



Factsheet

This factsheet has been prepared for general information purposes. It is not a legal document. Please refer to the *Employment Standards Act* and *Regulation* for purposes of interpretation and application of the law.

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Group Hires in the Entertainment Industry

Definition of Group Hire

“Group Hire” is the term used within the entertainment industry when an identifiable pre-existing group, such as a school, church or sporting club provides people to act as background in a film or commercial, without the individuals involved being paid. They are “living scenery,” subject to only general direction. The entertainment industry means the film, radio, video or television industry, and, the television and radio commercials industry.

Under certain circumstances, hiring of these groups does not create an employer-employee relationship. **The *Employment Standards Act* would therefore not apply.**

No rehearsal

Group hires cannot attend at a different time and place to practice the activities they do at the “shoot.”

Examples:

A school agrees to have its students pack bleachers and cheer; a skating club agrees to have a practice session filmed to be used as background; a church group is used as part of a movie wedding scene.

Conditions to be met for Group Hires

Connection: An identifiable connection between the members of the group (for example: classmates, team mates, congregation).

Wages: Any money (honorarium) paid should not be related to hours of work, but rather related to simple attendance within the conditions of that engagement. However where wages are paid to individual members of the group, an employer-employee relationship may be found to exist.

Participation: All members of the group must be able to participate. The members of the group cannot be screened in any way for size or appearance.

Limited direction: Direction should be general and for the entire group, not specific to an individual. For example, if a skating club is “group hired” for its practice session to be used as background, individual skaters cannot be required to do certain moves. They may only be given the basic “skate”-“stop skating” direction. However, some skaters could be required to perform a specific move in front of the background. These skaters would be seen to be in a different industry category where an employee-employer relationship may exist.

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Young People under 15 years of age.

Group hires of young people, under 15 years of age, do not require the approval of the Director of Employment Standards. The producer, however, cannot require young people to perform in conditions that would not meet the standards set out in the regulations for young people in the entertainment industry. The producer should not require young people to perform in conditions that would not meet the standards set out in the best practices for young people in the entertainment industry. For example, a child under 12 cannot perform for more than eight hours a day. A child of 13 or 14 cannot perform more than ten hours a day.

A production should ensure the group has parental authorization for the young people participating in the group activities.

If you are considering Group Hire

Production companies contemplating group hire should contact the Employment Standards Branch to discuss the requirements to meet the group hire standards. If appropriate, confirmation that the circumstances meet the criteria for group hire will be provided in writing.

Employers who use group hires of young people and then treat members of the group as individual employees (paying wages, or subjecting individuals to direction or control) may be found in contravention of section 9 of the *Employment Standards Act* and be subject to a \$500 penalty escalating to \$2,500 and \$10,000 for subsequent contraventions.