

DID YOU RECEIVE THIS LETTER FROM YOUR PRODUCTION?

REGARDING THIS LETTER:

We, Bectu Costume & Wardrobe Branch, advise to reject PACT's offer at this time BECAUSE:

1. As much as we welcome the improved terms on Prep & Wrap, we must seek clarity on all points.
2. There must be revision and clarity on the rest of the 2017 Agreement – there can be no areas open to misinterpretation as there is currently.
3. Ultimately, we all want an Agreement but it must be one we feel we can all live and work with going forward and we are not there yet!

Our responses from BECTU Branches' - Costume/HMU/Loc/AD's/Art/Props are in RED

Dear Crew Member,

We are taking the unusual step of writing to everyone on our productions to explain our position on the Pact/BECTU negotiations and the offer which BECTU members are now being asked to vote on.

We asked BECTU to present our offer of revised terms and conditions to all its members directly because producers have made a bold and progressive offer that addresses BECTU's concerns. (It addresses some of BECTU's and crews concerns but not all). This offer is the result of negotiations that have taken place since last September, including both sides coming to the table for meetings and exchanging proposals during the whole of that period up until May of this year.

The ballot which BECTU is conducting on our offer is open until Sunday 31st July. BECTU is recommending to members they reject the offer, but we are asking all of you who have a vote to consider our proposal seriously – not least because if agreement cannot be reached, the current agreement ends on 1st September after which your engagements on any new productions will no longer be working with the benefit of terms agreed with your union and Pact. (Neither side should be considering this a 'take it or leave it' final offer. There is no reason that negotiations cannot continue and 'negotiation' means there should be room for give and take on both sides).

We strongly believe in the benefits of a collective agreement. However, the alternative terms now being put forward unilaterally by BECTU are seeking to put all genres and budgets of television programme on terms and conditions not even used in the highest big-budget films made by US Studios. (This is an exaggerated, misleading remark and not true). This is not something we can afford, although we do agree with BECTU that there is a need for the creation of a new Band 4, which would lead to separate terms and conditions to be negotiated as a priority, in addition to the terms we agree for our collective agreement.

The whole of scripted TV – covering many genres and budget ranges – risks being damaged if our offer is rejected. (Producers will only incur financial penalties if productions do not keep to the shooting schedule and work crews exhausting and unsustainable hours). Financial modelling suggests that many productions will not be financially viable under the terms BECTU have posted via their branches. (We have seen no evidence of this modelling We have spent time running scenarios of all the P&W solutions and overtime possibilities and there was no evidence this would 'shut productions down'. We are desperate to reduce working hours and it's important to remember these overtime rates are supposed to be penalties for Productions scheduling badly and not an 'every day' occurrence nor seen as 'wins' for crew. We do not want to be at work any longer than we need to. Overtime is voluntary and productions get a lot of goodwill from crew going into overtime on already 10/11/12 hour days. Productions need to start working with HoD's to improve scheduling and work to avoid overtime altogether!)

Some of the people likely to be worst affected will be those who work on lower and mid-range budget productions and those in the nations and regions. (These are also the budget bands with some of the greatest abuse of crew working hours and advantage taken in terms of T&C's re: the grey areas and lack of

clarity of terms in the 2017 Agreement). This matters not only to those individuals, but to the continued success of our sector. These productions are much loved by many of the crew who work on them and they also play a vital role in maintaining the industry's eco- system, helping to build on the wider experience that underpins the foundation of our entire production community. This is what makes us a world class industry. (We are fighting for fair and equitable T&C's across all budget bands but are particularly aware of protecting crews on lower band productions where it can be even more difficult to push back. Department Reps represent all budget bands and the Regions).

Our offer addresses concerns that have been raised with us, from the length of the working day, to specific payment for prep and wrap, and extra compensation for unsocial hours including 6th shoot days and Bank Holidays. (There is still a lack of clarity on some of the T&C's put forward by Pact and we need all points fully fleshed out to avoid wriggle room and points being open to interpretation which is never to our advantage!

We outline our offer here, because it is important to us that the details are clear. If our offer is accepted, all these new terms will be included in a new version of the collective agreement and will take effect on productions which start formal prep after 1st September 2022.

These are the key points of what you are being asked to vote on:

1. A standard filming day is now restricted to a maximum of 10 hours on camera plus an hour for lunch – creating a more sustainable working day.
Agree.
2. For those departments who traditionally do prep and wrap, this will now be replaced with 1 hour off-camera work at a guaranteed additional hour's pay at 1T 1 whether worked or not. Any additional work will be paid at the overtime rate.
Agree.

The 2T "producer penalty" for working night shoots starts at the earlier time of 11pm.

We are still looking to negotiate the night work penalty only starting at 11pm as stated above.

Some department feel strongly that an incremented rate should start earlier.

This clause also needs to include all work after 11.00pm, not just shoot hours. Many departments have de-rigs – Costume, H/MU, Locations, Lighting, Props etc. that have to happen after camera wrap and this work must also incur the same 'producer penalty'.

3. A producer penalty is introduced for any shoot days beyond five days in a working week: payment for 6th days will be paid at 1.5T – again designed to discourage unsocial working hours.
Some productions reset the week on a Sunday which skews 6th and 7th day payments. The penalties for 6th and 7th consecutive days also must apply to all crew required to work them for whatever reason, so the word 'shoot' needs to be removed.
These terms need to be tighter in any new Agreement to avoid any misinterpretation.
4. Bank Holidays will be paid at 2T if worked, recognising the work/life balance and again, financially penalising producers if these have to be worked.
We are asking for un-worked Bank Holidays to be paid at 1T for all Crew.
5. The "grace" period is abolished. If you work beyond your contracted hours and go over to complete a shot, you will be paid for this time as overtime.
Pact are asking for all overtime to be calculated per 15 mins. This is not acceptable.

6. The overtime cap is increased to £70 per hour, with the £35 per hour floor retained to protect the lower-paid crew.
The £70 cap puts the overtime rate below the 1T rate for some crew. Overtime rates should be uncapped.
7. A new Band 4 for production over £7 million an hour is created to reflect the expansion of budget , leading to a separate further enhanced terms and conditions that would be negotiated as a priority. **Pact are shifting the Bank 3 ceiling to create 'Band 4'. This will take all productions over £7million per hour out of the current negotiations and leave them in a no-man's land until at least January 2023. We are asking that 'Band 4' productions work under any new Agreement until a separate 'Band 4' Agreement is in force.**

We genuinely feel these new terms and conditions are a good proposal that recognises the need to create an improved work-life balance. Creating a better workplace is a serious priority for us and in our opinion this offer is a big move forward in addressing the problems raised by BECTU's Work to Live campaign.

To be clear, if this offer is rejected, there will be no collective agreement between BECTU and Pact members from the 1st September.

THIS IS NOT TRUE! BECTU and PACT are in constant communication and the negotiation process will continue up to 1st September. BECTU and your Reps are prepared to work right up to the line to achieve an Agreement so the only reason this would not happen is if Pact pull out of the negotiations.

We appreciate there is a lot of uncertainty as the existing collective agreement comes to an end, but your existing contract with us will be unaffected and this will only apply to productions going into formal prep after 1st September.

Having a collective approach since 2017 has been a real benefit for everyone. An agreement collectively negotiated allows Pact and BECTU to ensure good practice on indie productions and those of other producers who also adopt our terms. **(We agree. A collective agreement is what everyone wants, but ALL of the points must be clear. TV production has grown exponentially since the 2017 agreement was written which is why we need an agreement that reflects and protects everyone in this amazing industry we are all part of. We must also point out that the 2017 agreement was always to be revisited since its introduction, yet this has not happened.)**It also paves the way for continued discussions on these and other issues, including rate cards.

If you have problems with the pressure of work and working practices, then please talk to us – and not just because of the vote. We are not a simple industry. The availability of locations and the dictates of scripts can sometimes mean weekend or bank holiday working is unavoidable. Likewise, some departments are always going to be needed to prepare for filming to commence. But this deal recognises these challenges and imposes penalty payments on producers to ensure we try and avoid them where possible.

Please do consider our offer seriously and once you have had a chance to consider it, we hope you will accept it.

Please know that we, in BECTU, are suggesting you reject this offer at this time because it is not clear enough and we do not want to agree to something that is ambiguous in any way. We have all seen how the present agreement has been misinterpreted. Above all... we need CLARITY & therefore further discussion.

The full proposal from Pact on behalf of independent producers is attached to this document for your information.

Yours faithfully,

Also signed and supported by the following Production Companies:

Tannadice Pictures & Objective Fiction
60Forty Films
87 Films All3Media Archery Pictures Avalon Television Bad Wolf
Banijay Big Talk
Broke and Bones Bronte Film & Television Buccaneer Media
Buffalo Pictures
Caryn Mandabach Prod. Clerkenwell Films
Dan Films
Dancing Ledge Prod. Douglas Road
Drama Republic Element Pictures Eleven Film
Eleventh Hour Films Endor Productions Euston Films . Expectation
Fable Pictures
Fudge Park Further South Productions
Happy Tramp North
Hartswood Films Hell Fire! TV House Productions
Keshet Productions UK Kindle Entertainment King Bert Productions Kudos
LA Productions
Left Bank Pictures
Little Door Productions Little Island Productions Lookout Point
Mad as Birds
Mainstreet Pictures
Mammoth Screen
Monumental
Moonage Pictures
Neal Street Productions
New Pictures
Objective Fiction Playground Television UK
Pulse Films
Red Planet Pictures Red Production Company
Ringside Studios Riot Time Pictures Rope Ladder Fiction Roughcut TV See-Saw Films Shiny Button
Sid Gentle Films . Sister
Sleeper Films
Snowed-In Productions Tannadice Pictures
The Forge Entertainment The Ink Factory
The Lighthouse Film & TV
The Story Collective Threewise Entertainment
Tiger Aspect
Tiger Aspect Comedy Two Brothers Pictures
Various Artists Vox Pictures
Wall to Wall Media Watford & Essex Wellspring Studios Wild Mercury World Productions