



Canadian Media Guild

La Guilde canadienne des médias

CWA/SCA CANADA

The glory and the grind:

The reality of working in TV and media in Ontario

**Submission to the
Ontario Changing Workplaces Review**

September 2015

Introduction

The Canadian Media Guild (CMG) represents 6,000 media workers across Canada and is committed to improving the working lives of people in this sector, many of whom do not currently benefit from the protections of a union. We represent several bargaining units in the Ontario jurisdiction – workers at TVO, TFO and Pagemasters – and also help non-unionized workers defend their rights and their interests.

The CMG has met with and heard from hundreds of Ontario media workers in the last few years who struggle to find and keep paid work with decent working standards. We believe that changes to workplace and labour laws, as well as improved awareness and enforcement of these laws, will go a long way toward protecting workers and ensuring a sustainable media industry in Ontario.

We concur with the recommendations being made by the Workers' Action Centre¹ and the Ontario Federation of Labour² during this review. In the following brief, we will highlight existing recommendations that resonate in particular for our sector and make several additional recommendations based on our direct experience with media workers.

Media work in Ontario

In 2013, we began organizing with people who produce unscripted television, which includes lifestyle, reality, and documentary programs. There are hundreds of these workers in Ontario, most of whom are considered freelancers and move from one independent production company to another on a project basis or short-term contract. Much of the analysis and recommendations in this submission come from our organizing with the workers in this growing sector of the film and television industry.

In the current legislative context in Ontario, it is very difficult for these workers to form a union to represent their interests collectively and the vast majority of people working in unscripted TV do so outside of any union agreement.

Unfortunately, these workers also tend to work outside of many of the basic standards set out in law. As film and TV workers, they fall under Employment Standard Act exemptions regarding scheduling and hours of work. As freelancers, they generally do not belong to a public or company pension plan, do not qualify for employment insurance benefits and have difficulty enforcing their rights to adequate health and safety. Also as freelancers, they rely on their reputation to get hired – and to get hired back – and can pay a heavy price for

¹ *Still working on the edge: building decent jobs from the ground up*, Workers Action Centre, 2015, Toronto

² *Preliminary submission to the Changing Workplaces Review*, Ontario Federation of Labour, 2015, Toronto

challenging an employer, even for clear abuses of their rights. Surveys we conducted in 2013³ and 2014⁴ reveal the extent to which these workers feel squeezed by insecure employment, long working hours, lack of any benefits, workplace hazards and stagnant or falling pay.

Job cuts at large and established media organizations, along with contracting out production and other activities, have forced media workers to seek work with smaller and, in many cases, start-up employers. Anecdotal evidence from workers we have talked to suggests these small, newer employers are typically ill-informed of their obligations under employment-related laws and have little infrastructure to address them.

For those starting out in the media industry, unpaid internships have become effectively a necessity to get a foot in the door. Employers in the media have an advantage over many others: media is seen as a glamorous industry that provides meaningful and fulfilling employment and even fame and status. Workers are conditioned to sacrifice other things (pay, liveable working hours) in order for a chance to “do what they love.”⁵ While we were pleased to see a Ministry of Labour blitz on unpaid media internships in 2014, we note a continuing lack of entry-level jobs in the industry. That suggests that employers are able to get entry-level work done another way, including via unpaid work framed as “internships,” and that students and people entering the workforce are still feeling the pressure to turn to unpaid work to get a foot in the door.

In addition to the growth of freelance work and internships, another trend is emerging: people producing content for online platforms such as YouTube who are considered users and not workers. It is not clear in Ontario whether these workers would be considered to be in an employment relationship with YouTube or not.

All of these workers are part of a casualized knowledge service sector that, increasingly, has no safety net at all. *The Precarity Penalty*⁶ revealed the cost of this reality to the workers, their families and society as a whole.

Responses to selected questions in the Guide to Consultations

Q1: How has work changed for you?

Media workers have lived through intense technological and economic changes over the last 15 years. “Traditional” media employers – broadcasters and newspapers – have implemented

³ 2013 CMG survey of workers in Canada’s factual TV industry (see Appendix 2)

⁴ 2014 CMG survey of workers in Canada’s factual TV industry (see Appendix 3)

⁵ Tokumitsu, Miya, “In the name of love,” *Jacobin Magazine*: <https://www.jacobinmag.com/2014/01/in-the-name-of-love/>

⁶ Lewchuk, Wayne, et. al., *The Precarity Penalty: the impact of employment precarity on individuals households and communities – and what to do about it*, PEPSO, 2015

waves of downsizing⁷, informed in part by technological change and also by changes to their revenue models. At the same time, new types of media organizations have emerged that operate under a different employment model: a small number of core staff and great reliance on contracted out services, freelancers and “user”-generated content. Media companies in this category include global behemoths such as Google as well as small local start-ups such as the now-defunct Open File.

Unfortunately, this employment model is spreading like a virus. As “traditional” media try to compete with these industry newcomers, we have seen a casualization of labour even within our existing bargaining units. At TFO, the provincial French-language educational broadcaster, half of the members in our bargaining unit are now working on a temporary basis, helping to create a climate of insecurity, stress and fear. The employer claims that unstable revenue and programming changes to meet new audience demands require this casualization⁸.

Even long-time media freelancers are feeling the pinch of this shift. They may have chosen and flourished under self-employment because their skills were highly valued, but now find paid work scarce and rates dropping as media organizations find a low-cost alternative supply of content.

Q2: What type of workplace changes do we need to both improve economic security for workers, especially vulnerable workers, and to succeed and prosper in the 21st century?

Labour and employment law in Ontario does almost nothing to level the playing field for casualized workers in the media industry. As before the post-war compromise, when labour and employment laws evolved to ensure workers could have a collective voice and negotiate improvements to working conditions, employers hold all of the power in the relationship with these workers.

As noted by the Workers Action Centre, casualized workers are largely excluded from workplace protections afforded by the existing Employment Standards Act. As well, they have virtually no access to collective bargaining.

Both of these realities must change to improve economic security for all workers, especially the most vulnerable.

⁷ Wong, Jan, “Thousands of cuts in the media industry,” Canadian Media Guild website, 2013: <http://www.cmg.ca/en/2013/11/19/thousands-of-cuts-in-the-media-industry/>

⁸ Response to a policy grievance filed by the Canadian Media Guild against the pervasive use of temporary employment at TFO.

Q3: As workplaces change, new types of employment relationships emerge, and if the long term decline in union representation continues, are new models of worker representation, including potentially other forms of union representation, needed beyond what is currently provided in the LRA?

In a word, yes. We've gained members in our freelance branch and as a result of our organizing in unscripted TV production. However, these members do not currently have access to the same rights to a collective agreement as their counterparts who work for a single employer.

"There is nothing to protect workers in [unscripted] TV. Exploitation is common and labour laws are commonly broken. Any worker who dares to complain about working conditions and other labour matters rightly fears blacklisting in the entire industry." – anonymous comment from 2013 CMG survey of unscripted TV workers.

Those who are classified, and sometimes misclassified, as independent contractors do not have rights under the LRA at all. Those who tend to work for specific terms on projects for various employers, as is common in TV production, face difficulties certifying a bargaining unit and negotiating a first agreement with a single employer because of the temporary nature of their employment with each employer. Those who work for small employers run up against the inefficiency of bargaining and administering a collective agreement for a small group of people.

Other organizations who've participated in this review have recommended sectoral bargaining. We believe this could be useful in the media industry, especially if it included some kind of framework for multi-employer bargaining. In unscripted TV production, for example, there are more than 200 productions per year in Ontario employing more than 1,000 workers. We would like to negotiate a sectoral agreement in unscripted television between production companies and workers to ensure standards for pay, working hours and overtime, health and safety, and sick leave. Workers in this sector currently cannot rely on any standards in these areas.⁹ However, there is currently no provision in the LRA for multi-employer bargaining. Where sectoral agreements exist in the scripted film and TV sector, they are outside the jurisdiction of the labour relations board.

We must be careful, however, not to throw the baby out with the bathwater. Thousands of media workers continue to work in ongoing employment relationships with long-standing employers. Many of these workers belong to unions or benefit as a result of the negotiating power of workers in the media over the last decades. The existing bargaining system

⁹ Gunning, Kristina, et al, *Guide to working in Canadian factual TV production*, Canadian Media Guild, 2015. (See Appendix 1)

continues to serve workers well and must be preserved, and real bargaining rights extended to those who currently cannot exercise them.

Q4: Key objectives in the employment relationship

In the day-to-day relationship between an individual worker and an employer, the employer holds all of the power. The fundamental objective for the state's intervention in the employment relationship should be to provide a fairer balance of power between employers and workers. From there, equity, voice and the long-term efficiency of the relationship will flow.

Q5: Employment standards in current ESA

The following recommendations are intended to improve the distribution and security of employment, and reduce excessive working hours. These recommendations are in line with those made by the Workers Action Centre:

“Love my job and the people I work with. Hate the long, unregulated hours that seem more commonplace now.” – anonymous response to 2014 CMG survey of unscripted TV workers

“I am expected to be available 24/7.” – anonymous response to 2013 CMG survey of unscripted TV workers

The regular workweek should be 40 hours, beyond which overtime should be paid at time-and-a-half. There should be no averaging provisions beyond the single workweek. No worker should be required to work more than 11 hours in a day. An exception to accommodate compressed workweeks would be acceptable.

Employers should be required to provide two paid 15-minute breaks during a regular workday.

Vacation entitlements should be increased to three weeks (or 6%) per year. After 5 years of service, the entitlement should increase to four weeks.

All workers should receive a written contract on the first day of employment that set out the terms of the contract. This contract must be negotiable.

Employers should be required to offer additional hours to part-time employees performing similar work before new employees can be hired.

Provide just-cause protection to contract workers if the work is ongoing and another worker must be hired to replace a non-renewed employee.

Require that the minimum shift per day be 3 hours.

Require the posting of schedules two weeks in advance. Provide for penalties paid to the employee if her schedule is changed within the two weeks. Allow workers to request schedule changes without fear of reprisals.

Q7: Illness, injury and medical emergency leave

“[Unscripted TV workers] need better access to the safety nets in place to help Canadians in more stable work. I know people who have done very well for themselves, and others who can’t even afford to go to the dentist or pay for medications.” – anonymous comment on 2013 CMG survey of unscripted TV workers

We believe all workers should be eligible for paid sick leave. In our Guide to working in factual TV (see Appendix 1), we have recommended that anyone who has worked at an employer for at least one month should have paid short-term sick leave. We also support the WAC recommendation that workers accrue one hour of paid sick leave for every 35 hours worked (or the equivalent of 7 paid sick days per year). Anyone who has worked for more than 3 months for the same employer should have access to a short-term disability insurance program.

Workers should not have to provide a doctor’s note to access paid sick days.

Q8 & Q9: ESA coverage and exemptions

“Considering I’ve been working at the same production company for over three years and doing the same job for practically two of those years, you’d think I could be considered an employee.” – anonymous comment on 2013 CMG survey of unscripted TV workers

Many of the TV production freelancers we hear from appear to be misclassified as self-employed contractors instead of as term employees. We have also talked to a graphic designer at Loblaws who was laid off from a staff position in one location and hired back as an “independent contractor” in another location. The working situation as an employee and as an independent contractor is identical: in both cases the worker works (or worked) full-time hours at the employer’s premises with employer equipment on a schedule dictated by the employer. After the move, the worker was told to incorporate as a business and to invoice in order to get paid.

We believe employers do this, in part, to try to exclude workers from ESA coverage, such as public holidays and severance, and to avoid employer contributions to Employment Insurance and Canadian Pension Plan. This loophole must be closed.

We therefore concur with the WAC recommendation to broaden the definition of employee to “a person who is paid to perform work or supply services for monetary compensation.”

We also fully support the recommendation for reverse onus on establishing employment status: a worker should be presumed to be an employee covered under the ESA unless the employer and/or worker demonstrates otherwise. This is such a widespread problem in our sector that we also fully support proactive inspections to crack down on misclassifications and would be pleased to partner with the Ministry to ensure problem areas are inspected.

We also support the removal of exemptions that currently serve to exclude workers from ESA coverage. Two specific notes for our sector:

- 1) The exemption on hours of work and scheduling for film and TV workers must be removed. This could provide workers with a basis upon which to negotiate better scheduling and premiums for unavoidable long shooting days. It would also stop the creep of unnecessary long hours into production office work.
- 2) The exemptions for trainees, secondary and post-secondary students and professional students need to be tightened to ensure these workers are protected with basic standards relevant to their situation.

Q10: Enforcement of the ESA

“There’s a widespread misconception in this industry that employment laws do not apply, and no one is watching over it to enforce them.” – anonymous comment on CMG 2013 survey of unscripted TV workers.

We have found no evidence that workers in unscripted TV production have succeeded in enforcing their rights under the Employment Standards Act. In part this is because there is great confusion, among both employers and workers, about whether workers are even covered. As noted above, we believe many workers are misclassified as self-employed contractors in the sector.

But even for workers who understand the ESA and have a convincing case as employees, it is difficult to enforce their rights using the complaints-based process. The TV production industry is like a small town, and people are fearful of getting blacklisted from future hiring if they speak up and make formal complaints.

For this reason, we recommend that the system be expanded to allow for anonymous and third-party complaints that would trigger inspections. In general, more proactive inspections are needed, as well as broader inspections at workplaces from which complaints have been made in the past. We support all of the recommendations made by the Workers Action

Centre to increase Ministry capacity to enforce the ESA and to assist workers in making claims.

We also support WAC recommendations for steeper penalties for employers found to be violating the ESA, including increased payment to workers whose rights have been violated.

Finally, we believe enforcement would be more likely if employers and workers were better informed about employment and labour law. A simpler ESA, without the patchwork of exemptions noted above, would be easier to understand and follow for all employers and workers and therefore easier to enforce. As well, we recommend the adoption of a training program on the ESA for employers, supervisors and workers, similar to the program in place for occupational health and safety.

Q11&12: Coverage and certification under LRA

We agree with the Workers' Action Centre that all workers in Ontario should have the right to organize under the LRA or similar act, including farm workers and domestic workers.

We also recommend that freelancers gain real access to bargaining under the LRA. The first step is to recognize freelance workers and independent contractors under the LRA itself.

In the television field, it is also important to have a mechanism to recognize short-term *employers*, who set up as sole-purpose corporations in order to produce a TV show or series.

Traditional labour relations view the employer as a permanent feature while employees come and go. In the TV industry on the other hand, employers tend to be temporary and they rely on a relatively recognizable field of workers.¹⁰ The current LRA does not recognize this type of employment or industrial model and workers in unscripted TV production currently have no access to collective bargaining under the Act.¹¹

A framework is needed under the LRA to certify employer groups and workers, so that they can negotiate agreements and resolve disputes across a particular sector. This would help project-based workers, including those in TV production and Information Technology, gain access to collective bargaining. A sectoral or multi-employer framework would also help workers and small employers in any sector negotiate more efficiently and effectively. The WAC has recommended such an option for domestic workers; we believe it could also be a viable option in digital media.

¹⁰ Analysis shared by culture sector consultant Garry Neil in a private conversation with the CMG.

¹¹ Although the 2007 strike by ACTRA members in Toronto was conducted under the auspices of the OLRB after the union made an application and the employer association

The CMG recommends the introduction of sectoral or multi-employer bargaining in which the labour board could certify employer associations and bargaining agents in a particular sector to make collective bargaining a true option for more workers.

Q13: Ground rules for collective bargaining and disputes

As we recommended above, an expedited process to reach a first agreement is needed for many workers to benefit practically from the right to collective bargaining. We agree with the recommendations made by the OFL for card-based certification and first contract arbitration as a right. We also recommend that Ontario ban the use of replacement workers during strikes and lockouts. In our own experience, an employer can use delay tactics and replacement workers to avoid bargaining a collective agreement and thereby undermine the rights afforded by the LRA.

Q14: Responding to unfair labour practices

We agree with the recommendation made by the OFL for immediate reinstatement of a worker disciplined or discharged while exercising their rights under the LRA during an organizing drive, pending the outcome of a hearing. Too often, justice delayed is justice denied for workers trying to uphold their rights.

Q15: Changes to LRA to deal with modern economy

See answer to questions 11 & 12, above.

Q16: Any other issues?

Although the *Ontario Occupational Health and Safety Act* is not considered in this review, it is urgent to note that it is difficult for workers in the non-union TV production industry to enforce their health and safety rights. Production companies often have a limited number of employees and rely on workers classified, and sometimes misclassified, as independent contractors. They can fall beneath the threshold required for health and safety committees. As well, the legislation does not appear to make provisions for temporary crews hired to work outside of a production office. As a result, health and safety is often not considered a priority consideration when planning and executing production shoots in the non-union sector.

We also urge additional protections for workers, including protection from unfair labour practices, for engaging in concerted activities for the purpose of collective bargaining, mutual aid or protection.

And finally, although the review is not explicitly examining the minimum wage, we support other groups in calling for a \$15 minimum wage. In particular, this would help young people entering the media sector and would help close the gap in hourly wages between women and men.

List of recommendations

ESA

- Introduce a mandatory training program for employers, supervisors and workers about the ESA, similar to the program in place for the Occupational Health and Safety Act.
- The regular workweek should be 40 hours, beyond which overtime should be paid at time-and-a-half. There should be no averaging provisions beyond the single workweek. No worker should be required to work more than 11 hours in a day (unless they agree to working a compressed workweek).
- Increase vacation entitlements to three weeks (or 6%) per year, and to four weeks after five years of service with the same employer.
- Require employers to provide a written contract on the first day of employment that set out the terms of the contract. These terms must be negotiable.
- Require employers to offer additional hours to part-time employees performing similar work before new employees can be hired.
- Provide just-cause protection to contract workers if the work is ongoing and another worker would be hired to replace the non-renewed employee.
- Require that the minimum shift per day be 3 hours.
- Require the posting of schedules two weeks in advance. Provide for penalties paid to the employee if her schedule is changed within the two weeks. Allow workers to request schedule changes without fear of reprisals.
- Enable workers to accrue one hour of paid sick leave for every 35 hours worked (or the equivalent of 7 paid sick days per year). Anyone who has worked for more than 3 months for the same employer should have access to a short-term disability insurance program.
- Outlaw the practice of requiring medical certificates to access paid sick days.
- Broaden the definition of employee to “a person who is paid to perform work or supply services for monetary compensation.”
- Introduce a reverse onus on establishing employment status: a worker should be presumed to be an employee covered under the ESA unless the employer and/or

worker demonstrates otherwise. Establish fines for failure to make statutory deductions.

- Remove exemptions from the ESA. In particular, we urge the removal of the exemption on hours of work and scheduling for film and TV.
- Remove the exemptions and establish criteria and standards for trainees, secondary and post-secondary students and professional students to ensure these workers are protected with basic standards relevant to their situation.
- Expand ESA complaints system to allow for anonymous and third-party complaints that would trigger inspections.
- Expand ESA inspection capacity to enable more proactive enforcement and broaden inspections at workplaces from which complaints have been made in the past.
- Increase penalties for employers found to be in violation of the ESA.
- Increase the minimum wage to \$15 per hour.

LRA

- Recognize all workers, including freelancers and self-employed contractors, under the LRA.
- Allow card-based certification of a new bargaining unit.
- Introduce a framework for sectoral or multi-employer bargaining to allow certifications of groups of workers and employers.
- Ban the use of replacement workers during strikes.
- Provide first contract interest arbitration as a right when the parties are not able to negotiate a first agreement in a reasonable amount of time.
- Provide for immediate temporary reinstatement of a worker disciplined or discharged while exercising their rights under the LRA, pending the final outcome of the complaint.

Other

- Tighten the *Occupational Health and Safety Act* to ensure that preventive measures are required for employers with a combination of employees and independent contractor engagements who fall below the existing employee threshold.

Appendix 1

GUIDE TO WORKING IN CANADIAN FACTUAL TV PRODUCTION

2015 EDITION



Canadian Media Guild

La Guilde canadienne des médias

CWA/SCA CANADA

This booklet was conceived and written by workers in Canada's factual TV sector in conjunction with the Canadian Media Guild.

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We encourage use of the booklet for educational purposes. To request copies, call 416-591-5333 or 1-800-465-4149 or write to info@cmg.ca. You can also find it online at www.cmg.ca.

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GUIDE TO WORKING IN CANADIAN FACTUAL TV PRODUCTION

2015 EDITION

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INTRODUCTION

Welcome to the first edition of the Manual for workers in factual television, created in response to the lack of standards and transparency in Canada’s factual TV production sector. This “Little Red Book” aims to do three things: provide information about how the sector functions; propose fair standards of work; provide tips and resources for workers and the people who hire them.

The following chapters were written and revised by workers and union officials with years of experience in the industry and in defending the rights of media workers. We hope it is helpful to you in navigating the ever-growing world of factual TV production. This book is not intended to provide legal advice. If you think you need professional advice specific to your situation, get in touch with the Guild or speak with a lawyer.

THE FACTUAL TV SECTOR IN CANADA

Factual TV — known also as unscripted, non-fiction, reality, documentary and lifestyle television — has grown immensely over the last 15 years and is popular with TV viewers. Nearly 240 English-language factual productions received federal tax credits in 2013-4, according to Heritage Canada. We estimate that some 2,000 highly skilled and creative people work full time in the industry across the country. Unlike in the scripted film and TV sector, only a tiny proportion of workers are currently covered by a collective agreement when working in factual TV.

THE CANADIAN MEDIA GUILD

We are 6,000 journalists, hosts, producers, technicians, videographers, editors, librarians, programmers, sales reps, administrative staff and freelancers. Our goal is to promote the best working environments possible in order for our members to have satisfying, rewarding and sustainable careers in a thriving industry. We believe a quality media system that serves all Canadians is built on healthy organizations that treat workers fairly.

FAIRNESS FOR FACTUAL TV WORKERS

The Canadian Media Guild has been collaborating with workers in Canadian factual TV production to improve standards and working conditions since 2013. Two surveys and dozens of meetings and workshops have helped identify the main issues that need to be addressed to ensure this growing industry is sustainable for the future:

- Fair pay
- Working hours
- Health and Safety
- The right to speak up without fear of reprisal
- Workplaces free of harassment and bullying

Imagine a day when you don't have to fear for your safety on location and can negotiate contract details that include basic rights. A day when you can advocate for fairness and integrity without the fear of being blacklisted. Well, that day is not far away. This is just the beginning of good things to come and the more people who join the initiative, the greater impact we will have to create the best working conditions possible together!



CHAPTER 1

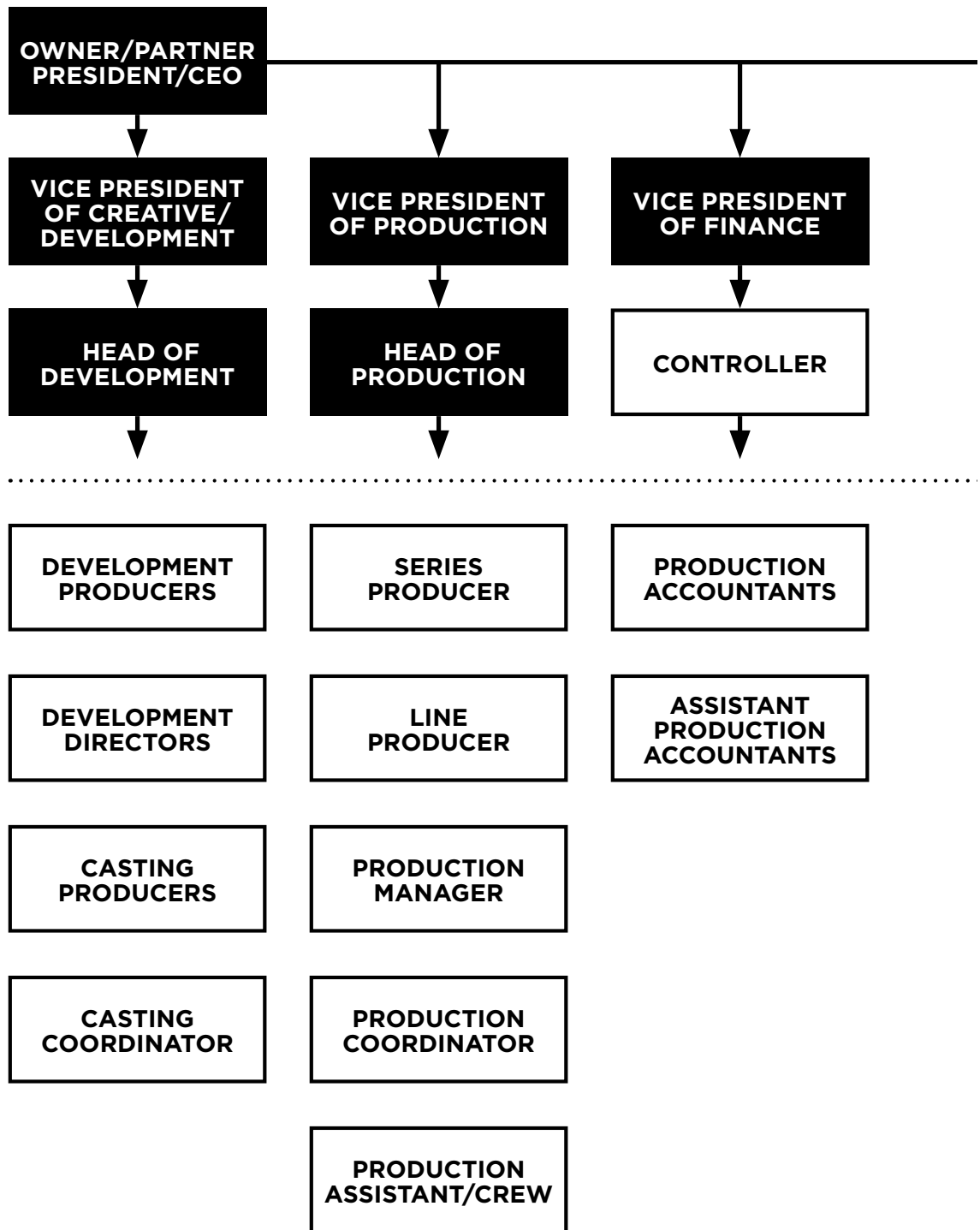
THE FACTUAL TV INDUSTRY IN CANADA

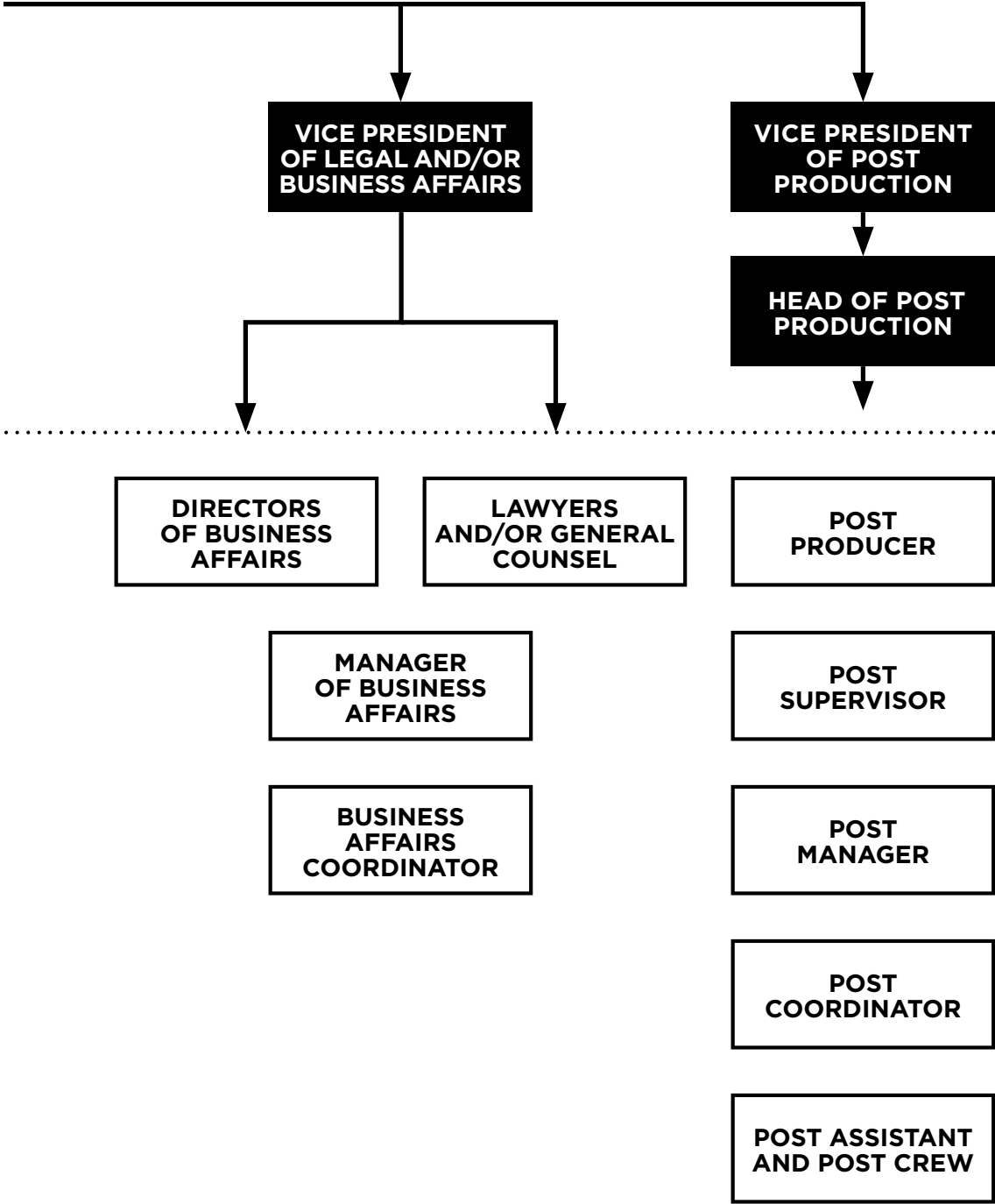
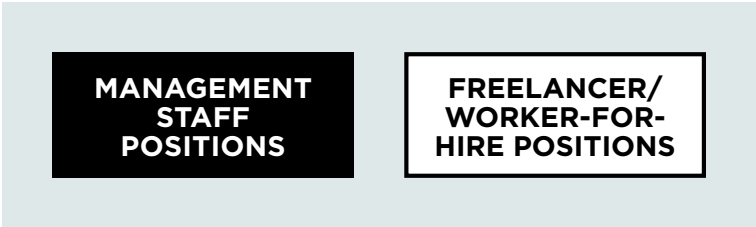
1.1 **A typical production company in factual entertainment**

So you want to work in factual entertainment but you're unsure of how a typical production company is structured and who the key players are? This section will provide some clarity.

Production companies typically hire key staff as “heads of departments” in permanent positions. These permanent positions are usually salaried long-term contracts and are found within the production, creative and financial divisions of a company (eg. Vice President of Production, Vice President of Creative and/or Development).

CHART 1.1 ORGANIZATIONAL STRUCTURE OF A TYPICAL PRODUCTION COMPANY





These key people then hire other senior level “workers for hire” for production-specific projects as needed. (See chart 1.1 on previous spread.) For example, once a company has been advised that their show has been greenlit, the VP of Production will hire a Series Producer and possibly a Line Producer who will subsequently hire all or most of the other crew, such as the field directors, associate producers, co-ordinators, and post-production crew. These hires are always in consultation with the VP of Production and/or other senior level staff and, in key creative positions, also with the broadcaster.

In general, freelancers and short-term employees are hired for creative, production and post-production areas of a project. These positions include (but are not limited to): Series Producer, Line Producer, Production Manager, Production Co-ordinator, Director, Field Producer, Story Producer, Post Production Producer/Supervisor, Digital Media Producer, Story Editor, Picture Editor and Assistants. In general, the people in these positions are contracted for a specific length of time that corresponds to the start and end of the project. The length of a contract can vary anywhere between several weeks and several months and different people are hired at different times, according to the needs and stages of a project. Please refer to the stages of a production chart in section 1.3.

Before hiring the production and post-production teams, the production company creates a separate, incorporated company for the sole purpose of producing the project. This sole-purpose production company, although managed and set up by the same people working for the main production company, is created to function as a wholly separate entity, with its own corporation papers, insurance and

bank accounts. If *Production Company XYZ* gets a TV show about dogs greenlit, the company creates a separate entity to operate the project, ie. *Dog Show Inc.* The reason for doing this, in addition to certain tax benefits, is largely a legal one. Should the production be involved in a lawsuit, only the assets of the sole-purpose corporation would be exposed to any damages claim thus protecting the assets held by the parent company. So don't be surprised if your contract/deal memo is between you and the sole purpose corporation instead of the more well-known and recognized parent company. Also note that if there's a delay in setting up the sole-purpose corporation, your contract may initially be with the parent company, but once the new entity has been established you will be asked to re-execute another deal memo or contract with it.

Overall, structures and operations of production companies are all quite similar. All projects require creative, production and finance elements. The structure works best when everyone, including permanent staff and workers-for-hire, are fully accountable to their roles, duties and daily work.

NEW DEPARTMENTS BEING CREATED

New trends are emerging within television production companies: the creation of digital/new media divisions, distribution arms and public relations departments. Historically, production companies partnered with outside companies to execute these elements for their productions. With the evolution of technology, production companies are starting to “insource” this work.

A NOTE ABOUT TAX CREDITS

Production companies based in Canada are able to take advantage of the generous television tax credits offered by the federal and many provincial governments. As per the Canadian revenue agency's website, only "Canadian Corporations that are a permanent establishment and are primarily a Canadian film or video production business" can apply for these kinds of tax credits. The eligibility criteria also states that the company must file taxes in Canada and must own the copyright of the project for which the claim is being made. Finally, the tax credits themselves are directly tied to the Canadian labour of any given project. This is the main reason companies generally hire Canadian citizens and sometimes residents of specific provinces who file taxes in Canada for production-specific roles. Tax credits are further explained in 1.4 below.

A NOTE ABOUT HR DEPARTMENTS

Television/media production companies rarely have a human resources department or manager. Where there is an HR person or department, it's important to remember they are there primarily to

TIP: If you are hired to work on a development project, such as a "pilot," (typically Series Producers or Directors) the rate offered may be lower than what you normally command. Make sure to state in your deal memo/contract that this is your development rate and that you will negotiate a new contract for work on the production if it is greenlit. See Tips for negotiating in Section 3.3.

serve the interests of the company, even if they are responsible for important tasks, including creating and implementing policies and practices for hiring and managing workers and ensuring a safe and healthy work environment. Where there is no HR, the VP or Head of Production is most often tasked with this role, on top of their other many duties. By law, companies are required to have up-to-date policies on harassment and health and safety. They should also have policies and practices on things like sick leave, benefits and hiring. It's always a good idea to ask the company for their policies when you are hired. The chapters that follow will give a better sense of what you should be looking for in these areas.

1.2 **The relationship with Canadian broadcasters**

Canada's broadcasting law states that the broadcast system should:

“Encourage the development of Canadian expression by providing a wide range of programming that reflects Canadian attitudes, opinions, ideas, values and artistic creativity, by displaying Canadian talent in entertainment programming and by offering information and analysis concerning Canada and other countries from a Canadian point of view.”

—BROADCASTING ACT 1991

The relationship between broadcasters and independent production companies is vital to meeting this mandate. This is how production companies largely fund their projects — using tax credits and other public funds, such as the Canada Media Fund — and how broadcasters are able to air a diverse array of content created by Canadian producers for the Canadian public. The dynamics of this relationship also have an impact on how a show is produced and can often be felt by workers hired to work on a production.

At the moment, the workings of the relationships between broadcasters and production companies are opaque. For example, there is no standard way for a show to be greenlit. Projects generally get to air by one of two ways: a production company pitches an idea to a broadcaster that is accepted or a broadcaster approaches a production company to produce a project.

Ideally, a transparent process and timeline for pitches would better provide an equal field of opportunity for all production companies to approach broadcasters with their ideas. This would also allow broadcasters, and ultimately the public, to see the broadest cross-section of Canadian stories and concepts.

1.3 The typical production budget

While the numbers may differ, budgets in factual TV follow a standard format. There are four main sections to any budget and the categories, or “line items,” in each section rarely differ:

- Section A: “above-the-line” costs
ie: story rights, development and talent

- Section B: total production costs
ie: labour, equipment, travel and location
- Section C: post-production costs
ie: labour, equipment, master deliveries
- Section D: other costs
ie: contingency and bank fees

Sometimes a broadcaster will issue a “development budget” to a production company to produce a pilot. If the pilot project is greenlit for a TV series, the broadcaster normally includes that development money as part of Section A in the production budget.

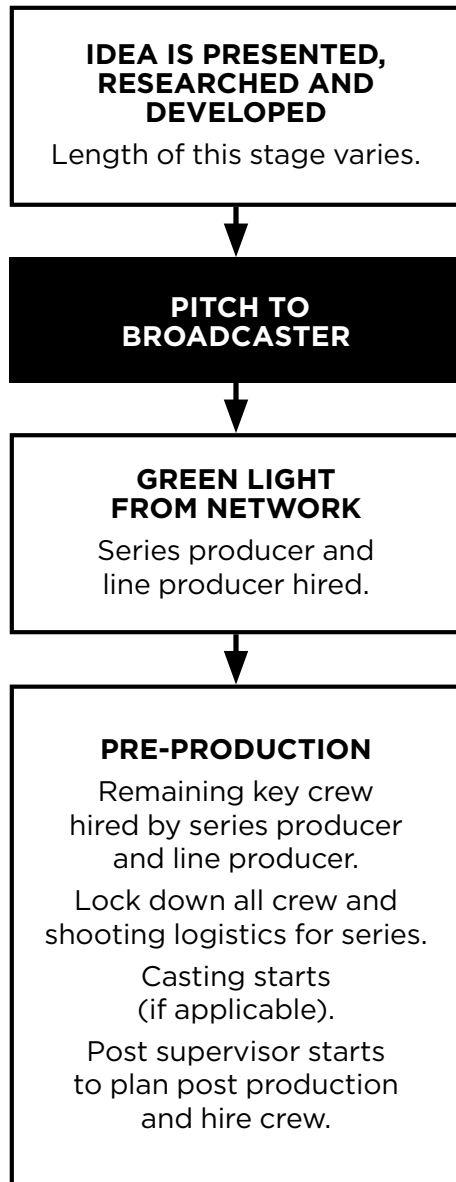
Most workers hired in factual television are accounted for in the production category (B) or the post-production category (C). The production company has already forecast exactly what positions are needed and for how long prior to having a show greenlit, and the broadcaster has approved this budget with the expectation that the funds, especially labour, be spent accordingly. You could consider asking how your role has been budgeted when you negotiate your rate and the length of your contract.

TIP: In Canada, broadcasters acquire a large portion of their program money from publicly-funded sources (ie: CMF, Telefilm, government tax credits) or apply for funding through broadcaster initiatives (ie: Roger’s Group of Funds).

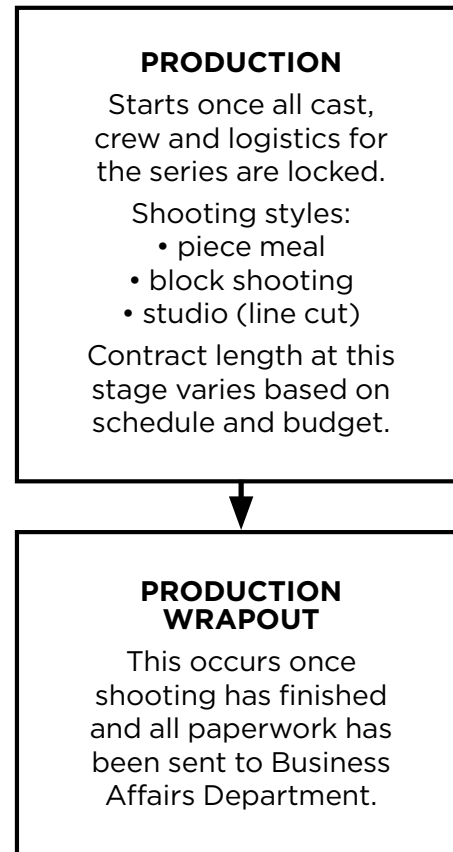
That means there are usually strict rules and regulations that the production company must observe when administering their budgets. If you ever have concerns that the production company is deliberately not following the approved budget, an anonymous report to the broadcaster should trigger an immediate investigation.

CHART 1.3 STAGES OF A TYPICAL FACTUAL TV SHOW

1. Development

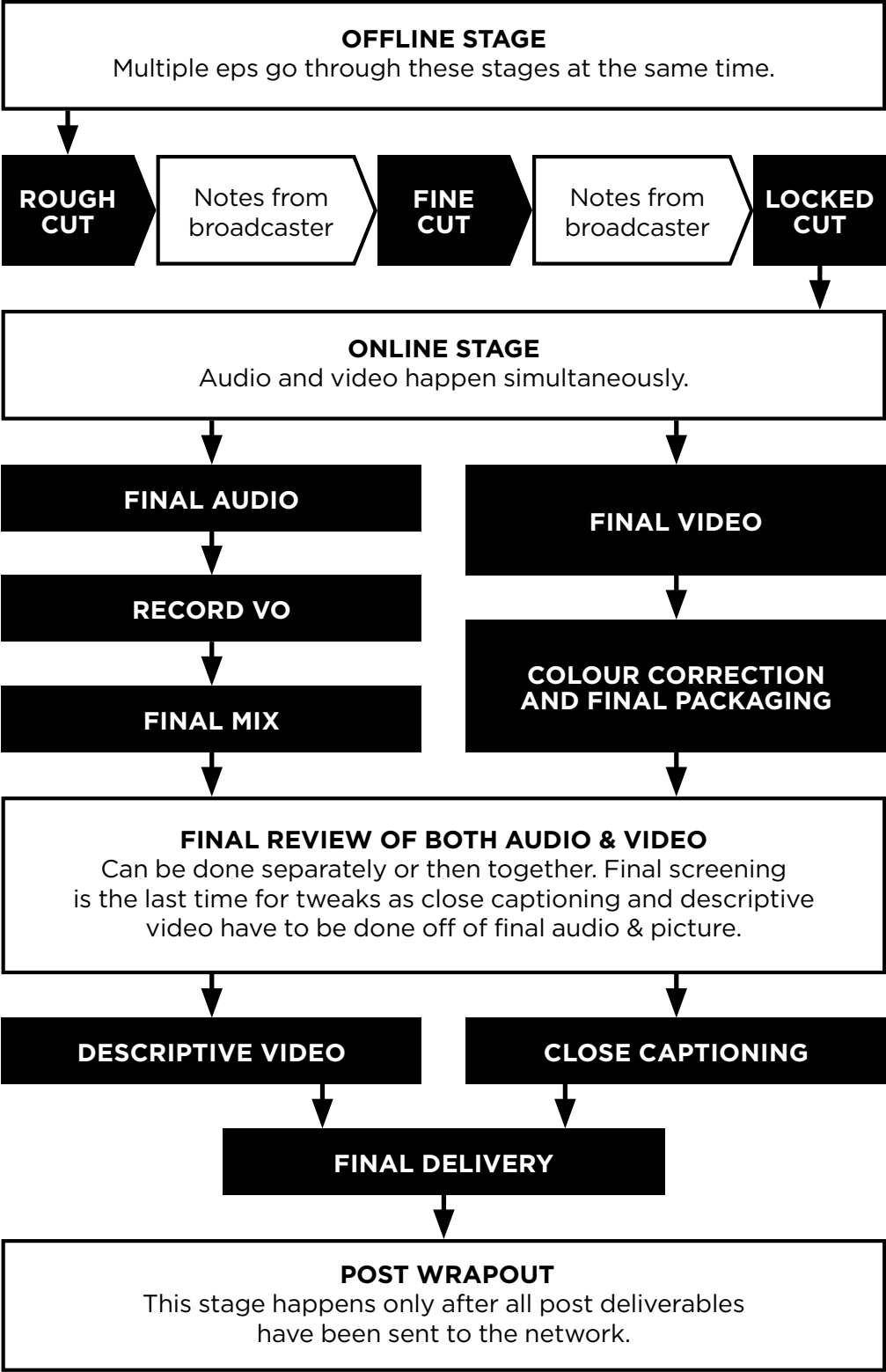


2. Production



3. Post production

Post Production starts on first day of principal photography.
Length of this stage varies based on post schedule and budget.



That can tell you how much flexibility the company has to negotiate with you. See “Tips for negotiating” in Section 3.3.

Budgets are normally created by the VP or Head of Production. A Line Producer is generally hired to manage the budget from pre-production to post-production, once it has been approved by the broadcaster. Although Series Producers may be privy to the budgets, it is often the Line Producer (in consultation with the Head or VP of Production) that oversees the budget.

Budgets are also tied to financing scenarios — a fancy title for a document that shows broadcasters, investors and banks where all the money is coming from. These financing scenarios often include tax credit money that is attached to labour. If so, production companies must hire Canadian residents for the exact amount of time specified in the budget, as this labour may be directly attached to the tax credit money indicated on the financing scenario.

1.4 TV production tax credits

If you make money, you likely pay taxes. The amount of tax a Canadian must pay is based on the amount of income that is earned within a calendar year. This income is taxed at both the federal and provincial levels, and the same is true for a factual television company. However, a factual television company has access to tax credit programs created to support the business of making television and film in Canada. These programs make governments partners in factual TV production in Canada.

The Canadian Film and Video Production Tax Credit was created in 1995 to encourage Canadian programming and the development of an active

domestic independent production sector. According to the Canada Revenue Agency website, “this tax credit is refundable, which means that Canadian production companies are reimbursed for a portion of the salaries and wages that they pay to Canadian residents who work on their film and television programs.” The Canadian government has also created non-refundable tax credits, which are credits that reduce the amount of taxes a company ultimately owes the government.

In 1997, the federal government launched the **Film or Video Production Services Tax Credit** Program. You don’t need a Canadian distribution or broadcast deal to benefit from this tax credit.

Many provincial governments, including BC, Ontario and Quebec, also have non-refundable and refundable tax credit incentives. Provincial programs are often harmonized with the federal programs,

WHY AM I BEING DENIED A PRODUCER CREDIT?

Workers are sometimes told they can’t be given proper credit for their work because of tax credit rules. Under federal rules, production companies cannot claim the tax credit for “key creative” roles including producers and co-producers. However, tax credits are available for any production roles that execute the creative vision of someone else, for example the executive producer, series producer or broadcast executive, for whom tax credits cannot be claimed. That means tax credit rules shouldn’t be a reason to deny proper credit to Post Producers, Line Producers, Field Producers, Story Producers, Segment Producers and Associate Producers.

which can help simplify a complex application and submissions process. It's important to note that tax credits are only provided to production companies if they have submitted the necessary paperwork, the application has been successfully processed, approved, and the corporation has also filed a proper corporate tax return.

The eligibility and project criteria vary between tax credit programs and each program has its own rules, regulations, exclusions and specific process for application and submission.

SOME OF THE QUALIFYING CRITERIA FOR THE ONTARIO FILM AND TELEVISION TAX CREDIT (OFTTC)

- **The majority of the project must be filmed in Ontario**
- **The project must achieve a 6/10 in its creative services points under the CAVCO system— that is, 6 out of the 10 key creative positions must be held by Canadian citizens who are also Ontario residents. ie: Director, Producer, Writer, DP, Composer, Editor**
- **75% of the production costs must be paid to Ontario individuals or companies**
- **Must be broadcast in prime time in Ontario by a Canadian broadcaster within 2 years of completion**
- **Note that these rules are the reason many production companies hire only Canadian residents and/or provincial residents to work on productions. If a company advises that they cannot hire you due to a “tax credit situation,” this may be why. However, it’s always a good idea to ask for further details — knowledge is power!**

HIRING & JOB DESCRIPTIONS

2.1 **Employees and Independent Contractors**

The first order of business in hiring, or getting hired, is to clarify the status of the job. Is it a full-time, permanent job (rare in this industry)? Is it a temporary job? Is it a freelance engagement? Permanent and temporary employees enjoy benefits (including employer contributions to their Canada Pension Plan and Employment Insurance, guaranteed vacation and holiday pay) that freelancers do not.

It is common in factual TV production to hire the production crew as independent (self-employed) contractors, even if many of the workers should properly be classified as employees. Use the questionnaire to help figure out where your situation

ARE YOU A SELF-EMPLOYED CONTRACTOR OR AN EMPLOYEE?

1. Do you operate your own business?
2. Can you work from a location of your own choosing?
3. Do you have the ability to set your own hours of work?
4. Can you charge your employer different fees depending on the type of work?
5. Do you have the ability to reject work that you are offered?
6. Could you hire other people to do your work for you?
7. Does your employer allow you to work for other employers?
8. Do you work for many different employers?
9. Do you have to use or provide any of your own equipment, materials or tools?
10. Are you paid per project or assignment?

If you answered “no” to half or more of these questions in considering your current gig, you may not be a self-employed contractor under the law.

fits. Note that your job classification doesn't have anything to do with whether you are incorporated or consider yourself a freelancer. You can be an incorporated freelancer and still take a job as a term employee. This happens all the time.

Note that employers who misclassify workers as self-employed contractors, without making required CPP, EI and tax deductions, leave themselves open to tax liabilities. They may be ordered to pay both the employer and employee share of CPP and EI contributions. Workers can be affected as well if their tax liability is reassessed. Talk to your accountant for information about your circumstances.

If your status is unclear, you — or the production company — can request a ruling from Revenue Canada.

2.2 Where to find job listings and how to prepare for the interview

Searching for a job in the factual TV world can be difficult because jobs aren't always posted publicly. Sometimes getting these jobs is about who you know, not what you know.

WHERE TO LOOK

Whether new to the industry or a long time veteran, we've all had to look for our next gig. Social networking has become an essential tool for job seekers in our industry.

A good place to start is to create a profile at LinkedIn.com. If you're on Facebook, connecting with colleagues is also a good way to find out about factual TV gigs.

Here are a few of the main websites to look for work and/or further information on the Factual TV world:

- Playbackonline.ca
- mediajobsearchcanada.com
- mandy.com
- workopolis.com

Generally speaking, when a job is posted it will indicate what the requirements are to apply. Some places will ask for cover letters, while others will say please submit your resume or CV (curriculum vitae) and no phone calls please. If the latter is the case, you want to make sure that your resume or CV is simple to read and able to open as an attachment — preferably in PDF format. Anything outside of that and you might run the risk of someone not being able to open your file and you've lost your chance. No one is going to call you to ask you to resend an attachment.

PREPPING FOR THE INTERVIEW

Generally, a Series Producer and/or Line Producer will contact you for an interview. Sometimes, Post Producers/Supervisors are also involved in the hiring of post-production workers. Please refer to the Job Descriptions in section 2.3 below for an overview of jobs within each department. Before the interview:

- Research the person you are meeting (perhaps via LinkedIn or Google)
- Research the company, if they are new to you. This is especially helpful if the owner or president of the company happens to join your interview

- Bring a hard copy of your resume or CV (the same one you sent to them)
- Have your references on hand, in case the person interviewing you asks for them on the spot. This will also expedite the process if you are one of the top choices. (Your references should be people to whom you have reported directly and/or hired you originally)
- If it's a position that involves writing, bring samples of your writing in case you are asked
- If it's a creative position such as a director of photography, camera operating or editing position, you may be asked for a sample of your work. It's a good idea to have a website or Vimeo link that showcases your recent work, which can be also sent with your original application

THE INTERVIEW

Have you ever been in an interview that is too short, too long or slightly awkward? Here are some basic things that should be discussed in an any successful interview:

- You should be given all the parameters of the project:
 - » contract length (weeks, start and end date)
 - » work environment (location(s) that you are required to travel to)
 - » the production company's rate offer
 - » work equipment and or kit rental (ie: use of a computer, production equipment or your vehicle)
 - » what is expected of you in this role, clear duties
 - » who you will be reporting to

- Are there any days off that you may require over the course of the contract? (If you have a vacation already booked or are thinking of it, it's best to bring it up in the interview.)
- You should have the opportunity to explain how your skills and experience make you the ideal candidate for the project.

Once the interview is over it is perfectly reasonable to ask, if you haven't been told already, when a decision will be made on the position. It is reasonable to ask the person to contact you regardless of whether you are the successful candidate. If you are the lucky person to be offered the job, the next chapter will arm you with the right tools to negotiate a fair contract and working conditions for yourself.

TIP: Questions that you should *never* be asked in an interview:

- Are you pregnant?
- Are you looking to get pregnant?
- Do you have kids?
- What's your racial/religious/cultural background?
- How old are you?
(As this could lead to ageism)
- Any personal relationship questions
(are you married?)

2.3 Job descriptions

Here's a list of job titles currently in practice in factual television. Key duties have been listed to give you a sense of what is expected of each member of a show team. This does not include a complete list of tasks and obligations that might be asked of you at the time of hire.

DEVELOPMENT DEPARTMENT

VP of Creative and/or Development

- Oversees the creative development team while maintaining positive relationships with broadcast executives and commissioning editors
- Leads and develop new concepts for pitching to broadcasters, with development producers
- Secures a minimum yearly quota of commissioned projects for the company.

HIRING IN FACTUAL TELEVISION

For key creative positions such as Series Producer, Director of Photography, Directors, Story Editors and Editors, the broadcasters have approval rights. Once the production company has been given the greenlight for a project, the broadcaster may give the production company a list of people that they want interviewed first. Even if they don't provide a list, they still have to vet every person in key positions. It is possible that people interviewing for those positions will not be approved by the broadcaster for reasons that often remain confidential.

Development Producers

- Generates creative concepts that are viable and deemed production-worthy by broadcasters and financiers.
- Responsible for identifying new talent.
- Responsible for researching and understanding TV markets, writing concept pitches, verbally pitching creative ideas to networks.

Development Directors

- Directs any picture elements for development package such as sizzle reels or pilots

Casting Producers/Directors

- Finds and casts the best talent/participants possible for any given project

Casting Coordinators

- Assists the Casting Producer/Director with all casting related matters, including co-ordination of cast auditions and talent bookings

Casting Assistant

- Assists the casting department with any administrative tasks such as faxing, filing and fielding phone calls

PRODUCTION

VP of Production/Head of Production

- Ensures that all productions within the company are delivered on time, on budget and within the parameters of all related contracts

Line Producer (LP)/Production Manager (PM)

- Delivers a production on time and on budget

- Reports only to the producer(s)
- Manages the production budget and overall (prep, production and post) schedule of a show
- Responsible for approving all costs, updating all schedules and issuing cost reports to the VP or Head of Production
- Can be given discretion to sign cheques specific to a show and under a certain amount
- Manages day to day aspects of a production including the safety, insurance, location, equipment and crew needs of a show
- Responsible for executing all agency, vendor and crew contracts
- Responsible for physical hiring and firing of all production crew

Assistant Production Manager (APM)/ Production Co-ordinator (PC)

- Assists the Line Producer/Production Manager in expertly co-ordinating all aspects of the production
- May assist in drafting insurance certificates, call sheets, booking equipment and crew for shoot dates
- May assist in collecting invoices from vendors and/or crew

On-Set Co-ordinator

- Executes the elements already co-ordinated by the APM or PC, while on set
- Manages the logistics, equipment and craft (food) while on set
- Manages site-equipment such as the battery charging and distribution of walkies

Series Producer (SP)

- Executes the creative vision of a show put forth by the Executive Producers at the company and network
- Manages the relationship between the production company and network as it relates to the specific show, including but not limited to: any feedback re: the rough and fine cuts, crew, style of directing, shooting and all creative elements of the show such as graphics and music
- Seen as the “boss” and leader of any show and expected to deal with any conflicts arising on the show (ie: crew conflicts, vendor and talent issues), in tandem with the Line Producer

Writer/Story Producer

- Prepares beat sheet and script *before* production. Outlines the beats the directors have to hit
- Generally paid per script
- Should get credit as writer
- This role is typically found in Documentary and Docudrama productions

Director/Field Director

- Creatively directs all or some segments of a show, as per the instructions given by the Series Producer
- Key distinction: a Field Director only directs segments “in the field” whereas a Director may direct in the field and/or studio as well as sit in on edit of that episode or show and give creative input
- Responsible for crafting the story of an episode or show
- Responsible for approving all technical aspects as per their effect on creative elements, such

as: lighting, talent positioning, sound quality, background composition and shooting style

- Responsible for confirming safe environment (as per LP) for all crew during filming

Assistant Director

- Takes responsibility for logistics so that the Director is free to concentrate on the creative process
- Creates the storyboard, working with the Director to determine the shoot order and how long each scene will take to film
- Draws up the shooting schedule and ensures it's followed
- Sometimes an AP or Field Producer fills this role

HYBRID JOBS

It is not uncommon for workers to be hired to fill more than one function, especially on a small production. When you know ahead of time and can ensure you will have the time needed to do the work, and the pay commensurate with the range of skills you bring to the project, you may not have any concerns. But if you suddenly find yourself partway through a project with an additional role loaded on to an otherwise busy workload, you should talk to your supervisor to clarify the expectations and discuss additional pay. If you're hired for two different jobs at different times on the same project, you should be paid appropriately for each job. See Pay Rates in section 3.2 below.

Field Producer/Associate Producer

- Creatively produces some or all segments of a show, in “the field” as per instruction given by the Series Producer
- Responsible for expertly researching information, contacting and interviewing people/talent and sometimes securing locations as per the needs of the show
- Responsible for sourcing and fact-checking their information
- May support the director in the field as needed, including but not limited to additional directing, assisting with crafting story in the field and managing talent/ interviewees. NOTE: these types of creative functions are what should distinguish an AP from a researcher.

Researcher

- Delivers factual research to help craft story for episode or show as per instruction from Series Producer
- Responsible for expertly researching information, contacting and interviewing people/talent and sometimes securing locations as per the needs of the show
- Responsible for sourcing and fact-checking their information
- May support the director in the field as needed including but not limited to managing talent, interviewees

Locations Manager

- Manages all aspects of a location shoot before, during and after a shoot.
- Responsible for securing all filming and parking permits prior to shoot day
- Responsible for administering any filming/locations fees on the day of the shoot
- Responsible for maintaining a clean location during and after filming
- Responsible for ensuring property owners are happy with the work the crew is doing on their site (ie: that all rules and regulations are being followed on site)

Director of Photography

- Lights and shoots as per the creative instruction given by the Series Producer
- May suggest specific camera and lighting equipment for achieving a specific look
- Ultimately responsible for testing all equipment to ensure functionality on day(s) of shoot

Camera Operator

- Shoots as per the creative instruction given by the Series Producer
- May suggest a specific camera for achieving a specific look
- Ultimately responsible for testing all equipment to ensure functionality on day(s) of shoot

Camera Assistant

- Supports the Camera Operator or Director of Photography as per their instruction
- Responsible for putting together camera package, charging camera batteries, camera log reports and labeling tapes/discs/files
- May be responsible for driving camera equipment from production office to location shoot and/or taking equipment home overnight to charge if shooting consecutive days
- Responsible for delivering shoot tapes to the production office end of shoot day

Location Sound Recordist/Sound Recorder

- Delivers high quality sound as per the instruction of the Series Producer
- Responsible for all sound equipment on shoot day
- Responsible for ensuring proper delivery of all sound files to post production at end of shoot day

Media Manager/Data Management Technician (DMT)

- Expertly downloads all footage/digital files on set in an organized and secure fashion
- Responsible for bringing proper equipment (laptop/drives) for executing job
- Responsible for backing-up and creating a second set of picture files for insurance purposes
- Responsible for reporting technical problems between picture and sound.
- The role is evolving with new technology. In big budget TV studio production and feature film, more responsibilities — including some duties typically found in post-production, are landing on the

plates of DMTs. It's important to be clear about the expectations before you start in this role and make sure you're getting paid for all you're doing.

POST PRODUCTION

VP of Post Production/Head of Post

- Oversees and manages every stage of a project in post-production, and ensures delivery of product is on time and on budget
- Prepares initial post schedules in consultation with VP of Production
- Proactively provides strategic and technical solutions to improve post workflows so they remain efficient and current

Post Producer

- Maintains the creative vision of a show, put forth by the Executive Producers and network, as it travels through the stages of post-production
- This role may also encompass writing responsibilities, if a top writer or story editor is not hired for the show.

Post Supervisor/Manager

- Expertly manages the post-production staff and schedule, and deliver the end product on time and on budget
- Responsible, usually in conjunction with LP/PM, for physical hiring and firing of post-production crew
- Responsible for attending and approving, in conjunction with SP, all online screenings (Final Audio Mix, Final Colour Correct and Final Packaging) before final delivery

Post Co-ordinator

- Assists the Post Supervisor in the co-ordination of post-production elements, such as technical bookings and/or edit reviews
- Assist with administrative tasks such as filing and faxing

Post Assistant

- Assists the Post Production team with any administrative tasks such as shipping, receiving and filing

Top/Head Writer

- Responsible for all creative writing and ensuring that the tone of a series is consistent from one episode to the next

Story Editor

- Creates a strong 'paper edit'—the main story points and corresponding footage clips—for the editor to digitally piece together
- Responsible for watching daily/raw footage, writing any narration

Editor

- Creatively pieces footage together
- Responsible for watching daily/raw footage
- Might be relied upon to write narration
- Responsible for all aspects of the creative edit from rough cut to final picture lock

Assembly Editor

- Assembles a loosely pieced together story for the editor

- May or may not assemble according to a 'paper edit' provided by a story editor
- Responsible for organizing, syncing and prepping sequences for the editor

Assistant Editor

- Assists in the media organization of a show, in addition to the editor(s) daily needs.
- Responsible for the organization of all elements within an offline project
- Responsible for prepping all elements for online stage
- Responsible for backing up all elements within the project for master archive
- Reports to the Post Supervisor/Manager

Digitizer

- Ingests master footage into edit machines for use by the editing team
- Responsible for ingesting and labelling of daily shoot material

Transcriptionist

- Transcribes verbatim shoot material into a master script for use in story editing

NEW TRENDS IN FACTUAL JOBS

Production companies increasingly hire digital producers to create content for the web and for mobile platforms. Digital producers should be treated, and paid, as any other production worker, commensurate to the skills you bring to the job, your level of responsibility for a project, and the time you put in.

BUSINESS AFFAIRS

VP of Legal and/or Business Affairs

- Manages and advises on all legal and business matters, including contractual negotiations and network agreements
- Responsible for distribution and completion of work to others within this department

Directors of Business Affairs/Manager of Business Affairs OR Business Affairs Associate

- Manages the company's business matters, especially (but not limited to) funding applications, partnership agreements and employee contracts
- Assist with interim financing documentation

Lawyers & or General Counsel

- Advises on all legal matters and binding contracts for the company

FINANCE/ACCOUNTING

VP of Finance

- Ensures the company complies with all standard business and accounting practices

Controller

- The chief accounting officer is responsible for the company's financial statements, general ledgers, and all accounts including payroll

Production Accountant

- Manages the cash flow expectations related to a production budget

Assistant Production Accountants

- Assists the Production Accountant with administrative duties such as filing, faxing and data entry

2.4 Internships

Internships can be a great way to access the television industry and provide a short but comprehensive insider's look at how things work within a company, or on a set. This is why many schools partner with companies to provide “work-study” internships — on the job experience for school credit. An internship has to meet basic requirements to be unpaid (such as: must be of educational benefit to you, you shouldn't be replacing a paid worker).

School internships should be short in duration, supported and monitored by faculty of the school and include a mentor in the workplace. They are learning opportunities for students, not free work opportunities for production companies.

The Canadian Media Guild's position is that anyone performing work duties should be treated the same as any other worker. Working long (or short!) hours for no pay is not acceptable.

If you're in a school internship or an entry-level job, seek out a mentor who can help you navigate the workplace and the industry while you're in the gig... and after.

Good luck!



CHAPTER 3

SUSTAINABLE WORKING CONDITIONS

3.1 Fair individual contracts

“I love doing what I do, but am considering a career change because my job is becoming my life. Most people who do well in this industry are either single or neglecting their families to ‘get ahead.’”

Ever been told your “day rate” covers up to 24 hours of work, so don’t even think about asking for overtime? Has your pay been docked during a week with a stat holiday in it (such as Labour Day)? Have you ever been late on a rent or mortgage payment because you missed work and lost wages while suffering a serious illness? Do you wonder what rate

you should expect for the work you do? Do you feel you are earning less and working more than a decade ago?

Whether you're hired as a freelancer or a staffer, you deserve basic standards that allow you to make a decent and stable living, stay safe and have a life outside of work.

“I find that I’m now being asked to do more than one job at once on the same production for less money.”

At the moment, there is no law or framework guaranteeing sustainable working conditions for people working in factual TV. In fact, many of the minimum standards in law don't even apply because of exemptions from employment standards laws for television production.

Below are guidelines that we encourage production companies and workers to follow for the benefit of everyone in the industry...and in the interests of a quality product. Except where indicated, these suggestions are for both employees and people hired as self-employed contractors/freelancers.

Here are some things to keep in mind before you start your job:

- You should have a written contract before you start work.
- As with any contract, the terms should be negotiated fairly between the worker and the company. In other words, it's a bad sign if you are given a document and told to “take it or leave it.”
- If you don't get a written contract before you start, at the very least send an email to the person who

hired you confirming the details you agreed to verbally to give them the opportunity to correct any misunderstandings and you some comfort in knowing the basic terms of your employment. These details should include:

- » title/credit
 - » rate of pay
 - » length of the contract
 - » expected working hours/days
 - » your status as employee or self-employed
 - » and any other details you discussed.
- If you have concerns or questions about a contract presented to you by a production company, you can ask the Guild to review it and give you some guidance.

I WAS JUST FIRED. WTF?

It happens all too frequently that workers in factual TV are sent home with no notice. If you're hired as an employee and have been around for at least 3 months, you are owed at least one week's notice, or pay in lieu of notice. If you've worked enough hours, you may also qualify for Employment Insurance. If you're a self-employed freelancer, you don't have a right to notice unless there is a provision for it in your contract. See "What to watch out for in a contract." If you're told it's a temporary hiatus and they will want you back in a matter of weeks, you may want to ask for a retainer — a payment in exchange for your availability whenever they need you back. Otherwise, you probably have to find a new job to pay the rent and the groceries.

WHAT TO WATCH OUT FOR IN A CONTRACT

- **What happens if there's a problem or dispute with the contract? Do you have recourse? Avoid clauses that prevent you from taking legal action in the event of a dispute.**
- **Who is responsible in the event of a legal issue such as a defamation suit? Warranty and indemnity clauses are common but such a clause should not leave you on the hook for liability if you've done everything in your purview to avoid legal challenges.**
- **Exclusivity clause — if you're a freelancer, you shouldn't be required to work exclusively for any single company.**
- **How can the contract be terminated? Ensure there's some provision for notice if you or the company wants to end the contract before the end date. Two weeks with pay is typical. That allows you some time to find other work, or the company the time to find someone to replace you.**
- **Can you get someone else to do the work for you (subcontract it) or must it be done by you personally?**
- **Does the rate include expenses you will or might incur or will the employer reimburse expenses in addition to the rate?**
- **How will you be paid and when? An hourly rate? Upon completion of the work?**

3.2 Pay rates

There are no base rates in factual TV. However, on the next page you will find the ranges reported by workers who responded to the Canadian Media Guild's 2014 survey of factual TV workers. You can use the charts below as a guideline when negotiating your rate.

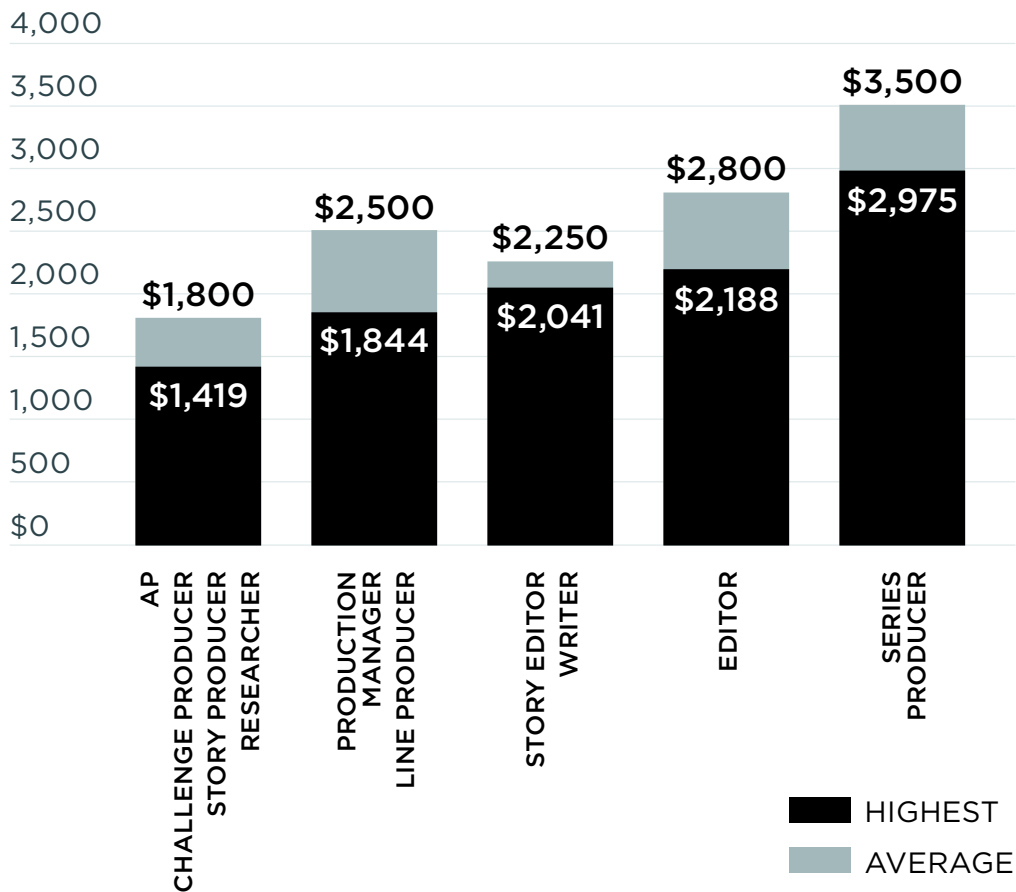
We will continue to try to fill the gaps in this data by encouraging more workers to report their latest pay rates to give you better information. In the meantime, looking at company structure, job descriptions and the rates of pay below should help give you a sense of where your job should fall.

3.3 Tips for negotiating a fair rate

Talking about money, your worth and negotiating your rate can be challenging! Here are some things you can consider and/or ask for:

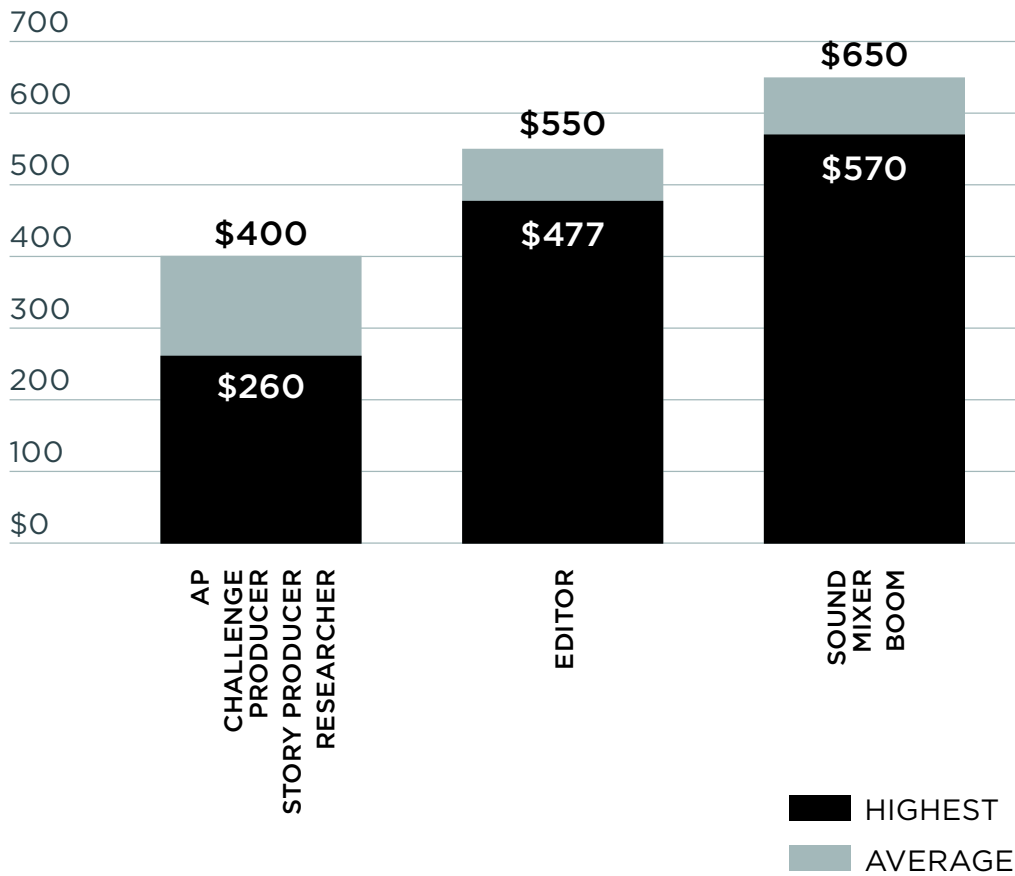
1. **Where do I fit?** Use the pay ranges below to assess where you fit into the current industry pay landscape. If you're more experienced or skilled than average, you should aim for pay at the higher end of the relevant range. If you're just starting out, you might consider shooting for the lower end of the range. But please don't undercut yourself or your colleagues. Downward pressure on wages isn't good for anybody working in the industry.
2. **Is my rate based on a 5-day week?** Negotiating a daily rate is a great way to protect yourself from working extra days (ie: the week-end) without pay, as can happen with "weekly" rate pay.

WEEKLY PAY RANGES IN CANADIAN FACTUAL TV (2014)



3. **Does the rate cover all the time I'll be expected to put in?** Always try to stay away from "flat" rates. Companies will often offer 'flat' rates so that they do not have to pay overtime. Make sure that you define the number of hours in a work day that the rate covers. If you know you'll be doing work above and beyond those hours, add an amount to cover overtime to the rate.
4. **Is this rate exclusive of HST?** If you charge HST, companies should not include your HST as part of your rate. Make it clear that your rate is exclusive of HST.

DAILY PAY RANGES IN CANADIAN FACTUAL TV (2014)



5. **Will I get paid vacation time?** If not, add at least 4% (equivalent of 2 weeks per year) to your base rate to cover some time off when the contract is over.

6. **What other costs will I have to cover to do this work?** Do I need to cover my own pension savings, health coverage and unemployment insurance (ie. save for a time I can't find work)? Will I have to provide equipment (e.g. laptop or camera), phone or transportation out of town/to a remote shoot location? These are costs that are typically covered by an employer. If they are not covered for you, you

BLACKLISTING

Workers in the factual TV industry have reported that they feel they've been “blacklisted” (excluded from being hired) for speaking their mind or defending their rights. There's no official blacklist, but the practice of discouraging worker organizing by excluding workers employers deem to be “troublemakers” goes back centuries. The best way to counter the threat of the blacklist is to speak together with a collective voice. Production companies can't afford to alienate and exclude the larger group of skilled workers it needs to produce programming.

should be paid more than a typical employee doing the same work.

7. **Ask for a confirmation of your duties in writing** so that your rate is commensurate with the tasks that are being assigned to you. This will help safeguard against additional duties being dumped on you with no increase in pay.
8. **If you're happy with the rate you earned at your last job**, present it as your “current rate” and say that's what you are paid for your work.
9. **To negotiate an increased rate**, demonstrate an increase in responsibilities and duties or explain how your value has increased. Provide references who can speak to your added value.

3.4 Credits

Broadcast credits are the currency that we use to build our industry profiles and professional

reputations and to attract the next job. That's why it's so important to negotiate and receive proper credit for all the work you do on any given television production. Negotiate your credit at the beginning, when you negotiate the other conditions of work — well in advance of your first day of work. If your duties change mid-production and you end up doing more than what was initially described, speak with your manager immediately about upgrading your credit.

3.5 Working hours

We recognize that there is a long-standing practice of long working days in TV production. But it's always a good idea to distinguish between working long hours because, say, you're on location and you want to get the most footage possible in the shortest number of days, and situations where there's too much on your plate and you can't possibly get it all done in a reasonable workday. In other words, long working days should be the exception, not the rule.

In general, and especially for people on salary, the regular work week should be 40 hours per week, with an average of 8 hours per day.

On location/shoot days, we recommend a 10-hour day that includes a one-hour break. Rates should reflect the longer day (see Tips for negotiating a fair rate, above).

3.6 Time off

No one should be expected to work more than 5 days in a week, except in exceptional circumstances. The two days off in a week should be consecutive (ie. Saturday and Sunday, or two other days in a row).

Everyone should have at least 12 hours off between the end of one workday and the start of the next, except in exceptional and unavoidable circumstances. Otherwise, how can you possibly eat, rest, interact with family and friends, do your laundry?

3.7 Sick time

People scheduled to work regularly (ie. 5 days per week) who have been on the job for a period of time — say 4 weeks or more — should not be docked any pay for being unable to work due to a short-term illness. If you have a fever, you should be able to stay home and recover without worrying about how you're going to pay the rent or buy groceries.

Some employers will give one or more days of paid sick leave for every month worked — to be used if and when you really need it.

People who work at the same company for an extended time (eg. more than 3 months) should have access to short- and long-term disability programs.

3.8 Holidays and vacation

People scheduled to work regularly (for example, the working day before and after the holiday) and anyone being paid weekly or on salary should be paid for statutory holidays (eg. Labour Day) without having to work the day.

Everybody should have either paid vacation time or pay in lieu of vacation time. Taking vacation during a short-term production is unusual, so it is common to be paid a percentage in lieu of vacation instead. Self-employed freelancers on a short gig should make sure their rate covers an amount for vacation so you can afford to take some time off once the job is

finished. The law says employees get the equivalent of at least two weeks' paid vacation per year and that works out to 4% of pay, which is a guideline freelancers can follow, too. People who are regularly scheduled and work at the same company for an extended time (eg. more than 3 months) should be able to schedule paid vacation time. This is about preventing burnout.

3.9 **Overtime**

You should be paid time-and-a-half for any time worked over a set number of hours in a day, say 8 or 9 hours.

If you're required to work on a sixth or seventh day in a week, you should be paid, at minimum, the equivalent of a day's pay for showing up to work on what should be a day off (even if you're only needed for a couple of hours). Ideally, you should be paid a rate of time-and-a-half for working on a day off. You're giving up the time you need to rest, run personal errands, see family and friends, etc. That time for you/your family shouldn't come cheap.

Overtime pay helps make long hours an exception rather than a rule. It motivates a company to schedule appropriately and resource the production properly. It's not selfish to want a life outside of work. In fact, it's healthy to have one!

3.10 **Expenses**

It seems obvious that you shouldn't have to pay production expenses out of your own pocket, and yet we hear it actually happens. The basic guideline is: don't pay for anything for the production yourself. However, if it's unavoidable, you should take steps

to make sure you're reimbursed. Send an email to the person responsible for the budget and get their approval in writing *before* you make the purchase.

Every production company should have an expense policy that outlines who is authorized to spend money on production-related expenses, and how much they are authorized to spend. It should be clear when you need advance authorization to expense something, and who you need to get authorization from. Expense policies often say when you're expected to file your expenses and how long after that you can expect reimbursement. You can put a reference to the policy in your contract if there is one, or simply ask for a clause on expenses so you and the company are clear on what your guidelines are.

3.11 **Work equipment/kit rentals**

Generally, the production company should provide the tools and equipment you need to do your job. You should ask the company for any basic office equipment — laptop and cell phone — you need. If you're required to use your own equipment to do the job — edit suite, camera, sound equipment, etc. — you should charge an equipment fee on top of your rate. Check how much the production company would have to pay to rent the same equipment from someone else to figure out the appropriate kit rental fee. If you are required to use your own vehicle to get places outside of your usual place of work, you should be paid for mileage. Typical mileage rates range from \$0.40 to \$0.60 per kilometre.

CHAPTER 4

YOUR RIGHTS AT WORK

4.1 Health and safety

Your number one responsibility when you go to work is to stay safe and help prevent accidents. This comes before anything else.

Of course, you can't fulfill this responsibility in a vacuum. The company you work for has the ultimate responsibility for ensuring your safety. By law, the company needs to have and follow a Health and Safety policy and clear reporting lines so that accidents, injuries and death are avoided.

“If the employer knows about a hazard and doesn't take steps to eliminate or control it, as well as make sure the workers are told about how to deal with it, that employer is not doing what the law requires.”

— ONTARIO MINISTRY OF LABOUR

Part of the job duties of every supervisor is to do everything reasonable to prevent the workers they supervise from getting hurt or ill on the job. In TV production, the supervisor is anyone who directs the work of others in the office or on set or location. It might be a Series Producer, Director, DOP, Line Producer, Production Manager, Location Manager, Field Producer.

SUPERVISORS MUST:

- Alert workers to hazards
- Respond to workers' concerns about hazards
- Show workers how to work safely and follow procedures and laws
- Make sure they use protective equipment required by the company and by law (eg. seat belts, personal flotation devices, etc).
- Plan the work so it can be done safely
- Report any incidents or concerns to their superior (executive producer or VP of production).

If a supervisor doesn't feel they have the knowledge, experience or training to ensure the health and safety of the workers they supervise, they should tell their employer they need training.

ANONYMOUS WORKPLACE SAFETY REPORTING IN ONTARIO

If you're working in Ontario and you are concerned about dangerous work practices, you can make an anonymous report to the provincial ministry of labour. The ministry will investigate. The number to call to make an anonymous report in Ontario is 1-877-202-0008.

PRACTICAL GUIDELINES FOR SAFE TV PRODUCTION

To find guidelines for ensuring safe film and TV production, visit www.labour.gov.on.ca/english/hs/pubs/filmguide. You'll find safe practices for all kinds of industry-specific situations, including stunts, railways and railway crossings, working at heights, transportation, helicopters, fixed wing aircraft, animal handling and water hazards. The guidelines were developed by workers, employers and safety experts in Ontario.

WORKERS MUST:

- Follow the policies and procedures set out by the company
- Use and wear protective gear required by the company and by law
- Act in a way that won't hurt themselves or anyone else
- Report anything unsafe to their supervisor or employer.

Workers cannot be fired for following their duties under the law.

“I worked on factual shows last year and simply refused to do things that I thought were unsafe. Praise the producers who are safe by actions and not words and shame the producers who consistently disregard safety for profits.”

Companies should be assessing the risks of accident and injury prior to every production and, in some cases, prior to each shooting day. The process should involve identifying possible hazards and ways of avoiding the hazard. The risks and the ways of working to avoid the hazards should be shared with everyone who might come into contact with a risk. Everyone should also be made aware of what to do if an accident occurs, including emergency numbers to call, location of nearby hospitals and poison control, etc.

Every office and production crew should have at least one trained first aider and an appropriate first aid kit. Check the health and safety regulations in your province to make sure your workplace is within the law.

4.2 Harassment and discrimination

Harassment and discrimination are against the law. Unfortunately, we know they happen in our workplaces, and can fester when workers don't feel they have the ability to speak out due to lack of job security.

Harassment includes unwanted touching and staring, "jokes" based on racist, sexist or homophobic stereotypes, unwanted sexual suggestions or requests, unwanted comments about a person's body.

“Harassment is harmful because it attacks the dignity and self-respect of the victim. In the workplace, it may negatively affect both the victim’s ability to perform their duties and the work environment as a whole.”

— BC MINISTRY OF THE ATTORNEY GENERAL

Discrimination includes unequal treatment based on gender, race, sexuality, ability and other grounds protected in the human rights code. It is illegal for an employer to deny you a job or promotion because you have children or because of your race, age or sexuality, for example.

“More than one producer has recently implied that parenthood and television employment don’t mix. Factual employees with children, especially young children, can be at a disadvantage and there is little leeway given.”

INTIMIDATION AND BULLYING

Bullying and intimidation poison a workplace and undermine peoples’ creativity and sense of well-being. No employer should tolerate bullying, even if it doesn’t fall strictly under the legal definition of discriminatory harassment. If the person or people doing the bullying are colleagues, you should alert the boss and ask for leadership and help in stopping the behaviour. If the bully is the boss, try talking to coworkers about how you can act together to put a stop to it. Bullies tend to want to isolate people from each other and pick on the most vulnerable. You can undermine this strategy by sticking together and supporting each other. If you need help, get in touch with the Guild for guidance and support.

Harassment and discrimination in a workplace create a toxic environment for everyone. That's why it's so important for workers to support each other and make it clear that harassing and discriminatory behaviour is unwelcome and should not be tolerated by anyone, against anyone.

If the harassment or discrimination is from a colleague or a supervisor, the employer has an obligation to put a stop to it. You should let the boss know it is happening and ask him or her to make it stop.

If it persists and is creating an unhealthy workplace, you can report the situation anonymously to your provincial labour ministry. The Ontario hotline for anonymous complaints is 1-877-202-0008.

You can also contact your provincial human rights commission for advice and to file a formal report.

As always, you can get in touch with the Canadian Media Guild for help or advice.

4.3 Insurance

Here are the kinds of insurance issues you may run into in the workplace:

1. **Workplace Safety and Insurance:** A production company may or may not be covered under a provincial workplace injury insurance regime (eg. WSIB in Ontario). This is insurance that would help cover costs, including therapy and lost wages, if you get injured on the job.
2. **If your employer is not covered** under the provincial workplace safety insurance program, you should ask what policies and practices the employer has in place to prevent injuries and how

you will be supported in the event of a workplace accident. Note that if you are injured on the job and the employer does not have provincial insurance, you are allowed to sue the employer for financial support.

3. **Equipment Insurance:** If you are a freelancer supplying equipment (ie: cameras, lights, audio equipment, editing equipment and computers) to a production for use while you are contracted for that show, you should ensure the production company will insure against:
 - » damages to your equipment incurred during production
 - » theft or loss of your equipment during production
4. **Vehicle Insurance:** If you are asked to provide your vehicle for production use, you should ensure the production will insure against:
 - » damages to your vehicle (and this insurance should extend to wherever you are driving for work, within Canada and/or across the border into the USA).
 - » any liability should an accident occur while you are on the job
5. **Travel Insurance:** If you need to travel out of province or out of the country for work, your employer should pay for travel insurance. This insurance usually covers emergency medical care, accidental death and dismemberment and trip cancellation.
6. **Please note that insurance policies and corresponding coverage vary greatly.** It is a good idea to have these in-depth discussions prior to starting work so that you are aware of what

insurance benefits are available. If the benefits are not adequate for use of your own equipment, you can request that the production provide a rental car and/or equipment.

7. **Lastly, it is good practice for a production company to do a thorough risk assessment** prior to principle photography. The process should involve senior level staff and workers (ie: Line Producer, Series Producer, DOP) and other department heads. The purpose of risk assessment is to identify all of the risks prior to production and to determine how to avoid them. A risk assessment allows the company to insure the production (and the people) according to the unique needs of the show.

Life is unpredictable! We can't anticipate every possible issue that might impact our health and safety in the workplace so be smart, ask the right questions and protect yourself and your tools that are needed to get the job done.

4.4 Health benefits

If you don't have access to workplace benefits from your employer — most freelancers don't — you can sign up for a group plan. Canadian Media Guild members have access to the Writers Coalition plan administered by AFBS. The plan provides affordable medical and dental benefits to individual workers and their families. You can find out more about it at www.writerscoalition.ca/about-the-program.

And remember, if you have to pay for your own health insurance, you should calculate the cost of that into your rate of pay or freelance rate. See “Tips for negotiating a fair rate” in Section 3.3 above.

4.5 **The Actors' Fund of Canada: A lifeline for Canada's entertainment industry**

If you find yourself in financial hardship — due to a health problem, injury or any other emergency that affects your income — you also have access to financial aid from the Actors' Fund of Canada. Their services are available to entertainment professionals working in all aspects of film & TV, music, theatre and dance. The Fund is financed by individuals and entertainment industry organizations to help colleagues who find themselves in financial distress. You can find out more about the program here: actorsfund.ca

And if times are good for you at the moment, we urge you to make a donation to the Fund!

4.6 **Canadian Pension Plan and Employment Insurance**

Pension plan and employment insurance premiums are partly paid by the employer for anyone who is hired as an employee.

If you are hired as a self-employed contractor, these are things you have to fund entirely yourself. Self-employed people are expected to join the Canada Pension Plan (and pay both the employer and employee contributions to the plan) and now have the option of joining the Employment Insurance plan for special benefits including maternity/parental leave and compassionate care leave. Again, you pay both the employer and employee premiums. You can find out more about

the EI program for self-employed people here:
servicecanada.gc.ca/eng/sc/ei/sew/index.shtml.

When you're negotiating a freelance rate, you should always keep premium costs and your need to save for retirement and rainy days in mind.

And if you work both as a "T4 employee" and a self-employed freelancer and find yourself out of work, check to see whether you've worked enough hours as an employee to qualify for Employment Insurance.

CHAPTER 5

RESOURCES & SUPPORT

We hope you have found this booklet useful. The information and advice in it are intended to help create a sustainable factual TV production industry that treats workers fairly and lives up to its creative potential.

At the moment, the standards recommended in this booklet are not backed by a contract or collective agreement. However, we hope that you will consider them when you are employing workers or seeking employment in the factual production sector. We also hope you will support collective negotiations for workers in the industry.

For help and advice on negotiating your contract, or for advice on dealing with a concern that arises in your work, please get in touch with the Canadian Media Guild at 1-800-465-4149 or, in Toronto, at 416-591-5333.

We urge you to join the initiative to improve standards in the industry. For more information and to get involved, get in touch with CMG organizer Karen Wirsig at karen@cmg.ca or by phone at 416-578-1651.



IMPORTANT CONTACTS

Canadian Media Guild

cmg.ca

1-800-465-4149

ACTRA

(Represents hosts/performers)

actra.ca

1-800-387-3516

Actors Fund

(Emergency financial aid)

actorsfund.ca

1-877-399-8392

Employment Standards Hotline

1-800-531-5551 (Canada-wide)

Ontario Workplace Safety Hotline

(Takes anonymous reports)

1-877-202-0008

Worksafe BC Prevention Line

(Takes anonymous reports)

1-888-621-7233

Safety Guidelines

(For Film and TV production)

Ontario: labour.gov.on.ca/english/hs/pubs/filmguide

BC: worksafebc.com/publications/health_and_safety/by_topic/assets/pdf/focus_film_tv.pdf

Revenue Canada Employment Status Ruling

cra-arc.gc.ca/E/pub/tg/rc4110/rc4110-e.html

Writers Coalition Medical Benefits Program

writerscoalition.ca

Employment Insurance

servicecanada.gc.ca/eng/sc/ei/sew/index.shtml

Human Rights Commissions and Tribunals

Ontario:

ohrc.on.ca

British Columbia:

bchrt.bc.ca

Quebec:

cdpdj.qc.ca

Nova Scotia:

humanrights.gov.ns.ca

Federal (covers broadcasters):

chrc-ccdp.ca

Canadian Media Producers Association

(Employer association)

cmpa.ca

1-800-267-8208

Film and TV Tax Credits

pch.gc.ca/eng/1289829210951

Canadian Media Fund

(Funding guidelines)

cmf-fmc.ca

Telefilm

(Find budget templates)

telefilm.ca

Canadian Broadcasting Act

laws-lois.justice.gc.ca/eng/acts/B-9.01



Canadian Media Guild

La Guilde canadienne des médias

CWA/SCA CANADA

We encourage use of this booklet for educational purposes. To request copies, call 416-591-5333 or 1-800-465-4149 or write to info@cmg.ca. You can also find it online at www.cmg.ca.

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Work in factual TV?

**TIME TO GET
REAL
IN FACTUAL
TV PRODUCTION**

Together we can build
a safer and more
sustainable industry.

Join the campaign.

416-591-5333 | 1-800-465-4149

www.cmg.ca/en/tag/factual-tv/



Canadian Media Guild

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CWA/SCA CANADA

Appendix 2

Workers in Canadian factual TV are not ‘living the dream’

Most people working in Canada’s factual TV industry put in long hours, have little employment security and virtually no safety net. These were some of the troubling findings of a survey of 328 workers conducted online between May and July 2013.

Canada’s factual TV industry has mushroomed over the last decade, bringing shows such as Amazing Race Canada, Come Dine with Me Canada, Property Brothers and Million Dollar Neighbourhood to Canadian viewers.

“I hope I don’t lose my job for filling out this form.”

The growth and success of the industry has depended upon hundreds of skilled and committed workers who often toil in difficult and even unsafe conditions with no voice to make change. Existing union contracts do not cover independent unscripted television production and the vast majority of the workers do not belong to a union.

The survey results draw a picture of a workforce that sacrifices personal lives and, in some cases, well-being to deliver Canadian television to our screens. Respondents tell the story of a fractured industry in which some people are able to do the work they want to do and get well paid well for it while many others are barely scraping by.

“There is nothing to protect workers in factual TV. Exploitation is common and labour laws are commonly broken. Any worker who dares to complain about working conditions and other labour matters rightly fears blacklisting in the entire industry.”

“Factual TV employees need better access to the safety nets in place to help Canadians in more stable work. I know people who have done very well for themselves and others who can’t even afford to go to the dentist or pay for medications.”

Who are Canada's factual TV workers?

Three-quarters of those who answered the survey have worked in the industry for more than six years; 86% usually work in Toronto. Some two-thirds (65%) are between the ages of 30 and 49; 44% identified as women and 11% as people of colour.

"Days are far too long and far too random. Makes it almost impossible to maintain personal relationships with family and friends."

Two-thirds, or 66%, of the respondents reported working as freelancers. Only 30% are considered employees, with access to benefits such as Employment Insurance, employer contributions to the Canada Pension Plan and paid sick leave. A large majority, 69%, are not members of a union or professional association.

What are their working conditions?

Nearly 60% said they worked at least 45 hours per week, compared to the Canadian average of 36.6 hours per week (HRSDC). One-fifth of the respondents said they worked 10 hours per day in their last or current job. Some 30% report that they often don't get 12 hours off between the end of one shift and the start of the next; a similar number reports that they often don't get 2 consecutive days off per week. Half of the workers are often expected to work nights and/or weekends with no notice. Meanwhile, 40% report having been told to take unpaid days off with little or no notice.

But while the work is intense when it is available, workers also face lean months of the year – generally in winter – when there is little work.

"I typically only have full-time work four to five months out of the year, and have barely been able to get by."

More than one-third (35%) were not working at the time of the survey. Of those, only 11% were receiving Employment Insurance benefits. More than 80% of those not working reported they had no replacement income.

Nearly one-third (31%) report working in situations that were unsafe, while 37% report witnessing situations that were unsafe for others. Examples of unsafe conditions provided by people who work in the industry include being required to drive after working a long day, or a stretch of long days, and

"I had pneumonia and had to take three or four days off. That was a loss of \$1,600 that month – the cost of my mortgage."

working on a construction site without proper safety equipment – say, on a home reno show.

Two-thirds of the workers lose their pay when they are sick.

Meanwhile, 30% have expressed concerns about working conditions and more than one-third (37%) of those have felt targeted for speaking up. More than one-third (37%) of all

workers also report having been bullied by a superior. This number is higher (40%) for the workers who identify as people of colour, and much higher (48%) for those who identify as women.

One-quarter of the workers (26%) who identify as people of colour strongly agree with the statement, "I have been discriminated against in factual TV," and 22% of those who identify as women somewhat or strongly agree with that statement.

"Because so many young people work in the factual TV industry, they are often afraid to speak out. As an older person, I have spoken out and been... punished for it."

A second report on the survey results will be issued shortly that will focus on issues related to pay and will include the pay ranges respondents reported for the top 10 job functions.

For more information or to sign up to the Factual TV Working Group, contact Karen Wirsig (karen@cmg.ca) at 416-591-5333, ext. 222.

Summary of key results

How old are you?

20-29	12%
30-39	38%
40-49	27%
50-59	14%
60 or older	3%

How long have you worked in factual TV?

More than 10 years	42%
6-10 years	32%
1-5 years	23%
Less than 12 months	3%

Do you identify as:

A woman:	44%
A person of colour:	11%
An indigenous person:	1%
A person with a disability:	1%

What proportion of your income is derived from factual TV?

100%	55%
80-100%	22%
60-80%	6%
40-60%	3%
20-40%	3%
Less than 20%	3%

Where do you usually work?

Toronto	86%
Vancouver	4%
Montreal	2%
Ottawa	1%
Winnipeg	1%

Which role did you fill in your most recent job in factual TV?

Editor	15%
Director	9%
Story Editor	8%
Series Producer	7%
Associate Producer	6%
Production Manager	6%
Story Producer	5%
Director of Photography	5%
Researcher	5%

Are you a member of any union or professional organization in the industry?

No: 69%
Yes: 31%

What is your most recent employment status in factual TV?

Freelancer	66%
Employee	30%
unpaid intern	1%

In your most recent job, how many hours did you work in a typical week?

40-60 hours	44%
More than 60 hours	24%
Total above 40 hours	68%
45+ hours	59%

If you haven't worked in factual TV this month, how long ago did you work?

1 to 6 months ago	24%
7 to 12 months ago	6%
More than a year ago	5%
Total not working	35%

If not working, are you receiving benefits to replace your income?

No	82%
Employment Insurance	11%
Other	7%

Appendix 3

Summary of factual TV survey results 2014

Where do you usually work?

Toronto	86%
Vancouver	4%
Montreal	2%
Ottawa	1%
Winnipeg	1%

What is your most recent employment status in factual TV?

Freelancer	70%
Employee	27%
unpaid intern	1%

In your most recent job, how many hours did you work in a typical week?

More than 40 hours	66%
41-60 hours	56%
More than 60 hours	10%

In how many of the last 12 months did you work?

11 months or more	52%
Less than 9 months	27%
Less than 6 months	12%

If you haven't worked in factual TV this month, how long ago did you work?

1 to 6 months ago	16%
7 to 12 months ago	7%
More than a year ago	5%
Total not working	28%

If not working, are you receiving benefits to replace your income?

No	69%
Employment Insurance	23%
Other	8%

Factual TV work-related injury or accident:

Had an injury/accident in the last year	6%
Witnessed an injury/accident in the last year	14%
Missed work (of those who had injury/accident)	36%

Which role did you fill in your most recent job in factual TV?

AP/Challenge Producer/Story Producer/Researcher	20%
Editor	16%
Production Manager / Line Producer	12%
Series Producer	10%
Story Editor/writer	10%
Director	6%
Production Co-ordinator/ Secretary	4%
Director of Photography	3%
Field producer/segment producer	3%
Camera operator/ 2 nd camera	3%
Sound Mixer/Boom	3%
Composer	2%

Which platform(s) was the production for?

Broadcast and digital	52%
Broadcast only	42%
Digital only	6%

How old are you?

20-29	10%
30-39	37%
40-49	29%
50-59	20%
60 or older	4%

Do you identify as:

A woman:	54%
A person of colour:	15%
An indigenous person:	2%
A person with a disability:	2%