



## DRAFT ACOP – YOUTH IN THE ENTERTAINMENT SECTOR

The proposed Code comprises clauses 25 to 29 of *The Code of Practice for the Engagement of Cast in the New Zealand Screen Production Industry*, commonly referred to as “the Pink Book”.

The Department of Labour is specifically seeking feedback on the content of the above. We want to hear what you think about the approach taken in this publication and its relevant and usefulness to your workplace or sector. Responses are due by 5pm on Friday 19<sup>th</sup> June 2009.

## Child Performance and Chaperones

Nb. These clauses 25-29 will be attached as a schedule to any child deal memo or contract.

### **25. Child Performances**

- 25.1. These conditions will make up part of the contract and are enforceable as contract provisions. They make us a minimum code and no working time provisions can be extended under and circumstances
- 25.2. For the purpose of this contract, a child is a cast member under 16 years of age. In determining the hours that a child works the production company must take into account their age and maturity and the conditions of work (e.g. appropriate limits must be made to any night and location filming).
- 25.3. It is accepted that children must not work extended hours.
- 25.4. In consideration of the restrictions and costs associated in the engagement of children, they are normally contracted at a lesser rate than adults eg 75%.
- 25.5. **Travel Time:** The production company shall take into account the individual age and maturity of he child, but under no circumstances shall the restrictions as stated below in 25.6.
- 25.6. Maximum hours are:

Age of Child	Minimum Hours per Day
Up to and including 8 years old	6 hours door to door
8 to 11 years old	8 hours door to door
12 to 16 years	10 hours working plus travel time
16 years and over	Adult working hours apply

- 25.7. Children must work no more than 5 consecutive days, and no more than 5 days in a calendar week. It is expected that younger children will work fewer days.
- 25.8. Children must have at least a twelve hour overnight break (ie turnaround) and this will be exclusive of travel.
- 25.9. Babies under 12 weeks of age must be cared by for a parent or parent's approved alternative and must not be exposed to

harsh light, extreme temperatures, irritants (including irritating or contaminated make-up), infections or excessive handling and stimulation.

- a) Professional baby care should be present at all times and parental access to the baby guaranteed at all times.
- b) Babies must not be exposed to direct lighting
- c) Makeup used must be non-irritating and uncontaminated.
- d) No more than four people to handle baby during any single period of contact.
- e) No person with respiratory or skin infection to come into contact with baby.
- f) Babies must be attended at all times.

25.10. Filming must be scheduled so that children exposed to scenes which are harmful or likely to cause distress and consideration will be given to the nature of the material and the requirements of the child's performance. The welfare of the child will be paramount at all times.

25.10. When scheduling, all practicable steps will be taken to reduce call times and travel times for children.

25.11. When contracting children, the production company should ensure that:

- a) An agent, parent or guardian is easily contactable.
- b) A suitable, primary-duty chaperone is engaged at the production company's expenses.
- c) Where five or more children are working at any time, two chaperones should be engaged. For more than 10 children, the number of chaperones will be dependent on the number of children, their age, their roles, the time of day, the location and circumstances of the shoot. Children should never be left unsupervised by a chaperone.
- d) The chaperone must be suitably experienced to fulfil the responsibility of the role.
- e) When travelling to and from work, the child should be accompanied by the chaperone, or a parentally approved alternative.

- f) The production company shall provide age appropriate rest and meal breaks and offset facilities including recreation, rest facilities accommodation & appropriate food.

**26. Chaperones and House Mother/House Parents**

26.1. Chaperones and House Mother/Parents contracted in the film industry must have teaching, childcare qualifications or appropriate experience and/or nursing qualification and a clean driver's licence.

26.2. In addition, they must have knowledge of the industry, and be familiar with:

- a) The Code of Practice for Safety and Health in the NZ Film and Video Production Industry.
- b) The occupational Safety in Health Act 1992.
- c) Standard conditions for child actors.
- d) Individual contract provisions for child actors.

**26.3. Job description of Chaperone:**

- a) To drive or travel with children to and from set.
- b) To coach children with their lines.
- c) To supervise schoolwork, rest periods and meal breaks.
- d) The chaperone is responsible for the child's general physical well being during the working day.

**26.4. Job Description of House Mother/House Parents and where an 'out of town' child is being accommodated by the production company:**

- a) To provide for the support and general well being of child/children including: meals, all laundry (personal items, bedding etc).
- b) To supervise after hours and weekend recreation, homework and script work.

- c) To act as liaison between child and parent and production company if necessary.
- d) The chaperone/ house mother/ house parent must be available day or night and should an emergency arise (such as illness) nothing must prevent the chaperone/house mother/ house parents from taking immediate action (i.e. going to the emergency clinic). If the chaperone/house mother/house parents is looking after more than one child the production company will find a replacement chaperone/house mother/ house parent.
- e) If a chaperone is acceptable on every point but has a dependant, the chaperone must employ or arrange 24 hour care for their own child/children so that there is no conflicts of interest.
- f) If after commencement of work the chaperone/house mother/house parents is/are found to be negligent in the duties set out in this agreement and this negligence is not rectified by discussion, then it would be considered to be a breach of contract with the production company and the production company will find a replacement chaperone/house mother/house parents.
- g) When children are contracted, a suitable chaperone shall be engaged at the production company's expenses. Where five or more children are working at any one time, two chaperones shall be engaged and at one time the ratio of chaperones to children shall not be less than 1:4.
- h) When children are contracted the company shall contract a suitable housemother/house parents. No more than three children are to be housed together.

26.5. The production company will liaise frequently with the parents and the care giver to monitor the safety and welfare of the child.

26.6. It may be satisfactory for a child working for a single day to be accompanied by their parent(s). For longer term or out of town engagements which would require a chaperone, the parent(s) may consent to fulfil the specified requirements of a chaperone and be engaged into this role.

## **27. Tutoring**

- 27.1. The Education Act must be complied with. This means that young actors of compulsory school age (in 2005 this means 6-16 years old) must not be engaged in work (whether as employees or independent contractors) in such a way that it has a detrimental effect on their education.
- 27.2. The production company must allocate appropriate time, facilities and supervision for the completion of school work for all child actors, including those younger than 6 years old who are engaged in formal school programmes. Methods of complying include:
- a) **Short term engagements:** School work can be set by school, supervised by an appropriate tutor or chaperone.
  - b) **Long term engagements:** Correspondence School can be suitable way of complying with the Act.
- 27.3. Children should be provided with a separate space in which to do their schooling. This space should not be shared with other cast, extras etc.
- 27.4. On long term engagements, the production company will ensure that children are allocated 10 hours per working week for schoolwork (exclusive of production days off). Any working day allocated of schoolwork time will not be broken into more than two periods except under extreme circumstances. This allocation does not apply if the production filming takes place during non-school time (i.e. school holidays).
- 27.5. It is the responsibility of the parents to apply to New Zealand Correspondence School if they wish the child to be educated by correspondence, as required by the Education act 1989.

## **28. Night Shooting / Night Work**

- 28.1. Any night shoot work should be negotiated between agents/parents and the production company. The production company shall inform in detail its schedules as far in advance as possible.

## **29. Health and Safety**

- 29.1. At no time shall the production company expose a child under the age of 16 years to any situation that could be deemed detrimental to the child's mental, physical and moral wellbeing.

29.2. Refer to the Department of Labour website section on Health & Safety in Employment Act 1992 for further detail on each party's responsibilities.

See <http://www.osh.dol.govt.nz/law/hse.shtml>

29.3. Where children are engaged, the production company should carefully consider whether a chaperone or house mother/house parent should also be engaged.

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