

# Ardent Resources

## Rights and Contracts (text version)

**Produced by Ardent Theatre Company based on the following:**

ITC Contract for the engagement of Performers and Stage Managers  
UK Theatre Equity Commercial Theatre Agreement  
UK Theatre Equity Subsidised Theatre Agreement  
SOLT Equity Agreement for West End Theatre Artists  
Equity Fringe Agreement for Performers and Stage Management

### **INTRODUCTION**

Workers are entitled to certain employment rights, meaning there are minimum provisions a company must meet when employing someone.

Self-employed people do not have the same employment rights and so forfeit many of the legal entitlements such as sick pay, paid holiday, rest breaks etc. However, there are some areas, such as protection for your health and safety on a client's premises and protection against discrimination, where the rights are the same.

Performers are usually considered 'workers' for employment law purposes, where the 3 categories of 'employed/self-employed/worker' apply and as 'self-employed' for tax purposes, where there are only 2 categories – 'employed' or 'self-employed'.

This guidance sets out some of the minimum worker entitlements and compares them with the main theatre contracts used to employ performers and stage managers in the UK.

This guidance is also limited in its scope and in no way should be seen as a replacement for reading in full any contract issued. Instead, this guidance offers a basic overview of some of the key points relating to work regulations.

If you want to read the full worker entitlements, we suggest you look at the HMRC guidance at:

<https://www.gov.uk/employment-status>

## **MAIN THEATRE SECTORS**

The following details some of the main theatre sectors, although there will be venues and companies that sit outside these or even work across several of them depending on the production.

**Fringe Theatre** describes small-scale work produced outside of the mainstream. In London, it's a term used to describe small scale venues, such as pub theatres. It is often low-paid, unpaid and/or produced on a profit-share basis whereby any profit, after all production costs are recouped, is shared with those involved.

**Subsidised Theatre** generally describes venues or companies in receipt of government or local authority funding and can vary in scale. They are also likely to be in receipt of grants from trusts, foundations, and/or the Arts Council, as well as income from donations and fundraising activities. They operate as non-profit making organisations, which means any profit goes back into the work of the organisation rather than profiting investors.

**Commercial Theatre** describes a model of work that is funded by investors with the intention their investment is returned to them with a profit. Ticket sales are used to pay back the investment, once all the production costs have been recouped, which is why ticket prices are generally much higher than fringe and subsidised theatre.

**West End Theatre** operates on the same basis as commercial theatre but describes specifically mainstream professional theatre in and around London's West End. Smaller scaler venues in the city centre, which are more likely to operate on a subsidised model, are referred to as Off-West End. Likewise, Off-West End can also describe small-scale commercial venues situated in London, but outside the centre.

## **CONTRACT PROVIDERS**

When you are offered a performer or stage manager contract it will likely be one negotiated with the Equity union by one of the industry management bodies: Independent Theatre Council (ITC), UK Theatre or the Society of London Theatre (SOLT). The contract you will be issued depends on whether the company or theatre engaging you is a member of one of these organisations and the nature of the production.

**Equity** represents performers and creative practitioners in the UK. It works to improve the working lives of its members and represent their interests. In addition to contracts issued and negotiated via the organisations below, Equity also provides contracts for working in fringe theatre as well as specific tailored agreements for organisations such as the National Theatre and the Royal Shakespeare Company.

[www.equity.org.uk](http://www.equity.org.uk)

**ITC** represents the independent performing arts sector and provides advice, advocacy, training, resources and networking for its members. They offer a range of contract templates, including collective national agreements that have been agreed with Equity, the Writers Guild and Unite, for this sector.

[www.itc-arts.org](http://www.itc-arts.org)

**UK Theatre** is a UK theatre and performing arts membership organisation that offers training, employment relations, legal services advocacy and campaigning. Agreements for Performers and Stage Management are approved by Equity and cover both the commercial and subsidised theatre sectors.

<https://uktheatre.org>

**SOLT** works with and represents a membership of theatre owners and managers who present shows in the London's major commercial and grant-aided theatres. Their Equity approved performer and stage manager contracts are for those working in the West End.

<https://solt.co.uk>

## **RATES OF PAY**

### **What the law states**

Workers are entitled to a minimum rate of pay based on the average hours they work. This is called the:

- National Living Wage (NLW) if aged 23 or over
- National Minimum Wage (NMW) if aged under 23 or an apprentice.

The hourly rates from 1 April 2021 are:

Age 23 and over (NLW)	£8.91
Age 21 to 22	£8.36
Age 18 to 20	£6.56
Under 18	£4.62
Apprentice	£4.30

There is a higher rate of £9.50 known as the Real Living Wage, which is independently calculated, voluntary and reflects the true costs of living. It includes the optional London Living Wage rate of £10.85 to reflect living in the capital.

To help with the comparison, and based on the London Living Wage rate or £10.85, the weekly equivalent would be:

£379.75	35 hours per week
£466.55	43 hours per week
£509.95	47 hours per week

## **What the contracts for performers and stage managers state**

The following are weekly rates as of **5<sup>th</sup> April 2021** rather than hourly rates. This is because the hours worked in a week can fluctuate depending on whether it's a rehearsal week or performance week (see next section.)

The 2021-22 rates for UK Theatre and SOLT were set to rise but were held at previous levels due to the COVID-19 pandemic.

**ITC/Equity:** £494.00 p/w

### **UK Theatre/Equity:**

Commercial (1,500 seats +)	▪ Rehearsals	£464.60 p/w
	▪ Performance	£497.25 p/w
Commercial (500-1,499 seats)	▪ Rehearsals	£459.55 p/w
	▪ Performance	£479.40 p/w
Commercial (250-499 seats)	▪ Rehearsals	£434.30 p/w
	▪ Performance	£459.00 p/w
Commercial (up to 249 seats)	▪ Rehearsals	£363.60 p/w
	▪ Performance	£367.20 p/w
Subsidised		£454.50 p/w

### **SOLT/Equity:**

West End (1100+ seats)	£712.73 p/w
West End (800-1099 seats)	£648.34 p/w
West End (up to 799 seats)	£583.38 p/w

### **Equity Fringe:**

Rates are negotiated on an individual basis. However, the hourly rate cannot fall below the National Minimum Wage.

## **WORKING HOURS**

### **What the law states**

Workers cannot work more than an average of 48 hours a week, unless they agree to more hours or they do a job not covered by this law (e.g., ambulance workers, firefighters etc.).

If a worker has more than one job, they must work no more than an average of 48 hours a week ***in total*** across both jobs. There are different rules on working hours for under-18s.

If you agree to work more than 48 hours in a week, your hours in the future will then be reduced to even out the weekly average.

Working hours do not include:

- breaks when no work is done, such as lunch breaks
- travelling outside working hours unless requested by the employer
- volunteered unpaid overtime
- paid or unpaid holiday
- travel to and from work (if the employee has a fixed place of work)

### **What the contracts for performers and stage managers state**

Working time does not include breaks, travel between home/local accommodation and the place of work, and overnight travel required by the company.

#### **ITC/Equity:**

- |  |              |
|--|--------------|
| ▪ Rehearsals                                 | 43 hours p/w |
| ▪ Production/Tech (only 1 week)              | 47 hours p/w |
| ▪ Performance (with no other calls)          | 35 hours p/w |
| ▪ Performance (with calls e.g. photo shoots) | 43 hours p/w |

#### **UK Theatre/Equity:**

##### **Commercial:**

- |                   |              |
|-------------------|--------------|
| ▪ Rehearsals      | 43 hours p/w |
| ▪ All other weeks | 46 hours p/w |

**Subsidised:**

- Rehearsals 43 hours p/w
- Production/Tech 46 hours p/w
- Performance (with press night or Christmas show) 43 hours p/w
- Performance 40 hours p/w

**SOLT/Equity:**

- All weeks 48 hours p/w

**Equity Fringe:**

- All weeks (excluding overtime) 40 hours p/w
- All weeks (with overtime) 48 hours p/w

## **REST BREAKS**

### **What the law states**

A worker has the right to an uninterrupted break of at least 20 minutes if they work more than 6 hours in a day.

It's up to the employer whether they offer longer or extra breaks in the working day, such as a lunch hour. Breaks are unpaid unless stated in the contract or mutually agreed.

A worker is also entitled to:

- 11 hours of rest between finishing work and starting the next day
- 24 hours of rest in each 7-day period
- 48 hours of rest in each 14-day period, taken as one block of time or 2 separate 24-hour breaks

If a worker needs to miss a rest break for some reason, they must take their break later or in a different way, sometimes known as 'compensatory rest' and should be the same length and type as the missed break.

### **What the contracts for performers and stage managers state**

#### **ITC/Equity:**

- |  |            |
|--|------------|
| ▪ Maximum length of working day                    | 10 hours   |
| ▪ Tea breaks (within continuous period of 3 hours) | 15 mins    |
| ▪ Meal breaks                                      | 1 hour     |
| ▪ Overnight break                                  | 11 hours   |
| ▪ Free days  | 1 per week |

#### **UK Theatre/Equity:**

##### **Commercial:**

- |  |                    |
|--|--------------------|
| ▪ Rehearsals – length of day exclusive of breaks   | 9:00am – 10:00pm   |
| ▪ Other weeks – length of day exclusive of breaks  | 8:30am – 11:30pm   |
| ▪ Tea breaks (within continuous period of 3 hours) | 15 mins            |
| ▪ Meal breaks (after period of 5 hours work)       | 1 hour             |
| ▪ Overnight break                                  | 11 hours           |
| ▪ Free days  | 2 days per 2 weeks |



### **Subsidised:**

- |  |                  |
|--|------------------|
| ▪ Length of day exclusive of breaks                | 8:30am – 11:30pm |
| ▪ Tea breaks (within continuous period of 3 hours) | 15 mins          |
| ▪ Meal breaks (after period of 5 hours work)       | 1 hour           |
| ▪ Overnight break                                  | 11 hours         |
| ▪ Free days  | 1 per week       |

### **SOLT/Equity:**

- |  |                  |
|--|------------------|
| ▪ Length of day exclusive of breaks                | 8:30am – 11:30pm |
| ▪ Tea breaks (within continuous period of 3 hours) | 15 mins          |
| ▪ Meal breaks (after period of 5 hours work)       | 1 hour           |
| ▪ Overnight break                                  | 12 hours         |
| ▪ Free days  | 1 per week       |

### **Equity Fringe:**

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|--|------------|
| ▪ Length of day inclusive of meal breaks           | 10 hours   |
| ▪ Tea breaks (within continuous period of 3 hours) | 15 mins    |
| ▪ Meal breaks                                      | 1 hour     |
| ▪ Overnight break                                  | 11 hours   |
| ▪ Free days  | 1 per week |

## **TIME OFF**

### **What the law states**

#### **Holiday (statutory annual leave)**

Workers have the right to paid holiday whether they work full time, part time or under a zero-hours contract. They build up ('accrue') holiday entitlement from the first day they start working.

A full-time worker is entitled to a minimum of 5.6 weeks' paid holiday per year which equates to 28 days and can include the 8 bank holidays. If the bank holidays are not included in the holiday entitlement, the employer does not have to give these days off.

A part-time worker will be entitled to a proportional ('pro rata') number based on how many days or hours they work.

When a worker takes holiday, they should be paid the same amount as when they're at work.

Apart from annual holiday entitlement, a worker might need time off work for reasons such as sickness, bereavement or medical appointments. Each workplace will most likely have an absence policy that sets out acceptable reasons for absence and which are paid.

#### **Sickness**

If a worker is absent due to sickness for 7 calendar days or less (including weekends), they need to inform their employer they are not well enough to work. This is known as 'self-certifying' and the worker will be paid sick pay as outlined in their contract. They do not need a fit note (previously known as a sick note) and no further medical evidence is required.

If a worker is absent for longer than 7 calendar days, they need to provide a fit note. This is an official written statement from a doctor giving their medical opinion on a person's fitness for work.

An employer can ask for a doctor's report about the worker's health if it's needed to assess if they are fit to carry out their work and to prevent any health and safety risks or disability discrimination. Medical records can only be requested with the worker's consent.

## What the contracts for performers and stage managers state

### ITC/Equity:

- Holiday:**
- Entitlement: 7/13 of a day for each full week worked.
  - Time off: To be taken as a block of at least 1 week (6 holiday plus 1 free day).
  - Payment in lieu: If holiday cannot be taken, payment will be given instead as a lump sum at the end of the engagement based on the basic pay.

- Sick Leave:**
- Self-certification: Up to 7 days.
  - Fit note: Over 7 days.
  - Payment: 1 week at the full base salary.  
3 weeks at half of the base salary.  
Then at least Statutory Sick Pay.

### UK Theatre/Equity:

- Holiday (Commercial):**
- Entitlement: 28 days per year or pro rata for part-years.
  - Time off: To be taken as a block of at least 1 week (6 holiday plus 1 free day).
  - Payment in lieu: If holiday cannot be taken, payment will be given instead as a lump sum at the end of the engagement based on the basic pay.

- Sick Leave (Commercial):**
- Self-certification: Up to 7 days.
  - Fit note: Over 7 days.
  - Payment: **Rehearsals:**
    - 4 weeks at 1/6 of basic salary.
    - If over 4 weeks, then the right to terminate the contract applies.

- Performance:**
- 4 weeks on a pro rata basis of their basic performance salary. Any absence payments made during rehearsals will be deducted.

- If over 4 weeks, then either the continuation of basic performance salary or the right to terminate the contract applies.

**Holiday (Subsidised):**

- |                  |  |
|------------------|--|
| Entitlement:     | ▪ 28 days per year or pro rata for part-years rising to 30 days for those with 5 years continuous service with the same manager. |
| Time off:        | ▪ To be taken as a block of at least 1 week<br>▪ (6 holiday plus 1 free day).  |
| Payment in lieu: | ▪ If holiday cannot be taken, payment will be given instead as a lump sum at the end of the engagement based on the basic pay.   |

**Sick Leave (Subsidised):**

- |                     |   |
|---------------------|---|
| Self-certification: | ▪ Up to 7 days.   |
| Fit note:           | ▪ Over 7 days.  |
| Payment:            | ▪ 6 weeks at full basic salary for a 12-month contractual period or pro rata for any contract less than 12 months.<br>▪ If over 6 weeks, then either the continuation of basic performance salary or the right to terminate the contract applies. |

**SOLT/Equity:**

**Holiday:**

- |                  |  |
|------------------|--|
| Entitlement:     | ▪ 28 days per year or pro rata for part-years rising to 30 days for those with 5 years continuous service with the same manager.   |
| Time off:        | ▪ If accrued holiday is 6 or more days, the holiday must be taken as a block of at least 1 week (6 holiday plus 1 free day).<br>▪ If accrued holiday is 12 or more days, then at least 2 weeks is taken. |
| Payment in lieu: | ▪ If holiday cannot be taken, payment will be given based on the average rate salary.  |

Self-certification:  
Fit note:  
Payment:

**Sick Leave:**

- Up to 7 days.
- Over 7 days.  
The duration of paid Incapacity Salary, inclusive of eligible statutory sick pay, is based on the length of contract as follows:
  - 0 – 13 weeks: 1 week incapacity salary
  - 14 – 26 weeks: 2 weeks incapacity salary
  - 27 – 39 weeks: 3 weeks incapacity salary
  - 40 – 52 weeks: 4 weeks incapacity salary

**Equity Fringe:**

Entitlement:  
Time off:  
Payment in lieu:

**Holiday:**

- 7/13 of a day for each full week worked.
- To be taken at a date agreed by the company.
- If holiday cannot be taken, payment will be given instead as a lump sum at the end of the engagement based on the basic pay.

Self-certification:  
Fit note:  
Payment:

**Sick Leave:**

- Not stated.
- Not stated.
- Full basic salary for at least 2 days per month.
- Statutory Sick Pay for remainder of contract.
- After 1 week of absence, the right to terminate the contract applies.

## **TRAVEL, ACCOMMODATION & MEALS**

There are different allowances depending on whether you need to relocate from home for the duration of the contract or are travelling from home each day.

No comparison has been presented with general worker entitlements because these allowances are particular to performers and stage managers. There are also additional allowances for touring not covered here.

### **ITC/Equity:**

- |                   |   |
|-------------------|---|
| Travel from home: | ▪ Reimbursement of travel costs incurred above £25.20 p/w for up to 16 weeks.   |
| Relocating:       | ▪ Reimbursement of travel costs between home and the company base at the beginning and the end of the engagement.<br>▪ Payment for accommodation costs up to £129 p/w (London) or £104.80 p/w (outside London) for up to 16 weeks if living 25+ miles from home. Alternatively, the company provides and pays for the accommodation directly. |

### **UK Theatre/Equity:**

#### **Commercial:**

- |                   |   |
|-------------------|---|
| Travel from home: | ▪ Reimbursement of travel costs if the home address is between 15 and 25 miles from the place of work.  |
| Relocating:       | ▪ Reimbursement of travel costs between home and the company base at the beginning and the end of the engagement.<br>▪ A Subsistence Allowance of £172 p/w for up to 13 weeks if living 25+ miles from home covering rehearsals and performance weeks if the production is at one venue only. |

#### **Subsidised:**

- |                   |  |
|-------------------|--|
| Travel from home: | ▪ Reimbursement of travel costs equivalent to an appropriate season ticket if the home |
|-------------------|--|

address is between 15 and 25 miles from the place of work.

Relocating:

- A Commuting Allowance of £155.55 p/w for up to 13 weeks if the home address is over 25 miles from the place of work.
- Reimbursement of travel costs between home and the company base at the beginning and the end of the engagement.
- A Relocation Allowance of £181.05 p/w

### **SOLT/Equity:**

Relocating:

- A West End Relocation Allowance of £175.22 p/w for up to 13 weeks if the home address is 60 miles or more from Charing Cross.
- There are a few conditions where the West End Relocation Allowance is not payable, such as if the performance salary is £2,400 or more.

## **FINAL THOUGHTS**

This guidance covers just a small fraction of entitlements set out in the contract examples we've looked at. If you're a member of Equity, you can log onto your online profile where you will find many of these examples in the members section under ***Rates and Agreements***.

Contracts can be daunting, but it's important to know your rights before entering an engagement with a theatre or a company. It's an industry that often involves working away from home, meaning you need to factor in the additional costs of travel, accommodation and food, and understand what financial support you are entitled to.

It's clear that most of the entitlements offered for performers and stage managers go above and beyond what the lawful entitlements are for workers.

If you have an agent, it will be their job to scrutinise the contract. If you're just starting out and don't yet have representation, then it's down to you. Even if you have an agent, it's always worth checking it yourself and knowing what you're agreeing to.

## **LINKS**

HMRC	<a href="http://www.gov.uk/employment-status">www.gov.uk/employment-status</a>
ACAS	<a href="http://www.acas.org.uk">www.acas.org.uk</a>
Equity	<a href="http://www.equity.org.uk">www.equity.org.uk</a>
Independent Theatre Council	<a href="http://www.itc-arts.org">www.itc-arts.org</a>
UK Theatre	<a href="https://uktheatre.org">https://uktheatre.org</a>
Society of London Theatres	<a href="https://solt.co.uk">https://solt.co.uk</a>

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