



Code of Professional Practice For New Zealand Choreographers

Choreography is about managing people as well as creating dance

Fairness

A choreographer/director¹ should:

- Ensure contracts are negotiated in advance and signed before or on the first day of employment.
- Negotiate fair rates in relation to recommended current rates of pay*
- Be supportive toward the profession, dancers, fellow choreographers, fellow artists and organisations to maximize their professional opportunities and employment,
- Work in an open, encouraging and cooperative manner with dancers,
- Engage in and maintain open and regular communication with dancers and company members, in relation to changes,
- Recognize and respect the uniqueness, dignity and potential of each dancer,
- Respect and acknowledge gender considerations and difference, cultural diversity, ethnic origin, sexual orientation and beliefs,
- Ensure privacy issues are respected,
- Ensure permission is secured for the use of images for publicity material.

Wellbeing

A choreographer/director should:

- Ensure that the dance work is appropriate for the skill level of the dancers prior to commencing the project or contract,
- Comply with all statutory requirements affecting health, safety, legal and employment law as it affects process at work (Appendix 2),
- Ensure a first aid kit and ice packs are available at all rehearsals and performances,
- Ensure the rehearsal space has suitable flooring and is warm and well ventilated,
- Ensure that working hours are within an 80 hour fortnight and do not exceed an on-call day² of eight hours,
- Provide a daily class and schedule time for dancers to warm-up and warm down,
- Ensure that dancers are given sufficient breaks and work according to guidelines (Appendix 1),
- Safeguard the interests and wellbeing of all dancers and be aware of psychological and emotional as well as physical demands.

¹ Two roles are included because choreographers may have both roles to conduct, when it is two people the roles are intrinsically linked.

² On-call day refers to the hours when a person is expected to be available as if working.

*(current recommended rates will be available from DANZ following research in 07)

Artform

A choreographer/director should:

- Uphold and enhance the standard and reputation of the profession,
- Ensure due credit is given to the contribution of others e.g dancers generating material, technical expertise, other collaborators,
- Endeavour to produce authentic and original work, and acknowledge major sources of research
- Ensure that there is adequate administrative support or work responsibly within company administration schedules³
- Ensure that contracts, publicity material, deadlines, programme notes and media requirements are prioritised and met.

Prepared by DANZ, Shona McCullagh, Ann Dewey and Deirdre Tarrant

DANZ is the national organisation for New Zealand dance www.danz.org.nz

³ The Touring Manual – A guide to touring the performing arts in New Zealand” written by Fenn Gordon and produced by CNZ in 2003, 239 pages, is a detailed and highly recommended resource manual on all aspects of production. This can be accessed at www.creativenz.govt.nz/files/resources/touring/pdf

Appendix 1

New Zealand Employment Legislation

Anyone employed after 2 October 2000 must have a written employment agreement, whether it be an individual or a collective agreement.

The Employment Agreement Builder has been created by Employment Relations Services to provide guidance to employers and employees on the content for the creation of individual employment agreements. See: www.ers.dol.govt.nz/relationships/builder/index.asp

Hours of Work

Working Hours

All employment agreements are required to detail the working hours. Correctly identifying the nature of the work is essential as a number of minimum employment conditions apply only in some working arrangements.

Recommendations for breaks and rests for the working New Zealand Dancer

Lunch and Other Meal Breaks

These clauses are voluntary in contracts - there are no minimum entitlements in this area, **but the Health and Safety in Employment Act requires all practicable steps to be taken to ensure a healthy workplace.** Employees working long hours without breaks, can be a risk to both themselves and others.

The following wording is a recommended guideline for contracts:

Meal Breaks - The parties agree that after 4 hours of work, the Employee shall be entitled to a meal break of not less than 45 minutes duration.

All dancers and cast members will be provided with reasonable opportunities within rehearsal and production to access toilets and refreshments.

For further info: The Department of Labour ph 0800 800 863

Appendix 2

Harassment and Bullying in the Workplace

Workplace harassment and bullying is likely to affect staff morale, creativity and productivity, and create an unhealthy workplace culture. It can be subtle or overt, sporadic or sustained.

Harassment can be defined as any unwelcome comment, conduct or gesture that is insulting, intimidating, humiliating, malicious, degrading or offensive. It might be repeated or an isolated incident but it is so significant that it adversely affects

someone's performance, contribution or work environment. It can include physical, degrading or threatening behaviour, abuse of power, isolation, discrimination, sexual and/or racial harassment. Harassment is behaviour that is unwanted by the recipient even if the recipient does not tell the harasser that the behaviour is unwanted.

Bullying is ongoing unreasonable behaviour which is often intended to humiliate or undermine the recipient but is not specifically unlawful.

An external police investigation cannot take the place of an internal disciplinary inquiry.

Legislation

According to New Zealand law, employers are obliged to create a safe and secure working environment for their employees, and take all reasonable and practicable steps to manage hazards and avoid exposing employees to unnecessary risk of physical injury or psychological harm.

The Human Rights Act, Section 62, states that *it is unlawful for any person to be sexually harassed, either through a request for some sort of sexual activity with an implied or overt threat of detrimental treatment, or promise of preferential treatment; or through sexual behaviour that is unwelcome or offensive to the recipient, and is either repeated or so significant that the person experiences some form of detriment in their employment.*

The Act goes on to explain in Section 63 that *it is also unlawful for anyone to use any behaviour that expresses hostility against, or brings into contempt or ridicules someone on the basis of their race, colour, national or ethnic origins, in such a way that is offensive to the person, and is either repeated or so significant that it has a detrimental effect on their employment.*

Section 66 states that *it is unlawful to victimise a person for making a complaint of discrimination under this Act, or for making a disclosure under the Protected Disclosures Act 2000.*

According to the **Employment Relations Act 2000**, (Section 108) an employee can take a personal grievance case against their employer if they directly or indirectly subject the employee to behaviour that is unwelcome (whether or not that is conveyed to the employer or their representative) and by its nature or through repetition, has a detrimental effect on that employee's employment, job performance, or job satisfaction. An employee can also take a personal grievance case if they are sexually or racially harassed by another employee, customer or client, and the employer has had the chance to investigate a complaint, but has not taken any practicable steps to prevent the behaviour recurring (Sections 117 & 118). Organisations will be held liable if the harassment takes place during work hours, on work-related activities or at work-related social events.

Employees can take a personal grievance within 90 days of the alleged act. However, if the nature of the act means the Human Rights Act has been contravened, the employee can bring a case against the employer for up to 12 months after it occurs.

Further information

Related links:

www.ers.dol.govt.nz/problem/mediation.html

www.eeotrust.org.nz/toolkits/harassment.cfm#faq686

www.hrc.co.nz

www.top-drawer.co.nz

www.anthealowe.com.au

www.wave.org.nz

www.acas.org.uk

www.neon.org.nz

Places to call:

The Human Rights Commission ph 0800 496 877

Equal Employment Opportunities Trust Office ph (09) 525 3023

Other Resources:

There are good resources available which provide information on keeping fit for dance. Some of these publications are available through interloan at public libraries and in university libraries and for viewing at DANZ offices.

The following publications from Dance UK - www.danceuk.org and Ausdance - www.ausdance.org.au are recommended reading:

- *The Healthier Dancer Programme* is a guide from Dance UK.
- *Fit to dance 2* has recommendations for the working dancer and conditions of work. Dance UK, 2005, ISBN 0 9515631 8 1
- *Your Body Your Risk* by Scilla Dyke contains legal rights relevant to students and professional dancers. Dance UK, 2001.
- *Look Before You Leap*. An advice and rights guide for choreographers from Dance UK. 1995, ISBN 0 9515631 2 2
- *Safe Dance* produced by Ausdance.

DANZ will be developing a professional code of practice resource for dancers in 2007, which will be complimentary to this Choreographer/Director professional practice resource. A Code of Conduct for Teachers of Dance is already on the DANZ website. DANZ recommends that all dance professionals follow these codes of practice to ensure quality in the dance profession. View these and other resources, including Health & Safety in the resources section of www.danz.org.nz.

Compiled by Maria Dabrowska for DANZ

