

A Guide for Parents/Guardians of Child Performers

The new *Worker Recruitment and Protection Act* improves protections for children in the talent and modeling industry by making the agency and the parents/guardians of child performers jointly responsible for the safety and well-being of the child. This page highlights the new protections and the obligations of the people who work with child performers.

What constitutes a child performer?

Anyone under the age of 17 who performs as an actor, extra, musician, singer, dancer, entertainer, or a model promoting an idea or service.

Is a licence required to work with child performers in Manitoba?

Yes, talent agencies and businesses engaged in child performer recruitment must have a licence from the Employment Standards Branch before they can promote, audition, scout or recruit a child performer.

A child under the age of 17, who will be promoted by a talent agency, must have a Child Performer Permit from the Employment Standards Branch.

The offence of operating without a licence or contravening the legislation is subject to fines as high as \$25,000.00 – \$50,000.00.

Why protect child performers?

- Children in the talent industry are not adequately protected from sexual exploitation by agencies, recruiters, photographers, and clients that often prey on their hopes and desires
- Practices that were normalized for the treatment of adults are under increased scrutiny as the public realizes the industry is sexually exploiting young children
- The average age of fashion models has steadily decreased – now commonly 12–16 years old
- Media reports worldwide link the trafficking and exploitation of women and children to the talent industry
- Canada is one of the top exporters of models to other countries, including a rising number of Manitoba children
- Thousands of Manitoba children, primarily girls, are trying to break into the business

Are child performers protected by existing laws?

Yes, *The Worker Recruitment and Protection Act* compliments the work of law enforcement and child protection authorities in dealing with child sexual exploitation by clearly defining acceptable and unacceptable practices for working with children in the talent industry. The Act helps parents/guardians and agencies recognize and prevent the potential for exploitation before it happens.

Parents/guardians and agencies involved with child performers are sent information packages, highlighting their shared responsibilities in protecting children. The information will identify how to recognize the signs of abuse and outline the proper procedures for reporting situations where abuse may be occurring.

Why do child performers need a permit?

The permit system gives parents/guardians, the talent agency, and the Employment Standards Branch a chance to make sure the work is done in socially appropriate settings, with the right supervision, and does not affect the health, safety or wellbeing of the child.

The permit system also allows the Province to confirm the agency is licensed, and to introduce the "Code of Conduct for Working with Child Performers" that must be followed.

How do I apply for a Child Performer Permit?

An application form can be found on the web site at www.manitoba.ca/labour/standards/forms.html or by contacting the Employment Standards Branch. The completed form can be taken, mailed, or faxed to the Employment Standards Branch office.

The Child Performer Permit application will not proceed unless the talent agency promoting the child is licensed with Employment Standards.

How much does a Child Performer Permit cost?

There is no fee for a Child Performer Permit. Permits are given one time per child, per agency and are valid as long as the child works with that agency (or until the child turns 17).

When do I apply for a child performer permit?

Child performers must have approval from the Employment Standards Branch before they can be promoted by a talent agency. Once an agency decides it will promote a child, the application can be filled out. When the application has been approved the applicant and talent agency are each mailed a copy of the permit and work may begin.

What kind of information is required to apply for child performer permit?

The following information is required:

- name, age, address, contact information of the child and the talent agency

- signatures of the child's parent or guardian and a representative of the talent agency

Are there restrictions for a child performer?

The Child Performer Permit will have terms and conditions. Some will be similar to the protections for young workers under *The Employment Standards Code*.

For example:

- During a school week, a child under 17 years old can only work 20 hours or less.
- During vacations like Christmas and summer, it may be possible to work more.

Along with the permit, the applicant and the talent agency will receive a "Code of Conduct for Working with Child Performers", which outlines acceptable and unacceptable behaviour for those working within the child talent industry.

What is the purpose of the "Code of Conduct for Working with Child Performers"?

The code of conduct was developed by the Canadian Centre for Child Protection and law enforcement officials who are experts in issues related to the exploitation of children. It outlines the shared responsibility between parents/guardians and agencies that work with child performers to protect children from those who see the industry as a way to get access to children for the purpose of exploitation.

The code of conduct will be included with the licences and Child Performer Permits along with information on the signs of abuse and what to do if you suspect that abuse may be occurring. Anyone seeking a licence to work with child performers will be required to follow the code of conduct.

What is required by the "Code of Conduct for Working with Child Performers"?

Talent agencies promoting child performers must conduct themselves appropriately and take seriously their obligation to ensure all people working with children act safely and appropriately.

Agencies cannot substitute for a parent's or guardian's ability to watch their children, and their children's work environment, for signs of abuse or misconduct. Parents/guardians must be familiar with the code of conduct and the activities of their children who work as performers. They need to understand the risk of abuse and they must be present at the job location or readily available to their children when they are working as performers. Parents/guardians must be prepared to take action in reporting anyone who does not follow the code.

For more information read the [Code of Conduct for Working with Child Performers](#) and [Child Sexual Abuse: it is your business](#).

What happens to the permit if a child performer changes agencies?

Permits are given one time per child, per agency and are valid as long as the child works with that talent agency (or until the child turns 17). If the agency changes, the child and the new agency need a new permit.

Can child performers work with an unlicensed talent agency or recruiter?

There is only one instance when a child performer may work with a business that is not licensed by Employment Standards: if the child is a member of the Alliance of Canadian Cinema, Television and Radio Artists (ACTRA) and is performing work at a workplace where ACTRA is the child's bargaining agent.

No other person or business can legally promote child performers in Manitoba without a valid licence from the Employment Standards Branch.

How do I know if someone is licensed?

The only way to know for sure is to check the web site at www.manitoba.ca/labour/standards or by contacting the Employment Standards Branch. The names of all people or companies holding a valid licence will be posted on our web site. If they are not on the list, they are not licensed.

When can work with a child performer begin?

A recruiter and a talent agency must first receive their licence. A child performer may start work with a licensed agency once he or she receives the Child Performer Permit.

Can fees be charged to a child performer?

No fees may be charged to a child performer, or a family member on his or her behalf, related (directly or indirectly) to seeking or finding work.

When dealing with legitimate agencies and recruiters:

- they will charge their clients, not the child performer they are promoting
- they will only recommend other services, such as photography and training, that are actually needed
- where to get other services will be a choice of the child and his or her parent/guardian
- who provides the other services will not be a condition of the agency promoting the child

What fees can be charged by a photographer, instructor, or other person offering services in the talent industry?

The Worker Recruitment and Protection Act does not regulate the business of talent industry services. What the Act does regulate is the business of talent agencies and child performer recruitment.

Who pays the fees associated with photography, training or instruction, etc?

If these other services are required, where to get the services is a choice of the child and his or her parent/guardian, and who provides the services must not be a condition of the agency promoting the child. The fees are the responsibility of the child or his/her parent/guardian.

How are child performers protected?

The Employment Standards Branch will conduct inspections and investigations and background checks to make sure the people working with child performers are reputable, conduct themselves appropriately, and take seriously their obligation to ensure child safety.

If it is discovered a person or business contravened the legislation, or did not abide by the "Code of Conduct for Working with Child Performers", the Director of Employment Standards has the ability to refuse, suspend or revoke a licence or permit, and will take whatever action is necessary to protect a child's interest.

What can parents/guardians do to protect their child from exploitation in the talent industry?

Unscrupulous people prey on children with the promise of glamorous lifestyles, travel and money. If your child is approached in a mall, invited to a photo-shoot, or told at a talent search fair that they have the potential to become the next top model, you should be very cautious. The age of models has been decreasing steadily making these children (star-struck and hopeful) extremely vulnerable to people who use the industry to gain access to children.

1. If you or your child is approached by someone offering opportunities in the talent industry, check the web site at www.manitoba.ca/labour/standards to be certain the person is licensed.
2. Be familiar with the "Code of Conduct for Working with Child Performers" and know the risks.
3. Be present at the job location or readily available to your child when they are working as performers.
4. Watch your child, and his or her work environment, for signs of abuse or misconduct.
5. Take action in reporting anyone who does not follow the code of conduct.
6. If you are asked to pay fees related to seeking or finding work for the child performer, contact the Employment Standards Branch to discuss the matter.

Who do I contact to report suspicion of abuse or misconduct?

If you have suspicion, based on reasonable grounds, to believe a child is in need of protection call 1-866-345-9241.

For more information contact Employment Standards:

Phone: 204-945-3352; or toll free in Canada 1-800-821-4307

Fax: 204-948-3046

E-mail: employmentstandards@gov.mb.ca

Website: www.manitoba.ca/labour/standards

This is a general overview and the information used is subject to change. For detailed information, please refer to current legislation including *The Employment Standards Code* and *The Worker Recruitment and Protection Act*, or contact Employment Standards to ask for advice.

How does Employment Standards determine if someone is a volunteer ?

To avoid disputes, it is best that the volunteer and the organization they are volunteering with have a signed written agreement clearly stating that the person has agreed to volunteer their services.

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