



## **Response to the Smoke-free Premises etc. (Wales) (Amendment) Regulations 2012**

### **Introduction**

BECTU (**Broadcasting Entertainment Cinematograph and Theatre Union**) is the independent trade union for those working in **broadcasting, film, theatre, entertainment and interactive media**. In the context of television and film BECTU represents a broad range of highly skilled professionals including **production, craft grades, camera and sound crews, animators, post production, technical, construction and clerical**. We have approximately **24,500 members** in the UK with approximately **1,500** members in Wales. Many of our members are employed by **broadcasters BBC Wales, S4C and ITV Wales** but the majority are **freelance / sole traders**, run **micro enterprises** or work on **fixed term or rolling contracts** for **independent production companies**. Our members work on a very broad range of productions in **Wales, the UK and globally**.

### **Context**

This information has been provided to demonstrate the current challenges faced by those working in the sector in Wales and how the rejection of this amendment could severely damage the work prospects of those working in the industry and undermine the Welsh Government's own economic policies.

The Creative Industries sector in Wales (that includes television and film) is amongst the fastest growing of the key sectors identified in the Welsh **Government's Economic Renewal: A New Direction**.

It includes:

- those industries which have their origin in individual creativity, skill and talent; and
- have a potential for wealth and job creation through the generation and exploitation of intellectual property.

Over the next few years in Wales we face at least **20% cuts at BBC Wales** and around **40% cuts at S4C**, this is currently leading to ongoing job losses at both broadcasters and has resulted in **redundancies** at the independent production companies that provide television programmes for these broadcasters. The cuts have also been detrimental to the employment of our freelance workforce, some are struggling to make a living and others are leaving **the industry** and taking their skills and expertise with them. The impact of these cuts is that the combined loss of highly trained and experienced professionals and a further decline in programme budgets will mean that both broadcasters will continue to lose the **ability** and **capacity** to **create high quality content for viewers in Wales.**

BECTU welcomes the significant increase in BBC network productions being produced in South Wales in particular, although along with our sister union Equity that represents performers, we have genuine concerns regarding the lack of Wales based crews and actors used on many of these prestigious productions. We also have concerns of some productions being branded as BBC Wales productions but are neither shot, crewed or cast in Wales.

A vast majority of the TV and Film industry in the UK is based in the London area, however there has been pressure in the past few years for a greater number of productions to be made in the nations and regions, unfortunately the number of network productions produced in Wales from UK broadcasters such as Channel 4, ITV and Sky remains very low. In the late 80's early 90's Wales had the second largest number of people working in TV and film outside of

London and the South East, however we have now moved down to around 5<sup>th</sup> position.

As a result of ongoing cuts in programme budgets and the increased **casualisation** of the sector many people are leaving the industry. The impact on women in Wales has been severe with the number of women working in creative media falling from **38% of the industry in 2006 to 28% in 2009**, this compares with 38% of women working in the sector in England in 2009.

### **The Consultation**

BECTU generally wholeheartedly supports a ban on smoking in places where our members, other workers and the public work, and we are particularly proud that Wales implemented smoke-free premises at an early stage. However we also support the amendment for the exemption from the smoke free requirements for performers as long as the amendment is adhered to as outlined in this consultation, and we would add the following **recommendations:-**

- only to be used where smoking is key to the story line for historical or realistic character portrayal;
- is not used to glamourise or to portray smoking in a positive manner;
- only to be used if smoking cannot be replicated by the use of cigarette alternatives;
- a comprehensive health and safety risk assessment is undertaken
- by a competent person (e.g. a fully trained trade union health and safety representative) to include a detailed account of ventilation and smoke removal procedures thereby minimising any potential health risks to cast and crew

Please find below a brief response to specific questions outlined in the consultation document:

**Is there a commercial need for this amendment to exempt performers from smoke-free requirements?**

Yes there is a very compelling commercial need for this amendment. Without this exemption it is our belief that the TV and Film Industry in Wales will suffer due to there being an exemption in England. It is currently very difficult to attract productions into Wales and this will add further barriers and in some cases genuine artistic reasons for not bringing TV and Film productions here.

**Will this amendment achieve its aim of supporting the television and film industry in Wales?**

Yes, we believe that this amendment will contribute to its aim of supporting the television and film industry in Wales.

**Is there sufficient clarity about the circumstances in which the exemption applies?**

We believe this could be improved, clarification required for point two (see recommendations page 3 above.)

**Do the conditions offer adequate protection to other performers, production staff and members of the public?**

Not completely, however we believe that this could quite easily be remedied. See the recommendation above regarding health and safety risk assessments including ensuring that the premises are properly ventilated and that extraction processes are in place.

**Might there be unintended consequences of introducing this exemption?**

Yes. BECTU strongly believes that without this partial exemption there would be a further detrimental impact on the industry in Wales that could lead to more of our members either leaving the industry, leaving Wales or spending more of their time working outside of Wales. We also feel that this could have a greater impact on women (many who don't have the flexibility of working for long periods

away from home) who often take on a greater amount of caring responsibilities making it difficult to sustain a career in the industry in Wales during what is already a challenging time (see information under context above.)

BECTU also believes that this undermines the Welsh Government's own sectoral priorities and hasn't considered the impact on protected groups as required under the GOWA 2006 (equality impact.)

### **What health policy considerations are relevant to this amendment?**

BECTU believes that with the appropriate health and safety risk assessments being undertaken the risk to those working on the production should be minimal. Please also note our comment regarding not promoting smoking in any way. BECTU also feels strongly that the unions that represent those working in television and film are best placed to provide a realistic view on its impact on working people.

Finally please find below some comments from our members in Wales:-

"It seems ridiculous to me that we can film rape, murder, child abuse, misogyny, all kinds of extreme violence and its all fine as long as no one is smoking while its done."

"I'd probably prefer it if my kids didn't see smoking as cool or in any positive light really.....as its just self destruction. So I see where they are coming from, but I don't agree with a dumb blanket 'it doesn't exist' ban either. Especially if its bad for an industry that creates things and has to be realistic! Unban the ban."

#### **David Donovan**

Swyddog Genedlaethol Cymru  
National Officer for Wales  
029 20666 557  
[ddonovan@bectu.org.uk](mailto:ddonovan@bectu.org.uk)

#### **Siân Gale**

Cadeirydd, Cangen Llawrydd De Cymru,  
Chair, South Wales Freelance Branch  
029 2032 2582  
[sian@bectu.org.uk](mailto:sian@bectu.org.uk)

