

The Honourable Minister Nomakhosazana Meth

The Department of Employment and Labour

3 January 2025

Dear Minister

### Meeting Request: Unfair Exploitation in Creative Sector

The South African Guild of Actors (SAGA) requests a meeting, firstly to brief you on recurring issues of non-payment of freelance actors working in Film and TV productions and, secondly, to re-invigorate the sectoral determination project – undertaken by your department at the end of 2019 – which seeks to introduce various appropriate Labour Law provisions to protect freelance workers against unfair exploitation and provide recourse against contractual breaches that induce financial ruin.

SAGA is a registered Non-Profit and Public Benefit Organisation that represents the legal, economic, and contractual rights of professional actors working in Film/TV, live theatre, voice-overs, commercials, and corporate productions. We are a member-based organisation, managed by an executive committee of volunteer leaders. SAGA is a member of the South African Screen Federation (SASFED), and the International Federation of Actors (FIA).

In an alarming development ahead of the recent festive season shutdown, no fewer than four projects left workers unpaid, with no alternative earning opportunities to cover regular expenses of food, rent, fuel, data, and vehicle running costs.

In addition, the start of the 2025 school year brings with it unavoidable costs such as school fees, uniforms, and stationery; the affected workers have nowhere to turn and face financial ruin through no fault of their own. We note that this perennial problem is not limited to actors, but includes background extras, technical crew, and other freelance service providers.

The Cultural and Creative Industries constitute an unregulated sector, which renders freelancers vulnerable to unethical, and abusive labour practices, including the growing trend by Film/TV productions to renege on their contractual obligations to pay their workers.

As atypical workers, engaged as Independent Contractors, actors and other freelance workers are denied protection under Labour Laws, viz: BCEA, LRA, Employment Equity,

#### **SAGA EXECUTIVE COMMITTEE MEMBERS**

Jack Devnarain (Chairman) Adrian Galley (Vice Chair CT) Carlynn de Waal-Smit (Secretary/Treasurer) Daniel Janks (Legal)  
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Hungani Ndlovu (Media and Communications) Londiwe Shange (Vice Secretary Durban)

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National Minimum Wage etc. They are routinely offered contracts that favour the commercial interests of broadcasters and producers, who exploit to their full advantage the workers' lack of bargaining power. Moreover, their freelance status precludes actors and their freelance colleagues from seeking adjudication of contractual disputes at the CCMA and Labour Court.

SAGA is anxious to introduce collective bargaining rights into the sector, thereby aligning with international standard practices. We are of the view that until we establish a collective bargaining forum, tens of thousands of freelance workers in the creative sector – particularly previously disadvantaged people – will continue to face unnecessary hardship. It is only through fair regulation and transformation that we can build a sustainable industry, and this demands intervention at the highest level of government leadership.

SAGA continues to engage with DEL inspectors to report breaches of sectoral determination 10 (gazetted to protect children working in the creative sector), and we are working with the Directorate of Priority Crime Investigations (DPCI) in reporting cases of human trafficking, theft, fraud, and rape. We are happy to brief you on these developments, as we believe the prevalence of serious and violent crime in the sector correlates with the lack of labour law protection.

We reiterate our appeal to you to prioritise the urgent need for a sectoral determination and look forward to briefing you in person on the substance of our proposals.

SAGA wishes you a productive and prosperous New Year, and look forward to your response.

Yours sincerely



Jack Devnarain

SAGA Chairman

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