



24/05/2021

Mr Conrad Mewton  
Senior Business Affairs Executive  
Pact  
3<sup>rd</sup> Floor  
Fitzrovia House  
153-157 Cleveland Street  
London W1T 6QW

Dear Conrad

Pact/Bectu TV Drama Agreement

Bectu would like to invite PACT to immediately open negotiations on updating the terms and conditions of the PACT/BECTU TV Drama Agreement 2017. I will detail the points the union would like to discuss below.

Firstly, I would like to reflect on the past 14 months; the pandemic has been extremely challenging for everyone in our industry with much of the burden being placed on freelance workers. Despite equally contributing to tax revenue, many of our members, unlike permanently employed UK workers, have not received any financial government support. Suffering significant debt and depleted savings, some have even unfortunately lost their homes.

The pandemic has exacerbated both the financial and employment rights divide between freelance workers and those on permanent contracts. I am sure we can agree freelance workers are the backbone of the television industry and deserve to be treated fairly, with dignity and respect.

We know both Pact and Bectu had envisaged the agreement being updated by now but circumstances – not least the pandemic – have got in the way and a re-visit to the 2017 agreement is now long overdue. However, now our members have returned to work, we believe it is time the agreement is revised and improved, to ensure the terms of the agreement are protected and our member's hard work, dedication and loyalty to this industry are compensated appropriately. We believe safeguarding and modernising these terms is pivotal to improving our members well-being and mental health as well as protecting the industry from attrition of experienced and skilled crew.

This is the list of issues we would like to discuss

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1. **Withdrawal of PACT guidance** – This has been one of the primary sources of friction on set. The Pact guidance in our opinion varies the terms of the agreement. This has had a damaging effect on the agreement and the relationship between crew and production. We therefore request that the guidance is immediately removed so we can begin negotiations in good faith. This must be withdrawn before we commence talks.
2. **Better terms for above £5m budget bands** – The growth in streaming content and HETV has accelerated since the agreement was signed in 2017. As a result we would like the agreement to reflect how the market has changed.
3. **Prep & Wrap** – The union seeks alignment with the MMP terms. Prep and wrap has been exploited by some productions who have incorrectly imposed prep and wrap across all departments contributing to excessive working hours.
4. **Unsociable hours** – We accept that it can be unavoidable to work at night, weekends or late in the evening; if this is the case the crew should be compensated appropriately. We would like to discuss the following:
  1. **Dailies get a rest day for night work** - Workers on 'daily' contracts receive a paid rest-day' at the end of a block of night work as they will be unable to find paid work the following day.
    - **Any work beyond midnight should be classified as nightwork.**
    - **Weekend work should be paid at a premium**
    - **Work between 2100 and 2300 will be paid at X work between 2300 and 2400 at X.**
5. **Bank holidays – T2 if worked T1 if not** – Crew deserve a day off or should be compensated when most of the country are having a break. This principle is agreed and recognised in other industry agreements.
6. **Definition of Semi-Continuous Working Day (SCWD)** – We have received confusing interpretations of the SCWD and we would like to define this in the agreement.

Bectu would like to initiate the process as soon as possible and are keen to avoid prolonged talks that can frustrate negotiations. Therefore, in the interest of good industrial relations we request that the above points are negotiated with meaningful resolution within 3 months of the date of this letter. The union believes this is both an achievable and reasonable timeframe.

I look forward to your response.

Yours sincerely



Spencer MacDonald  
National Secretary  
London Production & Regional Production Division

cc Bectu Reps



24 June 2021

Mr Conrad Mewton  
Senior Business Affairs Executive  
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Dear Conrad

Further to your letter dated 22<sup>nd</sup> June 2021, please find responses below.

We agree that this is a pivotal moment for the PACT BECTU TV Drama Agreement and share a sense of urgency. Bectu is committed to finding a resolution to these matters.

As in my previous letter, I acknowledge it has been a difficult year across the industry, including for Pact member companies, many of whom were supportive of our members. Reps and officials recognise the additional costs of Covid protocols for production companies. However, it must be acknowledged that our members have strived to make these measures workable, often being seriously financially impacted due to unpaid suspensions and hiatuses.

In your letter you provide a 'reality check' for our members, who you accuse of not adhering to the agreement and abusing the overtime clause; we strongly refute this allegation. Some of the other points you raise cannot remain unaddressed and our responses are below.

**Rates inflation** – In your letter you accuse Bectu member representatives of bad faith negotiations and 'failing to engage' on rates. In early 2019 Bectu welcomed the opportunity to discuss rates with a commitment to reaching an agreement with PACT. We offered to cover an equal cost for the analyst you appointed and willingly shared our rates data with them. PACT then changed tack, conducting the rates research privately and excluding Bectu. On completion of the data gathering process PACT refused to allow Bectu to share the information with reps, preventing the union from conducting the essential consultation necessary to enter into talks.

**Improvements in terms & conditions** – you have mentioned the cap on 11-day fortnights, by 2017 the 11-day fortnight was already being phased out by most production companies. However, we do accept that the agreement has provided much needed clarification and improved terms for some departments.

One of the most contentious aspects of the agreement for our members, has been Prep & Wrap, with some PACT companies exploiting the agreement and contracting excessive extra working time to those departments where it is deemed customary, and applying prep and wrap to departments where it is not.

In your letter you suggested prep and wrap terms should be applied in a bespoke manner, pertaining to the needs of each production. This has never been discussed with us and is not what was agreed in 2017. The agreement should be providing consistency across all productions and a drive for local arrangements seriously undermines collective bargaining arrangements.

**Pact guidance** – This guidance is a primary cause of friction for our members and it is extremely disappointing that you have refused to withdraw it. Furthermore, you have accused crew members of being aggressive. If this is the case, we invite you to provide details so we can investigate and take appropriate action.

I would like to highlight to you again that Bectu has received reports of unreasonable and hostile behaviour from productions. As you are aware, only recently a PACT production company explicitly refused to recognise the union and insisted on crew signing contradictory terms to the agreement. The company eventually terminated the engagement of a crew member who queried the contract and withheld payment for work already delivered. We expect PACT to address and condemn this unacceptable behaviour by one of its member companies.

Regarding the Outlander dispute concerning overtime, we invited the production company to use the disputes procedure. PACT's response was: "The dispute procedure is solely for disputes arising in relation to the terms of the collective agreement and therefore cannot be used in this instance". How do you propose we resolve these challenging problems if you refuse to engage the agreement disputes procedure?

**HoDs** – In your letter you blame HoDs for not scheduling departments competently. I strongly disagree, and take exception to this point. You exhibit a failure to understand the pressures put on crew by production companies and suggesting HoDs are somehow manipulating the agreed terms is ridiculous. The idea that HoDs are pushing crew to work excessive hours just to charge overtime at the risk crew driving home fatigued is the absolute opposite of what HoDs are attempting to do and is an insult to their professionalism.

**Prep & Wrap** – You have suggested that limiting the number of Prep & Wrap hours will trigger a longer working day. This is not the case in feature films, who already have this arrangement. The same principle and working time pressures pertain to both genres.

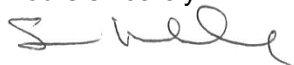
**Next steps** – You have suggested separating out the issues and departments, however Bectu reps from all branches are committed to opening discussions together, side by side.

The points we put forward in my letter of 24<sup>th</sup> May are all equally important. As a result these must all be reviewed and form part of the upcoming negotiations. As outlined in my previous letter, talks should not be unnecessarily delayed and I set a deadline of 3 months, one of which has passed. So now I propose a deadline for conclusion of negotiations of 1<sup>st</sup> September 2021.

Like PACT, Bectu does not want the TV Drama Agreement to fail, and we are committed to achieving a positive conclusion. PACT and Bectu share a responsibility to support industry growth and success, whilst ensuring both companies and crew can benefit from new opportunities.

Shortly, I will be sending over proposed dates for an initial meeting. I look forward to your response.

Yours sincerely



Spencer MacDonald  
National Secretary