

Open letter on behalf of the UK Post-Production Sound Community

Dear Post Production Facility,

We are writing to all post facilities that engage members of the freelance post-sound community to raise awareness on several key matters that have been brought to our attention.

Bectu's Post Production & Facilities Branch held a meeting of the post-sound sub-division at the end of 2022. At this extremely well attended meeting the members highlighted several ongoing challenges that they regularly face: the absence of terms and conditions, the debilitating impact of last minute and sizeable shifts in schedule or outright cancellations, a normalised expectation of excessive and unreasonable working hours and failure to pay invoices within the legal timeframe.

1. We ask for Written Particulars or Terms & Conditions.

In April 2020 legislation changed to require all UK workers, including freelancers, to be provided with a written set of employment particulars *on or before their first day of work*. Not only is this best practice but it is now enshrined in law. When you or representatives of any company are not confirming these terms in writing upon engaging workers, then the law is not being complied with.

We are advising members to insist upon receiving written particulars during the negotiating period and always in advance of work commencing. You can find the full list of which terms should be included [here](#), but for easy reference and as a minimum we expect this to include:

- The employer's name
- Job title and a rough description
- Start date and duration of the contract of work
- Details of payment (consideration) including whether a salary is weekly, daily or hourly

Furthermore, we now encourage all members and engagers to use the Bectu Post-Sound Ratecard [here](#) as a basis for both negotiating pay and guidance on more detailed terms of engagement. The terms and conditions on the rate card were agreed by the post-sound community, and the card itself will constitute a binding contract when it is provided to engagers and is either uncontested or negotiated further. We also encourage facilities to refer to the rates on the card during the process of putting bids together, if they anticipate needing to engage freelance crew.

Ensuring terms and conditions are confirmed in advance of work commencing and in good time creates clarity for both engagers and workers, as well as being legally compliant.

2. We ask for fair compensation for excessive hours.

Members also raised the matter of the unsustainable and excessively long hours expected due to ever-shifting schedules and last minute changes. This issue is exacerbated by a lack of clarity over working hours, overtime and time off in lieu (TOIL). Following the successful renegotiation of crew agreements with PACT and SVODS in Features and Scripted TV, this style of "buy-out" engagement has been virtually eliminated in most of the industry - but it remains a reality for members working for post houses. This reliance on freelancers to accommodate scheduling issues results in unreasonable workloads; excessive hours erode productivity and well-being, leading to burnout, talent atrophy from the industry, and impossible conditions for people with greater family, parental, and caring responsibilities. These responsibilities disproportionately affect women and people who give birth and those with disabilities, and sits at odds with

our effort to address equity in post-sound professions.

3. We ask for invoices to be paid on time.

Finally we wish to address the matter of invoices failing to be paid within 30 calendar days. This requirement is enshrined in law, and we therefore encourage individuals to follow Government advice to charge interest after the 30-day limit has expired, in line with the default payment terms laid out in the Late Payment of Commercial Debts Act 1998.

Overall we will continue to engage with producers and PACT to enable freelancers that are hired via a facility to be protected by the PACT/BECTU agreement, which will be the best possible outcome. We are also pleased to have the full support of the Association of Motion Picture Sound (AMPS), who share our expectation that the freelance sound post-production community must be treated fairly and equitably alongside other industry professionals.

The post-sound community is well connected, particularly as a new group with over 300 sound editors has been established on WhatsApp for discussing rates, terms and conditions, poor payment practices, and general facility behaviour, both good and bad.

Bectu and the freelance community fully understand the financial pressures felt by facilities, due to ever-increasing rental rates coupled with the downward pressure from the commissioners and productions to offer more competitive bids. However, the business model of the industry should not rely on the issues outlined being absorbed by individuals who have their own financial pressures, which also includes the not insubstantial cost of maintaining professional studio equipment, libraries and software.

We believe that there are many facilities who wish to operate equitably and responsibly, and others that are perhaps unaware of the impact these normalised conditions have on many freelancers. To communicate the scale of this matter we have undertaken a member survey. Please take a moment to read the following selection of the most recurrent issues. The survey revealed that these practices are common virtually across the board, and exist on a near-permanent basis where a facility/freelancer relationship exists.

We look forward to seeing the nature of engagement between facility and freelancer become more positive, consistent and productive. In particular we look forward to news of facilities engaging in discussions that establish sustainable, clear and mutually agreeable terms of engagement with freelancers.

We warmly welcome conversation between the union and facilities in order to support improving the experience of freelancers, and are happy to answer any questions facilities have about the issues raised in this letter.

Finally, where organisations are already following these best practices we would like to hear from you, we can be contacted on the details below.

Many thanks,

Stefan Vassalos, Organising Official, and the **Post Production & Facilities Branch Committee**