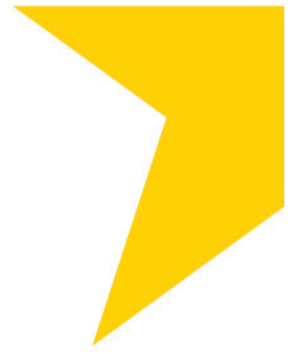


Performing Arts Safety Bulletin #13

HIRING CHILDREN IN LIVE ENTERTAINMENT



BACKGROUND

Effective July 1 2012, there are new regulations in effect governing the employment of children in the live entertainment industry. The legislation covers performance and rehearsal in theatre, dance, music, opera and circus in British Columbia.

This legislation, Division 3, Employment Standards Regulation, B.C. Reg. 396/95, applies to performing arts organizations that employ non-union children from age 4-14 as performers.

The *Employment Standards Act* sets out the minimum standards that apply in most workplaces in British Columbia. The Employment Standards Branch of the Ministry of Labour, Citizens' Services and Open Government administers the *Act*.

LEGISLATION AND REGULATIONS

Children in Live Entertainment Industry – Public Guardian and Trustee Fees Regulation, B.C. Reg. 312/2000

DEFINITION OF 'EMPLOYEE'

The *Employment Standards Act* defines an employee as:

- a person, receiving or entitled to wages for work performed for another.

The Act defines wages as:

- salaries, commissions or money, paid or payable by an employer to an employee for work.

SUMMARIZED REGULATION CONTENTS

LIMITS ON DAILY HOURS

Children are limited to an 8-hour workday with the following exception: for up to 4 days per production, a child may work up to 12 hours (for example, on technical rehearsal days), however, these days are limited to rehearsal ONLY, not rehearsal and performance.

Children cannot be called for work before 7:30 am and must be finished by 12:30 am.

HOURS FREE FROM WORK

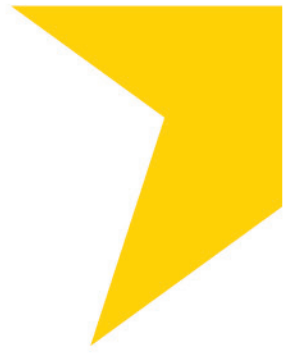
Children must have 12 hours free from work between calls or shifts.

Children must have 36 consecutive hours free from work each week or overtime payment applies (see legislation for specifics).

CHAPERONES

Employers are required to ensure that children in live performance have a chaperone at the work site. The chaperone can be the child's parent or guardian, if the parent or guardian is over 19 years of age and is not working as a performer in the production, or a person who is 19 years of age or older, is designated as the chaperone, and is not the employer or another performer in the production.

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The ratio of children to chaperones is identified as follows:

AGE OF CHILD	NUMBER OF CHILDREN PER CHAPERONE
4 years to less than 6 years	6
6 years to less than 10 years	10
10 years to less than 15 years	15

INCOME PROTECTION

The employer must remit 25% of any earnings over \$1,000 per week to the Public Guardian and Trustee (www.trustee.bc.ca) to hold in trust for the child.

Employers are advised that when monies are remitted, the Public Guardian and Trustee requires the following information:

- Confirmation of the full amount paid to the actor & the portion that is being remitted.
- The name of the production and the fact that it was a “live” event versus a “recorded” event.
- The actor’s full name, date of birth and address, e-mail and telephone number.
- The full names of the actor’s legal guardians, address, e-mail and telephone number.

The Public Guardian and Trustee will send the legal guardians a letter confirming that receipt of the money.