or low-balling of requirements do not consider adverse impacts on catering staff and the stress that this can cause	<ul style="list-style-type: none"> <li>• Right to enjoy just and favourable conditions of work</li> <li>• Right to rest and leisure, including reasonable limitation of working hours</li> <li>• Right to health</li> </ul>	<ul style="list-style-type: none"> <li>• Time pressures</li> <li>• Undervaluing of ancillary workers</li> <li>• Lack of experience/competence of production staff</li> </ul>
Cleaning	Risk of insufficient working hours	<ul style="list-style-type: none"> <li>• Right to work</li> </ul>	<ul style="list-style-type: none"> <li>• Budgetary pressures</li> <li>• Precarious nature of employment</li> </ul>
	Risk that no one witnesses working conditions of cleaners and that they are unable to raise any concerns due to lack of overlap with production staff	<ul style="list-style-type: none"> <li>• Right not to be subjected to slavery, servitude or forced labour</li> </ul>	<ul style="list-style-type: none"> <li>• Undervaluing of ancillary workers</li> <li>• Precarious nature of employment</li> </ul>

Security	Risks as a result of under-resourcing security, include a risk to guards in terms of their physical safety and no back up should a security incident occur.	<ul style="list-style-type: none"> <li>• Right to life</li> <li>• Right to enjoy just and favourable conditions of work</li> </ul>	<ul style="list-style-type: none"> <li>• Budgetary pressures</li> <li>• Lack of experience/competence of production staff</li> <li>• Undervaluing of ancillary workers</li> <li>• Precarious nature of employment</li> </ul>
	Risks as a result of under-resourcing security, include a risk to the welfare of security guards if they are working alone and unable to take breaks, including visits to the toilet	<ul style="list-style-type: none"> <li>• Right to health</li> <li>• Right to rest and leisure, including reasonable limitation of working hours</li> <li>• Right to enjoy just and favourable conditions of work</li> </ul>	<ul style="list-style-type: none"> <li>• Budgetary pressures</li> <li>• Lack of experience/competence of production staff</li> <li>• Undervaluing of ancillary workers</li> <li>• Precarious nature of employment</li> </ul>
	Risk of long working hours in exposed weather	<ul style="list-style-type: none"> <li>• Right to health</li> <li>• Right to rest and leisure, including reasonable limitation of working hours</li> </ul>	<ul style="list-style-type: none"> <li>• Undervaluing of security skills</li> <li>• Precarious nature of employment</li> </ul>
Transport	Risk that workers are experiencing hidden labour exploitation through the agencies that employ them	<ul style="list-style-type: none"> <li>• Right to enjoy just and favourable conditions of work</li> <li>• Right not to be subjected to slavery, servitude or forced labour</li> </ul>	<ul style="list-style-type: none"> <li>• Shortage of workers</li> <li>• Time pressures</li> </ul>
	Risk of working illegal driving hours	<ul style="list-style-type: none"> <li>• Right to enjoy just and favourable conditions of work</li> <li>• Right to life</li> <li>• Right to health</li> </ul>	<ul style="list-style-type: none"> <li>• Budgetary pressures and time pressures</li> <li>• Lack of experience/competence of transport captains</li> </ul>
	Risk of employment through rogue operators who do not comply with legal requirements in terms of driving hours, rests and employment conditions	<ul style="list-style-type: none"> <li>• Right to life</li> <li>• Right to health</li> </ul>	<ul style="list-style-type: none"> <li>• Budgetary pressures and time pressures</li> <li>• Lack of experience/competence of transport captains</li> </ul>

## Industry level findings

The TV industry in the UK is made up of many different companies, including broadcasters, production companies and industry suppliers. Some broadcasters are publicly owned and some privately owned. The broadcasters procure content through a combination of the following different models:

- In-house production
- Wholly or partly-owned subsidiary production companies
- Joint ventures with production companies
- Co-productions with other broadcasters/platforms
- Commissioning independent production companies (often referred to as 'indies')
- Acquisitions of programmes commissioned by other broadcasters

TV production is usually funded through a combination of different sources, including: commissioning broadcasters/platforms; distribution and investment companies; funding grants/tax credits<sup>3</sup>. The ability to sell formats or programmes internationally can then provide a future source of revenue after content is made.

### Filming practices

TV production takes place in studio space or on location or using a combination of both. Studios are rented on short or long-term leases and the productions themselves are usually responsible for fitting out the entire space, from flooring to equipment. This means that for every production, there is considerable manual labour involved in bringing everything in, setting it all up (rigging) and then taking it all down at the end (de-rigging). Productions are often also responsible for arranging all the support services required, including cleaning, catering and security. Some studios will provide aspects of these, such as front-gate security where multiple productions are taking place, but each individual production will be responsible for securing its own areas.

Location work is more varied. Depending on the size of crew and length of work in a location, there may be support services brought on, like security or catering, or the team may instead use local restaurants and pubs. Other services needed will include drivers who move vehicles and equipment between locations and stagehands who unload and carry items from vehicles to the set. TV productions often rely on the services of a locations company to make the relevant arrangements for teams on location.

### Changes to the industry

Over the last decade, production in the UK has been booming as demand for content rises with the rise of streaming services and as more platforms commission programmes. The industry has experienced changes to the type of content demanded and in the range of opportunities for getting content commissioned. For example, there has been a rise in demand for long-form drama on TV with multiple episodes. The advent of streaming services has provided an alternative platform for content and many of these services, such as Netflix, Amazon and Apple TV, now commission their own original content. Other new entrants include video platforms such as YouTube and Facebook, which have also funded

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<sup>3</sup> <https://www.bfi.org.uk/sources-funding-uk/sources-funding-uk-filmmaker>

and hosted original programming<sup>4</sup>. Each of these have different approaches to commissioning with varying policies and budgets.

The booming demand is particularly evident in the demand for studio space that has led several companies to commission the building of new studios, including:

- June 2018 – Twickenham Studios announced plans to open a studio facility in Liverpool<sup>5</sup>
- January 2019 – PSL land lodged a planning application to build a major TV and film studio near Edinburgh<sup>6</sup>
- December 2019 – Sky announced plans to build new studios in Elstree, Hertfordshire<sup>7</sup>
- January 2020 – Plans announced for a new media village in Birmingham, comprising film and TV studios<sup>8</sup>
- February 2020 – Blackhall Studios announced plans to build a new film and TV studio in Berkshire<sup>9</sup>
- March 2020 – Plans moved forward to develop new film and TV studios in Ashford, Kent<sup>10</sup>

Changes in the type of content demanded is impacting working practices. The rise in demand for long-form drama is an example that has led to an increase in filming time.

### Workforce characteristics

The industry depends on workers who are self-employed or on zero hours contracts as productions are set up for a fixed and usually temporary period of time. This applies both to crew and to ancillary workers. It is helpful to understand the workforce in a TV production in terms of three categories:

Category	Employment status	Role
Production company	Staff are typically fully employed by the production company	A production company is a business that provides the physical basis for works in the field of TV production
Production team	Self-employed/freelancers or on short-term employment contracts; may be unionised	The production team is responsible for the operational management of a TV production, including budgets, scheduling, logistics and subcontracting
Crew	Self-employed/freelancers or on short-term employment contracts; may be unionised	The crew is responsible for the creative and physical side of TV production and includes directors, cameras, lighting, set design
Ancillary workers	Employed through subcontractors or industry suppliers as salaried workers, on zero hours contracts or self-employed	Ancillary workers deliver all the support services needed on TV production, including set construction, transport, facilities, catering and security.

<sup>4</sup> <https://www.theguardian.com/technology/2017/aug/09/facebook-new-video-feature-watch-youtube-rival>

<sup>5</sup> <https://www.theguardian.com/uk-news/2018/jun/06/twickenham-studios-to-open-liverpool-outpost>

<sup>6</sup> <https://www.bbc.co.uk/news/uk-scotland-46808937>

<sup>7</sup> <https://www.bbc.co.uk/news/business-50641745>

<sup>8</sup> <https://www.birminghammail.co.uk/news/midlands-news/peaky-blinders-creator-open-film-17576470>

<sup>9</sup> <https://www.getreading.co.uk/news/reading-berkshire-news/plans-uks-biggest-film-studios-17768082>

<sup>10</sup> <https://www.insidermedia.com/news/south-east/250m-tv-and-film-studio-project-unveiled-for-ashford>



Because so much of the workforce is self-employed, TV production is an industry built on trust and relationships and “People in the industry tend to be loyal to the industry, not to production companies because of their freelance status.” (Production company).

People across all the categories identified above tend to get their next job based on personal recommendations or as a result of relationships they have built up with others. They do not often apply for advertised roles. The same individuals might regularly team up to work together and individuals, teams and productions will tend to use known and trusted suppliers and subcontractors. Given the tight nature of budgets and schedules in TV production, those involved are often reluctant to take risks with unknown people who may not be able to deliver reliably.

### Industry factors that increase labour rights risks to ancillary workers

The research sought to understand how the characteristics of TV production and the changes the industry is undergoing have been impacting labour practices and what the implications are for ancillary workers in particular. Using a combination of desk research, review of broadcaster policies and practices, key informant interviewees and deep dive assessments of productions, the research gathered different perspectives and then tested those with subsequent interviewees. The below represents a synthesis of commonly agreed themes.

#### **1. Increasing pressure on commissioning budgets**

The arrival of so many newer entrants to commissioning has given rise to warnings by those interviewed of a two-tier industry developing, with a split between higher value and lower budget productions.

At the outset of the research, it was not clear whether ancillary workers were more at risk of hidden labour exploitation in high value productions, where there were large numbers of subcontractors and people involved making oversight harder, or in low value productions, where teams were smaller but might be forced to cut corners in order to meet tight budgetary restrictions. Unanimously, all those interviewed said that low value productions were higher risk as they were often required to perform the same work but with fewer resources and breaks. Those commissioning cut-price productions are therefore putting all workers, including those in ancillary roles, at higher risk. As one production company said, “There’s pressure to get something made at any cost”.

Even with the traditional broadcasters, budgetary pressures remain and some of the programmes they commission could fall into the cut-price tier. This has knock-on effects all the way down the chain of TV productions, with budgetary challenges felt by those who are lowest paid and unable to negotiate better pay or working conditions. Given so many people in the industry are self-employed and not unionised, there is a sense that they must accept the time and budgetary challenges involved in TV production in order to be seen as reliable and to build the trust and relationships needed to ensure their next job. This was evident throughout all three categories of the workforce interviewed (production staff, crew and ancillary workers).

With the more traditional broadcasters, there are opportunities to develop and implement policies and good practices across their portfolio of productions. Where programmes are



made with private backers or non-traditional broadcasters such as social media platforms, risks may be compounded as they may have less experience and see less need to fund health and safety or good management practices. They may also be more prone to putting individuals in people management positions who do not have the right experience or support. Again, this is a risk to all workers, but particularly to ancillary workers who are even more likely to be overlooked and seen as the responsibility of subcontractors.

## **2. Commissioning practices that impact labour rights**

Commissioning practices can set the tone for productions. Issues that are emphasized as important at the commissioning stage are more likely to be prioritized by the productions. Therefore, if an attention to worker welfare and good labour practices is built into commissioning processes and given due weight by commissioners themselves, there is a greater chance that they will be embedded into production approaches.

Commissioners also need to be aware of low-balled pitches. Production companies sometimes need to get a programme made in order to then sell the format internationally (where they anticipate turning a profit). There may thus be an incentive for them to underprice the initial production to increase the chances that it will be commissioned. On the commissioning side, it can be tempting to agree to such 'good value' productions or to put pressure on productions to reduce the budgets. However, there are likely to be considerable costs to workers themselves who end up on such productions where budgets are not sufficient to make the content safely or in a manner that does not depend on people being underpaid and overworked.

Commissioners' decisions have a significant impact further down that impact people's working conditions. Examples provided included late sign off of decisions, changing decisions and bringing on a director late which can affect decisions already taken (e.g. on drama set design).

- "Commissioners need education how about how decisions are made and the massive influence their decisions have further down." - Crew

Such approaches by commissioners lead to budgetary pressures and considerable uncertainty for production staff and other crew. It can also have knock-on impacts to ancillary workers who may suddenly find that their services are not needed or are curtailed. This is a particular problem for those who are self-employed.

- "Good practices need to come higher up with production companies. It's the commissioners and the senior programme-makers."

The pressure put by commissioners on to productions can force producers to say 'get it done, whatever it takes'. There is a recognition that those working within broadcasters are also under pressure. However, there is a tendency for this to be pushed downwards until it affects everyone down to the lowest paid on productions.

- "People are put under undue pressure to make results. It's mainly pressure for those in the broadcasters but it's reflected in production companies." – Art department, Entertainment
- "There is a fear factor from senior members of staff - you have to perform to earn and justify your salary. That's a lot of pressure." – Production company

### **3. Shortage of skilled people and suppliers**

The booming demand for content has meant that there is increased competition for a limited pool of skilled people and suppliers for TV productions across the board.

In terms of skilled people, this is particularly the case for production staff who are the people ultimately responsible for everyone else on a production. They manage the budget, the schedule, the relationship with commissioners and the day-to-day running of a TV production. The research found that the need for production staff to meet demand for content creation means that some people are experiencing rapid promotion without training, leading to a lack of competence at some levels of production. Comments included:

- “Someone will go from being an Associate Producer on one programme to a Line Producer on the next”. – Production company
- “The biggest change I’ve seen over my career is that people aren’t trained enough now and therefore are not as competent. There is a need to focus on training people and ensuring they’re more competent.” - Production company
- “There is so little training in the industry – companies have stopped providing it.” – Production company

This lack of experience and/or competence can have significant knock-on impacts for others working on a production as requests made of them may be unreasonable, issues may not be anticipated or dealt with appropriately and budgets and schedules may be unrealistic. As one crew member put it, “Demand for content puts demand on productions and the skills base is thinning out”.

The gap in terms of skilled people is reflected in the challenges faced by industry suppliers of ancillary workers. Many such workers require particular qualifications or experience. For example, they may need an HGV or other plant equipment licence or they may need construction qualifications. A common concern voiced by industry suppliers was that they could not always get their first, second or even third choice of workers, sometimes due to general shortages (people may be booked 18 months ahead) and sometimes as a result of poor planning by the under-skilled production staff identified above: “Companies that leave everything to the last minute put you in a position where you’re struggling to find people to do the job and you have to employ your second or third choice.” – Rigging company

Given that much of the industry is built on trust and relationships, this becomes a risk for industry suppliers that do not want to damage their reputation by sending an incompetent or unknown workforce to a TV client. Where suppliers depend on unknown people to fill these roles, there is a risk that such people are victims of hidden labour exploitation, put forward by traffickers who then take their wages. The research did not uncover any evidence that this might be occurring, although it remains a possibility.

An industry supplier may decide it is not worth the risk to take a contract without the right workers to staff it or the right conditions (in terms of budget and schedule) and so it may be the TV productions who are unable to use their first choice of known and trusted suppliers. In such cases, they may be tempted to use unknown or new entrants to the sector. This has increased the opportunity for rogue operators to enter the market and fill gaps left by their more established counterparts. While there are barriers to doing this in the supply of more skilled workers, there are particular groups of ancillary workers where the presence of rogue operators has been identified in the TV industry, namely transport and stagehands.

## Conclusions and recommendations

Conditions within the TV industry are ones in which there is potential for labour exploitation to thrive. The changing context is having adverse impacts on labour practices. Ancillary workers are particularly at risk because they tend to be amongst the lowest paid and are at the sharp end of time and budgetary pressures.

The power to drive change lies with the broadcasters, more so than it does with production companies. This is because the broadcasters control a key source of funding and because much of the industry is self-employed and not within the purview of individual production companies.

### **Recommendations to broadcasters**

- Collaborate with other broadcasters to agree a common approach to labour rights in commissioning practices
  - Establish a set of good practice principles
  - Find ways to bring in new entrants to industry discussions on standards and ensure that traditional broadcasters are not the only one implementing them
- Set the right tone from the outset in terms of emphasising labour rights practices in commissioning
- Review commissioning practices to ensure that those which adversely impact on people working in TV production are the exception rather than the norm
  - Track commissioning practices to understand the prevalence of issues such as late sign offs, changes to decisions that impact productions or complaints per commissioner to build a clearer picture of the way commissioning practices impact labour rights
  - Reward competence and good practices through commissioning practices by showing a substantive preference for production companies that have strong labour rights practices in place, giving them a competitive advantage
- Improve support on labour rights risk management to productions, including supplier due diligence, training, tools, signposting and information
  - Provide more training to production staff to ensure greater competency to address labour rights risks, either individually or through industry collaborations

## Production level findings

### About TV production

To get a production commissioned, there is a process of pitching ideas (which may be at varying stages of development) to commissioners. Prospective productions complete an editorial specification (Ed Spec), which sets out the plans and identifies any potential issues, as well as how these will be addressed. After a programme is 'greenlit', the contracting process can start. As this process can take some time, productions will often begin development and pre-production activities before the contract is fully in place. This may involve lining up industry suppliers to ensure their availability and asking them to quote for the services required. Pre-production activities can also include recce, which are pre-filming visits to locations to determine their suitability and to identify any potential issues.

At production stage, the schedule for each day is issued on a 'call sheet' which sets out what is due to happen at which time. Not every day on production will be a filming day and there may be a number of 'dark days' built in to prepare for shoots. At the end of each day, the 'wrap time' is shown which signals the time when everything is due to finish. The call sheet is an opportunity to communicate important information, such as contact details and key policies. However, it is not usual for all ancillary workers to have sight of the call sheets and there may be no formal communication mechanisms between production staff and ancillary workers.

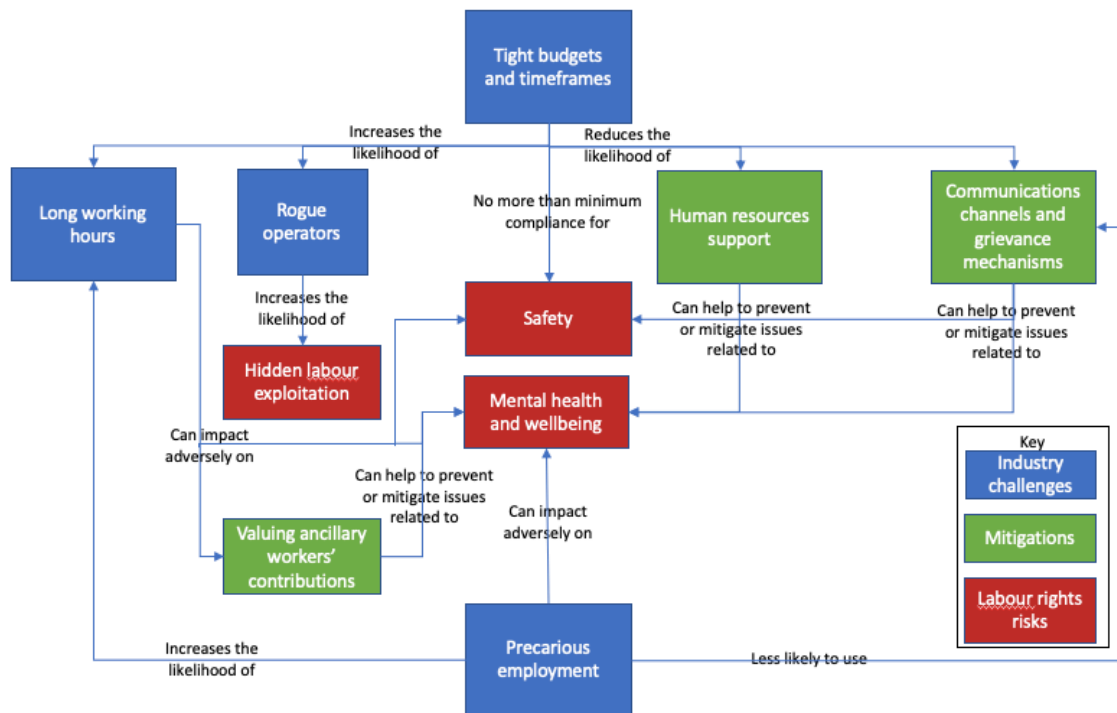
TV productions are, in many ways, unique working environments. A group of people is brought together for an intensive time period, all working under pressure, where there is little opportunity for downtime. On location, the team may be living in close proximity as well. Such circumstances are characterised by extremes of emotion, from joy and camaraderie to anxiety and anger. People described becoming very close to their co-workers through such intensives shared experience whilst at the same time describing productions as very hierarchical places.

TV productions are fundamentally creative projects where individuals and teams come together to make content. To do this effectively requires careful planning and good operational management, which is the role of production staff. Production staff are reluctant to impede the creative process but they are also responsible for budgets and scheduling. This balancing act between creativity and practicalities is both inherent to the process and also where challenges arise, including those related to labour practices.

One example of this relates to documentary production where budget restrictions mean that it is increasingly common to have a Producer/Director who has to carry the two roles in one person with an assistant Producer lower down in the hierarchy. One interviewee described how previously, it was more common to have two separate people, with the Producer focusing on money, welfare and delivering the film, while the Director focused on the creative side. Being at the same level meant that they could hold each other in balance. When combined into one person, the interviewee suggested that the creative side is more likely to dominate with an assistant producer feeling less able to challenge creative decisions that might have knock-on impacts on crew welfare.

## Production challenges that increase labour rights risks to ancillary workers

The research sought to identify common themes and challenges in relation to labour rights and ancillary workers at a production level. It drew on desk reviews of publicly available information, preliminary assessments and deep dives on a number of individual productions and interviews with key informants across productions and production companies. The findings are summarised in the below diagram and described in more detail below.



### 1. Long working hours and pressures to meet tight timeframes

Production days are expensive as they require hiring premises, equipment and paying labour costs. There is also competition for studio space and there may be timetable restrictions to contend with due to talent availability. Therefore, there is often pressure to fit work into the minimum number of days possible. This requires relatively long working hours and production days which are planned from the outset. For example, a typical shoot day on a drama is 10 hours + 1 hour for lunch. An example entertainment shoot day showed first call time at 8am with the shoot planning to wrap at 7pm (11 hours). Some workers need to arrive before the call time and/or to finish up after the wrap time so their standard working hours are even longer.

Should anything happen to change the timetable, then this can have a knock-on impact to the schedule and everybody's working hours. This can be a result of unforeseen circumstances, which are harder to mitigate against, or of poor planning by production staff:

- "Poor practices and long working hours are often down to bad planning. If you plan better, you have more chance of treating your staff better." – Production company
- "A challenge comes when a producer veers off the Ed Spec and the budget goes over." – Production company

Aside from operational hiccups or poor planning, the creativity aspect of TV production, in particular, means that changes to requirements and timetables are a common occurrence.

These can increase the pressure on all workers, including ancillary workers. This is more evident in drama, but examples were also provided for entertainment and factual (documentary).

- “People just want to make the best product – as they get closer to things and the world becomes real (the set and actors), all of a sudden creatively this doesn’t feel right and it starts again.” – Location services supplier
- “We get involved very early until the week before when script gets ripped up and they start again; there are changes on a daily basis.” – Set designer

For ancillary workers, their hours may be fixed. For example, a security guard might be on a 12-hour shift working 7am-7pm. This will not extend as someone else will take over for the night shift at 7pm. Similarly, a member of the facilities team might be on a day wage for a set number of hours. However, this is not always the case, with catering teams indicating that their hours were more variable, sometimes working considerably longer, and other days being able to go home early.

Stagehands and those in set construction also might find that they are required longer if creative changes are needed. The research found that the art department and their subcontractors, which includes stagehands and set construction workers, are among those most at risk of excessive working hours.

- “There is an expectation that we will miss meal breaks, work late and come in early. We are first in and last out. We always arrive at least 30 mins before the call time.”  
Art department, Entertainment

There were also examples of ancillary workers doing long hours by working shifts elsewhere. For example, one stagehand said that he had done two hours of work early in the morning before arriving for a 12-hour shift on a TV production.

It was unclear whether all those required to work such long hours on a TV production had signed an opt out to the European Working Time Directive. Certainly, there were some ancillary workers who stated that they dropped below the national minimum wage on days when their hours were particularly extended, although they indicated that this balanced out on days when they could go home early. Also, those for whom this applied reported that they were categorised as self-employed rather than employees, meaning that national minimum wage legislation would not apply.

Long working hours appear to be an accepted part of working in TV, with production staff and crew who work in it expecting the pressure. One interviewee said that such conditions mean that people’s tolerance to what might be exploitation is different. Their working hours rights are already waived so they may be less sensitive to such issues in relation to ancillary workers. However, excessive working hours are an important labour rights issue given that it can increase fatigue and impact on worker welfare and health, all of which puts the workers themselves at greater risk of accidents and mental health issues. When long working hours are accepted as the norm and yet extensions to these are frequent, such working practices can become unsustainable.

## **2. Risk of using rogue operators**

The challenges of tight budgets and timeframes can be particularly problematic if combined with inexperienced, incompetent or unscrupulous production staff who are responsible for

identifying industry suppliers to work with. While productions tend to prefer working with known and trusted companies that specialise in working on TV productions, risks will arise when productions are not able to use the usual providers because they are not available or because production budgets make it challenging to work with them. In such circumstances, there is a danger that TV productions work with 'rogue operators' who do not treat their workers well or meet minimum legal standards of compliance. It is here that a risk of hidden labour exploitation exists.

The research identified two types of ancillary work in the UK where interviewees suggested that there are rogue operators: transport and stagehands. Transport is subject to stringent safety rules around driving hours and breaks in order to protect the drivers and other road users. However, there was an example given of a provider willing to break the rules in order to meet production schedules. Similarly, one research participant identified an issue with stagehands where people in receipt of benefits are given cash in hand to provide crewing services at below the minimum wage. If these practices did take place, they would not only be illegal in terms of undeclared income and mutual tax avoidance, but could also lay the groundwork for coercive employment practices whereby an employer threatens to report someone for accepting such work, which would threaten their benefits income.

However, the risks of rogue operators in UK TV production do appear to be lower than in other sectors. That is because there are generally high barriers to entry for companies wanting to work with the TV industry. Without existing connections, it is hard for an unknown person to establish a business that supplies the TV sector. There are also barriers to entry for individual ancillary workers to join existing industry suppliers. Most ancillary workers engaged through this research said that they had got their job with industry suppliers through word of mouth or connections. This is one of the reasons that a frequently articulated sentiment was that the teams they worked in felt "like family". These high barriers to entry make it harder for rogue operators to service the industry and harder for gangmasters to provide exploited labour into existing companies.

### **3. Reliance on individuals who are self-employed or on zero hours contracts**

Most of the ancillary workers spoken to as part of the research were self-employed or on zero hours contracts. They tended to value the flexibility of being able to pick and choose their shifts. Those interviewed had relative stability of employment and no shortage of work for the duration of productions. They felt able to turn down work if they did not want to do it. Most expressed satisfaction with their salaries and felt their jobs were good jobs, enjoying the variety in the industry.

However, the advent of IR35<sup>11</sup> means that many who are currently self-employed may need to be formalised as employees in some way. The most obvious way to do this is to bring them on as zero hours contractors. While some industry suppliers expressed their concern that zero hours contracts were unethical, for the lowest paid workers the alternative arrangement of self-employment may offer even fewer protections. For example, those who are self-employed are not entitled to holiday pay, sick pay or minimum wage, whereas those on zero hours are entitled to holiday pay and minimum wage. Additionally, those who

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<sup>11</sup> 'IR35' refers to off-payroll working rules for clients, workers (contractors) and their intermediaries. The rules make sure that workers, who would have been an employee if they were providing their services directly to the client, pay broadly the same tax and National Insurance contributions as employees. For more, see <https://www.gov.uk/guidance/understanding-off-payroll-working-ir35>

are self-employed are required to arrange their own national insurance contributions to ensure that they are eligible for a state pension, whereas their employer is responsible for doing so for those under zero hours contracts. This distinction has become particularly stark as a result of the coronavirus pandemic.

A comparison of the two approaches is set out in the table below.

Freelancers, consultants or contractors	Zero hours contracts
<p>If you hire a freelancer, consultant or contractor it means that:</p> <ul style="list-style-type: none"> <li>• they are self-employed or are part of other companies</li> <li>• they often look after their own tax and National Insurance contributions (NICs)</li> <li>• they might not be entitled to the same rights as workers, such as minimum wage</li> <li>• you're still responsible for their health and safety</li> </ul> <p>From <a href="https://www.gov.uk/contract-types-and-employer-responsibilities/freelancers-consultants-and-contractors">https://www.gov.uk/contract-types-and-employer-responsibilities/freelancers-consultants-and-contractors</a></p>	<p>Zero-hours contracts are also known as casual contracts. Zero-hours contracts are usually for 'piece work' or 'on call' work, for example for interpreters.</p> <p>This means:</p> <ul style="list-style-type: none"> <li>• they are on call to work when you need them</li> <li>• you do not have to give them work</li> <li>• they do not have to do work when asked</li> </ul> <p>Zero-hours workers are entitled to <a href="#">statutory annual leave</a> and the <a href="#">National Minimum Wage</a> in the same way as regular workers.</p> <p>You cannot do anything to stop a zero-hours worker from getting work elsewhere. The law says they can ignore a clause in their contract if it bans them from:</p> <ul style="list-style-type: none"> <li>• looking for work</li> <li>• accepting work from another employer</li> </ul> <p>You are still responsible for <a href="#">health and safety</a> of staff on zero-hours contracts.</p> <p>From <a href="https://www.gov.uk/contract-types-and-employer-responsibilities/zero-hour-contracts">https://www.gov.uk/contract-types-and-employer-responsibilities/zero-hour-contracts</a></p>

There are issues, however, with ancillary workers under both systems. Few of those interviewed said that they had received any written contracts. Some remembered signing something but not getting a copy.

There are specific legal requirements around zero hours contracts, but the research suggested that these may not always be adhered to. Legal requirements include:

- Avoiding the use of any exclusivity clauses or terms in any zero hours contract
- Providing clear and transparent contracts so the individual can understand their rights and the implications of such a contract
- Providing a written copy of terms and conditions to contract workers.
- Providing reasonable compensation if pre-arranged work is cancelled with little or no notice, including reimbursing any travel expenses incurred and providing at least an hour's pay as compensation or pay in full for shifts cancelled at short notice
- Ensuring that written contracts contain provisions setting out the employment status, rights and obligations of their zero-hours staff
- Ensuring there are comparable rates of pay for people doing the same job regardless of differences in their employment status.



The status of self-employment is also a legal grey area. Many of those workers interviewed who were self-employed worked only for one company, were unable to negotiate their rates or the terms and conditions under which they worked and did not have contracts. While the law is not completely clear on when self-employment is appropriate, some of the situations identified may not have been legal.

Another issue with self-employment and zero hours is that the research identified people who took on other work between their shifts on a production. If the hours are long, then this can contribute to fatigue and become a safety risk, especially where work is physically demanding. As one industry supplier put it, “When you’re on zero hours, people feel obliged to do extended hours.” Another stated that, “They can’t do the job if they’re working for a third party the day before and we don’t know about it. I encourage them to tell us if they’ve had a late finish the day before because I can give them a lower risk thing the next day.” – Industry supplier

It is also important for productions to take the time people are travelling into account. Long working days can be compounded by long travel times, again contributing to fatigue and risking not only the safety of those on the production but if people are then driving home, they and other road users may be at risk as a result of them driving while tired. Sometimes productions will put ancillary workers up in hotels but usually there is a threshold in terms of distance between home and the set. As one supplier put it, “It’s less safe if you’re 1.5 hours from home rather than 3 hours because you don’t get a hotel and so you have to add all that driving time at the beginning and end of the day.”

#### **Good practice example: Rigger.co.uk**

Rigging company Rigger.co.uk aims to put worker welfare at the centre of its approach.

- Each day there is a toolbox talk to ensure that everyone is clear about the work involved.
- Each worker must inform Rigger.co.uk of other work they are undertaking and the previous day’s hours and finish time.
- Workers are encouraged to take trains instead of driving wherever possible and the company will book hotels at its own cost (ie non-recoverable from productions) where commutes are considered too long to work long days safely.

The company’s owner said that, “80% of my working time involves considering hours and welfare because I can’t have people turning up late or unprepared.” The company’s commitment to worker welfare was exemplified by its support for one of its most junior riggers who needed to take time off for regular medical treatment. Despite having no legal requirements to do so, as the rigger was not an employee, Rigger.co.uk paid that worker for the days he needed medical treatment.

#### **4. Inadequacy of existing mitigations to address labour issues**

Each production conducts a health and safety risk assessment as part of the pre-production process and requires their subcontractors to do so as well. This is the main way that potential risks are captured. However, the risk assessments themselves tended to focus on safety alone, with very few looking at health and wellbeing or at issues such as labour practices. After they were completed, it was unclear whether the risk assessments were

then ever referred to as working documents during productions, with those interviewed suggesting that they were not. Many referred to them as 'copy and paste' exercises and production staff sometimes outsourced this process to third party suppliers.

One example given by a supplier of skilled manual labour about the problems of this approach was as follows:

- "I was sent an obligatory online bit of paperwork to be completed that arrived 2.5 hours before the shift was due to start, instead of 2 weeks before. You can't expect people to do this at such short notice. It was paperwork that required people to upload copies of their documents. Lots of these people are not office-based, they're zero hours people, juggling work. It was ironic that health and safety documents were delivered in a manner potentially detrimental to people's welfare and showed a complete lack of thought." – Industry supplier

This approach demonstrates a common mindset which looks to tick the box for issues rather than taking the time to understand and address them. In part, this is due to the amount of pressure on production staff, for whom responsibility for such elements falls. Production teams already have significant burdens in terms of compliance, which they see as additional to the "real" work of creating content. One interviewee described production staff as like a sponge that has to absorb all the different requirements placed on them by the broadcaster, legislation and the creative process. This sponge is already full so giving them another issue to manage, such as worker welfare, they may only be able to take on in a minimal way with other things becoming displaced. As one production company said, "Implementation beyond compliance is a challenge".

The research identified this mindset as a desire for quick wins, i.e. "just tell us what's needed and we'll do it". However, looking for quick solutions can risk losing sight of the original objectives. Instead, what is needed to address labour issues in TV production is a mindset shift that can underpin more systemic change. Rather than making managing labour risks another paper exercise or the responsibility of one team, the challenge is to forefront it into decision-making processes at all levels. This would help to bring visibility to labour risks and to workers such as ancillary workers who are otherwise overlooked.

The problems associated with the existing mindset become apparent alongside a finding that many issues which are already meant to be well mitigated may in fact not be. Health and safety came up repeatedly as an example, despite this being an area that TV production has focused on for some time. Comments from those interviewed include:

- "High potential incidents are likely to be missed and near misses not reported." – Industry supplier
- "Actual issues are likely to go unreported, in part because productions may not have the reporting processes in place." – Production company
- "I've seen lots of depression and lots of accidents that don't get reported; people get paid out by the film/production company and everything is brushed under the carpet." – Industry supplier
- "There's no one with responsibility for overseeing it here all the time. Departments look after their own things." – Facilities

This is a troubling finding, even if the issue is not widespread in practice, as there appears to be a common view that workers are at personal risk on TV productions, despite industry

efforts to the contrary. It also reinforces the point that processes alone are insufficient in mitigating risks identified and that any approach to mitigating wider labour rights risks should factor in more than a change in or additional process requirements.

## **5. Lack of human resources support or training**

Alongside the cultural challenges, there is also a general lack of practical support. The research identified a common lack of human resources support or training for those in production taking on people management roles. Among crew, there were examples of creative directors managing large teams, including ancillary workers, but lacking confidence in dealing with people issues. Examples given by those interviewed included:

- “I’ve had no human resources training, no management training and suddenly I have 70 people in my department. Everyone, including me, is too emotionally attached to the project – there is no neutral person because we’re all intrinsically linked, like to a family.”
- “I have no human resources department to back me up.”
- “Creative people all come with baggage. People will get upset and there’s intense pressure.”

Given the mental health issues identified by the Film and TV Charity’s 2019 research within TV production, this lack of human resources capacity is a particular challenge and may be a contributing factor to poor practices and to issues such as bullying.

Even where welfare contacts did exist on sets, they had to take on these roles alongside their day jobs with no additional training or time allowance factored in. For example, on one set, two members of the production staff were named as welfare contacts for anyone to speak to. However, they were not clear on what actions would be appropriate to take should someone report a serious labour issue to them such as sexual assault or labour exploitation. On another set, one person qualified as a mental health first aider but ended up spending so much time on this aspect of her work that she did not deliver on her main job role and the production terminated her contract.

### **Selected findings from research undertaken by the Film and TV charity:**

- 86% of people in film and TV have experienced a mental health issue (based on 9,000 responses), compared with 65% in the wider UK economy
- More than 50% had contemplated suicide (compared to 20% in the wider UK economy)
- Marginalised groups (BAME, LGBTQI, disabled etc) have a much worse experience of working in the industry than the population at large
- Drinking culture for some [types of] production[s] can contribute to issues (wrap parties, awards ceremonies)

For full details, see

<https://filmtvcharity.org.uk/why-we-exist/whole-picture-programme/>

Ancillary workers all said that they would welcome a neutral person to speak to about issues they faced at work. “You don’t want to talk about your frustrations because you don’t want it to get round but you need an outlet.” One production arranged a day where senior staff from the broadcaster had an ‘open-door’ policy and anyone could come in and raise any issues. They were insiders enough to know the production and to be able to take action on issues raised but with an appropriate level of detachment that people felt that anything said would not then be gossiped about. This identified a range of issues that would not have otherwise been picked up. During the course of the research, it also became apparent that interviewees welcome the chance to talk to an outsider about their experiences. Both of

these examples demonstrate that human resources support or welfare contacts are necessary and would be welcomed by workers on set.

## **6. Lack of communications channels and grievance mechanisms**

An important mitigation for human rights risks is to have strong communications channels and grievance mechanisms for all workers to raise concerns about their own situation or those of their colleagues. This can be challenging to achieve in the temporary set up of a TV production and has historically been a particular issue, given the hierarchies involved and the precarious nature of freelance work. Even where channels are set up, they can be particularly difficult for ancillary workers to access as they may not know they exist or may be explicitly excluded from using them.

There was also a perception among some production staff that taking a more active interest in the wellbeing of ancillary workers might adversely impact their relationships with industry suppliers and be seen as over-reaching or even insulting. This is an important barrier but may be a perception rather than reality as the industry suppliers interviewed said that they would welcome more concern for the welfare of their ancillary workers.

During the research, there were interviews with a variety of ancillary workers on different production sets, all of whom said they would have no problem raising an issue of bullying, harassment, health or safety to their managers. However, there were also examples of people experiencing behaviour that could be characterised as bullying. There are also clear power differentials evident between ancillary workers and their managers and production staff; experience from other sectors suggests this will inhibit the raising of concerns. This is especially a risk in an industry where workers have no job security and are expected to demonstrate their reliability in order to get their next job. While none of the lowest paid workers engaged as part of the research expressed a fear of raising issues, other stakeholders agreed that it remains a challenge in the sector.

## **7. Undervaluing the contribution of ancillary workers**

The research found a common experience of ancillary workers was feeling underappreciated or undervalued and very much at the bottom of a hierarchy. This demonstrates the power imbalances that are a common feature of TV production.

Comments included:

- “They don’t care about us and our staff” – Transport and facilities company
- “Stuff is seen as someone else’s problem; for example, people don’t pick up rubbish after themselves but assume you will do it for them” – Facilities team member
- “There is a hierarchy, especially from younger people who say. ‘you’re just the caterers’” – Catering worker
- “Security are at the bottom of the barrel – we’re overlooked on a lot of jobs. We’re at the bottom of the food chain” – Security guard
- “We get no recognition for the smooth running of a show but fingers are pointed the moment things go wrong” – Facilities team member

People whose contribution is not valued or appreciated are less likely to be considered by productions in terms of worker welfare, dignity at work and good labour practices. This puts them at greater risk of labour exploitation with fewer places to turn for help. It can also adversely impact on their mental health and wellbeing.

## Conclusions and recommendations

The risk of hidden labour exploitation appears relatively low as a result of the high barriers to entry for industry suppliers as businesses and ancillary workers as individuals, although there are opportunities in two identified areas that may be exploited by rogue operators which productions should make sure to guard against. However, there are a range of other labour rights risks which the research identified including those related to precarious employment, long working hours, safety, mental health, wellbeing and bullying.

### Recommendations to commissioners and broadcasters

- Ensure that productions are appropriately budgeting for labour risk management
  - Recognise that welfare and human resources support should be factored in as a core cost and do not put pressure on productions to remove this during budget discussions
  - Consider providing or requesting that productions provide a contingency fund for self-employed workers in need of emergency support
- Use opportunities such as start-up meetings to reinforce expectations on labour standards
  - Ensure that the Ed Spec and start-up meeting asks productions how they will ensure labour rights are protected and worker welfare considered, including among ancillary workers
- Improve support on labour rights risk management to productions, including supplier due diligence, training, tools, signposting and information
  - Improve support to productions in identifying known and trusted industry suppliers, through improved pre-approval processes for suppliers that factor in labour risk management
  - Consider providing human resources or people management training to production staff and other crew with responsibilities for overseeing the work of subcontractors and industry suppliers
  - Use opportunities such as production portals to provide information and signposting
  - Consider providing a fund to support self-employed workers in need of emergency support
- Require better transparency from productions in terms of reporting on processes, incidents and issues to broadcasters
  - Use cost report meetings to increase oversight of labour rights management

### Recommendations to productions

- Factor in worker welfare as a core cost when budgeting and pitching for commissions
  - Ensure the budget is sufficient to provide accommodation to ancillary workers if their commute would add an unreasonable amount of time to the working day
  - Consider providing a contingency fund for self-employed workers in need of emergency support
- Establish a culture of dignity at work for everyone on set at the outset of a production

- Establish a positive working culture at the outset of a production, e.g. by referring to the BFI's Dignity at Work principles and identifying ways to put them into practice
- Production staff should ensure they are aware of all ancillary workers on set and see them as part of the crew for whom they have responsibility
- Establish a bullying and harassment policy, include it in supplier contracts and actively communicate it to all on set, including ancillary workers
- Improve due diligence on suppliers in relation to recruitment and employment practices, particularly in terms of the use of self-employed ancillary workers and for unknown or untested suppliers
  - Conduct due diligence on industry suppliers to ensure that ancillary workers are appropriately employed and on contracts that entitle them to at least the national minimum wage, if not the Real Living Wage as calculated by the Living Wage Foundation
  - Use known and trusted industry suppliers for ancillary work where possible and where this is not, take additional precautions to ensure that the production does not use rogue operators
- Make active and ongoing use of supplier risk assessments to ensure that mitigations are implemented effectively
  - Review the process of conducting risk assessments to ensure that they are fit for purpose, identify actual risks (including those to labour rights) and that they are then used as ongoing tools to ensure that risks are properly managed
  - Require industry suppliers to operate a shift management system that includes checking previous day hours and finish time to ensure sufficient breaks, rest and days off for ancillary workers
- Proactively engage with ancillary workers and establish direct formal communication mechanisms with them
  - Share call sheets so that they have access to any additional information published there, such as details of welfare contacts
  - Use any opportunities for direct engagement to build in a welfare element, such as those provided by checking everybody's right to work under IR35 requirements
  - Establish regular feedback sessions with someone perceived as sufficiently detached from the day-to-day of the production to ensure that issues are captured as they arise
- Establish communication and grievance channels and ensure that all ancillary workers are aware of them and able to access them
- Embed welfare contacts and human resources support into productions, with the right knowledge and training to deal with labour issues that might arise

## Findings at the level of ancillary workers

The research involved visits to production sets and direct engagement with ancillary workers, as well as interviews with industry suppliers of such roles. The detail and insights gleaned from these engagements on different types of ancillary workers are set out below.

### Set construction and rigging

#### About set construction and TV production

Set construction and rigging requirements vary between genres. It is overseen by the Art Department or Set Designer. Workers on semi-permanent set construction have frequently come from the building sector and some go back and forth between the two. Building and construction in the UK is known as having problems of hidden labour exploitation.

#### Comparison between Drama and Entertainment in terms of set construction

Drama	Entertainment
Semi-permanent structures built; sites subject to CDM regulations	Much more temporary sets constructed; sites not usually subject to CDM regulations
Long lead times to design and build sets – major part of pre-production and significant amount of time needed for de-rig	Sets often built off-site and then installed rapidly by stagehands in order to maximise studio time for filming
Set designer and construction team employed full-time due to amount and extent of work	Set designer and team may only be employed part-time and be working on other projects simultaneously

#### About the workforce

In drama, set construction involves building semi-permanent structures on sites subject to CDM regulations. As a result, there are many workers who have come from the building sector. However, because set construction is seen as more desirable, more interesting and better paid than regular building work, it tends to be those who are better connected who are able to move between the building sector and TV work, rather than more vulnerable migrant workers or gang labour.

- “There’s a lot of money in this game.” – Worker in drama set construction
- “Someone on a building site would get £100-£150 per day; for the same skills on a film/TV set, you get £180-340 per day.” – Set construction company

This difference means that there are high barriers to entry for companies supplying the TV sector and for individuals wanting to work for those companies. Such barriers reduce the risk of systemic hidden labour exploitation or modern slavery. For example:

- “Everyone individually invoices; no one comes as a team. So there’s nowhere [for gang labour] to hide. There are no ghost workers – it couldn’t happen here.” - Worker in drama set construction

There may be exceptions when supply is short.

- “Companies leave everything to the real last minute which puts you in a position where you’re struggling to find people to do the job and you have to employ first, second or third choice.” – Set construction company
- “For scaffolding and riggers normally have to have qualifications or insurance – which normally stops people being totally unqualified but there are times when known people/riggers are busy and that might be when corners are cut and people are brought in from building sites.” – Set construction company

The more attractive work of set construction means that although modern slavery might not be present, there are other issues, related to nepotism, lack of diversity among workers, lack of choice in suppliers for production companies and protectionist working practices. For example:

- “People will do everything to get a job in the film business: cheating, lying, backhanders etc. It’s very ruthless. Other people viciously control and manipulate the business and stop new people coming in.” – Set construction company
- “The main problem is that there are big sums of money and a hierarchy on who controls the money to the bottom of the range.” – Set construction company

In entertainment, sets are often built off site by specialist companies and installed by stagehands rather than qualified builders. See **stagehands** below.

#### Set construction - worker perspectives

##### Positives

- Variety of work
- Seeing the fruits of your labours on TV
- Sense of being fairly treated

##### Challenges

- Time and the nature of doing very intensive work over a short period
- Changing requirements but fixed deadlines

Across the genres, workers conveyed a sense of being fairly treated by their direct employers and provided examples where their employers had gone above and beyond minimum legal requirements to support workers experiencing ill health or bereavement.

#### Workforce risks

**Safety:** In both drama and entertainment, the issue of safety arose as a challenge. One representative from a set construction company claimed that, “There are lots of accidents that don’t get reported. People get paid off and it’s all brushed under the carpet.”

**Inadequate application of mitigations for safety risks:** Alongside this, one rigger pointed out that a relatively high proportion of riggers, mechanics and those providing manual labour to sets may have problems of literacy or suffer from dyslexia. However, the mechanisms used by production companies to manage health and safety risks often involve such workers with lengthy paperwork to read and sign. Not only may this be ineffective for those with literacy challenges, it may increase their levels of stress and impact their welfare.

**Mental health:** Mental health came up as a challenge. For example, one set construction company said that, “People are asked to work extreme hours and there’s lots of depression.”



Recommendations on set construction
Recommendations to productions <ul style="list-style-type: none"> <li>Identify alternative ways to provide health and safety information to workers</li> <li>Enhance oversight of safety requirements</li> </ul>
Recommendations to industry suppliers <ul style="list-style-type: none"> <li>Ensure workers are not illegally self-employed and support their access to better labour rights</li> </ul>

## Stagehands / crewing

### About stagehands and TV production

Stagehands are people provided by crewing or event companies to TV production.

- Most of the work is rigging, de-rigging or changes/turnarounds in the course of filming.
- It includes loading and unloading of equipment, props etc.
- There is a big difference between studio work (mainly rigging) to anything that happens on location, which can involve carrying lots of items across significant distances.

The events industry is under a lot of pressure due to Brexit, new immigration changes coming in and the widespread use of freelancers. Because of the success of the TV and film industry, they are soaking up labour which is leading to a shortage, especially of more technical roles like carpenters. Some TV productions also recruit stagehands directly as freelancers rather than through event/crewing companies.

### Workforce risks

**Risk of rogue operators:** Events/crewing companies are constantly squeezed on price by productions, perhaps not always valuing the services being provided: “Margins are low so we know there’s not a lot of wiggle room.” This means that if the production is operating in an area that a reputable supplier cannot service safely without putting people up in hotels and the production company refuses to accommodate the workers, then they are more likely to go to rogue operators.

The research brought up allegations of rogue operators who pay cash to people in receipt of state benefits and pay well below the minimum wage. “We know competitors of ours paying £5” (Crewing company). This would be illegal on a number of levels:

- Paying below the minimum wage is illegal
- Facilitating tax evasion is illegal (ie cash in hand)
- Those in receipt of state benefits may be working illegally

Employing people illegally also puts those workers at greater risk of coercive practices. For example, a technique used in other sectors is to offer working hours to people in receipt of state benefits at well below the minimum wage but to say that only 16 hours of that time will be recorded (the maximum someone can work and stay in receipt of all their benefits). When a person decides that they don’t want to work the many hours they are being asked to do, then the employer threatens to report them for working illegally. Afraid of losing their access to benefits, these workers stay working for very low pay in poor conditions. This is where such practices tip into modern slavery.

In the UK, there are cities where rogue operations are known to be more widespread, e.g. Glasgow and Aberdeen. Good events companies who invest in their staff go where the venues are, with bases in places like London, Birmingham and Manchester. In certain pockets where work is less available, people may be desperate to take on whatever is offered.

**Health and safety:** Crewing companies pointed to a problem of poor attention to health and safety in the TV industry and attributed it to young and inexperienced people making decisions, suggesting they are getting promoted quickly because they are cheaper. They said that production companies do not want to pay for qualified people to do a job and it is worse amongst small production companies.

**Health and safety of freelancers:** Freelancers who are directly employed by productions may not have their health and safety looked after adequately and end up working unsafe hours. By comparison, those working for crewing companies that take health and safety seriously will not be allowed to work back-to-back shifts or do excessive hours.

**Working hours:** Production companies sometimes “low ball shifts”, saying they need a certain crew for a specific length of time but when the team arrives, they discover that the work needed to be done is not reasonable.

#### **Good practice case study: Crewsaders**

Crewsaders is a company that provides stagehands and has adopted a number of practices to support its otherwise low-paid workforce:

- Pays the equivalent of the London Living Wage to all crew wherever they work
- Pays crew bonuses, out-of-town bonuses and skills bonuses
- Pays a shift bonus if crew supply their own PPE.
- Risk assesses any working day of 16 hours, including travel time
- 24/7 duty contact in place
- A policy of turning work away if they don't have the crew to do the shifts safely
- Pays crew for travel time from when they leave their homes
- Crew View monthly initiative encourages feedback from clients – if a crew person gets mentioned by name, they get two points and if as part of a team then one point. These points go towards tokens for spending on kit and clothing. In addition, there is a prize draw every month for those with positive feedback and three winners, all of whom go into a yearly prize draw for a bonus to be put towards a holiday as a thank you for representing the company so well.
- “As a result, they get really good crew because they're so keen to get rewards.” – Client of Crewsaders

#### **Recommendations on stagehands**

##### **Recommendations for productions**

- Ask suppliers of stagehands how they check to ensure that their workers are not working excessive hours elsewhere before their shift starts and how they manage the need for rest
- Ensure budget is available to accommodate workers if necessary

##### **Recommendations for industry suppliers**

- Ask workers about other work they are doing in order to ensure that they are not taking on shifts without sufficient rest

## Facilities

### About facilities and TV production

Facilities usually comes within the remit of the Unit manager. The exact role for facilities teams will vary by production but may include servicing of temporary/mobile cabins or offices, maintenance and logistics.

- “We’re known as the Department of Thankless Tasks.” – Unit manager, Entertainment
- “They call me ‘bins and parking’” – Unit manager, Drama

### About the workforce

Service crew may be supplied by the transport company supplying trailers, for example a team of three may look after 10-15 trailers. Conversely facilities team may train up staff to act as HGV or plant drivers. There were also examples of productions employing individuals within facilities who have their own vehicles and provide additional capacity in terms of HGV equipment.

Most workers are relatively low paid, although those with additional skills and qualifications could command higher day rates.

### Workforce risks

**Long hours:** If service crew are paid by the hour, then there is an incentive for them to work long hours in order to increase their income. Even where they do not wish to work long days, if a production is not well organised, that can also cause staff to work long hours.

**Accommodation:** Sometimes service crews are required to sleep overnight in the vehicles they are responsible for, either as a security measure or because the budgets do not exist to put them up in better accommodation. This seems to be becoming less common with providers of service crews stipulating that their staff are treated as part of the crew and put up in the same hotels as others involved in the production.

**Balancing commitment to a production with health and safety:** Another challenge identified by a supplier was the way that workers sometimes bend health and safety rules at the request of productions:

- “We set up a costume artic[ulated trailer] and we had steps going onto the tarmac and the director said it needs to go other way; we said the other way goes onto grass and you need to put hard standing on it. They said yes we’ll do it but they didn’t and the next day a lady fell down and had to go to hospital.”
- “Part of the problem is going feral – when [our service crew] are working on production and are part of the crew they forget that we’re the employer who sets the standards. They get into the mindset of doing everything to help the production.”

Recommendations on facilities
<p>Recommendations to productions</p> <ul style="list-style-type: none"> <li>• Require industry suppliers to use a shift management system that takes into account hours worked the previous day and builds in adequate breaks, rest and days off</li> <li>• Ensure equal treatment for services crew, e.g. ensuring that they stay in the same hotels as the rest of the crew and don't get inferior food, accommodation etc</li> <li>• Ensure that any safety concerns raised by facilities teams are taken seriously and that no one is asked to bend the rules</li> </ul>
<p>Recommendations to industry suppliers</p> <ul style="list-style-type: none"> <li>• Use a shift management system that takes into account hours worked the previous day and builds in adequate breaks, rest and days off</li> <li>• Require equal treatment for services crew, e.g. ensuring that they stay in the same hotels as the rest of the crew and don't get inferior food, accommodation etc</li> <li>• Set clear safety expectations with workers and provide a contact number for them to flag any concerns</li> </ul>

## Catering

### About catering and TV production

Catering is an important part of productions. As one production manager said, it is essential for the morale of the whole crew to have good catering.

Depending on the production, caterers may need to provide up to three meals a day, with an appropriate choice to meet varying dietary requirements.

When on location, crew go to a local restaurant if there is no canteen.

### About the workforce

It is usual for catering staff working on a production canteen to do a 12-hour shift and to be paid on a daily rate (whether the shift is shorter or longer than 12 hours).

- "If we do 15 hours, then I (and others) may go under the minimum wage. It's £120 per day for front of house and £110 for kitchen porters. [Our company] pays the cost of travel and will put people up in hotels if needed." Catering manager

It is not common for productions visiting restaurants to consider the working conditions of those providing them with food and service.

### Workforce risks

**Long working hours:** 12-hour shifts are common and people may end up working longer than that if needed, particularly if schedules change. One catering worker said, "I know of another TV set where staff ended up sleeping on the kitchen floor" because of the shift lengths and the lack of adequate time off between shifts.

**Failure to take impact of scheduling changes on catering staff into account:** Production schedules often need to change at short notice. However, if that changes the time of a meal break, that can be stressful for catering staff who cannot produce food quicker at such short notice or who are then expected to keep meals fresher for longer. Productions also regularly miscalculate the numbers of meals needed and end up requiring many more than they have

told the catering providers about. Sometimes this is deliberate, sometimes it is a result of poor planning. Such misinformation can put additional pressure on catering workers.

Recommendations on catering
<p>Recommendations to productions</p> <ul style="list-style-type: none"> <li>• Require catering providers to account for how they will address worker welfare, including shift lengths and rests between shifts as part of supplier due diligence</li> <li>• Improve forecasting and planning to ensure that the number of meals requested realistically reflects the number of people who need feeding</li> <li>• Take into account the impact on catering workers of changes to production schedules and ensure that they are consulted in good time before making changes to mealtimes</li> </ul>
<p>Recommendations to industry suppliers</p> <ul style="list-style-type: none"> <li>• Include the risk of long working hours and inadequate rests between shifts on the catering risk assessment and put in place adequate mitigations</li> <li>• Establish penalties (e.g. through financial terms in contracts) for production companies that low-ball meal requirements to improve practices</li> </ul>

## Cleaning

### About cleaning and TV production

Cleaning for a production may often be undertaken by members of a facilities team. Where a cleaning company is contracted, it may be separate to the production. For example, it may be contracted by the owner or manager of studio facilities.

### About the workforce

The cleaners engaged as part of the research appeared to be among the more vulnerable workers on productions. They included a migrant worker with limited English and three older women close to or beyond retirement age.

### Workforce risks

**No guarantee of hours:** Unlike other ancillary roles, cleaners tended to be required for much shorter timeframes and on an ad hoc basis, meaning their hours could vary considerably from month to month.

**Lack of visibility:** Cleaning is often undertaken before morning call times or after a production wraps for the evening, when few people are around. Therefore, it is difficult for cleaners to build relationships with other parts of the production and for production staff to witness their working conditions. This lack of visibility puts them at higher risk of hidden exploitation.

Recommendations on cleaning
<p>Recommendations to productions</p> <ul style="list-style-type: none"> <li>• Conduct enhanced due diligence on industry suppliers of cleaners to ensure that their conditions of recruitment and employment are not exploitative</li> <li>• Build relationships with cleaners where their shifts overlap with members of production staff and make an effort to meet and speak to cleaners where shifts do not generally overlap to provide a direct check on their welfare</li> </ul>

## Security

### About security and TV production

Security is required at TV productions to ensure that sets are secure and to check who is coming in and out.

It is standard for security guards to be on 12-hour shifts. All security guards should have their SIA qualification. Those interviewed as part of the research were commonly on c.£10 per hour.

### Workforce risks

**Under-resourcing of security:** It appears to be common for TV productions to under-resource security provision. For example, a production may have only one security guard, meaning that if that guard needs to take a break, there is no one to cover their post. This has led to some security guards feeling that their job is at risk if they take a toilet break.

- “I end up dreading coming to work because of the understaffing...I’m always thinking I’m going to lose my job [because I can’t respond to issues], even if the under-resourcing is not my fault.” – Security guard

It also means that guards cannot undertake patrols or investigate issues and may be put at risk in the case of an incident, for example, if there is a need to remove one or more potentially violent people from the site. Security guards are the individuals at highest risk of experiencing violence in their roles, given that they are the first line of defence in the case of an incident. Under-resourcing puts them at even higher risk.

**No time built in for shift handovers:** Given that shifts are 12 hours (ie they run from 7am-7pm or 7pm-7am)), there is no time allocated for the security guard leaving their shift to debrief the security guard arriving. Instead they must depend on the shift log but if an issue has been identified, the under-staffing means that they may not be able to address it.

**Challenging working conditions:** Security guards often have to work outside in all weathers, risking exposure to extremes of temperature.

Recommendations on security
<p>Recommendations to productions</p> <ul style="list-style-type: none"><li>• Ensure a professional security risk assessment is undertaken to ensure that safety is not compromised by the budget and ensure that this risk assessment factors in worker welfare</li><li>• Ensure that the welfare of security guards is factored into decisions about resourcing</li><li>• Budget to provide meals to security guards where these are also provided to other crew</li><li>• Ensure that security guards have adequate personal protective equipment and clothing (PPE)</li></ul>
<p>Recommendations to industry suppliers</p> <ul style="list-style-type: none"><li>• Ensure that the security risk assessment factors in worker welfare</li><li>• Insist on adequate welfare arrangements for security guards deployed</li><li>• Stagger shifts where possible to build in adequate time for a handover between security guards</li><li>• Provide adequate personal protective equipment and clothing (PPE) to security guards</li></ul>

## Transport / swing drivers

### About transport and TV production

Transport needs for productions can include:

- Trucks (for camera equipment and lighting equipment transport);
- Mobile toilets (honeywagons)
- Mobile production offices
- Costume articulated trailer (with washing machines, drying rooms, tv, tea& coffee)
- Gymnasiums for actors, single actor trailers, or 2/3-way trailers
- Mobile generating power

A production may need a driver to bring them the vehicles and take them away again after use but not in between. Or a production may need drivers regularly to move the unit between locations. At times, drivers are required to move vehicles through the night in order to have them in place at a new location ready for filming the following day.

Compared to film there are usually lower expectations of facilities for TV and productions are more conscious on price so do not necessarily want the best equipment. Bigger productions with major stars have higher specs. Lower budget TV productions are higher risk for transport companies than well-funded ones in terms of health and safety.

A transport company may also provide a service crew to look after the equipment and the production staff. See Facilities for more on service crews.

### About the workforce

Transport companies will supply drivers, known as swing drivers, who are only used for a few hours. The company will deliver a driver to point A and they then move the vehicles to point B, either leaving them there or bringing them back again later.

Drivers are usually employed by intermediary agencies and do work across a wide range of sectors beyond film and TV.

For some time, there has been a national shortage of heavy goods drivers. Consequently, many are recruited from Eastern Europe to fill the gaps. Because of the high demand for qualified drivers, the standard rate is c.£20 p/h.

### Workforce risks

**Unknown recruitment and employment conditions:** Transport companies often rely on agencies to provide workers that they need. Many are migrant workers which are among the categories of workers more vulnerable to hidden labour exploitation.

**Lack of competency:** On larger or high-end/big budget productions, the role of a transport captain is to manage all the unit cars and the logistics of lorries and trailers. However, according to one leading industry supplier of transport and facilities, many do not hold a transport manager's qualification and are not professionally competent. Consequently, production companies often ask for what amounts to illegal working hours for drivers, for example without including the required rest day.

- “We’ve had shooting schedules sent to us that would have been illegal.”
- “They can be ruthless – prepared to break the law and put tired drivers on the road.”
- “Productions lie to us”, e.g. by requesting a small truck to take a small load but the driver arrives to find it overloaded.

This can put drivers at risk if their own employer is not willing to support them in challenging illegal requirements.

**Risk of rogue operators:** There is a possibility of rogue operators in this sector, given the budgetary pressures that transport companies are often put under.

- “One of our main competitors also runs fairgrounds and we’re convinced lots of the guys go well over the driver hours and they’re claiming showman’s exemptions. They have a licence for 10 vehicles but they’re running 20 vehicles; when we tell the production company they don’t want to know.” – Industry supplier

Recommendations on transport
<p>Recommendations for commissioners</p> <ul style="list-style-type: none"> <li>• Require productions to demonstrate that transport captains hold competency qualifications, e.g. by adding to the commissioning specs</li> </ul>
<p>Recommendations for productions</p> <ul style="list-style-type: none"> <li>• Insist on transport companies that prioritises the health and safety of their drivers</li> <li>• Query prices that undercut established providers and be alert to rogue operators</li> <li>• Ensure that transport captains hold competency qualifications</li> </ul>
<p>Recommendations for industry suppliers</p> <ul style="list-style-type: none"> <li>• Conduct enhanced due diligence on suppliers of agency drivers</li> <li>• Add information on health &amp; safety, welfare and/or workers’ rights to the swing sheets given to drivers</li> <li>• Put contact details for raising concerns onto Swing Sheet and ask drivers to contact their line managers with any issues</li> <li>• Empower drivers to refuse jobs on arrival and back them to do so, e.g. if a load is too large for a truck that has been booked or if safety is comprised in any way</li> <li>• Ask drivers about their recruitment and conditions of employment if through agencies</li> </ul>



## Cross-cutting analysis

### Assessment of modern slavery risk

The research found that a number of factors that can indicate a risk of modern slavery or hidden labour exploitation are fundamental to TV production in the UK. These include widescale use of subcontracting; low paid, temporary and insecure employment; and dirty, dangerous and physically demanding work.

However, the research did not identify any workers at risk of modern slavery on any of the productions visited. One reason for this is the high barriers for industry suppliers to enter the sector. Without existing connections to TV, it is challenging for a company to become a supplier to TV productions. Because of the various budgetary and time pressures that TV productions are subject to, production staff who subcontract services tend to prefer known and trusted suppliers to work with.

Ancillary workers interviewed during the research found it hard to imagine how someone enslaved could end up doing the job they had. This was partly because the way that many of them found work was through connections and word of mouth and partly because the jobs were desirable ones, even though they were generally low paid and short-term positions. Many ancillary workers reported high levels of job satisfaction and reported good communications among those on set.

The initial conclusion is that the factors identified do not seem to manifest in systemic hidden labour exploitation and that the structure of the TV industry and its reliance on connections and relationships are good mitigations against this.

There were, however, examples in two areas of ancillary work where interviewees suggested that rogue operators may be present and it is here that hidden labour exploitation may be an issue. The areas identified were transport and stagehands.

- Among suppliers of transport, there are suggestions of operators willing to bend rules on driver safety in order to meet the budget and time constraints of TV productions. This would be exploitative and, if drivers are required to do this as a result of coercion, then there may be a case for identifying this as modern slavery.
- Among suppliers of stagehands, there are suggestions of operators employing people for cash in hand at below the minimum wage, enabling both the operator and the workers to avoid paying the correct taxes. Where workers are benefits recipients, declaring such work could put those benefits at risk. This makes the workers vulnerable to coercion as the company employing them could threaten to report illegal working in order to require them to work longer hours or in poor conditions<sup>12</sup>.

For both transport and stagehands, it is likely that hidden labour exploitation remains an exception rather than a systemic challenge.

Added to this, there is a possibility that cleaners on some productions may be experiencing hidden labour exploitation as they are among the least visible ancillary workers to the rest of the crew. Furthermore, if they are not overlapping with the production schedule, the job

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<sup>12</sup> This is a method of coercion that has been known to occur in the UK garment sector.

satisfaction noted by other ancillary workers is less likely as these tended to relate to the excitement of being part of a production and the variety of work. There was limited opportunity during the research to engage with cleaners or industry suppliers and so an understanding of issues here remains on the 'to do' list. The research also did not engage any ancillary workers in or industry suppliers of waste management. Both cleaning and waste management are sectors where modern slavery has been found in the UK.

A follow up to this research will look at risks of hidden labour exploitation among ancillary workers on TV productions in other countries to understand how the national context might impact labour rights.

### Other labour rights issues identified

Although the risks of hidden labour exploitation in UK TV production appear to be very low, the research did identify other labour rights issues with human rights implications.

**Long working hours** are a feature of productions and an accepted norm for the industry but the mitigations in place may not always be sufficient to protect the safety, health and welfare of ancillary workers. This can impact ancillary workers' rights to life and health. There is also a human right to rest and leisure, including reasonable limitations to working hours.

**Safety issues** came up repeatedly as an industry-wide problem, with some ancillary workers being put at unnecessary risk due to pressures of budgets, time and/or a lack of competency or experience among production staff. One industry supplier highlighted low literacy and high dyslexia rates among skilled manual labourers in TV production and suggested that safety mitigations should better take into account such challenges.

**Mental health** is a known widespread challenge across the TV industry and the Film and Television Charity is undertaking a significant programme of work to improve the situation for crew. However, the mental health of ancillary workers is likely to remain overlooked for as long as productions see it as the sole responsibility of the suppliers who provide the workers.

**Precarious employment** is the nature of work in TV production, with most ancillary workers either self-employed or on zero hours contracts, whilst also on low pay. Many of those spoken to did not know what rights they had, were unsure if they had received contracts and may not have been appropriately or legally self-employed. Many of these practices fit in the problematic section of the labour rights spectrum and adversely impact the human right to just and favourable conditions of work.

**Bullying and harassment** continues to be a feature of TV productions, although this has improved markedly in recent years. Where the contribution of ancillary workers is not valued or appreciated, they are more at risk of bullying.

**Fear of speaking out** about labour rights and other issues was not something raised directly by any of the ancillary workers directly engaged but it came up frequently as a concern of production staff, other crew and industry suppliers, who felt that it was natural that those on low pay with no job security and a sense of being at the bottom of a hierarchy would be

less likely to raise concerns or grievances. Ancillary workers were, however, acutely aware of the power imbalances present in TV productions, which could also impede them from speaking out.

## Methodology

The research began in August 2019 and is based on an iterative approach to gathering and testing findings. Underpinning the approach are the UN Guiding Principles on Business and Human Rights, which provide an international framework for companies to identify, assess, prevent, mitigate and remedy their human rights impacts.

The range of methods used are set out below.

Method	Details
Desk research	Industry initiatives Broadcaster policies and processes (members of the TVIHR Forum) Modern slavery statements of production companies and industry suppliers Supplier risk assessments News reports Deep-dive assessment findings for Carnage (Sky)
Key informant interviews	Production companies Freelance crew Representatives from broadcasters Industry bodies (BECTU, FATV Charity, Albert) Industry suppliers <ul style="list-style-type: none"> <li>• Rigging company</li> <li>• Cabin supplier</li> <li>• 2 x crewing companies</li> <li>• Transport &amp; facilities company</li> <li>• Health &amp; safety services provider</li> <li>• Catering company</li> </ul>
Mapping and analysis	Potentially affected groups Potential human rights risks Industry initiatives Production process Industry bodies
Deep dive assessments on productions, including engagement with ancillary workers	A League of Their Own (Entertainment, Sky) Dancing on Ice (Entertainment, ITV) A Discovery of Witches (Drama, Sky)
Preliminary desk-based assessments on productions	Cheltenham Literary Festival (OB, Sky) Britannia (Drama, Sky) Doctors (Continuing drama, BBC) Dynamo: Beyond Belief (Entertainment, Sky) Euro 2020 preparations (Sport, ITV)