



## **PRESS RELEASE**

**16 November 2006**

### **UNIONS JOIN FORCES TO STOP SCAMS**

Equity and BECTU – the trade unions for people working in film, television, theatre and live entertainment – have agreed a joint statement designed to put a stop to exploitation by rogue entertainment agents charging high up-front fees on the promise of work that never materialises.

The two unions are campaigning for a change in the law to stop unscrupulous agents charging up-front fees to performers, and prevent scams on members of the public that exploit their desire to get on television by charging exorbitant fees for so-called auditions.

BECTU Assistant General Secretary Martin Spence said:

*“We have always been opposed to entertainment agents charging up-front fees to performers – and very few genuine ones do – but up-front fees for inclusion in an agent’s casting book continue to be a problem for people wanting work as walk-on and supporting artists”.*

*“What we are saying very clearly in this statement is that the only fee a genuine agent should ever take from an artist, is a commission fee from work found”.*

Equity General Secretary Christine Payne said:

*“A ban on these up-front fees charged by agents will be a huge step forward for our members working as walk-on artists”.*

*“But publishers are different. It is not in our interests to see a ban on fees for legitimate publishers – this could have a devastating impact on valuable services like Spotlight. Instead we are arguing for much greater restrictions on the way that publishers take money to address the worst abuses”.*

Equity Walk-On Councillor Clive Hurst said:

*“So far the DTI has failed to deliver a permanent solution, but this statement provides the prospect of real improvements for performers and the public.”*

The Chair of the Bectu's Film Artistes' Association Committee (FAA) Paul Kirby said:

*“By working together the unions have sent a powerful message to Government and to rogue agents that these practices must stop”.*

The statement lays out a framework of better protection, based on a much clearer distinction between publishing or photographic services and genuine entertainment agents. The unions believe that this statement should provide the way forward for any future changes being considered by the Government.

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### **Notes to Editors:**

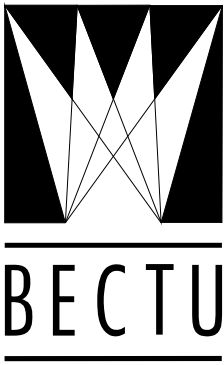
1. Attached is the BECTU/ Equity Joint Statement on Up-front Fees and Book Fees for Walk-On and Supporting Artists.
2. As part of the Government's strategy to protect vulnerable workers and support good employers (“Success at Work”), the DTI is currently reviewing fees payable by entertainers and models. It is expected to publish a detailed consultation document before the end of the 2006.

<http://www.dti.gov.uk/employment/employment-legislation/success-at-work/index.html>

### **For more information contact:**

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## **JOINT STATEMENT ON UP-FRONT FEES AND BOOK FEES FOR WALK-ON AND SUPPORTING ARTISTS**

### **Background – where are we coming from?**

- Equity is a trade union representing 37,000 people working in the entertainment industry, including actors, performers, walk-on and supporting artists and creative contributors. BECTU is a trade union representing more than 27,000 permanently employed, contract and freelance workers in broadcasting, film, theatre, entertainment, interactive media and allied areas.
- Entertainment and modelling agents provide our members with a range of vital work-finding services. We understand the importance of this role and believe that agents deserve to be paid appropriately for their services.
- We have been closely involved in the development of legislation, policy and industry practice in this area. Our priority has been to secure a framework to ensure that our members get the important services they require without fear of exploitation, in a manner that supports the operation of genuine entertainment agents and of important publication and directory services.

### **Principles – where do we stand?**

- Our underlying principle in developing an appropriate framework is that the fees charged by agents for the services they provide should be deducted from earnings – so that the agent takes a fee as a result of work found.
- This is the usual practice in the entertainment industry, except for some agents dealing with walk-on and supporting artists and models, who request a fee in advance. We believe it is unfair to expect our members to pay a fee simply to register with an agent, with little or no prospect of work.
- For this reason we supported the Government's decision to ban up-front registration fees in the *Conduct of Employment Agencies and Employment Businesses Regulations 2003*.
- Unfortunately, a whole range of publications and directory services (e.g. Spotlight, Showcall, Castnet) are treated as employment agencies under the legislation. This led to an exemption to the ban on up-front registration fees, so they could continue to operate.
- We understand why Government agreed to exempt services that only provide publications, directories or advertisements and do not act as employment

agents. However, there was a further exemption allowing agencies to publish their own books and to charge a fee to their clients in advance. This fee must be no more than an estimate of the cost of producing and circulating the individual's details in the publication.

- This further exemption is ill-defined, impossible to enforce and abused by some rogue agents. Therefore, while we appreciate the need for some publications, directories or advertisements to be paid for in advance, further clarity and additional restrictions are required regarding fees paid to agents.

### **The future – what should be done?**

- The 2003 regulations (introduced in April 2004) outlawed up-front registration fees. These regulations should be enforced rigorously and promoted more widely, in order to eliminate up-front registration fees.
- However, the best way to protect vulnerable performers from exploitation of this kind is to create a clear distinction between publications, directories and on-line information services on the one hand, and genuine entertainment employment agents on the other.
- A genuine entertainment employment agency has direct, personal and ongoing relationships with the artists they represent and is responsible for negotiating directly with employers. Entertainment employment agents of this kind should be licensed and be prevented from charging any fee to artists, other than commission from work found.
- In order to achieve this, the Government should therefore amend the definition of employment agencies under the current legislation. Services such as Spotlight, Showcall, Castnet and the numerous publication and directory services in the entertainment and modelling sectors are *not* the same as personal managers or employment agents that actively find work.
- Once this distinction has been made, the only fee charged by an entertainment agent should be a limited commission fee, which is taken out of the artists earnings from work found by the agent. Artists should also be paid at least industry standard rates and, after any deductions, must receive an hourly rate in excess of the national minimum wage.
- Up-front payments made for publishing services should also be subject to a cooling off period, where artists and the public have the right to a refund. In addition, the DTI and Advertising Standards Authority must be more proactive and assume the power to prevent false claims by publishers on the internet. These changes will enable valuable services to continue to operate and provide greater protection from companies charging inflated fees for services on the false promise of work that never materialises.
- We will continue to work with the industry and Government to develop a distinction enabling legitimate publication and directory services to operate separately from employment agents; end the use of all up-front fees (including up-front book fees) by genuine employment agents; and return to the Government's original proposal, that entertainment agents should only deduct sums from workers' earnings out of work found.