

The Honourable Minister Gayton Mackenzie
The Department of Sports, Arts and Culture

03 January 2025

Dear Minister

Meeting Request: Unfair Exploitation in Creative Sector

The South African Guild of Actors (SAGA) requests a meeting to brief you on our concerns with recurring issues of non-payment of freelance actors working in Film and TV productions. We note that this problem is not limited to actors, and includes background actors, technical crew, and other freelance service providers.

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, voiceovers, 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).

As atypical workers engaged as Independent Contractors, actors are denied protection under Labour Laws, viz: BCEA, LRA, Employment Equity, National Minimum Wage etc. We are offered contracts that favour the commercial interests of broadcasters and producers, who exploit to their full advantage the actors' lack of bargaining power. Moreover, the actors' freelance status precludes us from seeking adjudication of contractual disputes at the CCMA and Labour Court.

The Cultural and Creative Industry is an unregulated sector, which renders freelancers, particularly previously disadvantaged persons, vulnerable to unethical and abusive labour practices. An example of such abusive practices is a growing trend by Film/TV productions to renege on their contractual obligations to pay actors, technical crew, and background actors for the work they have done.

This is an alarming industry development, not least of all because production work is suspended over the festive season, which leaves actors no alternative earning opportunities. In addition to the regular expenses of food, rent, fuel, data, and vehicle running costs, 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

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face financial ruin through no fault of their own.

SAGA appeals to you to collaborate with the Department of Employment and Labour (DEL) to introduce appropriate Labour Law provisions that protect freelance workers against unfair exploitation, and that provide recourse against contractual breaches that induce financial ruin.

We are 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 charges 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 therefore appeal to you to prioritise the urgent need for industry regulation and look forward to briefing you in person on the urgent issue of non-payment of talent and technical crew.

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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