

A Fair Go for Performers

NZ Actors' Equity is the industrial and professional organisation representing performers who work in New Zealand's entertainment industries. NZ Actors' Equity provides a strong collective voice for performers' industrial, professional and social interests. We seek to empower performers through campaigns, collective bargaining, and community building. NZ Actors' Equity advocates policies that increase the sustainability of performer careers, protect performers' rights at work, and increase recognition of performers' contribution to our industry, our economy, the community and New Zealand society more broadly.

New Zealand performers stand together and call for:

- the implementation of effective standard contracts in the screen and live performance industries to protect our rights at work and support the sustainability of careers;
- the establishment of effective collective bargaining rights for performers protected by law;
- the development of appropriate immigration rules that provide a fair and reasonable chance for performers to secure employment in screen productions shot in New Zealand and the live performance sector;
- the fair treatment of performers under the tax, savings and social security systems;
- the government to value the contribution of performers to the cultural and economic life of the nation.

A Standard Contract

NZ Actors' Equity calls for the implementation of effective standard contracts of employment in the screen and live performance industries.

Standard Contracts set out the minimum working conditions and are the norm in countries like the United Kingdom, Canada, the United States and Australia. These contracts are negotiated between performers' unions and producers and give performers and agents certainty about the minimum expectations performers should have on any film, television or theatre job.

In New Zealand there are no standard contracts for the engagement of performers. This has been the case for many years with performers struggling on non-union contracts.

These contracts provide no minimum guarantees of wages or working conditions, no residual or back-end payments and no cancellation payments in the event the performer's contract is cancelled. While there is a set of guidelines, known as "The Pink Book", these are not binding on any producer and do not stand up to comparison with the minimum conditions performers receive in all other English speaking countries.

NZ Actors' Equity has recently reached an agreement with the Screen Producers and Development Associations (SPADA) to meet and discuss performers' terms and conditions for productions made in New Zealand for the first time. These negotiations will be taking place in 2012. NZ Actors' Equity will strive in these negotiations to achieve a standard contract which will address performers concerns regarding: minimum rates; penalty rates; transport; moral rights; health and safety; green rooms and changing facilities; credits; consent for nude appearances; cancellation fees; and residuals.

Collective Bargaining Rights

NZ Actors' Equity calls upon the NZ Government to establish effective collective bargaining rights for performers.

NZ performers are left vulnerable by our inability to collectively bargain. The right to bargain collectively is essential if performers are to have a say at work, if they are to be treated with respect and dignity in the workplace, and if they are to share in the success of the productions they work on. Collective bargaining rights would address the inherent inequality of bargaining power between the majority of performers and their employers. This inequality arises from the limited employment opportunities available to performers and is exacerbated by the fact that individual performers, for the most part, have less power, and less access to information, resources and experienced negotiators than producers.

Collective bargaining rights are enshrined in the United Nations Universal Declaration of Human Rights and in the core conventions of the International Labour Organisation (ILO). New Zealand is a signatory to these conventions however has failed to guarantee these rights for performers and for workers more generally.

Legislative amendments are required to establish and enforce the right of performers to bargain collectively. NZ Actors' Equity calls on the Government to amend either the Commerce Act 1986 or the Employment Relations Act 2000 to enshrine this right.

Effective employment protection

NZ Actors' Equity calls upon the Government to ensure that performers are given a fair and reasonable chance at securing employment in screen productions shot in New Zealand and the live performance sector through the development of effective and appropriate immigration rules.

Immigration NZ has recently amended the immigration processes regulating the importation of performing artists, entertainers and personnel into the entertainment industry. These amendments have increased the ability for producers to import non-New Zealand performers, ensuring that New Zealand performers will no longer have a fair and reasonable chance to be cast in screen productions. This will inevitably leading to the loss of opportunities for New Zealand performers and undermine the sustainability of performer careers.

While NZ Actors' Equity recognises the need to take into account the specific needs of particular productions and the broader needs of the industry, effective immigration rules must be introduced to assist in the protection and creation of jobs for New Zealand performers. NZ Actors' Equity calls upon the Government to:

- restore effective consultation rights for NZ guilds and unions under the immigration rules;
- remove the recently introduced exemption for those applicants working 14 days or less;
- remove the so-called 'silent approval' process';
- rescind the deeply flawed accreditation process which allows particular companies to import performers (and crew) almost at will;
- restore the requirement that an applicant must be of international distinction and merit, must not put at risk the employment of New Zealanders *and* can only enter New Zealanders to work once appropriately qualified New Zealanders have been considered and the market has been tested.

Taxation, Savings and Social Security Reform

NZ Actors' Equity calls upon the Government to ensure that performers are treated fairly by the taxation, retirement savings and social security systems.

Earnings for performers are sporadic and fluctuate due to a range of factors – from the number of productions on at any given time to a show's success with audiences or otherwise. This is the nature of being a performer. Currently there are income averaging rules in place for primary producers under the NZ Inland Revenue's SPS 05/09 – Income equalisation deposits and refunds (October 2005).

This allows farmers with significantly fluctuating levels of income to average their income and not be subject to disproportionate levels of tax in an unfair manner in one particular year. NZ Actors Equity believes that these rules should be extended to performers to ensure that they are not treated unfairly under the tax system due to the nature of their careers.

Performers are particularly vulnerable when it comes to retirement savings. Many performers find themselves in precarious positions as they approach retirement age with little to no savings to see them through. While KiwiSaver has been an important first step in establishing a savings scheme for individuals and the nation, it is critical that *all* NZ workers be enrolled in the scheme with compulsory employer contributions introduced at a level significantly higher than is currently in place.

Periodic unemployment is a fundamental part of the life of a performer – this is the nature of the beast. An over-supplied market is in many ways necessary if the industry is to produce actors for productions with such diverse requirements as *Shortland Street*, *Boy*, *Go Girls* and *Outrageous Fortune*. This is of little comfort to performers who have poor job security nor any guarantee to work from one week to the next. Given the high levels of unemployment faced by performers, NZ Actors' Equity has a keen interest in ensuring that the social security system assists and enables performers to develop their skills and find work in their chosen career. NZ Actors' Equity calls on the Government to develop a Social Security and the Arts policy that will ensure that the social security system treats performers and workers in the entertainment industry more broadly, appropriately. This would amongst other things, seek to introduce programs designed to assist performers to develop small business and creative skills and build careers, as well as ensure that performance earnings are treated fairly.

A Government that values the contribution of performers

NZ Actors' Equity calls upon the Government to acknowledge and value the contribution performers make to the cultural and economic life of the nation

A strong, healthy and growing performance sector is in the interests of the industry and all New Zealanders because of its crucial contribution to the cultural, social and economic life of New Zealand. Valuing performers at all levels of government will help sustain careers, create success and build a star system which can in turn grow the industry and add to the rich cultural life of New Zealand.

NZ Actors' Equity calls upon the Government to acknowledge the important role that performers play in the life of our country through the variety of support measures in provides to the entertainment industry.

In addition to the policies outlined above, NZ Actors' Equity argues that this should involve:

- amending the Significant NZ Content Test under the SPIF to ensure the involvement of NZ lead actors and cast;
- adjusting the SPIF rules applying to television productions so that projects without NZ performers in leading roles cannot access SPIF grants;
- removing the rebate on travel costs of foreign performers entering the country as it encourages the use of non-NZ performers;
- empowering the NZFC to support NZ Actors' Equity in establishing a professional development programme for the NZ screen industry;
- ensuring that the NZFC encourage and facilitate a professional industry by supporting those productions that engage performers and crew on the relevant industry employment standards;
- recognising the role of performers in the film industry through appointing a performer to the board of NZ Film Commission;
- introducing Government guidelines to ensure that all stakeholders including NZ Actors Equity are included in each and every consultation regarding Government assistance to the screen industry.