

Terms of Reference – Film Industry Working Group

Purpose

1. The purpose of the Film Industry Working Group (FIWG) is to make recommendations to Government on a way to restore the right of workers in the industry to collectively bargain, without necessarily changing the status of those who wish to continue working as individual contractors.
2. This document records the parties' agreement to the objectives, parameters and scope of the work and the process the FIWG will use to develop these recommendations.

Background

3. In 2010, the *Employment Relations Act 2000* was amended so that film production workers are independent contractors unless they sign up to an employment agreement that states they are employees. This was in response to high-level disputes around employment status.
4. The Government considers that people who work in the film industry ought to have the right to bargain collectively. The 2010 amendment removed that right. The Government plans to progress this policy and intends to implement it in a way that best suits the needs of the industry and the people who work in it.
5. The film and television industry is vibrant and growing and the Government values the contribution the industries and the people who work in them make to New Zealand's cultural and economic makeup.

Objectives

6. The objective of the FIWG is to make recommendations to the Government on changes to the regulatory framework for film industry workers to restore the rights of film production workers to collectively bargain, in a way that:
 - allows film production workers who wish to continue working as individual contractors to do so;
 - provides certainty to encourage continued investment in New Zealand by film production companies; and
 - maintains competition between businesses offering film production services to promote a vibrant, strong and world-leading film industry.

Parameters and Scope

7. Some participants in the FIWG are, or represent, competitors. This means care must be taken to ensure that participants do not engage in anti-competitive behaviour that may breach the *Commerce Act 1986*.
8. The focus of the FIWG is on recommendations to the Government on changes to the regulatory framework for film industry workers.
9. The FIWG will not enter into arrangements on terms and conditions for engaging film production workers.

Membership

10. The FIWG will be made up of one representative from each of the following organisations:

Organisation	Representative
Equity New Zealand	Melissa Ansell-Bridges (Industrial Officer/Organiser)
Screen Production and Development Association (SPADA)	Richard Fletcher (Co-President)
Screen Industry Guild (SIG)	Sioux Macdonald (Vice President)
Weta Digital	Brendan Keys (Manager Human Resources)
Stunt Guild of New Zealand (SGNZ)	Craig Dunn (President)
New Zealand Writers Guild	Alice Shearman (Executive Director)
Directors and Editors Guild of New Zealand (DEGNZ)	Tui Ruwhiu (Executive Director)
Regional Film Offices New Zealand (RFONZ)	Michael Brook (Chair)
-	Barrie Osborne (Film Producer)
Film Auckland	Alex Lee (Chair)
Nga Aho Whakaari	Erina Tamepo (Executive Director)
New Zealand Council of Trade Unions	Richard Wagstaff (President)
BusinessNZ	Paul Mackay (Manager Employment Relations Policy)

11. Each party will be responsible for reporting to their constituents or stakeholders, in accordance with any messaging agreed during FIWG discussions and as required by their internal governance mechanisms.
12. The parties agree to honour the confidentiality of the FIWG discussions and to participate in good faith.
13. Representatives from the Ministry of Business, Innovation and Employment will attend as observers and to provide secretariat support.
14. The Government has appointed Linda Clark as an independent and neutral party to facilitate the FIWG and to ensure it remains within the agreed terms of reference.

Meetings

15. The FIWG will determine a schedule of meetings as required to develop the recommendations within the timeframe outlined below.

Timeframes

16. It is anticipated that the FIWG will:
- commence discussions in January 2018, and
 - make their recommendations to the Minister for Workplace Relations and Safety by the end of June 2018.