



Society of London Theatre & UK Theatre briefing on the 2nd Reading of the Employment Rights Bill

Preventing unintended consequences for the UK Theatre sector

This has been prepared to support MPs who intend to speak in the 2nd reading debate of the Employment Rights Bill, taking place on Monday 21 October. It focuses on some of the issues in the Bill as it is currently written. It should be read alongside our more detailed briefing on [Make Work Pay](#).

SOLT & UK Theatre are engaging constructively with Government to ensure that unintended consequences for the theatre sector are prevented. We set out the issues below that require addressing.

About SOLT & UK Theatre

The Society of London Theatre (SOLT) & UK Theatre are the membership organisations for theatre producers, managers, owners, and operators in London and across the UK. Our memberships are made up of over 500 organisations and 1200 individual practitioners across the UK. This includes commercial organisations, subsidised organisations, and not-for-profit independent charities.

Find out more about the theatre ecosystem in our [briefing for MPs](#).

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Framing the Sector

British theatre generates a turnover of £4.4 billion per annum, contributes £2.39 billion in GVA, and supports 205,000 workers. For every £1 spent on a theatre ticket, an additional spend of £1.40 is generated in the local economy.

However, even with the new permanent rates of Theatre Tax Relief, the sector is still facing significant risks. Organisations have failed to fully recover from losses sustained during the pandemic or to replenish their reserves. Production costs have continued to rise faster than inflation, with energy costs up 120% since 2019. Additionally, public investment in the arts has declined significantly in real terms over the past 14 years. Without serious investment in physical infrastructure in the next five years, nearly 40% of venues risk closure.

Preserving Strong Employment Relations

SOLT & UK Theatre have negotiated several collective agreements with Trade Unions covering venue staff, creatives, technicians, stage management, musicians, dancers, opera singers, performers, and writers. These provide minimum terms and conditions that are typically more generous than statutory employment rights and accommodate the needs of

the entire workforce, including many self-employed, against the unique requirements of theatrical work.

It is not yet clear from the Employment Rights Bill how the legislation would apply where existing industry-specific collective agreements specify minimum terms and conditions that differ from those specified in the Bill (such as notice and compensation for cancelled shifts).

Our ask of Government

We are seeking commitment from the Government that the collective bargaining agreements that are in place will be unaffected by the legislation and related guidance. We would welcome clarity as to whether collective agreements or the new legislation will take precedence.

Zero-hours Contracts

What is in the Employment Rights Bill?

The Employment Rights Bill will allow workers on zero hours contracts and workers with a 'low' number of guaranteed hours, who regularly work more than these hours, the ability to move to guaranteed hours contracts which reflect the hours they regularly work over a 12-week reference period. If more hours become regular over time, subsequent reference review periods will provide workers with the opportunity to reflect this in their contracts.

How does this impact the theatre sector?

Zero-hours contracts play a crucial role in the theatre sector, with their mutual flexibility benefiting workers, who often want the ability to pursue creative endeavours within the sector (such as attend auditions).

We are concerned that the right to guaranteed hours will cause significant problems for our members, in particular, in periods of business closure when there is no income, for example during 'dark weeks' when there is no performance on the stage. Having to pay staff during these periods would risk making parts of our sector unviable.

This concern is shared by our trade union partner Bectu who has commented on the use of these contracts¹.

Our ask of Government

To recognise that guaranteed hours are not viable in the theatre sector where the availability of work, and revenue can fluctuate throughout the year. Failure to accommodate the specific nature of our industry within this policy will increase costs for theatres operating on small margins putting jobs and organisations at risk.

¹ Philippa Childs, Deputy General Secretary and Head of Bectu told [The Stage](#) in October that "many theatre workers appreciate the flexibility that [zero-hours contracts] allow for, alongside other work or caring responsibilities...in reforming worker status, the government must consult with unions and the workforce to avoid unintended consequences for freelancers, who make such a critical contribution to the economy."

Reasonable notice for cancelled shifts

What is in the Employment Rights Bill?

The Bill ensures workers get reasonable notice of any change in shifts or working time, with proportionate compensation for any shifts cancelled or curtailed at short notice. Workers on full-time contracts who occasionally pick up overtime hours will not be affected.

How does this impact the theatre sector?

We already have collective agreement in place with our trade union partner Bectu which specify notice and compensation for cancelled shifts for technical staff that are tailored for the particular circumstances of the theatre sector.

A cancelled shift in theatre is likely to mean that a show has been cancelled and the employer is facing financial losses. The collective agreements help to mitigate that loss while also providing notice to employees.

Our ask of Government

To commit that industry-specific collective agreements take precedent over new legislation.

Voice at Work

What is in the Employment Rights Bill?

The Government is committed to updating trade union legislation to remove unnecessary restrictions on trade union activity. This includes repealing Strikes (Minimum Service Levels) Act 2023 and amendments to 2016 legislation. Repealing the 2016 Trade Union Act would reduce the notice period that Trade Unions are required to give before industrial action from two weeks to just one.

How does this impact the theatre sector?

Lowering the threshold for industrial action creates greater instability for a sector that is reliant on the income from performances. If there is no performance, then financial viability for both producers and venues is at risk.

In the case of typical limited-run productions (for example, those lasting only 8-12 weeks), a one-week notice period is insufficient to effectively plan and limits opportunities for negotiation or to reschedule performances within the available timeframe. Any show cancellation, such as those caused by strike action, leads to significant unrecoverable financial losses and in some cases can cause show closures.

There will also be negative consequences for members of other unions whose incomes will be affected, as will non-union members.

Our ask of Government

Retain the current two-week notice period for industrial action, as this is critical to maintaining fiscal stability of the theatre sector.

We would like to ensure that employment relations are allowed to continue at a sectoral level rather than devolve to a workplace-by-workplace basis².

² This is not currently in the bill but is something our members are concerned could become an unintended consequence. We will be addressing this point in the forthcoming consultations.

Maternity Discrimination

What is in the Employment Rights Bill?

Strengthening protections for pregnant women and new mothers returning to work are one of the immediate changes included in the Bill. The Bill grants powers to the Secretary of State to make provision about dismissal (other than by reason of redundancy) during, or after, a protected period of pregnancy. There is no mention regarding how long the protected period of pregnancy will be, although it was stated as 6-months in the original Make Work Pay document.

How does this impact the theatre sector?

A significant proportion of the theatre workforce are on fixed term contracts due to the nature of the work. The conclusion of a fixed-term contract is legally defined as a dismissal and therefore it is unclear whether under the new legislation employers will be required to pay maternity after the end of a fixed term contract. In the theatre sector, the end date for a production, and consequently the contracts for cast and crew, is typically determined well in advance.

Our ask of Government

An exception should be made for those working on short, fixed-term contracts to avoid liabilities on employers long after the agreed end-date of a fixed-term contract.

Contact

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