

## **Spada Members' Code of Best Practice**

(as at July 2024)

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### **1.0 Introduction**

Spada members are professionals in their craft. The Spada Members' Code of Best Practice (the 'Code') reflects their professionalism and the generally accepted best practice of the film and television industry.

### **2.0 Jurisdiction**

The issues covered by this Code include dealings between:

- the Spada organisation and its members
- Spada members
- Spada members and other industry practitioners.

The Code will only obligate the organisation and its members. However, it will be made available to wider industry.

### **3.0 Best Practice for Spada Members**

#### **3.1 Integrity and Fairness**

Members should conduct their affairs with integrity and fairness. They should be straightforward and honest in their dealings with other parties. Members should conduct themselves in a way which will bring credit to themselves and their profession.

#### **3.2 Conflicts of interest**

Members should be free of conflicts of interest in their business dealings and should not allow personal interests to influence them professionally.

### 3.3 Respect confidences

Members, Spada Executive and staff should respect the information and knowledge provided to them in confidence. The information and knowledge gained should not be divulged to a third party unless they have permission to do so. It should not be used to harm others or to benefit themselves at the expense of the party giving such information.

### 3.4 Conduct affairs in a legal and businesslike manner

Members should conduct all their affairs legally and in a businesslike manner. They should be aware of their business obligations, such as the:

- Health & Safety at Work Act (2015) (visit ScreenSafe's [website](#) for guidelines)
- SIWA, in particular the [mandatory terms](#) for contracting
- Resource Management Act
- Employment Relations Act
- Official Information Act
- Privacy Act;

and other relevant legislation; insurance issues, including accident insurance; accounting and other Companies Act requirements.

### 3.5 Contracting/Mandatory Terms/SIWA 2022

The Screen Industry Workers Act 2022 (SIWA) came into legal force and took effect at the end of December 2022. As part of that legislation six new rules **apply to ALL** individual contracts:

1. Duty of good faith applies between workers and their engagers
2. Individual contracts must be in writing
3. Engagers must follow process rules for making and varying individual contracts
4. Individual contracts must contain **mandatory terms** (see below)
5. Terms must not be worse than any applicable collective contract (once it has been negotiated)
6. Engagers can't cancel contracts in retaliation for workers exercising their rights

#### **Mandatory Terms**

Producers must ensure all new individual contracts have the following mandatory terms:

- A term saying parties will comply with the Health and Safety at Work Act, and Human Rights Act
- Bullying, discrimination, and harassment processes (template policy available here)
- Dispute resolution processes
- Termination notice periods and payments

As well as following the above when contracting, ensure you maintain a robust record of all correspondence (emails, notes or other means), as it is important to ensure there is a paper trail if any issues arise in the future. Please visit Spada's [website](#) for further information.

### 3.6 Not misrepresent their qualifications and experience

Members shall not misrepresent themselves or attempt to obtain work by misrepresentation of their qualifications and experience or by other improper means.

### **3.7 Provide leadership and support to others**

Members are leaders in their profession. Members should encourage others to excel, should lead by example and should make themselves available to others within the industry to give advice and support.

### **3.8 Promote and support the work of their Association**

All members should uphold the Code and promote and support the work of their Association.

### **3.9 Communications with the Spada organisation/Executive**

In the event a member wishes to raise an issue with the Executive (including but not limited to governance, communications, advocacy with third parties or other industry issues affecting Spada) then unless the matter can be dealt with at an administrative level, it should be conveyed to the Spada President/Vice President or CEO/ED observing the following guidelines:

- The matter should be in writing
- It should state to whom it should go
- A summary should be provided of the issue
- It could indicate a desired outcome.

The Executive will use best endeavours to resolve any issues arising. Its process will include:

- Acknowledge the issue that's been raised in writing
- Talk to all related parties for a summary of the issue
- Respond in writing indicating how the matter will be dealt with
- Identify any further steps required to resolve the matter
- All correspondence will be treated as private and confidential.

### **4.0 Complaints Concerning Alleged Breaches of the Code**

From time-to-time Spada members will have disagreements with one another, with others in the industry or with Spada itself. As a membership service, Spada will offer a voluntary dispute resolution service, including mediation, with the aim of differences being settled fairly and amicably. However, it is recognised that this is not always possible, and should no resolution be available through this process then the parties shall be free to investigate other alternatives.

The initial approach to Spada will be free. If there are cash costs after the initial approach the disputing parties will be expected to share them equally. The complaint may be resolved or withdrawn at any stage.

## **5.0 Complaints Procedure**

- Complaints in the first instance may be verbal and should be made to the Spada President, Vice-President, or the Chief Executive/Executive Director. The complainant needs to be prepared to declare full details in confidence.
- The complainant will be asked if they have discussed the subject with the other party and if not, why not. If there seems little or no substance to the complaint this will be discussed. Spada may, at its absolute discretion and without giving reasons, decline to be involved.
- After the complaint has been discussed, the complainant will be asked to provide their story in writing with as much evidence to support their case as they have.
- When the complaint has been received in writing, the other party will be telephoned, informing them a complaint has been made and the nature of that complaint. The other party will then be asked to respond in writing, stating their position. Spada will use its best endeavours to persuade the other party to join the resolution process. It is expected that Spada members will in most cases agree to participate.

If an agreement to participate cannot be achieved, Spada will advise the complainant that it has been unsuccessful and that Spada's involvement will cease.

When both positions are received, the matter will go to mediation with the aim of a facilitated discussion to resolve the dispute.

The mediator shall be a person selected and approved by the disputing parties. Any independent mediator may be chosen, and the disputing parties will share the costs of the mediator. Alternatively, the Spada President, Vice-President, or Chief Executive may be chosen, in which case there will be no charge for their time provided that at least one of the disputing parties is a member of Spada.

The mediator will write up the outcome and send copies to the parties involved and the Chief Executive.

If no agreement can be reached the parties can either agree to differ or take their dispute through a different process. In this case Spada's involvement will cease.

Spada undertakes to keep all matters confidential to those directly involved, and to destroy all documentation after its involvement ceases. It may publish numbers and outcome of disputes with which Spada has been involved but no details which identify the parties.

END.