

SIDELETTER NO. 17

As of April 1, 2021

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Sideletter – Reconciliation, Equity, Diversity and Inclusion

The Negotiating Producers, on the one hand, and the Council and its Council-member Unions, on the other hand (collectively referred to as the “Parties”), recognize their joint interest in promoting reconciliation, equity, diversity and inclusion in the workplace, so that Indigenous people and people from disadvantaged and under-represented groups are provided with employment opportunities and greater representation in the film and television industry in British Columbia. The Parties’ goal in pursuing these initiatives is to increase measurably the diversity in the active workforce in the film and television industry in British Columbia, at all times guided by the British Columbia’s Human Rights Code and its principles.

In furtherance of this goal, the Parties shall form a committee (“Committee”) within thirty (30) days of ratification consisting of:

- a. one representative from the Council;
- b. one representative from each of the Council-member Unions; and
- c. four representatives from the Negotiating Producers.

The Committee shall be co-chaired by one Council-member Union representative and one Negotiating Producer representative.

The Committee’s first meeting shall take place within 30 days of its formation and shall meet on a quarterly basis thereafter. The Committee may choose to meet more frequently as needed to accomplish its work, which shall include the matters described in this Sideletter.

The parties recommend that funding of costs associated with the application for the special program be provided by the BC Motion Picture Training Society, and that the Training Society take any necessary steps to effectuate its provision of funding. The Committee will discuss funding for costs associated with the work of the Committee which are not otherwise borne by the Employer, the Council or its Council-member Unions.

Special Program

The Parties agree to make a joint application for a special program under Section 42 of the British Columbia Human Rights Code (“BCHRC”). The Committee will promptly develop and mutually agree on the elements of the special program.

1. The goals of the special program include to:
 - (a) address under-representation and/or barriers in the industry faced by persons or groups with one or more protected characteristics;
 - (b) provide meaningful employment opportunities that will allow such persons to establish and maintain a career in the industry; and
 - (c) establish accountability and monitoring, including ways to measure and track success in increasing diversity in the active workforce.

2. The Committee will:
 - (a) establish which groups with protected characteristics as set out in the BCHRC (“Protected Characteristics”) are statistically under-represented in the BC film industry as compared to the general BC labour pool, understanding that the purpose of examining the general BC labour pool is to ascertain where gaps exist in representation within the industry;
 - (b) identify those groups the Parties intend to prioritize with the special program, including groups identified in Paragraph 2.(a) above or other groups deemed to be a priority by the Committee (the “Target Group(s)”), and make such recommendations as it considers necessary to ensure that hires and trainees under the special program as set out in this Sideletter reflect these priorities;
 - (c) develop mechanisms to allow the Council-member Unions to collect and maintain a database of persons on the Council-member Union hiring rosters who voluntarily self-identify as having one or more Protected Characteristics;
 - (d) allow Employers to provide meaningful employment opportunities to such persons;
 - (e) allow Employers to seek and hire Trainees from existing Council-member Trainee programs or otherwise;
 - (f) identify and ameliorate specific barriers to entry and retention in the industry, including accommodations;
 - (g) identify how to track, and regularly report to the Parties, success in increasing diversity in the active workforce; and

- (h) agree on the time frame in which the special program shall be in effect, subject to a mutual agreement to make a renewal application to, or otherwise, extend it in whole or in part.
3. As part of the Parties' shared commitment to the goal of increasing diversity, the Parties agree to cooperate in providing whatever additional information the Committee and/or BC Office of the Human Rights Commissioner may require while complying with BC privacy and other applicable law.
4. Subject to approval of the application for the special program, the Parties agree that:
- (a) Employers will be permitted to seek candidates who already possess the skills necessary for work in the industry for employment based on Protected Characteristics;
 - (b) Employers may make such requests to the Council and its Council-member Unions for dispatch of Employees in the Target Groups and to hire Employees based on membership in the Target Groups as set out in this Sideletter.
 - (c) In addition to seeking individuals from the Target Groups who already possess skills necessary for work in the industry, the special program will also seek to recruit and train such Employees to acquire the necessary skills and experience for a career in the industry.
 - (d) The special program will permit collection of information regarding the Protected Characteristics of the existing and future workforce by asking Employees to self-identify, so that the Parties can measure whether they are making progress towards the goal of increasing diversity.
 - (e) The Parties further agree that implementation of special programs or training programs approved under this Sideletter will not constitute a violation of Article 1.20 of the Master Agreement.
5. For greater clarity, and subject to approval under the special program, the following will permit the Employer and the affected Council-member union to agree to hire persons who have voluntarily self-identified as being a member of a Target Group(s) on specific productions as set out below:
- (a) For IATSE Local 891:
 - i. If the Employer is directly hiring Employees, the Employer shall request from IATSE Local 891 a list of those in a particular classification on the Department Roster who are from a Target Group(s). Once due consideration is given to those available individuals on the Department Roster, the Employer may request a list of those in the same classification on the Auxiliary Roster who are from a Target Group(s). If IATSE Local

891 is unable to fulfill the Employer's request from those on the Department Roster or Auxiliary Roster, the Employer may engage a qualified individual from the Target Group from outside the Department Roster/Auxiliary Roster pursuant to the special program under this paragraph 5(a)i. The maximum number of individuals hired pursuant to the preceding sentence at any given time shall be limited to no more than one (1) in any one (1) department. Further, an Employer may only hire an individual from outside the Department Roster/Auxiliary Roster pursuant to this paragraph 5(a)i. in a particular department if at least one (1) individual on either the Department Roster or Auxiliary Roster is engaged in that department, provided that a qualified individual from the Department Roster or Auxiliary Roster is available.

- ii. If the Employer is requesting Employees through Dispatch, the Employer may request priority Dispatch under the special program of individuals from the Target Group(s), and IATSE Local 891 will dispatch individuals in the Target Group(s), if any are available. Such requests shall be limited at any given time to one (1) in departments of two (2) to seven (7) Employees and two (2) in departments of eight (8) or more Employees.
- iii. Any individual hired under i. shall be included in the aggregate number of persons dispatched under ii. The aggregate number of individuals hired on a production under i. and ii. above shall be limited to no more than twelve (12) at any given time.
- iv. For purposes of this paragraph 5(a), the departments shall be as follows: Accounting; Art; Construction/Painting; Costume; Editing; First Aid/Craft Service; Greens; Grips; Hair; Lighting/Electrics; Make-Up; Production Office; Props/Set Decorating; Script Supervisor/Continuity Coordinator; Sound/Video; and Special Effects.
- v. An individual not on the Department Roster/Auxiliary Roster who has worked at least one (1) day pursuant to the special program provisions of paragraph 5(a)i. above shall be entitled to the same priority in hiring and layoff pursuant to the 'Order of Dispatch' provisions in paragraph 5 of Article A1.09 and the provisions of Article A1.11 as is applicable to any individual on the Auxiliary Roster in the same classification. That is, that individual may be hired directly by the Employer notwithstanding the fact that qualified persons on the Auxiliary Roster may be available. The individual may also continue to be hired pursuant to the special program provisions of paragraph 5(a)i. above. The Union shall maintain a listing of individuals who, by virtue of their employment under paragraph 5(a)i. above, are entitled to the same priority in hiring as any person on the Auxiliary Roster. The Union shall make the list freely available to Employers in a form in which it can be readily accessed.

- (b) For Teamsters Local Union No. 155:
- i. If the Employer is requesting Employees who belong to a Target Group through Dispatch Referral, the Employer may ask Teamsters Local Union No. 155 to dispatch members from its Membership Roster who are from the Target Group, based on their seniority relative to other members who are from that Target Group. If no available members have identified as belonging to the Target Group, the Employer may ask the Union to dispatch individuals who are from that Target Group from the Teamsters' permittee list. If no qualified individual on the permittee list is available, the Employer may engage a qualified individual from outside Groups 1 and 2 and outside the permittee list pursuant to paragraph 5(b)ii. below.
 - ii. If Teamsters Local Union No. 155 is unable to fulfill the Employer's request from Groups 1 or 2 (or from those on its permittee list in the case of an Employer who has elected to ask the Union to dispatch individuals from the Target Group from the permittee list), the Employer may engage a qualified individual from the Target Group from outside Groups 1 and 2 and the permittee list pursuant to the special program under this paragraph 5(b)ii. The maximum number of individuals hired pursuant to this paragraph 5(b)ii. at any given time shall be limited to two (2) per production with no more than one (1) in the Transportation department and one (1) in the Security department. Further, an Employer may only hire an individual under this paragraph 5(b)ii. in the Transportation department if at least one (1) individual from Group 1 or Group 2 is engaged in that department, provided that there is a qualified individual from Group 1 or Group 2 available.
 - iii. If the Employer is requesting an employee by name and the person so requested is from the Target Group and accepts the job, then the Union will refer that person in accordance with the individual's seniority relative to other individuals in Group 1 or 2 or on the permittee list who are from that Target Group.
 - iv. The Employer shall be limited to requesting a maximum, per production and at any given time, of two (2) special program hires in departments with ten (10) or more employees, and one (1) special program hire in departments with fewer than ten (10) employees.
 - v. Nothing in this provision shall prevent Teamsters Local Union No. 155 from referring people belonging to Target Groups in Groups 1 or 2 or on the permittee list through the regular operation of its referral practices above the maximums set out in this provision.
 - vi. An individual who is not in Group 1 or 2 nor on the permittee list and who is employed pursuant to paragraph 5(b)ii. above shall be entitled to the same priority in hiring and layoff as is applicable to any individual on the

permittee list. The individual may also continue to be hired pursuant to the special program provisions of paragraph 5(b)ii. above. The Union shall maintain a listing of individuals who, by virtue of their employment under paragraph 5(b)ii., are entitled to the same priority in hiring as any person on the permittee list. The Union shall make the list freely available to Employers in a form in which it can be readily accessed.

- (c) For ICG 669:
 - i. It is mutually understood that an Employer may hire an Employee from a Target Group from the short-term and long-term availability lists for ICG 669 under the special program.
 - ii. If there is no available Employee from the Target Group on the ICG 669 availability list(s), the Employer may engage one (1) qualified individual at any given time from outside the current membership pursuant to the special program under this paragraph 5(c)ii. An ICG 669 trainee who has already been assigned to the production shall not be displaced by an individual hired under this paragraph 5(c)ii.
 - (d) Individuals hired pursuant to paragraphs 5(a), (b) and (c) above shall not be subject to any bumping provisions.
6. An individual hired pursuant to the special program must have resided in British Columbia for at least six months prior to being hired and must be a citizen or permanent resident of Canada, unless the individual is a recognized refugee in Canada. The applicable Council-member Union shall not unreasonably deny a request by an Employer to waive the foregoing requirements for an individual who has demonstrated a commitment to residing in British Columbia. Persons hired pursuant to the special program shall work under the Master Agreement or Supplemental Master Agreement, as applicable.
7. An individual hired pursuant to the special program must successfully complete the Workplace Hazardous Materials Information Systems (WHMIS) course on or prior to the individual's first day of employment, and must successfully complete the following courses within the same timeline as is applicable to any other individual working under the Master Agreement or Supplemental Master Agreement:
- (a) Actsafe Motion Picture Safety 101 – General Safety Awareness; and
 - (b) MPPIA Motion Picture Industry Orientation (including the Motion Picture Industry Orientation exam).
8. If an individual hired pursuant to the special program completes a course specified in paragraph 7 above while in the employ of an Employer, the Employer shall reimburse the individual for the cost of the course and shall compensate the individual for time spent in completing the course at the individual's straight time contracted hourly rate.

9. Any individual hired pursuant to the special program whose job duties cannot be performed without fulfilling a statutory entrance requirement(s) (e.g., OFA level 3 for First Aid/Craft Service, Red Seal certificate and/or Beauty Council of BC Certificate of Qualification for Hair; Professional Cook Red Seal Endorsement, Elevated Platform tickets, Forklift tickets, Firearms PAL, Class 1, or 3/4 Driver's License, Security Worker License) must satisfy the requirements prior to working on a production.

Training Program

10. The application for the special program will include provisions which allow the Committee and the affected Council-member Union to modify established training programs or develop new ones to hire trainees from the Target Group(s) ("Trainees"), so that they will have opportunities for hands-on training and continued work in the film and television industry in British Columbia.

IATSE Local 891 Training Program

11. Subject to approval of the application for the special program, the following provisions will be implemented with respect to IATSE Local 891:
 - (a) Trainees must have resided in Canada for at least six months prior to commencing participation in the training program and must be citizens or permanent residents of Canada, unless the trainee is a recognized refugee in Canada. IATSE Local 891 shall not unreasonably deny a request by an Employer to waive the foregoing requirements for an individual who has demonstrated a commitment to residing in British Columbia.
 - (b) On each production, the Employer may place one Trainee in each recognized department of IATSE Local 891. During the assignment, the Trainee may learn and perform bargaining unit work within an otherwise fully staffed department. Trainees in this capacity will not displace any crew members working under the terms of the BCCFU Master Agreement and will be an additional position in the department. The Employer will consult the department head about the placement. Trainees are not to be utilized to displace experienced Employees and shall work under the supervision of the appropriate department head.
 - (c) Any such Trainee must successfully complete the Workplace Hazardous Materials Information Systems (WHMIS) course on or prior to the first day of employment, and must successfully complete the following courses within sixty (60) calendar days of their first day of work on a production:
 - i. Actsafe Motion Picture Safety 101 – General Safety Awareness; and
 - ii. MPPIA Motion Picture Industry Orientation (including the Motion Picture Industry Orientation online exam).

- (d) The Employer shall reimburse the Trainee for the cost of the courses in paragraph 8(c) above and shall compensate the Trainee for time spent in completing such courses at the rate specified in paragraph 8(f) below.
- (e) Any Trainee whose job duties cannot be performed without fulfilling a statutory entrance requirement(s) (e.g., OFA Level 3 for First Aid/Craft Service, Red Seal certificate and/or Beauty Council of BC Certificate of Qualification for Hair, Elevated Platform tickets, Forklift tickets, Firearms PAL) must satisfy the requirement(s) prior to placement on a production.
- (f) Trainees shall work under the Master Agreement or Supplemental Master Agreement, as applicable, and shall be compensated at the Accounting Trainee rate.
- (g) An Employer may employ a Trainee on a participating production on a weekly basis of five (5) days per week on a single production in any single classification.
- (h) An Employer has discretion to continue to employ a Trainee up to a maximum of one hundred twenty (120) days and may allow a Trainee to rotate to another of its productions (or a production of an affiliated or related Employer).
- (i) A Trainee who works ninety (90) work days in any one department and who has applied for and been accepted into membership with Local 891 (which membership shall not be unreasonably withheld) will be added to the Department Roster, and will be removed from the Trainee Program. In the event that an Employer (or its related or affiliated Employers) does not have sufficient work to employ a Trainee for the ninety (90) work days necessary to obtain placement on the Department Roster, other unrelated or unaffiliated Employers may hire that individual as a Trainee under the provisions of this paragraph 11, or, if the Trainee has completed sixty (60) work days in any one department as a trainee, under the provisions of paragraph 5(a) above. An Employer shall notify Local 891 of any Trainee who has not yet completed the ninety (90) work days necessary for placement on the Department Roster and who is no longer working for that Employer (or a related or affiliated Employer) due to insufficient work, and indicate the number of work days that the Trainee has completed in each department in which the Trainee worked. Local 891 shall maintain a list of such Trainees, as well as the number of work days each Trainee has completed in a given department, and shall make the list freely available to Employers in a form in which it can be readily accessed.

ICG Local 669 Training Program

12. Effective no later than September 1, 2022, ICG 669 shall reduce the number of days that a Trainee in the existing ICG 669 2nd AC Camera Trainee Program must work to gain membership to 100 days. ICG 669 also agrees that the application for the special program will include provisions modifying the existing ICG 669 2nd AC Camera Trainee Program to increase the emphasis placed upon diversity in the selection of Trainees and

allowing the Employer to request Trainees from Target Group(s). The rate applicable to Trainees in the existing ICG 669 2nd AC Camera Trainee Program shall be equal to the Accounting Trainee rate, effective as of the first Sunday following the later of: (1) the effective date of the reduction in work days required of a Trainee for membership; and (2) the date that the special program is approved with the modifications described in the preceding sentence.

Communications Plan

13. The Parties acknowledge the importance of receiving the support of the membership of the Council-member Unions in achieving the goal of creating a welcoming and inclusive environment for Employees from the Target Groups. Accordingly, during the pendency of the Parties' application for the special program, the Council-member Unions will develop and institute a communications plan to explain to their respective memberships the goals and objectives of the special program application, as well as the benefits of increasing the representation of Indigenous People and people from disadvantaged and under-represented groups in the active workforce in the film and television industry in British Columbia measurably and substantially. The Council-member Unions may ask for assistance from the Negotiating Producers in developing and instituting this communications plan.


Ongoing Review

14. As part of the ongoing review and assessment of the special program, and/or based on recommendations from the Commissioner and/or the Committee, the parties may mutually agree to modify the provisions herein, including changes to the residency requirements and the maximum number of hires or trainees, by production or department, as the case may be, in order to achieve the goal of increased representation of persons in the Target Groups.

AGREED:



Mitch Davies
On behalf of IATSE 891



David Holm
On behalf of Teamsters Local Union No. 155

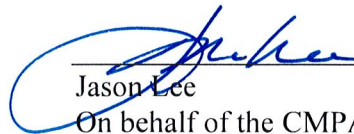


Amanda Trimble
On behalf of ICG 669

Sincerely,



Carol A. Lombardini
On behalf of the Canadian Affiliates
of the AMPTP



Jason Lee
On behalf of the CMPA-BC
Producers Branch