

# Filming and photography with children and teenagers

## Introduction

If children and young people are to be involved in film and photo shoots, some legal regulations must be observed. Depending on age and compulsory schooling status, different types of employment with certain conditions are possible. In the following, all important terms on this topic are explained and possibilities as well as limits of employment are shown. The German Youth Employment Protection Act is the legal basis throughout Germany for the creative involvement (e.g. actors, extras, models, dancers, speakers) of minors in film, photo, radio and television productions.

The Youth Employment Protection Act applies to the employment of persons who are not yet 18 years old. The employment possibilities for film, photo, radio and television recordings are defined in particular by §6 of the Youth Employment Protection Act.

## Clarification of terms

### Working time

The working time is considered to be the performance time of the child/young person including rehearsals.

### Presence time

Attendance time is the time from arrival at the place of employment until departure. Transfer and travel times do not count as attendance time. Attendance times include performance time, rest breaks and set-up times (e.g. make-up, costume). The attendance time cannot be divided.

Although possible working hours for children are uniformly regulated by the Youth Employment Protection Act (§6(1)), this information is to be understood as a possible maximum limit. The location and duration of working hours/rest breaks and the maximum attendance time for children are always at the discretion of the respective supervisory authority: §6(3) Youth Employment Protection Act.

### Child

A child is "from/over 3 years" if the 3rd year of life has been completed. A child is "up to/under 6 years" if the 6th year of life has not yet been completed. Example: If a child was born on July 6, 2006, he or she is over 3 years of age on July 6, 2009; and would still be up to 6 years of age on July 5, 2012.

## **Teenagers**

A young person is anyone who is 15 but not yet 18 years old. For young people who are still subject to full-time compulsory education, the regulations for children apply according to the Youth Employment Protection Act. Full-time compulsory education in Baden-Württemberg ends five years after completion of elementary school.

## **Employment opportunities**

### **Children up to 3 years**

The employment of children up to 3 years of age is generally prohibited. The Youth Employment Protection Act does not apply to children under the age of 3, as employment similar to that of an employee is generally not assumed here. Children can therefore be photographed or filmed in their natural expressions of life, but this is the responsibility of the parents, so there is no need for official approval under the Youth Employment Protection Act.

### **Natural expressions of life**

If children and teenagers are merely photographed or filmed during their natural expressions of life, such as walking, standing, lying down, eating, sleeping, playing, etc., this is generally not employment, even if the children and teenagers become aware that they are being photographed or filmed, since in these cases they are not acting on the instructions of an employer. This includes, for example, non-posed scenes of children or young people at play, playing sports or on their way to school.

### **Children from 3 years to 6 years (not for theater performances)**

Working time up to 2 hours daily between 8 a.m. and 5 p.m., attendance time is at the discretion of supervisors and must be limited to what is absolutely necessary (guideline 4 -5 hours), official approval required.

### **Children from 6 years old to 15 years old and young people over 15 years old who are required to attend school full-time**

Working time up to 3 hours daily between 8 a.m. and 10 p.m., 4 hours daily between 10 a.m. and 11 p.m. for theatrical performances, attendance time is at the discretion of the supervisors and must be limited to what is absolutely necessary (guideline 5 hours), official approval required.

The involvement of children will generally be limited by the supervisory authority to a maximum of 30 days per calendar year. Exceptions are possible in individual cases. Working hours as well as working days for several employers are added together.

**Young people (over 15 years) after completion of full-time compulsory education & young people subject to full-time compulsory education (during school holidays for max. 4 weeks / year)**

Employment up to 8 hours per day and a maximum of 40 hours for a total of 5 days per week between the hours of 6 a.m. and 11 p.m., no regulatory approval required.

	Permission required?	Working time per day	Stay time per day	Time frame
up to 3 years	Employment prohibited, but allowed for "natural life expressions" and the responsibility of parents, no regulatory approval required			
over 3 to 6 years	Yes	2h Theater: No	To be limited to what is absolutely necessary (guideline value 4-5h)	8 a.m. – 5 p.m. Mon – Sun
over 6 to 15 years and full-time school-age youth (outside school vacations)	Yes	3h Theater: 4h	To be limited to what is absolutely necessary (guideline value 5 h)	8 a.m. – 10 p.m. Mon – Sun Theater: 10 a.m. – 11 p.m.
Adolescents after completion of full-time compulsory education & adolescents subject to full-time compulsory education during school vacations	No	8h	-	6 a.m.-11 p.m. Mon-Sun (but not after 2 p.m. on Dec. 24 and 31; on Dec. 25, Jan. 1, the first Easter holiday and May 1)

**Rest breaks**

The duration and location of rest breaks is at the discretion of the supervisory authorities (§6 Para.3 No.2 Youth Employment Protection Act). As a guideline, children should take a break of at least ¼ hour after 45 to 60 minutes of work, adolescents should take a break of at least ½ hour after 4 ½ hours of consecutive work, and at least 1 hour after more than 6 hours of work.

Children/adolescents may not be re-employed after completion of the activity prior to the expiration of 14/ 12 hours of uninterrupted free time. The teaching time at school is not taken into account.

## **Care/ Stay/ Protection**

The supervision of the children/adolescents at the place of employment must be ensured by a suitable responsible adult supervisor. The supervisor may not be entrusted with other tasks while the children/youth are present.

Children shall be provided with their own appropriate place to stay. If employment begins or ends after 8:00 p.m. or after dark, care shall be taken to ensure that children are accompanied by a reliable adult on the outward and return journeys between the place of residence and the place of their appearance.

Necessary protective measures must be taken. These must be adapted to the age and personality of the child/adolescent and his/her employment (§ 6 Para. 2 No. 3 Youth Employment Protection Act). This also includes the content of the script (wg. psychological effects).

If the employment of a young person exceeds a period of two months or if activities requiring greater physical effort, a certificate of initial examination issued by a doctor is necessary (§32 Youth Employment Protection Act).

The regulations (of §§ 22 to 31 of the Youth Employment Protection Act) on the protection of young people against hazards and the relevant accident prevention regulations must be observed. Furthermore, the child's/adolescent's legal guardians must be informed about possible hazards and about all measures taken for safety and health protection within the meaning of Section 5 (4b) of the Youth Employment Protection Act.

## **Employment of children/adolescents on Sundays and public holidays**

On Sundays and holidays, children are allowed to participate in music and other performances, in recordings on the radio (radio and television), on sound and image carriers, and in film and photo shoots.

Adolescents may not be employed on Sundays and holidays for film and photo shoots. Employment is possible during musical performances, theatrical performances and other performances as well as during direct broadcasts on the radio (radio and television). This does not apply to employment after 2 p.m. on Dec. 24 and 31, Dec. 25, Jan. 1, the first Easter holiday and May 1. Every second Sunday shall, and at least two Sundays per month must, remain free of employment.

## **Employment of children/adolescents during night filming**

Night filming with children and young people outside the above time frame is not legally possible in principle.

## **Application/Competent supervisory authority**

The employment of children and young people of full-time school age (outside school vacations) for the purpose of creative work in film, photo, radio and television shoots regularly requires official approval. This must be applied for by the employer (production company).

As a rule, the supervisory authority in whose district the children's employer has its place of business is responsible. In Baden-Württemberg, these supervisory authorities are the district offices and the city districts (Stuttgart, Heilbronn, Baden-Baden, Heidelberg, Karlsruhe, Mannheim Pforzheim, Freiburg and Ulm).

If children are to be employed by a project-related production office for a longer period of time, the application must be submitted to the supervisory authority responsible for the production office. In the case of productions by employers located in other states, the application must be submitted to the supervisory authority in whose district the production office is located.

In the case of productions by employers based abroad with production offices and filming in the Stuttgart Region, the application must be submitted to the supervisory authority in whose district the production office is located; if there is no production office, the filming location is decisive.

The application for the exemption is made by the production company. The following documents are necessary for this:

- Application
- Written declaration of consent of the legal guardians (usually both parents)
- Medical certificate (free choice of doctor, certificate not older than 3 months)
- Declaration of no objection from the school/school authority (progress must not be endangered)
- Statement of the responsible youth welfare office (domicile of the child is decisive, possibly also via supervisory authority)

Application forms can be obtained from the Film Commission or the respective regulatory authorities or are available on their homepages (see references at the end of this document). An administrative fee is charged for the issuance of a permit. The amount of this fee depends on the fee regulations of

the respective city/county. The processing period from receipt of the complete documents can also be obtained from the relevant supervisory authorities. If documents are missing (e.g. statement from the Youth Welfare Office) and must be obtained by the supervisory authority, the lead time is extended. Employment may not begin until the exemption has been received. It is an administrative offense to employ a child without a notice of approval or before receiving the notice of approval.

## **Evidence**

During work with children and adolescents, the following documents must be carried at all times and presented in the case of inspection by competent authorities:

- Exemption for children
- List of all employed children and young people
- Evidence of children's and adolescents' time use (supervisory authorities generally require that evidence of children's/adolescents' time use can be checked at any time, that the evidence be kept at the place of employment, and that it be retained for at least two years)
- Possibly certificate of initial medical examination for adolescents
- Youth Employment Protection Act (or notice in a suitable place)
- Address of the responsible occupational health and safety authority/trade supervisory office (or notice posted in a suitable place)

**This text was produced in close cooperation with the competent authorities, the Regional Council of Stuttgart (Department 54.4) and the Ministry of Labor and Social Affairs, Family, Women and Senior Citizens of Baden-Württemberg.**

**The status of this document is 28.08.2019. All contents refer to the laws, regulations and processes applicable at that time.**

<b>Competent authorities in the Stuttgart region</b>		
City of Stuttgart	State Capital Stuttgart Office for Environmental Protection Dept. Trade Inspection Gaisburgstr. 4 70182 Stuttgart	Tel. 0711-216-89455 (Mrs. Schmitz) Tel. 0711 -216 -0 (Head Office) Tel. 0711 -216 -88409 (Head Office, Trade Inspection Department) Fax 0711 -216 -88680 Email <a href="mailto:poststelle36-kinderarbeit@stuttgart.de">poststelle36-kinderarbeit@stuttgart.de</a> Web <a href="http://www.stuttgart.de">www.stuttgart.de</a>
	The request must be received at least 5 working days before the shooting day. It is best to call 0711-216-89455 in advance and get information.	
County Ludwigsburg	Ludwigsburg District Office Department of Law and Order Department of District Police Affairs Hindenburgstr. 40 71638 Ludwigsburg	Tel. 07141 -144 -0 (Head Office) Tel. 07141 -144 -2377 (Ms. Alexandra Kress) Tel. 07141 -144 -2374 (Mrs. Sandra Schönau) Fax 07141 -144 -9311 Email <a href="mailto:kreispolizeiangelegenheiten@landkreis-ludwigsburg.de">kreispolizeiangelegenheiten@landkreis-ludwigsburg.de</a> Web <a href="http://www.landkreis-ludwigsburg.de">www.landkreis-ludwigsburg.de</a>
	Application on request to the Film Commission Region Stuttgart or directly to the authority.	
County Esslingen	Esslingen District Office Trade Supervisory Office Pulverwiesen 11 73728 Esslingen a.N	Tel. 0711 -3902 -0 (Head Office) Tel. 0711 -3902 -1408 (Mr. Peter Gabel) Fax 0711 -3902 -1065 Email <a href="mailto:gewerbeaufsichtsamt@lra-es.de">gewerbeaufsichtsamt@lra-es.de</a> Web <a href="http://www.landkreis-esslingen.de">www.landkreis-esslingen.de</a>
	No application form available, therefore informal application.	
County Rems-Murr	District Office Rems-Murr-Kreis Trade Inspection and Immission Control Department Stuttgarter Str. 110 71332 Waiblingen	Tel. 07151 -501 -0 (Head office) Tel. 07151 -501 -2829 (Mrs. Bochtler) Fax 07151 -501 -2789 Email <a href="mailto:gewerbeaufsicht@rems-murr-kreis.de">gewerbeaufsicht@rems-murr-kreis.de</a> Web <a href="http://www.rems-murr-kreis.de">www.rems-murr-kreis.de</a>
	Application on request to the Film Commission Region Stuttgart or directly to the authority.	
County Göppingen	District Office Göppingen Environmental Protection Office Department of Industrial Inspection Lorcher Str. 6 73033 Göppingen	Tel. 07161 -202 -0 (Head office) Tel. 07161 -202 -816 (Mr. Pfau) Fax 07161 -202 -821 Email <a href="mailto:w.pfau@landkreis-goepingen.de">w.pfau@landkreis-goepingen.de</a> Web <a href="http://www.landkreis-goepingen.de">www.landkreis-goepingen.de</a>
	No application form available, therefore informal application.	
County Böblingen	Böblingen District Office District Youth Department Parkstraße 16 71034 Böblingen	Tel. 07031 -663 -0 (Head office) Tel. 07031 -663 -1993 (Mrs. Beate Renninger) Fax 07031 -663 -2180 Email <a href="mailto:b.renninger@lrabb.de">b.renninger@lrabb.de</a> Web <a href="http://www.landkreis-boeblingen.de">www.landkreis-boeblingen.de</a>
	No application form available, therefore informal application.	
<b>For questions or problems</b>		
Stuttgart region	Film Commission Stuttgart Region Breitscheidstr. 4 70174 Stuttgart	Tel. 0711 -22835 -720 Email <a href="mailto:film@region-stuttgart.de">film@region-stuttgart.de</a> Web <a href="http://www.film.region-stuttgart.de">www.film.region-stuttgart.de</a>

<b>Links</b>	
<a href="http://www.gaa.baden-wuerttemberg.de">www.gaa.baden-wuerttemberg.de</a>	Trade Inspection Baden-Württemberg
<a href="http://www.service-bw.de">www.service-bw.de</a>	Guide to public authorities in Baden-Württemberg
<a href="http://www.bag-jugendschutz.de">www.bag-jugendschutz.de</a>	Federal Working Group for Child and Youth Protection e.V.
<a href="http://www.medienpaedagogische-fachkraft.de">www.medienpaedagogische-fachkraft.de</a>	Professional Association of Media Education Specialists e.V.
<a href="http://www.vdna.info">www.vdna.info</a>	Association of German Young Agencies
<a href="http://www.castingverband.de">www.castingverband.de</a>	Federal Association Casting e.V
<a href="http://www.verband-der-agenturen.de">www.verband-der-agenturen.de</a>	Association of Agencies for Film, Television and Theater