

Stage Screen & Radio

THE JOURNAL OF BECTU
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Bectu conference
Four-page special

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Redundancy deal agreed

Remembering VE Day
Our members' role



THE DANGER OF EXCESSIVE HOURS

Bectu urges members to report abuses

IF THEY BUST YOUR 11-HOUR BREAK – TELL US!

Bectu is urging everyone whose schedules encroach on the 11-hour break between shifts to report it to the union. The Health & Safety Executive has told Bectu that they are prepared to go to a production and carry out an investigation where they are informed that it is happening, and if necessary take enforcement action. This is your chance to help stop this practice. **Janice Turner** reports.

If you are exhausted from being left with less than 11 hours between stopping work one day and starting work the next, report it to the union every time you are put in this position and get all your affected colleagues – members and non-members – to do so too.

Bectu is urging all members to do this so that they can compile the information and send it to the HSE, which has powers to investigate breaches of the law and can take enforcement action.

This was underlined at a Bectu webinar in May with national secretary Spencer MacDonald speaking alongside Debbi Anderson, from scripted production branch, Rosanna Armenante, from unscripted branch and HSE inspector Karl Raw.

Anderson said: "Broken turnaround is occurring more and more on productions over a longer period of time, with people working really late and then coming back early the next day. I myself had a stroke in 2019 because a doctor told me I was working 18 hours a day and not getting rest in between. I thought I could handle working these hours, but I couldn't. I actually had the stroke while at work which wasn't nice."

The problem is endemic in

unscripted. Armenante commented: "In unscripted productions, broken turnaround is actually required, a part of the job. I've even been told by a production manager that it's not the law." She explained that people have worked from 6am until midnight and then been writing call sheets for the next day. She had known professional drivers who go to bed setting the alarm for 4am to check their call times and what time they need to get up. "Not surprisingly, one driver nearly had a fatal accident, with me in the car – the other car did an emergency stop one foot away".

ROLE OF THE HSE

At the webinar, HSE inspector Karl Raw outlined the HSE's role, that it regulates health and safety in the workplace and they apply the law. They will attend a workplace and investigate incidents. "However, we do need to know about these things, we can only go where we know there are issues or activities taking place." He called on Bectu members to alert them if there are concerns about safety at work.

The easiest way to report broken turnaround is to scan the QR code (see box, right) and fill in the form.



Spencer MacDonald: remember you have a legal right not to have your turnaround period encroached upon.

Bectu will collate these reports and send them, anonymised, to the HSE. Once in possession of the reports, HSE inspectors can arrive on site and carry out an inspection without telling the employer whether anyone even alerted them, nor what they are looking for. If there are any representatives of the workforce on site (such as Bectu officials or reps) they would speak to them. They would walk round the site and identify and discuss issues.

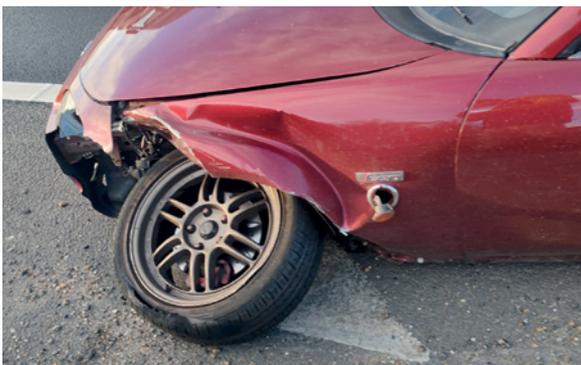
Raw told the webinar that the employer could be liable for a 'fee for intervention': if they enter a site and find the employer in material breach of health and safety law, the employer will have to pay for the time it takes the HSE to identify what is wrong and help put it right.

Dudley Cruse, a rep for unscripted branch, told the journal: "In unscripted TV, broken turnaround is



Once in possession of the reports, HSE inspectors can arrive on site and carry out an inspection.

Campaign grows: (above) Bectu conference shows its support. Below: this car was wrecked after excessive hours had been worked.



often accepted as an unofficial part of the working day. Some well-known and beloved productions are notorious for relying on freelancers receiving minimal rest, or even minimal sleep, for long periods. The frequency of broken turnaround, and sometimes lack of rest days over entire shoots and productions, compounds the issue, and it has an impact on health and safety (tired people making difficult decisions often out in the real world), mental health, the ability to have a family (unsociable hours make it difficult to see your family, which often has a bigger impact on women) and skills retention (burnout is pushing experienced people out of the industry)."

Under the freelance collective agreements, there are provisions for rest periods between finishing work and starting again. "However, we know that productions frequently ask workers to encroach on their turnaround and pay them compensation instead," says Spencer MacDonald. "Under the TV Drama Agreement, the penalty is currently minimal and therefore is not acting as a strong financial

deterrent." And as there are no collective agreements with penalties for unscripted, there is no financial deterrent at all.

Cruse added: "The more data about broken turnaround Bectu has that backs up the scale of the problem, the more we can help our members and the wider freelance community. This is especially important in unscripted TV where broken turnaround is often normalised and many people aren't aware of their rights when it comes to a rest between finishing work and starting again."

THE LEGAL POSITION

The union advice is clear on the legal situation regarding broken turnaround. Under UK law, you have the right to 11 hours' uninterrupted rest in a 24-hour period. Most film and TV workers will take this as an overnight break between their working days. It allows for a rest period between finishing one day of work and starting the next one.

In special cases, a worker may be required to work during an 11-hour rest period. When this is the case, by law and under collective agreement they are entitled to an equivalent period of compensatory rest instead. If compensatory rest cannot be provided, then the worker must be given appropriate protection to safeguard their health and safety. Working on film and TV productions is not classed as a special case (like the armed forces or medical personnel).

If you are asked to break turnaround:

- Bectu recommends you should be seeking 'compensatory rest' in its place. A compensatory rest break

should be the same length of time as the one missed, or production should move the call time. Importantly, compensatory rest should be taken as soon as possible. The key objective of compensatory rest is to ensure that workers receive adequate rest, which should be taken straight away so fatigue is reduced.

- Remember you have a legal right to not have your turnaround period encroached upon. Engagers should not knowingly allow or encourage workers to regularly forgo their rest periods or rest breaks. For this reason, if you need to safeguard your health and safety you can say no. If you suffer any detriment as a result of seeking to enforce your rights, you are protected under law. Contact Bectu immediately if that happens.
- If giving the time back is not possible and no other solution can be found, then you should ask for a minimum penalty payment of 1.5T on top of the daily hourly rate.

In early June positive talks took place between Pact and Bectu whose reps were from both scripted and unscripted. Another meeting is being scheduled for next month. But in the meantime, everybody who wants to stop broken turnaround should fill in the reporting form (below) and send it to Bectu every time you are put in that position, and the union will alert the HSE. Spencer MacDonald says: "If you want an end to broken turnaround, sending us a report every time it happens to you, and getting all your similarly affected colleagues to do likewise, will play a major part in succeeding in this campaign to stop the risks to our members' health and lives." •

If you have recently been asked or made to break your turnaround, please fill in this form:



<https://bectu.org.uk/broken-turnaround/> and encourage your colleagues to do so too. It takes about three minutes.

Freelance

Bectu is warning that the risks to safety from excessive working hours are too great and are calling on Pact, streamers and broadcasters to act.

Shattered crew

I worked with a trainee who wrote her car off after falling asleep at the wheel and crashing into the back of a lorry after her turnaround was broken.”

This is just one of many horrifying accounts of the real consequences of ‘broken turnaround’ – the practice of being made to work such long hours on productions that there are fewer than 11 hours left between the end of one day’s shift and the start of the next. It means that by the time the crew member has driven home they are left with far too few hours to sleep, let alone socialise, see their family or even eat. And when crew members go day after day with such little sleep, accidents happen.

The Working Time Directive makes clear that an employer cannot insist on breaching the 11-hour break between shifts. Members have every right to say no.

If there is no alternative but to finish late, they should be getting compensatory rest, ie moving the calltime to later the following day. If they have to encroach on the turnaround the penalty has to be severe enough to discourage it.

The number of casualties is mounting, and was laid bare last month by a survey of around 500 film and TV crew. Over 90% said breaking turnaround

impacted their ability to do their job safely and effectively; a quarter of the respondents mentioned either driving while tired, falling asleep or nearly falling asleep at the wheel and getting into crashes and near-misses.

Crew also spoke of the pressure to accept broken turnaround as standard, with many saying it felt like an expectation they couldn’t refuse. 40% of the crews surveyed said they were frequently asked to break turnaround, and a further 34% were sometimes asked. Only 4% said they had not been asked to break turnaround on any of their last three jobs.

TAKING ADVANTAGE

A member working on locations said: “The current broken turnaround agreement doesn’t work. Productions can take advantage of making crew work longer hours and not incur a sufficient penalty. They are aware of the hours and how little rest the crew gets, but because it costs them hardly anything, they just go ahead with running over.”

Another wrote: “Broken turnaround has impacted my sleep, relationships, productivity and mental health. I have arrived home after work with only eight hours until I have to leave again for work. It’s exhausting,



Pressure on set: long hours leads to mistakes and accidents

mentally draining and not sustainable on top of the long hours we do already.”

Hair & makeup and the costume & wardrobe departments, like locations, are among the departments that have to arrive before the main shooting crew and leave long after most have gone. A crew member in hair and makeup said: “Sometimes I have actually slept in my car as I didn’t feel safe to drive and had no means of accommodation.”

There were many reports of one big production which imposed months of broken turnaround, with some departments having a two to three-hour pre-call, 11-hour shoot without breaks, then around 40 minutes derig. Combined with the commute to location, and the entire night shoot being exteriors in freezing temperatures, the crew became exhausted. There were many injuries, near misses and accidents on set, and several crew members had accidents while driving home in dangerous conditions.

The production companies that are making crew work in this way are living on borrowed time. It is predictable that unless this dangerous practice is stopped, somebody will die in a car crash on their way to or from a production, and that could lead to the Health & Safety Executive launching an investigation with questions that the production will have to answer and such a production company might find itself facing prosecution. The union has drawn this dangerous practice to the attention of the Health & Safety Executive and a meeting will shortly take place to discuss it further.

SORT THIS OUT

Bectu is calling on Pact, streamers and broadcasters to meet with the union to discuss



Spencer MacDonald

broken turnaround and the huge occupational health hazards it can create.

Bectu national secretary Spencer Macdonald said: “Many Bectu members have reported the negative impact of this dangerous practice, including how unsociable hours are becoming a more regular occurrence, and this is clearly a critical health, safety and wellbeing issue.

“Having quality time before starting work again is what matters most to crew.” The union is about to issue guidance to crews on how to deal with it.

CHALLENGING

“Film and TV crew have undergone a particularly challenging 18 months in what can already be a very precarious industry to work in,” he added. “Worryingly, many respondents to our survey told us of their fear of being replaced and pressure to accept broken turnaround as part of the job.

“But fatigue, missing family events, severe mental health struggles, accidents and near misses – the effect on crew is clear and we are calling on Pact, streamers and broadcasters to come to the table to help resolve this issue.” ●

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Freelance



Bectu's long campaign against the dangerously long hours and insufficient rest caused by broken turnaround has begun to bear fruit.

Major progress has been made with the employers in the campaign to get rid of 'broken turnaround' – the practice of making crews work such long hours they are left with less than an 11-hour rest period between shifts. Following the union's discussions with the employers, a joint statement was issued on 3 September in which both sides committed to achieving the total elimination of broken turnaround.

The statement read:

"Pact, Bectu, and representatives from ITV Studios, BBC Studios, the Production Managers Association and the independent production sector met recently to discuss ways of addressing the industry-wide challenge presented by broken turnaround in scripted and

non-scripted television production. This follows a Pact/Bectu joint statement issued in July, in which both parties pledged to try and eliminate the practice in scripted and non-scripted productions.

"The meeting was positive and constructive. Focussing in the main on the non-scripted sector, it was agreed that part of the solution in the short to medium term should be increasing awareness and ensuring that producers, freelancers and commissioners understand what broken turnaround is and are familiar with the key parts of the Working Time Regulations.

"There was acknowledgement that in the scripted sector, the Pact-Bectu TV Drama agreement has had a significant impact in reducing broken turnaround, but there is

still significant work to be done.

"BBC Studios and ITV Studios were able to contribute to the conversation by sharing that they would look into examples of best practice on their shows to

exchange ideas and contribute to solving the challenges around broken turnaround shared by Pact and Bectu.

"The PMA will also be putting forward their suggestions on



Our industry should not be tolerating working crews with such little rest they risk falling asleep at the wheel

Spencer MacDonald

best practice, as will producers and branch heads of department from Bectu's membership.

"Ultimately, the parties agreed that commissioners need to actively engage with these issues to help alleviate the pressure on resourcing productions and eventually eliminate broken turnaround."

WELL ATTENDED

The statement followed a very well attended meeting that took place in early August to discuss this issue. The BBC, ITV, the Production Managers' Association, Wingspan Productions, Banijay, Brinkworth and Rough Cut were all there in addition to Bectu and Pact.

The problem was discussed in relation to both scripted, where agreements are in place but need strengthening, and unscripted productions where no agreement is in place and so there is far less restraint on producers.

CAMPAIGN

This progress is the result of members' active participation in Bectu's campaign this year. In February the union asked members to fill in a survey on broken turnaround: nearly 500 survey responses were received in just two weeks.

The survey found that broken turnaround is a common practice, and the worst affected departments are hair and makeup (30.2%), electrical (19.5%), costume and wardrobe (17.7%), production (8%) and locations (7.6%), though other departments are also affected.

The union then called on members to send in a report whenever they are required to break turnaround. The union sent the anonymised details of the productions running on broken turnaround to the Health & Safety Executive. The HSE has the power to intervene, arrive at a workplace unannounced and carry out an inspection if they consider it justified, and they have enforcement powers. The union is maintaining regular contact with the HSE on broken

turnaround and urges members to continue sending in reports whenever you are required to break turnaround.

The HSE is not only concerned about the hours being worked with broken turnaround, they are also concerned about its impact on the significant issue of stress in the workplace, a major strategic priority for the HSE.

Paul Spurrier, head of the local authority team in the HSE's engagement and policy division, stated: "Employers have a legal duty to protect workers from stress at work by doing a risk assessment and acting on it. This is the same legal duty employers have to protect people from other health and safety risks.

"There are six main areas that can lead to work-related stress if they are not managed properly, these are: demands, control, support, relationships, role and change. Broken turnaround is one of those factors that can lead to and increase stress in the workplace.

"Employers should match demands to workers' skills and knowledge. For example, workers can get stressed if they feel they don't have the time to meet tight deadlines. Providing planning, training and support can reduce pressure and bring stress levels down. HSE supports the industry-wide efforts to reduce this key stress factor."

UNAWARE

Some producers do not appear to be aware of the law on this matter. Under UK law, you have the right to 11 hours of uninterrupted rest in a 24-hour period. Most film and TV workers will take this as an overnight break between their working days. It allows for a rest period between finishing one day of work and starting the next one.

In special cases, a worker may be required to work during an 11-hour rest period. When this is the case, by law, they are entitled to an equivalent period of compensatory rest instead. This is often achieved by simply having the crew start work later the next day



Double trouble: freelancers have the stress of competing for work, and then the further stress of not being paid on time

Late payment action

Bectu has welcomed the government's new proposals to deal with the problem of late payments, which have caused freelance workers a great deal of grief.

Small businesses had told the Dept for Business and Trade that late payment in both the private and public sectors was hitting cashflow. It responded on 1 August: "We have already begun to tackle late payments with reforms to strengthen large company payment performance reporting requirements and by launching a new Fair Payment Code.

"We will legislate to end the scourge of late payments which costs the UK economy almost £11-billion per year and closes down 38 UK businesses every day. This will give the UK the strongest legal framework on late payments in the G7."

The proposals include stricter maximum payment terms; stronger powers for the Small Business Commissioner; mandatory payment of interest on late invoices; and fines against large companies who persistently pay their suppliers late.

A Bectu survey showed that 47% of all creative industry freelancers often or sometimes wait more than 30 days for payment, with more than a third waiting more than six weeks. Nearly 40% had their cash flow impacted or went into debt.

Bectu chief Philippa Childs said: "This is an absolutely critical issue for freelancers. I urge the Small Business Commissioner to work closely with the promised freelance champion to ensure that any new measures are aligned with the critical need for freelancers to be paid on time."

to allow the full 11-hour break.

If compensatory rest cannot be provided, then the worker must be given appropriate protection to safeguard their health and safety. Working on film and TV productions is not classed as a special case (special cases include the armed forces or medical personnel).

SUPPORT

Spencer MacDonald commented: "With the continued support of our members suffering the stress and tiredness of broken turnaround I believe we will succeed in eliminating this unsafe practice.

"Our industry should not be tolerating working crews with such little rest that they risk falling asleep at the wheel on their way home and crashing their cars.

"We need you to continue sending in a report whenever you are asked to break turnaround – and get your colleagues to do so as well. The more evidence we have, the more evidence we can send to the HSE and the greater the case we can make to the employers."

The online reporting form can be found at: <https://bectu.org.uk/broken-turnaround/> •

Freelance

If you are working excessive hours on a production, leaving you less than 11 hours between finishing work and starting again the next day, complete the union's reporting form at <https://bectu.org.uk/broken-turnaround/>, and fill in the HSE reporting form at www.hse.gov.uk/contact/tell-us-about-a-health-and-safety-issue.htm.

Bectu is reinforcing this message after Pact suddenly rowed back on earlier progress on ending this abuse.

'Broken turnaround' is a term widely used in film and television productions and it means someone working such excessive hours that they have less than 11 hours between finishing work and then starting again the next day.

Many productions that know how to plan and manage properly avoid this happening so working these hours does not have to be an inevitable part of the job.

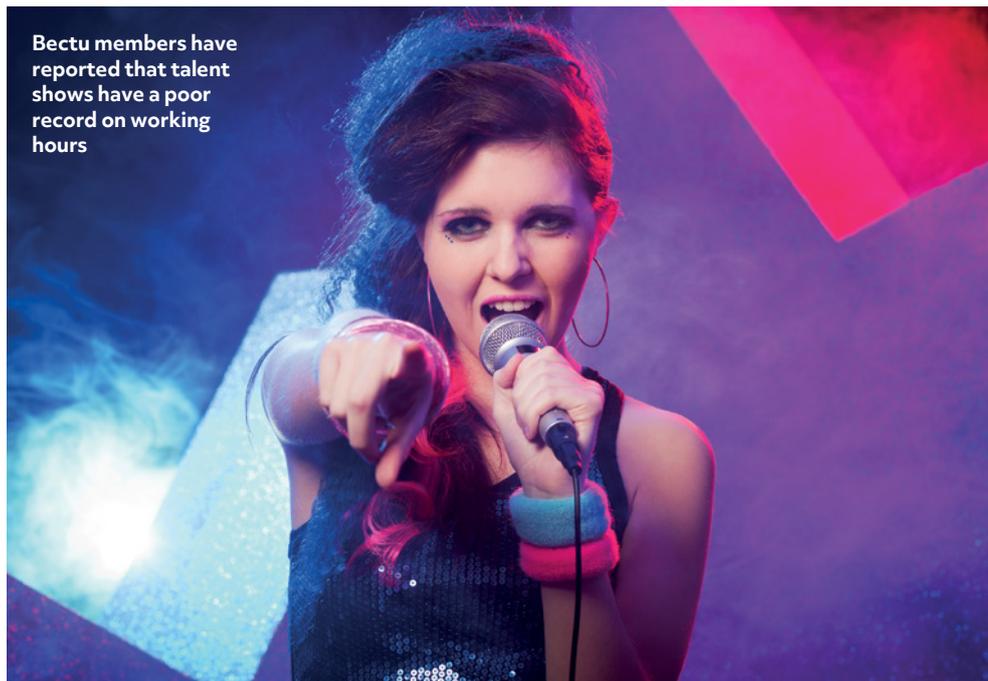
The union was keen to gain cross industry support and so in August Bectu reps and officials met not only with Pact but also with representatives from ITV Studios, BBC Studios, the Production Managers Association and others to discuss ways of addressing the industry-wide challenge presented by broken turnaround in scripted and unscripted television production.

CONSTRUCTIVE

Following this constructive meeting, the wider group met again to agree the best way to collectively drive forward action in reducing the practice of broken turnaround. It was suggested that two working groups would be formed consisting of participants experienced in unscripted and scripted productions; terms of reference for each group would be drafted; and there would be follow up meetings with the same larger group to evaluate progress.

However, the union was extremely concerned that Pact was now going back on its earlier commitments. The employers' organisation had previously stated that the intention was to "eliminate" broken turnaround but they now wanted to refer to 'reducing' it. And despite working hours being at the heart of the problem, Pact have begun to oppose looking at structural issues including working hours as it would 'disrupt' the collective agreements.

The employers have also begun to backtrack on a framework for



Bectu members have reported that talent shows have a poor record on working hours

IS PACT UP TO THE CHALLENGE?

After months of progress in negotiations, change is in the employers' hands

If you are working excessive hours on a production, complete the reporting form at bectu.org.uk/broken-turn-around/ and fill in the HSE reporting form

unscripted productions. They had earlier stated that this was such a large area they could make it more manageable by addressing it by genre such as beginning with gameshows. Now Pact appear to be refusing to deal with excessive hours in unscripted productions at all.

National secretary Spencer MacDonald commented: "Pact are on the wrong side of this issue if they have had second thoughts about eliminating excessive hours. More and more departments are refusing to work the extra hours and productions are responding by finding workarounds so that the workforce avoided these hours.

"The union in Scotland worked with BBC Drama and the organisation Timewise on a successful feasibility study on how to film with an eight-hour day. The solutions are there – so will Pact choose exploitation or a solution?"

"In the context of this reluctance to end excessive working hours, we want to gain real-time information about the productions that are notorious for this. So if you are

scheduled to work on one of those in the first few months of the new year report it to <https://bectu.org.uk/broken-turnaround/> and tell us the name of the production, its shooting dates and when you will be employed there."

FEATURES UNDER £30-MILLION

The proposal for an agreement covering productions with budgets of under £30-million had come from Pact, and negotiations on this had been progressing smoothly. But negotiations have led to a current document that does not meet the minimum that members are willing to accept. In discussions on 2 December two major issues were outstanding: broken turnaround and penalty payments. A representative of the Bectu working group commented: "The producers do want an agreement, and certainly care about putting crew members' welfare first, but the options we put forward were rejected. The ball is very much in their court as to whether they want to make this agreement happen." ●