



This factsheet has been prepared for general information purposes. It is not a legal document. Please refer to the *Employment Standards Act* and Regulation for purposes of interpretation and application of the law.

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Using Groups for Background in the Recorded Entertainment Industry

“Group Hire” is a term used in the recorded entertainment industry when an identifiable pre-existing group provides people to act as background or “living scenery”. The recorded entertainment industry means the film, radio, video or television industry, and the television and radio commercials industry.

Normally, use of these groups does not create an individual employer-employee relationship between any of the members of the group and the production, so the *Employment Standards Act* does not apply.

Conditions for using groups

- There are no rehearsals or practices at a different time or place before the “shoot”;
- There must be an identifiable connection between the members of the group (classmates, teammates, congregation etc);
- An honorarium may be paid to the group to recognize the group’s contribution. Wages are not paid to individual members of the group;
- All members of the group must be allowed to participate. The members of the group cannot be screened in any way for skill or appearance;
- Direction should be general and apply to the entire group.

Example:

A practice session at a skating club is used for background in a movie. The group as a whole may be given a basic “skate” – “stop skating” direction. Individual skaters cannot be given separate direction to perform specific moves within or apart from the group.

Open call crowd

Producers may place ads inviting individuals to come to a location to be part of a crowd for background. Prizes or entertainment may be offered. Direction is limited to general instructions to the group as a whole.

Young people under the age of 15

When young people are in the group, producers are encouraged to follow the standards which apply to young people employed in the entertainment industry. For further information, see the *Employment of Young People in the Recorded Entertainment Industry* factsheet.

If you are considering using a group

Production companies contemplating using a group or open call crowd are encouraged to contact the Employment Standards Branch to discuss the requirements to meet the group hire and open call crowd standards.

Producers who use groups or open call crowds and then give individual direction to members of the group or the crowd may be found to have an employment relationship with those individuals, and will be required to comply with the Act.

Employers who contravene the Act will be subject to mandatory escalating penalties starting at \$500.

