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December 10, 2021

Honourable Harry Bains
Minister of Labour
Room 342, Parliament Buildings
Victoria, BC V8V 1X4

VIA EMAIL: LBR.Minister@gov.bc.ca

Dear Minister Bains,

Re: Income Protection of Child Performers

The BC Federation of Labour represents some 500,000 members of affiliated unions, working in every sector of the economy and every corner of the province. The Federation has a long and proud history of fighting for the rights of all working people. We are writing in support of the Union of BC Performers/ACTRA (UBCP/ACTRA)'s call for an amendment to the *Employment Standards Regulations* to better protect the earnings of minors working in the recorded entertainment industry.

Background

UBCP/ACTRA is the union representing over 7,500 performers in BC's recorded media sector. Its members include 573 minors under the age of 18. These child performers are actors, voice over artists, background performers, dancers and more. They work in film, TV, video games, radio, commercials, and digital media. There are also many more child performers who have not yet joined the union but work regularly under the terms and conditions of a UBCP/ACTRA collective agreement. Some of these performers are very young and particularly vulnerable; under BC law, a producer of recorded media may employ a child as young as 15 days old.

As you know, the BC *Employment Standards Act* and *Regulation* contain provisions protecting the health and wellbeing of workers who are less than 15 years old. The *Regulation* contains specific provisions for child performers, including a requirement for producers to remit 25% of a child performer's earnings over \$2,000 on a production to the Public Guardian and Trustee (PGT). The PGT holds these funds in trust until the child reaches the age of 19. Child performers who work under UBCP/ACTRA's agreements also enjoy stronger protections beyond those contained in the *Act* and *Regulation*.

In every other jurisdiction in Canada, ACTRA Performers' Rights Society (PRS) is the organization responsible for protecting child performers' earnings. ACTRA PRS administers more than 1,400 child performers' trust accounts, where every dollar in the fund is protected and guaranteed.

The Issue

UBCP/ACTRA has heard from its members that there are significant issues with the way in which the PGT administers child performers' protected earnings. Members cite exorbitant fees, and lack of communication and accountability as key concerns. Due to the high fees charged by the PGT, many children reach the age of majority with a trust account that contains less money than was originally deposited.

UBCP/ACTRA's Proposal

UBCP/ACTRA is proposing a change to Section 45.14 of the *Employment Standards Regulations* that would allow child performers to have their trust funds administered by the PRS. ACTRA PRS Minors' Trust provides higher returns, fewer fees, and far greater transparency and accountability than the PGT. The Minors' Trust exists exclusively to hold child performers' earnings and has a dedicated staff available to answer questions and who work hard to ensure that their funds are protected and guaranteed.

Further, BC is currently the only jurisdiction in Canada that does not allow child performers the option to protect their incomes in this way, resulting in child performers often having two trust funds. We have seen UBCP/ACTRA's alternative model work well in other jurisdictions. The proposed language for an amended *Regulation* mirrors that of the Ontario's *Protecting Child Performers Act*.

The BC Federation of Labour supports UBCP/ACTRA's campaign to better protect and further support its child performer members. We are confident that the Ministry of Labour will seriously consider this proposal; it is in all our interests to support BC's child performers and ensure their incomes are protected in the best way possible.

Thank you for your attention to this matter.

Sincerely,



W. LAIRD CRONK
President

SUSSANNE SKIDMORE
Secretary-Treasurer