

Child Talent Agency Licence Information

By April 1, 2009, all businesses engaged in promoting child performers are required to have a licence from the Employment Standards Branch. Each child promoted also requires a Child Performer Permit. This requirement results from the new *Worker Recruitment and Protection Act*, which improves protections for children in the talent and modeling industry. This page highlights the changes.

What is 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. Agencies and businesses engaged in child performer recruitment must have a licence from Employment Standards 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 Employment Standards.

The offence of operating without a licence or contravening the legislation is subject to fines as high as \$25,000 - \$50,000.

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 there specific conditions for conducting recruiting activities in Manitoba?

In addition to obtaining a licence to engage in child performer recruitment, a recruiter must provide the following information to Employment Standards, at least two weeks before advertising to audition, scout or recruit in Manitoba:

- Written notice of the date, time and location
- A copy of all advertising that will be used for promotion

How do I apply for a licence?

You can get an application form at www.gov.mb.ca/labour/standards/forms.html or by contacting the Employment Standards Branch. The form is designed to capture important business information and moral references. The completed form can be mailed or in person to the Employment Standards Branch.

Are there restrictions on who can apply?

No. However, licences will only be approved for legitimate businesses that Employment Standards deems will operate with professionalism and have measures in place to ensure the safety and well-being of the children with whom they work.

How much does a licence cost?

The application fee is \$100.00. The licence is valid for a year and must be renewed before it expires.

What factors will Employment Standards consider in reviewing the application?

Employment Standards will ensure the applicant provides any information required as part of the application, and will review the applicant's past conduct to assess whether they will behave lawfully, honestly, and in the public interest while carrying out the business of the license or registration.

Why do child performers need a permit?

The permit system gives parents/guardians, the talent agency, and Employment Standards 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 well-being 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.

Are there restrictions for a child performer?

Some of the restrictions for child performers will be similar to the protections for children in other industries, such as the number of hours of work allowed. The Child Performer Permit will have specific terms and conditions the applicant must follow.

Along with the permit, the applicant and the talent agency will receive a "Code of Conduct for Working with Child Performers", which must be followed by 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 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](#).

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

Permits are given one time per child, per agency and are valid for as long as the child works with that talent agency (or until the child turns 17). If the child performer changes agencies, both 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 Employment Standards.

When can work with a child performer begin?

A recruiter and a talent agency must first receive their licence. Child performers may start work with a licensed agency once they receive their Child Performer Permit.

Can fees be charged to a child performer?

No fees may be charged to child performers (or family members on their behalf) whether directly or indirectly, in relation 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
- It is the choice of child performers and their parents/guardians where to get the other services
- They will not make the other services a condition of 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 services associated with the talent industry. Child performers and their parents/guardians can choose who will provide these types of services, and any fees are their responsibility. However, the agency recruiting or promoting the child cannot make these services a condition of promoting the child.

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?

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

If a person or business is found to have contravened the legislation, or does 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 records must I keep as a licensee operating a talent agency business or engaged in child performer recruitment?

Complete and accurate financial operations records must be kept for at least three years, as well as records that show:

- A copy of all contracts/agreements related to child performers
- A copy of the Child Performer Permit, where applicable

How do I renew my Licence?

Download a renewal application form from the website at www.manitoba.ca/labour/standards/forms.html or contact Employment Standards. **This renewal application can be used only if there have been NO CHANGES to any of the information provided in the last approved application form.** The completed renewal form can be taken, mailed, or faxed to the Employment Standards office.

Can I appeal?

Applicants can appeal a decision to refuse, cancel or suspend a licence or registration under *The Worker Recruitment and Protection Act* to the Court of King's Bench. Applicants who wish to appeal must file a Notice of Application (form 14B at the Statutory Publications Office) with the court within 14 days of receiving the decision.

Along with the decision, Employment Standards will provide the applicant with complete information about appealing a decision, and answer any questions.

Is the information provided on the application confidential?

Employment Standards may ask for permission to collect or disclose information with government officials, law enforcement agencies, and other regulators to evaluate the applicant for licensing. This will be used to verify information provided in the licence application and to investigate the character, financial history, and competence of an applicant.

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 the Child and Family All Nations Coordinated Response Network (ANCR) at 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

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, The Construction Industry Wages Act, The Worker Recruitment and Protection Act, or contact Employment Standards.

**Available in alternate formats
upon request.**

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