

An overview of frameworks addressing working conditions in the cultural sectors in EU countries

What do you mean by 'status of the artist'?



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The project is implemented by a consortium of five partners led by the Goethe-Institut, in collaboration with the European Creative Hubs Network (ECHN), IDEA Consult, Institut de la Propriété Intellectuelle Luxembourg (IPIIL) and 3s Unternehmensberatung GmbH.

This paper is written in the context of the Creative FLIP project's actions on working conditions of artists and cultural professionals and the online platform "This is how we work". The platform is a unique EU-wide knowledge resource solely focused on working conditions in the cultural and creative sector. Providing concise and factual information, it will allow for comparative mappings and issue-based analysis.

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Acknowledgement:

This paper benefited from the valuable contribution by **Joost Heinsius**, Creative FLIP Senior Expert, Values of Culture & Creativity

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An overview of frameworks addressing working conditions in the cultural sectors in EU countries

What do you mean by 'status of the artist'?

In recent years, many governments worldwide have implemented new measures to support artists and cultural professionals¹, and the concept of the 'status of the artist,' spelled out by UNESCO back in 1980, has gained new importance. But what exactly do we mean by 'status of the artist'?

UNESCO defines it as, on the one hand, the acknowledgment of the importance of artists' place in society, and on the other, as the recognition of their rights and liberties associated with that place². In some countries, there are laws that introduce a legal status for cultural workers and regulate a comprehensive scope of their rights, while in other countries, there are measures regulating artists' position in specific fields such as social security or taxation. Given the great diversity of national regimes, in this article, we refer to the 'status of the artist' as a notion encompassing the various frameworks and policies that regulate artists' positions in the fields of social security, taxation, employment, artistic freedom, and education. Generally, such frameworks imply that one must qualify as an 'artist', or equivalent, in order to access certain rights and benefits.

The snapshot of measures and frameworks depicted below is highly diverse. The choice of a national approach depends on many factors, such as historical background, the existence of a 'social contract' related to the recognition of both the value and challenges faced by the cultural sectors, as well as the efficiency and flexibility of broader frameworks.



1 In this article, the terms 'artist', 'cultural worker', 'creative professional', 'creative worker', 'art professional' and similar notions are used interchangeably
2 UNESCO 1980, p. 9

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What seems to be crucial in all contexts is that the framework regulating artists' position is clear to artists themselves, effective across various situations cultural workers end up in due to the nature of their work, and inclusive – leaving no one behind.

Working conditions in the cultural sectors were addressed by the EU Work Plan for Culture 2019-2022. In 2021, a group of experts in the field of artists' status and working conditions from all 27 Member States, embarked on an Open Method of Coordination process, a practical and structured way to bring together representatives from EU Member States to encourage the exchange of good practices regarding the design of policies and funding schemes. This initiative led to the publication of a comprehensive report on the status and working conditions of artists, as well as cultural and creative professionals, in June 2023.

The report captures the diversity of existing policy and regulatory frameworks currently implemented or in progress across various EU countries:

- Some of these frameworks consist of comprehensive laws that address multiple facets of artists' status;
- others focus on specific legislative branches, such as social security, labour regimes, artistic freedom, or education;
- in certain countries, focus on artists' working conditions is incorporated into general legislation through specific provisions or exemptions;
- finally, in some countries, the rights of cultural workers are regulated by general legislative systems that do not apply approaches tailored to artists³.



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Providing a comprehensive insight into this diversity of regimes, the report recommends that governments 'aim for specific and coherent legislation regarding artists, covering all areas of their work in addition to general existing legislation'⁴. The OMC group emphasises that a dedicated law specifically designed for artists has greater potential to have impact on their socio-economic situation⁵. In line with this, UNESCO's report, 'Empowering Creativity', published in November 2023, underscores that a fragmented approach to legislation results in gaps when addressing issues, and a consolidated law addressing various matters can help cultural workers to better understand their rights⁶.

Moreover, the OMC report emphasises the importance of inclusive legal instruments that encompass a wide range of activities and disciplines within the cultural sectors. These activities should, at the very least, involve the creation or recreation of artistic work, along with performing and interpreting artistic work. Ideally, such legal tools should also address other creative professions facing similar challenges to those experienced by artists⁷.

How many such comprehensive and inclusive laws currently exist within the EU, and how do they operate? In this article, we explore the diversity of artist status types established across Europe. By examining various frameworks outlined in the '[This is How We Work](#)' platform, developed as part of the [Creative FLIP project](#) following the OMC group's recommendations, our focus is not to evaluate or compare existing national frameworks, but to delve into the diversity of national contexts and create a better understanding of the complexities and cross-country similarities in this domain.

4 Ibid, p. 95

5 Ibid, p. 24

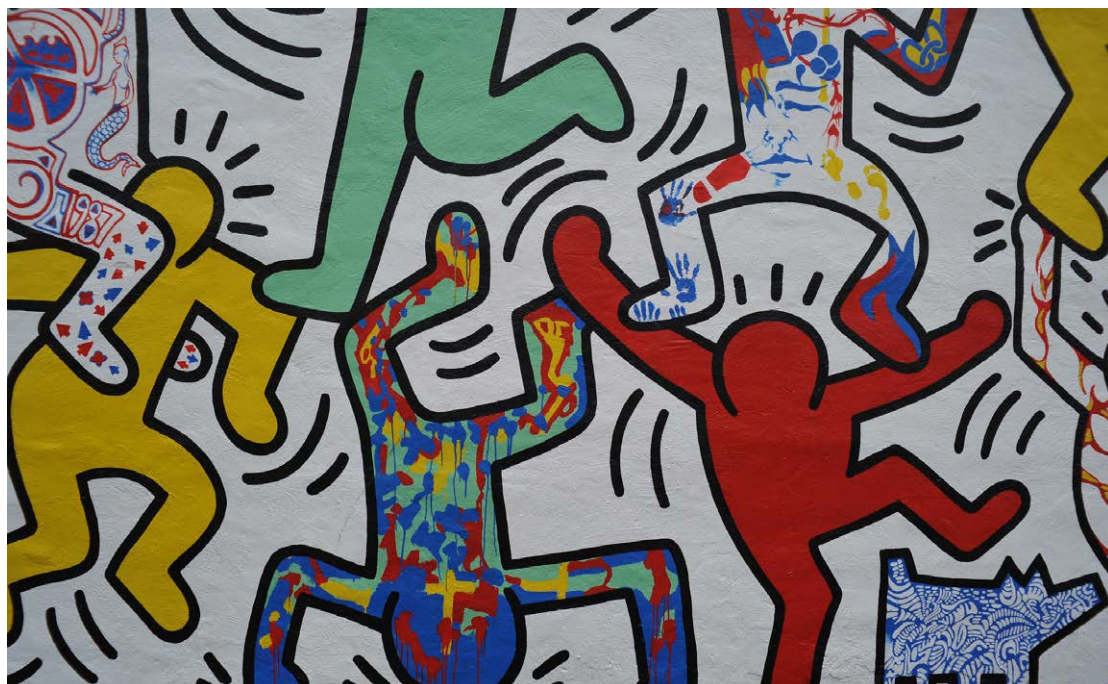
6 UNESCO 2023, p. 17, p. 20

7 European Commission, p. 95



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Who is an 'artist'?

EU Member states are currently far from having a unified definition of a cultural worker.

National laws use specific terms. For example, in Lithuania, the legal framework recognises the status of an 'artistic creator'. Portugal introduced the concept of a 'professional in culture' through Decree-Law No. 105/2021, which established the Statute of Professionals in Culture (2022). Meanwhile, Romania's Ordinance on the status of the cultural worker (2023) revolves around the notion of a 'professional cultural worker.'

These and other denominations encompass diverse types of activities. Many legal frameworks, especially those adopted in the last couple of years, cover a broad range of professions, recognising that the challenges faced by artists are shared by other workers in creative sectors. For instance, in Belgium, the recent law establishing the Working in the Arts certificate extended the focus of the previous system from 'artists' to 'art workers'. The term 'art worker' includes not only artists but also individuals who 'support artists artistically or technically'⁸.



What do you mean by 'status of the artist'?

Activities covered by most of the existing schemes and laws encompass creating, recreating, performing or interpreting artistic work. Some frameworks specify or add other activity fields. For instance, Portugal's law on the Statute of Professionals in Culture also lists cultural mediation among the activities it covers⁹. In Germany, the law regulating access to pension, health and long-term care insurance operates with two terms: 'artists' – anyone who creates, performs, or teaches music, performing arts, or visual arts; and 'publicists' – anyone who works as a writer, journalist, or in a similar publicist capacity, or who teaches in one of these fields¹⁰.

Teaching is not frequently included among the activities covered by regulatory frameworks that establish the status of artists. It is also not consistently considered within the range of activities that qualify as proof of artistic work needed to access benefits. For example, the 'intermittence du spectacle' system in France, which provides unemployment and social security support to artists and technicians despite the discontinuous nature of their work, does not permit the inclusion of teaching time in the record of working hours for qualification for accessing benefits¹¹.

When it comes to artistic disciplines, there is a distinct tendency to encompass a variety of them within the same law on artists' status. Performing arts, music, literature or publishing, audio-visual arts, film or cinematography, and visual arts are among the ones most often mentioned in such laws. Some laws and programmes are more specific and highlight a greater variety of art forms. For instance, 'comic strip' is mentioned in the Belgian legislation; and cultural heritage is featured in the long list of sectors in the law in Slovenia. Latvia's Law on the Status of Creative Persons and Professional Creative Organisations also includes 'scientific creations in the relevant creative fields' (sec. 2).



9 The Statute of Professionals in Culture, n.d.

10 Künstlersozialkasse 2023, p. 2

11 Casse, C 2020, The art of managing the intermittent artist status in France, ETUI, p. 41

What do you mean by 'status of the artist'?

Some programmes focus on only one or a limited range of art sectors. For instance, the 'intermittence du spectacle' in France is only accessible to workers in the sectors of cinema, audiovisual, phonographic publishing, radio, television broadcasting, and performing arts¹². Furthermore, in Italy, social security benefits are only accessible to performing artists enrolled with the National Social Security Institute (INPS)¹³. Another example is Slovakia's special pension programme designed for professional dancers, singers, and wind instrument players (see more below)¹⁴.

Another important factor by which various frameworks can be classified is the type of labour regimes they address – employed or self-employed:

- The majority of EU Member States have implemented measures addressing the situation of self-employed and freelance artists¹⁵;
- some countries developed systems focused on employee regimes. Examples include frameworks addressing intermittent situations of cultural workers or assimilating self-employed practice to the employee regime;
- and there are countries where legislation regulating working conditions in the cultural sector applies to all professionals regardless of their status, or includes different provisions for employed and self-employed workers¹⁶.

Some examples of all three types of measures are examined below.



12 Pôle emploi n.d., p. 2
13 European Commission 2023, p. 102
14 ibid, p. 105
15 ibid, p. 26
16 European Commission 2023, p. 25



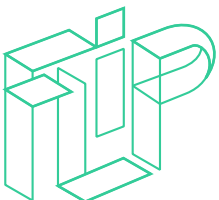
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What kind of status?

Specifically dedicated comprehensive law

There are few national laws within the EU that create a comprehensive regulatory system addressing multiple aspects of artists' status and working conditions. Examples of such legislative tools are the Status of the Artist in Spain (2022, 2023), Portugal's Statute of Professionals in Culture (2022), and to some extent the Ordinance on the status of the cultural worker enacted in Romania in 2023.

In Spain, the status of artists is governed by a series of labour, social protection, fiscal, and education measures implemented in 2022 and 2023. These measures encompass the creation of a specialised fixed-term contract model for artists, the expansion and adaptation of the definition of artists to include technical and auxiliary workers, and the broadening of regulations related to the compatibility of retirement pensions with artistic activity and profits derived from intellectual property rights. Furthermore, a dedicated unemployment benefit for artists has been established¹⁷. This new status system also addresses education by recognising the necessity for the development of new qualifications and introducing additional fields in higher artistic education options¹⁸.



17 UNESCO 2023, p. 17

18 Ministry of Culture and Sport 2023, The Artists' Statute, p. 4

What do you mean by 'status of the artist'?

Portugal's Statute of Professionals in Culture establishes a minimum wage and social security provisions for professionals in the performing arts, audiovisual, visual arts and literary creation. The Status also establishes the National Register of Cultural Professionals, and regulates employment contracts and service provision arrangements. Finally, the law has introduced a new allowance in cases of discontinuation of cultural activity¹⁹.

The Ordinance on the Status of Cultural Workers in Romania establishes the legal and fiscal regime for professional cultural workers. It regulates their rights in various areas, including collective representation, access to medical leaves and allowances, unemployment compensation, and participation in the National Mobility Programme.

Issue-based measures

However, the majority of national laws regulating working conditions in the cultural sector within the EU tackle one or few particular aspects rather than covering all issues pertaining to artists' status. Areas addressed by specific regulatory frameworks include social security, taxation, employment, education, grants and prizes or combinations of those, among others.

In EU countries, social security is among areas most often tackled by regulatory tools and policies in this field²⁰. Generally, there are two types of social security systems covering cultural workers:

There are general schemes applied to all workers, whether employed or self-employed, and within which cultural professionals do not enjoy any tailor-made conditions. This is the case for social security systems in such EU countries as Denmark, Greece, Hungary, and Sweden²¹.

In other countries, general social security systems are adapted to cultural workers, through providing flexible conditions in terms of eligibility and financial arrangements, such as lower contributions or a shorter eligibility period of paying them²². An example of such a system can be found in Belgium, where the Work of Art certificate gives access to the 'primo starters scheme' for self-employed workers, which allows reduced social contributions to be paid for 8 quarters²³. In Slovakia, under the Act

19 UNESCO 2023, p. 15

20 Creatives Unite 2023, Status of the Artist: six key points of the EU snapshot

21 European Commission 2023, pp. 37-38

22 Galian, C, Licata, M, Stern-Plaza, M 2021. Social Protection in the Cultural and Creative Sector: Country Practices and Innovations, ILO Working Paper 28 (Geneva, ILO), p. 30

23 Cultuurloket n.d.



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on Theatrical and Musical Activities (2014), a professional dancer who chooses to conclude their career after dedicating 22 years to a theatre or music institution, is entitled to receive a monthly payment until they reach retirement age. This same provision extends to singers and wind instrument players who have served in a state or regional theatre or music institution for 25 years²⁴.

In some countries, there are schemes for which contributions are paid either by the state or users of cultural services, or through a mixed system – state, users or clients, and artists themselves. For example, in Germany, under the Artists' Social Insurance Act, only half of the social security contribution is paid for by the artist, and the other half by users of works of art and the federal government via a federal subsidy²⁵. In Croatia, an independent artist has the right to submit a request that contributions for pension and disability and health insurance be paid from the state budget²⁶.

Various schemes in countries like Belgium, France, Luxembourg, and Spain aim to tackle challenges encountered by intermittent workers. These systems share a common principle: they provide a framework for individuals working under short-term and irregular contracts to access social security coverage and unemployment benefits as if they were regular employees. Additionally, these systems allow employers to hire artists on short-term contracts, even in cases where certain restrictions might limit the consecutive or annual use of temporary contracts in a given country²⁷.

There are also frameworks that offer needs-based support during periods of low income or incapacity to work. In Latvia and Lithuania, such periods are referred to as 'downtime', while in Portugal, it is termed the 'involuntary suspension of professional activity'. The focus here is on mitigating the effects of circumstances that prevent cultural professionals from continuing their work. Such circumstances typically must be beyond workers' control.

Finally, quite a unique programme is currently being tested in Ireland. In 2022, the Irish Government launched the pilot of Basic Income for the Arts scheme. During a three-year period, payments of €325 per week will be made to 2000 eligible artists and arts workers selected randomly from a pool of eligible candidates²⁸.

24 European Commission 2023, p. 105

25 European Commission 2023, p. 35

26 Law on the rights of independent artists and promotion of cultural and artistic creativity (1996), art. 5

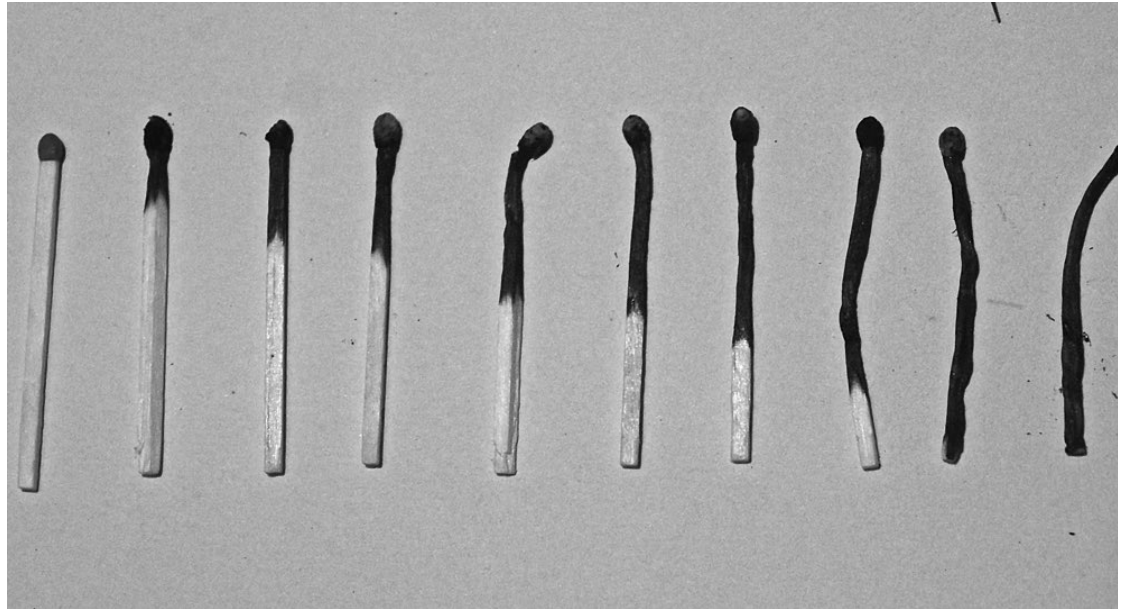
27 Casse, C 2020, p. 40

28 Government of Ireland 2022



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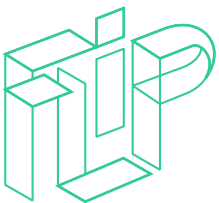
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Under which conditions?

In some systems, if you are recognised as an 'artist' (or equivalent) according to the law, you can get benefits directly or with certain conditions. The various types of regimes regulating artists' status come with diverse eligibility criteria.

Measures differ in their objectives, aiming to either acknowledge an artist's exceptional accomplishments, address their hardships, or both. The eligibility conditions also depend on the benefits the framework provides. For instance, grants and prizes designed to honour outstanding achievements typically require evidence of exceptional quality in the artist's work. On the other hand, if one is seeking a need-based allowance to compensate for income losses, they usually have to demonstrate signs of hardship and a lack of alternative protection.



What do you mean by 'status of the artist'?

Many frameworks, particularly those offering diverse benefits, function by integrating various criteria. In certain programmes, there is a two-stage process where a cultural worker initially applies for a special status. This status might be contingent on qualifications, diplomas, the quality and formal recognition of their work, or contributions to the art scene. Once granted this status, individuals may, under specific conditions, access grants or social security allowances. Alternatively, there are schemes exclusively benefiting members of sectoral associations. Joining these associations also typically involves a selection or qualification process.

Income is a crucial metric frequently considered in various national frameworks across the EU. Some programmes require individuals to demonstrate that they earn a certain income through their artistic activities. In Austria, for instance, eligibility for grants from the Artists' Social Insurance Fund (KSVF) requires artists to earn a minimum of EUR 6,221.28 from self-employed artistic activities in the current calendar year²⁹. In certain contexts, applicants must establish that their income falls below a specified maximum threshold. In Lithuania, for example, to qualify for the 'creative downtime allowance,' an 'art creator' should not exceed earnings equivalent to six minimum monthly salaries in the three months leading up to the creative downtime period³⁰.

In some countries, the significance lies in the ratio of earnings derived from 'artistic income' as opposed to other sources of income. For instance, in Romania, individuals seeking recognition as 'professional cultural workers' must meet a requirement wherein at least 50 percent of their income should come from cultural activities³¹. Similarly, in Luxembourg, the classification of an 'independent professional artist' incorporates a condition stating that the annual income from non-artistic secondary professional activities should not exceed twelve times the monthly social minimum wage³².

29 Art Mobility Austria, n.d

30 Government Resolution on the Social Security Programme for Artists, art. 11

31 Ordinance on the status of the cultural worker, art. 3

32 Law of December 19, 2014 relating to 1) social measures for the benefit of independent professional artists and intermittent entertainment workers, 2) to the promotion of artistic creation, art. 2



What do you mean by 'status of the artist'?

The number of days or hours worked in the arts is typically taken into account in programmes addressing issues faced by intermittent workers. For instance, in France, one must register 507 working hours over a period of 10 months to qualify for the system of 'intermittent du spectacle'³³.

As mentioned above, access to the 'downtime' support is usually bound to the conditions which are beyond one's control or related to the nature of artists' activities. For instance, in the Lithuanian [law](#), 'creative downtime' is defined as 'a period when an artist of working age, due to objective reasons beyond his control, temporarily has no conditions for artistic creation and/or dissemination of its results' (art. 2.1). In the Latvian [framework](#), a 'creative person' can qualify for state support 'if he has temporarily not received the income necessary for continued creative activities due to the specific nature of his or her professional activity' (sec. 15.1).

Quality of work and specific contribution to the art field are usually essential criteria for schemes which provide access to grants and prizes, or other benefits. For instance, in Finland, artists can be granted a national supplementary artist pension as recognition of an outstanding contribution to the art field³⁴.

More context-specific criteria are featured in some of the national policies. For example, in Luxembourg, access to social measures is linked to 'demonstrating a commitment to the Luxembourg artistic and cultural scene'; and in Slovenia, one of the conditions for self-employed art professionals to access benefits is contribution to the development of the field, which is experiencing a shortage³⁵.



33 Pôle emploi n.d., p. 2.

34 Artists' Association of Finland, n.d.

35 Law of December 19, 2014, art. 2; Creatives Unite, This is How We Work

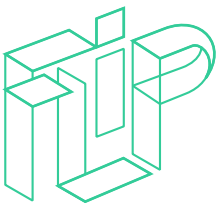
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The way forward:
an inclusive and
consolidated approach.

The array of measures and frameworks illustrated above is highly diverse. Variations in focus, definitions, eligible beneficiaries, and support scale stem from various factors, including broader social policies, economic models, and the history of cultural policies.



What do you mean by 'status of the artist'?

What remains crucial in all cases is that cultural professionals understand the system regulating their rights. It is vital for concerned government bodies, trade unions, or professional associations to play a critical role in systematising information regarding all relevant legal provisions, regulations, or branch legislation³⁶. Access to such information at the cross-border level is challenging but crucial for artists working in multiple countries.

Additionally, ensuring that the transition from one labour regime or contractual arrangement to another does not result in gaps or cracks in the systems providing and protecting artists' rights is imperative³⁷. Disruptions should be avoided when artists embark on a multidisciplinary path or combine several artistic professions or switch from one activity to another.

To establish a truly supportive and inclusive system, we reiterate the recommendation from the OMC report: it is essential 'to aim for specific and coherent legislation regarding artists, covering all areas of their work, in addition to general existing legislation' (p. 96). Within such a comprehensive framework, no one, regardless of their labour regime, artistic profession, or discipline, should be left behind.



36 UNESCO 2023, p. 17

37 *ibid*, p. 30



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