



Employment Standards Act

Application for Talent Agency Licence

(PLEASE PRINT)

Legal Name of Talent Agency:			
Trade or Operating Name (if different):			
Operating (street) address or addresses:		City/town and province:	Postal Code:
Mailing address (if different):		City/town and province:	Postal Code:
Telephone number: ()		Fax number: ()	
Email address:		Website:	

Please provide the information requested below for all persons who are involved with the agency as partners, associates, directors or officers, and indicate who should be contacted with respect to this application:

Name	Position Held	Home Address (Including Postal Code)	Email Address	Telephone Number

If any of the above-named individuals have been issued a talent agency licence in the past, please provide details including the name on the licence, the location of the licence and the year it was valid.

Describe the services offered by the talent agency.

I undertake to comply with the requirements of the *Employment Standards Act*. I understand that records must be kept at the agency's principal place of business in British Columbia, and that this licence may be cancelled if:

- Any false or misleading statements are made in this licence application;
- The agency contravenes the Act or the Regulation;
- The agency does not display its licence number on all public advertising; or
- There has been any activity related to the operation of the talent agency that the Director of Employment Standards determines to be illegal, dishonest, fraudulent or deliberately misleading.

Signature: _____

Date: _____

Print Name: _____

Title: _____

When complete, this form must be mailed to the Employment Standards Branch at PO Box 9571, Stn Prov Govt, Victoria, B.C., V8W 9K1, or faxed to (250) 356-1886, together with the following attachments:

- Non-refundable application fee of \$100.00 payable to the Director of Employment Standards;
- A copy of the talent agency's standard contract; and
- Irrevocable letter of credit, cheque or other security in the amount of \$725.

Please keep a copy of your application and completed questionnaire for your records, as you will be contacted by a delegate of the Director to review your application. Talent agency licences are issued for one year and must be renewed annually. It is recommended that you apply for a renewal 30 days prior to the expiry date to avoid having your licence lapse. Renewal reminders are not sent.

Relevant sections of the *Employment Standards Act* and the Regulation, which cover the registration and operation of talent agencies, are attached for your information.

The information on this form is collected by the Employment Standards Branch under Section 26(c) of the <i>Freedom of Information and Protection of Privacy Act</i> and will be used to process your application. Should you have any questions about the collection of this information, please contact 1-833-236-3700.
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Employment Standards Branch
Talent Agency Licensing

FAX

Date: _____

Number of pages sent _____

To: Talent Agency Licensing

Employment Standards Branch

Fax: 250 356-1886

From: _____

Phone: _____

Fax: _____

Email: _____

Include this page if you are paying by credit card and send only by **fax** or **mail**.

Please bill my VISA _____ MASTERCARD _____ AMEX _____ Total Amount \$ _____

Signature: _____

Card Number: _____ Expiry Date ____/____/____

Please remit by fax (250-356-1886) or by mail (PO Box 9571 Stn Prov Govt., Victoria BC V8W 9K1)

The credit card information provided on this form will not be retained. Upon authorization of the payment request all credit card information will be destroyed.

Any credit card information sent by email will not be processed.



Employment Standards Act

No false representation

- 8** An employer must not induce, influence or persuade a person to become an employee, or to work or to be available for work, by misrepresenting
- (a) the availability of a position,
 - (b) the type of work,
 - (c) the wages, or
 - (d) the conditions of employment.

Hiring children

- 9 (1)** A person must not employ a child under 15 years of age unless the person has obtained the written consent of the child's parent or guardian.

Employment and talent agencies must be licensed

- 12 (1)** A person must not operate an employment agency or a talent agency unless the person is licensed under this Act.

Employment Standards Regulation

“talent agency” means a person who, for a fee, engages in the occupation of offering to procure, promising to procure, attempting to procure or procuring employment for actors, performers, extras or technical creative film persons;

“technical creative film person” includes a film director, director of photography, production designer, art director, person involved in writing or rewriting scripts, hair stylist, make-up artist, costume designer, or animal coordinator involved in the production of a film, video, television show or television commercial;

Licensing of talent agencies

- 38 (1)** Sections 10 and 11 of the Act do not apply to talent agencies that are licensed.
- (2) An application for a licence to operate a talent agency must be made to the director, in the form required by the director, and must be accompanied by
- (a) a licence application fee of \$100,
 - (b) a copy of the talent agency's standard contract, and
 - (c) a bond that accords with the *Bonding Act*, and that is equal to the average monthly wages that an actor, performer or extra earning between \$1 and \$100 000 would receive based on the BC Film Commission's statistics from the previous year.
- (3) The director may issue a licence to operate a talent agency only if the applicant has complied with subsection (2).
- (4) The director may refuse to issue a licence to an applicant that has previously had its licence canceled or that is involved in activities outlined in subsection (5) (d).
- (5) The director may suspend or cancel a talent agency's licence if the talent agency
- (a) makes a false or misleading statement in its application for a licence,
 - (b) contravenes the Act or this regulation,
 - (c) does not display the agency's licence number on all public advertising, or
 - (d) is or has been involved in any activity that the director determines to be illegal, dishonest, fraudulent or deliberately misleading, and that is related to the operation of the talent agency.

Compliance requirements — talent agencies

38.1 (1) A talent agency must comply with all of the following:

- (a) all fees paid to the talent agency by an actor, performer, extra or technical creative film person who is employed as a consequence of the efforts of the talent agency, are not more than 15 percent of the wages owing to the actor, performer, extra or technical creative film person from his or her employment;
 - (b) the gross income of an actor, performer, extra or technical creative film person employed as a consequence of the efforts of the talent agency, less the fees described in paragraph (a), is not less than the corresponding gross income that the actor, performer, extra or technical creative film person would receive for the employment if paid the applicable minimum wage;
 - (c) the talent agency must not charge an actor, performer, extra or technical creative film person a fee for taking and providing photographs of the actor, performer, extra or technical creative film person, unless the fee
 - (i) does not exceed \$25 a year, and
 - (ii) is only deducted from payment of wages received by the actor, performer, extra or technical creative film person;
 - (d) no fees, other than the fees described in paragraphs (a) and (c), are charged by the talent agency;
 - (e) if the wages of an actor, performer, extra or technical creative film person employed as a consequence of the efforts of the talent agency, less the fee described in paragraphs (a) and (c), are received by the talent agency, they must be paid to the actor, performer, extra or technical creative film person within
 - (i) 5 business days of receipt if payment is made from within British Columbia, or
 - (ii) 12 business days of receipt if payment is made from outside British Columbia;
 - (f) if a talent agency cannot locate an actor, performer, extra or technical creative film person to pay the wages received by the talent agency, they must be forwarded to the director within 60 days after receipt by the talent agency;
 - (g) a talent agency must not make a payment, directly or indirectly, to a person for obtaining or assisting in obtaining employment for someone other than by paying for any form of advertisement placed by the talent agency;
 - (h) a talent agency must display its licence number on any contract or written agreement made with an actor, performer, extra or technical creative film person;
 - (i) records must be kept to indicate for each actor, performer, extra or technical creative film person employed as a consequence of the efforts of the talent agency,
 - (i) the amount of money received by the talent agency for the employment,
 - (ii) the amount the talent agency is claiming as its fee, and
 - (iii) the amount paid to the actor, performer, extra or technical creative film person;
 - (j) records must be kept of
 - (i) the name and address of each employer for whom the talent agency provides a service, and
 - (ii) the name and address of each client employed as an actor, performer, extra or technical creative film person as a consequence of the efforts of the talent agency, or who is provided with information about employers seeking actors, performers, extras or technical creative film persons;
 - (k) the records referred to in paragraphs (i) and (j) must be
 - (i) in the English language,
 - (ii) kept at the talent agency's principal place of business in British Columbia, and
 - (iii) retained by the talent agency for not less than 2 years.
- (2) The director must give a talent agency a receipt for any wages received from the talent agency under subsection (1) (f).