



## To all members working in theatres

Shows are now being cancelled at an alarmingly quickening pace and the layoff clauses in the Variation Agreements are starting to be invoked. This is a quick guide to things that you need to look out for if you are being laid off.

Firstly, you need to check that you have a lay-off clause in your contract and check what the terms are. If you do not have a Force Majeure clause in your contract then your employer is not legally entitled to simply lay you off on no pay - if they try to do this then you need to seek advice from your local rep or Bectu official.

However, most contracts will have the Force Majeure clause that was agreed in both the SOLT Variation Agreement <https://members.bectu.org.uk/advice-resources/library/2823> and UK Theatre Variation Agreement [UK Theatre COVID Variation Agreement - BECTU](#) which are both restricted to laying off staff ONLY as a consequence of Covid. Or you may have the ATG layoff clause which is similar to the variation clauses but is not restricted to Covid. This advice will apply to all these layoff clauses.

Please note there is a separate clause negotiated with DMT and CML - members covered by this agreement should speak to their local rep or the Bectu full-time official.

Assuming that you do have a relevant clause in your contract, then these are the sort of things that you or your local rep can try to negotiate with your employer. Most employers, so far, have been using one or more of the approaches listed below to avoid leaving you unpaid when they have to pull a show for Covid reasons. So it is not unreasonable for you to start by:

- Making sure that all work carried out prior to the layoff being declared is paid at the correct rate
- Arguing for a cancellation payment for the first day or so after the layoff is declared
- Instead of no pay at all, ask for a 'retainer' to be paid for the duration of layoff - for example, 80% of full pay or a lump sum
- Suggest a short-term working payment of at least 5/8<sup>th</sup> of a week rather than layoff (SOLT members only)
- Ask for staff to be allowed to use their accrued holiday if they choose to (but this must be their choice, not forced upon them)
- Some of you will be on buy-out contracts (usually involving the buyout of 48 hours as a weekly average over 52 weeks) - if you have banked up many more hours than your average, ask that you are paid now for the hours you have worked over the average rather than waiting for the hours to average out at some point in the future (which, with current staff shortages, may never happen)
- Ask to be paid in full until the end of December, irrespective of how many shows are pulled, and then your pay can be adjusted in January when you will have had time to brace yourselves for the financial hit and management will have had time to work out the payroll correctly
- It's only fair that staff be allowed to work elsewhere while laid off so ask management to agree on the amount of notice staff will be given before they are expected to return to the show.

Talk to your colleagues about these suggestions, ask them to join the union to make sure they have a say, get together for a quick show of hands and elect one or more reps if you haven't elected any yet, agree on what you think is fair and **begin approaching management as soon as layoff is declared – if you need help, please speak to your Bectu official.**

If you are not convinced shows are being pulled because of Covid, please let us know. We will be looking at the legal position for all layoffs as some may not be the result of Covid itself but may be the result of failing to implement the safety measures recommended in risk assessments, failing to recruit sufficient staff to cover absences etc. Bectu will consider these on a case by case basis and refer them to our legal team for advice but we all know the law can take a long time so, for now, we strongly encourage you to talk direct with your employers. We are already getting better outcomes through informal discussion and agreement with the employers.

**You will find that the better organised you are and the more members you have, the better the agreements.**

Let us know how you get on – we are here to support you.

Best wishes  
The Bectu Team