

## Study on the status and working conditions of artists and cultural and creative professionals

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– See the study [here](#) –

As one of the five priority themes of the **Council Work Plan for Culture 2019-2022** was ‘An ecosystem supporting artists, cultural and creative professionals and European content’, the objective of the study was to **explore the concept of artist status and the working conditions and career paths of artists and creative professionals**.

The study has been conducted during the **COVID-19 pandemic**, which has already had a **dramatic effect on the cultural and creative sectors**, and the closure of cultural venues, along with the cancellation of performances, exhibitions and festivals is resulting in catastrophic economic, social, cultural and human consequences. Cultural and creative sector professionals are **often already in a precarious situation** (self-employed, freelancers, irregular contracts...), and with the additional circumstances related to COVID-19, many are left without any regular sources of income.

### Background on working conditions and employment for artists and cultural and creative professionals (chapter 2)

Artists and cultural and creative professionals are **highly likely to be self-employed, freelancers, work part-time, combine two or more jobs, or do not have a permanent contract**, which means that they are often excluded or only partially covered by social security protection.

Many artists and cultural professionals therefore have a **secondary job** in either an arts or non-arts related field.

There is a **shift away from the standard model of employment to more insecure forms of work**". Indeed, there is a need for extending and improving access to social protection for artists, while taking into account the unique and atypical manner in which artists work.

### European and international policy framework (chapter 3)

The **New European Agenda for Culture adopted by the European Commission** in May 2018, together with the **Council Work Plan for Culture 2019-2022** provide the framework for actions and cultural cooperation at EU level. The Agenda has three strategic objectives with social, economic and external dimensions. One of the concrete actions is to **support Member States in ensuring fair remuneration for artists and creators** through general and sector-specific dialogues.

In addition, it **enumerates several policies at a European and International level**: The European Parliament’s resolution of 2007 on the social status of artists, the EU Gender Equality Strategy, the UNESCO Recommendation concerning the Status of Artists, etc.

## National legal and regulatory frameworks (chapter 4)

The chapter looks more in detail at EU Member States' national legal framework relevant for artists' working conditions.

### Artist status

Due to COVID-19 and the resulting income losses, it has proven to be extremely difficult for artists to prove that they have been working as artists and to prove their eligibility for the status of artists and the subsequent social security benefits. The **outbreak of COVID-19 has exposed the fragility of a labour market increasingly shaped by the growing gig economy, zero-hour contracts and self-employment**. New forms of work lack traditional employment benefits such as paid sick leave, social security and health insurance, maternity leave and other benefits.

Recommendation (among others): **Artists and professionals should be more involved in dialogue between policy makers regarding working conditions and related policies**. It is highly important that self-employed artists and professionals (men and women alike) are involved in such dialogues. In that regard, Member States need to ensure that organisations representing self-employed are included in sectoral dialogues.

### Minimum wage and basic income

Within the CCS (Cultural and Creative Sectors), the status of self-employment and/or freelance is highly prevalent, and it is usually the case that **minimum wage does not apply to this group of workers/people**. Some Member States have considered to include a minimum wage for self-employed, like the Netherlands. In June 2020 it was announced that this proposal was cancelled, one of the main reasons being the administrative burden for self-employed persons.

However, the study mentions that **collective bargaining is central to wage-setting** as it sets the terms of employment and working conditions of a large share of workers and tends to reduce wage dispersion, although **coverage has decreased in the last decades**. **Countries with a higher collective bargaining coverage tend to have a lower proportion of low paid workers**.

Recommendation (among others): An effort is needed to **reconcile competition law enforcement with the role of collective bargaining** as a tool to better protect self-employed workers in the sector.

### Social security

Non-standard workers, including many artists and creative professionals, often have **less access to the social security benefits of salaried employees**. It is estimated that **32% of the European cultural workforce works on a self-employed basis, compared to 14% for total employment**.

In some Member States, **specific rules and schemes exist for self-employed artists** (AT, BE, BG, HR, EE, FI, FR, DE, HU, LV, LT, NL). However, in practice, such provisions can be a mixed blessing as artists with low revenues can find it challenging to pay their obligatory monthly social security payments.

Recommendation (among others): Policy makers and stakeholders should invite more artists in dialogues.

## Taxation and VAT

The income of artists can fluctuate greatly from year to year, and artists may spend significant amounts of time developing work that will generate income only later. Therefore, **income averaging can be a valuable mechanism to reduce the tax burden of artists and creative professionals**, and addresses the atypical manner in which some artists earn their income.

Recommendation (among others): Member States should consider following the example from The Netherlands, Ireland and Denmark and **unilaterally exempt non-resident performers**. This would solve the issues of the non-deductibility of expenses in the country of performance, the difficulties in obtaining tax credits in the residence country, as well as high administrative expenses. The next best solution to be considered would be a minimum threshold for smaller performers, which is currently being used by the UK and the USA.

Similar to social security provisions, artists often face challenges in relation to taxation when working temporarily in a Member State other than the country of their residence. The **complex and non-uniform legislation across EU Member States may often lead to excessive taxation and discriminatory application of legislation**.

Recommendation (among others): Sufficient resources should be allocated to **support the mobility of cultural workers and cultural works** for all sectors within Europe and beyond. **Accurate and up to date information is key to facilitating mobility of artists and creative professionals within Europe**. The production, regular updating and translation into all EU languages of online guides and toolkits on obstacles to mobility and related information is important, such as the ones produced by **PEARLE** (international cookbooks on VAT, social protection, taxation, visas etc.) and cultural mobility funding guides co-produced by **“On the Move”**.

## The nature of income and access to external finance (chapter 5)

### Nature of income for artists and cultural and creative professionals

Artists often live in existential uncertainty and **only established artists can afford to live entirely from their income as an artist**. A common feature in the professional lives of artists and creative professionals is that the revenues that are generated from their artistic or cultural creation **are not entirely transferred to them**, in particular in the **digital environment**.

Recommendation (among others): **Strong copyright provisions are a means to ensure that artists are fairly compensated for their work**. The swift and effective **implementation of the Copyright Directive is essential** to ensure the ability of creators to negotiate and be properly remunerated for the use of their works online. It would also significantly contribute to address some of the challenges that have been exacerbated by the COVID-19 related crisis.

### Support ecosystems for artists and cultural and creative professionals

Grants are considered as the most effective and most widely used public policy tool.

Recommendation (among others): The European Commission should **specifically fund projects aimed at research, residence, creation, rehearsing and training as part of supporting the development and innovations made within**

**the sector.** Funding schemes could take inspiration from the i-Portunus project, whereby a small grant is provided to the artist in regards to a mobility project, where 70-80% is provided up front, and the final part is received at the end of the project.

## Career development of artists and creative professionals (chapter 6)

Next to information on training options and provision of training against reasonable costs, more information and data need to become available on the training and career development needs in the different sectors, at national and EU level.

## Artistic freedom and expression (chapter 7)

While most artists depend on public or semi-public support to survive, **artists and organisations working in the sector tend to self-censor their work** in order to keep access to funding and the ability to exhibit their work in public.

Recommendation (among others): Artistic freedom should be explicitly recognised within the broader framework of fundamental freedoms and freedom of expression, alongside media freedom. Therefore, the European Union needs to take measures to ensure that Member States meet their obligations to respect, protect and fulfil the right of every person to freedom of artistic expression and creativity.

## Conclusions and recommendations (chapter 9)

- Those working in the sector are likely to have a **complicated employment status**, and are more likely to be self-employed, freelancers, employed short-term, or in a combination of employment and self-employment. Project-based work and **inconsistent work patterns** are a key feature of work for artists, and, cultural and creative professionals.
- A large number of artists and cultural and creative professionals are **self-employed**, which leads to precarious working conditions, including lack of regular income (periods of inactivity), relatively low average income levels, less access to social security compared to employees and unfavourable tax regulations, limited access to external finance and limited possibility for (continuous) vocational training, depending of the country.
- The labour market situation of **employees** is characterised by a succession of temporary contracts, relatively low incomes compared to other sectors. Artists and creative professionals are in a situation where (over-)work tends to be required and/or expected, often without any additional remuneration.
- Many artists take **secondary jobs**, which can provide access to some degree of (social) security, but limit the time for artistic or creative endeavours. These jobs can be either within the cultural and creative sectors (CCS), or beyond.
- **Lack of collective bargaining practices in the CCS** contribute to poor job quality, low income and limited social protection, and focus normally only on employees and not on the self-employed.
- For certain **groups of artists** and creative professionals, in particular women, young people and disabled people, there is a higher likelihood of precarious working conditions.
- **Cross border mobility** is a common characteristic in the CCS. Although it brings about certain benefits (more working opportunities and thus more possibilities to ensure a continuous income, international reputation...), it also entails important challenges, in particular in relation to social protection and taxation.

- Several Member States have **specific legislation** that provides some degree of (employment/professional) status to artists, aiming to provide access to social benefits, however this is less the case in other countries.
- **Freedom of artistic expression** remains a challenge, even in some EU countries. In the context of the current COVID-19 crisis, there are also concerns that civil liberties are under threat, which could be used to suppress artistic freedom.

## Conclusions and general recommendations (chapter 9)

- Member States and the European Commission should carry out an **inventory of existing good practices** and examine together policies that acknowledge and improve the working conditions of those working in the CCS.
- It is highly important that the implementation and impact of these measures is **monitored** and **evaluated**.
- A situation such as the current COVID-related one in which policy makers provide support to the CCS sectors is unprecedented and the support is temporary. Therefore, it is important to **integrate culture and the arts into economic and social regeneration strategies** recognising their value for the well-being of citizens, as well as their power to unite people, even in times when it is impossible to come together physically.