

THE EXTRA FACTOR:

Supporting Artists – Liability and Best Practice

One Day Training Module – Script

In association with



Produced by
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CASTING

Extra Factor 1 Day Course
Training Plan and Script

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This course is designed to be taught as a presentation to a group of industry professionals and/or students as either part of a full time or part time course. It also includes questions for the tutor to ask the audience throughout to engage them during the course. The introduction will be part of the Power Point presentation as well as documents containing the comparison of Supporting Artist Union Agreement updated in May 2020 from the Extra Factor: Supporting Artists Liability and Best Practice Report and Best Working Practice checklist.

BEST PRACTICE: WORKING WITH SUPPORTING ARTISTS

SLIDE 1

1. INTRODUCTION (Approx. 1hr)

Welcome.

In this module, we'll be looking into the best working practices surrounding supporting artistes to help us all understand how to create a better and a more effective working environment for them. By the end of today, we will have covered union agreements, the production's legal responsibilities, employment rights and insurance and how the agencies, production companies and supporting artistes can work together to deliver best practice.

SLIDE 2 – Today

- Introduction & Welcome
- Supporting artist / Agency / Production
- Unions and their agreements
- Legal and other responsibilities
- Employment rights / Worker rights / H&S / HR
- Best working practice! – Expectations / reality
- Check List and Summary

SLIDE 3 - Our aim of today

To learn best working practice for supporting artists by understanding;

- *LEGISLATION* – How can the UK Government’s legislation help to mitigate risks to the production and supporting artistes
- *DUTY OF CARE* – to deliver a production’s duty of care for supporting artists
- *BEST PRACTICE* - apply best practice when working with supporting artists and agencies;
- *RESPECT* - be respectful of all crew and encourage diversity, inclusion and social mobility within the industry and on screen.

We shall cover these topics during the day.

SLIDE 4 - Quick Quiz – to engage audience and their understanding of current working practices.

SLIDE 5: 1. A Supporting Artist is classed by the HMRC as a;

- A. PAYE employee of the agency they are represented by?
- B. Self-employed who looks after their own taxes?
- C. PAYE employee of the production they are working for?

Answer – B. Self-employed who looks after their own taxes. Can be a trick question as if the SA is hired directly by production, they can be paid directly as a PAYE employee. This is very rare though.

SLIDE 6: 2. There are how many Supporting Artist Agency are operating within the UK.

- A. 19
- B. 37
- C. 47

Answer – C. 47. This is the number of known agencies recorded by ‘The Knowledge 2019’. The number is thought to be much higher - Due to the amount of online agencies emerging.

SLIDE 7: 3. Which of these agreements are commonly used within the 40mile radius of Charing Cross?

- A. FAA/PACT
- B. ITV/Equity
- C. BBC/Equity
- D. PACT/Equity Supporting Artists Agreement

Answer – A. FAA/PACT

SLIDE 8: 4. The Producers and a Supporting Artist Agency should have an agreed set of terms and conditions (i.e. rate, working hours, employment rights, etc) in place prior to filming;

- A. TRUE
- B. FALSE

Answer – B. TRUE. Although this isn't always the case.

SLIDE 9: 5. A supporting artist is currently working as 'regular' continuity on a TV Drama. They injure themselves whilst at home. Would production insurance cover this?

- A. YES
- B. NO

Answer – B. NO. As a supporting artist, is deemed as a self-employed. They should have their own liability insurance outside of the workplace. If they are on site, then the production is liable.

SLIDE 10: 6. It's Government regulation for a Supporting Artist Agency to register with the Employment Agencies Standards Inspector (EAS)?

- A. TRUE
- B. FALSE

Answer – B. FALSE. There is currently no government requirement to register.

Tutor Question to the audience - If they did know some/all of the answers. How did they know? Formal training? Or through their own experience?

2. MAIN COURSE (Approx. 5 Hrs including 1hr Lunch)

SLIDE 11 AND SLIDE 12 Supporting artist / Agency / Production

- Their roles and their working relationships with each other

SLIDE 12 2A. Supporting Artist / Agency / Production

SLIDE 13 Supporting Artist (SA)

There are many different names for a Supporting Artist, such as SA, Extras, Background or BG. For the purposes of this course we will refer to them in short as 'SAs'. Supporting Artists are a vital part of any production; they

help to create a believable scene. If you were watching a show with only the main cast in and no supporting actors, how much would you believe that scene, imagine London with no one else in the background, or in a pub with only one person present.

SAs are used for Feature films, TV, Pop Promos, Corporate Videos, Promotions and Commercials. All of these have different agreements and working practices which we will discuss later.

Some of the most common roles include sitting in pubs or cafes while a conversation between show leads takes place. They will be found primarily through an agency although sometimes are found through open castings held by either the production or agency, or via a direct booking. (Employment between an individual and a production). It's worth noting that quite often that professional SAs will be signed up to a number of agencies to make sure they can work across many productions.

Quite often, SAs are booked to be able to blend into the background of a scene but they also can be booked for any standout features/skills, if there's a specific brief for the production depending on the story. We'll touch on this a little later. The role of the SA can differ between the agreements as you will see below but here is a brief look at the most basic expectations of a Supporting Artist.

SLIDE 14

A supporting artist is not required to give individual characterisation in a role or speak dialogue other than crowd noise or reaction.

A standard day is normally a 9 hour working day which will include an hours lunch break (so 8+1) or an 7 hour continuous day without a meal break. Please note, these are different hours to the crew's standard working day.

Within the Equity agreements there are two descriptions under which a supporting artist can be hired;

1. Walk-On Artist

Shall mean an Artist who is required to exercise their professional skills in relation to a cast actor or actress and/ or in close-up to camera and be required to impersonate an identifiable individual and/or speak a few unimportant words where the precise words spoken do not have an effect on the overall script or outcome of the story.

2. Background Artist

Shall mean an Artist who appears in vision (other than members of the public in actuality scenes e.g. football matches where there is no substantial creative direction of the public) who shall not be required to give individual characterisation or speak any dialogue except that crowd noises shall not be deemed to be dialogue in this context.

Although the above are two standard roles that a SA can fulfil, they can also work as;

A) Stand-Ins

Stand-Ins (often called the second team) take the place of a principal actor for rehearsals, camera blocking, and lighting setups. They do all their work behind the scenes and are never seen on camera. There are different types of stand-ins depending on the needs of the production:

Example 1 - Cast Stand-In

Stand-Ins usually need to match the actor in height, build, hair colour, and complexion for lighting purposes.

Example 2 - Utility Stand-In

Utility Stand-Ins are used to stand in for actors of varying looks, genders, and ethnicities. Often, it's more important for utility stand-ins to match an actor's height rather than their look. A utility stand-in will commonly be standing in for multiple actors on the same project.

B) Doubles

Unlike stand-ins, doubles take the place of an actor on screen, though their faces are rarely (if ever) seen.

Example 1 - Lookalike Double

They must resemble an actor as closely as possible in height, build, hair colour and complexion. Since the photo double looks like the actor from a distance, they can film in the actor's place while they prepare for other scenes.

Example 2 - Body Double

Body doubles can be used in instances where an actor plays two or more characters who appear in the same scene. Body doubles may also be used to replace a principal actor for nude scenes, to perform special skills, or for second unit or insert shots to free up the actor to film other scenes.

Example 3 - Hand Double

Hand doubles are used for shot inserts to show a character performing a skill that the principal actor cannot convincingly portray. These skills can range anywhere from playing instruments to performing (fake) surgery. Hand doubles can also be used for inserts of ordinary actions, like holding a phone or opening a door, freeing up actors to shoot other scenes.

Supporting Artist Agencies (SAAs)

Supporting artists agencies (SAAs) are primarily the main source of finding SAs for the need of the production whether that be a Studio Feature Film / Independent Feature/ High-end TV (HETV) / Drama / Comedies etc. They provide a service of sourcing and selecting significant numbers depending on the wants and needs of the Production depending on the brief provided. Also, the SAA represent the SA's, if any problems arise with the employment on a production.

SLIDE 15

Their core service generally includes: ¹

- sourcing and supplying SAs, including through 'street' and 'open casting' ²
- managing the logistics of SAs availability, booking, release and transportation needs
- processing payments
- Responsible for making sure the required SA's attend the shoot. If there are any issues (due to illness or other), it is the booker's responsibility to find a suitable replacement.
- when required, providing the legal and tax records for each supporting artist and reporting to HMRC on behalf of the production

Tutor –

Question to the audience - How many SA agencies can you name off the top of your head? As we found out there are over 47 in the UK.

Answers include – Mad Dog 2020 Casting, Ray Knight Casting, The Extras Dept., The Casting Collective, Guys & Dolls, Extra People, BMA Artists, Phoenix Casting, Borthwick Casting, AS Casting, Key Casting, Celex Casting Ltd, Scream Management, Impact Casting, Mint Casting Agency Ltd, Seven Casting Agency, Norf Casting Ltd, Shooting Stars Artists, Agency Oakroyd, CATNAP Casting, GBM Casting, Greenlight Casting, J.Gav Casting to name a few.

The Knowledge 2019 identified 47 agencies, however as we have said there are likely to be a lot more. This is due to newer generation agencies who now use online platforms such as POP and exist predominantly online and in some instances also have a physical office. With the emergence of these new platforms, we can estimate there are closer to 60+ SAAs in the UK.

Digital technology adopted by the larger traditional agencies and online platforms helps them cast, manage, book and process chitless online payments.

Tutor Question to the audience – What problems and positives can we see arising now with online agencies?

Answer

- Problems: A gap in regulations and who's regulated, work practices and standards such as the difficulty of securing face to face verification.
- Positives: Access to a large database of artists.

¹ The Extra Factor: Supporting Artists – Liability and Best Practice by Creative Screen Associates (CSA)

² Ways of identifying SAs from regional/local areas who may not be part of an agency.

There are many agreements that govern the terms and conditions between SA, Agency and Production which can make an agencies job harder than it should be. Many variables contribute to this as different broadcasters / production companies use these different agreements. We'll explore more into that later.

It's worth noting that all agencies are employment agencies that are regulated under the conduct of employment agencies and employment businesses regulations 2003 (SI 2003/3319) Amendment 2010 (CEA03/10). This states that they have the option to charge either the fees to the supporting artist or to the production. Primarily the charge goes to the artist with fees ranging from between 5% - 20% and with some charging an admin fee to join too.

Production Company

SLIDE 16

The UK industry has been growing and domestic spending has been at its highest in years. (up until the recent Covid19 pandemic). Within the last 5 years (even 3 years), there have been huge changes within the UK industry and the amount of content being created is at an all-time high.

"Since the introduction of film tax relief in 2007, UK production spend on film has increased to a new high of £1.72 billion in 2016, with an overall growth rate over the last four years of 47%.

*HETV production has also seen growth to £896.7 million in 2016, more than double the spend compared to the first year of the tax relief being operational (£415 million). The UK industry has leveraged the opportunity provided by the availability of the HETR to increase both the scale and volume of output including recent productions for Netflix and Amazon which have invested significant amounts in original UK content such as 'The Crown' and 'Outlander'."*³

Also, this has led to a number of the international production companies setting up shop within the UK, Disney and Warner Bros are examples of US production companies working over here currently.

To keep up with the demand of high-end productions, we have seen an increase in Band 1⁴ TV programmes being produced by public service broadcasters, as well as HETV productions⁵. They (BBC, ITV, C4) are now collaborating to make an online UK streaming service, BritBox.

Tutor Question to the audience - Ask questions if anyone has heard of BritBox, does anyone have it?

Potential Rhetorical Questions after this before we look at the working relationship –

³ "How screen sector tax reliefs power economic growth across the UK' Summary report October 2018

⁴ Band 1 TV Show – less than £850k per hour.

⁵ HETV – production budgets of £1m+ per hour

What does all this mean for SA agencies in the UK? What does this mean for lower budget productions? What could be the implications of US production companies engaging with UK SA agencies, would they know all the rules & regulations?

Does this mean lower budget shows are now trying to 'do a deal' with SA agencies to gain the work? – Discuss. How do all the production companies know the Government legislation surrounding supporting artistes.

This is why we need a clear set of guidelines to ensure Production Companies, SAAs and SAs are meeting their legal and other responsibilities. We need to raise awareness of the best working practices to help create an equal, more transparent practice throughout the industry to make sure that there are fairer conditions and opportunity for all. More on this later.

The Working Relationship between the above.

SLIDE 17

Tutor Question - At the start of a production, how does the show go about sourcing and engaging SAs?

Does the production company advise? Is it the Line Producer's decision? Is it a collective decision between all of the Assistant Directors?

Usually Crowd 2nd AD / 2nd AD will have an agency they may already use. However, the decision needs to be run past the Line Producer/Producer/1st AD before engagement. You need to establish what rates you will be using on the show beforehand. In some cases, though the production company will have their own list of agencies that they work with. For example – Tiger Aspect have their own agreement which they use when engaging an SA agency. If the agency does not comply with their terms and conditions, such as rates of pay and 'rights to work' in the UK, it will not use that company. Sky and public service broadcasters require a DBS (Disclosure and Barring Service) check to be undertaken for SAs that are working on shows that they commission involving children.

A little later we'll look at the stages of engaging a SA company (including 2nd AD/Crowd 2nd AD) the different procedures on how some SA's are cast for the production?

Tutor Question –

SLIDE 18

Can you have more than one agency on a show? Reasons to have more than one agency (you can explain period, sci-fi, contemporary examples here)?

Reasons we want to question these ideas is that, as the industry is so busy and with no formal training in place, a new Producer may not be aware of the regulations but also we find that a lot of crew members are moving up the ladder very quickly, all of a sudden a runner you were working with a year on a BBC Comedy pilot is now a Crowd 2nd AD on large TV show or film.

Do we think that that person has had enough experience in the industry to implement and understand all the rules and regulations that we are talking about here?

SLIDE 19

Recap with the Audience – Does anyone have any questions about why there needs to be clear working practices between the SAs, Agency and production?

SLIDE 20 and SLIDE 21 - Unions

- Who are they?
- What are their differences?
- The role of unions?

2B. Unions and their agreements

Make sure audience have their breakdown of comparison of Agreements document to hand.

SLIDE 22 The two main unions looking after the interests and welfare of Supporting artists

- Equity.
- FAA - Film artists association – Branch of BECTU

Equity was founded in 1929. Traditionally it has looked after the performers and creative practitioners within the entertainment industry. They were a partner on the first agreements looking after the welfare of SAs with the broadcasters BBC and ITV.

FAA is a branch of BECTU- a trade union which primarily looks after workers within the non-performance roles of broadcasting; film and cinema; digital media; independent production and theatre and the arts. There are over 350 branches within BECTU.

SLIDE 23

They are 4 main agreements currently in place outlining the employment rights and conditions for Supporting artists.

- FAA/PACT – Producers alliance for cinema & Television
- ITV /Equity
- BBC/Equity
- PACT/Equity Supporting Artists Agreement

Tutor Question – SLIDE 24

What are their differences? (Group discussion after looking at comparison chart)

Ask the trainees - Wait for answers – What do they think? Hours/Pay/Terms and conditions?

The one of the differences between all of these agreements would be the dates of when they were last revised.

- FAA/PACT – Revised 2017
- BBC/Equity – Revised 2016
- PACT/Equity Supporting Artists Agreement - Revised 2019
- ITV/Equity - 2004

Without stating the obvious but both the broadcaster agreements will be used by the respective shows falling under their remit. The most used and 'popular' across all films/indies/HETV is FAA/PACT.

Tutor - Did you spot the main issue with the FAA/PACT agreements?

The main flaw with this agreement is that it only covers the radius of 40miles within Charing Cross. This means that regional productions have used their own agreements or interpretations of them. The PACT/Equity Supporting Artists Agreement - revised in December 2019 now covers the whole of the UK but as it's new it has rarely been used by productions. This may be because it has not been publicised enough within the industry.

Make sure you look through comparison chart (hand out) as the supporting artist role can be different depending on the agreement for example, the FAA agreement covers all roles an SA may play whilst the BBC/ITV have different levels of interaction and role such as 'Walk on 1/2/3' all of which will be paid slightly more.

It's worth noting that also the FAA/PACT agreement is one of the most popular agreements and the majority of indie/drama/studio productions around the London area use it.

Why? Not only because BECTU are becoming a stronger union each year, but also their pay rates are raised every year which are the highest out of all of the agreements. Furthermore, the agreement is the most comprehensive and representative in ensuring worker's rights for the supporting artistes.

One important note about the FAA Pact agreement is that it covers an **8 + 1 hour day** which is DIFFERENT to crew timings which can catch productions out with unanticipated Over Time (OT)/Broken Lunches etc.

Some production companies, like Tiger Aspect, have taken matters into their own hands and created their own agreements to ensure there are no misunderstandings between the production, the agency and the SA on terms and conditions, legal and other legal responsibilities.

SLIDE 25 Tutor Question for the trainees - Who decides which agreement to use? And, how do they make that decision?

The producer(s) will make this call. There may be many factors influencing the decision on which agreement is used, but in and around London you push for a FAA/PACT agreement. It's the most used/well known agreement - especially if you're looking to employ professional SAs on your production and adhere with UK employment law which classifies SAs as 'workers'.

There is a massive grey area here in terms of who regulates the agreements on the production. Traditionally, ADs will be held responsible if they are the main contact between the production and the agency. An AD may also feel it's the agencies responsibility to ensure that all SAs working for them not only have the 'right to work'

within the UK but are aware of the production's work practice and expectations once they are employed by the production.

SLIDE 26 - Legal and other responsibilities

- Unions, Productions, Agencies, Supporting artists.
- Who's accountable for those responsibilities?

2C. Legal and other responsibilities

SLIDE 27

- **Unions**
- **Productions**
- **Agencies**
- **Supporting artists**

Unions – what are their responsibilities?

SLIDE 28

The unions have the responsibility to look after the welfare of the supporting artists that are hired under their agreements. Only three of the four agreements are current and relevant – having been updated within the last few years. These protect their workers and reflect current legalisation regarding right to work, minimum wage and data protection.

Productions - what are their responsibilities?

SLIDE 29

Take on the full responsibility of complying with government legalisation relating to the employment of any of their workers whether they are a crew member, cast or otherwise.

That includes checking the 'right to work' documentation and that worker rights are respected such as the national minimum wage, holiday pay, auto enrolment pension contributions, health and safety legislation, data protection legislation, ensuring SAs are covered on the production's insurance whilst they are working. Although, as mentioned earlier, with an ever busy and competitive industry producing more content than ever, there are plenty of productions being made with 'deals' being done below the minimum wage.

There are liabilities if a production doesn't adhere to the 'right to work' legislation. Should they employ someone without the 'right to work' they could face a fine (£20,000 per unchecked person), a possible prison sentence and damage to their reputation.

The broadcasters such as the BBC, Channel 4, Channel 5, ITV and Sky are making it as standard to ensure that all agencies, who supply SAs over the age of 16 are DBS checked and in the BBC's case - that the DBS check that is no older than 18 months. Although, there is no doubt that agencies will diligently aim to make sure this happens, it's not always possible for this to be confirmed.

No matter though - the production will always set in place a number of safeguards whilst children/young people are on set/engaged with the production.

Agencies - what are their responsibilities?

SLIDE 30

Agencies represent the Supporting Artist and must protect their personal data and should use the existing union agreements - or terms and conditions which include the minimum terms set out by the unions, and that these are specified within the productions agreement. Productions may contract the agency to undertake 'right to work' checks on the SAs they supply.

The increasing number of online agencies competing for business are building very large databases via online registrations in order to provide any productions' needs - no matter how diverse or the amount of people required. This may compromise the agency's ability to confirm these details.

With technology ever evolving some agencies are using online servers to make sure all documentation is stored legally and securely to meet government regulation. The UK Data Protection Act (DPA) 2018 is a comprehensive, modern data protection law for the UK, which came into force on 25 May 2018 – the same day as the [EU GDPR \(General Data Protection Regulation\)](#). The DPA 2018 enshrines GDPR into UK law.⁶ This may help confirm and hold documentation securely but does not assist agencies in carrying out the face-to-face check.

The CEA03/10 employment regulations states that agencies are not allowed to charge up-front fees to SAs without guaranteeing work. Furthermore, SAAs can only charge fees to supporting artists or to the production - but they may not legally charge both parties.

It should be noted that even when an agency has been contracted by a production to check and confirm the 'right to work' documentation it is the production's legal responsibility to double check this documentation. International productions operating within the UK have to follow strict guidelines and UK legislation to qualify for their UK Tax Credit. Sadly, some of the lower budget UK productions are not so vigilant and some documentation may be missed - another good reason to promote good practice to safeguard everyone involved.

Supporting Artists - what are their responsibilities?

SLIDE 31

Making sure that they have proven that they have the right to work and are registered as **self-employed** with the **HMRC**. As a self-employed worker they are liable for their own Tax and National Insurance. They should also make sure that all relevant paperwork is completed with the production whether they have come in for a fitting or are on a shoot day at the start and end of the day. Also, a Supporting Artist should also (if they are really sensible) take out a freelance insurance.

⁶ <https://www.itgovernance.co.uk/dpa-2018>

SLIDE 32 - Employment rights / Worker rights / H&S / HR

SLIDE 33

- Who governs them? Who's responsible?
- What procedures are already in place?
- How can an agency / production help protect the working rights of SA's?

2D. Employment rights/Worker rights / H&S / HR – who governs them?

SLIDE 34

Recap - SA's are classed as Workers or "self-employed". Which under government legislation are the below;

'Worker'

SLIDE 35

A person is generally classed as a 'worker' if:

- they have a contract or other arrangement to do work or services personally for a reward (your contract doesn't have to be written)
- their reward is for money or a benefit in kind, for example the promise of a contract or future work
- they only have a limited right to send someone else to do the work (subcontract)
- they have to turn up for work even if they don't want to
- their employer has to have work for them to do as long as the contract or arrangement lasts
- they aren't doing the work as part of their own limited company in an arrangement where the 'employer' is actually a customer or client

SLIDE 36

Workers are entitled to certain employment rights, including:

- getting the National Minimum Wage
- protection against unlawful deductions from wages
- the statutory minimum level of paid holiday
- the statutory minimum length of rest breaks
- to not work more than 48 hours on average per week or to opt out of this right if they choose
- protection against unlawful discrimination
- protection for 'whistleblowing' - reporting wrongdoing in the workplace

- to not be treated less favourably if they work part-time

The above are basic employment rights that all the agreements are asking productions to support and fulfil, however it's increasingly difficult to confirm and prove that all of these rights are being maintained due to no nationwide agreement. If the Production was not meeting the basic entitlements above, then they would be in breach of employment law in the UK.

The agreements in place are there to detail the terms and conditions for supporting artists/walk on's working on productions. These include the FAA/Pact Agreement (2017), the PACT/Equity Supporting Artists Agreement and the Equity/BBC and Equity/ITV Agreements. SADLY, though They are all voluntary.

Tutor Question – [SLIDE 37](#)

Ask the trainees these questions about H&S and HR;

Have you seen a Health and Safety officer on set? Did you get a health and safety briefing?

Have you have seen a written briefing of the workplace instructions/practices for SA's? If not, who told you what to do?

Health & Safety – [SLIDE 38](#)

Health and Safety will be involved in all aspects across the production you work on. All productions have a H&S officer (either in-house or an external H&S company contracted) and one of their main duties is to write the risk assessments for every day/location of the filming including all department risks.

The Production is responsible for passing on this information, however risk assessments are usually issued with the callsheet the evening before. It's not common for a risk assessment to be distributed before the shoot day unless it's within the production. Also, with the fast-paced environment of the shows, its impractical to get risk assessments from the production say 2-3 days before an SA's is due on set.

Tutor -

Question - Who's duty is it to ensure the best practice to inform and relay?

Answer – The best working practice here would be for, the risk assessment(s) should be passed on to agents and supporting artists before arriving on set.

Tutor Question – Reasons why this is impractical? Reasons how we could make this work?

Reasons it is impractical – schedule changes, production co-ordinator not getting information on time, delay in risk assessments being signed by Producer/1st AD

What could work and be implemented – Key information being passed on about the days at the start of a week – for example, a car chase, stunt scenes, animals on set, SFX explosions. The Crowd 2nd AD would get this information and pass on each week having been signed off by the Production Manager

So best working practice of risk assessments information to be relayed by –

Producer / Production Manager to pass on risk information to Crowd 2nd AD / 2nd AD to agencies.

Tutor Question - What if this information was not passed on to the SAs before the day, how can we be sure the SAs get the information on the day?

The Crowd AD team are responsible for passing on key information that the SAs need to know at the start of the day which includes a health and safety briefing but also a briefing of what the day entails/what's expected from the SAs.

Crowd 2nd AD/2nd AD to pass on to the Crowd team all key H&S information. The 1st AD should do a H&S briefing at the start of every day.

Tutor Question SLIDE 39 – Which of the agreements have this as a standard in them? All of them? None of them? Some of the them?

The above is only within the FAA/PACT⁷ and the PACT/Equity Supporting Artists⁸ agreement.

The below clause is outlined within the FAA/PACT agreement⁹

CLAUSE 18. HEALTH AND SAFETY

1) PACT and the Producers recognise their duty to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all Artistes engaged under the terms of this Agreement in accordance with the relevant statutory requirements, including the Management of Health and Safety at Work regulations, the Health and Safety at Work Act and related approved Codes of Practice and Guidance.

2) It shall be the duty of all Artistes engaged under the terms of this Agreement to take reasonable care while at work for the health and safety of themselves and of other persons who may be affected by their acts or omissions at work and to co-operate as far as is necessary to ensure that the Producer by whom they are engaged is enabled to comply with the Producer's duties and obligations in relation to health and safety at work under law and the terms of this clause.

Question to the trainees – Who was your HR advisor on the last job you worked on? How did you know about them?

⁷ FAA/PACT Agreement 2017

⁸ PACT/Equity Supporting Artists Agreement 2019

⁹ FAA/PACT Agreement 2017

Human Resources in the industry

[SLIDE 40](#) and [SLIDE 41](#)

Studio productions already provide phone numbers you can call if you're experiencing welfare issues and some are beginning to have an HR executive on each production. Enforcing regulation on all lower-budget features will be a challenge to say the least, but all Unions and trade membership bodies from BECTU and PACT are working to make sure that a support **number** and point of contact on set, becomes standard practice for all productions- no matter the size. Unfortunately, the temporary production crew often becomes the 'unofficial' HR department as they are the first port of call, however of course those crew members are not trained to deal with HR issues. The next step would be for the issues to be escalated to the production company which should have a HR department, but of course not all of them do.

So then what?

[SLIDE 42](#)

Some supporting artistes feel they are already on a back foot as some agencies will have the production's interests rather than their interests at the forefront of their business model.

There are anecdotal references to supporting artists being treated as 'second class citizens' and experiencing harassment and bullying whilst on set. They also experience uncertainty and poor conditions of employment.¹⁰ There are many contributing factors to this which are only accentuated by an already stressful and uncertain work environment. Such as;

- the widespread system of pencils/provisional bookings and late cancellations which result in no fee being paid and prevents SAs from accepting other work
- agencies doing 'deals' on supporting artist's fees and not paying the rates as detailed in the
- FAA/Pact agreement
- late payment by agencies
- a lack of respect and consideration in the workplace
- the large number of agencies and 'non-professional' supporting artists
- the number of agencies that they have to join in order to get work
- complaints they may make - leading to them being blacklisted and a reduction in work offers

A problem within the onset environment, lack of training and working conditions can sometimes make it impossible to verify a complaint and to ensure the complaint is followed through. The Assistant Director is usually informed of issues and then depending on the situation they will inform the Producers and Agencies depending on the seriousness of the situation.

Do all Assistant Directors know how to report to a Producer? If you are employed as a daily member of crew, how are you supposed to know who to report an issue to as there is no training or briefing for this?

¹⁰ The Extra Factor: Supporting Artists – Liability and best practice by CSA

This highlights the importance of training in best work practice for all involved and for it to be agreed throughout the industry and distributed in writing.

This training should include – information about the legal responsibilities of both the production and the supporting artists agency, along with an understanding of the practical production needs to communicate to the agencies and supporting artists.

How do agencies and productions help protect the working rights of SAs?

SLIDE 43

No matter the type or size of the production, the agency should always strive to get a service agreement and/or terms and conditions in place between themselves and the production. It should include the need for the production to contract SAs on one of the union agreements (i.e. FAA/PACT), and detail fair commission rates and fees charged by the agency to the SAs to ensure SA's receive the best possible pay.

The industry thrives on working with people that you already have a good working relationship with. A 2nd AD/Crowd 2nd AD will normally work with an agency that they know and trust.

Depending on the size of production it is becoming more common for productions to use more than one agency with transparency, between ADs and agencies emerging as standard practice. It still rarely means an agreement is drawn and agreed on prior to principal photography.

How can we make a difference with best working practice?

SLIDE 44

The supporting artists agency business model is based on providing a service for a productions' requirements, upholding legal responsibilities for the agency, the supporting artist and the production, and so must strive to provide a Service Agreement/Contracts with the production.

The production 'contracts' the supporting artists through the agency and so is legally responsible and liable for complying with relevant Government legislation on employment and data protection

By agreeing to use an up to date and relevant agreement will allow clarity between both the supporting artists, agency and production.

Productions risk breaching UK law if they do deals with agencies to pay SAs less than the fees specified within the supporting artist union agreements.

As UK employment law classifies supporting artists as 'workers'. As such, they must be paid the minimum wage and other rights such as Holiday pay etc. Failure to comply with national minimum wage legislation carries a fine of £20,000 per person.

SLIDE 45 – CONCLUSION FOR BEST WORKING PRACTICES

SLIDE 46 - Best working practice! – Expectations / reality.

- What are the expectations between Productions/Agencies/SA's?
- Assistant Directors and their roles
- How can this help the ON SET teams? Departments and SA's – HR AND H&S (Case Studies)

What are the expectations between Productions/Agencies/SA's?

Tutor Question – Ask the trainees - What do they think?

Productions

SLIDE 47

- Clear communication about the schedule, crowd breakdown and special requests needed.
- An agreement with clear terms and conditions between the production and agency
- A Union Agreement – FAA/PACT, PACT/Equity, BBC/ Equity and ITV/Equity
- To book and confirm SAs, early as possible.
- Although a SA can be heavy pencilled, they are still free to take another job. The only way to guarantee the booking is for the production to book.
- Professional and courteous attitude whilst at workplace
- SA's turn up on time
- SA's engage with the process in getting them ready to go to set

Agencies

SLIDE 48

- A service agreement with clear terms and conditions for the production
- Always use a SAs Union Agreement – FAA/PACT, PACT/Equity, BBC/ Equity and ITV/Equity
- A clear understanding of what's required by the production – Crowd Breakdown & Budget.
- A Schedule – no matter how uncertain.
- To be made aware by the production if multiple agencies are being used
- Responsible for making sure the required SA's attend the shoot. If there are any issues (due to illness or other), it is the booker's responsibility to find a suitable replacement.
- If a SA is booked as a Stand-In for the entirety of a shoot the payment should still go through the agency, and they should not be paid directly.

Supporting artistes

SLIDE 49

- They expect a Union agreement which gives them peace of mind regarding terms, wages etc
- Clear communication from the agency about what to expect on the day of filming
- A clear understanding of their role on the day
- Clear communication from the onset teams from arrival and when on set
- To be given the respect, dignity within the workplace and a positive and productive working environment for all.

Assistant Directors and their roles

SLIDE 50

The AD Department are the department who run the set for the duration of the shoot. The 1st and 2nd ADs are bought in for pre-production to hire their production assistants; the 1st will be working out the shooting schedule, which will need to factor in location, actor availability, hours, and budget. The three key players are:

- **1st AD** who starts work in pre-production, breaking down the script to create the shooting schedule. During the shoot, the 1st can be found next to the director or the camera, they call the action, make sure the day runs to schedule, liaises with crew and can spend a majority of their day trouble shooting.
- **Key 2nd AD** supports the 1st AD with the day to day but focuses their attention to the logistics offset at base camp. The 2nd is across transportation of actors and crew, making sure actors and extras are moved to wardrobe, makeup and onto set on time. The 2nd AD will generate all the paperwork including the sides and call sheet for the following day.
- **3rd ADs** role is primarily to deal with the background action and managing the running team alongside the 2nd and 1st.

On larger productions, the AD department will also have Crowd team that includes the Crowd 2nd, Crowd 3rd and Crowd PA's. During shoot days they are;

- Main point of contact
- Signing you in and out
- Relay and give you information about the day and H&S
- Introduce you to any other departments

How can this help the onset teams?

AD practices - 2nd AD, Crowd 2nd AD,

SLIDE 51

Good communication and working relationship – Quite often, the AD and Agency will work with someone they trust (booker within Agency). This is not uncommon practice in a production. Each department will use

suppliers that they like and trust to get the job done (examples; Locations Dept using the best cleaning service, Travel Coordinator using favourite travel agency)

At the beginning of the project there should be;

A crowd breakdown (2nd AD/Crowd 2nd AD) for characters and numbers needed throughout the production according to the schedule available to the agency.

To include – the looks, any requests, hair & make-up briefs (e.g. hair length), Specials (Stunts, Special action supporting artists (SPACT'S) Musicians, special skills required, vehicle drivers, animal handlers.

It's worth noting that some special skilled SA's that have different unions and rates – Musicians / Stunts / SPACT¹¹

A brief (Make up requests for example) and information concerning the filming day sent to Agency the night before. And if possible, risk assessments for the shoot day.

SLIDE 52

Different types of production have different expectations and approaches to prep to get SAs camera ready before and during filming. No matter whether its TV or Features.

For example;

Period. Look Brief, Fittings prior to filming day, potential for early calls

Sci fi/Fantasy. Look Brief, Fittings prior to filming day, potential for early calls

Contemporary. Dependant on production type - SAs could be asked to bring in options.

INFORMATION FOR SUPPORTING ARTIST AND ADs ON SET.

Film and TV sets are reliant on a multitude of things – appropriate weather, all the equipment working perfectly, stars remembering their lines. It's never as straightforward as shooting one shot and wrapping. The larger budget films do multiple takes to fully capture the scene, which can be time-consuming. Some

¹¹ The term SPACT is sometimes used but that this isn't an official category of SA but been adapted by some production members. If a production is in need of special skilled SA's (who are not working as a stunts performer), rates and guidelines need to be negotiated before engaging any artist in work.

productions might require SA's to sign a non-disclosure agreement (NDA). This means not telling anyone what they saw on set, or perhaps even mentioning they were working on a film.

The following bullet points are the basic order of what the process is that a supporting artist will be going through to get 'camera ready' for the production you're working on.

Crowd Team – Crowd 3rd and Runner - On the Day.

SLIDE 53

- Head to location/studio with information given by agency/AD.
- Signs for Crowd Sign In – Either Crowd Tent/Stage/Dining Bus at Unit base/ Room at Location.
- Welcome and Sign In – Making sure a member of the AD Crowd Team KNOW THAT YOU ARE THERE
- Depending on call time – Either Breakfast / Costume / Make Up
- Go through the process to get camera ready. If unsure ask.
- Line Up for Departments to check SA's before travelling to set.
- Briefing of
 - H&S
 - Scene
 - What the day holds in store
 - Set etiquette/requests – no personal items etc

- Travel to set
- On set.
 - Show holding area. Tea Table. Toilets.
 - Depending on the Scene then paying attention to continuity.

- Have Fun. Without SA's, we can't bring the film/TV Show to life.

(With new restrictions after COVID19 in place, this may have changed slightly. Can amend once the industry has started filming again)

Problem solving - Ask the Audience, what they would do?

From Agencies and SA's to Production and On Set teams – AD's, Make Up and Costume

Case studies, For common problems on set/During the shoot....

- Schedule changes.
- Continuity SA's.
- Communication between SA and Agency.

- the working day,
- production requests

Who is responsible for the above? – Ask the Audience. Check that they've learnt.

SLIDE 54 - Case Studies.

1. You're an Agency Booker and you've been called up by 2nd AD you know very well and they're working on a lower budget drama than they did last time. They're asking for some help.

What can you do? What do you do?

2. You're a 2nd AD who's been called by the HOD of the costume department who are currently fitting a number of crowd for a big ballroom scene next week. A gentleman has turned up with no underpants on.

What do you do? How can that have been avoided?

3. You're an agency Booker and you've just had a supporting artist call you very upset after being injured on set. They've seen the medic and now been sent home. They're thinking of taking legal action against the production. What do you do? How can that have been avoided?

4. You're the crowd AD and due to an actor's illness, the schedule has changed and the crowd scene of 100+ has now been moved to next week.

What do you do? What can you do?

5. You're an SA who's been pencilled for the next 3 weeks on a production through one of the agencies you're represented by, you receive a call from another agency offering you a full 7 days and want to confirm you now.

What do you do? What can you do?

SLIDE 55

SLIDE 56 - Recap over the uncertainty and the unpredictability of a production. Thoughts?

This course was designed to very much fill a gap in the misunderstanding and lack of information concerning the roles and legal responsibilities of the production company, supporting artists' agencies and the supporting artists themselves.

We as individuals need to play a part in professionalising and gain a better understanding of what we are responsible for within a sector that on large ignores the terms of the unions agreements nationwide. It's incredibly important that we look after all involved in the process as our industry is only getting busier.

SLIDE 57 – Check List and Summary

- Summary of the above and to look through checklist.
- What we can do going forward?

BEST WORKING PRACTICE – Recommendations

SLIDE 58 - Agencies and productions at the very least should;

- use the existing Supporting Artists Agreements of the FAA/Pact, Pact/Equity, BBC/Equity and ITV/Equity. If producers use other agreements, they need to make sure that they reflect the minimum terms detailed within the established model agreements, to safeguard themselves in complying with UK employment law
- Ensure that a service level agreement - or terms and conditions of service – detailing the responsibilities of the production and the supporting artists agency, is in place prior to the start of principal photography

What we should strive for going forward;

SLIDE 59

- Professionalise the sector - to improve its reputation - by industry parties collaborating with each other to:
 - set - and adhere to - fair commission rates and fees
 - standardise and agree those elements that comprise the core services supplied by SAAs (Supporting Artists Agencies)
 - encourage the adoption of software systems to simplify, secure contracting processes and document sharing
 - encourage start-up agencies to meet with the Employment Agencies Standards Inspectorate (EAS), and encourage established agencies to meet with the EAS every two years to review their systems of operation

SLIDE 60

- invest in staff and management training
- work with trade bodies, trade unions and the EAS to devise a system for recognising and alerting the public and productions about agencies which are not bona-fide
- The unions and FAA need to review and update their Supporting Artist Agreements, if necessary, to make them fit for contemporary production and business

These should be put in place no matter the type of production

SLIDE 61 - Go through the checklists suggested by the CSA report.

Production Check List		
Item	Description	Tick
Issue a Service Level Agreement, or terms and conditions for contractors to the supporting artists agency prior to the commencement of principal photography.	<p>The agreement or terms and conditions should detail:</p> <ul style="list-style-type: none"> • service level expectations • the provision of specified 'right to work' documentation and service, and any relevant DBS checks • the data protection policy, and the level of security and protection to which the production requires the agency to adhere • legal and tax compliance • contractual obligations • cancellations policy and cancellation fees • details of the production's obligations towards supporting artists including payment, insurance cover, health and safety, working hours, pay and conditions with reference to relevant union or other agreement. • The fees and commission that the production agrees the agency charges supporting artists • complaints procedure 	<input type="checkbox"/>
Supply a clear brief to the supporting artists agency	The brief should define the physical type of supporting artists required, the historic period in which the production is set, and the type of character the artists would represent along with practical production information.	<input type="checkbox"/>
Issue supporting artists with an agreement that meets UK employment legislation and the Conduct of Employment Agencies and Employment Businesses Regulations 2003 (SI 2003/3319)	Use of the existing FAA/Pact, BBC/Equity and ITV/Equity Supporting Artists Agreements, or if the production uses its own SAA agreement – it shall ensure it meets the minimum terms detailed within the union agreements. All agreements must adhere to national minimum wage legislation	<input type="checkbox"/>
Health and Safety Risk Assessment	Supply the SAA with the production's risk assessment - detailing any health and safety risks to supporting artists and how the production is mitigating them	<input type="checkbox"/>
Production Data Protection Systems	The production's data protection standards are compliant with the General Data Protection Regulation (GDPR), to be introduced on 25 May 2018. The production has taken out 'cyber liability insurance' to cover liability in the case of data protection breaches - if 'Errors and Omissions' insurance is not in place.	<input type="checkbox"/>
Payment	Pay the SA's fees to the SAA within the timeframes specified within the production's agreement with the SAA – usually no longer than 7 – 10 days after the day/s worked	<input type="checkbox"/>

Report Agency bad practice	Report an agency that has not adhered to its legal responsibilities to Acas on 0300 123 1100 or online: https://www.gov.uk/government/publications/pay-and-work-rights-complaints . The report will be forwarded to the EAS.	<input type="checkbox"/>
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Supporting Artists Agencies Check List		
Item	Description	Tick
Supporting Artist Agreements	The Production is contracting SA's on the basis of FAA/Pact, BBC/Equity and ITV/Equity Supporting Artists Agreements - or if contracting on their own agreement, the production has double checked it meets the minimum terms detailed within the union agreements	<input type="checkbox"/>
Agency Terms and Conditions	The agency's terms and conditions of service has been supplied to the production and are published on the agency's website	<input type="checkbox"/>
Agency commission	The agency is not charging a commission rate of more than <i>(rate to be agreed)</i>	<input type="checkbox"/>
Right to Work Checks	The agencies' standard service includes 'right to work in the UK' checks that consist of face to face verification and physical evidencing, checking of valid passports, birth or adoption certificates, biometric resident permits or cards, work visas and immigration documentation of various types	<input type="checkbox"/>
Agency Data Protection	The agency's data protection standards are compliant with the General Data Protection Regulation (GDPR), to be introduced on 25 May 2018, and that details of the policy are published on the website. The agency has taken out 'cyber liability insurance' to cover liability in the case of data protection breaches	<input type="checkbox"/>
Health and Safety	The agency has verified whether there are any health and safety issues on the production and if there are, how the production will mitigate them. The agency has passed the information on to their SAs	<input type="checkbox"/>
SA Insurance	The agency has insurance to protect itself from SAs non-adherence to contractual obligations with the production	<input type="checkbox"/>
Production Payments 1	The agency has emailed the production promptly with a payment request/invoice, specifying the agreed timeframe within the SA agreement (usually 7 -12 days after the day worked)	<input type="checkbox"/>
Production Payments 2	If SAs fees are not received from within the agreed timeframe, the agency has chased them, reminding them of the payment schedule obligation and agrees the final payment date	<input type="checkbox"/>

Production Delay or Failure to Pay	The agency will report a production's severe delay, or failure to pay - to Pact, the Production Guild of Great Britain, BECTU, Equity, the FAA, national and regional screen agencies. It maintains a list of productions that have failed to pay and shares annually with the above organisations	<input type="checkbox"/>
SA Payments	The agency has paid their SAs within 10 days of receipt of funds from the production clearing their 'Client Account'	<input type="checkbox"/>
EAS Review	The agency has met with the EAS every two years to review their processes. If a new agency, it confirms that it has met with the EAS in its first 12 months	<input type="checkbox"/>
Training	Agency staff are provided with training in employment agency regulations and relevant UK legislation on a regular basis	<input type="checkbox"/>

Supporting Artists CheckList		
Item	Description	Tick
SA Agreement	The SA is being contracted by the production on one of the union supporting artists agreements (FAA/Pact, BBC/Equity and ITV/Equity) or the production's own agreement that meets the minimum terms detailed within the union agreements	<input type="checkbox"/>
BECTU or Equity membership	SA is a member of BECTU or Equity, has accessed information from them on the SA agreements and is in receipt of members' free, self-employed insurance	<input type="checkbox"/>
Work clarity	SA has clarified with its agency what is required by the production and the agency in relation to their work on the production for which they have been booked	<input type="checkbox"/>
Tax Status	SA understands that they are self-employed for tax purposes and submits an annual return utilising their Unique Taxpayer Reference number to HMRC detailing all their SA earnings annually	<input type="checkbox"/>
Responsibilities	SA is familiar with the responsibilities that the production and its agency have towards them, along with their own responsibilities to the agency and the production	<input type="checkbox"/>
Insurance	If not a BECTU and/or Equity member, the SA has self-employed insurance in place to cover areas of misunderstanding between the SA and their agency, and the SA and the production	<input type="checkbox"/>
Report bad Production practice	Report a production that has not adhered to its responsibilities to the SA, to the SA' agency and the relevant union (BECTU or Equity) and the FAA	<input type="checkbox"/>

Report bad Agency practice

Report an agency that has not adhered to its legal responsibilities to the SA to the Employment Agency Standards Inspectorate to Acas on 0300 123 1100 or Online: <https://www.gov.uk/government/publications/pay-and-work-rights-complaints>



WRAP UP QUESTIONS - SLIDE 62

SOURCES & FURTHER READING - SLIDE 63 & 64