

**EXECUTIVE SUMMARY****THE STATUS AND
WORKING CONDITIONS OF
ARTISTS AND CULTURAL AND
CREATIVE PROFESSIONALS**REPORT OF THE OMC (OPEN METHOD
OF COORDINATION) WORKING GROUP
OF EU MEMBER STATES' EXPERTS**INTRODUCTION**

Art and culture are an integral part of our societies and enrich the quality of our lives in many ways. The ability of art to inspire, to connect, to innovate and to bring people from different backgrounds and cultures together is becoming increasingly recognised at EU and Member State levels – not only because of the intrinsic value of culture, but also because of its proven social and economic impacts. But does this recognition also extend to the artists and cultural and creative professionals who make this happen? Many of them are faced with precarious working conditions, low, irregular and unpredictable incomes, high levels of self-employment, project-based

careers and a lack of legal structures that provide social protection and sustainable frameworks for their career development. Artistic freedom is closely linked to social and economic conditions. All of these challenges have been exacerbated by the COVID-19 crisis, which became a catalyst for a growing awareness and political momentum to tackle artists' working conditions. The improvement and strengthening of a fair and decent working environment has already been demanded for a long time by representative organisations and networks of the cultural and creative sectors (CCS) EU-wide and beyond.



POLICY BACKGROUND

In the EU Work Plan for Culture 2019–2022, priority C ‘An ecosystem supporting artists, cultural and creative professionals and European content’ provides for the creation of an Open Method of Coordination (OMC) group of Member States’ experts focusing on the status and working conditions of artists and cultural and creative professionals. As foreseen in the Work Plan, the European Commission issued a study⁽¹⁾ on the status and working conditions of artists and cultural and creative professionals at the end of 2020, carried out by the European Expert Network on Culture and Audiovisual (EENCA), in close collaboration with several sectoral stakeholder organisations such as Culture Action Europe (CAE), the International Network for Contemporary Performing Arts (IETM), On the Move, PEARLE – Live Performance Europe and Freemuse. The Commission also initiated a ‘Voices of Culture’ civil society group⁽²⁾, which presented the results of its discussions in June 2021 and which also had an exchange of views with the OMC group. The OMC co-chairs regularly kept the EU social partners updated via the EU social dialogue on Live performance, informed them of the progress of the OMC group’s work and had exchanges of views.

The OMC group was established in 2021, comprising representatives of all 27 EU Member States⁽³⁾. It worked in a cross-sectoral way and included experts in the field of culture as well as experts in areas of employment and social and economic affairs. Its work was supported by the Commission and guided by a mandate agreed by the Council via its Cultural Affairs Committee. The OMC group was co-chaired by Heidemarie Meissnitzer (Counsellor for Arts, Culture and Audiovisual, Permanent Representation of Austria to the EU) and Toby Dennett (Strategic Development Manager, Arts Council of Ireland) and counted on the work of subgroups, their chairs and the drafting group⁽⁴⁾.

Following earlier resolutions, the European Parliament adopted a resolution in October 2021 on the situation of artists and the cultural recovery in the EU and ‘calls on the Commission to propose a ‘European Status of the Artist’, setting out a common framework for working conditions and minimum standards common to all Member States.

What is in the report?

The OMC report presents the results of all the lively exchanges and discussions of six plenary sessions and the many exchanges between them, convened by the European Commission in 2021–2023, among the experts appointed by the 27 Member States.

It tries to increase information, transparency and comparability of governmental measures supporting artists and cultural and creative professionals. This can be a turning point and, building upon previous work by Europe-wide network organisations, can help towards better and informed policymaking. As illustrated in this report, there is a wide range of diverse systems across the EU. It is not the intention to promote one particular solution as ideal, but to provide an overview of different measures and systems. In the report, we provide a collection of good practices for advancing further policy learning and development, as well as policy recommendations.

In line with the mandate of the OMC group, the findings of the report and its recommendations are focused around four key areas:

- Artist status and social security
- Fair practice
- Skills and lifelong learning
- Artistic freedom

Cross-sectoral topics such as cross-border mobility, gender and diversity, the digital and green transitions, and lessons learnt from the COVID-19 crisis were included in the consideration and discussions.



⁽¹⁾ <https://ec.europa.eu/culture/news/study-artists-working-conditions-published>

⁽²⁾ <https://voicesofculture.eu/2021/07/06/brainstorming-report-status-working-conditions-for-artists-cultural-and-creative-professionals/>

⁽³⁾ All 27 EU Member States participated in the OMC group: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.

⁽⁴⁾ The drafting group consisted of Adrian Debattista, Lukas Declercq, Toby Dennett, Zuzana Došeková, Manochehr Endalib, Martina Hájková, Joost Heinsius, Heidi Meissnitzer, Céline Renchon, Barbara Stacher and Amanda Van Rij.

KEY AREAS AND MESSAGES FOR ACTION

Artist status and social security

Due to the complex nature of artistic and creative activity and the diverse forms it takes, similar questions arise in all Member States, but the way in which each one addresses these issues depends on the historical, political, social and economic context. The systems adopted are therefore very different from one country to another; however, they generally share a common objective: to ensure that artists have access to an adequate status and social protection scheme, despite the often atypical forms of their work patterns, which might prevent access to social safeguards that typically exist for those



in standard employment. Due to the impact of the pandemic, various countries have recently adopted – or are in the process of adopting – important legislative reforms to improve the working conditions of artists and cultural workers.

Main policy recommendations

Artist status and social security

- Aim for specific and coherent legislation regarding artists, covering all areas of their work (employment/labour, social security, taxation), in addition to existing legislation.
- Scope of eligibility of artists: include professionals who create, give creative expression to, or re-create works of art, as a minimum; consider including other types of cultural and creative professionals who face similar challenges
- Make sure that artists and creative professionals, regardless of their labour/employment regime, have access to adequate social protection
- Collect data about the situation of artists for evidence-based policymaking; identify workers in the CCS through relevant sources, or by establishing registers of artists and cultural professionals, to allow for targeted policies.

EU framework for working conditions in the CCS

Set up an EU framework for artists' and creative professionals' working conditions, in order to encourage Member States to adopt measures adapted to the specificities of artists, providing guidelines and minimum standards via a Council Recommendation or Council Conclusions for non-binding measures which cover relevant areas for improving working conditions in the CCS, such as:

- The status and labour regime of artists and creative professionals,
- social protection schemes (such as unemployment, sickness, parental leave and pension),
- taxes,
- public funding,
- cross-border mobility.

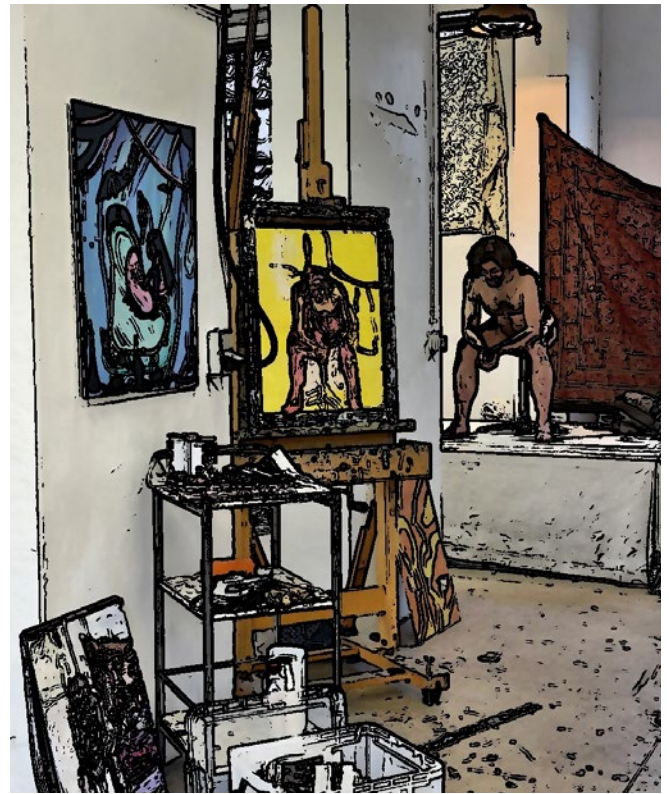
Online sharing platform

Recommendation to encourage information sharing through an online platform, based on the data collected during the OMC group's work.⁽⁵⁾

⁽⁵⁾ In the meantime, this recommendation has already been incorporated into the new EU Work Plan for Culture 2023–2026.

Fair practice

Concern about 'fair practice' in the environment in which artists and cultural and creative workers operate has been consistent and widespread amongst policy and research reports over a number of decades. The rise in precarious work practices across other sectors has also put 'fairness' on the agenda as a wider societal and employment issue. Fairness is increasingly acknowledged not just as a principle or a right but also because it is a factor in sustainability and in the retention of skills and expertise within the arts and CCS. Fairness is also a recognised factor in strengthening cultural diversity and inclusivity – if only those that have other means of support or occupy privileged positions can work in the arts and cultural sectors, then we limit the voices that can be heard. Fairness is not just about a rate of pay. The issue is broader and more complex and extends into fair exchange, fair terms and contractual arrangements, safe working environments, fair opportunity, equality and diversity, fair representation and a fair regulatory environment. Precariousness is perhaps the most significant factor behind a wide range of unfair practices at play within the CCS. Other key factors that have been well documented as impacting on unfair practices include contractual terms, such as fixed-fee contracts and buyout clauses, power dynamics that leave artists in a weak negotiating position, the burden of creative risk, lack of representation and a



competitive environment. At its core, fairness is about recognition of value. The arts, cultural and creative sectors are recognised for the value they bring to society and the economy. Fairness requires that we recognise and value the work of artists and CCS professionals and that we compensate their inputs appropriately and consistently as professionals.

Main policy recommendations

- Public funders at EU, national and regional levels should introduce terms and conditions for the use of public funding, skills and working conditions of artists and cultural and creative professionals; that is, they should include fair pay as an eligibility criterion in new calls for proposals, and monitor compliance with these criteria.
- The EU and Member States should encourage and support the setting up, capacity-building and empowerment of both service organisations and representative organisations in the CCS.
- Public policymakers in CCS, along with mandated representative bodies and relevant experts, should develop good practice guides for adoption and application within CCS. These would be handbooks or toolkits that promote a fair, dignified and safe working culture and environment.
- Member States should establish and resource appropriate and independent structures at national or regional level for artists and CCS professionals to confidentially report unfair practices (including cases of abuse of power, harassment, bullying and discrimination), get advice and, when appropriate, be helped to engage in dispute resolution.



Skills and lifelong learning

How can cultural policy provide and equip the CCS with the skills to develop a flourishing and competitive sector and ensure a healthy work–life balance? The CCS encompass a wide range of sectors with complex and dynamic labour markets affected increasingly – like many other sectors – by skills and labour shortages. Keeping skills up to date and lifelong learning are crucial for all cultural and creative professionals and a skilled cultural workforce is essential for harnessing the potential of the CCS. CSS professionals need to be more polyvalent than ever as they have to adapt to constantly changing environments and learn new skills continuously. To close skill gaps, a good overview of what is available is needed. Member States often lack assistance mechanisms in matching requirements with learning opportunities and feedback from learning providers and educational institutions.

The OMC group has looked at different types of skills sets such as artistic and technical, soft skills and cross-sectoral collaboration, digital, entrepreneurial and managerial skills. There is a need for policies to better prepare CCS workers for a working life within professional art education, supporting structures to provide information on those skilled activities (e.g. in digitalisation, marketing and management), self-organisation of CCS workers, and policies that will target gender equality and inclusion. Considering the different types of learning – formal, non-formal, informal – there is a need to adopt a more strategic approach to skills development, based upon four building blocks: a) availability, b) findability, c) accessibility, d) evaluation/feedback loops.

Main policy recommendations

- Skills building and lifelong learning need to be developed in a systemic way.
- Make learning opportunities visible and easy to find, make them accessible through funding and evaluate existing skills development systems to learn and improve.



Artistic freedom

The extent of artistic freedom determines the scope for people to create art and perform their artistic activities – it is therefore also an important aspect of artists' and cultural and creative professionals' working conditions ⁽⁶⁾. If artistic freedom is threatened, artists cannot produce high-quality work and explore their artistic potential, and cultural diversity cannot exist. Restrictions that countries impose on the freedom of artistic expression can be grouped into four different forms of constraints: political, ideological, religious and socioeconomic. Almost none of the EU-countries include a constitutional protection of the right to freedom of artistic expression and the intensity of these constraints varies across Member States. The threats to artistic freedom have worsened recently under multiple challenges: political extremism, economic collapse, a global pandemic, threats from digitisation, an emerging environmental catastrophe and the return of war within Europe ⁽⁷⁾.

Main policy recommendations

- Artistic freedom should be better protected by European and national legislation, and policy practices.
- Add freedom of artistic expression as a topic in the EU rule of law reports.
- Cooperate with an EU observatory system on the right to freedom of artistic expression.
- Member States should enable access to, participation in and practice of culture for the public and artists.

⁽⁶⁾ https://en.unesco.org/creativity/sites/creativity/files/artistic_freedom_pdf_web.pdf

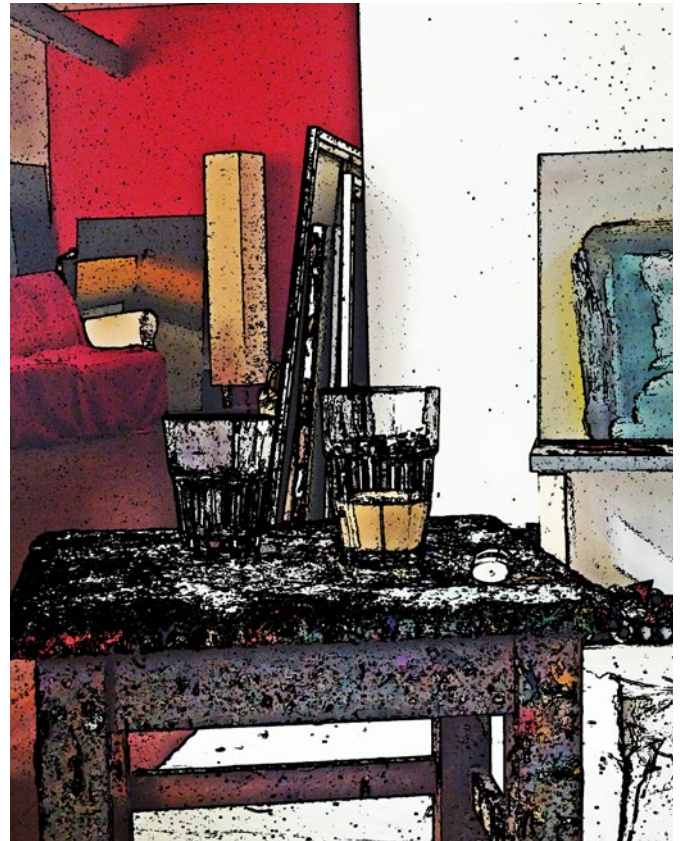
⁽⁷⁾ <https://rm.coe.int/free-to-create-council-of-europe-report-on-the-freedom-of-artistic-exp/1680aa2dc0>

CONCLUSIONS AND WAY FORWARD

The need to provide decent conditions of employment for artists and cultural and creative professionals is a long-term process. The creation and promotion of an enabling environment and favourable working conditions require continued commitment, joined forces and increased cooperation across Europe and beyond, between policymakers, international organisations, sector representatives, networks, social partners and CCS professionals

Due to the limited EU competences and the transversal dimension of the topic which goes beyond the capabilities of ministries of culture in the Member States, an interdisciplinary and cross-sectoral policy approach is needed and recommended.

The new EU Work Plan for Culture 2023-2026 sets out further actions at EU level, including a follow-up on the output of the results of this OMC expert group, which guarantees that the topic remains on the agenda. In addition, the data collected via a comprehensive survey will be used to develop an online sharing platform for an overview on existing data but will also allow regular updates on new initiatives. This will be an important step towards ensuring the working conditions remain on political agendas and that there is a follow-up to this report and its recommendations.



Although some very promising recommendations have been delivered in this report, the work must continue. Further progress is needed to support the resilience and the sustainability of CCS and to improve their working conditions.

The full report is available at: <https://doi.org/10.2766/46315>

Discover more on the Open Method of Coordination here:

<https://eur-lex.europa.eu/EN/legal-content/glossary/open-method-of-coordination.html>

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