

Oral submission to the Education and Workforce Select Committee on the Screen Industry Workers Bill via Zoom on 3 June 2020

Presenter Gabriel Brett Kelly, **Note taker** Beryl Anderson

Present: Chairperson Parmjeet Parmar (National), Jan Tinetti (Labour), Dan Bidois (National), Clare Curran (Labour), Golriz Ghahraman (Green), Marja Lubeck (Labour), Mark Patterson (NZ First), Erica Stanford (National), Kieran McNulty (National), Paulo Garcia (National)

Ata marie koutou katoa. Thank you for this opportunity to speak with you on behalf of the National Council of Women.

I hope you have all had time to watch the NZ TV series the Luminaries based on the award-winning novel of the same name by Eleanor Catton. I highly recommend it and it seems appropriate to start our oral submission referring to a brilliant NZ screen industry product. It's set during the gold rush of mid 1860s NZ. The main character is Anna, a young woman who has arrived from Ireland, been exploited and abused in a workplace in Dunedin and ends up working as a prostitute in Hokitika as she has no other means of supporting herself. Sunday night we watched the latest episode where she is seeking respite from her work and sheltering with her friend Ah Sook in the Chinese gold diggers' camp. Her brothel owner comes looking for her shouting out "Where is she? She's mine! I own her!" It's a great depiction of a time in NZ when there were no protections or regulations. It was the Wild West.

In real life 30 years later, 1894, the Industrial Conciliation and Arbitration Act became the basis for a set of regulations establishing rights and responsibilities of workers and employers in NZ over the next century.

Fast forward to 2010, under pressure from Warner Bros, the then government amended the Employment Relations Act so that the definition of employee legally excludes anybody working in the film industry. They are instead classified as independent contractors cutting them out of protections offered by employment law.

This Bill doesn't reinstate the employee status and therefore rights to screen workers but it does restore a number of rights and protections to workers as contractors in the industry and for that reason NZNCW supports it. As outlined in our submission we would like to see more; especially more clarity around rights to personal grievance procedures which are so important for women workers.

Thank you for your time and attention. Nga mihi nui a koutou katoa

Prior to us

Fiona Samuel, scriptwriter

Spoke of professionalism, certainty and fairness

Originally had collective bargaining (30 years go). Loss of professionalism as a result. Now no guaranteed minimum remuneration.

Had 3 questions

John Callen

Primarily concerned with fairness. Was involved in Hobbit. Spoke of the extremely divisive and detrimental effects of “the Hobbit” legislation. Iniquitous.

Question re impact on creation of jobs. Why will overturning the law make a difference to wages and salaries in the sector? In other areas, been longer than 10 years and remuneration has gone backwards. NZers earn less than overseas counterparts. Improve matters for those working in the screen worker industry.

NCWNZ

Question from Marja Lubeck– putting a gender lens on the issue, how important is this legislation? Gabriel responded that in 2015 we passed a remit about insecure employment. The Me Too movement highlighted the types of exploitation in the industry. Fiona and John highlighted how vulnerable workers are.

You think that Bill in current form does not provide for issues like bullying, harassment? Gabriel responded that as a contractor it is not clear on personal grievance (employees do have access to grievance procedures).

Comments

It was difficult to see who was in the Committee Room as the camera sat on the Chair until someone asked a question. Gabriel asked for them to be introduced, but it was very quick.

The sound kept cutting out. The first two presenters were good, Gabriel had some cutting out, the next presenter was very bad.