



IFACCA

International Federation
of Arts Councils
and Culture Agencies

A crisis of sustainable careers?

Examining working conditions for
independent arts and cultural workers

September 2022

Commissioned chapters by Laurence Cuny, Xin Gu,
Martin Inthamoussú and Ammar Kessab

Edited by Anupama Sekhar,
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Fédération Internationale des Conseils des Arts et des Agences Culturelles

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About

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Creative Victoria

Creative Victoria is the state government body dedicated to championing, growing and supporting the creative industries in Victoria, Australia. Victoria – and its capital Melbourne – is well recognised as Australia’s cultural and creative heartland.

In 2021-22 employment in the creative and cultural industries represented 8.8 per cent of the total state workforce and 7.4% of the total Victorian economy. The social and cultural impact of the creative industries is deeply valued, with high participation and engagement rates and 84 per cent of Victorians (aged over 15) acknowledging the significant positive impact the arts have on their lives.

Creative Victoria invests in the ideas, talent, organisations, events and projects that make Victoria a creative state. The organisation works across the creative sector – from the state’s major public museums, galleries, performance venues and other iconic cultural attractions, to hundreds of non-government creative organisations, businesses and collectives, and thousands of individual practitioners working in a wide range of creative disciplines.

Learn more at creative.vic.gov.au

International Federation of Arts Councils and Culture Agencies (IFACCA)

The International Federation of Arts Councils and Culture Agencies (IFACCA) is the global network of arts councils and ministries of culture, with member organisations in over 70 countries. Our members operate in developed and developing countries across Africa, the Americas, Asia, Europe, the Middle East, and the Pacific.

The IFACCA Secretariat oversees the Federation: it supports, connects and responds to the needs of members; creates opportunities for collaboration and exchange; and provides trusted leadership and intelligence on arts and culture in public life, for members as well as the wider international community.

Collectively we are committed to international dialogue and exchange, undertaken in a spirit of solidarity, inclusion, reciprocity, and mutual learning. The Federation represents plural voices and perspectives, unified in the belief that arts and culture are a public good – with the potential to further inclusive social transformation – to be shaped and accessed equitably by all peoples.

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Welcome

While concerns related to the working conditions of artists and independent workers in the creative and cultural sectors (CCSs) pre-date COVID-19, the pandemic has further exposed their true precarity. The International Federation of Arts Councils and Culture Agencies' (IFACCA) *Strategy 2021-2026* – written in the post-COVID-19 context – outlines how we aspire to work with members across the world to adapt to post-COVID conditions, through crisis management, recovery and long-term strategy; as well as to rebuild, redefine and reform public support for arts and culture, towards a more sustainable and secure future. In the wake of the pandemic, we share an urgent need to address new and existing social and sectoral fault lines, to consider how our institutions can adapt and evolve to support the sector, to work with new partners across different sectors and portfolios, and develop policies that will lay the foundation for a more sustainable, secure, just and inclusive future. It is in line with this strategy that we – the IFACCA Secretariat in partnership with Creative Victoria, Australia (Affiliate Member) – turn our attention to the most important resource within the CCSs in this second report of IFACCA's *Sustainable Futures* series: its people, and the conditions in which they work.

In 2019, the International Labour Organization (ILO) began exploring what 'decent work' means in the cultural and creative sectors. It concluded that even before the pandemic, many workers had left the field due to instability or insufficient income. Massive gaps existed in terms of access to training as well as retraining in the face of technological developments. The UNESCO Global Report *Reshaping Policies for Creativity: Addressing culture as a global public good* – published in February 2022 – confirmed the devastating impact that the COVID-19 pandemic had on working conditions in the sector, caused by social and economic disruption, which included significant loss of livelihoods, particularly for female workers, and heightened risk of a talent drain.

In September 2022, the UNESCO World Conference on Cultural Policies and Sustainable Development – MONDIACULT 2022 – will be convened by UNESCO in Mexico City, 40 years after the first MONDIACULT World Conference on Cultural Policies was held in the same city in 1982, and 24 years after the UNESCO World Conference on Cultural Policies for Development was held in Stockholm, Sweden in 1998. As we prepare for this important milestone for positioning culture in public policies and international cooperation, we would like to turn the spotlight on a topic that we believe deserves urgent attention if we are to build back better post pandemic: how we can ensure that artists and independent cultural workers across the world have fair and decent working conditions, and that their contributions are recognised and valued.

We have developed this public report with a team of external expert authors – Laurence Cuny, Xin Gu, Martin Inthamoussú and Ammar Kessab – who each explore various social and economic aspects of working conditions in the CCSs, including but not limited to, barriers to entry, salary standards, social protections, access to finance, taxation, training, wellbeing and

legislation; highlight case studies; and identify challenges and opportunities for change. This report also draws upon existing literature, as well as inputs from our National Members from various regions, and 153 artists and cultural workers who participated in a public survey.

We hope that the report and its conclusions will be useful to arts councils, national agencies and ministries of culture, and other cultural agencies, non-governmental organisations, advocacy groups, academia, arts administrators, creatives and arts practitioners. We see this report as a first step for more in-depth discussions on the urgent need for reforms to ensure decent work for artists and independent cultural workers, first through the global survey on the implementation of the 1980 Recommendation on the Status of the Artist that UNESCO that launched in July 2022 and further, at MONDIACULT 2022. The working conditions of cultural workers are core to fundamental freedoms and will also inform the discussions at the 9th World Summit on Arts and Culture, which we will co-host with the Swedish Arts Council in Stockholm, Sweden from 3-5 May 2023.

On behalf of the Federation, I would like to thank the commissioned authors for bringing their expertise to this report; the artists and cultural workers who responded to our public survey; the experts we interviewed; our Members who contributed their insights through an online survey, especially our project partner Creative Victoria; and my Secretariat colleagues Anupama Sekhar, Director of Policy and Engagement as an exemplary editor of this report, as well as Francisca Borquez, our Data Analyst, and Elena Polivtseva, our Senior Researcher, for their important contributions.

We look forward to working with our members and colleagues in the international arts and cultural community over the coming months to generate a comprehensive debate around these critical issues for our sectors.

Magdalena Moreno Mujica
Executive Director, IFACCA

Introduction

The curious paradox is this: even as we experienced the impressive power of culture as a coping mechanism through the pandemic, the very artists and cultural workers whose craft sustained us through the isolation struggled to make ends meet. Many cultural workers did not have the safety nets needed to survive a crisis, while others struggled to make the transition to digital without the necessary skills. Many left the sector altogether in search of better and more stable livelihoods. This unfortunate contradiction is something to which former UN Special Rapporteur in the field of Cultural Rights, Karima Bennouna drew attention in *COVID-19, Culture and Cultural Rights* (2021), her report to the forty-sixth session of the UN Human Rights Council. The irony of this situation calls our attention to persisting challenges of maintaining a sustainable career in the cultural and creative sectors (CCSs). In this second report in our *Sustainable Futures* series, we turn our attention to this important issue with the aim to examine working conditions for artists and independent cultural workers, assess where some of the key fault lines lie, how policy interventions could successfully address the challenges at hand and use the disruption caused by the pandemic as a circuit breaker for initiating much needed systemic change.

Is cultural work labour?

At the root of this crisis of sustainability is the continued invisibility of cultural work as labour, and of cultural workers as rightful members of a society's labour force. There is still a perception that the process of creating art is not work automatically entitled to the legitimate rewards enjoyed by other types of labour, such as fair wages and social security; but rather a hobby that celebrates everyday creativity, or a luxury that only the financially privileged can afford pursue professionally. In this context, this report sets out to reaffirm that artists and cultural workers are, first and foremost, workers; and they need to be recognised as such and granted access to basic rights in this capacity. This is particularly important in the case of artists and other professionals in the CCSs who work in non-standard forms of employment such as freelancers, without formal jobs, as well as those working in a less regulated informal economy the world over. Such recognition is critical to ensure basic dignity for the individuals who make up the workforce of the CCSs, as well as greater visibility for the sector as a legitimate part of both the social and economic fabric of society, in addition to its cultural role. For as long as cultural workers remain invisible within the larger labour force, we cannot effect much positive change in their working conditions.

At the root of this crisis of sustainability is the continued invisibility of cultural work as labour, and of cultural workers as rightful members of a society's labour force.

Do we understand what cultural workers do?

The invisibility of artists and cultural professionals as workers is not the only challenge. Evidence points to a second type of invisibility, one that arises from a lack of understanding as to what constitutes the work of an artist or cultural worker, how such work is typically organised within the sector, and the aspects of labour for which they should be rewarded.

Often, legal systems seem to lack the frameworks needed to account for non-standard forms of employment in the sector, consequently leaving workers vulnerable to, among other things, low rates of pay, lack of job continuity, poor income stability, and limited social protection measures and career development opportunities. Furthermore, some of the more visible and tangible elements of cultural work (such as tours, exhibitions and performances) appear to be better understood than the behind-the-scenes preparatory work, which remains largely invisible (and often unpaid). The IFACCA public survey on the working conditions of artists and independent cultural workers conducted in March-April 2022 confirmed that planning, research and development are routinely unpaid activities. Thus, this second layer of invisibility seems to owe in part to a lack of understanding and acknowledgement of various social and economic aspects of the working conditions of cultural workers.

What social value do we accord to cultural work?

The relative invisibility of artists and cultural workers within the labour force is clearly reflected in their low socio-economic status: half of the respondents of our public survey identified the low status of the artist/cultural worker as a barrier they currently face in their career. This concern was predominant for early career stage respondents; and in developing countries, it emerges as *the* primary obstacle to professional entry into the CCSs most likely because of limited legal recognition of cultural work as a profession in many parts of the world.

The low socio-economic status of artists and cultural workers also raises larger questions about the social value of art. How much significance does society place on the symbolic value of cultural work in terms of its economic contributions? Have we been able to find appropriate indicators to adequately measure the social value of arts and culture, such as for example, their contribution to wellbeing, resilience and social cohesion during the COVID-19 pandemic? How does undervaluing the social contribution of artists and cultural workers affect their working conditions?

Th[e] threefold deficit in recognition, understanding and value has resulted in the invisibility of cultural workers which has had drastic consequences for the quality of working conditions in the CCSs.

Consequences for working conditions in the CCSs

This threefold deficit in recognition, understanding and value has resulted in the invisibility of cultural workers which – when coupled with their low socio-economic status – has had drastic consequences for the quality of working conditions in the CCSs. Precarity is the norm for many in the sector’s workforce, as our authors demonstrate in this report, and our public survey results confirm.

Precariousness and job informality stand out as primary concerns for cultural workers across the world in our public survey results. When speaking of precarious working conditions, we include a wide range of issues including lack of contracts, income instability, limited access to social security (such as old age pensions or maternity leave) and poor collective bargaining structures. The results of our survey also confirm that these pressures are felt more by independent cultural workers, who are twice as likely as artists and cultural workers affiliated with institutions to encounter precarity in the early stages of their career. Unfortunately, precarity does not abate even when cultural workers advance into mid- or late-career stages: 70 percent of respondents to our survey reported lack of stable paid assignments or income stability as key impediments to career development; 50 percent reported lack of adequate paid assignments in their artistic discipline; and 20 percent reported that the greatest proportion of their remuneration came from work outside the CCSs.

Main concerns of artists and independent cultural workers regarding their working conditions



This word cloud visualises the main concerns of artists and cultural workers regarding their working conditions, as revealed by IFACCA's public survey in March-April 2022. The bigger and bolder a phrase appears, the more often it was mentioned by survey respondents.

Discrimination in various forms – based on gender, age, race, social structures and class or disability – appears to be entrenched in the sector, denying a level playing field to all entrants. Lack of adequate funding opportunities, whether from public or private sources, emerges as another key barrier to entry into the field, as well as for career development in all world regions, with cultural workers from developing countries being particularly concerned about this issue (and cultural workers in developing countries reporting little or no government structures to support their work). Another key concern is underpayment, with many artists and cultural workers reporting being underpaid for the work they do and/or the time involved. Underpayment appears to be a concern that spans a career in the sector. While the problem is endemic across the sector, the situation seems to be worse for artists and independent cultural workers: our public survey shows that six in 10 independent cultural workers reported that their income is below the national average, while the number goes up to eight in 10 for artists.

Moreover, we have had conversations around unpaid labour in the CCSs for a long time. The problem persists in the sector, with nearly six in 10 people reporting that there is an unstated requirement for them to complete unpaid work.

While many of the issues outlined here are common to all cultural workers – such as precarity, lack of funding opportunities and underpayment – artists and independent workers appear to be disproportionately affected. Our public survey results show that cultural workers affiliated to an organisation were less likely to report underpayment, precariousness and job informality, or lack of funding, compared to artists and independent cultural workers (it seems the issues for cultural workers are more likely to relate to limitation of opportunities for education and training). Lack of information, mentorship, or orientation also continue to act as major barriers to entering the professional CCSs, with many reporting not knowing how to navigate the sector, understand funding options, or access support and training.

Indeed, the working conditions of artists and independent cultural workers appear to be dire and far from the promise of decent work. Several reports in recent years confirm these suspicions. The International Labour Organization's 2019 report, *Challenges and opportunities for decent work in the culture and media sectors* highlighted that – even pre-COVID – huge gaps exist in social protection cover, gender equality, access to initial and continuing training opportunities, as well as awareness about various employment regimes among workers. The UNESCO 2022 Global Report - *Reshaping Policies for Creativity* further confirmed that COVID-19 has exacerbated existing precarious working conditions among artists and cultural professionals, with many national governments trying to meet the challenge through emergency measures aimed at protecting the social and economic rights of artists and cultural professionals. These unfavourable working conditions have resulted in some artists and independent cultural professionals leaving the sector altogether, which is confirmed in *Culture in Times of COVID-19 - Resilience, Recovery and Revival* a report published in June 2022 by UNESCO and the Department of Culture and Tourism – Abu Dhabi, United Arab Emirates. Without doubt, there is an ongoing crisis of sustainability for artists and independent cultural workers, that affects entry and retention within the sector.

For this report, we invited four authors – Laurence Cuny, Xin Gu, Martin Inthamoussú and Ammar Kessab – to consider the social and economic aspects of these working conditions (such as social security, safety nets, salary standards, taxation, pensions, legislation, financing, access and equity); identify and outline key issues that make independent cultural workers socially and legally invisible; present examples of good practice to show how positive policies have been made and implemented; and identify limits to existing knowledge, as well as opportunities for development.

The authors have picked different entry points for their explorations. Xin Gu interrogates the impact of declining social value on the status of artists and cultural workers, as well as their working conditions, particularly social security, safety nets and taxation. Laurence Cuny studies legislation and institutional protections that enhance access to social and economic benefits for atypical workers in the CCSs. Martin Inthamoussú focusses on access and equity issues that inform the decisions of individuals to become and remain professional practicing artists, including demography, geography, social class and available support systems, with particular focus on Latin America. Inspired by the concept of business enabling environments, Ammar Kessab explores frameworks to create similar empowering milieus for the CCSs, particularly creative businesses and in the specific context of the African continent.

Together, the authors peel away the layers of social, financial and legal opacity in which much of the cultural sector operates, investigate the challenges that result in artists and cultural workers regularly operating without contracts, fair wages, social protections or other benefits and with limited access to funding, collective bargaining structures or growth opportunities, and offer positive pathways to solutions to be considered by policymakers, civil society advocates, funders and those that engage artists in work.

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Of social protection, social value and social rewards

Xin Gu

Work in the cultural and creative sectors (CCSs) is often thought of solely in terms of jobs, justifiable according to their economic value. The International Labour Organization's (ILO) 2021 Working Paper on *Social Protection in the Cultural and Creative Sector* put forward this argument in its discussion of working conditions in the CCSs. Its findings suggest there is a real gap in policy makers' understanding of labour in the sector, which tends to be based on the material rewards of labour, not the immaterial contribution of the labourer.

Governments are often reluctant to commit to support packages without hard economic data, even when COVID-19 has shown us that culture brings people together and can provide us all with joy, support and purpose in time of crisis. Yet, why is it that so few have chosen policies that reward the CCSs for their significant contribution? The answer may lie in the social value that we place (or do not place) on the role of artists and cultural workers. As Andrew Fischer points out, social value can be

best understood as referring to the non-pecuniary benefits derived from employment, keeping in mind that economies are embedded within social relations. These benefits can be conceived in individual terms, such as a sense of security, life fulfilment, self-worth and dignity, or in societal terms, such as the fostering of social cohesion by providing a platform for individuals to engage with their community in a manner that engenders a sense of identity and belonging to a collective endeavour and shared social objectives. In other words, work is valued for multifaceted reasons and serves multifaceted functions, some of which are clearly economic (understood in a restrictive sense of value added and remuneration) and many of which are not. It is in this range of values and functions, both economic and social, that we must seek to understand the place of employment within human development (2014, p.4).

The social value of the CCSs is therefore directly linked to the acknowledgement and recognition of the role and contribution made by the sector to society, such as fostering cultural diversity, innovation, wellbeing, social cohesion and resilience, among other things. Social value thus derives not only from how much we are willing to pay such professionals, but also from our recognising that they are key players in society. In the absence or weakening of such social value however, the status of artists and cultural workers begins to fall, leading over time to the social consequence of deprofessionalisation, which will be explored later in this chapter.

Declining social value

The generally accepted social value of work in the CCSs has declined rapidly in developed countries since the early 1980s. Previously, the social function of such work was closely linked to ideas of the autonomous artist with core guarantees of a free and vibrant cultural sector. This concept of autonomous art was developed in the late 18th and early 19th centuries and is mostly limited to Western cultures – as opposed to those in Africa and Asia, or First Nations communities across the world. In Western aesthetics, the notion of autonomy is linked to emancipation from the dual patronage of the church and aristocratic courts which traditionally dictated the content of art. In Enlightenment, Romanticist and Modernist aesthetic philosophy, autonomy meant that art followed its own rules. This was first described by the 18th-century philosopher Immanuel Kant and later emphasised by Romanticism as ‘art for art’s sake’, which is by definition a claim for autonomy from external forces as well as from rules of depiction and representation (Cramer 2018).

Since the 1990s, however, the CCSs have increasingly used the discourse of the creative industries to position themselves as new economic growth sectors requiring greater public investment. This has not only resulted in the co-opting of arts and culture into the dominant economic market first discourse, but at the same time has also raised questions around the validity of the concept of the autonomous artist and the shift from arts to cultural policy. While arts policy mainly dealt with aesthetic concerns and issues of direct and indirect funding to artists and arts organisations, cultural policy is much broader in focus and covers, among others, cultural identity and analyses of historical dynamics, such as hegemony and colonialism (Mulcahy 2016).

In this context, the professionalisation of cultural workers exemplifies the expansion of market logic in the cultural sphere, a moment defined by Fredric Jameson, a leading voice on Postmodernism, in terms of knowledge becoming both capital and labour (1998). French sociologist Pierre Bourdieu also observed that cultural work resembled intellectual knowledge capital, but the work increasingly echoed the rhythm of industrial labour (1993). This apparent contradiction between cultural capital and cultural labour has been a key challenge, particularly for those working as independent workers in the cultural sector, whether freelance, part-time or temporary contractors. In part, this is due to a lack of understanding of the social and economic aspects of the working conditions of cultural workers, which results in precarity becoming the norm in the CCSs.

Cultural policy has sought to mediate this issue by presenting the notion of the status of the artist as a proxy for evaluating non-economic values of cultural work.¹ However, this somewhat

¹ UNESCO adopted the 1980 Recommendation concerning the Status of the Artist in its twenty-first session. The Recommendation asks Member States to implement policy measures related to the employment conditions, freedom of expression, mobility, social security and training in order to improve ‘the professional, social and economic status of artists’. The Recommendation remains a key piece of legislative mechanism by UNESCO. And with the adoption of the 2005 Convention on the Protection and Promotion of the Diversity of Culture Expression, the Recommendation has been given new scope by acknowledging the role of artists in the ‘creation and production of a diversity of cultural expressions’. This has led to a series of new policy frameworks developed by UNESCO.

broad concept offers limited concrete tools with which to make sense of both the social value and the stark realities of work in the CCSs, or cultural workers' own attitudes to work in the sector (Throsby 2008).

...strengthen[ing] the social value of cultural work should start with the acknowledgement of workers' professional identity as informed both by their industrial relationship to the market and their relationship to society.

To what extent cultural policy can address the social value of cultural work continues to be debated. A key concern is how to move beyond cultural policy's narrow remit for increasing or restoring funding for the cultural sector. Instead, cultural policy makers are asked to confront the matter of artistic merit versus commercialisation. As some warned us, when the creative industries found its way into cultural policy, it 'systematically hollowed out' the cultural and social value of the cultural sector (O'Connor 2022). Addressing the social value of cultural work provides us with the opportunity to reset the cultural policy agenda by ditching 'the creative industries' rhetoric entirely. As in other modern industries, the labour market in the CCSs is structured to privilege some more than others (Oakley & O'Brien 2015); to provide autonomy and security to some more than others (McRobbie 2018); and to reinforce gender inequality at work (Scharff 2017). These sharp issues in the CCSs have largely been neutralised through the ideal of the cultural professional with their disinterestedness in questions of the market (Adorno & Horkheimer 1944/2002). As Kate Oakley argued (2013), cultural policy – advocating as it does human creativity as an automatic and self-sufficient process non-transferrable to market values – has limited scope to address the precariousness of work in the CCSs.

Any attempt to strengthen the social value of cultural work should start with the acknowledgement of workers' professional identity as informed both by their industrial relationship to the market and their relationship to society.

A growing trend of deprofessionalisation

The work of art has always been a combination of a material object rooted in exchange value (including the exchange value of labour) and one based on symbolic value. Many contemporary problems associated with the precarious nature of work in the CCSs derive from perceptions that these two schemas of value have little to do with each other. The value of a cultural object seems to exist in a space separate from those who actually work to produce it. Work in the CCSs is increasingly viewed in terms of exchange value (that is, labour payments) rather than the cultural values it helps to produce. This loss of recognition for the cultural value

of the work done by the CCSs has far more serious consequences for the sector, over and above legitimate concerns about fair pay for workers. The decline in the social value of work in the CCSs has resulted in anxiety, alienation and self-exploitation among cultural workers at the individual level and in the growing trend of deprofessionalisation at the social level (Oakley 2014).

‘Deprofessionalisation’ refers to the weakening of the social and economic status of cultural workers and their increased fragmentation and marginalisation within the economy. Lack of access to upskilling and collective bargaining, among other things, are contributors to the gradual erosion of their position as professional, skilled workers within the economy. Cultural workers tend to be highly qualified individuals in their creative specialisation but may be less trained in performing other non-creative tasks such as marketing, advocacy or management. Nevertheless, these non-creative tasks are important in that they involve the development of skills, identities, norms and values associated with the development of their work as a profession. These skills become particularly important for artists and independent cultural workers, who work without organisational affiliations and structures. Here, it is important to acknowledge that even as we speak of deprofessionalisation in the sector, in some parts of the world (especially in developing countries) employment in the CCSs has not yet achieved the legal status of a profession. Workers in these countries face an even greater challenge, as perceptions of their work are increasingly already characterised by the logic of deprofessionalisation that exists elsewhere.

In the past three decades, as already mentioned, work in the CCSs has been devalued by a lack of union representation and declining public trust in the artistic critique, both in developed and developing countries. ‘Artistic critique’ is an umbrella term, ‘synthesising the many forms of critique first levelled against the new industrial, capitalist, and bourgeois society of the nineteenth century, largely by artists in the name of freedom and individual fulfilment’ (Chiapello 2004, p.585). As Upton-Hansen et al maintain, in recent decades there has been much pessimism about the ‘the critical power of the art world – however limited or constrained this might have been in the past’ (2021, pp.171-172), in a world of intensifying commercialisation, economic inequality and declining public funding.

This devaluation has triggered the deprofessionalisation of the sector, making the pursuit of a sustainable career in the sector increasingly difficult, owing to low pay and limited access to adequate social protection, particularly for those working as independent cultural workers. While cultural policy reforms around the world have paved way for the expansion of social protection measures such as pensions, sick leave, access to health care and training for those in salaried work, a challenge remains when it comes to independent cultural workers. The work of independent cultural workers tends to oscillate between contracted and uncontracted periods, which calls for better recognition of not only the exchange value of paid work, but also the values produced in times of ‘self-work’ that are often unaccounted for by the exchange

value of labour.² In recent years, digitalisation and automation of production in the CCSs, coupled with declining public investment, have added to the stress of deprofessionalisation.

As deprofessionalisation accelerates within the sector, working conditions for cultural workers further deteriorate. As has been well documented by studies of the informal economy of gig workers, when work is deprofessionalised, workers' resistance can be dismissed quickly. In the CCSs, a lack of union representation has the potential to further weaken the collective bargaining power of the sector and contribute to heightened inequality between A-lists of more celebrated or sought-after artists (or experts) and others. Given these consequences, the trend of deprofessionalisation can – over time – lead to a general decline in aspiration to work in the sector, as both the status of cultural professionals and economic rewards are low.

Therefore, to reverse the trend of deprofessionalisation, it is important to invest in setting professional standards within the CCSs through broader policy reform, which in turn can enable the sector as a whole and individual workers to access relevant benefits and incentives. Work is being done in this regard, and issues such as fair pay have indeed been put on the agenda thanks in no small part to a participatory and integrated governance model involving civil society, governments, non-government actors and private sector players (UNESCO 2022), but progress varies from region to region, and many and varied challenges remain.

Conventional social protection schemes tend to disadvantage such casual and atypical workers outside standardised employment relationships or stable incomes.

Inadequacy of social protection systems

In the absence of some standard setting for working conditions in the CCSs, the trend of deprofessionalisation will result in worsening social protection measures for the workforce, where access to such benefits is already weak for a disproportionately high number of independent workers in the sector, owing to the atypical nature of their work. Conventional social protection schemes tend to disadvantage such casual and atypical workers outside standardised employment relationships or stable incomes. As pointed out by a 2021 ILO report, sole-traders and freelancers in the CCSs face particular challenges in accessing social

² The UNESCO 2022 Global Report *Reshaping Policies for creativity: addressing culture as a global public good*, revealed that public spending in the creative industries continue to fall after the COVID pandemic despite the fact that the sector has contributed both economically and socially to the health and wellbeing of societies around the world.

security contributions because national social security schemes are often designed based on standard types of contracts, work activities and income; and there is often a lack of a relevant legal framework to account for the labour of creativity (see Table 1).³

The lack of contributory schemes to cover freelance or independent work carried out by cultural workers is in part caused by an evaluation of creativity that takes place outside of contractual arrangements. Employment legislation in most countries does not protect creative practice as self-employment. Voluntary contributions made by the self-employed allow independents to opt out of social protection schemes when they are not mandatory. It also opens the door for employers who exploit the status of self-employment and fail to contribute an employer's share. All this results in a reduction in cultural workers' eligibility for social protection benefits.

In addition to the challenges of accessing long-term benefits such as pensions, many cultural workers are also routinely denied short-term benefits such as sick leave or parental leave, as well as opportunities for capacity building. In turn, this results in self-exploitation by cultural workers through personal investment in upskilling or taking leave without pay, which are not accounted for. These inadequacies in the working conditions within the CCSs have wider social implications in terms of diversity in the workforce. Research has shown that a lack of social security benefits is a key contributor to gender inequality in the cultural sector. Women are generally paid less than men and women with children are less likely to enter the sector and advance their careers in it.⁴ People from vulnerable socio-economic backgrounds are also usually unable to pursue a professional path in a sector characterised by insecurities.⁵ Further, when cultural workers lack access to such social protection systems and fail to enjoy their benefits and social safety nets, they are also denied social rewards.

³ For more information, see Table 1 on page 32 from the ILO Working Paper 28, *Social Protection in the Cultural and Creative Sector - Country Practices and Innovations*, published in 2021. This table presents the ILO's categorisation of workers who are not covered by social security scheme due to their contractual and other employment conditions and suggests ways to prevent their exclusion.

⁴ UNESCO's Report *Gender & Creativity: Progress on the Precipice* (2021) shows that in fields such as culture, where freelancing or short, temporary and insecure contracts dominate, this contributes to the under-representation of mothers and to the lack of female representation at senior levels, impeding career advancement. According to the same report, women make 77 cents for every dollar men earn and this inequity is exacerbated for women with children.

⁵ According to a study by the Creative Industries' Policy and Evidence Centre *Getting in and getting on: Class, participation and job quality in the UK Creative Industries*, in the UK, only 16% of people taking creative jobs are from working-class backgrounds (2020 p.16).

Need for social rewards

Social rewards are intrinsically linked to working conditions and the broader framework of decent work. Social rewards are not physical objects but are elicited during social interactions. According to Jorunn (2010), the social reward dimension refers to various aspects of the social environment and the employees' work relations, measuring the degree of external public acknowledgement and internal social support, as perceived by the workers. Also, it generates a sense of wellbeing and positive emotion when one feels they belong and are accepted by others during social interactions.

Important social rewards for the workforce are created when policy measures are grounded in thorough understanding of the profession (with both general and unique needs), and when the social value of cultural work is recognised. For example, in addressing the general needs of the sector, closer attention can be paid to offering tax incentives at sectoral and individual levels, or to widening access to mental healthcare. When turning to the unique needs of the sector, creating opportunities for context-relevant capacity building can be considered, given that the sector is plagued by, among other things, inadequate and self-funded training.

Innovative tax incentives

Around the world, tax incentives are used to cultivate the CCSs, but few have succeeded because of significant remuneration issues in the sector. Often, independent cultural workers must settle for irregular payments, or not being paid until after the cultural commodities are sold or services are rendered. This affects their ability to adequately plan for future work, including hesitancy in contributing to social security schemes. A larger issue is that the tax incentives developed are not based on an understanding of the unique characteristics of CCSs. In Ireland, the visual art tax exemption introduced in 1997 was one of the first pieces of legislation in the world to provide 100 percent income tax exemption, based on sales of artworks with price tags of up to €250,000 (McAndrew 2002).⁶ This legislation, which enabled high income earners within the CCSs to receive significantly more benefits than most artists, has resulted in a fierce debate within Ireland over the fairness of the tax incentive (Molenaar 2017).

⁶ The Artists' Tax Exemption Scheme allows artists to be exempted from income tax from the sale of original creative work. The scheme was introduced in 1997 and is governed by Section 195 of the Taxes Consolidation Act. The High Income Individual Restriction came into effect in 2007, creating the ceiling of €250,000 on artists' tax exemption.

...decisions on tax exemption should aim to protect the means – that is enabling cultural workers to earn a living from what they do – as well as the ends, with income from the sale of cultural commodities.

Therefore, tax incentives must be built on the recognition of a sustainable source of creativity, including attracting and nurturing creative talent, rather than simply on the exchange value of the product of labour. That is, decisions on tax exemption should aim to protect the means – that is enabling cultural workers to earn a living from what they do – as well as the ends, with income from the sale of cultural commodities. Thus, the first task of any tax incentive for the CCSs should be to establish a consensus that recognises the status of artists. As Ireland's reformed *Income Tax on Artists' Exemption* states: '[the Office of the Revenue Commissioners] may make a determination that certain artistic works are original and creative works (are) generally recognised as having cultural or artistic merit' (Revenue, Irish Tax and Incomes website).

Recognising the status of artists and cultural workers will ensure the fairness and accountability of any tax incentives. Instead of enabling a small percentage of high-income artists to receive significant tax breaks, tax incentives could look to cap tax exemption or create alternative means of tax exemption at the lower threshold to ensure that artists earning lower incomes receive greater tax exemptions. This would reverse significant inequalities of the labour market. Apart from income from the sale of original artworks, tax exemptions should also be considered alongside other qualitative indicators, such as for those who have limited access to social security or affordable healthcare, or sole proprietors in the low to middle-income threshold.

Tax incentives should also consider the embedded creative, rather than restricting tax benefits to the core CCS employment categories. Legislation could expand tax incentives to include those non-creatives who work within the cultural sector in the production, distribution and consumption of cultural goods and services, as well as those independent creatives working in non-creative sectors (for example, freelance photographers working on public health messaging for hospitals). These workers also should be eligible for tax incentives.

Moreover, any tax incentive targeting tourism, housing, heritage preservation, or urban renewal projects could have a trickle-down effect on individual cultural workers. For example, in southeast Asia, a large number of cultural workers service the region's tourism industry. While this creates opportunities for cross-sectoral alliances, it also presents the risk of the CCSs becoming invisible within the tourism industry, without a separate industry status or industry body to speak for its needs.

This is the case in Cambodia, where cultural businesses are subject to a range of taxes including VAT, entertainment tax, and import tax, and the CCSs are not officially recognised as an industry. Further, self-employed cultural workers in Cambodia are often not registered for tax purposes, making them ineligible for social benefits, such as healthcare. Audiences for arts and culture are also closely linked to the thriving tourism sector in the country: it is estimated that nearly 2.5 million tourists visit the temple of Angkor Wat in Siem Reap each year. Therefore, the impact of the COVID-19 pandemic was devastating for the CCSs there, owing to massive loss of income from tourism. Further, when the Cambodian Government decided to extend a tax rebate to the tourism industry in response to the pandemic, the CCSs were not included, despite the fact that the income of these organisations and the artists with which they work depends largely on tourism. Instead, it was suggested that artists could register for and access the government's IDPoor Program, which provides monthly payments of USD \$30 in Phnom Penh and USD \$20 in the countryside. This case study highlights the need for dedicated sectoral advocacy groups that ensure that the needs of workers within the CCSs are protected and that can, among other things, build bridges between the sector and policymakers. In Cambodia, this has taken the form of the Consolidated Voice and Solidarity of Cultural and Creative Organisations and Professionals in Cambodia (CICADA), a membership-based research and advocacy organisation representing Cambodia's CCS, which was formally registered with the country's Ministry of Interior in 2022.

Access to healthcare, including mental healthcare, is critical to ensure social rewards for cultural workers, particularly those who work independently.

Widening access to mental healthcare

Access to healthcare, including mental healthcare, is critical to ensure social rewards for cultural workers, particularly those who work independently. Recent research from Australia⁷ finds that a cultural sector crisis in mental health was caused by complex factors, including precarious work arrangements, the blurring of work and life, and pressure from celebrity culture and entrepreneurialism. A link between the declining mental health of cultural workers and a growing trend of deprofessionalisation in the sector is evident. The mental health issue clearly links to declining social value accorded to the profession and lack of intrinsic

⁷ This research conducted by Never Not Creative in 2018 is one of the first major study into mental health of the media, marketing and creative industries in Australia, especially the stigma associated with mental health issues in the sector.

recognition of the value of the artist and independent workers' participation in culture, as well as to a lack of social rewards which results in constant attempts at self-compensation and eventual burnout. In 2018, the first major study into the mental health and wellbeing of the media, marketing and creative industries in Australia – *Mentally Healthy, A Study into the Creative Media Marketing Industry* – revealed that job satisfaction is a key indicator of mental health (Never Not Creative).

Further, the COVID-19 pandemic exacerbated the crisis, particularly for performing and visual artists who have relied on tours, concerts and exhibitions for income, and for career development. While the conditions of isolation experienced by many in the first few months of the COVID-19 pandemic have been linked to a surge of creativity, particularly among individuals with little previous engagement with the arts, this isolation also led to artists experiencing severe anxiety and an absence of opportunities to present their work live to audiences, along with shrinking exposure to new networks, and limited or no access to spaces and resources needed for maintaining skills.

Previously, very little structured or professional support seems to have been available to cultural workers facing mental health challenges, with the same 2018 report from Australia revealing that a majority of workers had turned to non-professional sources of support at such times. Only a quarter of those surveyed had reached out to qualified professionals for mental health support (Tynan and Thienel, 2018). Here, the example of Australia's Arts Wellbeing Collective is interesting for its attention to the specific challenges of work in the CCSs. The Collective is a mental health prevention and promotion initiative from Arts Centre Melbourne. It provides resources, services, and initiatives tailored to the unique workplace environments that arts workers and organisations face. Industry-led and industry-facing, the Collective works to identify the root causes of workplace stress in the live performing arts sector and to empower and enable more effective organisational responses to support mentally healthy creative workplaces.

Tackling harassment in the workplace

Beyond the fragility and inadequacy of anti-harassment regulatory frameworks, deprofessionalisation and the wider scope of poor working conditions seem to create a breeding ground for violent practices at work. The recent report from IETM *#MeToo in the Arts: From call-outs to structural change* states that the MeToo movement that started in 2017 revealed an inefficiency and lack of tools to protect workers from harassment (Keil & Kheriji-Watts 2022).⁸ Inappropriate behaviour is inherent in the cultural and creative sectors, especially when freelance professionals and independent artists are concerned. Blurring the lines between the personal and professional in the creative sphere is also a factor that can trigger inappropriate practices in a workplace. Moreover, the lack of sustainable career

⁸ The International Labour Organization defines violence and harassment as practices and behaviours that result or can in physical, psychological, sexual, or economic harm: ILO Violence and Harassment Convention, 2019.

opportunities for artists results in their weaker position in the face of abuse and harassment. Fear of losing a job or undermining professional relationships thus can lead to normalisation of harmful practices at workplace (Ghekiere 2020).

Indeed, multiple studies in recent years reveal the scale of the problem. In 2017, Kunstenbond, the Dutch arts union, ran a Snap Poll among its members that showed that 60 percent of the respondents had been bullied, verbally abused, or sexually harassed in the workplace at least once (Kunstenbond 2017). In Japan, a group of artists Hyogen-no-genba-chosa-dan undertook an online survey and published the results in March 2021: 90 percent of respondents said they had been victims of power harassment, and 80 percent said they had experienced sexual harassment (Chiba 2021).

While many countries have national laws that aim to fight harassment in a professional environment (ILO 2007), change must also be advanced by tailor-made, grassroot efforts. In recent years, many culture and arts institutions, civil society organisations, unions, and private enterprises have elaborated policies to prevent and tackle harassment and violence in their organisations or in the sector at large. For example, the South African Guild of Actors developed a Code of Practice establishing principles and policy for the elimination of sexual harassment in the industry (FIA n.d.); and in Slovenia, the Faculty of Arts of University of Ljubljana has introduced a new code of practices which aims to create a framework for students to take part in the implementation of anti-violence procedures (Keil & Kheriji-Watts 2022).

Access to customised capacity building

As Allan has pointed out, privilege in the CCSs is often constructed not through employment but 'unequal access to experience and exposure' for self-development (2018, p.249). On the ground, we see some worrying trends including the shift of responsibility for capacity building to individual workers themselves. Research suggests that young people in the CCSs are particularly disadvantaged as a result of broad transformation of workfare policies. Often, for example, young workers are coerced into unpaid media work in the guise of internship, in order to qualify for welfare benefits (Lee 2015). Here the unequal distribution of training resources exacerbates conditions for self-exploitation.

...the need to earn entry with sector-based networks and experience may disadvantage young workers who lack their own cultural and social capital.

In addition, the need to earn entry with sector-based networks and experience may disadvantage young workers who lack their own cultural and social capital. All these trends further disadvantage artists and independent cultural workers in terms of access to career growth and stable incomes.

Increasingly, management and/or entrepreneurship skills are identified as important areas for helping cultural workers find employment and generate a sustainable income. In response to this, some governments favour tertiary level programmes over apprenticeship schemes, leaving cultural workers disadvantaged by the conflict between options for a broad-based arts education and skills based vocational training. In addition, current training and upskilling models with a focus on creative entrepreneurship fall short of the social validation needs of the professions in the CCSs. These programmes, which often emphasise individual charisma and personal achievement, contribute to self-exploitation and self-doubt among many workers. In comparison, research based on community and Indigenous arts practices have identified cultural stewardship as an alternative paradigm for training with focus on values such as collectivism, caring and sharing (Hagan & Redmond 2019). Notions of leadership among First Nations are exercised according to different values and criteria, with leadership seen by some as custodianship, as a process of creating consensus rather than an ascribed position in a hierarchy.

Training programmes informed by Indigenous cultures and worldviews are being foregrounded, for example, within Canada's Banff Centre for Arts and Creativity through its extensive Indigenous arts programmes offering residencies and other creation spaces, as well as performances, concerts and talks by Indigenous artists. The Australia Council for the Arts' Custodianship programme (Watts 2020) is designed by and targeted for First Nations cultural practitioners, arts workers and artists. The programme challenges Western notions of what arts leadership means and replicates the way Indigenous communities in Australia learn – through community, rather than through a Western-style top-down hierarchy. At Creative New Zealand, the Māori Arts Internship programme supports emerging Māori arts managers, professionals and producers to establish pathways to embark on a career in the arts (Toi Māori Aotearoa n.d.).

Another interesting capacity building model comes to us from Indonesia and is facilitated by the newly registered trade union for the media sector in the country, SINDIKASI, the Media and Creative Industry Workers Union for Democracy. SINDIKASI is a collective initiative of media and creative industry workers, who have joined forces 'to be able to support each other and become a safety net in the vulnerabilities faced in the midst of the development of the digital economy' (SINDIKASI n.d.).

Since its establishment, the union has advocated for workers' rights, especially young workers and women in the sector who are particularly vulnerable owing to a harassment at the workplace, lack of understanding of workers' rights which reduces the status of many of them to informal labour, and the country's weak social protection system. In response, SINDIKASI has developed a series of training programmes for cultural workers, which not only cover

technical and managerial skill building but maintain a larger focus on raising workers' understanding of their individual rights.

Capacity building and training on navigating the digital environment are essential for enabling artists and performers to shape and apply sustainable business and monetisation models when working in the digital domain. In 2020, the Ministry of Labour and Social Protection and the Ministry of Cultures, Arts and Heritage of Chile launched a grant programme for cultural and creative professionals to follow courses on electronic commerce and digital marketing as well as training on copyright (UNESCO 2020). In 2021, the USA creators' movement "Your Music Your Future" launched a global education campaign on royalties and copyright buyouts (Your Music Your Future International n.d.).

Main findings

The issue of the social aspects of the working conditions, while of great importance to all cultural workers, is of particular significance for those in non-standard forms of employment and in the informal economy in the CCSs. The issue is vast and this chapter, which focused specially on social protection, social value and social rewards, has unearthed key findings that relate to workers' legal rights, their wellbeing and access to capacity building opportunities as well as larger questions about the perceptions of the value of arts and culture for society.

Workers' legal rights

Social security, healthcare coverage and access to tax benefits should be basic entitlements for independent cultural workers and are essential to ensure decent work and dignity in the CCSs.

Such entitlements will also significantly raise the social rewards experienced by cultural workers, which are key to retaining talent for the sector. The social reward dimension refers to various aspects of the social environment and the employees' work relations, measuring the degree of external public acknowledgement and internal social support, as perceived by workers is key.

Value of culture to economy and society

Cultural work entails economic and social value. Many policy interventions tend to justify public investment in arts and cultural development solely based on metrics which are predominantly economic in nature.

Whilst it is widely acknowledged that the cultural sector has a much bigger role in society than revealed in economic indices (as proven by the COVID-19 pandemic), it has also been difficult to quantify the social value of arts and culture through appropriate indicators. There is an urgent need to have important conversations on the social value of artists and cultural workers as part of larger conversations around the status of the artist and beyond.

Wellbeing

Declining mental health is a serious challenge for cultural workers, especially for those working independently, owing to precarious work, unstable income and lack of social protection. There is a worrying tendency to write these off as individual career choices, rather than paying attention to structural problems in the sector.

In the absence of stable work opportunities, fair pay and access to social protections, as well as continuing training, cultural workers are often forced to invest their own time, money and other resources to stay employed within the sector. Such self-investment cannot, of course, be afforded by all those who work in the sector. This begs the question, who can actually afford to become an artist or cultural worker? And points to the continued role that privilege plays as a gatekeeper, often obstructing entry into the workforce in the CCSs.

Building capacities

Access to capacity building remains weak within the CCSs, not only for artists and independent workers but even for those employed in institutional settings.

In the case of the latter, employers are often reluctant to pay for upskilling even as the operating environment in the CCSs changes dramatically. Further, the oversupply of well-qualified applicants (as is the case in the European Union, where Eurostat has shown that over half of the workforce holds tertiary level education) has the effect of sometimes discouraging employers from providing in-house training. Urgent conversations are also needed on who may be in the best position to respond to the complex training needs of the sector.

Identified opportunities

- Given the many urgent issues facing the workforce in the CCSs, including poor social protection measures, there is an opportunity for national public bodies, such as arts councils, to further widen their concern beyond distribution of funding to include advocacy for change. This includes using their status to better support fair work in the sector, particularly in the absence of union representation.
- At the governmental level, access to health care – including a mental health plan – should be mandated imperative in by national cultural policy reforms. This could include a hard policy component (for example, industry levies to pay for sick leave or carer's leave for casuals and contractors) and a soft policy component (for example mandatory provision of mental health training for arts managers as part of an Occupation Health and Safety Plan). These expenses should be justifiable as part of any arts project or operational funding so that small and micro cultural organisations can also afford to make such provisions within limited resources. At the institutional/organisational level, minimising the risk of burnout among workers should be a priority, including through offering stable and fair working arrangements. At the individual level, free training aimed at increasing mental health literacy is essential.
- A comprehensive approach is needed to address harassment at work. Alongside setting up and enhancing legal and regulatory frameworks, it is essential to encourage and support organisations in the CCSs to develop their own codes of conduct specific to the type, size and nature of their work. Such guidelines should extend coverage beyond employed workers to also include independent cultural professionals that engage with the organisation.
- A worker-centred creative and collaborative approach to capacity building in the CCSs is important to consider. Such an approach would involve multi-disciplinary and intersectoral collaborations with multiple key stakeholders (including educational institutions, local governments, industry/sector specific associations and social change makers).
- A shift in values informing training programmes from cultural leadership to cultural stewardship would support the creation of alternative paradigms with less emphasis on individual achievement and more focus on interrogating the social value of art, artists and cultural workers.

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Table 1: Factors determining coverage or exclusion in social security schemes of part-time and temporary workers as well as those in dependent self-employment and actions put in place to ensure effective coverage for this group from ILO Working Paper 28, Social Protection in the Cultural and Creative Sector - Country Practices and Innovations, published in 2021

Factors determining coverage or exclusion	Actions put in place to ensure effective coverage for this group
<p><i>Part-time workers.</i> Covered if thresholds for minimum working hours/days or earnings are met. In case of multiple employers, specific regulations may apply. Marginal part-time work is often excluded or may be covered through special regulations.</p>	<p>Set lower thresholds for working hours or earnings. Allow practical solutions for workers with multiple employers, and for those combining part-time dependent work and self-employment. Facilitate coverage for marginal part-time workers through adapted social insurance solutions or a combination of social, insurance and tax-financed mechanisms. (See the case of France)</p>
<p><i>Temporary workers.</i> Covered if thresholds for minimum duration of employment are met. Casual workers are often excluded.</p>	<p>Set lower thresholds for minimum duration of employment to expand legal coverage. Allow for more flexibility with regard to the number of contributions required to qualify for benefits. Allow for interrupted contribution periods (x number of contributions in y months). Enhance portability of entitlements between different social security schemes to facilitate mobility between jobs. Simplify administrative procedures for registration and contribution payments. (See the case of Uruguay or Argentina)</p>
<p><i>Dependent self-employment.</i> Covered if self-employed workers are covered, or if specific measures are taken to prevent misclassification and ensure adequate protection.</p>	<p>Prevent the misclassification of workers and ensure adequate protection for those in dependent self-employment including through criteria to identify such categories of workers. Simplify administrative procedures for registration and contribution payments. Ensure non-discrimination and equal treatment. Adapt social security mechanisms to the needs and circumstances of self-employed own-account workers. (see the case of Germany, Argentina or France)</p>

Protecting an atypical workforce: Why the law matters

Laurence Cuny

In 2022, many of us are likely to consider the notion of the atypical worker – with its connotations of flexibility and remote work from the comfort of home – as an inevitable feature of the future of work, which has been revolutionised post-COVID. However, what many consider as atypical working conditions have been typical for workers in the cultural and creative sectors (CCSs) for a very long time. To this day, only a small proportion of workers in the CCSs worldwide work as employees, with a greater number of the sector workforce falling within the category of what the International Labour Organization (ILO) labels ‘non-standard forms of employment’. Across the European Union, for example, one third (33%) of the cultural workforce was self-employed in 2020, which was twice as high as the average for total employment (14%) in the same region (Culture Action Europe & Dâmaso 2021).

A major consequence of this reality is that artists and cultural workers who are not in standard forms of employment do not enjoy some of the basic rights, and lack access to benefits available to other workers, such as social protection and unemployment benefits. Temporary cross-border mobility, another regular feature of atypical employment common in the sector, brings its own challenges in terms of accessing and harmonising benefits across national boundaries. Emergencies and crises further exacerbate these challenges for atypical workers in non-standard forms of employment as they face greater risk of livelihood loss. In Latin America, for example, in 2020 more than half of cultural professionals (64%) worked as freelancers, which resulted in over 80 percent income loss when the pandemic struck (UNESCO 2022a, p.28).

While this problem is by no means new, with the rise of the gig economy and recent crises brought on by the pandemic and accelerated digitalisation, it is safe to say that atypical work is rapidly becoming an even more typical feature in the CCSs worldwide. This has severe consequences not only for the quality of working conditions for independent cultural workers, in the absence of legal provisions to accommodate the atypicality common to the sector; it also affects the diversity of the workforce, given that many interested and talented potential workers may choose not to enter the field at all, owing to poor employment benefits or – as has been evidenced after the pandemic – leave the sector for sectors. In turn, these employment trends will reduce the diversity of cultural expressions to which audiences have access, and which are key for our societies to thrive.

Although the terminology applied to qualify non-standard forms of employment in the CCSs varies across countries and contexts, a common feature underlying these jobs is that they are atypical in nature. Atypical work relates to a condition of self-employment, when the status of

an artist or cultural worker is independent, autonomous, or freelance. This means that the workers themselves carry the burden to provide for their social security, often at a higher cost as they must pay both the employer's and employee's contributions. The term is also associated with the length of a term of employment, which could be temporary, seasonal, on-call, intermittent, discontinuous, casual, fluctuating, occasional or part-time. All these terms reflect the project-based characteristics of work in the sector. The term atypical is also related to the contractual status of cultural workers. Atypical workers often undertake unpaid or voluntary work; they also regularly work with cumulative contracts.

Legislative and regulatory frameworks have played an historic role to ensure decent working conditions for artists and independent cultural workers and ...they should continue to play a critical role.

Such atypical employment leaves workers in the sector in a situation of precarity as it is difficult for them to access pensions, collective bargaining rights, social security and unemployment benefits, among other things. In turn, this increases the risk of them leaving the sector in favour of stable employment elsewhere, resulting in a loss of talent within the sector. Elaboration of public policies that extend social protection and other benefits to atypical workers in the CCSs has been underlined by the ILO and UNESCO as a matter of urgency. This means that attention must be paid to the specific characteristics of atypical work in the sector, if we are to change practices that have maintained precarious working conditions in the CCSs for so long. Such measures would ensure that artists and independent cultural workers are recognised as equal to other workers within the economy, who enjoy benefits as a matter of course. This is separate to the symbolic value of their work. Legislation and regulatory frameworks have a critical role to play in ensuring decent and fair working conditions in the CCSs.

The first step, therefore, is legal recognition (and thus respect) for artists and independent cultural workers as workers, with economic and social rights, as well as the rights to freedom of association, which many states have committed to through the signing of international treaties with the ILO and UNESCO. The second step is to craft policies and measures that respond to the atypical nature of work in the CCSs.

Ensuring such rights for independent cultural workers will not only improve working conditions for individuals involved; they will also have an impact on society as a whole. While artists remain in precarity, they cannot be fully free to create. This, in turn, has an impact on the right

of all citizens to enjoy diverse cultural and artistic offerings, as protected by Article 27 of the *Universal Declaration of Human Rights*. Poor working conditions in the CCSs therefore have serious consequences for artistic freedom. What is at stake is so much more than just the fate of individual workers.

Legislative and regulatory frameworks have played an historic role to ensure decent working conditions for artists and independent cultural workers and in the current rebuilding of the CCSs, badly hit by the pandemic, and they should continue to play a critical role. Priority issues for legislative and institutional protection that stand out for consideration when we talk of legal recognition for atypical workers in the CCSs include recognition of intermittent work, fair pay, and holistic support systems for independent workers.

Legal recognition of intermittent work

As outlined, the discontinuous, intermittent nature of work in the CCSs not only results in unstable income for artists and independent cultural workers; it also has the serious consequence of creating barriers to accessing social welfare and economic benefits. Moreover, intermittent workers might have limited or no access to collective bargaining due to frequent change of assignments and a limited attachment to one workplace.

Intermittent work has been defined as ‘being characterised by a fixed-term period, which either involves fulfilling a task or completing a specific number of days’ work’ (Eurofond 2015, p.46). In response to this feature of work within the CCSs, several countries have adopted legislation and regulatory mechanisms to cover for the periods *in between* such tasks. In France, there has long been such practices, which are worth looking at more closely. As early as the 1930s, a special mechanism was introduced into the French legal system as an incentive for technicians to work in the film industry, which offered only short-term contracts. Later in the 1960s, the national unemployment scheme was modified in recognition of this issue and has been further adapted several times to the present day.⁹

In the French system, an artist or technician who alternates between periods of employment and unemployment in the live performance (dance, theatre, music), film or audio-visual sectors is defined as an ‘intermittent du spectacle’.¹⁰ Under the French system, CCS organisations and companies may recruit employees on very short fixed-term contracts, with no limit on the number of consecutive contracts that may be put in place. As an exception to the French labour law, these short-term contracts can be accumulated. This legal framework entitles workers who have accumulated 507 working hours over a period of 10 months to unemployment benefits during non-working periods. In addition to performance or recording hours, the following elements are also considered:

⁹ Collective agreement of 31 December 1958 on supplementary unemployment insurance, Annexes 8 and 10

¹⁰ Ibid.

- declared and paid rehearsal hours by the employer
- hours of creation in artists' residencies when they correspond to periods leading to the production of a show
- the hours worked in the European Economic Area, which includes the countries of the European Union as well as Iceland, Liechtenstein, Norway and Switzerland.

Through such provisions, this legal framework acknowledges the intermittent nature of work in the CCSs, including the cross-border mobility of artists within an existing regional, multilateral framework.

A very important feature of this system is the legal presumption of contractual employment. In the context of social protection, it is essential to determine whether a worker is self-employed and independent or is in fact a dependent employee under a different working arrangement. This has important consequences, as it can mean inclusion or exclusion from the general protection system. If workers are excluded, this means that they need to make a voluntary contribution, often at a higher cost, which creates discrimination and risks them having no protection at all, as this is not mandatory. For performing artists, the presumption of an employment relationship is enshrined in the French Labour Code, which sets out the legislation applicable to the employment relationship between the employers and employee¹¹. The term 'performing artist' includes the following occupations: singer, actor, choreographer, cabaret artist, musician, conductor, music director, circus artist and any other artist whose activities are acknowledged as a performance art activity. This means that for all these occupations, it is presumed that the artist holds a dependent, salaried position. Consequently, these artists are automatically included in the general social security scheme and therefore enjoy benefits comparable to those offered to all employees (Galian, Licata & Stern-Plaza 2021, p.42).

However, this framework is limited insofar as it does not include all artists and independent cultural workers. There have been repeated calls for it to benefit visual artists, authors and photographers, among others. As the logic of the system is to provide cultural workers with a system that recognises the specific features of their work, there should – in theory – be no obstacle for this extension. However, a variety of factors hinder such inclusion in practical terms, including but not limited to a lack of collective bargaining associations in some sectors, which is responsible for the higher visibility enjoyed by ticketed and performative artistic work. For example, recent discussions in France around a law¹² to address precarity among arts professionals found that 50 percent of graphic novelists and comic book authors earn below the minimum wage. One reason for this is that the artistic revenue model and rights of these

¹¹ Code du travail, Article L7121-3, L.7121-3, Ordonnance 2007-329 2007-03-12 JORF 13 March 2007, France.

¹² Report on behalf of the Committee on Cultural Affairs and Education on the proposal for a law establishing a common public domain in order to combat the precariousness of arts and culture professionals, N° 4088, 14 April 2021.

authors do not entitle them to unemployment benefits. Yet, the need for such extension to cover a greater cohort within the CCSs is clear.

Access to collective bargaining

Freedom of association and the right to collective bargaining are recognised in the Universal Declaration of Human Rights.¹³ The 1980 Recommendation concerning the Status of the Artist recognises the rights of artists to be organised in trade unions or professional organisations. Freedom of association is also one of the core elements included in UNESCO's definition of artistic freedom. Collective bargaining is vital for the socio-economic status of artists and cultural workers. As the 2015 *Study on the Remuneration of Authors and Performers*, commissioned by the European Commission states, 'trade unions can indeed support authors and performers in at least three different ways that are most useful for securing remuneration: supply of information, collective negotiation and enforcement' (Europe Economics et al., p.149).

Collective bargaining is vital for the socio-economic status of artists and cultural workers.

Artists and cultural workers operate in a labour market where supply often outstrips demand. Furthermore, entrenched work cultures mean that some are prepared to work for low wages, in the hope of building a career or due to the perception that there will always be another willing candidate if they refuse. Despite high levels of skills and qualifications (Eurostat Culture Statistics – cultural employment 2020), the arts and culture sector remains a predominantly low-wage sector for many of its workers. Competition for work is high, placing employers in a dominant position. For artists and cultural workers who do not wield significant clout individually, collective bargaining is the most effective option to assert minimum terms and conditions that can at least offer a sustainable income and safe and decent working conditions.

However, there are several obstacles hindering artists' and cultural workers' access to collective bargaining. The most common challenge relates to the friction between competition laws and collective bargaining, and the definition of workers. The high levels of self-employment in CCSs result in limited unionisation due to the application of competition rules to collective agreements for self-employed workers. In the EU, competition frameworks consider self-employed workers as undertakings, which means that they are not eligible to be

¹³ Article 20 (1) recognises the freedom of assembly and association and Article 23(4) on the right to form and join trade unions.

represented by trade unions as this would constitute price-fixing (Culture Action Europe & Dâmaso 2021). For instance, rulings by competition authorities have posed problems for freelance workers in the media, arts and entertainment sectors in some of the EU countries, including Denmark, Ireland and the Netherlands (Euro FIA et al. 2016).

In May 2019, the first International Freelance Conference of the International Federation of Musicians (FIM) in Copenhagen issued a Declaration in which it called on governments to 'ensure that competition law does not apply to freelance music performers and that the latter are never forced to declare themselves as small businesses or enterprises and are free to form unions and to bargain collectively'. In 2021, acknowledging the major changes in the labour market, the European Commission launched a roadmap on collective bargaining agreements for the self-employed. Its aim was to address the competition law obstacle to collective bargaining for self-employed workers. Following several rounds of public consultation and discussion with stakeholders, new Commission Competition Law Guidelines on collective bargaining for self-employed are expected to be published in the European Autumn 2022. It is anticipated that these will greatly mitigate the competition law obstacle that has been so problematic, but work will be needed at national level to ensure that collective bargaining for self-employed artists and cultural workers will become possible and compatible with national labour codes and industrial relations practices.

The ILO Working Paper *Non-standard workers: Good practices of social dialogue and collective bargaining* (2012) highlights a series of global approaches to collective bargaining instruments for atypical workers, such as collective bargaining outside workplaces, multi-employer bargaining and extension of collective agreements to atypical workers. For instance, in Japan, unions organise non-standard workers as their members, provide them with protection and advice, and negotiate and solve disputes on their behalf. The OECD *Employment Review 2019: the Future of Work* (2019) highlights that collective bargaining for creative workers can be granted through the introduction of special statuses. For example, in Germany, the Collective Bargaining Act was amended in 1974 to include employee-like workers, and the conditions access this status were eased for writers and journalists. The Canadian *Status of the Artist Act* 1995 'allows self-employed artists to be recognised and certified by the Canadian Industrial Relations Board (CIRB) as an artists' association with the exclusive right to negotiate collective agreements with producers' (OECD 2019). In the Netherlands, recent sectorally extended and binding collective agreements for workers in the cultural sector have included an agreed minimum fee for self-employed workers, who are contracted for work covered by the agreement. The agreement currently in place between the culture union *Kunstenbond* and the *NAPK* employers' association in the live performance sector and covering all publicly subsidised theatre and dance companies is a case in point.

Rethinking fair remuneration

Artists and cultural workers, particularly independent workers, are at risk of being under- or unpaid when accessing opportunities that offer visibility, recognition and connections in the cultural and creative sectors (European Parliament 2019). This risk was also highlighted by the

results of the public survey on the working conditions for artists and independent cultural workers carried out by the International Federation of Arts Councils and Culture Agencies (IFACCA) in March 2022. This showed that intensive and time consuming preparatory and research phases of projects are often unpaid, as are advisory roles and opportunities to present at public events. Interestingly, the survey results suggest that this is due not to a lack of resources in the sector, but rather a general undervaluing of artistic and cultural work. Fair pay therefore continues to be a key concern in the CCSs that requires urgent policy intervention.

...a healthy arts ecology calls for fairness in both what artists are paid and how they are contracted.

The Arts Council of Ireland-An Chomhairle Ealaíon policy *Paying the Artist* (2020), on offering fair and equitable remuneration for artists which came into effect in February 2020, is one example of such intervention. The rationale for the Arts Council of Ireland's campaign around fair pay was based on its strategy, *Making Great Art Work* (2015), the objectives of which are clearly aimed at improving living and working conditions for artists through fair pay and transparent contracting. Further, the values on which the Arts Council of Ireland bases its work explicitly recognise the contribution of artists to the cultural life of the nation. In its strategy, the Arts Council makes an important case for the value placed on artists to be better reflected in how they are paid. It also goes a step further in its Policy Statement and calls for better contracting norms, rightly arguing that a healthy arts ecology calls for fairness in both what artists are paid and how they are contracted. This last element is very important because enhancing the contractual status of artists in turn allows them to access other benefits, such as the ability to accumulate working hours to access social protections or unemployment benefits.

The first dimension of *Paying the Artist* focusses on remuneration, which is defined by the Arts Council of Ireland as encompassing 'all potential forms of an artist's earnings. It includes pay, salary, wages, fees, allowances, benefits and non-cash incentives as well as income derived from rights or royalties' (p.2). The second dimension focusses on fair remuneration, which is when pay 'equates to what is asked of an artist in terms of their time, input and expertise' (ibid, p.2). The third dimension of the policy focusses on budgeting: here the Arts Council calls for ensuring that artists' fees are 'ring-fenced within project budgets to ensure they are protected against potential budget overruns in other areas' (ibid, p.7).

This policy is interesting in that it addresses not only those artists and individual cultural workers who are contracted by the Arts Council of Ireland, but also extends to arts organisations that receive funding. The Arts Council requires such arts organisations to ensure fair pay to all artists they engage and provide evidence. Further, the assessment criteria under

all relevant funding programmes of the Arts Council now includes reporting on organisational policy on artists' remuneration. All funded organisations are, therefore, expected to show leadership and set an example within the sector on remuneration issues.

The Arts Council of Ireland's work in this space highlights the role for arts councils to positively influence sector work practices. By encouraging fair remuneration and strongly discouraging the well-known practice of artists being under- or unpaid in return for exposure, arts councils can support systemic transformation and set standards within the sector.

Further, the Irish Government has continued to lead discussions on remuneration through the adoption of a pilot scheme to support artists and independent cultural workers. The Basic Income for the Arts pilot scheme (2022-2025) will examine, over a three-year period, the impact of a basic income on artists and independent cultural workers (Government of Ireland 2022). Under the scheme, the Government will select at random 2,000 artists and creative arts workers to participate, to whom they will make payments of €325 per week. This sector specific support for the arts, in the form of a basic income recognises the value of the time spent on creative practice. Further, it enables artists to focus on artistic production/practice without having to undertake employment in other sectors to sustain themselves (thus, minimising loss of talent from the sector). The scheme also extends support by providing income during periods when workers are developing their practice and portfolio. In doing so, Ireland's Basic Income for the Arts pilot scheme has emerged as an important policy intervention that holistically addresses the challenge of stable incomes and fair pay for intermittent work in the CCSs.

Fair remuneration in the digital age

The ongoing development of digital technologies has also had a tremendous impact on the size and nature of artists' incomes. For example, digital distribution of music has increased over the past few years in all regions of the world, as shown by the 2022 *Global Music Report* (IFPI 2022). This has allowed artists to share their work and gain visibility much more widely than ever before.

Revenues from advertisement and digital sales of artistic content have also grown. However, songwriters, performers and authors experience the so-called 'value gap'. In 2016, almost 1,300 artists sent a letter to the European Commission President Jean-Claude Juncker. They claimed that user-upload services, such as YouTube, undermine artists' economic situation by allowing for non-authorized uploading of content and taking value away from the music community (*Securing a sustainable future for the European music sector* 2016).

Several countries have taken measures to improve the legislative frameworks that protect artists, creators and performers. An online store established by the Copyright Society of Malawi allows artists and creative professionals to sell music, books, videos, games and other digital content. This is expected to enable artists and musicians to increase their income and have better control of the production, promotion and distribution of creative content, while also

reducing piracy (UNESCO 2022b, p.111). In October 2019, the Ministry of Culture, Sports and Tourism of the Republic of Korea and key players in the music industry announced the Measure to Enhance Transparency in Calculating Music Royalties. It aims to create a sustainable and transparent music ecosystem and to ensure fair remuneration for creators (ibid, p.114). The European Directive on Copyright and Related Rights in the Digital Single Market was adopted in April 2019, and Member States are currently in the process of integrating it with their national laws. The Directive forbids unauthorised uploading of content by online sharing platforms and establishes the principle of appropriate and proportionate remuneration for authors and performers (Directive (EU) 2019/790).

Improving knowledge and support systems for independent workers

Even where rights and entitlements do exist, artists and independent cultural workers may not be aware of them or may find accessing them difficult. In such contexts, legal advice and assistance can prove critical. Yet, such support structures are not very common in the CCSs. The Arts Law Centre of Australia¹⁴ is an independent, national, community legal centre for the arts that offers an interesting model in this regard. The Centre provides free or low cost legal and business advice as well as referral services and professional development resources to Australian visual artists, musicians, performers, writers, and other cultural practitioners, as well as arts organisations across all art forms. It also offers targeted assistance to Aboriginal and Torres Strait Islander artists and communities through its Artists in the Black programme, which provides Aboriginal and Torres Strait Islander artists, arts organisations and businesses with legal advice, resources and professional development opportunities.¹⁵

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difficult.

Another interesting support system for independent cultural workers can be found in Singapore. In 2017, the National Arts Council released the findings of its *Arts and Culture Employment Study* (ACES) which includes data on independent cultural workers and freelancers in Singapore. According to the study, 47 percent of cultural workers surveyed were

¹⁴ Arts Law lawyers answer over two thousand requests for legal advice yearly on a broad range of issues from copyright to moral rights to contracts and name protection.

¹⁵ <https://www.artslaw.com.au/artists-in-the-black/>

freelancers, with this figure being higher than the national proportion of freelancers in Singapore at that time (14%)¹⁶ (p.11). The National Arts Council recognises that 'freelancers are essential to the vibrancy of [Singapore's] arts eco-system as their varied skills and capacity contribute to a range of roles across the Industry less positively' (Art Resource Hub website). The study also found that freelancers reported being less likely to be paid on time or have signed contracts with clients, when compared to full-time and part-time workers in the CCSs (ibid. p.15).

In response to this worrying finding, the National Arts Council of Singapore undertook extensive consultation with over 370 individuals from the arts community across disciplines and practices over the course of 2017 and 2018, which resulted in a series of recommendations. Among them was the need for a regular platform for support and information. In response, the Arts Resource Hub (ARH) was set up in August 2019, as an exclusive resource centre for freelancers working in the visual, literary and performing arts in the CCSs, covering sole proprietors, graduating students about to enter the field, as well as those who work regularly but intermittently or part time in the CCSs as independent workers. The ARH offers information services to freelancers on a variety of areas from insurance and legal support on contracts to intellectual property issues and advice on setting up arts businesses. Further, the ARH also lists job opportunities, offers career guidance and provides access to two physical co-working spaces.¹⁷ Skills training is also available via the ARH, including for marketing, audience development and digital technology.

The combination of a strategy that recognises the value of the contribution of freelancers to the CCSs with up-to-date statistics on the independent workforce and the identification of their specific needs through previous consultations prepared the groundwork for freelancers to be considered in Singapore's COVID-19 response measures. This included in the Enhanced Arts and Culture Resilience Package (ACRP), first announced in March 2020 to support the CCSs through the pandemic. The objective of the ACRP was not only to offer an income to independent workers in a time of crisis, but also to prepare the workforce for recovery. In line with this objective, the Government offered the Self-Employed Person Grant as a time-limited scheme to provide support to Arts Self-Employed Persons (SEPs) – both citizens and permanent residents – affected by COVID-19. The grant was open to individuals, as well as to arts organisations that collaborate with freelancers; and addressed the immediate needs of independent workers by minimising job and income loss, creating more work opportunities (by encouraging people to work together on projects), and enhancing the skills of freelancers.

¹⁶ These figures can be compared to those quoted in a 2020 European Commission study, *The status and working conditions of artists and cultural and creative professionals*, conducted by the European Expert Network on Culture and Audiovisual (EENCA) and based on 2018 data from Eurostat which estimates that 32 percent of the European cultural workforce works on a self-employed basis, compared to 14 percent for the total workforce.

¹⁷ The National Arts Council of Singapore reports that in 2020 there were close to 5,000 subscribers to the ARH and that over 800 freelancers had benefitted from its programmes.

Measures were also taken to ensure that emerging or younger SEPs were able to access the support.

In other contexts, civil society organisations have stepped in to create support systems for local arts communities. Such an example can be found in the work of Koalisi Seni (The Indonesian Arts Coalition), a non-profit organisation that brings together 288 members from 21 provinces across Indonesia that advocate for a healthier arts ecosystem in Indonesia through supportive public policies.¹⁸

Strengthening employment relationships in public funding

The grant model is one of the well-known forms of funding to support artistic work and its value chain in the CCSs. However, grants do not usually allow access to unemployment benefits, pensions or social protection. Given these inherent limitations in the current grant model, discussions have commenced among many public agencies, ministries and arts councils – including in Nordic countries – on transforming publicly funded schemes into employment relationships that ensure artists have the same basic rights and entitlements available to all workers in the public sector (UNESCO 2020b, p.26).

It is little surprise that this discussion is taking place in Nordic countries. While they have long traditions and well-structured systems of grants for individuals, analysis of these systems has showed that the grant model does not provide the same benefits to artists compared to what is available to workers in other sectors in the course of their employment.

...in the absence of a proper employment relationship, shortcomings are likely to occur in different areas of protection, including occupational safety, healthcare, annual leave and unemployment benefits paid on the basis of income.

In an effort to offer equal recognition to artistic workers compared to other kinds of workers, the Ministry for European Affairs, Culture and Sport, Finland appointed a working group in October

¹⁸ <https://koalisiseni.or.id>

2017 which it tasked with producing indicative guidelines for policies that contain relevant elements for our discussion. The following was the starting statement for the work carried out by the working group in the *Indicative guidelines for arts and artist policy*:

Art is work and it must be treated as such. As yet, society does not know how to sufficiently benefit from investing in artists. Artistic work should be treated as equal to work in other sectors and the opportunities for artists to earn their income from artistic work should be improved. The artist grant system should be updated. It should also be investigated whether it would be appropriate to develop artist grants into a form of funding that would enable artists to work in employment relationships and strengthen their social security (2019, p.3).

What is being discussed here is the possibility of transforming the relationship between the Ministry and the artist from one of granter to grantee, to one that constitutes a proper employment relationship that ensures better working conditions for the cultural worker. The guidelines also suggest that

[i]f the artistic work can be viewed as a professional activity that is supported with government funding, it should be ensured that the artist's working conditions correspond to normal standards in the world of work' (ibid, p.43).

The working group acknowledges that – in the absence of a proper employment relationship – shortcomings are likely to occur in different areas of protection, including occupational safety, healthcare, annual leave and unemployment benefits paid on the basis of income. It also suggests that such shortcomings are likely to diminish when artistic work is performed within a proper employment relationship with the funder, rather than independently. This would mean that funding opportunities remain, but other employment benefits such as social protection also become possible, while the freedom of the artist to determine their focus and method is maintained during the period of employment.

One of the proposals put forward by the working group is to practically investigate (including through a trial scheme) how reforms to change from a grant to an employment relationship with a salary would affect both on the recipient artists' social security and the public budget. This proposal recognises that support and funding models for the CCSs – which were developed primarily during the 1960s and 1970s – will need to be critically examined in the light of exponential changes to the operating environment over recent decades. It also addresses the larger philosophical issue of artistic independence by guaranteeing free expression even within an employment relationship. Creative artistic work has traditionally been perceived as different from other work, in the sense that it cannot and does not always have to be examined through the same regulations that apply to traditional working life. However, this view disadvantages artists by denying them basics rights owing to all workers in an economy. Therefore, as the working group rightly observes,

situations in which artistic work is not considered a job like any other may lead to artists having inappropriate working conditions and lacking such work-related structures protecting the individuals that are more advanced in other sectors (ibid, p.42).

Spotlight on three approaches

Sectoral approach: Examples from Latin America

Adopting legislation on the status of the artist is an important objective to aspire to for all sectors, in all contexts. However, it calls for strong political commitment and can be a lengthy process. Another way to move towards an enhanced legal status for artists is to take a sectoral approach, as has been the case in several Latin American countries such as Argentina, Colombia, Peru and Uruguay.

In Colombia, the Colombian Association of Actors (*Asociación Colombiana de Actores*) was established in 2014 by 699 actors to protect actors' entitlements to social benefits and to lobby for the adoption of a law on the status of actors, following the model of other countries such as Argentina and Brazil. As a result of the Association's efforts, in July 2019 Parliament adopted *Law 1975*. This law contains different measures to guarantee labour and cultural rights for actors in Colombia. Further, it recognises the value of acting to the cultural heritage of the country. Measures taken include the creation of a national public registry of actors at the Ministry of Culture; recognition of freedom of association and the right to collective bargaining for actors; and the application of social security, benefits, health protection and security. Importantly, this law recognises that social security rules should apply in all cases for actors, irrespective of whether they are employees or independent workers. Another effect of the adoption of this sectoral law in Colombia is that actors with a long professional career can receive a university title on the basis of their work experience.

Another sectoral approach example comes from Argentina, where the Argentinian Actors' Law – which covers theatre and film actors, musical theatre singers, as well as directors, prompters, and assistants – provides that all occupations covered by the Law will be regulated by labour contracts under the Labour Code. This means that all individuals working in these professions are at all times considered dependent workers, rather than self-employed or independent contractors.

In time, such sectoral approaches can be widened, as evidenced in Peru, where the *Law of the Artist and Performer* (Law 27890) was recently extended to include an exhaustive list of professions that qualify as being artists, including some which had previously escaped categorisation (UNESCO, 2022).

National whole-of-government approach: Spain's Statute of Artists and Cultural Professionals

Spain provides an example of inter-ministerial efforts to implement a new Statute for Artists Law – which develops upon an existing law that dates back to 1985 – with the aim of providing a stable legal framework that reflects the specificities of the cultural sector and its current realities. This Statute is being developed by an inter-ministerial Commission in the Spanish

Congress and its preliminary report, approved by the House of Deputies (House of Representatives) in 2018, established 57 specific measures of which 38 have already been agreed with the cultural sector.

By April 2022, the first phase of the reform was underway in the form of a Royal Decree, which focusses on two important areas of reform: a new temporary employment contract, drafted by the Ministries of Labour and Social Economy, which responds to the reality of intermittent work in the sector; and the inclusion in the regulations of technicians and assistants of public shows who had been previously excluded. With the expansion of the definition of 'artists in public shows', the reform will ensure that new ways of making, producing and presenting artistic work that are shown on social networks, streaming channels, video platforms or online content are taken into account.

In the next phase, the Ministries of Culture and of Social Security will work together to ensure that retirement pension and copyright for artistic production can be reconciled. Compatibility for recipients of non-contributory pensions will also be considered. In recognition of the intermittent nature of cultural sector work, cultural workers will also be exempt from the current disincentive enforced for short-term contracts that last less than 30 days. Further phases of the reform are expected to cover arts education and taxation.

The Ministry of Social Security is also exploring measures for the self-employed in the CCSs, including in the form of reduced social contributions for professionals with very low incomes, in recognition of the uncertainty they face when they must pay instalments without knowing their activity for the month (Spain's News 2022).

Regional approach: Towards a common European Status of the Artist framework

Cross-border mobility has become recognised as an essential feature of cultural and creative professionals' work. However, one of the challenges of working transnationally is that it complicates access to benefits, as different definitions and norms prevail in different countries. This is also referred to as 'portability' or the capacity of a social security system to harmonise different entitlements and contribution systems. Portability can relate to geographic mobility or to mobility between jobs and employment statuses.

To overcome this barrier, initiatives that seek to ease access to social benefits across a specific region become important steps. Within the European Union, for instance, the issue of the social status of artists has been on the agenda since 2007. It has developed further recently with calls by the European Parliament for the establishment of a European Status of the Artist framework. The New European Agenda for Culture adopted by the European Commission in 2018 already acknowledged that lack of fair remuneration and the risk of double taxation negatively affected cultural and creative workers. Post-pandemic realities have given new impetus to this discussion and the Culture Committee of the European Parliament commissioned a study on the situation of artists and cultural workers in the recovery after COVID-19 (Culture Action Europe & Dâmaso 2021). Among its findings, the report notes the

co-existence across Europe of multiple definitions of ‘artists’ as well as competing frameworks which hinder a unified recognition of artists’ labour status. It recommended a European framework to address CCS working conditions, to provide a multidimensional, holistic and coherent policy instrument, establish minimum standards and address structural fragilities and inequities.

In response to the report, on 20 October 2021, the European Parliament requested the European Commission – the political body of the European Union – to propose a European Status of the Artist, that sets out a common framework for working conditions and minimum standards in all European Union countries. The situation of independent cultural workers is addressed by the resolution that considers that ‘the state of national aid programmes during the crisis, particularly aid to cultural and creative sector and industry workers who do not fall under national definitions of artists, including, but not limited to, freelancers such as writers and authors, was and continues to be fragmented’ (European Parliament (2020/2261(INI), C 184/93). One challenge is that competition law creates obstacles to collective bargaining for the self-employed and freelancers. Consequently, the European Parliament has called on the Commission to take the broadest possible approach, to ensure access to collective bargaining for all solo self-employed workers, including artists and cultural workers.¹⁹

The idea of a European Status of the Artist framework aims to provide a longer-term response to challenges related to the working conditions of artists and independent cultural workers, beyond emergency measures. In March 2022, the European Commission submitted its formal response to the European Parliament’s Own-Initiative Report, in which the Commission said that it ‘needs to reflect what can reasonably be done’ in relation to setting up the European Framework for Working Conditions (European Commission 2022). The current Open Method of Coordination process facilitates Member States’ exchange on best practices and possible options for the EU to tackle the working conditions matter.

Specific measures to facilitate mobility for the Global South

Mobility is an essential factor not only of career development, but also of financial sustainability for many artists and cultural workers in the Global South. One of the most persistent obstacles to mobility is the overall restrictiveness and administrative burden of visa procedures, which is

¹⁹ Whereas the COVID-19 crisis has exposed the pre-existing vulnerabilities of the CCSs, characterised by intermittence, heterogeneity and instability, the fragile livelihoods of artists and cultural workers, as well as the tight budgets of many cultural institutions and the insufficiency of public funding, and has placed artists and cultural and creative professionals and workers in even more precarious situations, as the loss of earnings of freelancers and non-standard workers, who make up the majority of the CCSs, has often been exacerbated by weak or absent national social security schemes and dedicated support measures. P9_TA (2021)0430 The situation of artists and the cultural recovery in the EU, European Parliament resolution of 20 October 2021 on the situation of artists and the cultural recovery in the EU [2020/2261(INI)]

especially felt by professionals from developing countries. This problem has grown over the past few decades, as it has become more difficult for artists from Global South to travel to Global North than it was in 1980 (UNESCO 2022).

Professionals from developed countries also experience various challenges when they travel and work across borders. The most considerable issues are related to social security regulations, taxation, and intellectual property rules. For instance, administrative measures on these matters are not harmonised across EU Member States, even if artists and cultural workers based in the EU are generally highly engaged in cross-border mobility (EENCA, 2020). The 2007 European Parliament Resolution on the social status of artists (2006/2249(INI)) puts forward specific measures aimed to facilitate mobility for people working in CCSs; and calls on the Commission to consider the introduction of a specific temporary visa for European and third-country artists.

Several countries introduced measures to ease artists' access to mobility through reforming administrative and legal rules of acquiring visas or establishing new types of visas based on artistic merits, purpose of traveling (for instance, touring) or professional occupation. In 2019, Dubai in the United Arab Emirates announced a cultural visa initiative, granting long-term residence permits for artists and entrepreneurs in the creative and cultural industries. This visa is part of a new immigration policy that aims to attract promising Arab and international creatives to Dubai. Writers, poets, painters, artists, calligraphers, and actors are among those eligible for the 10-year visa (UNESCO 2022).

Practice shows that the matter of specific visas for artists is highly contentious and is a subject of negotiation for several policy domains, such as home affairs, culture, trade, justice, public security, among others, and this is often treated in a multi- or bilateral international context. Therefore, establishment of specific rules for artists to travel and work across borders (such as specific artists' visas) require an overall political awareness of the atypical nature of work in the CCSs, as well as high-level recognition of the social value of culture.

Main findings

While legislative and regulatory frameworks have played an historic role in ensuring decent working conditions for independent cultural workers, it is important to acknowledge that the landscape is very complex, contextual and, at times, sectoral. This calls for a multitude of coordinated approaches to ensure timely systemic change. Below are listed some of the general areas of focus that emerge as main findings of this chapter:

Workers' legal rights

There is limited legal recognition of CCS jobs as professions with due rights to benefits and entitlements that other sectors of the economy and other workers enjoy.

Even where legislation exists to cover cultural workers, particularly those who are self-employed, it is often not responsive to the intermittent nature of work typical within the sector. Much more – and coordinated – work is needed in this regard.

Several activities completed by cultural workers are still not considered or remunerated as work, resulting in many professionals regularly accepting to remain unpaid as a normal practice. Further, laws have often not kept up with the pace of change in the sector, particularly around digital creation, production, dissemination and consumption of works. Cultural workers lose out on income and benefits as a result. Even before the pandemic, public policies, arts councils, trade unions and civil society organisations had already started to address the issues, but they have become urgent for the post pandemic CCS recovery.

Due to the specific realities and needs of each sector within the CCSs, sectoral approaches appear to work in practical terms when it comes to policy reform on the working conditions of independent workers.

Value of culture to economy and society

There are also gaps in evidence-based research to recognise and reinforce the contribution of artists and creators to sustainable development and on the link between status of the artist and artistic freedom as enshrined in law.

Mobility

Definitions of 'artist' and 'cultural worker' vary vastly from country to country, even within well integrated areas such as the European Union, which makes it challenging to harmonise benefits in the context of cross-border mobility, which is increasingly recognised as an integral part of cultural workers' professional trajectories. Challenges are further increased when it comes to mobility for the global South.

Data gaps

There is still a lack of consistent data to map national or regional situations with regard to the economic and social conditions of artists and independent cultural workers.

At the global level, some information is consolidated through the UNESCO's surveys on the 1980 Recommendation on the Status of the Artist and the quadrennial periodic reports of Parties to the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions and presented through UNESCO Global Reports on the 2005 Convention and the UNESCO Policy Monitoring Platform. In the context of the recovery from the pandemic, several countries have carried out specific research, as institutions were seemingly underprepared with access to reliable information on employment figures of the CCSs, and as previously noted, data gaps remain that make analyses by regions extremely difficult.

Identified opportunities

- The whole-of-government approach is critical to successful policy reform, as technical knowledge and training are required for key issues to be elaborated and services adapted to ensure CCS workers are included in the implementation of labour policies. This has been demonstrated in Spain, where status of the artist legislation is currently under discussion across several ministries.
- Public agencies and ministries, including arm's length bodies, have an important role to play beyond funding the CCSs. They also have a role to play to inform artists and independent cultural workers of their rights and can offer this service directly or by funding of civil society initiatives that provide free or low cost specialised legal advice, education and resources to artists and arts organisations. Further, such agencies have an important role at the international level as well: as enablers of discussions with their counterparts around the world on decent work and fair working conditions.
- Several examples discussed in this chapter show that public institutions are able to influence the contractual status of independent workers through a variety of measures. For instance, public funding of the CCSs that stipulates criteria related to decent social and economic employment conditions can enhance workers' contractual status and ensure fair remuneration for artists. Indeed, public institutions can influence the structures they fund, set out basic standards and principles to demand fair pay and enhance the contractual status of artists, including through the trial of pilot projects.
- Regional approaches that build on existing multilateral frameworks, such as, for example, the African Union, the Association of Southeast Asian Nations (ASEAN), the Organization of Ibero-American States (OEI) or the Ibero-American General Secretariat (SEGIB), the Council of Pacific Arts and Culture and the Union of South American Nations (UNASUR) amongst many others, are critical to extend the scope for taxation and mobility benefits for cultural workers. Further, policies to support mobility of artists from the Global South could better harness preferential treatment for developing countries, which continues to be a defining feature of the multilateral trading system.
- Thinking of the global CCSs as an integrated and interdependent ecosystem is a means to involve different actors and adopt innovative approaches even when they do not originate in the field of culture, for instance the Fair Trade movement, which promotes greater equity in the international trade and the free flow of peoples and ideas.

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Who can afford to join the cultural workforce? Exploring access and equity in Latin America

Martin Inthamoussú

The UNESCO 1980 Recommendation concerning the Status of the Artist calls upon Member States to improve the professional, social, and economic situation of artists through the implementation of policies and measures relating to training, social security, employment, income and tax conditions, mobility, and freedom of expression. Unfortunately, four decades later, low status and precarious working conditions continue to persist, particularly for independent workers, in the cultural and creative sectors (CCSs) around the world, and it is ever more evident in developing countries where general labour conditions are already more fragile. Conditions in Latin America are no exception. In turn, these factors create an additional – often insurmountable barrier – for entry into the cultural workforce and for sustained growth within it.

This is the case despite growing recognition of the contribution of the cultural and creative sectors to the global economy over the last decades. In its 2022 Global Report, *Reshaping Policies for Creativity*, UNESCO highlighted that culture and creativity constitute 3.1 percent of the world's Gross Domestic Product (GDP) and 6.2 percent of total global employment. It also reported that the value of exports of cultural goods and services had doubled compared to 2005, reaching USD\$389.1 billion in 2019. When we turn to Latin America, for instance, we notice that the contribution of the CCSs to countries' GDP is as high as 4.76 percent in Ecuador, with several countries such as Argentina, Brazil, Chile, Colombia, Mexico and Panama, faring well with CCS GDP contributions between 2.2 to 3.3 percent (Rodriguez 2018, pp.7-18). These encouraging statistics show that the contribution of the cultural and creative sectors to the Latin American economy is by no means negligible. Yet, what are the working conditions that support, strengthen and help sustain these sectors?

Let us turn our attention to employment figures related to the CCSs in Latin America. According to UNESCO's report *Evaluación del impacto del COVID-19 en la industrias culturales y creativas* (Assessment of the impact of COVID-19 on cultural and creative industries) (2021), the CCSs offered 2,647,000 jobs in Latin America (based on information provided by household surveys in different countries in 2019). This represents between 0.7 percent (Mexico) and 2.5 percent (Uruguay) of total employment in 2019 (p.194). When we turn to the nature and characteristics of employment within the sector, we find – according to the same UNESCO report based on household surveys – that 58 percent of those who responded to the surveys identify as independent cultural workers and only 35 percent are formally employed within organisations (with 17 percent being employed in public cultural

institutions, 10 percent in private institutions, and 8 percent in NGOs, foundations, or associations) (p.100). These figures have important implications for the quality of working conditions enjoyed by those in the informal sector with the CCSs vis-à-vis those employed in formal jobs. Moreover, only 25 percent of the workforce in the CCSs in Latin America work full-time (that is, 40 or more hours a week), with 31 percent working between 25 and 39 hours a week, and the majority, 44 percent, working less than 25 hours a week in the sector (p.102). These statistics clearly point to the reality that the CCSs are – unfortunately – not a gateway for stable full-time employment opportunities in Latin America.

This brings us back to the reality of a region which is richly culturally diverse yet also one of the most inequitable regions in the world with the distribution of wealth heavily concentrated among a few. In turn, this creates a great divide, in general, in terms of access to basic amenities and opportunities in education and employment, among other things. In 2021, for instance, the extreme poverty rate in the region reached 12.5 percent and the poverty rate stood at 33.7 percent, according to the Economic Commission for Latin America and the Caribbean, CEPAL (p.20).²⁰ Further, inequality in income distribution increased to 2.9 percent of the Gini index,²¹ where anything above 0.5 represents a severe income gap (ibid). Further, moderate or severe food insecurity reached 40.4 percent of the population in 2020, an alarming 6.5 percent more than the figures for 2019 (ibid).

Yet when we look at cultural consumption in Latin America, the picture is a very different one. According to a report published by CEPAL and the Organization of Ibero-American States (OEI) (2021)²² for example, almost one quarter of the total population of Uruguay attended a theatre performance in 2017, while a third each of Brazil, Chile and Colombia's populations attended at least one music or dance performance annually in the pre-Covid era. Given these high levels of cultural participation and consumption in Latin America and its dynamic cultural history, we are led to ask the inevitable question: why is employment in the CCSs so low, so under-resourced, and so undervalued as a workforce?

Unravelling privilege in the CCSs

One answer may well lie in the word 'privilege', a term that comes to us from the Latin *prīvilēgium* meaning ordinance or law against or in favour of an individual. In a region with such inequality, access to education and cultural goods and services can be seen as a

²⁰ The paradox of recovery in Latin America and the Caribbean. Growth with persistent structural problems: inequality, poverty, little investment and low productivity

²¹ The Gini index is a measure of the distribution of income across a population. A higher Gini index indicates greater inequality, with high-income individuals receiving much larger percentages of the total income of the population.

²² La contribución de la cultura al desarrollo económico en Iberoamérica (The contribution of culture to economic development in Ibero-America)

privilege for few rather than a right for all. Many countries have tried to address this by introducing a cultural rights approach to cultural policy making such as Mexico's 2017 General Law on Culture and Cultural Rights.

However, in Latin America, it is not uncommon to find a cultural worker stating that it is a 'privilege' to work in the sector. By this they mean that it is considered exceptional to be able to work in the arts without also being employed in a second profession to make ends meet. The acclaimed Costa Rican dance and winner of the National Dance Award, William Retana, has testified to this reality when he said in 2020:

If I didn't have the support network that I have, or the family opportunities that I have, or the privileges that I have been given as a person, such as a roof over my head thanks to my brother, that I can still receive family financial support, food... without all those privileges, I wouldn't be able to devote myself to dance because I simply wouldn't have the space or time to do it; because I would have to occupy my spaces of dance research, in working in activities other than dance. It is very complex, because there are people who cannot count on those privileges, and that limits how they can develop their art. (El Ministerio de Cultura y Juventud, Costa Rica 2021).

Here, it is worth remembering that Renata's situation is truly exceptional, as such privilege is well outside the reach of most Costa Ricans and Latin Americans. The uncomfortable truth that Renata speaks to also clearly foregrounds the unfortunate – and shocking – assumption that access to financial security, economic resources, social protections and holistic support systems outside of employment in the CCSs is somehow a prerequisite for those seeking to focus solely on their artistic practice and still work sustainably in the long term within the sector.

...it is considered exceptional to be able to work in the arts without also being employed in a second profession to make ends meet.

In the absence of such privilege, inequity manifests itself in several ways for artists and cultural workers in Latin America. Access to affordable healthcare is one major example. According to UNESCO (2021), one in five cultural workers in Latin America does not have health insurance. More than a quarter (28%) of the cultural workers in Latin America depend on a public health system for their care, while around 21 percent have social security through voluntary affiliation and 16 percent pay for private medical insurance. This means that only 15 percent of cultural workers are offered medical insurance through their employer. Crises, such as the pandemic and social upheaval, have further exacerbated the vulnerabilities in a sector characterised by informal and intermittent jobs. According to data from the survey carried out by UNESCO, IADB, SEGIB, OEI and Mercosur in 2020, 52 percent of the CCS enterprises in Latin America saw a decrease of more than 80 percent of their sales due to the pandemic, while 55 percent

of registered cultural workers indicated over 80 percent reduction in their income (Azua Herrera et al., p.6).

Another challenge commonly faced by independent cultural workers is access to credit. The National Association of Financial Institutions of Colombia (ANIF), for example, confirms that new entrants in the CCSs have more difficulty accessing loans to start their own businesses, especially in the most important stages of early entrepreneurship, when they do not have a record of corporate activity or credit history (Sierra et al. 2020). These inequities beg the question: who can actually afford to become a full-time artist or cultural worker in Latin America and what does that reveal about their decent work and fair employment conditions?

Widening access to education, certification and upskilling

Access to tertiary education in preparation for entry into the CCSs remains another major barrier for many in Latin America, especially where education is not accessible to all. Even in countries such as Uruguay where universal access is available for tertiary education, not all relevant courses are available in the public education system. While degrees in the fine arts are widely offered in the public systems in Uruguay,²³ training to enter the more industrialised and rapidly growing audio-visual sector, for instance, is mainly available through studies in private universities, which may not be affordable for all; thus, creating a barrier for entry into certain fields within the CCSs.

The pandemic has shown us that upskilling is critical for older cultural workers if they are to remain competitive in the workforce.

Another reality of work in the CCSs is that many workers enter the field without educational qualifications, gaining knowledge and experience through employment. Such workers are often disadvantaged as they move from entry to mid and late career, owing to the lack of formal degrees or certification of any kind which could support their career advancement. This is particularly evident when it comes to employment in public institutions that require some form of formal degree to even qualify for the recruitment criteria. Some countries like Uruguay have been working to create policies and programmes that recognise knowledge gained through life and/or work experience and are thus opening up opportunities to access higher levels of

²³ The public Faculty of Arts was officially funded in 2021 although there is a long tradition in the arts in the different sectors. More information: <https://udelar.edu.uy/portal/2021/09/facultad-de-artes-identidad-nueva-que-transforma-la-creacion/>

professional qualifications. The Training and Accreditation of Knowledge Division (DICAS) of the General Directorate of Professional Technical Education (UTU) invites people over 21 years of age and with more than three years of experience in a job position (whether they are currently working or not) to register so that their knowledge can be formally recognised through accreditation (2022). While such accreditation does not replace necessary educational qualifications, for example for teaching, the certification recognises what the person knows and offers free formal accreditation through which the worker is then able to receive (or be eligible to request) higher salaries. Since its creation in 2014, this accreditation system has become applicable to artists and workers in the fields of dance, puppetry, wardrobe, and lighting design in Uruguay.²⁴

The pandemic has shown us that upskilling is critical for older cultural workers if they are to remain competitive in the workforce. According to the survey conducted by UNESCO, IDB, SEGIB, OEI and Mercosur, only 50 percent of young workers in the CCSs were able to continue working during the pandemic, while less than one out of three older workers could, as they were less familiar with digital technologies (Tribugoff et al, 2021, p.125-126). This means that training in new technologies and digital skills will be key to career growth in the future.

Locating women within the CCS workforce

In a recent study, UNESCO stated that according to the International Labour Organization (ILO), the arts, entertainment and recreation, and other related services have the third largest representation of women in the global workforce (57.2%), following the education, health and social work sectors (2021, p.14). The same study also finds that the aforementioned global rate of representation does not reflect the realities in Latin America. For example, Bolivia, Chile, Costa Rica, Dominican Republic, Ecuador, Honduras, Mexico, Nicaragua, Paraguay, El Salvador and Uruguay have more men working in the CCSs than women. Only Brazil and Panama have more women than men in their workforce. In its Freedom & Creativity report, UNESCO cites ILO findings that show most women in Latin America working in the creative and cultural sectors are engaged in part time jobs (2020). Only the Dominican Republic and Mexico had more men working in the sector as part-time workers (UNESCO 2017).

Even when women are well represented in some professions within the sector, they are not always visible across the board or in more high-profile roles. This is, for example, clearly evident in the film and music sectors. Out of 238 films that premiered in Argentina in 2018, only 19 percent were directed by women and 27 percent had women cinematographers (INCAA 2019). However, women represent 85 percent of the industry in makeup and hairdressing, with 78 percent in wardrobe management. Pay is also, still, an issue in Argentina, where men earn 28 percent more than women in the sector (Ministry of Education, Culture, Science and Technology 2018). A three-year study published by Ruidosa, a digital platform and festival that responds to the low participation of women and sexism in the music industry and CCSs in

²⁴ https://www.utu.edu.uy/utu/migra/resoluciones_old/2014/octubre/res-2322-14-exp-5522-14.pdf

Latin America, confirms that women's representation in artistic activities remains extremely low (2019).

A three-year study published by Ruidosa ...confirms that women's representation in artistic activities remains extremely low (2019).

The reasons for lingering gender gaps in the broader labour market include deep-rooted social norms and practices in Latin America which continue to expose women and girls to discrimination, including through domestic violence or child marriage. The OECD's *SIGI (Social Institutions and Gender Index) 2020 Regional Report for Latin America and the Caribbean* confirms that social expectations continue to burden women with the bulk of caring responsibilities at home (and prevent men from assuming equal duties in this area) and that they often confine women to their reproductive role. For young women, preventing teen pregnancies, accessing health services such as reproductive and sexual healthcare and securing successful school-to-work transitions remain constraints to more and better employment.

These facts and figures underline a key finding in UNESCO's 2022 Global Report *Reshaping Policies for Creativity*, that State parties to the 2005 Convention for the Protection and Promotion of the Diversity of Cultural Expressions from Latin America have devoted more attention to supporting women's full participation in cultural life as audiences and consumers of cultural goods and services (76% for instance to access cultural offerings) than to supporting the recognition and advancement of women as artists, cultural professionals and/or creative entrepreneurs (50% for example by ensuring equal pay for equal work or equal access to funding, coaching and mentoring schemes or implementing anti-discrimination measures). In this, Latin American countries fare much lower than the global average of 66 percent (2022b, p.244).

Ongoing class crisis in the arts?

Inherent social contracts that define social class play a significant role in limiting opportunities, as Modesto Gayo rightly pointed out in his 2011 comparative study. Social class often determines the professional choices one tends to make within the CCSs. For example, as Gayo confirms, the association between high socioeconomic status and the pursuit of classical music and fine arts remains strong, though not exclusive. In this fraught context, Gayo has argued that arts education could well be a social change maker. Access to culture in school, through extracurricular activities and in the immediate local community, could be particularly important in shaping whether a job in the sector would be plausible as a career. Unequal access to culture in childhood can have important implications later in life, such as for

example, in the form of limited appreciation for cultural diversity in styles of art, craft, music and dance or a sense of confidence and pride in the workplace.

A number of countries in Latin America have attempted a range of strategies to approach this issue with varying degrees of success. A seminal example with regard to addressing geographical inequities in access to culture is Brazil's Points of Culture programme, established in 2004 to enhance cultural initiatives and projects already developed by communities, groups and networks of collaboration through arrangements with federal entities. Through this innovative model, Points of Culture widens access to culture for all Brazilians, regardless of their economic or educational privilege and promotes cultural exchanges within different groups in a society divided along class, ethnic and racial lines. Another noteworthy example at the municipal level, also from Brazil, is Virada Cultural, created in 2005 by the Municipality of São Paulo in Brazil as one of the world's biggest socially inclusive 24-hour arts festivals, featuring hundreds of live music concerts, films, plays, art exhibits, and other cultural activities and performances for millions of largely local audiences. The event is closely aligned to the city's cultural policy objective of democratising access to culture.

Access to culture in school [...] could be particularly important in shaping whether a job in the sector would be plausible as a career.

A third example is Uruguay's *Un Niño, Un Instrumento* (One Child, One Instrument),²⁵ a nationwide programme including over 3,500 children and adolescents, which has widened access and democratised culture through musical learning as well as orchestral and choral practice in several parts of the country including remote regions. In a personal interview with the author, Claudia Riero, the programme director shared that the programme has created career pathways for around 100 young musicians who are now part of several professional orchestras around the world, as well as for music teachers across 32 territories across the country. While these examples focus on access and equity, addressing such issues no doubt attempts to level the playing field by broadening the scope of the privileged few and creating the potential for more opportunities for others to consider entering the cultural and creative workforce.

Seeking new models of public investment

Related to the issues of affordability and barriers to entering the CCSs are the limited mechanisms and highly competitive nature of models of financial support. The competitive

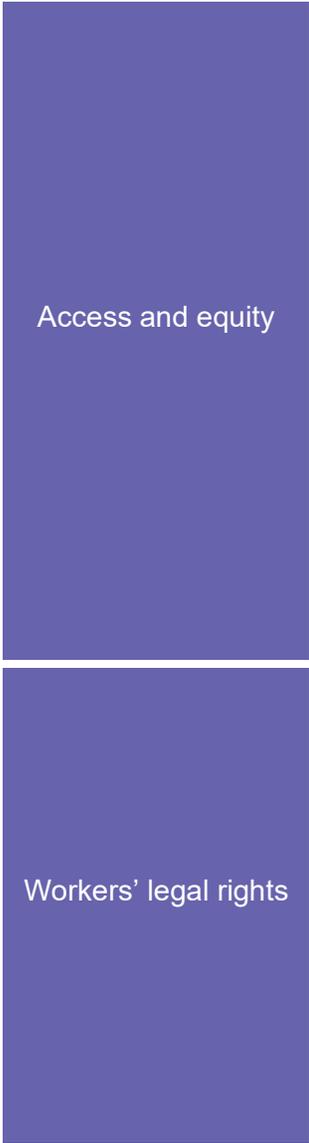
²⁵ <https://www.unniñouninstrumento.uy>

grant model of funding remains a common one within the cultural sector, including in Latin America and an important tool for the sector to develop projects and to generate a certain degree of employability. However, not all have access to knowledge and skills required to effectively compete in such cycles. Such limitations of the grant model are increasingly being discussed, including in Chile where a new government with a strong equity agenda took charge in early 2022. Shortly after being sworn in as Minister of Cultures of Chile in March 2022, Julieta Brodsky announced that the new administration would evaluate and progressively restructure many of its funding mechanisms, including grants. In an interview to Chilean newspaper, La Tercera, published in March 2022, she underlined the government's idea to move towards the strengthening of the programmes, rather than their competitiveness, she said

“Some already exist in the ministry, perhaps we should give them more budget, consolidate them so programs talk to each other ... For example, a relevant program is the Culture Point, where we want to strengthen community cultural initiatives. There, we are thinking about a more direct type of financing.” (Retamal N. 2022).

Main findings

Social inequities, such as income gaps, gender inequality and social class, further exacerbate some of the weaker working conditions of artists and cultural workers by severely limiting opportunities for professional entry and career growth in the CCSs for certain underrepresented communities. Here are the main findings and opportunities to address this ongoing and complex situation around social inequality and its impact on who can afford to become a cultural worker:



Access and equity

There is a correlation between equity agendas and policies for access and for inclusion with a more dynamic and diverse cultural workforce.

Social contracts and unwritten rules can also be major obstacles in the ability for artists and independent cultural works to enter and remain in the CCS workforce, regardless of talent. More policies, enforceable legislation and affirmative action are needed for the promotion of gender equality within the cultural and creative sectors across the world. In Latin America, gender issues are particularly poignant when it comes to working conditions for equal pay, visibility and seniority, such as to support the recognition and advancement of women as artists, cultural professionals and/or creative entrepreneurs.

Workers' legal rights

There is still limited recognition in Latin America for the cultural worker as a 'worker' as in any other sector with the right to fair pay, social protection as well as opportunities to access training and higher professional qualifications.

Even where regulations and opportunities exist, their access is often restricted to the privileged few. This means that the reach of information, legal advice, capacity building and networking platforms continues to be severely limited.

Value of culture to economy and society

While there is increased acknowledgement – including in policy – of the value of arts education for improving competencies associated with creativity, collaboration, imaginative problem-solving, resilience, appreciation of cultural diversity and critical thinking, there is much less research around how exposure to the arts in childhood and adolescence could serve as a potential pathway into the profession, particularly for those with limited access to cultural participation.

Of course, not every person exposed to arts education will pursue a career in the arts but children who are exposed at an earlier stage of their lives to arts and culture could consider developing career in the sector.

Data gaps

Data gaps continue to exist in the CCSs with regard to age, gender, ethnicity and educational qualifications of the workforce at the early, mid and late career stages.

In turn, this impacts the evidence needed to make policy interventions, with Latin America being no exception. Information and data gaps seem to be even more scarce in the Global South.

Identified opportunities

- The current grant-based funding system for the CCSs regularly falls short when it comes to offering stable, year-long employment for workers with due access to the social protections that go with it. Further, the pandemic-induced crisis among independent cultural workers demands a rethink of the grants approach, towards creating work in the form of more stable year-long jobs with proper employment relationships between the funders and beneficiaries (which in turn would ensure higher levels of legal protections for workers and improve resilience).
- A grant-based funding model also disadvantages those who do not have access to the information, skills and training required to engage in a competitive funding process. This is particularly relevant outside major centres, in regional and remote settings. Hence, some level of systemic change in the form of new funding models – including direct financing – is key if we are to truly imagine an equity agenda for the workforce in the CCSs, such as in Latin America.
- Whole-of-government approaches – which are collaborative and span across various ministries and government agencies with the common goal of addressing working conditions in the CCSs – are critical if we are to effectively address the deficit of decent jobs in the sector. A policy initiative that addresses one aspect of the working conditions of cultural workers cannot be at the detriment of other aspects that can in turn create or exacerbate additional inequities. This is a particular concern in Latin America, given the stark inequality in the region. Therefore, intersectoral perspectives are critical, as they would address the issue of access and equity for the workforce in the CCSs, not only from an arts or cultural policy perspectives, but equally from the educational, economic, social and policy points of view as well. It is not enough to create new jobs in the CCSs, for instance, if access to them for people from different abilities, social, ethnic or educational backgrounds and career trajectories are inadequately considered.
- Here, policy dialogue with those who have been excluded and left behind becomes crucial, particularly in urban and local development strategies, as culture and creativity can be a strong strategy to connect with communities. Consultation is key to ensure that policies are applicable to such realities, as the issues at hand are so strongly related to social-economic realities.

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Thriving cultures: A case for building arts enabling environments in Africa

Ammar Kessab

Africa's diverse cultural and creative sectors – which include advertising, animation, architecture, fashion, gaming, music, visual and performing arts, cinema, photography, radio and television and publishing – could be a 21st century goldmine that sustains economic growth and structural transformation, if fully exploited. This was the key message from Professor Benedict Oramah, President and Chairman of the Board of Directors of African Export-Import Bank (Afreximbank) at the launch of the *African Trade Report 2022: Leveraging the Power of Culture and Creative Industries for Accelerated Structural Transformation in the AfCFTA Era*.²⁶

Over the last decade, the CCSs have become economically important sectors in Africa. The Nigerian film industry 'Nollywood', for example, has become the world's second largest film producer and exporter, while the African gaming industry is projected to grow 12 percent by 2025 (Ivudria 2022). This potential is one of the reasons that the African Union declared 2021 the Year of the Arts, Culture and Heritage: Levers for Building the Africa We Want.

The launch of the ambitious African Continental Free Trade Area (AfCFTA) in 2021, which has created a single market for goods and services, has further opened enormous opportunities for boosting cross-border movement of capital and people, intra-African trade (currently at only 18%), regional integration and job creation, especially for the CCSs (Obonyo 2021). However, the sector in Africa – where more people are in cultural employment compared to any other world region (UNESCO 2022, p.61) – faces many challenges before its full potential can be realised. One challenge is certainly weak infrastructure, whether cultural (such as museums, galleries, theatres and artist residency venues) or digital (such as internet backbone, broadband, mobile telecom and digital communication suites and data centres). According to the International Telecommunication Union (ITU) data quoted in UNESCO's 2022 Global Report, at the end of 2019 just over half of the world population was using the Internet, with the African continent accounting for the lowest internet usage, at a mere 29 percent (p.96). Rural areas on the continent are further disadvantaged with only 22 percent enjoying access to 4G networks here when compared to 77 percent in urban areas (p.97).

²⁶ AfCFTA is the African Continental Free Trade Area. The agreement aims to create a single market for goods and services in order to deepen the economic integration of Africa. More information about Professor Oramah's speech can be found here: <https://www.busiweek.com/africas-creative-and-cultural-industry-among-fastest-in-the-world/>

In the last decade, public expenditure on culture has declined, with Africa accounting for the lowest government expenditure figures (p.47). Even when we turn to creative businesses, despite their potential, only 1.1 percent of total investment by African start-ups in 2019 (USD\$22 million) was dedicated to the CCSs. This difficulty in accessing innovative financial instruments hinders the growth potential of the sector, which is already operating in an ecosystem where it faces many challenges (Kamau 2022).

...the overwhelmingly informal nature of the CCSs in many African countries remains a major challenge.

Further, the overwhelmingly informal nature of the CCSs in many African countries remains a major challenge. In South Africa, for example, even as the education levels of people working in cultural occupations is higher than those in non-cultural occupations, unstable and infrequent freelance contract work is much more common in cultural than in non-cultural occupations. A much greater proportion of people in cultural occupations here work in the informal sector (46.3% in 2017) than in non-cultural occupations (32.4%). Further, there is a significant difference between the average earnings of men and women in cultural occupations (SACO 2020, p.22).

In addition, effective analysis and policymaking is impaired by a lack of up-to-date data. Statistical offices or research bodies that have produced data on the cultural and creative sectors and/or evaluated cultural policies between 2018-2021 across Africa stands at 26 percent, while the global average is 62 percent (UNESCO 2022, p.64). Even those that do exist have the challenge of currency and upkeep, so longitudinal studies – which track over a longer period to establish trends – are rare.

While these challenges have acted as barriers to the blossoming of the CCSs across Africa, some – like the digital divide – affect the industrial and business sectors as well. Yet, in the business sector, holistic approaches to policy interventions by governments and multilateral institutions – such as, for example, through the Business Enabling Environment (BEE) – have had a significant impact in improving the landscape by creating supporting ecosystems for business. In addressing the myriad challenges facing the CCSs in Africa, it may be worthwhile taking a closer look at the notion of ‘enabling environments’ – namely, the right combination of political, economic, social, and environmental conditions that positively affect an enterprise’s capacity to start up, grow, and create decent jobs (ILO n.d.) – and how they have been applied in the business sector, particularly to support small and medium sized enterprises (SMEs) in Africa. With the limitations in public investments in culture showing gradual decline, exploring diverse entrepreneurial models will be key.

Is change being enabled? Analysis on the business environment and its challenges

Africa is home to some of the fastest-growing economies and consumer markets in the world. Still, the business landscape, both for large and small enterprises, is not without its unique challenges. One is the massive skills gaps on the continent, despite a young and highly educated population: 60 percent of the population on the continent is below the age of 25. However, challenges arise due to weak education budgets and infrastructure in many countries, and while there is evidence of high participation in education, it is coupled with misaligned education systems that do not adequately prepare students for the needs of future employment opportunities and those of the market. Another impediment is the lack of market data and market insights required to serve the vast consumer base. Further, supply chain challenges exist in moving between the 54 countries on the continent. The ever-changing and challenging regulatory landscape on the continent is yet another major barrier to business growth, as is the high cost of securing capital. The cost of capital to start and run a business in Africa is high relative to other regions, as bank loans often come with high interest rates due to the perceived risks of doing business in the region. Repayment of these high interest rates limits a company's ability to reinvest in the business to fuel growth, thus limiting the ability of many African businesses to scale up significantly and expand globally (ETK 2021).

As is evident from this cursory scan, the business environment – namely, the set of conditions outside a company's control that have a significant influence on how businesses behave throughout their life cycle – on the African continent is often not conducive to growth. This set of conditions can be very large, from macroeconomic stability to microeconomic regulations.

However, realising that conducive conditions for business are a prerequisite for economic growth and poverty reduction, governments and development institutions have played and are playing an important role in creating a Business Enabling Environment (BEE) for private investment and production. The BEE is determined by the nexus of policy, legal, institutional, and regulatory conditions that positively govern business activities, as well as by the mechanisms of government policy and institutional arrangements that influence the way key actors – such as government agencies, regulatory authorities, business membership organisations, and trade unions – operate (UNIDO 2017).

The National Business Environment Committee (CNEA) in Morocco is an interesting example of a body working to build a BEE in line with the core priorities of the country's private sector development strategy that aims to support the most promising sectors of the economy (including the industrial sector) and help create new jobs. Established in 2009, CNEA is a public-private body chaired by the Head of Government and with the mission to coordinate the government's strategy relating to the business environment, including increasing the share of private investment and stimulating the creation of sustainable local SMEs. Among its initiatives are the publication of several legislative texts in its official bulletin and the simplification of various administrative procedures for businesses.

The International Labour Organization (ILO) has acknowledged that SMEs – which are vital to achieving decent and productive employment – are often hit harder by an uncondusive enabling environment.²⁷ This is relevant for Africa as SMEs represent 95 percent of all companies and generate 80 percent of jobs across the continent (AfDB Group n.d.), making them a powerful conduit not only for addressing economic growth but also specifically for tackling growing youth unemployment in a region where young people form the majority of the population. Yet the CCSs and small business sectors are not contributing enough to GDP in countries across Africa. This is because a conducive ecosystem – with easy access to, among other things, financing, capacity building, digital platforms, protection and collection of rights – is missing, thus making it ever more difficult to take advantage of the many opportunities brought by AfCFTA (Obienyi 2022). For SMEs (including in the CCSs), an enabling environment is therefore one that addresses the challenges of operating in the informal sector through improved laws, policies and regulatory focus on small businesses and access to opportunities and competitive markets, but also crucially through enhanced access to credit and tailored business development services.

These discussions on the BEE drive home the point that ‘enabling environments’ are indeed critical for the business sector to thrive. It may not be far-fetched to imagine that something similar could be done for the arts, cultural and heritage sectors, both for the non-profits working therein, as well as for creative businesses.

The better the enabling environment, the more CCSs will contribute to economic growth and equitable access to wealth creation.

Introducing the ‘Arts Enabling Environment’

Similar to the concept of the BEE, we could well imagine an ‘Arts Enabling Environment’ (AEE) as the sum of all external factors that directly or indirectly impact the development of the CCSs, including structural conditions such as cultural or digital infrastructure, legal frameworks and administrative procedures, intellectual property protections, social protection nets and access to financial support, information, training and other resources for cultural workers and enterprises. If the AEE is conducive, it should provide artists and cultural workers (including entrepreneurs) with the necessary conditions to unleash their full potential for value creation. In its absence, the value chain of creation, production, distribution and consumption of cultural

²⁷ <https://www.ilo.org/global/topics/employment-promotion/small-enterprises/lang--en/index.htm>

goods and services will be hindered in many ways, with larger consequences on everything from stable livelihoods for cultural workers to the contribution of the sector to GDP. An AEE acquires particular importance in the context of the unformalisable nature of artistic and cultural activities (Fixari, Kletz & Pallez 1996).

The better the enabling environment, the more CCSs will contribute to economic growth and equitable access to wealth creation. The more the sector grows and prospers, the better the working conditions are likely to be. The effect is cyclical.

An ambitious vision of AEE should be inclusive, transparent and collaborative, taking into consideration all the stakeholders that operate in the related sectors, regardless of their size or legal status and identifying a clear set of actions to:

- recognise those working in the CCSs as a workforce with the same labour rights as workers in other sectors
- improve the structural conditions (through policy and regulatory reforms, simplified administrative procedures, better quality of cultural and digital infrastructure, among other things)
- facilitate access to necessary information, legal, financial and professional/business development resources for individual cultural workers and cultural enterprises
- improve the state of artistic freedoms.

In addition, public-private and other transversal collaborations need to be strengthened to realise a truly collaborative AEE.

Business and arts enabling environments: how are they different?

Here, it is important to underline that we are not advocating to replicate the business model approach in the CCSs, but rather underlining that the notion of an enabling environment is critical for any sector to thrive, including for the arts, culture and heritage sectors.

Unlike business goods and services, cultural goods and services have a dual nature: they are at once symbolic and economic in value, being tied closely to cultural identities and values.

While there are some similarities between the business and the cultural and creative sectors in their potential for generating economic value, there are significant differences as well. The idea that culture is a driver for economic development is not new. It dates back to the 1960s, when cultural actors around the world started looking for solid arguments to raise public awareness of the importance of culture in promoting economic and social development (UNESCO 2010). In Africa, this idea is recurrent and not new either, having been acknowledged in the 1969 Pan-African Manifesto (Algiers); the 1976 and 2005 iterations of the Cultural Charter of Africa (Port Louis, Nairobi); and the 2008 Action Plan on Cultural and Creative Industries in Africa (Algiers) (Kessab 2018, p.223). And most recently in the African Union's declaration of 2021 as the Year of the Arts, Culture and Heritage: Levers for Building the Africa We Want.

...the CCSs have the unique potential to drive a cultural renaissance alongside economic transformations drawing on Africa's rich cultural heritage and the creative power of its youth

However, there are some key differences between the business and arts enabling environments as well. Unlike business goods and services, cultural goods and services have a dual nature: they are at once symbolic and economic in value, being tied closely to cultural identities and values. The symbolic value of the arts has been long recognised in Africa whether through the Africa We Want framework based on ideals of Pan Africanism or the vision for Africa's cultural renaissance. Unlike the business sector, the CCSs have the unique potential to drive a cultural renaissance alongside economic transformations drawing on Africa's rich cultural heritage and the creative power of its youth.

Creating an AEE: improving access to finance

To construct an effective arts enabling environment, the following challenges must be addressed:

- dignity of work in the CCSs – if it is not recognised as work, then improving access to financing is an added impediment or an impossibility
- unfavourable or weak structural conditions are to be corrected through policy or regulatory or administrative reform – for example, appropriate measures are to be taken to support the integration of the informal part of the CCSs into the formal

economy (this can take different forms such as registration, taxation, organisation and representation, legal frameworks, and social protection)

- access to critical resources should be made easily available including through transversal collaborations within government, with civil society and with the private sector
- threats to artistic freedom are to be eliminated or limited.

It is worth turning our attention to access to financing, a critical challenge for the CCSs including the SMEs and micro enterprises operating within it; and illustrating the ways in which an AEE could eliminate such challenges through creating transparent, as well as innovative and alternative, financial support mechanisms.

Governments have a key role in shaping markets and making them as equitable, sustainable and competitive as possible, in line with Sustainable Development Goal (SDG) target 8.3 to support productive activities, decent job creation, entrepreneurship, creativity and innovation, and encourage the formalisation and growth of micro-, small- and medium-sized enterprises. The latest UNESCO Global Report *Reshaping Policies for Creativity* (2022) reveals that there is closer parity between developing (75%) and developed (77%) countries when considering specific measures and programmes to encourage the formalisation and growth of micro-, small- and medium-sized cultural enterprises (p.61). However, there is scope for improvement in this regard in the African region, where only 64 percent of State Parties to the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions report taking specific measures in support of SMEs and micro enterprises in the CCSs (p.62).

Governments have a key role in shaping markets and making them as equitable, sustainable and competitive as possible, in line with Sustainable Development Goal (SDG) target 8.3

One such measure could be the simplification of administrative procedures in the CCSs, which could be a key action in building a conducive AEE. We observe the persistence of red tape in many national contexts in Africa, with long and complex administrative procedures that oblige artists, cultural workers and creative enterprises to devote hundreds of hours per year to interacting with administration. According to the Small Business Project, based on studies

tracking a cohort of 500 SMEs (including micro-businesses) in South Africa over a period of six years, on average, small businesses spend between four and six percent of turnover on compliance with regulatory demands (Vabaza 2022). This can prove a heavy burden for small enterprises in terms of time and accessing the right form of expertise needed to ensure compliance. Centralised support in terms of time, know-how and resources to ensure compliance would be a welcome relief to free up their limited resources to tackle other pressing challenges.

The example of the compulsory and free Guso (Guichet Unique du Spectacle Occasionnel) single window service in France illustrates how actions to simplify administrative procedures could help build an AEE. The Guso service is intended for employers (such as associations and companies) who occasionally employ one or more performing arts worker, organise less than six performances a year and do not have a live performance entrepreneur license. This service allows such employers to carry out all the formalities related to the hiring and employment of these occasional employees exclusively online including making a single payment towards all contributions to social protection organisations.²⁸ The Guso service could be explored in the African context, noting contextual adaptations as was the case in Senegal through an initiative launched in 2020.²⁹

The 2022 UNESCO Global Report also reveals that developed countries (62%) are more likely to introduce measures to reduce funding constraints for CCSs than developing countries (26%). Developing countries were also more likely to prefer the creation of incubators and investment in business support programmes (28%), strategies and development plans (14%), tax incentives (9%) and trade fairs and exhibitions (9%) (p.62). This reiterates what has been said before in this chapter: that compared to other sectors, the CCSs in Africa benefit less from specific measures to encourage investment and entrepreneurship. Artists, cultural workers and entrepreneurs regularly report recurring difficulties in accessing financing.

One reason for limited access to financing across Africa is that banks tend to be more risk averse, as already mentioned. In this context, Morocco's Cultural Industries Guarantee Fund (CAGF) offers an interesting example. The first banking instrument dedicated to cultural industries in North Africa, the CAGF aims to provide cultural enterprises with access to financing through loans at regular market rates, as might be available to enterprises in other sectors. The fund is accessible to Moroccan businesses with a turnover of USD\$2 million or less during the three financial years preceding their application and operating in film and audiovisual production and distribution, music, theatre, radio and television, book publishing, production and distribution of records and cultural and educational multimedia content, visual and plastic arts, fashion and design, and crafts. Eligible transactions include credit transactions, leasing, and bank guarantees; eligible investments include tangible or intangible

²⁸ <https://www.guso.fr/information/accueil>

²⁹ <https://fr.unesco.org/creativity/policy-monitoring-platform/guichet-unique-spectacles>

investment, production and acquisition of project companies, and operations to strengthen working capital accompanying a project of investment.

These financing conditions are available for a maximum of seven years, with deferred repayment of up to two years. Businesses seeking to avail the services of the fund send a request to their chosen commercial bank, which in turn sends a guarantee request to the CAGF. The CAGF then sends a response to the bank within 10 working days from the date of receipt of the request. In a sector and region where bankers are often cautious with lending to creative businesses, a guarantee fund like the CAGF is very important to facilitate access to funding. Such instruments are important examples of measures that contributes to an AEE.

Another interesting instrument is South Africa's Arts and Culture Venture Capital (ACVC) launched by the Department of Sports, Arts and Culture to provide affordable loans to start and/or expand small businesses with a minimum of 50.1 percent shareholding by black South African citizens (as defined in the *Broad-based Black Economic Empowerment Act 53 of 2003* and who are resident within the borders of South Africa). The ACVC is thus an important source of finance for start-up entities and for companies that have limited operating history, and which do not have access to capital markets.

Other funds such as the HEVA Growth Fund, WIDU, the Impact Fund for African Creatives (IFFAC) and the upcoming CREA Fund are welcomed initiatives and important steps towards building a conducive art enabling environment on the continent by tackling a key barrier. The HEVA Growth Fund³⁰ provides growth capital to medium sized creative businesses in Kenya with support from the French Development Agency, while WIDU³¹ supports new and existing micro and small businesses – including in the CCSs – in Cameroon, Ethiopia, Ghana, Kenya, Togo and Tunisia with funding and coaching in partnership with African diaspora in Europe and the German Federal Ministry for Economic Cooperation and Development.

Other examples include the new Impact Fund for African Creatives IFFAC established by Ghanaian entrepreneur Roberta Annan. Launched at the Paris Fashion Week in 2021, it is making available €250,000 - €2,000,000 in venture capital to African entrepreneurs who complete its skills building programme (African Development Bank Group 2021). The upcoming CREA Fund (Creative Enterprise Action Fund) Facility also deserves a mention (Proparco Group 2022). Established by Proparco, a development finance institution partly owned by the French Development Agency and private shareholders from developed and developing nations, it aims to support SMEs in Sub-Saharan Africa. The fund comprises a guarantee component and a technical assistance component, which in turn will support Proparco's partner funds and banks to set up dedicated strategies or appropriate pipelines to ensure delivery.

³⁰ <https://www.hevafund.com/growth-fund>

³¹ <https://widu.africa/>

Main findings

The economic challenges around working conditions in the CCS in Africa are diverse, with this chapter only touching upon them in broad terms. However, it identifies the following main findings and opportunities towards achieving an enabling environment through a diversity of means:

An holistic and intersectoral approach	<p>Africa is home to some of the fastest-growing economies and consumer markets in the world. Yet myriad complex challenges impede the CCSs from realising their full potential (and from taking full advantage of opportunities such as AfCFTA), which requires a more holistic and coordinated approach involving several key actors and addressing all aspects of the ecosystem.</p>
Access to finance for SMEs	<p>Access to finance for the CCSs, especially SMEs, continues to be a critical area given the low appetite for risk among banks on the continent.</p> <p>Without such access to steady capital, it will be impossible to ensure growth, job creation or decent working conditions.</p>
Data gaps	<p>The study of the working conditions of artists and independent cultural workers at the international level is relatively recent.</p> <p>While the working conditions of artists and independent cultural workers in developed countries are frequently the subject of periodic studies and analysis, national-level data on cultural employment is not available for many developing countries. Regionally specific initiatives to achieve a level standardisation of data, and longitudinal studies could be very beneficial for a more contextual approach.</p>

Identified opportunities

- Coordinated action is urgently needed to formalise the various aspects of the CCSs, which currently operate largely in an informal economy. This can be done through a variety of measures such as registration, taxation, organisation and representation, legal frameworks, and social protection.
- Reducing financial support constraints (including barriers to capital access) should be a key focus when imagining an AEE. Enabling environments for entrepreneurship development (including social enterprises and inclusive business among SMEs and micro enterprises and their clusters) is critical, particularly with regard to capital access.
- Similar to the Business Enabling Environment (BEE), there may be an opportunity to develop the notion of an Arts Enabling Environment (AEE) to address the many challenges for the CCSs, in Africa and beyond. The first step in creating such an enabling environment should be securing recognition for the workforce in the CCSs as a legitimate part of society and the economy, with equal rights to what other workers enjoy – be it dignity of labour, fair wages, social protections or career development opportunities. For such an approach to succeed, transversal collaborations between governments, development financing institutions, private sector and civil society should be better coordinated for the benefit of the sector.

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A pathway towards sustainable careers: eight policy priorities

Artists and independent cultural workers continue to experience alarming degrees of precarity throughout their working lives. It is not an exaggeration to say that post-pandemic, they face a crisis of sustainability for their careers and future prospects in the CCSs. Sustainable careers for artists and independent cultural workers cannot be achieved unless we pay urgent attention to the lack of appropriate laws, professional standards and social value accorded to their work; and acknowledge that access to opportunities is unequal.

The following analysis describes eight crucial issues in focus and the most urgent actions that should be taken, by all stakeholders – whether governments, development financing institutions, civil society, funders, employers or the sector itself – to ensure better working conditions for the most vulnerable and invisible parts of the CCS workforce, namely artists and independent cultural workers.

1) Establish strong legal frameworks

- Introduce and/or update national labour laws in order to ensure workers in the CCSs are recognised. Policy makers should particularly focus on building legal frameworks that
 - cover social protections and other benefits for workers in non-standard forms of employment
 - address the intermittent nature of work typical within the sector
 - take sectoral approaches that are in line with specific realities and the needs of each sector within the CCSs
 - address the specific needs of workers in the informal economy.
- Enable independent cultural workers – and micro, small and medium sized cultural enterprises – to transition to formal status through a variety of measures, including but not limited to registration, taxation, organisation and representation, legal frameworks, and social protections.
- Harness existing multilateral frameworks and trade agreements to improve taxation, social protection and mobility benefits from cross-border work.

2) Strengthen holistic and intersectoral approaches

- Systematically deploy a whole-of-government approach to policy reform aimed at improving the socio-economic status of artists and independent cultural workers and widening access for under-represented groups in the workforce.
- Systematically build enabling environments for the CCSs by improving policy, institutional, regulatory and infrastructure conditions, intellectual property protections and access to finance for cultural workers and enterprises operating in non-profit and commercial areas of the sector, and in the formal and informal economies.
- Improve transversal collaboration between governments, development financing institutions, private sector and civil society.
- Encourage intersectoral collaboration between sector-specific associations, educational institutions, local governments, and social change makers for capacity building.

3) Set standards and codes of practice

- Encourage public agencies to play an active role to set standards on decent work conditions, including fair contractual obligations, fair remuneration for work, and workers' benefits (such as overtime, leave and health insurance).
- Encourage the development of sectoral and organisational codes of practice on occupational health and safety, and the extension of such coverage to independent cultural workers.
- Encourage the development of sectoral fee structures and guidelines – which, among other things, define types work that should be remunerated and acceptable levels of remuneration related to different types of work – for those who engage artists and independent cultural workers.

4) Design new models

- Develop new funding models for the CCSs that
 - explore how to establish employment relationships – that is, legal links between employers and the employed – between the funders and beneficiaries and thereby options that offer the possibility of higher levels of legal protections for independent cultural workers
 - support income stability for independent cultural workers (such as through, but not limited to, minimum guaranteed income, long-term projects and provision of support structures between contracts).

- Explore innovative new models for greater equity in international trade, drawing on the experience of other sectors, such as the Fair Trade movement.

5) Invest in support structures

- Design and scale up programmes, training and workshops that:
 - help independent cultural workers claim their legal rights
 - create networking opportunities and support networks for independent cultural workers at all stages of their career
 - provide initial and continuing training for independent cultural workers.

6) Fill the data gaps

- Invest in critical capabilities to gather and produce more and better data on:
 - employment in the CCSs at the national level
 - social and economic conditions of artists and independent cultural workers at national and regional levels.
- Develop appropriate indicators to quantify the social value of arts and culture.
- Support evidence-based research on
 - the contribution of cultural workers to sustainable development
 - the link between the status of the artist and artistic freedom as enshrined in law
 - exposure to the arts in childhood and adolescence and its impact on opening potential pathways to imagine a career in the CCSs.

7) Increase communication and awareness campaigns

- Increase awareness through campaigns to sensitise all people to
 - the economic *and* social value of arts and culture, highlighting the human, social and economic consequences – for the CCSs and for society as a whole – if this value remains unrecognised
 - the value and contribution of independent cultural workers to the CCSs and the need to support them as a group.

- Develop communication and awareness campaigns to inform
 - artists and independent cultural workers of their rights and opportunities
 - people that employ artists and independent cultural workers on what constitutes the work of an artist or cultural worker, how such work is typically organised within the sector, and what aspects of labour should be rewarded (including, for example, planning, research and development).

8) Foster international exchange

- Invest in safe spaces and international networks where public institutions can exchange ideas with their peers on pathways to decent work in the CCSs.
- Approach international exchange with fairness and acknowledgement of difference to find common shared ground.
- Apply, where applicable, international conventions to support and promote equitable international exchange of cultural goods and services and cultural cooperation

While economic disruption and crises caused by the ongoing pandemic have exposed existing vulnerabilities in the CCS workforce, now is the time to initiate systemic change and put independent cultural workers at the centre of policy responses, to ensure the future existence of the cultural and creative sectors.

Appendix 1: Glossary

Arm's length agencies	refers to institutions that have been delegated national responsibility for the governance of culture, which are government mandated but autonomous or semi-autonomous in their institutional governance and operations. Such institutions have statutory or legal independence from the executive government, usually enshrined in an act or law to establish and operate the entity.
Artistic freedom	according to UNESCO, refers to the right to create without censorship or intimidation; the right to have artistic work supported, distributed, remunerated; the right to freedom of movement; the right to freedom of association; and the right to protection of social and economic rights.
Cultural and creative sectors (CCSs)	refers to those parts of the society and the economy producing, promoting and distributing goods, services, activities or content derived from individual or collective cultural values, and artistic and creative expression.
Cultural workers	refers to all persons working in the cultural and creative sectors in occupations that involve tasks and duties to create, produce and disseminate cultural goods and services, which generally contain intellectual property rights and generate, develop, preserve or reflect cultural or symbolic meaning. Such workers may either be in standard forms of full- or part-time employment or non-standard forms of employment (including but not limited to temporary employment, on-call work and multiparty employment relationships).
Employment relationships	according to the ILO, refers to the legal link between employers and those that they employ. It exists when a person performs work or services under certain conditions in return for remuneration.
Formalisation (of the informal economy)	according to the ILO, refers to the process of bringing informal workers and economic units under the coverage of formal arrangements, while ensuring opportunities for income security, livelihoods and entrepreneurship.

Independent cultural workers	refers to those persons working in the cultural and creative sectors in non-standard forms of employment.
Informal economy (also referred to as the informal sector):	refers to the diversified set of economic activities, enterprises, jobs, and workers that are not regulated or protected by the state. The concept originally applied to self-employment in small, unregistered enterprises. It has been expanded to include wage employment in unprotected jobs.
Intersectoral approaches	refers to collaborative approaches, which can span across various ministries, government agencies, nongovernmental organisations, relevant stakeholders and other groups, with a common goal in addressing a particular issue
Non-standard forms of employment	according to the International Labour Organization (ILO), is an umbrella term for different employment arrangements that deviate from standard employment and includes temporary employment; part-time and on-call work; temporary agency work and other multiparty employment relationships; as well as disguised employment and dependent self-employment.
Social security	according to the ILO, includes benefits for children and families, maternity, unemployment, employment injury, sickness, old age, disability, survivors, as well as health protection, in line with the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102).
Whole-of-Government approach	refers to the joint activities performed by diverse ministries, public administrations and public agencies in order to provide a common solution to particular problems or issues.

Appendix 2: Public survey on the working conditions of artists and independent workers in the cultural and creative sectors

While concerns related to the working conditions of artists and independent workers in the creative and cultural sectors (CCSs) pre-date COVID-19, the pandemic has exposed their true precarity. However, this also presents us with an opportunity to consider how to address and improve these conditions as we rebuild and reform. To this end, IFACCA is preparing a public report on the working conditions of artists and independent cultural workers as part of our Sustainable Futures research series. This research is supported by Creative Victoria, an IFACCA Affiliate Member. We are keen to hear diverse perspectives from the international community and specifically from artists and independent workers in the CCSs for this report. Therefore today, we invite artists and independent cultural workers from all parts of the world to share important information with us by completing a survey. The results of the survey will feed into the report, which will include case studies, insights, gaps and opportunities.

The survey will take approximately 12 minutes to complete. You may remain anonymous or choose to provide your contact details. Please note, the survey will close on Friday 22 April 2022.

We look forward to your input and thank you for participating!

1. Do you wish to remain anonymous? *

- Yes
- No

2. What is your country of nationality? *

3. What is your country of residence? *

4. How would you identify yourself? *

- Artist
- Independent cultural worker (freelancer)
- Cultural worker affiliated to an organisation

5. Which creative discipline or art form do you practice or which sector do you mainly work in? *

- Craft/Design
- Audiovisual/Film
- Literary Arts/Publishing
- Music
- Performing Arts (Dance and Theatre)

- Visual Arts/Photography
- Multidisciplinary or multi artform
- Other - Write In (Required)

6. How would you best describe your career stage in the cultural and creative sectors?

- Emerging or early career
- Established or mid career
- Senior or late career

7. List up to three obstacles you faced when professionally entering the cultural and creative sectors.

1

2

3

8. Are the structures you access to support your employment through government sources?

- Yes
- No

If YES:

If yes, please identify the **five (5)** most effective government structures that you access to support your employment (as an artist or independent worker) in the cultural and creative sectors.

- Access to information services
- Access to legal advice
- Access to career management services
- Access to specialised education and training in your chosen discipline
- Access to re-training opportunities including entrepreneurship training
- Access to social media training and digital tools
- Access to cultural infrastructure (eg, cultural venues, rehearsal spaces, arts markets)
- Access to financial support to develop your work (grants, loans, guarantee schemes etc.)
- Access to special schemes for under-represented groups
- Access to networking opportunities
- Access to unemployment benefits
- Access to health insurance
- Access to tax exemption
- Access to pension
- Access to awards and/or other forms of recognition
- Access to emergency subsidies

9. Are the structures you access to support your employment through non-government sources?

- Yes
- No

If YES:

If yes, please identify the **five (5)** most effective non-government structures that you access to support your employment (as an artist or independent worker) in the cultural and creative sectors.

- Access to information services
- Access to legal advice
- Access to career management services
- Access to specialised education and training in your chosen discipline
- Access to re-training opportunities including entrepreneurship training
- Access to social media training and digital tools
- Access to cultural infrastructure (eg, cultural venues, rehearsal spaces, arts markets)
- Access to financial support to develop your work (grants, loans, guarantee schemes etc.)
- Access to special schemes for under-represented groups
- Access to networking opportunities
- Access to unemployment benefits
- Access to health insurance
- Access to tax exemption
- Access to pension
- Access to awards and/or other forms of recognition
- Access to emergency subsidies

10. Where does the greatest percentage of your income come from?

- Remuneration for doing artistic work or other work within the cultural and creative sectors
- Economic activities based on art sales and commissions
- Remuneration for work related to artistic work or other work within the cultural and creative sectors
- Remuneration for work in a non-arts field or sector
- Grants from public agencies in your country
- Grants from foundations and private funding bodies
- Private financial support (including from family, spouse, civil partner etc)
- Other - Write In

11. With regard to the income you earned in 2021, how would it compare to the average income in your country?

- It would be considered high income
- It would be considered medium income
- It would be considered low income

12. In 2021 what percentage of your income did not come from work that can be defined as artistic work or other work in the cultural and creative sectors?

- 0%
- Up to 10%
- Up to 25%
- Up to 50%
- More than 50%

13. How often are you asked to do unpaid work in the cultural and creative sectors in a year?

- Less than a third of the time
- Up to half of the time
- Up to two thirds of the time

14. And what percentage of this unpaid work (that is, which is explicitly asked for) constitutes your work in the cultural and creative sectors?

- Less than 25% of your work
- Up to 50% of your work
- Up to 75% of your work
- 100% of your work

15. Is there an unstated requirement for you to complete unpaid work as a normal part of your employment development in the cultural and creative sectors?

- Yes
- No

16. What, in your view, constitutes an acceptable amount of such unpaid work (that is, which is not explicitly asked for)?

- 0% of your work
- Up to 25% of your work
- Up to 50% of your work
- Up to 75% of your work

17. Which aspects of your work in the cultural and creative sectors are generally unpaid?

- Planning, preparing or brainstorming
- Research and development
- Rehearsing
- Production
- Performance and presentation
- Touring
- Digital presentation of work
- Opportunities to speak/present at events
- Advisory roles

18. In your opinion, why is unpaid work common in the cultural and creative sectors?

- Lack of adequate resources in the cultural and creative sectors
- Work culture in the cultural and creative sectors
- Artistic work/ work in the cultural and creative sectors is generally undervalued
- The assumption of visibility /experience offered in lieu of payment
- Other - Write In

19. In 2021, which of the following areas have you undertaken capacity building in?

- Advanced training in your chosen discipline
- Copyright knowledge
- Grant application writing
- Business skills
- Negotiating skills
- Financial management skills
- Social media and digital tools
- Entrepreneurship training
- Human resources skills
- Communications training
- Legal rights
- Other - Write In
- None

20. What are the main obstacles you are facing in your career development as an artist or independent worker in the cultural and creative sectors?

- Lack of adequate paid assignments in my artistic discipline
- Lack of stable paid assignments
- Inability to access existing paid opportunities
- Lack of written contracts for work offered
- Lack of fair remuneration
- Lack of social security and other safety nets
- Lack of access to collective bargaining structures
- Lack of dedicated workspace
- Lack of access to training/capacity building opportunities
- Lack of access to international opportunities
- Lack of knowledge about legal and regulatory frameworks in the cultural and creative sectors
- Lack of artistic freedom
- Low status of the artist/cultural worker in your country
- Lack of public support structures in your country
- Negative impact of COVID-19 on opportunities
- Burn out (artistic, mental, emotional and/or physical)

21. What public policies and/or initiatives could offer better working conditions for artist and independent workers in the cultural and creative sectors? Please list **up to 5 suggestions**.

Thank You!