



The Regulation of Talent Agents in Canada

June 9, 2011 by Bob Tarantino

Ricardo Cestero over at Law Law Land remarks on the inherent tensions in the relationship between talent and talent agents (Agents vs. Talent: Money For Nothing?) - Ricardo's post prompted this quick review of the regulation of Canadian talent agents. (This post will ignore general laws and regulations which are generally applicable to business activity.)

Only the Province of British Columbia expressly regulates the activities of talent agents. The British Columbia Ministry of Labour offers information on their website about the relevant provincial regulations and maintains a list of licensed talent agencies. As the Ministry website notes, the basic elements of the BC regulatory regime are as follows:

- Talent agents in B.C. must be licensed by the Director of Employment;
- Talent agencies fees may not be more than 15 percent of wages;
- Photo fees (up to \$25 annually) may only be deducted from actual earnings;
- No other fees may be charged by a talent agency.

As the FAQ on the site notes, any talent agency who is "recruiting talent in British Columbia" is required to be licensed by the BC Ministry of Labour. For purposes of the regulation, the following definitions apply:

"Talent agency" means a person or company 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 film directors, directors of photography, production designers, art directors, persons involved in writing or rewriting scripts, hair stylists, make-up artists, costume designers, or animal coordinators involved in the production of a film, video, television show or television commercial.

Sections 38 and 38.1 of the Regulation to the BC *Employment Standards Act* set out the details of the relevant regulatory scheme, including details about records which must be kept, how quickly payments must be remitted to talent after being received by the agent, and a prohibition on "payola" payments (ie payments made "to a person for obtaining or assisting in obtaining employment for someone").



In addition to government regulation, the talent agency industry has formed a number of associations in an effort at self-regulation. The EICAA (Entertainment Industry Coalition Agency Association) has crafted a Code of Ethical Conduct for Talent and Background Agents. Other associations include TAMAC (Talent Agents and Managers Association of Canada) and AMIS (Acting and Modelling Information Service).

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