

**DEPARTMENT OF LABOUR  
DEPARTEMENT VAN ARBEID**

No. R. 479

27 May 2005

**BASIC CONDITIONS OF EMPLOYMENT ACT, 1997****Code of Good Practice for the employment of children in  
the performance of advertising, artistic or cultural activities**

Notice is hereby given in terms of section 87 (2) of the Basic Conditions of Employment Act, 1997, that the Minister of Labour, after consulting NEDLAC, has issued under section 87 (1) (a) of that Act, a Code of Good Practice for the employment of children in the performance of advertising, artistic or cultural activities as set out in the Schedule.

**MMS MDLADLANA, MP  
MINISTER OF LABOUR**

**SCHEDULE****Code of Good Practice for the employment of children in the  
performance of advertising, artistic or cultural activities****1. Preamble**

- 1.1. The rights of children are enshrined in international and national legislative instruments. These rights should be protected wherever children are employed.
- 1.2. This Code provides guidelines for employment of children in the performance of advertising, artistic or cultural activities in order to protect them against work that is hazardous or harmful to their education, health or well being, physical or mental health or spiritual, moral or social development.
- 1.3. The Code aims to ensure that performing activities do not detract from the child's development and enjoyment of childhood.
- 1.4. The Code does not impose any legal obligation in addition to those in the Basic Conditions of Employment Act or any other Act referred to in the Code. Its purpose is to give guidance to employers on key legal provisions.

- 1.5. The Code must be read in conjunction with the sectoral determination for the employment of children in advertising, artistic or cultural activities.
- 1.6. The Code is based on international experience in relation to the regulation of the employment of children in artistic performances as provided in Article 8 of ILO Convention 138.

## 2. Purpose

The purpose of the Code is to:

- Provide guidelines for good practice to all stakeholders in the advertising, artistic or cultural activities for the protection of the rights of the children employed in the performance of these activities.

## 3. Application

- 3.1 The Code applies to all employers, guardians or parents and children involved in the performance of advertising, artistic or cultural activities.
- 3.2 The activities covered by this Code and the determination include, without being limited to, the performance of the following:
  - Advertising
  - Dancing
  - Film
  - Modelling
  - Television
  - Theatre performances

## 4. Child Minders

- 4.1. Provision shall be made for the appointment of a child-minder, whose duties would be:
  - 4.1.1. To keep a record of rehearsal, call and performance times and the duration thereof and to make these available to the appropriate child care authorities on request.
  - 4.1.2. To give proper supervision when the child is not actually performing.
  - 4.1.3. To remain within the visible proximity of the child.

- 4.1.4. To accompany the child to the set, dressing rooms or play areas and toilets.
- 4.1.5. To ensure that there are suitable opportunities for recreational activities.
- 4.1.6. To ensure the child receives the required breaks for meals, rest and adequate recreation.
- 4.1.7. To ensure that the child is protected from stress, strain; weather and other harmful conditions, including dangerous or hazardous working conditions.
- 4.1.8. To ensure that satisfactory accommodation, if applicable, is supplied.
- 4.1.9. To take care of children who are not more than twelve in a group.
- 4.2. Where there is more than one child engaged in a production, the age of the children shall be taken into account when appointing child minders.
- 4.3. A child minder may not do other duties during the time of the production as this can hinder the child minder's responsibilities.

## **5. Dressing Rooms**

- 5.1. No adult shall be allowed to occupy the dressing room simultaneously with the child, except the duly appointed wardrobe mistress and/or parent and/or child minder.

## **6. Education**

- 6.1. The child's education must in no circumstances suffer as a result of the employment of that child. If for whatever reason a child is not able to attend school and private tuition is required the following shall apply:
  - 6.1.1. The suitability of the tutor must be determined by an interview with the producer/director and the parents and principal of the school that the child attends within seven days of the application for a permit having been made.
  - 6.1.2. A private tutor may not teach more than six children simultaneously.
  - 6.1.3. The tutor must endeavour to ensure that the teaching environment on set is the most conducive for teaching the child and, where practicable, the tutor must ensure that the place where tuition is to take place is not on set.

- 6.1.4. Both the age of the child and the working schedule of the child must be taken into account by the tutor in terms of the amount of hours which the child will spend each day for tuition.
- 6.1.5. The written permission of the principal of the school shall be obtained prior to engaging the child.
- 6.1.6. The tutor must submit progress reports in writing on a fortnightly basis to the parent and principal of the school which the child attends.