

JOINT DECLARATION ON THE OCCASION OF THE 20TH ANNIVERSARY OF THE SSDC LIVE PERFORMANCE



European Social Partners

The European social partners are represented by PEARLE*-Live performance Europe, the Performing Arts Employers Associations League Europe, and the workers in the sector represented by the EAEA, the European Arts & Entertainment Alliance, composed of composed of FIM (International Federation of Musicians), FIA (International Federation of Actors) and UNI-MEI (European Federation of creative, technical and administrative workers in the entertainment sector).

Brussels, 10th October 2019

The European social partners in the live performance sector wish to highlight 20 years of European sectoral social dialogue.

Social dialogue is at the heart of the European foundation and embedded in the European Treaty. Sectoral social dialogue has been acknowledged by the European Union as an additional pillar to cross-industry social partner activities since 1998.

Indeed, the social partners in the sector expressed, more than twenty years ago, a particular desire to be able to discuss and exchange issues of sectoral interest and which have a European or cross-border dimension.

This resulted in the establishment of a sectoral social dialogue committee for the live performance sector with the help and support of the European Commission.

The Juncker Commission underlined the importance and role of social partners to realise the European Agenda on Jobs and Growth. The incoming Commission under Ursula von der Leyen reaffirms the value of social dialogue.



ON THIS OCCASION, THE SECTORAL SOCIAL PARTNERS IN THE LIVE PERFORMANCE SECTOR WISH TO DECLARE THAT:

The performing arts, music and all forms of artistic expression are central to the European Union and to the cultural and economic health of its Member States;

It is vital that Culture continues to be acknowledged by the European Union as a central and valuable policy area in its own right. The social partners underline that Culture relates to many policy areas, whilst they also would like Culture to be specifically mentioned in the title of the Commissioner-Designate Mariya Gabriel;

The European social partners, Pearle* and EAEA, urge the EU and its Member States to endorse the fact that Culture and the Arts have a public mission in society. The Arts, and more particularly the Performing Arts, including live music, reflect our European cultures and traditions; they are a valuable vector of our shared identity, as well as of our rich diversity. They are also a cradle of artistic creativity and expression, which is fundamental to Europe, and which must be championed and protected by a strong commitment to freedom of artistic expression and the promotion of cultural diversity;

The social partners within the sector have a shared interest in a flourishing cultural sector and access to culture for all throughout the European Union, as well as the full realisation of the aims of the 1980 UNESCO Recommendation on the Status of the Artist as well as the 2005 UNESCO Convention on the protection and promotion of the diversity of cultural expressions;

They are committed to ensuring the continuing vitality and quality of the Performing Arts and a robust and sustainable cultural sector for those that work in it.



THE EUROPEAN SOCIAL PARTNERS IN PERFORMING ARTS, ON THE OCCASION OF THE 20TH ANNIVERSARY OF THEIR EUROPEAN SOCIAL DIALOGUE, RECALL THE FOLLOWING KEY PRINCIPLES FOR A STRONG SOCIAL DIALOGUE AND FLOURISHING SECTOR AT THE NATIONAL LEVEL AND THE EUROPEAN LEVEL:

- All Member States should recognise the necessity of employers' associations and trade unions, and the mutual recognition between employers and workers;
- To strengthen social dialogue we need strong employers' associations and strong unions who are able to negotiate collective agreements. Collective agreements should involve all parties to social dialogue with the aim of covering all workers' rights regardless of their employment status. Therefore it is vital media and culture workers can rely on the freedom of association to engage in social dialogue with their social partners;
- In the present economic context, the financing of the Performing Arts must continue to be guaranteed to provide for a genuine and sustainable environment for the sector and boost further growth and employment. Thus the sector must not be neglected in national economic planning and budgets, in particular as well in the European Semester;
- Social dialogue should be developed and strengthened in both the public and the commercial parts of the sector in those countries where it is absent;
- The improvement of health and safety in the live performance sector continues to be an important objective, including implementation of the EC2003/10 Directive as concerns the protection of workers in the music and leisure industries; a focus on risk assessment as part of an overall strategy on health and safety in the workplace and support for a vital engagement of employers and workers for safe and healthy workplaces;

The Live Performance continues to be a high mobility sector, depending on touring and international working, leading to cultural exchange and cross-fertilisation. It is therefore crucial to ensure specific arrangements to facilitate the cross-border transportation of professional equipment such as musical instruments. The EU and the Member States must equally ensure that this mobility does not penalise workers in the sector through loss of social protection or social benefits accrued and should not result in excessive or double taxation of income or performance fees;

The Live Performance holds a mirror up to society and play a key role in valuing diversity and equality. To play this role in a meaningful way, there must be a profound and ongoing commitment to equal opportunities in the sector. Furthermore, it is important to tackle gaps in gender equality in the live performance sector in an ongoing way. The cultural and creative industries were at the epicentre of the #MeToo movement for change and continued work to tackle sexual harassment is vital for the future of the live performance sector.



TO PROMOTE AND IMPROVE SOCIAL DIALOGUE IN THE LIVE PERFORMANCE SECTOR, PEARLE* AND EAEA ALSO CALL ON:

a) The European Union, to:

Support employers' association and trade unions in the Live Performance to increase their capacity to better reach out to their potential affiliates to build strong and representative social partners;

Encourage governments to create favourable conditions for an autonomous bi-lateral social dialogue;

Continue to support and stimulate the international exchange between countries of Europe as regards best practices of the organisation of labour and management and of social dialogue;

Support the professional career development of performing arts workers through life-long vocational training, access to skills development, as well as reconversion schemes;

Support social partners to develop a dialogue on health and safety, including risk assessment and promote worker involvement in developing a strong approach to safe and healthy workplaces for all workers; encourage Member States to comply with article 14 of the EC Directive 2003/10 where this is not already the case;

Continue to support and encourage mobility in the sector, making sure the coordination of social security systems in the EU take account of the special situation of highly mobile, often short-term working patterns of workers in the live performance sector. Add value and coordinate the efforts of Member States to address the issue of double or excessive taxation of performers and of touring companies;

Support social partners to exchange best practice and build their capacity on delivering diversity and equality in the live performance sector and on tackling sexual harassment.

b) Member States of the European Union, to:

Give the management the freedom and independence to jointly initiate social dialogue and to be a real partner in bi-partite and tri-partite social dialogue;

Encourage and allow management and labour to organise, in particular as regards employers' in the live performance sector and freelance/self-employed workers;

Create favourable conditions for an autonomous social dialogue;

Encourage the development of social dialogue in the public and commercial live performance sector;

Adopt an integrated approach between the Ministries of Labour/ Social Affairs and the Ministry of Culture to create a coherent social dialogue in the live performance sector;

Consult management and labour when transposing and implementing EU legislation which has an impact on the sector including health and safety;

Develop further the regulatory framework which enables the sector to develop its full potential as part of the culture and creative industries and to contribute to local economic and social development and involve closely employers and trade unions;

Support them to develop a dialogue on health and safety, including risk assessment, and promote workers' involvement in developing a strong approach to safe and healthy workplaces for all workers.;

Ensure that social security schemes, as well as taxation schemes are configured to take account of the highly-mobile, often short-term working patterns of workers in the sector and ensure they are not penalised by mobility and the great variety of legal regimes that apply in the sector; address the issue of double or excessive taxation of performers and the touring companies in a mobile context by taking up identified policy solutions to this problem;

Engage and support the social partners in fully embracing diversity and mainstreaming gender equality in all aspects of the live performance sector. Support initiatives to end sexual harassment in the live performance sector and society at large.

c) Employers and employers' organisations, workers and trade unions to:

Support the creation of employers' organisation and support employers, including those who are publicly appointed, to freely participate in employers' associations to defend collectively the interests of management and the organisations or businesses they represent;

Support, when appropriate, employers and employers' associations to create partnerships with management from neighbouring sectors (cultural and creative industries, tourism as relevant etc.) or with other relevant organisations;

Support efforts of trade unions to develop strategies on how to renew as trade unions, staying close to the concerns and challenges of workers in the sector and on how to better reach out to potential affiliates, especially younger performing arts workers, freelance and self-employed workers ensuring they can be fully represented in the social dialogue;

Support efforts of trade unions to develop coordination and cooperation with other trade unions inside the sector, at home and abroad to define strategies on how to better defend the interests of all workers in the sector regardless of employment status;

Support employers' organisations and trade unions to establish a regular dialogue with colleagues from other European countries and organisations to seek support, exchange best practices and discuss themes of common interest;

Reinforce efforts and assist governments to set up an independent bi-lateral social dialogue at national/regional, sectoral and company levels, as well as an independent tri-partite social dialogue;

Identify solutions to set up a coherent and accessible system for professional career development, including life-long vocational training schemes, access to skills development, including digital skills and professional reconversion schemes;

Engage in a dialogue on health and safety, including risk assessment, and promote workers involvement in developing a strong approach to safe and healthy workplaces for all workers;

Advocate for social security schemes that can take account of the highly-mobile, often short-term working patterns in the sector and support workers and employers as much as possible in relation to the administrative actions needed regarding social security and ensure measures are taken to avoid, as far as possible, double or excessive taxation of performers and touring companies in a mobile context;

Ensure that employers and unions in the sector have a clear commitment to upholding diversity and gender equality, both in their own structures and activities and as part of the social dialogue. Engage, where possible with unions and other sectoral partners, in developing strategies to tackle sexual harassment in the sector.

Signed in Brussels, on the 10/10/2019

In the presence of
Mr Joost Korte, Director-General Employment, Social Affairs and Inclusion
and of Mr Tamas Szucs, Director Culture and Creativity

On behalf of EAEA*

On behalf of PEARLE*

