



Manifesto on the Status of the Artist

“The word ‘status’ signifies, on the one hand, the regard accorded to artists, in a society [...] and, on the other hand, recognition of the liberties and rights, including moral, economic and social rights, which artists should enjoy.”¹

Introduction:

When people think about performing artists, they tend to imagine a life of fame, glamour and riches. However, for the vast majority, their chosen profession is a precarious and unstable one, offering a fluctuating, and often inadequate, income. Irregular and unpredictable employment opportunities, atypical contractual relationships and lack of control over working conditions, mean that safeguarding the Status of the Artist is vital in order for a career as a performer to be viable. In the current climate, trends towards greater “flexibility” and mobility threaten the livelihood of performing artists. FIA and FIM are calling for action to address these challenges and wish to highlight a few points about performing artists’ lives that are insufficiently appreciated. We will also propose what we believe to be the solutions in the final section of this manifesto.

Some little known facts about performing artists’ lives:

1) There’s no such thing as a stable job anymore

The changing role of the State within the cultural field and the impact of globalization have affected employment patterns of performing artists, mainly in terms of substantially diminished employment stability. The trend towards privatization and project-based ways of working has meant that the length of artistic contracts has generally decreased, leading to more frequent engagement of performing artists on very short-term contracts. Equally, there has been an increase in performing artists working on a freelance or independent basis, sometimes for tax reasons or, very often, as a way for engagers to cut down on employment costs and social contributions. Independent status is often imposed rather than freely chosen by the artist.

2) Social Security and Pensions are as big a concern for performing artists as for any other worker:

Social security, pension systems and taxation schemes are often inadequate, as they are not tailored to meet with the specific needs stemming from the working conditions of artists, as described above. This reduces legitimate entitlements (such as unemployment benefit, health insurance etc.) and makes pensions hard to calculate. Low income from sporadic contracts means that many “self-employed” performing artists struggle to afford the private insurances and pension schemes with which they are supposed to provide themselves, in the absence of an employer, leaving them vulnerable, particularly as they get older.

3) Occupational health risks and accidents come with the job, but insurance doesn’t always:

Depending on the nature of financing and provision of health care in any given country, the same problems to do with employment and social security status can mean that performing artists are without effective health insurance. Given the nature of their work, performing artists are likely to encounter work-related health issues, whether long-term or short-term. There is also an occupational risk of accidents and injury in the workplace, often not properly covered by insurance. Performing artists are very anxious to work, even in the absence of adequate statutory and contractual safety measures and are therefore greatly exposed to such risks.

4) Mobility comes at a price:

Mobility is simply part of the work of many performing artists – touring and performing abroad is important for a performer’s career and often a rewarding part of it. It also promotes inspiration through cross-fertilisation of different cultural traditions and encourages inter-cultural dialogue and cultural diversity. But mobility further complicates the already complex proliferation of employment statuses and conditions of engagement. Movement between different national social security systems puts the social security and unemployment benefit of performing artists at risk by, for example, interrupting qualifying periods. Pensions pose a particularly intractable problem, as pension contributions made across a range of countries may leave an artist with a pension that is incalculable and uncollectable.

5) Freedom of association, collective bargaining and social dialogue are vital:

Performing artists are vulnerable in relation to the precarious and sometimes unacceptable working conditions that characterise the sectors in which they work. Equally, although performing artists may be obliged to have the professional status of freelancers or independents in order to take up the employment opportunities available to them, this in no way reflects the control they are able to exert over their working conditions. Professional and trade union organisations have a particularly vital role in protecting the employment and working conditions of performing artists and in representing their interests in collective negotiation.

6) Lifelong learning and career transition support for performing artists are inadequate:

For some performing artists, career expectations may be affected by the nature of the artistic activity they undertake, as some may exact a considerable physical toll over time. This is particularly true of dancers for example, many of whom will retire from this type of professional activity considerably earlier than workers in other fields. Furthermore, performing artists need to keep training throughout their careers to maintain their skills as well as to further develop them to adapt to an ever-changing environment. However, due to the lack of resources and available facilities, this is not always possible to them. Performing artists

¹ 1980 UNESCO Recommendation on the Status of the Artist, Page 2, Section I. Definitions

are not given enough opportunities to train throughout their career, as well as reorientate themselves professionally and to use their rich creative skills in another area of work.

7) Copyright and intellectual property are not abstract concepts – they help performing artists make ends meet:

Many performing artists rely on intellectual property rights to uphold their professional reputation and generate income from the exploitation of their work. Due to the nature of the industry, they regularly face unemployment between engagements and often cannot rely on sources of income other than what is generated by the ongoing use of their work. However, many of them are in a weak bargaining position and have no other option but to agree to unfair contractual terms that decrease their revenue and control over the use of their work.

8) Performing artists are often excluded from decision-making affecting their sector and livelihood:

Performing artists are key actors within the policy frameworks that States may develop to sustain the development and vibrancy of their cultural sector. They are central to the development of the Arts at all levels and are directly affected by all work to disseminate culture. In addition, all of the policy areas mentioned hitherto in this Manifesto directly impact on performing artists affecting their living and working conditions, in terms of social security, unemployment benefit, health care etc. It is clear that the voices of performing artists and their organisations should have a place within these policy debates, but they are often ignored.

FIM and FIA have some key recommendations to make towards strengthening and renewing the status of the artist and ensuring career sustainability for performing artists:

In light of the issues highlighted above, FIM and FIA call on policy-makers to take account of these problems and to renew and uphold the Status of the Artist with a view to preserving and promoting a flourishing arts and cultural sector. It has been almost thirty years since the UNESCO Recommendation on the Status of the Artist and the time seems ripe to revisit and renew the Recommendation and the political aims that it set out. FIM and FIA call on UNESCO to make this a priority once more, also in view of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions, recently entered into force.

At European level, FIM and FIA call on the European Institutions and Member States to implement both European Parliament Resolutions, respectively of 9 March 1999 on the situation and role of artists in the European Union, and of 7 June 2007 on the social status of artists.

Five key policy recommendations:

New legal and institutional frameworks geared towards the atypical situation of performing artists:

FIM and FIA call for the development by States of new legal and institutional structures and frameworks which would take account of the unique working conditions of performing artists and ensure them access to social security, health insurance and fair and flexible taxation and pension schemes, regardless of their contractual situations. Equally, every contractual engagement of a performing artist, regardless of status, should include full compulsory accident insurance as standard without generating extra costs for the artist. The process can, where possible, be strengthened through international dialogue and exchange of good practice.

A core of employment rights for performing artists:

A core of minimum employment rights should be guaranteed for performing artists, regardless of their employment status. These should take account of the specific characteristics of the sector and the need to uphold the status of the artist. The aim should be to guarantee core labour rights for all performing artists, whether employees or "self-employed", (in particular the right to negotiate and benefit from collective agreements). Equally, all performing artists, including those working on a freelance or self-employed basis, should have the possibility of benefitting from life-long learning and training. FIA and FIM call on States to take account of the particular career transition needs of many performing artists and develop strategies to meet them and thus maintain greater numbers in the employment market.

Better coordination and clear information to facilitate mobility:

At European level, a core of minimum contractual conditions for performing artists in a cross border context would greatly simplify the problems around mobility. Such an approach would go towards replacing the social dimension at the heart of the internal market and would limit discriminations between workers "protected" by an employment contract and those without any protection whatsoever. There is a strong need for better coordination of social security and protection systems between member states to ensure that mobility does not penalise artists and cause them to lose their entitlements. Clear and comprehensive information regarding the mobility of artists is lacking and a mechanism to bring such information together in a readily accessible way is badly needed.

Strong intellectual property protection for performing artists

FIA and FIM call on States to fully recognize the right of performing artists – in both the sound and the audiovisual sectors – to be granted strong intellectual property protection for the exploitation of their work in all media, which they can exercise collectively – regardless of their status – to reduce the unbalanced relationship that they have individually with their engager or those commercially exploiting their work.

Involvement of performing artists in decision-making

FIM and FIA call for performing artists to be given a place in decision-making on all of the issues addressed in this Manifesto. Performing artists and the organisations that represent them must be present in policy development, decision-making processes and their implementation at all levels.

FIM and FIA are willing to be active and engaged in dialogue and policy work in this area.

Further information and contact details can be found on their websites:

FIA: www.fia-actors.com

FIM: www.fim-musicians.com