

TV INDUSTRY HUMAN RIGHTS FORUM



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

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Introduction

About 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 on 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.

This report represents the executive summary of findings from research into labour practices for ancillary workers on TV productions. The full report is available at www.tvhumanrights.org.

Hidden labour exploitation and modern slavery

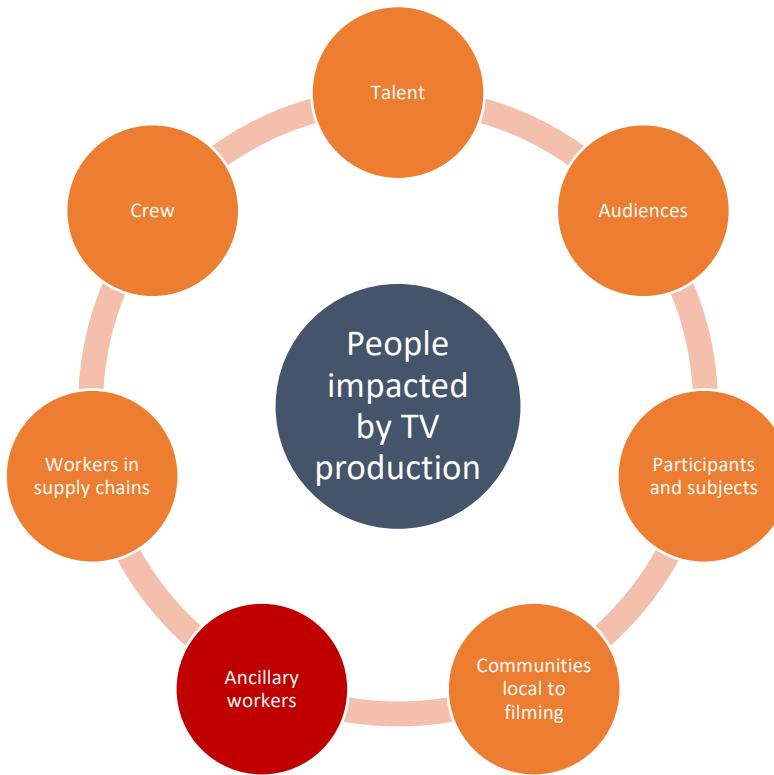
Of particular concern to TVIHR Forum members is the extent to which TV production is at risk of causing, contributing or being linked to hidden labour exploitation, including modern slavery. This has been driven in part by the Modern Slavery Act (2015) which requires companies with a global turnover 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.

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.



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

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 the tools available at www.tvhumanrights.org.

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.