

Outline of the Report on the Survey Aimed at Enhancing Fairness at Film Production Worksites

Background and purpose

Japanese films recorded their highest ever box-office revenue in 2019, testifying to the future potential of the Japanese film industry. On the other hand, the burden on film production worksites is increasing due to the growing need for video content. The causes of this include the rapidly increasing number of films being produced and the diversification of media accompanying diversifying consumption habits.

Empowerment of production worksites that produce high-quality films will be essential for the Japanese film industry to continue to survive amid global competition. However, the enactment of laws related to work style reforms could make the business environment worse for freelancers, who account for the majority of staff at film production worksites.

The FY2019 fact-finding survey conducted by METI regarding film production worksites highlighted various issues related to the business and working environment for freelancers. The Study Group on Future Film Production considered approaches to solving these issues, and the results were compiled into the following two points as concrete directions for action: adopting digital tools; and enhancing fairness at film production worksites including human resource development.

This report summarizes the results of the study regarding the latter of these concrete directions (i.e., enhancing fairness at film production worksites including human resource development.).

Details of the survey

This survey was conducted from the following two perspectives:

(1) A fact-finding survey targeting people working at film making worksites

Interviews were conducted and views exchanged regarding the actual circumstances in the film industry. This was done a total of about 34 times. After the gathered opinions were compiled together, they were organized and reported as points for the committees and working groups to discuss.

(2) A survey aimed at enhancing fairness at film production worksites

A preparatory committee was set up for establishing an Organization for Enhancing Fair Film Production (provisionally named), and this was accompanied by working groups formed under the preparatory committee to study the following specialized areas, respectively: system design; formulating certification standards; and matters such as human resource development.

Summary of the study results

1. System design working group (Six meetings in total)

The working group compiled together opinions on the scheme and examination method for the certification system, the reporting/consulting system, and the examination schedule. The opinions included the view that demonstration tests, etc. should be conducted at actual production worksites from the coming fiscal year onward, in order to discuss the operational details.

(1) Scheme for the certification system

- Reduce the cost of applications and examinations for certification by means of a system of pre-production applications and post-production reports, submitted on a film-by-film basis.
- On the other hand, provide a reporting/consulting system for freelancers, etc. as a way to check the report details.

(2) Scheme for the certification system

- The pre-production applications will involve submitting a pre-production application check sheet
- The post-production reports will require submission of a post-production application check sheet, a staff list, a schedule track record, etc.

(3) Reporting/consulting system

- The content of freelancers and others' consultations and reports will be submitted to a third-party committee, and anything doubtful will be investigated. Based on the investigation results, guidance will be given to the production committee and production companies.

(4) Examination schedule

- The deadline for pre-production applications will be 15 business days before the start of production at the latest.
- The post-production applications will be made after the film is completed. Unofficial notification regarding certification will be issued one to two business days after the post-production application is received.

2. Working group for certification standards (Six meetings in total)

A summary of the definitions regarding enhancing fairness at film production worksites is given below, together with an outline of the certification standards proposed as items (1) to (10). In addition, the standards for working hours in (4)—a point that was particularly debated—were clarified by appending notes about the filming and working hours. However, the opinions included the view that the operational details should be discussed based on demonstration tests, etc. conducted from the next fiscal year onward. They also included the view that action should be taken to reduce the burden of accommodating the guidelines and

certification standards (e.g., drawing up contracts and recording working hours), and the view that the studies should also consider ideal systems production worksites should have in line with the guidelines and certification standards (e.g., a two-team system).

- What does "enhancing fairness at film production worksites" mean?
 - Enhancing fairness at film production worksites means aiming to ensure that filmmakers (production committees), production companies, and freelancers can establish equal relationships and thereby conduct business fairly and transparently, on the premise that doing so is legal in terms of the various existing laws and regulations. In particular, it means making full use of freelancers' abilities, networks, and other expertise as independent business operators, and creating an environment in which they can focus on their filmmaking work safely and free from worry.
 - "Legal" in this definition means that the rules are being observed. These include the Antimonopoly Act, the Subcontracting Act, the Act on the Promotion of Subcontracting Small and Medium-sized Enterprises, and (depending on the circumstances) the labor laws. "Conduct business fairly and transparently" means that in addition to agreements having been concluded between the various organizations, contracts have also been issued in advance between the parties concerned—and agreement explicitly stated in advance—with regard to each production work.

Between production committees and production companies:	
(1) Written contracts	<ul style="list-style-type: none"> ● Clearly state in a contract the agreed-on matters regarding budgets and the allocation of roles.
(2) Budgets	<ul style="list-style-type: none"> ● Budget transparency, and securing the funding necessary to cover the overheads. ● Clearly state the allocation of roles ("above," "below," etc.) in a written contract between the production committee and production company. ● Clearly state in a written contract the agreed-on matters regarding emergencies (natural disasters and any other situations where neither party can be held responsible). ● Rules will be stated in a written contract to indicate what to do when the initial budget has been exceeded, and they will clearly state that the production committee will bear the additional budget if going over the budget was not the production company's fault.
(3) Schedules, etc.	<ul style="list-style-type: none"> ● Scheduling that meets the requirements for (4) working hours, (5) days off, and (6) breaks and meals, and is also consistent with (1) the written contracts and (2) the budgets.

Between production companies and freelancers:	
(4) Working hours	<ul style="list-style-type: none"> ● No more than 13 hours a day (including preparation, clearing up, and break times), and the start time will be based on the gathering time.

(Filming and working hours)	<ul style="list-style-type: none"> ● Ensure that if staff go over 13 hours, they get an interval of at least 10 hours or the next day off. ● Keep track of working hours in the production department or via electronic means, etc.
(5) Days off	<ul style="list-style-type: none"> ● Ensure about one day off (a full day of rest) a week.
(6) Breaks and meals	<ul style="list-style-type: none"> ● Ensure at least one break of at least 30 minutes per 6 or more hours of filming.
(7) Written contracts	<ul style="list-style-type: none"> ● All staff (excluding company employees and actors) must be issued written contracts or purchase orders before their contract periods start. ● The purchase orders must clearly state the contract period, work details, monetary amounts, dates and methods of payment, damage insurance coverage, and the rules for any extension of the contract period.
(8) Schedules	<ul style="list-style-type: none"> ● Scheduling that meets the requirements for (4) working hours, (5) days off, and (6) breaks and meals.
(9) Safety management (10) Harassment	<ul style="list-style-type: none"> ● Set up a point of contact in the production committee to provide a consultation service. ● Ensure staff are available who have received training conducted by the Organization for Enhancing Fair Film Production.

3. Working group on human resource development, etc. (Four meetings in total)

The opinions included views on incentives to encourage freelance staff to register at staff centers, and on "practical training" as a measure to train younger staff who have just joined the industry.

(1) Measures for developing human resources

- Establish a practical training system with the aim of enhancing human resource development opportunities for younger staff in particular, and enabling them to gain practical knowledge at actual production sites during early years.
- Cooperate with professional organizations and educational institutions to support gaining the knowledge needed to make films and the knowledge, skills, etc. that freelancers need to have.

(2) Human resource database

- The Organization for Enhancing Fair Film Production (provisionally named) will serve as a human resource database with the aim of compiling together freelance information and facilitating effective use of human resources at film production worksites.
- Aim to efficiently compile together and match human resource information through collaboration and cooperation between the following three parties: educational institutions, the Organization for Enhancing Fair Film Production, and production worksites.

(3) Social security and benefit functions

- Joining the national health insurance program, handling industrial accident compensation insurance, enhancing other welfare benefits, etc.

- Provide a point of contact for consultations on safety management, harassment, laws and taxes, etc. in order to fulfill a consultation service function.

After matters have been studied by the committees and working groups, rules for production sites will be formulated and a production certification system will be established with regard to enhancing fairness at film production worksites (including human resource development, etc.). This will be done as a voluntary effort by the film industry, with participation by all stakeholders in areas ranging from production to distribution. In order to establish the certification system, an Organization for Enhancing Fair Film Production (provisionally named) will be inaugurated as an agency for promoting certification administration and achieving a fairer business and work environment for freelancers. In addition, the following three items have been proposed as services this organization should offer: (1) staff centers (a human resource database), (2) human resource development, and (3) social security. The concrete system design, etc. for this will continue to be reviewed by the film industry as a whole.