



directors & editors guild of nz  
ngā kaiwherawhera kiriata

**Submission to**

**Screen Industry Workers Bill**

22 May 2020

## INTRODUCTION

The Directors and Editors Guild of New Zealand (DEGNZ) works to ensure the creative, cultural and financial wellbeing of New Zealand directors and editors working in film, television and new media.

Our membership of 250 is primarily composed of working directors and editors across film, TV, television commercials, music videos, and corporate communications including branded and online content.

Directors are the creative decision makers in a process of artistic collaboration who take final responsibility for the aesthetic cohesion and artistic integrity of the screen work.

Editors must creatively work with the layers of images, story, dialogue, music, pacing, as well as the actors' or presenters' performances to effectively "re-imagine" and even rewrite the work to craft a cohesive whole, in collaboration with the director.

Screen workers are some of the most vulnerable workers in New Zealand, with very few protections. Individuals have very little bargaining power when it comes to individual contract negotiations. We regard the ability to bargain collectively for minimum rates and conditions for directors and editors as crucial to getting some fairness and balance into the relationship between screen workers and screen engager organisations.

In 2017, DEGNZ commissioned Trace Research to survey our membership. Trace determined that 77 per cent of our members considered themselves self-employed or contractors.

Eighty five percent of our director and editor members answered "Yes" to the question: Would you be interested in DEGNZ negotiating collective agreements with minimum terms and rates?

Trace also discovered that only 61.4% of our director members generally (often and always) sign formal contracts for their work while a mere 38.1% of editor members generally signed formal contracts.

Although directors are of paramount importance to screen production, it is not uncommon for the director to be:

- the least well-paid person on 'set' in comparison to Heads of Departments such as the cinematographer, sound recordist, production designer, wardrobe designer, etc., particularly for TV, corporate and online work.
- the only person on 'set' not to receive overtime payment

In post-production, editors find themselves:

- Unpaid for overtime
- Expected to work very long hours in unhealthy environments

DEGNZ was an active participant in the Film Industry Working Group, whose recommendations to the Government in October of 2018 are the basis of the Screen Industry Workers Bill, which we support.

DEGNZ is an incorporated society and union, affiliated to the New Zealand Council of Trade Unions (NZCTU). We fully support the NZCTU submission to the Screen Industry Workers Bill.

## **SPECIFIC RESPONSES TO THE BILL**

### **Part 1 – Preliminary Provisions**

#### *11 Meaning of screen production worker*

As a member of the Film Industry Working Group, it was never DEGNZ's intention that administration workers be viewed as screen production workers. DEGNZ therefore supports the NZCTU recommendation that administration workers not be drawn into this bill.

### **Part 2 - Workplace Relationships And Individual Contracts**

#### *Subpart 1, 13 Parties to workplace relationship must act in good faith*

DEGNZ views good faith as critical to workplace relationships and collective bargaining in the screen industry. DEGNZ supports the recommendation of NZCTU for the Bill's good faith requirements to be consistent with the Employment Relations Act 2000.

### **Part 3 - Collective Bargaining**

#### *Subpart 1, 22 When society entitled to be registered*

Guilds internationally have a long history in the screen industry as unions representing their screen worker membership in collective bargaining. DEGNZ recently became a registered union in anticipation of the passing of the Screen Industry Workers Bill so that it can properly represent New Zealand directors and editors in collective bargaining negotiations. DEGNZ recommends that guilds are required to be registered unions to be entitled to register as screen worker organisations under the Screen Industry Workers Act.

#### *Subpart 2, 31 & 32*

We support the Clauses in the bill denoting the form and content of collective contracts (Clause 31) and the mandatory terms that are required in a collective contract (Clause 32) including

- A coverage clause
- Rates of pay or minimum rates
- Breaks
- Recognition of public holidays
- Hours of work
- Availability of work
- Process for raising and responding to bullying, discrimination or harassment in the workplace
- A termination clause

- Services available for resolution of workplace relationship problems
- Expiry date for the collective (3 – 6 years)
- How variations to the contract may be made

#### *Subpart 3, 36 Preliminary Requirements*

DEGNZ shares NZCTU's concerns that a simple or deliberate failure by either party to a desired collective contract to register negates the ability to enter into bargaining. DEGNZ therefore supports the NZCTU recommendation that the requirement to register as an engager or worker organisation as a pre-requisite to bargaining be removed.

### **Part 4 Dispute Resolution, Challenges, Reviews, Penalties And Offences**

#### *Subpart 1—Dispute resolution, challenges, and reviews (Cl. 56 & 59, Schedule 4)*

Bargaining is desirable – as long as there is an independent disputes resolution system. The DEGNZ supports the position of the NZCTU, namely that where bargaining has failed, that binding arbitration will result.

### **OUTSIDE THE SCOPE OF THE BILL**

As a sector consisting almost entirely of screen workers who are predominantly contractors and screen engager organisations with little knowledge of collective bargaining, the screen sector will need considerable help to transition to a system of collective bargaining. DEGNZ therefore supports the recommendations of the Film Industry Working Group for:

- Capacity Building and Resourcing
- Education
- Review