



## **BECTU / Edinburgh Festival Fringe Society** **Guidance on Good Employment Practice**

BECTU and the Edinburgh Festival Fringe Society are committed to encouraging employers to follow best practice for the engagement and employment of all workers engaged by Venues and Productions taking part in the Edinburgh Festival Fringe. This document defines a worker as any individual in receipt of payment for work done regardless of contract type or tax status. We believe that adopting the highest possible employment standards is both morally and economically beneficial for everyone involved in the Fringe and for the City of Edinburgh as a whole and this document is designed to support the development of best practice across venue operation and sit alongside other codes of conduct developed by EFFS.

BECTU and the Edinburgh Festival Fringe Society recognise that there are employers and Venues which may operate year round in Edinburgh but are required to operate in a different way due to the nature of the Fringe and BECTU is always willing to discuss temporary changes to rates of pay and operating practices required to accommodate the challenges of the Edinburgh Festival Fringe period.

This document is intending to provide information and help promote best practice with regard to issues that arise during the Fringe but does not necessarily reflect every aspect of employment legislation.

### **Engagement of Workers (i.e. Any individual who receives payment for work done regardless of contract type or tax status)**

Regardless of the tax or contractual status of anyone being employed or engaged it is important that there is a clear written agreement signed by both parties in place before any work starts. There are legal requirements in terms of what must be contained in a contract of employment but the key points are;

- To set out clearly who the employer is.
- To ensure there is absolute clarity around hours of work and rate of pay.
- How Holiday pay/ Public Holidays are addressed must also be specified.
- Notice for terminating the contract by either party should be stated too.
- Reference should be made as to how the worker can access other company policies such as Health and Safety or Grievance and Disciplinary policies.

### **Hours of work/Pay rates**

In agreeing a contract, the worker and the employer should be very clear on exactly how much they are being paid and what this payment applies to, particularly where “buy-out” contracts are being offered. Concerns around compliance with the National Minimum Wage and entitlement to Paid Holidays often arise where there is a lack of clarity on the required hours of work. Buy-out contracts which simply state a rate of pay per week or for a specified number of days can be considered to be ambiguous and open to challenge and so it is especially important to be clear in the set up of these arrangements.

Where employers intend to provide/offer accommodation to workers then the contract must state precisely the type, condition and facilities included in the accommodation offer. Workers should know that the accommodation provided will meet the specification that has been offered.

Exact details of remuneration should be articulated outside of the offer of accommodation, the contract should still state the rate of pay and detail how much is being charged for the accommodation and how that will be paid/charged. Expected working hours should be included in all agreements.

**Scheduling of Work** - Each worker should be told who is responsible for scheduling their hours and for approving any additional hours required. Workers should have access to a weekly schedule which clearly sets out their contracted hours of work and days off. Any additional hours required for that week should be shown but differentiated from contracted hours.

Records should be kept of actual hours worked to help clarify any issues around the actual or real hourly rate of pay. It also assists employers in meeting Working Time Regulations.

<http://www.hse.gov.uk/contact/faqs/workingtimedirective.htm>

Proactive management of Schedules and Actual Hours worked can and does significantly assist in managing costs and demonstrates to workers that their safety and wellbeing is being taken seriously by the employer.

### **Health and Safety**

It is essential that all workers are properly trained for the work they are being asked to undertake. They should always be aware of how to access the employer's safety policies and should properly be briefed on the safety policies which most directly affect their day to day work.

With regard to working hours, rest breaks and paid holidays it is widely recognised that, particularly during a hectic and challenging festival, workers are at their safest and most productive when they are properly rested and refreshed. However the nature of the Fringe means that this can be a challenge and so BECTU and the Fringe Society are committed to working with employers and workers to find a solution that is as safe and sustainable for everyone as possible.

While the actual hours of work required are a matter of discussion between the employer and the worker, the Working Time regulations govern daily and weekly rest breaks which therefore limits the working hours available. For more information contact BECTU (details below).

Key things to consider:

- Workers are entitled to a break of 11 hours between the finish of one day's work and the start of the next day's work and at least one 24 hours rest period during the working week. Where the nature of the Fringe makes this impossible compensatory rest or compensating for the 'rest' hours worked should be considered.
- Schedule meal breaks for workers, ideally one hour long break for every 4 hours worked.
- Make sure that holiday entitlement is considered and clearly communicated to workers.

For further advice on this code of conduct please contact [pmcmanus@bectu.org.uk](mailto:pmcmanus@bectu.org.uk)

Or call BECTU on 0141 370 1590.

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BECTU and the Edinburgh Festival Fringe Society urge you to recognise the very real benefits from becoming an Accredited Real Living Wage Employer and we hope that you will contact us for further information or advice on how best to achieve this status.

The Edinburgh Festival Fringe Society is an accredited Living Wage employer. For more information please contact: Lyndsey Jackson, Director of Operations, Edinburgh Festival Fringe Society, [admin@edfringe.com](mailto:admin@edfringe.com)

If you are a venue or company operating on the Festival Fringe and would like to discuss this issue with the Edinburgh Festival Fringe Society please contact: [participants@edfringe.com](mailto:participants@edfringe.com)

OR

If you would like to discuss this issue with BECTU please contact: Paul McManus, Scottish Organiser, BECTU, on [pmcmanus@bectu.org.uk](mailto:pmcmanus@bectu.org.uk) or call BECTU on 0141 370 1590.

For further information on the Living Wage please go to;

<http://www.livingwage.org.uk/>

