

## Performers Collective Agreement Update: 7 August 2023

### ***What is the Performers Collective Agreement?***

The Performers Collective Agreement (PCA) is an industry framework agreement that sets out wage rates and conditions of employment for performers in the live performance industry. It is then used by different employers in their individual workplace or productions.

Typically, when a final agreement is negotiated between Live Performance Australia (**LPA**), collectively representing employers, and the Media, Entertainment and Arts Alliance (**MEAA**), the agreement is implemented in each workplace or production through agreement between the individual employer and the MEAA.

### ***How does the PCA compare to the Live Performance Award?***

Where there is no PCA in place, performers and other workers are employed under the *Live Performance Award 2020 (Award)*.

Employers can offer higher rates of pay or more generous conditions than those specified in the PCA or the Award, but they cannot provide less than the minimum conditions.

The Fair Work Commission is not permitted to approve a PCA that provides wages and conditions which are inferior to those of the Award. The PCA provides higher rates of pay and more generous leave conditions than the Award.

### ***History***

There have been six PCAs negotiated between LPA and the MEAA since they were introduced in 1996.

Since 1996, in recognition of the difficulty MEAA would have representing its members across multiple employers, LPA and its members bargain with MEAA, for what is now essentially the multi-enterprise co-operative workplace agreement, introduced by the Government's recent *Secure Jobs, Better Pay Act*.

The current PCA was finalised in 2017. The MEAA has not approached LPA for any wage increases under the PCA since 2017. However, employers in the industry have continued to increase wages over this period. Many employers pay well in excess of PCA minimum rates.

The PCA applies to companies which vary in size from commercial theatre productions to small to medium performing arts companies.

### ***Negotiations for a new PCA***

LPA offered to commence negotiations with the MEAA for a new PCA in September 2020. The MEAA declined to commence negotiations on a new agreement at that time.

In July 2021, the MEAA stated (through social media) it was consulting members on a new PCA and released a draft log of claims which had not been discussed nor provided to LPA.

The first meeting with the MEAA was held in August 2022. There have been eight meetings to date (July 2023) to discuss the PCA.

### ***Wage offer***

LPA has offered a 15.6% pay increase over three years, including a 4.6% increase which took effect from 1 January 2023.

LPA has proposed a further 5% increase from 1 July 2023, followed by an annual increase of 3% in 2024 and 2025.

LPA has also offered an increase to Sunday penalty rates.

This wage offer is for an increased PCA minimum rate which applies industry wide.

The MEAA is proposing a 9% pay increase, but for this to be applied on top of the 'margins' which are negotiated between some performers and their employers.

### ***What are margins?***

Margins are the difference between the base rate of pay specified in the PCA and that which is negotiated between an individual performer and the employer.

In effect, they are the equivalent of 'above award' or 'above agreement' payments which are made over and above the minimum rates specified in the PCA.

The difference between minimum rates and margins can vary from a few hundred dollars a week to several thousand dollars a week, depending on the performer's experience and reputation and their ability to negotiate higher rates of pay (usually through their agent).

MEAA's increase on top of margins would be in dollar amount and not as the full percentage applied to the base rate. For example: under MEAA's offer the increase for a Grade 1 Performer on 1 July 2023 is \$33.99 per week. This means that a performer earning above the base rate would receive an increase of \$33.99 per week, whether their weekly rate of pay was \$2,000, or \$4,000 per week.

LPA does not believe the proposed increases should be applied to margins. Rather, they should apply to the base rates specified in the PCA which mean all performers would receive an equitable increase in pay rates, regardless of their individual margin.

***Attached: Summary of wage offers and terms and conditions***

## Wage offers

Preliminary Agreement	
•	Agreed wage increase of 4.6% took effect on 1 January 2023
•	Digital Education and Accessibility Recording Agreement
LPA Wage increase	
•	5% - 1 July 2023 (now on signing the agreement)
•	3% - 1 July 2024
•	3% - 1 July 2025
•	Increase to second Sunday show rate
MEAA Wage Claim	
•	3% - 1 July 2023
•	3% - 1 July 2024
•	3% - 1 July 2025
The increases (in \$\$ amounts and not as the full percentage) will not be absorbed into the personal margin	

## Wage offers comparison table

CURRENT RATE (1 Jan 2023)		First pay period from agreement		1 July 2024		1 July 2025	
		LPA	MEAA	LPA	MEAA	LPA	MEAA
<b>Category 1</b>	<b>4.6%</b>	<b>5%</b>	<b>3%</b>	<b>3%</b>		<b>3%</b>	
Performer Grade 1	\$1,132.92	\$1,189.57	\$1,166.91	\$1,225.25	\$1,201.91	\$1,262.01	\$1,237.97
Performer Grade 2	\$1,198.40	\$1,258.32	\$1,234.35	\$1,296.07	\$1,271.38	\$1,334.95	\$1,309.52
<b>One Sunday Performance</b>							
<b>Category 1</b>							
Performer Grade 1	\$1,254.92	\$1,317.67	\$1,292.57	\$1,357.20	\$1,331.34	\$1,397.91	\$1,371.28
Performer Grade 2	\$1,320.40	\$1,386.42	\$1,360.01	\$1,428.01	\$1,400.81	\$1,470.85	\$1,442.84
<b>Second Sunday Performance</b>							
	\$122	\$150.00	\$125.66	\$154.50	\$129.43	\$159.14	\$133.31
Performer Grade 1	\$1,376.92	\$1,467.67	\$1,418.23	\$1,511.70	\$1,460.77	\$1,557.05	\$1,504.60
Performer Grade 2	\$1,442.40	\$1,536.42	\$1,485.67	\$1,582.51	\$1,530.24	\$1,629.99	\$1,576.15

## Terms and conditions

### AGREED MATTERS

- **First Nations Cultural leave** – 10 days paid (for First Nations, Aboriginal and Torres Strait Island employees only)
- **Family and Domestic Violence Leave** – 10 days paid
- **Cultural consultants** – will be engaged where necessary during pre-production, rehearsal and the performance season
- **Employee consultation** – pathway for raising matters and concerns with employers
- **Increases to Allowances**
- **Reference to industry guidelines in the PCA:**
  - self-tape guidelines
  - intimacy guideline specific to the live performance industry
- **Mental Health and Wellbeing** – at least one staff member to be trained in mental health first aid
- **Digital Recording and Broadcast Agreement** – referenced in the PCA and finalised by 1 December 2023 includes:
  - rates for capture and distribution
  - royalty rights
- **Audition Guidelines:** updated for self-tapes and payment and filming protocols
- **Overtime** – work hours limited to 120 hours over a fortnight
- **Cultural sensitivity training** to be addressed outside the PCA in the LPA Safe Workplaces Program
- **Contracting** – including early release for “pressing domestic need”
- **Images and recorded materials** – consent and use
- **Travel allowance eligibility** – clarified to ensure eligible employees receive their correct payments
- **Lay-off** – early use and recredits
- **Superannuation**
- **Personal leave** – available on commencement of employment up to 10 days in excess of the National Employment Standards (NES) minimum per year
- **Hours of work** – for minimum time credited for a performance
- **Trade union training**
- **Plain English Drafting** - including gender neutral reference to employees

### MATTERS STILL IN DISCUSSION/PART AGREED

- **Covers, standbys, understudies, swings** – potential new definition for featured ensemble role
- **Use of lay-off and combined annual leave**
- **9 show weeks** – LPA offers to limit to 6 per year (currently there is no restriction)
- **Organisation of work**, including:
  - LPA proposes work sessions to accommodate emerging forms of contemporary theatre including immersive theatre and short performances in particular for Theatre for Young Audiences (TYA)
- **Musical instruments** – payments for performers playing musical instruments during a production and upkeep allowances for using their own instrument
- **Annual leave** – directions to take annual leave, recrediting leave after early closure of productions and reasonable request for leave