

Hiring Children in Live Entertainment

INFORMATION SHEET #13

OVERVIEW

This publication is intended for employers, supervisors, and workers who hire children as performers in the live entertainment industry in the province of British Columbia.

Its purpose is to summarize legal requirements the employer, supervisor, and worker should consider when hiring children.

For more information about these legal requirements, **please refer to Division 3, Employment Standards Regulation, B.C. Reg. 396/95.**

Note: July 1, 2021, changes to regulation surrounding the employment of children in the live entertainment industry came into effect.

DEFINITIONS OF EMPLOYEE AND WAGES

The Act defines an **employee** as a person receiving or entitled to wages for work performed for another.

The Act defines **wages** as:

- salaries,
- commissions, or
- money

paid or payable by an employer to an employee for work.



OVERVIEW OF LEGISLATION, REGULATION, AND ADMINISTRATION

Legislation expresses what the law requires.

Regulation expresses how the law is implemented.

Administration ensures that the legislation and the regulation are followed.

Legislation

The **Employment Standards Act (the Act)** sets out the minimum standards that apply in British Columbia workplaces.

Regulation

British Columbia has a regulation that covers non-union children aged 4 to 14 when working as performers in any of these disciplines:

- Theatre
- Dance
- Music
- Opera
- Circus

It is located in **Division 3, Employment Standards Regulation, B.C. Reg. 396/95.**

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Administration

The **Employment Standards Branch** administers both the Act and the Regulation.

Table 1: legislation and regulation

The document	Name	Purpose
The legislation	The Employment Standards Act (the Act)	What the law is
The regulation	Employment standards Regulation, Division 3	How to implement the law

SUMMARY OF THE REGULATION

Limits on daily hours

Children may work a maximum of **8 hours** per day within a **12-hour span**.

However, for a maximum of 4 days per production, a child may work up to 12 hours. These 12-hour days may be used only to rehearse.

Children may not work earlier than 7:30 am and may not work later than 12:30 am.

Hours free from work

Children must have **12 hours** free between work calls.

Children must have **36 consecutive hours** free each week, or overtime payment applies (see Division 3, Employment Standards Regulation, B.C. Reg. 396/95, 45.18 for specifics).

Requirement for child supervisor

The employer must provide a child supervisor that has undergone a vulnerable sector check.

The child supervisor **may not** be:

- the employer
- also working as a performer in the production
- under 19 years of age

The child supervisor **may be** the child's parent or guardian.

The employer may need to hire multiple child supervisors if multiple children are employed.

The number of child supervisors required is based on the number of children employed and their ages.

Table 2: Child-to-supervisor ratios

Child's age	Maximum number of children per child supervisor
4 years to less than 6 years	6
6 years to less than 10 years	10
10 years to less than 15 years	15

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Income Protection

How to calculate the remittance

If a child earns more than \$1,000 per week, the employer must remit part of their earnings to the Public Guardian and Trustee (www.trustee.bc.ca) to hold in trust for the child.

The remittance amount is equal to 20 percent of the amount above \$1,000 per week.

For example:

Table 3: calculating the remittance on earnings greater than \$1,000

Child's earnings	Calculating the remittance
A child earns \$1,500 per week.	$\$1,500 - \$1,000 = \$500$ $\$500 * 20\% = \100 The employer remits \$100 per week

Information to send with the remittance

Employers should provide the following information to the Public Guardian and Trustee when remitting these funds:

- The full amount paid to the child and the portion being remitted.
- The name of the production.
- Confirmation that it was a live (not a recorded) event.

Additionally, employers should provide the following contact information when remitting these funds:

Table 4: Public Guardian's required contact information

The child's	The legal guardian's
<ul style="list-style-type: none"> • full name • date of birth • mailing address • email address • telephone number 	<ul style="list-style-type: none"> • full name • date of birth • mailing address • email address • telephone number



Response from the Public Guardian and Trustee

Upon the funds' receipt, the Public Guardian and Trustee sends the legal guardian a confirmation letter.

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